

AMENDMENTS TO LB 928

Introduced by Health and Human Services.

1 1. Strike the original section and insert the following
2 new sections:

3 Section 1. Section 38-101, Revised Statutes Supplement,
4 2007, is amended to read:

5 38-101 Sections 38-101 to 38-1,139 and section 2 of this
6 act and the following practice acts shall be known and may be cited
7 as the Uniform Credentialing Act:

8 (1) The Advanced Practice Registered Nurse Practice Act;

9 (2) The Alcohol and Drug Counseling Practice Act;

10 (3) The Athletic Training Practice Act;

11 (4) The Audiology and Speech-Language Pathology Practice

12 Act;

13 (5) The Certified Nurse Midwifery Practice Act;

14 (6) The Certified Registered Nurse Anesthetist Practice

15 Act;

16 (7) The Chiropractic Practice Act;

17 (8) The Clinical Nurse Specialist Practice Act;

18 (9) The Cosmetology, Electrology, Esthetics, Nail

19 Technology, and Body Art Practice Act;

20 (10) The Dentistry Practice Act;

21 (11) The Emergency Medical Services Practice Act;

22 (12) The Environmental Health Specialists Practice Act;

23 (13) The Funeral Directing and Embalming Practice Act;

1 (14) The Hearing Aid Instrument Dispensers and Fitters
2 Practice Act;

3 (15) The Licensed Practical Nurse-Certified Practice Act;

4 (16) The Massage Therapy Practice Act;

5 (17) The Medical Nutrition Therapy Practice Act;

6 (18) The Medical Radiography Practice Act;

7 (19) The Medicine and Surgery Practice Act;

8 (20) The Mental Health Practice Act;

9 (21) The Nurse Practice Act;

10 (22) The Nurse Practitioner Practice Act;

11 (23) The Nursing Home Administrator Practice Act;

12 (24) The Occupational Therapy Practice Act;

13 (25) The Optometry Practice Act;

14 (26) The Perfusion Practice Act;

15 (27) The Pharmacy Practice Act;

16 (28) The Physical Therapy Practice Act;

17 (29) The Podiatry Practice Act;

18 (30) The Psychology Practice Act;

19 (31) The Respiratory Care Practice Act;

20 (32) The Veterinary Medicine and Surgery Practice Act;

21 and

22 (33) The Water Well Standards and Contractors' Practice
23 Act.

24 If there is any conflict between any provision of
25 sections 38-101 to 38-1,139 and any provision of a practice
26 act, the provision of the practice act shall prevail.

27 The Revisor of Statutes shall assign the Uniform

1 Credentialing Act, including the practice acts enumerated in
2 subdivisions (1) through (32) of this section, to consecutive
3 articles within Chapter 38.

4 Sec. 2. Any person who holds a valid credential in
5 the State of Nebraska in a health care profession or occupation
6 regulated under the Uniform Credentialing Act may consult with a
7 licensed veterinarian who has contracted with or is employed by an
8 accredited zoological park or garden regarding an animal on behalf
9 of such zoological park or garden or perform collaborative animal
10 health care tasks on an animal under the care of such veterinarian
11 for such zoological park or garden if all such tasks are performed
12 under the immediate supervision of such veterinarian. Engaging in
13 such conduct is hereby authorized and shall not be considered a
14 part of the credential holder's scope of practice or a violation of
15 the credential holder's scope of practice.

16 Sec. 3. Section 38-1901, Revised Statutes Supplement,
17 2007, is amended to read:

18 38-1901 Sections 38-1901 to 38-1920 and sections 6, 7, 9,
19 and 10 of this act shall be known and may be cited as the Medical
20 Radiography Practice Act.

21 Sec. 4. Section 38-1902, Revised Statutes Supplement,
22 2007, is amended to read:

23 38-1902 For purposes of the Medical Radiography Practice
24 Act and elsewhere in the Uniform Credentialing Act, unless the
25 context otherwise requires, the definitions found in sections
26 38-1903 to 38-1913 and sections 6 and 7 of this act apply.

27 Sec. 5. Section 38-1907, Revised Statutes Supplement,

1 2007, is amended to read:

2 38-1907 Medical radiographer means a person licensed ~~to~~
3 ~~practice medical radiography~~ pursuant to subsection (1) of section
4 38-1915 to practice medical radiography.

5 Sec. 6. Limited computed tomography radiographer means
6 a person licensed pursuant to section 9 of this act to practice
7 medical radiography restricted to computed tomography.

8 Sec. 7. Nuclear medicine technologist means a person who
9 meets the requirements for training and experience for nuclear
10 medicine technology under the Radiation Control Act and the rules
11 and regulations adopted and promulgated under the act.

12 Sec. 8. Section 38-1915, Revised Statutes Supplement,
13 2007, is amended to read:

14 38-1915 (1) A person licensed by the department, with
15 the recommendation of the board, as a medical radiographer
16 may practice medical radiography on any part of the human
17 anatomy for interpretation by and under the direction of a
18 licensed practitioner, including computed tomography but excluding
19 interpretative fluoroscopic procedures. An applicant for a license
20 as a medical radiographer shall:

21 (a) Complete an educational program in radiography
22 approved by the board pursuant to subsection (1) of section
23 38-1918;

24 (b) Complete an application in accordance with the
25 Uniform Credentialing Act; and

26 (c) Successfully complete an examination approved by the
27 board.

1 (2) Presentation of proof of registration in radiography
2 with the American Registry of Radiologic Technologists is proof of
3 meeting the requirements of subdivisions (1)(a) and (c) of this
4 section.

5 Sec. 9. (1) A person licensed by the department,
6 with the recommendation of the board, as a limited computed
7 tomography radiographer may practice medical radiography restricted
8 to computed tomography. An applicant for a license as a limited
9 computed tomography radiographer shall:

10 (a) Complete an application in accordance with the
11 Uniform Credentialing Act;

12 (b) Be certified by (i) the Nuclear Medicine Technology
13 Certification Board or (ii) the American Registry of Radiologic
14 Technologists in nuclear medicine technology; and

15 (c) Be certified by the American Registry of Radiologic
16 Technologists in computed tomography.

17 (2) A nuclear medicine technologist may perform
18 computed tomography without being licensed under the Medical
19 Radiography Practice Act if such practice is limited to X-rays
20 produced by a combination nuclear medicine-computed tomography
21 system and administered as an integral part of a nuclear
22 medicine procedure that uses a computed tomography protocol for
23 purposes of attenuation correction and anatomical localization
24 only and if the nuclear medicine technologist has received
25 documented device-specific training on the combination nuclear
26 medicine-computed tomography system.

27 Sec. 10. The requirements of section 9 of this act do

1 not apply to a student while enrolled and participating in an
2 educational program in nuclear medicine technology who, as part
3 of the educational program, applies X-rays to humans using a
4 computed tomography system while under the supervision of the
5 licensed practitioners, medical radiographers, or limited computed
6 tomography radiographers associated with the educational program. A
7 person registered by the Nuclear Medicine Technology Certification
8 Board or the American Registry of Radiologic Technologists in
9 Nuclear Medicine Technology may apply for a license as a temporary
10 limited computed tomography radiographer. Temporary limited
11 computed tomography radiographer licenses shall expire twenty-four
12 months after issuance and shall not be renewed. Persons licensed
13 as temporary limited computed tomography radiographers shall be
14 permitted to perform medical radiography restricted to computed
15 tomography while under the direct supervision and in the physical
16 presence of licensed practitioners, medical radiographers, or
17 limited computed tomography radiographers.

