

LEGISLATIVE BILL 515

Approved by the Governor May 10, 1973

Introduced by Public Health and Welfare Committee, Kennedy, 21, Chmn.; R. Lewis, 38; R. Maresh, 32; Goodrich, 20; Cavanaugh, 9

AN ACT to amend sections 71-162, 71-180.04, 71-1,145, 71-1,147.03 to 71-1,147.08, 71-1,162, 71-1112, 71-1327, 71-1331, 71-1332, 71-2713, 71-4706, 71-4708, and 71-4711, Reissue Revised Statutes of Nebraska, 1943, sections 28-4,118, 28-4,122, and 71-2045.05, Revised Statutes Supplement, 1972, and section 71-2045.06, Revised Statutes Supplement, 1972, as amended by section 1, Legislative Bill 281, Eighty-third Legislature, First Session, 1973, relating to public health; to establish and increase certain fees for various registrations, licenses and permits and the renewal thereof; to provide for temporary permits; to change expiration dates; to repeal the original sections; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 28-4,118, Revised Statutes Supplement, 1972, be amended to read as follows:

28-4,118. (1) The department ~~is--authorized--to~~ may promulgate rules and regulations ~~and--to--charge reasonable-fees~~ relating to the registration and control of the manufacture, distribution, and dispensing of controlled substances within this state. The registration shall be the responsibility of the Bureau of Examining Boards.

(2) The various fees to be paid by applicants for registrations and annual renewals thereof, as required under sections 28-4,115 to 28-4,142, shall be as follows:

(a) Registration or reregistration to manufacture controlled substances, twenty-five dollars;

(b) Registration or reregistration to distribute controlled substances, twenty-five dollars;

(c) Registration or reregistration to prescribe, administer or dispense controlled substances, five dollars;

(d) Registration or reregistration to engage in research on the use and effects of controlled substances, twenty-five dollars; and

(e) Registration or reregistration to engage in laboratory and analytical analysis of controlled substances, twenty-five dollars.

(3) All registrations and reregistrations shall expire on August 31 of each year. Registration shall be automatically denied without a hearing for nonpayment of fees. Any registration or reregistration not renewed by payment of annual renewal fees by October 1 shall be automatically denied and canceled on October 1 without a hearing.

Sec. 2. That section 28-4,122, Revised Statutes Supplement, 1972, be amended to read as follows:

28-4,122. On May 25, 1971, each registrant manufacturing, distributing or dispensing controlled substances in Schedule I, II, III, IV or V of section 28-4,117 shall make a complete and accurate record of all stocks of such controlled substances on hand. Thereafter, complete and accurate records of all such controlled substances shall be maintained for two years. Each two-year period after May 25, 1971, at a time provided for by rule and regulation to be promulgated by the department, each registrant manufacturing, distributing, or dispensing controlled substances shall prepare an inventory of each controlled substance in his possession. Records and inventories shall contain such information as shall be provided by rules and regulations promulgated by the department. All registration and reregistration fees established by the department shall be remitted to the Bureau of Examining Boards and credited to the Pharmacy Fund for the express purpose of the enforcement responsibilities of the department in accordance with the provisions of sections 28-459 and 28-4,115 to 28-4,142. This section shall not apply to practitioners who lawfully prescribe, administer, or occasionally dispense as a part of their professional practice, controlled substances listed in Schedule II, III, IV, or V of section 28-4,117, unless such practitioner regularly engages in dispensing any such drug or drugs to his patients for which they are charged either separately or together with charges for other professional services. Compliance with the provisions of the Federal Controlled Dangerous Substances Act respecting records and reports, with the exception of provisions as to fees, shall be deemed compliance with this section.



