

AMENDMENTS TO LB 399

Introduced by Health and Human Services

1           1. Strike the original sections and insert the following  
2 new 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, the  
7 Perfusion Practice Act, and the Physical Therapy Practice Act shall  
8 be known 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. 2. Section 71-102, Revised Statutes Cumulative  
4 Supplement, 2006, is amended to read:

5 71-102 (1) No person shall engage in the practice  
6 of medicine and surgery, athletic training, respiratory care,  
7 osteopathic medicine, chiropractic, dentistry, dental hygiene,  
8 pharmacy, podiatry, optometry, massage therapy, physical therapy,  
9 audiology, speech-language pathology, embalming, funeral directing,  
10 psychology, veterinary medicine and surgery, medical nutrition  
11 therapy, acupuncture, mental health practice, ~~or~~ alcohol and drug  
12 counseling, or perfusion unless such person has obtained a license  
13 from the Department of Health and Human Services Regulation and  
14 Licensure for that purpose.

15 (2) No person shall hold himself or herself out as a  
16 certified social worker or certified master social worker unless  
17 such person has obtained a certificate from the department for that  
18 purpose.

19 (3) No person shall hold himself or herself out as a  
20 certified professional counselor unless such person has obtained a  
21 certificate from the department for such purpose.

22 (4) No person shall hold himself or herself out as a  
23 certified marriage and family therapist unless such person has  
24 obtained a certificate from the department for such purpose.

25 Sec. 3. Section 71-107, Revised Statutes Cumulative  
26 Supplement, 2006, is amended to read:

27 71-107 Every person credentialed under the Uniform

1 Licensing Law to practice a profession shall keep the credential  
2 available in an office or place in which he or she practices and  
3 shall show such proof of credentialing upon request.

4           On all signs, announcements, stationery, and  
5 advertisements of persons credentialed to practice osteopathic  
6 medicine, chiropractic, podiatry, optometry, audiology,  
7 speech-language pathology, medical nutrition therapy, professional  
8 counseling, social work, marriage and family therapy, mental  
9 health practice, massage therapy, physical therapy, ~~or~~ alcohol  
10 and drug counseling, or perfusion shall be placed the word  
11 Osteopathic Physician, Chiropractor, Podiatrist, Optometrist,  
12 Audiologist, Speech-Language Pathologist, Medical Nutrition  
13 Therapist, Professional Counselor, Social Worker, Master Social  
14 Worker, Marriage and Family Therapist, Mental Health Practitioner,  
15 Massage Therapist, Physical Therapist, ~~or~~ Alcohol and Drug  
16 Counselor, or Perfusionist, as the case may be.

17           Sec. 4. Section 71-110, Revised Statutes Cumulative  
18 Supplement, 2006, is amended to read:

19           71-110 (1) The credential to practice a profession  
20 shall be renewed biennially without examination upon request  
21 of the credentialed person and upon documentation of continuing  
22 competency pursuant to sections 71-161.09 and 71-161.10. The  
23 biennial credential renewals provided for in this section shall  
24 be accomplished in such manner as the department, with the approval  
25 of the designated professional board, shall establish by rule  
26 and regulation. The biennial expiration date in the different  
27 professions shall be as follows:

- 1 (a) January, pharmacy and psychology;
- 2 (b) February, funeral directing and embalming;
- 3 (c) March, dentistry and dental hygiene;
- 4 (d) April, podiatry and veterinary medicine and surgery;
- 5 (e) May, athletic training and acupuncture;
- 6 (f) June, respiratory care;
- 7 (g) August, chiropractic and optometry;
- 8 (h) September, alcohol and drug counseling, medical
- 9 nutrition therapy, mental health practice including any associated
- 10 certification, and osteopathic medicine;
- 11 (i) October, medicine and surgery and perfusion;
- 12 (j) November, massage therapy and physical therapy; and
- 13 (k) December, audiology and speech-language pathology.

14 The request for renewal need not be in any particular  
15 form and shall be accompanied by the renewal fee. Such fee shall be  
16 paid not later than the date of the expiration of such credential,  
17 except that while actively engaged in the military service of  
18 the United States, as defined in the Soldiers' and Sailors' Civil  
19 Relief Act of 1940, as the act existed on January 1, 2002, persons  
20 credentialed to practice the professions listed in this subsection  
21 shall not be required to pay the renewal fee.