18 Sec. 11. Section 38-3321, Revised Statutes Supplement,
19 2007, is amended to read:

20 38-3321 No person may practice veterinary medicine and
21 surgery in the state who is not a licensed veterinarian. The
22 Veterinary Medicine and Surgery Practice Act shall not be construed
23 to prohibit:

24 (1) An employee of the federal, state, or local
25 government from performing his or her official duties;

26 (2) A person who is a student in a veterinary school from
27 performing duties or actions assigned by his or her instructors

1 or from working under the direct supervision of a licensed
2 veterinarian;

3 (3) A person who is a student in an approved veterinary
4 technician program from performing duties or actions assigned by
5 his or her instructors or from working under the direct supervision
6 of a licensed veterinarian or a licensed veterinary technician;

7 (4) Any merchant or manufacturer from selling feed or
8 feeds whether medicated or nonmedicated;

9 (5) A veterinarian regularly licensed in another state
10 from consulting with a licensed veterinarian in this state;

11 (6) Any merchant or manufacturer from selling from his or
12 her established place of business medicines, appliances, or other
13 products used in the prevention or treatment of animal diseases
14 or any merchant or manufacturer's representative from conducting
15 educational meetings to explain the use of his or her products or
16 from investigating and advising on problems developing from the use
17 of his or her products;

18 (7) An owner of livestock or a bona fide farm or ranch
19 employee from performing any act of vaccination, surgery, pregnancy
20 testing, or the administration of drugs in the treatment of
21 domestic animals under his or her custody or ownership nor the
22 exchange of services between persons or bona fide employees who are
23 principally farm or ranch operators or employees in the performance
24 of these acts;

25 (8) A member of the faculty of a veterinary school
26 or veterinary science department from performing his or her
27 regular functions, or a person lecturing or giving instructions

1 or demonstrations at a veterinary school or veterinary science
2 department or in connection with a continuing competency activity;

3 (9) Any person from selling or applying any pesticide,
4 insecticide, or herbicide;

5 (10) Any person from engaging in bona fide scientific
6 research which reasonably requires experimentation involving
7 animals;

8 (11) Any person from treating or in any manner caring for
9 domestic chickens, turkeys, or waterfowl, which are specifically
10 exempted from the Veterinary Medicine and Surgery Practice Act; ~~or~~

11 (12) Any person from performing dehorning or castrating
12 livestock, not to include equidae. For purposes of the Veterinary
13 Medicine and Surgery Practice Act, castration shall be limited to
14 the removal or destruction of male testes; or-

15 (13) Any person who holds a valid credential in the
16 State of Nebraska in a health care profession or occupation
17 regulated under the Uniform Credentialing Act from consulting
18 with a licensed veterinarian who has contracted with or is
19 employed by an accredited zoological park or garden regarding
20 an animal on behalf of such zoological park or garden or performing
21 collaborative animal health care tasks on an animal under the care
22 of such veterinarian for such zoological park or garden if all
23 such tasks are performed under the immediate supervision of such
24 veterinarian.

25 Sec. 12. Section 71-2619, Revised Statutes Supplement,
26 2007, is amended to read:

27 71-2619 (1) The Department of Health and Human Services

1 may by regulation establish fees to defray the costs of providing
2 specimen containers, shipping outfits, and related supplies and
3 fees to defray the costs of certain laboratory examinations as
4 requested by individuals, firms, corporations, or governmental
5 agencies in the state. Fees for the provision of certain classes
6 of shipping outfits or specimen containers shall be no more than
7 the actual cost of materials, labor, and delivery. Fees for the
8 provision of shipping outfits may be made when no charge is made
9 for service.

10 (2) Fees may be established by regulation for chemical
11 or microbiological examinations of various categories of water
12 samples. Fees established for examination of water to ascertain
13 qualities for domestic, culinary, and associated uses shall be
14 set to defray no more than the actual cost of the tests
15 in the following categories: (a) Inorganic chemical assays; (b)
16 organic pollutants; and (c) bacteriological examination to indicate
17 sanitary quality as coliform density by membrane filter test or
18 equivalent test.

19 (3) Fees for examinations of water from lakes, streams,
20 impoundments, or similar sources, from wastewaters, or from ground
21 water for industrial or agricultural purposes may be charged in
22 amounts established by regulation but shall not exceed one and
23 one-half times the limits set by regulation for examination of
24 domestic waters.

25 (4) Fees may be established by regulation for chemical
26 or microbiological examinations of various categories of samples to
27 defray no more than the actual cost of testing. Such fees may be

1 charged for:

2 (a) Any specimen submitted for radiochemical analysis or
3 characterization;

4 (b) Any material submitted for chemical characterization
5 or quantitation; and

6 (c) Any material submitted for microbiological
7 characterization.

8 (5) Fees may be established by regulation for the
9 examinations of certain categories of biological and clinical
10 specimens to defray no more than the actual costs of testing. Such
11 fees may be charged for examinations pursuant to law or regulation
12 of:

13 (a) Any specimen submitted for chemical examination for
14 assessment of health status or functional impairment;

15 (b) Any specimen submitted for microbiological
16 examination which is not related to direct human contact with the
17 microbiological agent; and

18 (c) A specimen submitted for microbiological examination
19 or procedure by an individual, firm, corporation, or governmental
20 unit other than the department.

21 (6) The department shall not charge fees for tests that
22 include microbiological isolation, identification examination, or
23 other laboratory examination for the following:

24 (a) A contagious disease when the department is
25 authorized by law or regulation to directly supervise the
26 prevention, control, or surveillance of such contagious disease;

27 (b) Any emergency when the health of the people of any

1 part of the state is menaced or exposed pursuant to section 71-502;
2 and

3 (c) When adopting or enforcing special quarantine and
4 sanitary regulations authorized by the department.

5 (7) Combinations of different tests or groups of tests
6 submitted together may be offered at rates less than those set for
7 individual tests as allowed in this section and shall defray the
8 actual costs.

9 (8) Fees may be established by regulation to defray no
10 more than the actual costs of ~~conducting qualifying inspections~~
11 ~~in order to make~~ certifying laboratories, inspecting laboratories,
12 and making laboratory agreements between the department and
13 laboratories other than the Department of Health and Human
14 Services, Division of Public Health, Environmental Laboratory for
15 the purpose of conducting analyses of drinking water as prescribed
16 in section 71-5306. ~~The inspection fees shall be collected on~~
17 ~~an annual schedule from those laboratories which enter into~~
18 ~~an agreement with the department for the purpose of conducting~~
19 ~~laboratory analyses of water. Such fees shall not exceed the~~
20 ~~amount in the following categories: (a) Bacteriological examination~~
21 ~~agreement, one hundred and fifty dollars; (b) inorganic chemical~~
22 ~~analyses agreement, one hundred dollars; (c) heavy metal analyses~~
23 ~~agreement, two hundred dollars; (d) organic chemical analyses~~
24 ~~agreement, two hundred dollars; and (e) radiochemical analyses~~
25 ~~agreement, two hundred dollars.~~ For each laboratory applying
26 for certification, fees shall include (a) an annual fee not to
27 exceed one thousand eight hundred dollars per laboratory and

1 (b) an inspection fee not to exceed three thousand dollars per
2 certification period for each laboratory located in this state.

3 (9) All fees collected pursuant to this section shall be
4 deposited in the state treasury and credited remitted to the State
5 Treasurer for credit to the Health and Human Services Cash Fund.