Sec. 3. That section 71-162, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-162. The following fees shall be collected by the Department of Health and turned in to the state treasury as is now provided by law:

(1) For a license to practice osteopathy, chiropractic, ~~physical--therapy--embalming~~, and dental hygiene issued upon the basis of an examination given by the board of examiners, twenty-five dollars;

(2) For a license to practice medicine and surgery issued upon the basis of an examination given by the board of examiners or without examination based on a license granted in another state, territory, or the District of Columbia, one hundred dollars and this may be adjusted by the Department of Health upon recommendation of the Board of Examiners in Medicine and Surgery to cover necessary expenses;

(3) For a license to practice embalming issued upon the basis of an examination given by the board of examiners, thirty dollars;

(4) For a license to practice physical therapy issued upon the basis of an examination given by the board of examiners, thirty-five dollars;

~~(3)~~ (5) For a license to practice dentistry, podiatry, or optometry, ~~or-pharmacy~~ issued upon the basis of an examination given by the board of examiners, fifty dollars;

(6) For a license to practice pharmacy issued upon the basis of an examination given by the board of examiners, sixty-five dollars;

~~(4)~~ (7) For a license to practice any of the professions enumerated in ~~subdivision~~ subdivisions (1), (3), (4), and (5) of this section, hereof, except pharmacy podiatry, dentistry, and dental hygiene, issued without examination upon a license granted in another state, territory, or the District of Columbia, fifty dollars;

(5) (8) For a license issued to practice dentistry without examination upon a license granted in another state, territory, or the District of Columbia, fifty dollars;

~~16)~~ 19) For a license issued to practice podiatry when based upon an examination held by the National Board of Podiatry Examiners, fifty dollars;

~~17)~~ 110) For a license to practice podiatry issued without an examination based upon a license granted in another state, territory, or the District of Columbia, one hundred dollars;

~~18)~~ 111) For a license to practice pharmacy issued without an examination upon a license granted in another state, territory, or the District of Columbia, one hundred dollars;

~~19)~~ 112) For a license to practice dental hygiene issued without examination upon a license granted in another state, territory, or the District of Columbia, twenty-five dollars;

~~110)-Where-a--segregated--examination--is--given, one-half-the-fixed-fee-shall-be-paid-when-the--junior--is taken--and-the-remaining-one--half--when--the--senior--is taken;~~

~~111)~~ 113) For the annual renewal of a license to practice any of the professions enumerated in this section the fee shall be as follows: Dental hygiene, osteopathy, physical therapy, and embalming, three ten dollars; ~~chiropractic,--five---dollars;~~ optometry, twenty-five dollars; and chiropractic, podiatry, pharmacy, dentistry, and medicine and surgery, ten fifteen dollars. All money paid as license and renewal fees shall be kept in a separate fund to be used for the benefit of the profession so paying such fees;

~~112)~~ 114) For a certified statement that a licensee is licensed in this state, ~~one--dollar~~ two dollars; and

~~113)~~ 115) For a duplicate original license, ~~one dollar~~ two dollars.

Sec. 4. That section 71-180.04, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-180.04. Every person failing to renew his license within thirty days after the same is due and who is not exempted from attendance as provided in section 71-180.05 shall have his license to practice chiropractic in the State of Nebraska revoked in the manner provided by section 71-147, but the Board of Examiners in Chiropractic shall have the right, for good cause shown,



to adopt and prescribe the type and character of the postgraduate study to be done by any such chiropractor in order to have his license restored upon the payment of an additional fee of twenty-five dollars for each delinquent year in addition to the regular renewal fee. Any fees so received shall be ~~transmitted to the State Treasurer--and by him deposited in the state treasury to the credit of the General Fund~~ paid to the Department of Health and processed as provided in section 71-162.