22 (2) When a person credentialed pursuant to the Uniform  
23 Licensing Law desires to have his or her credential lapse upon  
24 expiration, he or she shall notify the department of such desire  
25 in writing. The department shall notify the credentialed person in  
26 writing of the acceptance or denial of the request to allow the  
27 credential to lapse. When the lapsed status becomes effective, the

1 right to represent himself or herself as a credentialed person and  
2 to practice the profession in which a license is required shall  
3 terminate. To restore the credential from lapsed to active status,  
4 such person shall be required to meet the requirements for initial  
5 credentialing which are in effect at the time that he or she wishes  
6 to restore the credential.

7 (3) When a person credentialed pursuant to the Uniform  
8 Licensing Law desires to have his or her credential placed on  
9 inactive status upon its expiration, he or she shall notify the  
10 department of such desire in writing and pay the inactive status  
11 fee. The department shall notify the credentialed person in writing  
12 of the acceptance or denial of the request to allow the credential  
13 to be placed on inactive status. When the credential is placed on  
14 inactive status, the credentialed person shall not engage in the  
15 practice of such profession. A credential may remain on inactive  
16 status for an indefinite period of time. In order to move a  
17 credential from inactive to active status, a person shall be  
18 required to meet the requirements for renewal which are in effect  
19 at the time he or she wishes to regain active status.

20 (4) At least thirty days before the expiration of a  
21 credential, the department shall notify each credentialed person  
22 by a letter addressed to him or her at his or her last place of  
23 residence as noted upon its records. Any credentialed person who  
24 fails to notify the department of his or her desire to let his  
25 or her credential lapse or be placed on inactive status upon its  
26 expiration or who fails to meet the requirements for renewal on  
27 or before the date of expiration of his or her credential shall

1 be given a second notice in the same manner as the first notice  
2 advising him or her (a) of the failure to meet the requirements for  
3 renewal, (b) that the credential has expired, (c) that the person  
4 is subject to an administrative penalty under section 71-164.01 if  
5 he or she practices after the expiration date and prior to renewal  
6 of the credential, (d) that upon the receipt of the renewal fee  
7 and the required late fee within thirty days after the expiration  
8 date, no order of revocation will be entered, and (e) that upon the  
9 failure to comply with subdivision (d) of this subsection within  
10 such time, the credential will be revoked in the manner prescribed  
11 in section 71-149.

12 (5) Any credentialed person who desires to reinstate the  
13 credential not more than one year after the date of revocation  
14 for failure to meet the renewal requirements shall apply to the  
15 department for reinstatement. The credential may be reinstated upon  
16 the recommendation of the board for his or her profession and the  
17 receipt of evidence of meeting the renewal requirements and paying  
18 the required late fee.

19 (6) Any credentialed person who desires to reinstate the  
20 credential more than one year after the date of revocation for  
21 failure to meet the renewal requirements shall petition the board  
22 to recommend reinstatement as prescribed in section 71-161.05. The  
23 credential may be reinstated upon the recommendation of the board  
24 for his or her profession and the receipt of evidence of meeting  
25 the renewal requirements and paying the required late fee.

26 Sec. 5. Section 71-112, Revised Statutes Cumulative  
27 Supplement, 2006, is amended to read:

1                   71-112   (1)   Professional boards under the Uniform  
2   Licensing Law shall be designated as follows:

3                   (a) For medicine and surgery, acupuncture, perfusion, and  
4   osteopathic medicine and surgery, Board of Medicine and Surgery;

5                   (b) For athletic training, Board of Athletic Training;

6                   (c) For respiratory care, Board of Respiratory Care  
7   Practice;

8                   (d) For chiropractic, Board of Chiropractic;

9                   (e) For dentistry and dental hygiene, Board of Dentistry;

10                  (f) For optometry, Board of Optometry;

11                  (g) For massage therapy, Board of Massage Therapy;

12                  (h) For physical therapy, Board of Physical Therapy;

13                  (i) For pharmacy, Board of Pharmacy;

14                  (j) For audiology and speech-language pathology, Board of  
15   Audiology and Speech-Language Pathology;

16                  (k) For medical nutrition therapy, Board of Medical  
17   Nutrition Therapy;

18                  (l) For funeral directing and embalming, Board of Funeral  
19   Directing and Embalming;

20                  (m) For podiatry, Board of Podiatry;

21                  (n) For psychology, Board of Psychologists;

22                  (o) For veterinary medicine and surgery, Board of  
23   Veterinary Medicine and Surgery;

24                  (p) For mental health practice, Board of Mental Health  
25   Practice; and

26                  (q) For alcohol and drug counseling, Board of Alcohol and  
27   Drug Counseling.