6 Sec. 13. Section 71-2620, Revised Statutes Supplement,
7 2007, is amended to read:

8 71-2620 The Division of Public Health of the Department
9 of Health and Human Services may enter into agreements, not
10 exceeding one year in duration, with any other governmental agency
11 relative to the provision of certain laboratory tests and services
12 to the agency. Such services shall be provided as stipulated in
13 the agreement and for such fee, either lump sum or by the item,
14 as is mutually agreed upon and as complies with the provisions of
15 section 71-2619. All laboratories performing human genetic testing
16 for clinical diagnosis and treatment purposes shall be accredited
17 by the College of American Pathologists or by any other national
18 accrediting body or public agency which has requirements that are
19 substantially equivalent to or more comprehensive than those of the
20 college.

21 Sec. 14. Section 71-2621, Revised Statutes Supplement,
22 2007, is amended to read:

23 71-2621 All fees collected for laboratory tests and
24 services pursuant to sections 71-2619 and 71-2620 shall be ~~paid~~
25 ~~into the state treasury and by~~ remitted to the State Treasurer
26 ~~credited~~ for credit to the Health and Human Services Cash Fund,
27 which shall be used to partially defray the costs of labor,

1 operations, supplies, and materials in the operations of the
2 Department of Health and Human Services, Division of Public Health,
3 Environmental Laboratory.

4 Sec. 15. Section 71-3503, Revised Statutes Supplement,
5 2007, is amended to read:

6 71-3503 For purposes of the Radiation Control Act, unless
7 the context otherwise requires:

8 (1) Radiation means ionizing radiation and nonionizing
9 radiation as follows:

10 (a) Ionizing radiation means gamma rays, X-rays, alpha
11 and beta particles, high-speed electrons, neutrons, protons, and
12 other atomic or nuclear particles or rays but does not include
13 sound or radio waves or visible, infrared, or ultraviolet light;
14 and

15 (b) Nonionizing radiation means (i) any electromagnetic
16 radiation which can be generated during the operations of
17 electronic products to such energy density levels as to present
18 a biological hazard to occupational and public health and safety
19 and the environment, other than ionizing electromagnetic radiation,
20 and (ii) any sonic, ultrasonic, or infrasonic waves which are
21 emitted from an electronic product as a result of the operation of
22 an electronic circuit in such product and to such energy density
23 levels as to present a biological hazard to occupational and public
24 health and safety and the environment;

25 (2) Radioactive material means any material, whether
26 solid, liquid, or gas, which emits ionizing radiation
27 spontaneously. Radioactive material includes, but is not

1 limited to, accelerator-produced material, byproduct material,
2 naturally occurring material, source material, and special nuclear
3 material;

4 (3) Radiation-generating equipment means any manufactured
5 product or device, component part of such a product or device,
6 or machine or system which during operation can generate or emit
7 radiation except devices which emit radiation only from radioactive
8 material;

9 (4) Sources of radiation means any radioactive material,
10 any radiation-generating equipment, or any device or equipment
11 emitting or capable of emitting radiation or radioactive material;

12 (5) Undesirable radiation means radiation in such
13 quantity and under such circumstances as determined from time
14 to time by rules and regulations adopted and promulgated by the
15 department;

16 (6) Person means any individual, corporation,
17 partnership, limited liability company, firm, association,
18 trust, estate, public or private institution, group, agency,
19 political subdivision of this state, any other state or
20 political subdivision or agency thereof, and any legal successor,
21 representative, agent, or agency of the foregoing;

22 (7) Registration means registration with the department
23 pursuant to the Radiation Control Act;

24 (8) Department means the Department of Health and Human
25 Services;

26 (9) Administrator means the administrator of radiation
27 control designated pursuant to section 71-3504;

1 (10) Electronic product means any manufactured product,
2 device, assembly, or assemblies of such products or devices which,
3 during operation in an electronic circuit, can generate or emit a
4 physical field of radiation;

5 (11) License means:

6 (a) A general license issued pursuant to rules and
7 regulations adopted and promulgated by the department without the
8 filing of an application with the department or the issuance of
9 licensing documents to particular persons to transfer, acquire,
10 own, possess, or use quantities of or devices or equipment
11 utilizing radioactive materials;

12 (b) A specific license, issued to a named person upon
13 application filed with the department pursuant to the Radiation
14 Control Act and rules and regulations adopted and promulgated
15 pursuant to the act, to use, manufacture, produce, transfer,
16 receive, acquire, own, or possess quantities of or devices or
17 equipment utilizing radioactive materials; or

18 (c) A license issued to a radon measurement specialist,
19 ~~radon measurement technician,~~ radon mitigation specialist, ~~radon~~
20 ~~mitigation technician,~~ radon measurement business, or radon
21 mitigation business;

22 (12) Byproduct material means:

23 (a) Any radioactive material, except special nuclear
24 material, yielded in or made radioactive by exposure to the
25 radiation incident to the process of producing or utilizing special
26 nuclear material; and

27 (b) The tailings or wastes produced by the extraction

1 or concentration of uranium or thorium from any ore processed
2 primarily for its source material content, including discrete
3 surface wastes resulting from uranium or thorium solution
4 extraction processes. Underground ore bodies depleted by such
5 solution extraction operations do not constitute byproduct
6 material;

7 (13) Source material means:

8 (a) Uranium or thorium or any combination thereof in any
9 physical or chemical form; or

10 (b) Ores which contain by weight one-twentieth of one
11 percent or more of uranium, thorium, or any combination thereof.

12 Source material does not include special nuclear material;

13 (14) Special nuclear material means:

14 (a) Plutonium, uranium 233, or uranium enriched in the
15 isotope 233 or in the isotope 235 and any other material that
16 the United States Nuclear Regulatory Commission pursuant to the
17 provisions of section 51 of the federal Atomic Energy Act of 1954,
18 as amended, determines to be special nuclear material but does not
19 include source material; or

20 (b) Any material artificially enriched by any material
21 listed in subdivision (14)(a) of this section but does not include
22 source material;

23 (15) Users of sources of radiation means:

24 (a) Physicians using radioactive material or
25 radiation-generating equipment for human use;

26 (b) Natural persons using radioactive material or
27 radiation-generating equipment for education, research, or

1 development purposes;

2 (c) Natural persons using radioactive material or
3 radiation-generating equipment for manufacture or distribution
4 purposes;

5 (d) Natural persons using radioactive material or
6 radiation-generating equipment for industrial purposes; and

7 (e) Natural persons using radioactive material or
8 radiation-generating equipment for any other similar purpose;

9 (16) Civil penalty means any monetary penalty levied on
10 a licensee or registrant because of violations of statutes, rules,
11 regulations, licenses, or registration certificates but does not
12 include criminal penalties;

13 (17) Closure means all activities performed at a waste
14 handling, processing, management, or disposal site, such as
15 stabilization and contouring, to assure that the site is in a
16 stable condition so that only minor custodial care, surveillance,
17 and monitoring are necessary at the site following termination of
18 licensed operation;

19 (18) Decommissioning means final operational activities
20 at a facility to dismantle site structures, to decontaminate
21 site surfaces and remaining structures, to stabilize and contain
22 residual radioactive material, and to carry out any other
23 activities to prepare the site for postoperational care;

24 (19) Disposal means the permanent isolation of low-level
25 radioactive waste pursuant to the Radiation Control Act and rules
26 and regulations adopted and promulgated pursuant to such act;

27 (20) Generate means to produce low-level radioactive

1 waste when used in relation to low-level radioactive waste;

2 (21) High-level radioactive waste means:

3 (a) Irradiated reactor fuel;