Sec. 5. That section 71-1,145, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,145. Every applicant for examination and registration as a pharmacist shall be not less than twenty-one years of age, of good moral character and temperate habits, a citizen of the United States, a graduate of an accredited school or college of pharmacy, or an accredited department of pharmacy of a university, recognized by the Board of Examiners in Pharmacy, and shall file proof of sufficient internship experience in a community retail or hospital pharmacy, under the supervision of a registered or licensed pharmacist, as may be required by the Board of Examiners in Pharmacy, which shall comply with national requirements for internship as set forth by the National Association of Boards of Pharmacy, shall have satisfactorily completed at least five years of college of which at least three years shall have been in an accredited school or college of pharmacy, or in an accredited department of pharmacy of a university; and shall pass an examination satisfactory to the Board of Examiners in Pharmacy. Proof of the qualifications for registration prescribed in this section shall be made to the satisfaction of the Board of Examiners in Pharmacy, substantiated by proper affidavits; Provided, that in all cases the actual time of attendance at an accredited school or college of pharmacy, or an accredited department of pharmacy of a university, is certified by the appropriate college or university authority by the issuance of the degree granted to a graduate of such school, college or department of pharmacy. Service and experience in a retail or hospital pharmacy under the supervision of a registered pharmacist, as required in this section, shall be predominantly related to the practice of pharmacy, and shall include the keeping of records and the making of reports required under state and federal statutes. The Department of Health, upon the recommendation of the Board of Examiners in Pharmacy, shall promulgate rules and regulations as may be required to establish standards for internship which shall comply with national requirements to effect reciprocity with other states



which have similar requirements for licensure. The fee for pharmacy internship shall be forty dollars and shall accompany the application and shall be transmitted to the State Treasurer for deposit in the Nebraska Pharmaceutical Fund for expenditure in the manner prescribed by section 71-1,147.02.

Sec. 6. Notwithstanding the provisions of sections 71-103 and 71-1,145, a temporary license to practice pharmacy may be granted to persons meeting all of the qualifications for such license except the requirement that they be citizens of the United States. Such temporary license shall be issued for a period of one year from the date of issuance and may be renewed each year thereafter for four additional years, and if the person so licensed has not become a citizen of the United States within five years of the date such temporary license was issued, such license shall terminate and the person so licensed shall have no further right to practice pharmacy in this state. If a temporary licensee becomes a citizen of the United States while a temporary license is in force, and provides evidence thereof to the Department of Health, a license to practice pharmacy may be issued in place of such temporary license and no additional fee shall be charged unless such temporary license had already expired, in which case a renewal fee shall be charged. The applicant for temporary license shall submit proof of his eligibility and intent to become a citizen of the United States. The fees to be paid and procedures for the denial, suspension, revocation, or reinstatement of such a temporary license shall be the same as for a license.

Sec. 7. That section 71-1,147.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,147.03. If a person applying for a permit to conduct a pharmacy is not a registered pharmacist in this state, the permit when issued shall also bear the name of the pharmacist registered in this state, designated on the application as being responsible for the practice of pharmacy in the establishment for which the permit is sought. If such registered pharmacist subsequently severs his position in the pharmacy, the permit shall be automatically suspended until such time as the person holding the permit informs the Board of Examiners in Pharmacy of the name of the new registered pharmacist designated as being responsible for the practice of pharmacy in the establishment for which the permit is sought, when, upon the recommendation of the Board of Examiners in Pharmacy, an amended permit shall be issued by the Department of Health upon return of the



original permit and payment of a fee of five ten dollars.

Sec. 8. That section 71-1,147.04, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,147.04. If the holder of a permit desires to move his pharmacy to a new location, he shall file an application for an amended permit to conduct the pharmacy at the new location and upon the recommendation of the Board of Examiners in Pharmacy, an amended permit shall be issued by the Department of Health. The fee for such amended permit to accompany the application shall be five ten dollars.

Sec. 9. That section 71-1,147.05, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,147.05. If a person desires to acquire an existing pharmacy, he must file an application for a new permit in advance of acquiring the pharmacy and, upon recommendation of the Board of Examiners in Pharmacy, a new permit shall be issued by the Department of Health. The permit previously issued shall become null and void upon the date upon which the pharmacy is acquired by the person applying for the new permit. The fee for such new permit, to accompany the application, shall be twenty-five fifty dollars.

