



**Ninety-Ninth Legislature - Second Session - 2006**  
**Committee Statement**  
**LB 882**

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**Hearing Date:** January 18, 2006  
**Committee On:** Health and Human Services

**Introducer(s):** (Johnson)  
**Title:** Change provisions of the Radiation Control Act

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**Roll Call Vote – Final Committee Action:**

- Advanced to General File
  - X Advanced to General File with Amendments
  - Indefinitely Postponed
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**Vote Results:**

6	Yes	Senator, Jensen, Cunningham, Erdman, Johnson, Stuthman and Howard
	No	
	Present, not voting	
1	Absent	Senator Byars

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**Proponents:**

Senator Johnson  
 Dick Nelson  
 Tom Vickers

**Representing:**

Introducer  
 Nebraska Health and Human Services System  
 Nebraska Nurses Association

**Opponents:**

Roger Keetle  
 Dan Gilbert  
 Marcia Hess Smith  
 Ron Jensen

**Representing:**

Nebraska Hospital Association  
 Nebraska Society of Radiologic Technology  
 Self  
 Nebraska Association of Nurse Anesthetists

**Neutral:**

**Representing:**

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**Summary of purpose and/or changes:** LB 882 was introduced at the request of the Nebraska Health and Human Services System to make various changes to the Radiation Control Act (act) (Neb. Rev. Stat. §§71-3501 to 71-3520).

Section 1 amends the definitions of “users of sources of radiation” (to broaden a reference to physicians to include all natural persons), “management of low-level radioactive waste” (to delete a reference to the Central Interstate Low-Level Radioactive Waste Compact Commission), “licensed practitioner” (to broaden the definition to include persons licensed as a doctor of medicine and surgery, dentistry, osteopathic medicine, chiropractic, podiatry, or

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veterinary medicine, or licensed as a physician assistance or nurse practitioner), and “medical radiographer” (to reference new matter in subsection (3) of section 71-3515.01).

Section 2 amends section 71-3505 to reference the amended definition of “licensed practitioner.”

Section 3 amends section 71-3507 to delete a requirement of the Department of Health and Human Services Regulation and Licensure (department) to provide forms for registering sources of radiation.

Section 4 amends section 71-3515.01 relating to medical radiographers. The bill references new matter relating to examinations in subsection (3) of section 71-3515.02. The bill adds new provisions relating to the licensure of medical radiographers restricted to the use of computed tomography.

Section 5 amends section 71-3515.02 to add new provisions relating to an examination for limited radiographers in bone density and deletes obsolete provisions.

Sections 6 amends section 71-3516 relating to sources of radiation impounded by the department. Radiation sources impounded by the department are declared to be a common nuisance and are not subject to a replevin action (i.e. the recovery by a person of goods unlawfully taken out of his/her possession, by means of a special form of legal process).

Section 7 adds new provisions relating to the possession and disposition of impounded sources of radiation.

Section 8 amends section 71-3517 to update provisions relating to the disposition of civil penalties assessed and collected under the act.

**Explanation of amendments, if any:** The committee amendment (AM 2098) makes technical changes and adds a new section to require a study and recommendations for recodification of the Radiation Control Act.

On page 8 of the bill, the amendment deletes additional obsolete material relating to low-level radioactive waste disposal and the Central Interstate Low-Level Radioactive Waste Compact Commission.

On page 9, the amendment further amends the definition of “licensed practitioner” to clarify that physician assistants and advanced practice registered nurses are not permitted to direct, perform, or interpret fluoroscopic procedures.

On page 22, the amendment makes further technical changes to provisions relating to the licensure of medical radiographers.

The amendment requires the department, in consultation with the Health and Human Services Committee of the Legislature, to study and make recommendations for a comprehensive recodification of the Radiation Control Act. The department may convene a working group to assist with the study, and expenses of the working group may be reimbursed. The department is required to complete its review and present its recommendations to the Governor and the committee by December 15, 2007. Provisions of the bill relating to the recodification would terminate on January 1, 2008.

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**Senator Jim Jensen, Chairperson**