4 (b) Liquid wastes resulting from the operation of the
5 first cycle solvent extraction system or equivalent and the
6 concentrated wastes from subsequent extraction cycles or the
7 equivalent in a facility for reprocessing irradiated reactor fuel;
8 and

9 (c) Solids into which such liquid wastes have been
10 converted;

11 (22) Low-level radioactive waste means radioactive waste
12 not defined as high-level radioactive waste, spent nuclear fuel,
13 or byproduct material as defined in subdivision (12)(b) of this
14 section;

15 (23) Management of low-level radioactive waste means the
16 handling, processing, storage, reduction in volume, disposal, or
17 isolation of such waste from the biosphere in any manner;

18 (24) Source material mill tailings or mill tailings means
19 the tailings or wastes produced by the extraction or concentration
20 of uranium or thorium from any ore processed primarily for
21 its source material content, including discrete surface wastes
22 resulting from underground solution extraction processes, but
23 not including underground ore bodies depleted by such solution
24 extraction processes;

25 (25) Source material milling means any processing of ore,
26 including underground solution extraction of unmined ore, primarily
27 for the purpose of extracting or concentrating uranium or thorium

1 therefrom and which results in the production of source material
2 and source material mill tailings;

3 (26) Spent nuclear fuel means irradiated nuclear fuel
4 that has undergone at least one year of decay since being used as
5 a source of energy in a power reactor. Spent nuclear fuel includes
6 the special nuclear material, byproduct material, source material,
7 and other radioactive material associated with fuel assemblies;

8 (27) Transuranic waste means radioactive waste material
9 containing alpha-emitting radioactive elements, with radioactive
10 half-lives greater than five years, having an atomic number greater
11 than 92 in concentrations in excess of one hundred nanocuries per
12 gram;

13 (28) Licensed practitioner means a person licensed to
14 practice medicine, dentistry, podiatry, chiropractic, osteopathic
15 medicine and surgery, or as an osteopathic physician;

16 (29) X-ray system means an assemblage of components for
17 the controlled production of X-rays, including, but not limited to,
18 an X-ray high-voltage generator, an X-ray control, a tube housing
19 assembly, a beam-limiting device, and the necessary supporting
20 structures. Additional components which function with the system
21 are considered integral parts of the system;

22 (30) Licensed facility operator means any person or
23 entity who has obtained a license under the Low-Level Radioactive
24 Waste Disposal Act to operate a facility, including any person
25 or entity to whom an assignment of a license is approved by the
26 Department of Environmental Quality; and

27 (31) Deliberate misconduct means an intentional act or

1 omission by a person that (a) would intentionally cause a licensee,
2 registrant, or applicant for a license or registration to be
3 in violation of any rule, regulation, or order of or any term,
4 condition, or limitation of any license or registration issued by
5 the department under the Radiation Control Act or (b) constitutes
6 an intentional violation of a requirement, procedure, instruction,
7 contract, purchase order, or policy under the Radiation Control
8 Act by a licensee, a registrant, an applicant for a license or
9 registration, or a contractor or subcontractor of a licensee,
10 registrant, or applicant for a license or registration.

11 Sec. 16. Section 71-3505, Revised Statutes Supplement,
12 2007, is amended to read:

13 71-3505 Matters relative to radiation as they relate to
14 occupational and public health and safety and the environment shall
15 be a responsibility of the department. The department shall:

16 (1) Develop comprehensive policies and programs for the
17 evaluation and determination of undesirable radiation associated
18 with the production, use, storage, or disposal of radiation sources
19 and formulate, adopt, promulgate, and repeal rules and regulations
20 which may provide (a) for registration or licensure under section
21 71-3507 or 71-3509, and (b) for registration or licensure of (i)
22 any other source of radiation, (ii) persons providing services
23 for collection, detection, measurement, or monitoring of sources
24 of radiation, including, but not limited to, radon and its decay
25 products, (iii) persons providing services to reduce the effects
26 of sources of radiation, and (iv) persons practicing industrial
27 radiography, and (c) for fingerprinting and a federal criminal

1 background check on persons with unescorted access to radionuclides
2 of concern, as specified by rule, ~~or~~ regulation, or order so as
3 to reasonably protect occupational and public health and safety
4 and the environment in a manner compatible with regulatory programs
5 of the federal government. The department for identical purposes
6 may also adopt and promulgate rules and regulations for the
7 issuance of licenses, either general or specific, to persons
8 for the purpose of using, manufacturing, producing, transporting,
9 transferring, receiving, acquiring, owning, or possessing any
10 radioactive material. Such rules and regulations may prohibit the
11 use of radiation for uses found by the department to be detrimental
12 to occupational and public health or safety or the environment
13 and shall carry out the purposes and policies set out in sections
14 71-3501 and 71-3502. Such rules and regulations shall not prohibit
15 or limit the kind or amount of radiation purposely prescribed
16 for or administered to a patient by doctors of medicine and
17 surgery, dentistry, osteopathic medicine, chiropractic, podiatry,
18 and veterinary medicine, while engaged in the lawful practice of
19 such profession, or administered by other professional personnel,
20 such as allied health personnel, medical radiographers, limited
21 radiographers, nurses, and laboratory workers, acting under the
22 supervision of a licensed practitioner. Violation of rules and
23 regulations adopted and promulgated by the department pursuant to
24 the Radiation Control Act shall be due cause for the suspension,
25 revocation, or limitation of a license issued by the department.
26 Any licensee may request a hearing before the department on the
27 issue of such suspension, revocation, or limitation. Procedures for

1 notice and opportunity for a hearing before the department shall be
2 pursuant to the Administrative Procedure Act. The decision of the
3 department may be appealed, and the appeal shall be in accordance
4 with the Administrative Procedure Act;

5 (2) Have the authority to accept and administer loans,
6 grants, or other funds or gifts, conditional or otherwise, in
7 furtherance of its functions, from the federal government and from
8 other sources, public or private;

9 (3) Encourage, participate in, or conduct studies,
10 investigations, training, research, and demonstrations relating to
11 the control of sources of radiation;

12 (4) Collect and disseminate health education information
13 relating to radiation protection;

14 (5) Make its facilities available so that any person or
15 any agency may request the department to review and comment on
16 plans and specifications of installations submitted by the person
17 or agency with respect to matters of protection and safety for the
18 control of undesirable radiation;

19 (6) Be empowered to inspect radiation sources and their
20 shieldings and surroundings for the determination of any possible
21 undesirable radiation or violations of rules and regulations
22 adopted and promulgated by the department and provide the owner,
23 user, or operator with a report of any known or suspected
24 deficiencies; and

25 (7) Collect a fee for emergency response or environmental
26 surveillance, or both, offsite from each nuclear power plant equal
27 to the cost of completing the emergency response or environmental

1 surveillance and any associated report. In no event shall the
2 fee for any nuclear power plant exceed the lesser of the
3 actual costs of such activities or fifty-three thousand dollars
4 per annum. Commencing July 1, 1997, the accounting division
5 of the Department of Administrative Services shall recommend an
6 inflationary adjustment equivalent which shall be based upon the
7 Consumer Price Index for All Urban Consumers of the United States
8 Department of Labor, Bureau of Labor Statistics, and shall not
9 exceed five percent per annum. Such adjustment shall be applied to
10 the annual fee for nuclear power plants. The fee collected shall be
11 credited to the Health and Human Services Cash Fund. This fee shall
12 be used solely for the purpose of defraying the direct costs of the
13 emergency response and environmental surveillance at Cooper Nuclear
14 Station and Fort Calhoun Station conducted by the department. The
15 department may charge additional fees when mutually agreed upon for
16 services, training, or equipment that are a part of or in addition
17 to matters in this section.