Sec. 10. That section 71-1,147.06, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,147.06. Upon the death of a permittee, the Board of Examiners in Pharmacy must be notified within fifteen days. If the pharmacy is to be continued by the estate or heirs, or by a person representing the estate or heirs, an application for an amended permit must be filed within thirty days. A fee of five ten dollars shall be paid for such amended permit. If any other person desires to continue the pharmacy, an application for a new permit must be made as otherwise provided.

Sec. 11. That section 71-1,147.07, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,147.07. ~~Within ninety days after October 9, 1964~~ If any person wants to conduct a pharmacy, an application must be filed for a permit to conduct each pharmacy in this state. The fee for such initial permit shall be fifty one hundred dollars, and the permit when

issued shall be in force until July 1 of the year following its issuance unless previously suspended or revoked for cause. The permit shall be renewed annually on or before July 1 of each year and shall not be transferable. The fee for such annual renewal shall be thirty fifty dollars and shall accompany the application.

Applications for renewal of permits shall be mailed by the Department of Health to each permit holder not later than June 1. If an application to renew a permit is received from the permittee after July 1, the Board of Examiners in Pharmacy may impose a penalty equal to the renewal fee and the Department of Health shall refuse to issue the renewal permit until such penalty is paid in addition to the original renewal fee. Failure of any permit holder to receive an application blank shall not relieve him from the penalty hereby imposed.

Sec. 12. That section 71-1,147.08, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,147.08. A person desiring to open a new pharmacy must file an application for a permit not less than thirty days prior to the contemplated opening date. Before a permit may be granted for the operation of a new pharmacy, an inspection shall be made by a duly qualified representative of the Board of Examiners in Pharmacy to determine whether all of the requirements for such a permit have been fulfilled. If all of the requirements have been fulfilled, upon recommendation of the Board of Examiners in Pharmacy, the Department of Health shall issue a permit for the operation of the new pharmacy. The fee for such permit, to accompany the application, shall be fifty one hundred dollars.

Sec. 13. That section 71-1,162, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,162. (1) All licenses shall expire annually on April 1 of each year, but may be renewed annually by registration with the Department of Health and payment of the annual renewal fee of ten fifteen dollars; Provided, that the board shall receive seven ten dollars and the department three five dollars, less the state's share of fifteen per cent contributed to the General Fund.

(2) At least thirty days before the expiration of his license, as set forth in subsection (1) of this section, the department shall notify each licensee by a letter addressed to him at his last place of residence as noted upon its records, that his license will expire on



April 1 and provide him with a form for reregistration. The department shall issue a new certificate of registration to all persons registering under the provisions of this act. Any licensee, who fails to pay the renewal fee, on or before the date of expiration of his license, shall be given a second notice in the same manner advising him (a) of his failure to pay, (b) that his license on that account has expired, (c) that the department will suspend action for thirty days following the date of expiration, (d) that upon the receipt of the annual renewal fee, together with an additional fee of one dollar, within that time, no order of revocation will be entered, and (e) that upon failure to receive the amount then due and one dollar in addition to the regular renewal fee, as provided by subsection (1) of this section, an order of revocation will be entered.

(3) Any licensee who allows his license to lapse by failing to renew the same, as provided in subsections (1) and (2) of this section, may be reinstated upon the recommendation of the board and the payment of the regular and additional renewal fees then due; Provided, that any licensee who fails to renew his license after five years have elapsed since the date of expiration may not have his license renewed, but the holder must make application for a new license and take the licensing examination.

(4) The department may waive the payment of the registration renewal fee of a licensed veterinarian during the period when he is on active duty with any branch of the armed services of the United States, not to exceed the longer of three years or the duration of a national emergency.

(5) Each Nebraska licensed veterinarian in active practice within the State of Nebraska shall be required on or before April 1 of each year, commencing in 1971, to attend sixteen hours, annually, of such approved scientific schools, clinics, forums, lectures or veterinary educational seminars, as may be announced and approved by the Board of Examiners in Veterinary Medicine and Surgery, as a prerequisite for the licensee's next subsequent annual license renewal; Provided, that at least sixteen hours of such educational program is conducted annually in the State of Nebraska.

