

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 54

Introduced by Wightman, 36.

Read first time January 10, 2013

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to the Uniform Credentialing Act; to amend
2 sections 38-105 and 38-124, Reissue Revised Statutes of
3 Nebraska, and section 38-101, Revised Statutes Cumulative
4 Supplement, 2012; to change provisions relating to
5 display of credentials and advertisement; to provide for
6 disciplinary action; to harmonize provisions; and to
7 repeal the original sections.

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

1 Section 1. Section 38-101, Revised Statutes Cumulative
2 Supplement, 2012, is amended to read:

3 38-101 Sections 38-101 to 38-1,140 and section 3 of this
4 act and the following practice acts shall be known and may be cited
5 as the Uniform Credentialing Act:

- 6 (1) The Advanced Practice Registered Nurse Practice Act;
- 7 (2) The Alcohol and Drug Counseling Practice Act;
- 8 (3) The Athletic Training Practice Act;
- 9 (4) The Audiology and Speech-Language Pathology Practice
10 Act;
- 11 (5) The Certified Nurse Midwifery Practice Act;
- 12 (6) The Certified Registered Nurse Anesthetist Practice
13 Act;
- 14 (7) The Chiropractic Practice Act;
- 15 (8) The Clinical Nurse Specialist Practice Act;
- 16 (9) The Cosmetology, Electrology, Esthetics, Nail
17 Technology, and Body Art Practice Act;
- 18 (10) The Dentistry Practice Act;
- 19 (11) The Emergency Medical Services Practice Act;
- 20 (12) The Environmental Health Specialists Practice Act;
- 21 (13) The Funeral Directing and Embalming Practice Act;
- 22 (14) The Genetic Counseling Practice Act;
- 23 (15) The Hearing Instrument Specialists Practice Act;
- 24 (16) The Licensed Practical Nurse-Certified Practice Act;
- 25 (17) The Massage Therapy Practice Act;

- 1 (18) The Medical Nutrition Therapy Practice Act;
2 (19) The Medical Radiography Practice Act;
3 (20) The Medicine and Surgery Practice Act;
4 (21) The Mental Health Practice Act;
5 (22) The Nurse Practice Act;
6 (23) The Nurse Practitioner Practice Act;
7 (24) The Nursing Home Administrator Practice Act;
8 (25) The Occupational Therapy Practice Act;
9 (26) The Optometry Practice Act;
10 (27) The Perfusion Practice Act;
11 (28) The Pharmacy Practice Act;
12 (29) The Physical Therapy Practice Act;
13 (30) The Podiatry Practice Act;
14 (31) The Psychology Practice Act;
15 (32) The Respiratory Care Practice Act;
16 (33) The Veterinary Medicine and Surgery Practice Act;
17 and
18 (34) The Water Well Standards and Contractors' Practice
19 Act.

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

23 The Revisor of Statutes shall assign the Uniform
24 Credentialing Act, including the practice acts enumerated in
25 subdivisions (1) through (33) of this section, to articles within

1 Chapter 38.

2 Sec. 2. Section 38-105, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 38-105 For purposes of the Uniform Credentialing Act,
5 unless the context otherwise requires, the definitions found in
6 sections 38-106 to 38-120 and section 3 of this act apply.

7 Sec. 3. Advertisement means any communication or
8 statement, whether printed, electronic, or oral, that names a
9 credential holder in relation to his or her practice or profession or
10 the institution in which the individual is employed, volunteers, or
11 otherwise provides health services, health-related services, or
12 environmental services, including signs, announcements, business
13 cards, letterhead, patient brochures, email, Internet, audio, and
14 video and any other communication or statement used in the course of
15 business.

16 Sec. 4. Section 38-124, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 38-124 (1)(a) This subsection applies only to credential
19 holders who have direct patient care interactions for health care
20 services.

21 (b) Any such credential holder's advertisement for health
22 care services shall identify the type of credential held by the
23 credential holder pursuant to the definitions, titles, and
24 abbreviations authorized under the practice act applicable to his or
25 her credential or the examination designations required for a

1 credential under the practice act applicable to his or her
2 credential. The advertisement shall not include deceptive or
3 misleading information and shall not include any affirmative
4 communication or representation that misstates, falsely describes, or
5 falsely represents the skills, training, expertise, education, board
6 certification, or credential of the credential holder.

7 (c) Such credential holder in a health care facility or a
8 health care practitioner facility as defined in section 71-413 and
9 71-414 shall wear a name tag during all patient care interactions for
10 health care services that clearly identifies the type of credential
11 held unless wearing the name tag is precluded by adopted
12 sterilization or isolation protocols. The name tag shall be of
13 sufficient size and be worn in a conspicuous manner so as to be
14 visible and apparent and shall include the credential holder's first
15 name or surname or both his or her first name and surname.

16 (d) Such credential holder shall use only the licensure
17 titles or abbreviations authorized by the practice act applicable to
18 his or her credential, examination designations required for a
19 credential under the practice act applicable to his or her
20 credential, or the title authorized by the practice act applicable to
21 his or her credential for students in training.

22 (e) Such credential holder who is a student or resident
23 in medical training and does not have a full credential in Nebraska
24 shall only be required to wear a name tag that clearly identifies the
25 credential holder by name and as a student or resident as authorized

1 by the practice act applicable to his or her credential.

2 (2)(a) This subsection applies only to credential holders
3 who do not have direct patient care interactions for health care
4 services.

5 ~~Every person credentialed under the Uniform Credentialing~~
6 ~~Act~~ (b) Any such credential holder shall make the person's his or her
7 current credential available upon request. The department, with the
8 recommendation of the appropriate board, if any, shall determine how
9 a consumer will be able to identify such a credential holder. The
10 method of identification shall be clear and easily accessed and used
11 by the consumer.

12 (c) All signs, announcements, stationery, and
13 advertisements of ~~persons credentialed under the act~~ any such
14 credential holder shall identify the profession or business for which
15 the credential is held.

16 (3) A credential holder who fails to comply with this
17 section is guilty of unprofessional conduct and is subject to
18 disciplinary action under the Uniform Credentialing Act.

19 Sec. 5. Original sections 38-105 and 38-124, Reissue
20 Revised Statutes of Nebraska, and section 38-101, Revised Statutes
21 Cumulative Supplement, 2012, are repealed.