

AMENDMENTS TO LB 481

Introduced by Health and Human Services

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

3           Section 1. Section 71-101, Revised Statutes Cumulative  
4 Supplement, 2006, is amended to read:

5           71-101 Sections 71-101 to 71-1,107.30, 71-1,133 to  
6 71-1,338, 71-1,343 to 71-1,361, and 71-1301 to 71-1354, section 4  
7 of this act, and the Physical Therapy Practice Act shall be known  
8 and may be cited as the Uniform Licensing Law.

9           For purposes of the Uniform Licensing Law, unless the  
10 context otherwise requires:

11           (1) Board or professional board means one of the boards  
12 appointed by the State Board of Health pursuant to sections 71-111  
13 and 71-112;

14           (2) Licensed, when applied to any licensee in any of the  
15 professions named in section 71-102, means a person licensed under  
16 the Uniform Licensing Law;

17           (3) Profession or health profession means any of the  
18 several groups named in section 71-102;

19           (4) Department means the Department of Health and Human  
20 Services Regulation and Licensure;

21           (5) Whenever a particular gender is used, it is construed  
22 to include both the masculine and the feminine, and the singular  
23 number includes the plural when consistent with the intent of the

1 Uniform Licensing Law;

2 (6) License, licensing, or licensure means permission to  
3 engage in a health profession which would otherwise be unlawful  
4 in this state in the absence of such permission and which is  
5 granted to individuals who meet prerequisite qualifications and  
6 allows them to perform prescribed health professional tasks and use  
7 a particular title;

8 (7) Certificate, certify, or certification, with respect  
9 to professions, means a voluntary process by which a statutory,  
10 regulatory entity grants recognition to an individual who has met  
11 certain prerequisite qualifications specified by such regulatory  
12 entity and who may assume or use the word certified in the title or  
13 designation to perform prescribed health professional tasks. When  
14 appropriate, certificate means a document issued by the department  
15 which designates particular credentials for an individual;

16 (8) Lapse means the termination of the right or privilege  
17 to represent oneself as a licensed, certified, or registered person  
18 and to practice the profession when a license, certificate, or  
19 registration is required to do so;

20 (9) Credentialing means the totality of the process  
21 associated with obtaining state approval to provide health care  
22 services or human services or changing aspects of a current  
23 approval. Credentialing grants permission to use a protected  
24 title that signifies that a person is qualified to provide the  
25 services of a certain profession. Credential includes a license,  
26 certificate, or registration; and

27 (10) Dependence means a compulsive or chronic need for

1 or an active addiction to alcohol or any controlled substance or  
2 narcotic drug.

3 Sec. 3. Section 71-131, Revised Statutes Cumulative  
4 Supplement, 2006, is amended to read:

5 71-131 (1) In the absence of any specific requirement or  
6 provision relating to any particular profession:

7 (a) The department may, upon the recommendation of  
8 the designated professional board, adopt and promulgate rules  
9 and regulations to specify the passing grade on licensure or  
10 certification examinations. In the absence of such rules and  
11 regulations, an examinee shall be required to obtain an average  
12 grade of seventy-five and shall be required to obtain a grade of  
13 sixty in each subject examined;

14 (b) A person who desires to take a licensure or  
15 certification examination but does not wish to receive a license or  
16 certification may take such examination by meeting the examination  
17 eligibility requirements and paying the cost of the examination;  
18 and

19 (c) An examinee who fails a licensure or certification  
20 examination may retake the entire examination or the part failed  
21 upon payment of the licensure or certification fee each time he or  
22 she is examined. The department shall withhold from the licensure  
23 or certification fee the cost of any national examination used  
24 when an examinee fails a licensure or certification examination  
25 and shall return to the examinee the remainder of the licensure  
26 or certification fee collected subject to section 71-162.05, except  
27 that:

1           (i) If the state-developed jurisprudence portion of the  
2 licensure or certification examination was failed, the examinee may  
3 retake that portion without charge; and

4           (ii) If any component of a national examination was  
5 failed, the examinee shall be charged the cost for purchasing such  
6 examination.