Each licensed veterinarian in active practice within the State of Nebraska shall, on or before April 1 of each year, certify on forms provided by the Board of Examiners in Veterinary Medicine and Surgery that he has complied with sections 71-1,153 to 71-1,167 and this section during the preceding year. Such board shall, on

or before April 1 of each year, report all licensees who have complied with the educational requirements to the Director of the Bureau of Examining Boards of the Department of Health. Licensees who have not complied with such requirements shall not be issued a renewal license, unless exempt or excused for good cause shown. The following licensees shall be exempt from the requirements of this subsection:

(a) Any person holding a Nebraska license but who is not practicing veterinary medicine in Nebraska;

(b) Any licensee serving in the regular armed forces of the United States during any part of the twelve months immediately preceding the annual license renewal date;

(c) Any licensee submitting proof that he was suffering from a serious or disabling illness or physical disability which prevented his attendance at any qualified educational seminar within the State of Nebraska during the twelve months immediately preceding any annual license renewal date; and

(d) Any licensee first licensed within the twelve months immediately preceding the renewal date provided in this section.

Sec. 14. That section 71-1112, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1112. The fee shall be five ten dollars per annum for each retail license. Retail licenses shall only be issued to pharmacies. A retail licensee may sell to physicians or upon their order; to any married person or to any person over eighteen years of age. Such sales shall be confined to the place of business for which license is granted; Provided, that deliveries may be made to purchasers by the retailer or his agent to any designated address. No retail licensee shall sell any merchandise classified under sections 71-1104 to 71-1115, unless the maker or distributor thereof is specifically identified on the package, carton, container or individual sales unit of the merchandise; Provided, further, that prescriptions are exempted from this provision.

Sec. 15. That section 71-1327, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:



71-1327. (1) An application for a funeral director's license shall be in writing and verified on a form, provided by the department. The applicant must be not less than twenty-one years of age and of good moral character. The applicant for either a funeral establishment or funeral director's license shall not operate an establishment, or direct a funeral unless first licensed to do so by the department. The license shall be issued following successful completion of an examination prepared by the Board of Examiners in Embalming.

(2) The application for funeral establishment or funeral director's license shall be accompanied by a fee of ~~twenty-five~~ thirty dollars. An application for a funeral establishment license shall be in writing and verified on a form provided by the Department of Health. The applicant shall be a licensed funeral director; he shall be named on the license as manager of the funeral establishment, and shall be responsible for all transactions conducted therein.

(3) A license to operate a funeral establishment may be granted upon the approval and recommendation of the board. Should the applicant for a funeral establishment license propose to operate more than one establishment, a separate application and fee shall be presented for each separate location.

(4) A funeral establishment desiring to transfer location of operation shall make application therefor on a form provided by the department at least thirty days prior to the designated date of such change in location. The application for transfer shall be accompanied by a fee of five fifteen dollars.

Sec. 16. That section 71-1331, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1331. (1) Every licensed funeral establishment and funeral director shall pay annually a fee for the renewal of its or his license. The renewal fee payable by a licensed funeral establishment shall be ten fifteen dollars, which fee shall include that of the designated manager of the establishment. The renewal fee payable by a licensed funeral director, other than a designated manager, shall be five ten dollars. All renewal fees shall become due and payable on January 1 of each year. The Department of Health shall submit notices of expiration of all licenses for which renewal fees have not been paid by January 1. If the renewal fee is not paid by February 1, following the date it has become due,

a penalty of ten dollars shall be added to such renewal fee, and in no case shall such penalty or additional fee be waived. Upon receipt of such fee, the department shall cause the renewal certificate to be issued.

(2) Any person, partnership, firm, corporation, association, or other organization who shall engage directly or indirectly in the business of funeral directing, or hold himself or itself out to the public as a funeral director or who shall perform or attempt to perform any of the services of a funeral establishment or of a funeral director relating to the disposition of dead human bodies, without having complied with the provisions of sections 71-1325 to 71-1338, and without having first obtained a license as provided in this section, or who shall continue to perform such services after his or its license has expired or has been revoked or suspended, shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined not less than fifty dollars nor more than five hundred dollars. Each day that he or it is so engaged in such business shall constitute and be deemed a separate offense.