18 Sec. 17. The department shall adopt and promulgate rules
19 and regulations providing for fingerprinting and a federal criminal
20 background check on persons with unescorted access to radionuclides
21 of concern, as specified by rule, regulation, or order so as to
22 reasonably protect occupational and public health and safety and
23 the environment in a manner compatible with regulatory programs of
24 the federal government.

25 This section terminates on December 1, 2008.

26 Sec. 18. Section 71-3507, Revised Statutes Supplement,
27 2007, is amended to read:

1 71-3507 (1) The department shall adopt and promulgate
2 rules and regulations for the issuance, amendment, suspension,
3 and revocation of general and specific licenses. Such licenses
4 shall be for byproduct material, source material, special nuclear
5 material, and radioactive material not under the authority of the
6 federal Nuclear Regulatory Commission and for devices or equipment
7 utilizing such materials. The rules and regulations shall provide:

8 (a) For written applications for a specific license
9 which include the technical, financial, and other qualifications
10 determined by the department to be reasonable and necessary
11 to protect occupational and public health and safety and the
12 environment;

13 (b) For additional written statements and inspections, as
14 required by the department, at any time after filing an application
15 for a specific license and before the expiration of the license to
16 determine whether the license should be issued, amended, suspended,
17 or revoked;

18 (c) That all applications and statements be signed by the
19 applicant or licensee;

20 (d) The form, terms, and conditions of general and
21 specific licenses;

22 (e) That no license or right to possess or utilize
23 sources of radiation granted by a license shall be assigned or
24 in any manner disposed of without the written consent of the
25 department; and

26 (f) That the terms and conditions of all licenses are
27 subject to amendment by rules, regulations, or orders issued by the

1 department.

2 (2) The department may require registration or licensing
3 of radioactive material not enumerated in subsection (1) of this
4 section in order to maintain compatibility and equivalency with
5 the standards and regulatory programs of the federal government or
6 to protect the occupational and public health and safety and the
7 environment.

8 (3) (a) The department shall require licensure of persons
9 providing measurement and mitigation services of radon or its decay
10 products in order to protect the occupational and public health and
11 safety and the environment.

12 (b) The department shall adopt and promulgate rules
13 and regulations establishing education, experience, training,
14 examination, and continuing competency requirements for radon
15 measurement specialists, ~~radon measurement technicians, radon~~
16 ~~mitigation specialists, and radon mitigation technicians.~~
17 specialists. Application for such licenses shall be made as
18 provided in the Uniform Credentialing Act. Such persons shall be
19 credentialed in the same manner as an individual under subsection
20 (1) of section 38-121 and shall be subject to disciplinary action
21 pursuant to section 71-3517. Continuing competency requirements
22 may include, but not be limited to, one or more of the
23 continuing competency activities listed in section 38-145. Any
24 radon measurement technician license issued prior to the operative
25 date of this section shall remain valid as a radon measurement
26 specialist license on and after such date until the date such
27 radon measurement technician license would have expired. Such

1 radon measurement specialist license shall be subject to rules and
2 regulations adopted and promulgated by the department.

3 (c) The department shall adopt and promulgate rules and
4 regulations establishing staffing, proficiency, quality control,
5 reporting, worker health and safety, equipment, and record-keeping
6 requirements for radon measurement businesses and radon mitigation
7 businesses and mitigation system installation requirements for
8 radon mitigation businesses.

9 (4) The department may exempt certain sources of
10 radiation or kinds of uses or users from licensing or registration
11 requirements established under the Radiation Control Act when
12 the department finds that the exemption will not constitute a
13 significant risk to occupational and public health and safety and
14 the environment.

15 (5) The department may provide by rule and regulation
16 for the recognition of other state or federal licenses compatible
17 and equivalent with the standards established by the department for
18 Nebraska licensees.

19 (6) The department may accept accreditation for an
20 industrial radiographer by a recognized independent accreditation
21 body, a public agency, or the federal Nuclear Regulatory
22 Commission, which has standards that are at least as stringent as
23 those of the State of Nebraska, as evidence that the industrial
24 radiographer complies with the rules and regulations adopted and
25 promulgated pursuant to the act. The department may adopt and
26 promulgate rules and regulations which list accreditation bodies,
27 public agencies, and federal programs that meet this standard.

1 (7) The department may enter at all reasonable times
2 upon any private or public property for the purpose of determining
3 whether or not there is compliance with the act and rules and
4 regulations adopted and promulgated pursuant to the act, except
5 that entry into areas under the jurisdiction of the federal
6 government shall be effected only with the concurrence of the
7 federal government or its duly designated representative.

8 (8) The department shall cause to be registered with the
9 department such sources of radiation as the department determines
10 to be reasonably necessary to protect occupational and public
11 health and safety and the environment as follows:

12 (a) The department shall, by public notice, establish
13 a date on or before which date such sources of radiation shall
14 be registered with the department. ~~An~~ 7 ~~and the department shall~~
15 ~~provide appropriate forms for such registration.~~ Each application
16 for registration shall be either in writing or by electronic means
17 and shall state such information as the department by rules or
18 regulations may determine to be necessary and reasonable to protect
19 occupational and public health and safety and the environment;

20 (b) Registration of sources of radiation shall be
21 an initial registration with appropriate notification to the
22 department in the case of alteration of equipment, acquisition of
23 new sources of radiation, or the transfer, loss, or destruction of
24 sources of radiation and shall include the registration of persons
25 installing or servicing sources of radiation;

26 (c) Failure to register or reregister sources of
27 radiation in accordance with rules and regulations adopted and

1 promulgated by the department shall be subject to a fine of not
2 less than fifty dollars nor more than two hundred dollars; and

3 (d) The department may provide by rule and regulation for
4 reregistration of sources of radiation.

5 (9) The results of any surveys or inspections of sources
6 of radiation conducted by the department shall be public records
7 subject to sections 84-712 to 84-712.09. In addition, the following
8 information shall be deemed confidential:

9 (a) The names of individuals in dosimetry reports;

10 (b) Emergency response procedures which would present a
11 clear threat to security or disclose names of individuals; and

12 (c) Any other information that is likely to present
13 a clear threat to the security of radioactive material. The
14 department shall make such reports of results of surveys or
15 inspections available to the owner or operator of the source
16 of radiation together with any recommendations of the department
17 regarding deficiencies noted.

18 (10) The department shall have the right to survey or
19 inspect again any source of radiation previously surveyed without
20 limitation of the number of surveys or inspections conducted on a
21 given source of radiation.

22 (11) The department may enter into contracts with
23 persons or corporations to perform the inspection of X-ray
24 radiation-generating equipment or devices which emit radiation
25 from radioactive materials and to aid the department in the
26 administration of the act.