7           (2) In pharmacy, all applicants shall be required to  
8 attain a grade to be determined by the Board of Pharmacy in  
9 an examination in pharmacy and a grade of seventy-five in an  
10 examination in jurisprudence of pharmacy.

11           (3) In social work, the passing criterion for such  
12 examination shall be established and may be changed by the Board of  
13 Mental Health Practice by rule and regulation. The board may exempt  
14 an applicant from the written examination if he or she meets all  
15 the requirements for certification without examination pursuant to  
16 section 71-1,319 or rules and regulations adopted and promulgated  
17 by the department pursuant to section 71-139.

18           (4) In professional counseling, the passing criterion for  
19 such examination shall be established and may be changed by the  
20 Board of Mental Health Practice by rule and regulation. The board  
21 may exempt an applicant from the written examination if he or she  
22 meets all of the requirements for certification without examination  
23 pursuant to rules and regulations adopted and promulgated by the  
24 department pursuant to section 71-139.

25           (5) In marriage and family therapy, the passing criterion  
26 for such examination shall be established and may be changed by the  
27 Board of Mental Health Practice by rule and regulation. The board

1 may exempt an applicant from the written examination if he or she  
2 meets all of the requirements for certification without examination  
3 pursuant to section 71-1,329 or rules and regulations adopted and  
4 promulgated by the department pursuant to section 71-139.

5 ~~(6) Applicants for licensure in medicine and surgery~~  
6 ~~and osteopathic medicine and surgery shall pass the licensing~~  
7 ~~examination. An applicant who fails to pass any part of the~~  
8 ~~licensing examination within four attempts shall complete one~~  
9 ~~additional year of postgraduate medical education at an accredited~~  
10 ~~school or college of medicine or osteopathic medicine. All parts~~  
11 ~~of the licensing examination shall be successfully completed within~~  
12 ~~seven years, except that if the applicant has been enrolled in a~~  
13 ~~combined doctorate of medicine and doctorate of philosophy degree~~  
14 ~~program in an accredited school or college of medicine, all parts~~  
15 ~~of the licensing examination shall be successfully completed within~~  
16 ~~ten years. An applicant who fails to successfully complete the~~  
17 ~~licensing examination within the time allowed shall retake that~~  
18 ~~part of the examination which was not completed within the time~~  
19 ~~allowed.~~

20 ~~(7)~~ (6) In medical nutrition therapy, the passing  
21 criterion for such examination shall be established and may be  
22 changed by the Board of Medical Nutrition Therapy by rule and  
23 regulation. Such examination shall test for the essential clinical  
24 elements of the field of medical nutrition therapy. The board shall  
25 base all of its actions on broad categorical parameters derived  
26 from the essential elements of the field of medical nutrition  
27 therapy and shall not endorse nor restrict its assessment to any

1 particular nutritional school of thought. The board may exempt  
2 an applicant from the written examination if he or she meets all  
3 of the requirements for licensure without examination pursuant to  
4 section 71-1,291 or rules and regulations adopted and promulgated  
5 by the department pursuant to section 71-139.

6 ~~(8)~~ (7) In alcohol and drug counseling, the Board of  
7 Alcohol and Drug Counseling shall approve a licensing examination  
8 and establish the passing criterion for such examination, which  
9 meets or exceeds the minimum international standards for alcohol  
10 and drug counselors established by the International Certification  
11 and Reciprocity Consortium, Alcohol and Other Drug Abuse, Inc. or  
12 its successor.

13 Sec. 4. Applicants for licensure in medicine and surgery  
14 and osteopathic medicine and surgery shall pass the licensing  
15 examination. An applicant who fails to pass any part of the  
16 licensing examination within four attempts shall complete one  
17 additional year of postgraduate medical education at an accredited  
18 school or college of medicine or osteopathic medicine. All parts  
19 of the licensing examination shall be successfully completed within  
20 ten years. An applicant who fails to successfully complete the  
21 licensing examination within the time allowed shall retake that  
22 part of the examination which was not completed within the time  
23 allowed.

24 Sec. 5. Original sections 71-101, 71-104.01, and 71-131,  
25 Revised Statutes Cumulative Supplement, 2006, are repealed.

26 Sec. 6. Since an emergency exists, this act takes effect  
27 when passed and approved according to law.