Sec. 17. That section 71-1332, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1332. When the license of a funeral establishment or a funeral director has lapsed for any reason, the Department of Health shall have authority to reinstate such lapsed license as provided in subsection (3) of section 71-110. A funeral establishment may assign its license upon a proper showing made to the department as required by its duly adopted rules and regulations that the proposed assignee is a qualified and licensed funeral director. A fee of ~~five~~ fifteen dollars shall accompany each application for assignment of the license of a funeral establishment. Under no condition or circumstances may a funeral director's license be assigned.

Sec. 18. That section 71-2045.05, Revised Statutes Supplement, 1972, be amended to read as follows:

71-2045.05. After February 19, 1972, every administrator of a home for the aged or infirm shall be licensed by the board, except as otherwise provided in this act. Such license shall be renewed annually by the board upon the payment of the renewal fee and compliance with all requirements of this act and standards, rules and regulations adopted thereunder. The initial license fee shall be ~~thirty~~ thirty-five dollars and the renewal license fee shall be ~~ten~~ fifteen dollars per year payable



to the Department of Health. All licenses shall expire on December 31 of each calendar year. All fees collected under the provisions of this act shall be paid monthly to the State Treasurer who shall keep the same in a special fund to be known as the Board of Examiners in Nursing Home Administration Fund, which fund shall be used and expended by the Department of Health to pay the compensation and travel expenses of members and employees of the board, and other expenses necessary for the board to administer and carry out the provisions of this act.

Sec. 19. That section 71-2045.06, Revised Statutes Supplement, 1972, as amended by section 1, Legislative Bill 281, Eighty-third Legislature, First Session, 1973, be amended to read as follows:

71-2045.06. The board shall elect from its appointed members a chairman, vice-chairman, and such other officers as it deems necessary. The members of the board who are not officers or employees of the State of Nebraska shall, in addition to travel and other necessary expenses, receive a per diem of twenty dollars for each day actually engaged in the discharge of their duties, including compensation for the time spent in conducting the examination. Traveling and other necessary expenses shall be reimbursed on the same basis and subject to the same conditions as those of full-time state employees. All expenses of the board and in the administration of this act shall be paid from the fund by voucher signed by the head of the Bureau of Examining Boards, Department of Health. The board shall receive all license renewal funds above the necessary operating expenses incurred by the Bureau of Examining Boards, Department of Health, for annual renewal of licensure. Such expense shall not exceed three five dollars and-fifty--cents per licensed administrator of a home for the aged or infirm. Any surplus in funds at the end of the fiscal year shall be retained by the board for future expenditures. Expenses of members who are in the employ of the state shall be paid from the appropriation to their respective departments. Appointed members may be removed by the State Board of Health for misconduct, incapacity, incompetence or neglect of duty after being served with a written statement of charges and after opportunity for a hearing on such charges. The board, with the approval of the Department of Health, may employ and fix the compensation and duties of necessary personnel, including an executive secretary, to assist it in the performance of its duties.

Sec. 20. That section 71-2713, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:



71-2713. The annual license shall expire on November 1 of each year. The request for a renewal of a license shall not be in any particular form and it shall be accompanied by a fee of three ten dollars, if for an establishment, or five dollars to practice massage. For taking the examination for a license to practice massage, issued upon the basis of such examination given by the board of examiners, the fee shall be thirty-five dollars, which shall include the first year license; for a license to practice massage, issued without examination on a license granted by another state, territory, or the District of Columbia, fifty dollars; for registration as an apprentice in massage, three dollars, and renewal, two dollars; for a license to operate a massage school, fifty one hundred dollars, and for renewal, twenty-five fifty dollars; and for a license to operate a massage establishment, five ten dollars, and renewal, three ten dollars.