27 Sec. 19. Section 71-3508.03, Revised Statutes Supplement,

1 2007, is amended to read:

2 71-3508.03 (1) The department shall establish by rule
3 and regulation annual fees for the radioactive materials licenses,
4 for inspections of radioactive materials, for the registration
5 and inspection of radiation-generating equipment and other sources
6 of radiation, and for radon measurement and mitigation business
7 licenses and inspections of radon mitigation systems installations
8 under the Radiation Control Act. The annual fee for registration
9 and inspection of X-ray radiation generating equipment used to
10 diagnose conditions in humans or animals shall not exceed ~~seventy~~
11 four hundred dollars per X-ray machine. The department shall also
12 establish by rule and regulation additional fees for environmental
13 surveillance activities performed by the department to assess
14 the radiological impact of activities conducted by licensees
15 and registrants. Such activities shall not duplicate surveillance
16 programs approved by the federal Nuclear Regulatory Commission and
17 conducted by entities licensed by such commission. No fee shall
18 exceed the actual cost to the department for administering the act.
19 The fees collected shall be remitted to the State Treasurer for
20 credit to the Health and Human Services Cash Fund and shall be used
21 solely for the purpose of defraying the direct and indirect costs
22 of administering the act. The department shall collect such fees.

23 (2) The department may, upon application by an interested
24 person or on its own initiative, grant such exemptions from
25 the requirements of this section as it determines are in the
26 public interest. Applications for exemption under this subsection
27 may include, but shall not be limited to, the use of licensed

1 materials for educational or noncommercial displays or scientific
2 collections.

3 (3) When a registrant or licensee fails to pay
4 the applicable fee, the department may suspend or revoke the
5 registration or license or may issue an appropriate order.

6 (4) The department shall establish and collect fees for
7 licenses for individuals engaged in radon detection, measurement,
8 and mitigation as provided in sections 38-151 to 38-157.

9 Sec. 20. Section 71-3517, Revised Statutes Supplement,
10 2007, is amended to read:

11 71-3517 (1) Any person who violates any of the provisions
12 of the Radiation Control Act shall be guilty of a Class IV
13 misdemeanor.

14 (2) In addition to the penalty provided in subsection
15 (1) of this section, any person who violates any provision of the
16 Radiation Control Act or any rule, regulation, or order issued
17 pursuant to such act or any term, condition, or limitation of any
18 license or registration certificate issued pursuant to such act
19 shall be subject to:

20 (a) License revocation, suspension, modification,
21 condition, or limitation;

22 (b) The imposition of a civil penalty; or

23 (c) The terms of any appropriate order issued by the
24 department.

25 (3) Whenever the department proposes to subject a person
26 to the provisions of subsection (2) of this section, the department
27 shall notify the person in writing (a) setting forth the date,

1 facts, and nature of each act or omission with which the person
2 is charged, (b) specifically identifying the particular provision
3 or provisions of the section, rule, regulation, order, license, or
4 registration certificate involved in the violation, and (c) of the
5 sanction or order to be imposed. If a civil penalty is imposed, the
6 notice shall include a statement that it can be collected by civil
7 action. The notice shall be delivered to each alleged violator by
8 personal service, by certified or registered mail to his or her
9 last-known address, or by publication. Notice by publication shall
10 only be made if personal service or service by mail cannot be
11 effectuated. The sanction or order in the notice shall become final
12 thirty days after the mailing of the notice unless the applicant,
13 registrant, or licensee, within the thirty-day period, requests, in
14 writing, a hearing before the department. If the notice is served
15 by personal service or publication, the sanction or order shall
16 become final thirty days after completion of such service unless
17 the applicant, registrant, or licensee, within the thirty-day
18 period, requests, in writing, a hearing before the department.

19 (4) Hearings held pursuant to subsection (3) of this
20 section shall be held in accordance with rules and regulations
21 adopted and promulgated by the department and shall provide for
22 the alleged violator to present such evidence as may be proper.
23 Witnesses may be subpoenaed by either party and shall be allowed
24 fees at a rate prescribed by the rules and regulations of the
25 department. A full and complete record shall be kept of the
26 proceedings.

27 (5) Following the hearing, the department shall determine

1 whether the charges are true or not, and if true, the department
2 may (a) issue a declaratory order finding the charges to be true,
3 (b) revoke, suspend, modify, condition, or limit the license, (c)
4 impose a civil penalty in an amount not to exceed ten thousand
5 dollars for each violation, or (d) enter an appropriate order. If
6 any violation is a continuing one, each day of such violation shall
7 constitute a separate violation for the purpose of computing the
8 applicable civil penalty and the amount of the penalty shall be
9 based on the severity of the violation. A copy of such decision
10 setting forth the finding of facts and the particular reasons upon
11 which it is based shall be sent by either certified or registered
12 mail to the alleged violator. The decision may be appealed, and
13 the appeal shall be in accordance with the Administrative Procedure
14 Act.

15 (6) Any civil penalty assessed and unpaid under
16 subsection (5) of this section shall constitute a debt to the
17 State of Nebraska which may be collected in the manner of a
18 lien foreclosure or sued for and recovered in any proper form of
19 action in the name of the State of Nebraska in the district court
20 of the county in which the violator resides or owns property.
21 The department shall, within thirty days from receipt, remit any
22 collected civil penalty to the State Treasurer for distribution
23 in accordance with Article VII, section 5, of the Constitution of
24 Nebraska.

25 (7) In addition to the provisions of this section,
26 radon measurement specialists, ~~radon measurement technicians,~~
27 ~~radon mitigation specialists,~~ and radon mitigation technicians

1 specialists shall be subject to the reporting, investigatory, and
2 disciplinary provisions of sections 38-176 to 38-185, 38-1,106,
3 38-1,109 to 38-1,126, and 38-1,137 to 38-1,139. In addition to the
4 grounds for disciplinary action found in the Uniform Credentialing
5 Act, a license issued to a specialist ~~or technician~~ may be
6 disciplined for any violation of the Radiation Control Act or the
7 rules and regulations adopted and promulgated under the act.

8 Sec. 21. Section 71-3519, Revised Statutes Supplement,
9 2007, is amended to read:

10 71-3519 Sections 71-3501 to 71-3520 and section 17 of
11 this act shall be known and may be cited as the Radiation Control
12 Act.

13 Sec. 22. Section 71-5306, Revised Statutes Supplement,
14 2007, is amended to read:

15 71-5306 (1) To carry out the provisions and purposes of
16 the Nebraska Safe Drinking Water Act, the director may:

17 (a) Enter into agreements, contracts, or cooperative
18 arrangements, under such terms as are deemed appropriate,
19 with other state, federal, or interstate agencies or with
20 municipalities, educational institutions, local health departments,
21 or other organizations, entities, or individuals;

22 (b) Require all laboratory analyses to be performed
23 at the Department of Health and Human Services, Division of
24 Public Health, Environmental Laboratory, or at any other certified
25 laboratory which has entered into an agreement with the department
26 therefor, and establish and collect fees for making laboratory
27 analyses of water samples pursuant to sections 71-2619 to 71-2621,

1 except that subsection (6) of section 71-2619 shall not apply for
2 purposes of the Nebraska Safe Drinking Water Act. Inspection fees
3 for making other laboratory agreements shall be established and
4 collected pursuant to sections 71-2619 to 71-2621;

5 (c) Certify laboratories performing tests on water that
6 is intended for human consumption. The director may establish,
7 through rules and regulations, standards for certification.
8 Such standards may include requirements for staffing, equipment,
9 procedures, and methodology for conducting laboratory tests,
10 quality assurance and quality control procedures, and communication
11 of test results. Such standards shall be consistent with
12 requirements for performing laboratory tests established by
13 the federal Environmental Protection Agency to the extent such
14 requirements are consistent with state law. The director may
15 accept accreditation by a recognized independent accreditation
16 body, public agency, or federal program which has standards
17 that are at least as stringent as those established pursuant to
18 this section. The director may adopt and promulgate rules and
19 regulations which list accreditation bodies, public agencies, and
20 federal programs that may be accepted as evidence that a laboratory
21 meets the standards for certification. Inspection fees and fees for
22 certifying other laboratories shall be established and collected to
23 defray the cost of the inspections and certification as provided
24 in sections 71-2619 to 71-2621;

