

## LEGISLATIVE BILL 264

Approved by the Governor May 13, 2015

Introduced by Morfeld, 46; Crawford, 45; Garrett, 3; Kolowski, 31; Nordquist, 7.

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend section 38-126, Reissue Revised Statutes of Nebraska, and section 38-101, Revised Statutes Cumulative Supplement, 2014; to provide for issuance of credentials based on military education, training, or service; to harmonize provisions; and to repeal the original sections.

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

Section 1. Section 38-101, Revised Statutes Cumulative Supplement, 2014, is amended to read:

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

- (1) The Advanced Practice Registered Nurse Practice Act;
- (2) The Alcohol and Drug Counseling Practice Act;
- (3) The Athletic Training Practice Act;
- (4) The Audiology and Speech-Language Pathology Practice Act;
- (5) The Certified Nurse Midwifery Practice Act;
- (6) The Certified Registered Nurse Anesthetist Practice Act;
- (7) The Chiropractic Practice Act;
- (8) The Clinical Nurse Specialist Practice Act;
- (9) The Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art Practice Act;
- (10) The Dentistry Practice Act;
- (11) The Emergency Medical Services Practice Act;
- (12) The Environmental Health Specialists Practice Act;
- (13) The Funeral Directing and Embalming Practice Act;
- (14) The Genetic Counseling Practice Act;
- (15) The Hearing Instrument Specialists Practice Act;
- (16) The Licensed Practical Nurse-Certified Practice Act;
- (17) The Massage Therapy Practice Act;
- (18) The Medical Nutrition Therapy Practice Act;
- (19) The Medical Radiography Practice Act;
- (20) The Medicine and Surgery Practice Act;
- (21) The Mental Health Practice Act;
- (22) The Nurse Practice Act;
- (23) The Nurse Practitioner Practice Act;
- (24) The Nursing Home Administrator Practice Act;
- (25) The Occupational Therapy Practice Act;
- (26) The Optometry Practice Act;
- (27) The Perfusion Practice Act;
- (28) The Pharmacy Practice Act;
- (29) The Physical Therapy Practice Act;
- (30) The Podiatry Practice Act;
- (31) The Psychology Practice Act;
- (32) The Respiratory Care Practice Act;
- (33) The Veterinary Medicine and Surgery Practice Act; and
- (34) The Water Well Standards and Contractors' Practice Act.

If there is any conflict between any provision of sections 38-101 to 38-1,139 and section 3 of this act and any provision of a practice act, the provision of the practice act shall prevail.

The Revisor of Statutes shall assign the Uniform Credentialing Act, including the practice acts enumerated in subdivisions (1) through (33) of this section, to articles within Chapter 38.

Sec. 2. Section 38-126, Reissue Revised Statutes of Nebraska, is amended to read:

38-126 To protect the health, safety, and welfare of the public and to insure to the greatest extent possible the efficient, adequate, and safe practice of health services, health-related services, and environmental services:

- (1)(a) The appropriate board may adopt rules and regulations to:
  - (i) Specify minimum standards required for a credential, including education, experience, and eligibility for taking the credentialing examination, and on or before December 15, 2015, specify methods to meet the minimum standards through military service as provided in section 3 of this act;
  - (ii) Designate credentialing examinations, specify the passing score on credentialing examinations, and specify standards, if any, for accepting examination results from other jurisdictions;
  - (iii) Set continuing competency requirements in conformance with section 38-145;
  - (iv) Set standards for waiver of continuing competency requirements in conformance with section 38-146;

- (v) Set standards for courses of study; and
- (vi) Specify acts in addition to those set out in section 38-179 that constitute unprofessional conduct; and
- (b) The department shall promulgate and enforce such rules and regulations;
- (2) For professions or businesses that do not have a board created by statute:
  - (a) The department may adopt, promulgate, and enforce such rules and regulations; and
  - (b) The department shall carry out any statutory powers and duties of the board;
  - (3) The department, with the recommendation of the appropriate board, if any, may adopt, promulgate, and enforce rules and regulations for the respective profession, other than those specified in subdivision (1) of this section, to carry out the Uniform Credentialing Act; and
  - (4) The department may adopt, promulgate, and enforce rules and regulations with general applicability to carry out the Uniform Credentialing Act.

Sec. 3. Beginning December 15, 2015, upon presentation of satisfactory evidence that the education, training, or service completed by an applicant for a credential while a member of the armed forces of the United States, active or reserve, the National Guard of any state, the military reserves of any state, or the naval militia of any state is substantially similar to the education required for the credential, the department, with the recommendation of the appropriate board, if any, shall accept such education, training, or service toward the minimum standards for the credential.

Sec. 4. Original section 38-126, Reissue Revised Statutes of Nebraska, and section 38-101, Revised Statutes Cumulative Supplement, 2014, are repealed.