Sec. 21. That section 71-4706, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-4706. (1) Application for a license under sections 71-4701 to 71-4719 shall be made to the department on forms prescribed by the department and shall be accompanied by a fee of twenty-five thirty dollars. The department shall, without discrimination, issue a license to any person who meets the experience requirement of section 71-4705 or who passes an examination provided for in section 71-4707. The license shall be effective until January-30 December-31 of the year-following-the year in which issued.

~~(2) -- Any -- person -- licensed -- without -- examination -- shall -- be -- required -- to -- pass -- a -- regular -- examination -- within -- eighteen -- months -- after -- December -- 25, -- 1969.~~

(3) (2) Whenever the board determines that another state or jurisdiction has requirements equivalent to or higher than those in effect pursuant to sections 71-4701 to 71-4719 and that such state or jurisdiction has a program equivalent to or stricter than the program for determining whether applicants pursuant to sections 71-4701 to 71-4719 are qualified to fit and sell hearing aids, the department may issue certificates of endorsement to applicants who hold current, unsuspended and unrevoked certificates or licenses to fit and sell hearing aids in such other state or jurisdiction. No such applicants for certificate of endorsement shall be required to submit to or undergo a qualifying examination, but shall be required to pay fees pursuant to sections 71-4706 and 71-4711. The holder of a



certificate of endorsement shall be registered in the same manner as licensees. The fee for an initial certificate of endorsement shall be the same as the fee for an initial license. Fees, grounds for renewal, and procedures for the suspension and revocation of certificates of endorsement shall be the same as for renewal, suspension and revocation of a license.

Sec. 22. That section 71-4708, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-4708. (1) An applicant who fulfills the requirements regarding age, character, education and health as set forth in subsection (1) of section 71-4707, may obtain a temporary permit upon application to the department. Previous experience or a waiting period shall not be required to obtain a temporary permit.

(2) Upon receiving an application as provided under this section and accompanied by a fee of ~~twenty-five~~ thirty dollars, the department shall issue a temporary permit which shall entitle the applicant to engage in the fitting and sale of hearing aids for a period of one year. A person holding a valid hearing aid dealers and fitters license shall be responsible for the supervision and training of such applicant and shall maintain adequate personal contact with him.

(3) If a person who holds a temporary permit under this section has not successfully passed the licensing examination ~~within one year from the date of issuance by December 31 of the year in which it is issued~~, the temporary permit may be renewed or reissued once upon payment of a fee of ~~twenty-five~~ thirty dollars.

Sec. 23. That section 71-4711, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-4711. Each person who engages in the fitting and sale of hearing aids shall annually, on or before ~~January 30~~ December 31, pay to the department a fee of ~~twenty-five~~ thirty dollars for a renewal of his license and shall keep such license conspicuously posted in his office or place of business at all times. Where more than one office is operated by the licensee, duplicate licenses shall be issued by the department for posting in each location. A thirty-day grace period shall be allowed after ~~January 30~~ December 31, during which time licenses may be renewed on payment of a fee of ~~twenty-five~~ thirty dollars to the department. After expiration of the grace period, the department may renew

such licenses upon payment of an additional fee of ~~twenty-five~~ thirty dollars to the department. No person who applies for renewal, whose license has expired, shall be required to submit to any examination as a condition to renewal, if such renewal application is made within two years from the date of such expiration.

Sec. 24. That original sections 71-162, 71-180.04, 71-1,145, 71-1,147.03 to 71-1,147.08, 71-1,162, 71-1112, 71-1327, 71-1331, 71-1332, 71-2713, 71-4706, 71-4708, and 71-4711, Reissue Revised Statutes of Nebraska, 1943, sections 28-4,118, 28-4,122, and 71-2045.05, Revised Statutes Supplement, 1972, and section 71-2045.06, Revised Statutes Supplement, 1972, as amended by section 1, Legislative Bill 281, Eighty-third Legislature, First Session, 1973, are repealed.

Sec. 25. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.