25 (d) Receive financial and technical assistance from an
26 agency of the federal government or from any other public or
27 private agency;

1 (e) Enter the premises of a public water system at any
2 time for the purpose of conducting monitoring, making inspections,
3 or collecting water samples for analysis;

4 (f) Delegate those responsibilities and duties as deemed
5 appropriate for the purpose of administering the requirements of
6 the Nebraska Safe Drinking Water Act, including entering into
7 agreements with designated agents which shall perform specifically
8 delegated responsibilities and possess specifically delegated
9 powers;

10 (g) Require the owner and operator of a public water
11 system to establish and maintain records, make reports, and provide
12 information as the department may reasonably require by regulation
13 to enable it to determine whether such owner or operator has
14 acted or is acting in compliance with the Nebraska Safe Drinking
15 Water Act and rules and regulations adopted pursuant thereto. The
16 department or its designated agent shall have access at all times
17 to such records and reports; and

18 (h) Assess by regulation a fee for any review of plans
19 and specifications pertaining to a public water system governed by
20 section 71-5305 in order to defray no more than the actual cost of
21 the services provided.

22 (2) All such fees collected by the department shall be
23 remitted to the State Treasurer for credit to the Safe Drinking
24 Water Act Cash Fund, which is hereby created. Such fund shall
25 be used by the department for the purpose of administering the
26 Nebraska Safe Drinking Water Act. Any money in the fund available
27 for investment shall be invested by the state investment officer

1 pursuant to the Nebraska Capital Expansion Act and the Nebraska
2 State Funds Investment Act.

3 Sec. 23. Section 81-653, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 81-653 ~~It is the intent of sections 81-653 to 81-661 (1)~~
6 Sections 81-653 to 81-660 and section 30 of this act shall be known
7 and may be cited as the Brain Injury Registry Act.

8 (2) The intent of the Brain Injury Registry Act is
9 to require the establishment and maintenance of a brain injury
10 registry in and for the State of Nebraska.

11 (3) The purpose of the brain injury registry is to
12 provide a central data bank of accurate, precise, and current
13 information which will to assist in the statistical identification
14 and of persons with brain or head injury, planning for the
15 treatment and rehabilitation of such persons, and with brain or
16 head injury and in the prevention of such injury.

17 Sec. 24. Section 81-654, Revised Statutes Supplement,
18 2007, is amended to read:

19 81-654 For purposes of sections 81-653 to 81-661: the
20 Brain Injury Registry Act:

21 ~~(1) Brain injury registry shall mean the system of~~
22 ~~reporting established by sections 81-653 to 81-661 in which cases~~
23 ~~of brain or head injury in this state are reported and recorded~~
24 ~~in order to achieve the goals of statistical identification and~~
25 ~~planning for treatment and rehabilitation of persons with brain or~~
26 ~~head injury and prevention of such injury;~~

27 ~~(2)~~ (1) Brain or head injury shall mean means clinically

1 evident neurotrauma resulting directly or indirectly from closed
2 or penetrating brain or head trauma, infection, febrile condition,
3 anoxia, vascular lesions, toxin, or spinal cord injury, not
4 primarily related to congenital or degenerative conditions,
5 chemical dependency, or aging processes, which impairs mental,
6 cognitive, behavioral, or physical functioning; and

7 ~~(3)~~ (2) Department ~~shall mean~~ means the Department of
8 Health and Human Services.

9 Sec. 25. Section 81-655, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 81-655 The department shall establish and maintain a
12 ~~central registry~~ the brain injury registry. The registry shall
13 consist of information concerning persons with brain or head
14 injury that occurs within the state. The registry shall include
15 such information as ~~7~~ ~~which information~~ the department deems
16 necessary and appropriate for the statistical identification ~~and~~
17 of persons with brain or head injury, planning for the treatment
18 and rehabilitation of such persons, ~~with brain or head injury~~ and
19 the prevention of such injury. Any information released from the
20 registry shall be disclosed as Class I, Class II, and Class IV data
21 as provided in sections 81-663 to 81-675.

22 Sec. 26. Section 81-656, Revised Statutes Cumulative
23 Supplement, 2006, is amended to read:

24 81-656 In order to implement the intent and purposes
25 of ~~section 81-653,~~ the Brain Injury Registry Act, the department
26 shall:

27 (1) Adopt and promulgate necessary rules and regulations,

1 ~~including to carry out the act, including, but not limited~~
2 ~~to, a uniform system of classification of brain or head injury~~
3 ~~which is consistent with medically and clinically accepted~~
4 ~~standards and definitions for use in reporting by treating medical~~
5 ~~personnel and hospitals. The In adopting and promulgating such~~
6 ~~rules and regulations, the department shall be guided by the~~
7 ~~standards and definitions of the International Classification of~~
8 ~~Disease, Clinical Modification Coding System of the World Health~~
9 ~~Organization; and~~

10 (2) Execute any contracts that the department deems
11 necessary to carry out the act; and

12 ~~(2) (3) Comply with all necessary requirements in order~~
13 ~~to obtain funds or grants.~~

14 Sec. 27. Section 81-657, Revised Statutes Supplement,
15 2007, is amended to read:

16 81-657 (1) If a person with brain or head injury is
17 ~~not admitted to a hospital within the state but is treated in~~
18 ~~this state in the office of a physician or psychologist licensed~~
19 ~~under the Uniform Credentialing Act, to practice in this state~~
20 ~~but is not admitted to a hospital within this state, the treating~~
21 ~~physician or psychologist shall provide a report the brain or head~~
22 ~~of such injury to the department within thirty days after such~~
23 ~~treatment and identification of the person sustaining such injury.~~
24 ~~Each treating physician or psychologist shall be required to report~~
25 ~~each brain or head injury only one time.~~

26 (2) ~~Each hospital and each rehabilitation center located~~
27 ~~within a hospital in the State of Nebraska shall annually report to~~

1 ~~the department a brain or head injury which results in admission or~~
2 ~~treatment. If a person with a brain or head injury is admitted to~~
3 ~~or treated at a hospital or a rehabilitation center located within~~
4 ~~a hospital in this state, such hospital or rehabilitation center~~
5 ~~shall provide a report of such injury to the department within~~
6 ~~thirty days after the discharge of such person from the hospital or~~
7 ~~rehabilitation center.~~

8 (3) ~~The report~~ A report provided under this section shall
9 contain the following information about the person ~~sustaining the~~
10 who has sustained a brain or head injury, if known:

- 11 (a) Name;
- 12 ~~(b)~~ Social security number;
- 13 ~~(c)~~ (b) Date of birth;
- 14 ~~(d)~~ (c) Gender;
- 15 ~~(e)~~ (d) Residence;
- 16 ~~(f)~~ (e) Date of the injury;
- 17 ~~(g)~~ (f) Final diagnosis or classification of the injury
18 according to the International Classification of Disease, Clinical
19 Modification Coding System, as adopted by the department;
- 20 ~~(h)~~ (g) Cause of the injury and, if practicable, whether
21 the injury resulted from an accident involving the use of alcohol;
- 22 ~~(i)~~ (h) Place or site of occurrence of the injury;
- 23 ~~(j)~~ (i) Identification of the reporting source;
- 24 ~~(k)~~ Dispensation (j) Disposition upon discharge;
- 25 ~~(l)~~ (k) Payor source; and
- 26 ~~(m)~~ (l) Any additional information the department can
27 demonstrate is reasonable in order to implement the purposes stated

1 ~~in section 81-653.~~ deems necessary and appropriate to carry out the
2 purposes of the Brain Injury Registry Act.

3 Sec. 28. Section 81-659, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 81-659 No patient-identifying data as defined in section
6 81-664 shall be ~~divulged,~~ disclosed, made public, or released by
7 the department to any public or private person or entity. All other
8 data obtained from medical records of persons sustaining brain or
9 head injury is for the confidential use as Class I, Class II, or
10 Class IV data of the department and the private or public persons
11 or entities that the department determines may view such records as
12 provided in sections 81-663 to 81-675.

13 Sec. 29. Section 81-660, Revised Statutes Cumulative
14 Supplement, 2006, is amended to read:

15 81-660 No physician, psychologist, hospital, or
16 administrator, officer, or employee of a hospital or medical
17 professional who is in compliance with sections 81-657 and 81-663
18 to 81-675 shall be civilly or criminally liable for ~~divulging~~
19 disclosing the information required ~~pursuant to~~ under section
20 81-657.

21 Sec. 30. Within thirty days after receiving a report of
22 a brain or head injury, the department shall provide relevant and
23 timely information to the person with such injury to assist such
24 person in accessing necessary and appropriate services relating
25 to such injury. The department may develop such information or
26 utilize information developed by other sources and approved by the
27 department. The department may provide such information directly or

1 contract with an appropriate entity to provide such information.
2 Costs associated with providing such information shall be paid from
3 cash funds, gifts, and grants. No General Funds shall be used to
4 pay such costs. Funds received by the department for the payment of
5 such costs shall be remitted to the State Treasurer for credit to
6 the Health and Human Services Cash Fund. The department shall not
7 be required to provide information under this section if sufficient
8 funding is unavailable.

9 Sec. 31. Section 81-664, Revised Statutes Supplement,
10 2007, is amended to read:

11 81-664 For purposes of sections 81-663 to 81-675:

12 (1) Aggregate data means data contained in the medical
13 record and health information registries maintained by the
14 department which is compiled in a statistical format and which does
15 not include patient-identifying data;

16 (2) Approved researcher means an individual or entity
17 which is approved by the department pursuant to section 81-666 to
18 obtain access to data contained in the medical record and health
19 information registries maintained by the department to assist in
20 the scientific or medical research for the prevention, cure, or
21 control of a disease or injury process;

22 (3) Case-specific data means data contained in the
23 medical record and health information registries concerning a
24 specific individual other than patient-identifying data;

25 (4) Department means the Department of Health and Human
26 Services;

27 (5) Medical record and health information registry means

1 the system of reporting certain medical conditions occurring
2 in this state, as prescribed by law, which are reported and
3 recorded in order to achieve the goals of prevention, cure, and
4 control through research and education, and includes the birth
5 defects registry established in section 71-646, the cancer registry
6 established in sections 81-642 to 81-650, the brain injury registry
7 established in ~~sections 81-653 to 81-661~~, the Brain Injury Registry
8 Act, and the Parkinson's Disease Registry established in the
9 Parkinson's Disease Registry Act;

10 (6) Patient-identifying data means the patient's name,
11 address, record number, symbol, or other identifying particular
12 assigned to or related to an individual patient; and

13 (7) Research means study specific to the diseases or
14 injuries for which access to data is requested and which is
15 dedicated to the prevention, cure, or control of the diseases or
16 injuries.

17 Sec. 32. (1)(a) Prescription drugs or devices which have
18 been delivered to a Department of Correctional Services facility,
19 a criminal detention facility, a juvenile detention facility, or
20 a jail for dispensing to a patient held at such facility or jail
21 pursuant to a valid prescription, but which are not dispensed or
22 administered to such patient, may be returned to a pharmacist or
23 pharmacy under contract with the facility or jail for relabeling
24 and redispensing to another patient held at such facility or jail
25 pursuant to a valid prescription as provided in this section.

26 (b) The decision to accept return of a prescription drug
27 or device for relabeling and redispensing rests solely with the

1 contracting pharmacist or pharmacy.

2 (c) A prescription drug or device shall be properly
3 stored and in the control of the facility or jail at all times
4 prior to the return of the drug or device for relabeling and
5 redispensing.

6 (d) The drug or device shall be returned in the original
7 and unopened labeled container dispensed by the pharmacist or
8 pharmacy with the tamper-evident seal intact, and the container
9 shall bear the expiration date or calculated expiration date and
10 lot number of the drug or device.

11 (e) A prescription drug or device shall not be relabeled
12 and redispensed if the relabeling and redispensing is otherwise
13 prohibited by law.

14 (2) For purposes of this section:

15 (a) Administer has the definition found in section
16 38-2806;

17 (b) Calculated expiration date has the definition found
18 in section 38-2884;

19 (c) Criminal detention facility has the definition found
20 in section 83-4,125;

21 (d) Department of Correctional Services facility has the
22 definition of facility found in section 83-170;

23 (e) Dispense or dispensing has the definition found in
24 section 38-2817;

25 (f) Jail has the definition found in section 47-117;

26 (g) Juvenile detention facility has the definition found
27 in section 83-4,125;

1 (h) Prescription has the definition found in section
2 38-2840; and

3 (i) Prescription drug or device has the definition found
4 in section 38-2841.

5 (3) The Jail Standards Board, in consultation with the
6 Board of Pharmacy, shall adopt and promulgate rules and regulations
7 applicable to such facilities and jails to carry out this section,
8 including, but not limited to, rules and regulations relating
9 to (a) persons authorized to administer the prescription drug or
10 device to a patient and (b) the proper storage and protection of
11 the drug or device consistent with the directions contained on the
12 label or package insert provided by the pharmacist or pharmacy for
13 the drug or device.

14 (4) Any person or entity which exercises reasonable care
15 in accepting, distributing, or dispensing drugs under this section
16 or rules and regulations adopted and promulgated under this section
17 shall be immune from civil or criminal liability or professional
18 disciplinary action of any kind for any injury, death, or loss to
19 person or property relating to such activities.

20 Sec. 33. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11,
21 15, 16, 18, 19, 20, 32, and 34 of this act become operative on
22 December 1, 2008. Sections 12, 13, 14, 22, 23, 24, 25, 26, 27, 28,
23 29, 30, 31, 36, and 37 of this act become operative three calendar
24 months after the adjournment of this legislative session. The other
25 sections of this act become operative on their effective date.

26 Sec. 34. Original sections 38-101, 38-1901, 38-1902,
27 38-1907, 38-1915, 38-3321, 71-3503, 71-3505, 71-3507, 71-3508.03,

1 and 71-3517, Revised Statutes Supplement, 2007, are repealed.

2 Sec. 35. Original section 71-3519, Revised Statutes
3 Supplement, 2007, is repealed.

4 Sec. 36. Original sections 81-653, 81-655, and 81-659,
5 Reissue Revised Statutes of Nebraska, sections 81-656 and 81-660,
6 Revised Statutes Cumulative Supplement, 2006, and sections 71-2619,
7 71-2620, 71-2621, 71-5306, 81-654, 81-657, and 81-664, Revised
8 Statutes Supplement, 2007, are repealed.

9 Sec. 37. The following sections are outright repealed:
10 Sections 71-545, 71-546, 71-547, 71-548, 71-549, 71-550, and
11 81-661, Revised Statutes Supplement, 2007.

12 Sec. 38. Since an emergency exists, this act takes effect
13 when passed and approved according to law.