1           (2) Any change made by the Legislature of the names of  
2 boards listed in this section shall not change the membership of  
3 such boards or affect the validity of any action taken by or the  
4 status of any action pending before any of such boards. Any such  
5 board newly named by the Legislature shall be the direct and only  
6 successor to the board as previously named.

7           Sec. 6. Section 71-162, Revised Statutes Cumulative  
8 Supplement, 2006, is amended to read:

9           71-162 (1) It is the intent of the Legislature that the  
10 revenue to cover the cost of the credentialing system administered  
11 by the department is to be derived from General Funds, cash funds,  
12 federal funds, gifts, grants, or fees from individuals or entities  
13 seeking credentials. The credentialing system includes the totality  
14 of the credentialing infrastructure and the process of issuance and  
15 renewal of credentials, examinations, inspections, investigations,  
16 continuing competency, compliance assurance, and the credentialing  
17 review process for the following individuals and entities that  
18 provide health services and health-related services:

19           (a) Individuals in the practice of acupuncture;  
20 advanced practice nursing; alcohol and drug counseling; asbestos  
21 abatement, inspection, project design, and training; athletic  
22 training; audiology; speech-language pathology; chiropractic;  
23 dentistry; dental hygiene; environmental health; hearing aid  
24 instrument dispensing and fitting; lead-based paint abatement,  
25 inspection, project design, and training; medical nutrition  
26 therapy; medical radiography; medication aide services; medicine  
27 and surgery; mental health practice; nursing; nursing assistant

1 or paid dining assistant services; nursing home administration;  
2 occupational therapy; optometry; osteopathic medicine; perfusion;  
3 pharmacy; physical therapy; podiatry; psychology; radon detection,  
4 measurement, and mitigation; respiratory care; social work;  
5 swimming pool operation; veterinary medicine and surgery; water  
6 system operation; constructing or decommissioning water wells and  
7 installing water well pumps and pumping equipment; and

8 (b) Individuals in the practice of and entities in the  
9 business of body art; cosmetology; electrology; emergency medical  
10 services; esthetics; funeral directing and embalming; massage  
11 therapy; and nail technology.

12 (2) The department shall determine the cost of the  
13 credentialing system for such individuals and entities by  
14 calculating the total of the base costs, the variable costs, and  
15 any adjustments as provided in sections 71-162.01 to 71-162.03.

16 (3) When fees are to be established pursuant to section  
17 71-162.04 for individuals or entities other than individuals in  
18 the practice of constructing or decommissioning water wells and  
19 installing water well pumps and pumping equipment, the department,  
20 upon recommendation of the appropriate board if applicable, shall  
21 base the fees on the cost of the credentialing system and shall  
22 include usual and customary cost increases, a reasonable reserve,  
23 and the cost of any new or additional credentialing activities.  
24 For individuals in the practice of constructing or decommissioning  
25 water wells and installing water well pumps and pumping equipment,  
26 the Water Well Standards and Contractors' Licensing Board shall  
27 establish the fees as otherwise provided in this subsection. All

1 such fees shall be collected as provided in section 71-163.

2           Sec. 7. Sections 7 to 18 of this act shall be known and  
3 may be cited as the Perfusion Practice Act.

4           Sec. 8. The Legislature finds and declares that the  
5 public interest requires the regulation of the practice of  
6 perfusion and the establishment of clear licensure standards for  
7 perfusionists and that the health and welfare of the residents  
8 of the State of Nebraska will be protected by identifying to the  
9 public those individuals who are qualified and legally authorized  
10 to practice perfusion.

11           Sec. 9. For purposes of the Perfusion Practice Act:

12           (1) Board means the Board of Medicine and Surgery;

13           (2) Committee means the Perfusionist Committee created  
14 under section 18 of this act;

15           (3) Extracorporeal circulation means the diversion of a  
16 patient's blood through a heart-lung machine or a similar device  
17 that assumes the functions of the patient's heart, lungs, kidney,  
18 liver, or other organs;

19           (4) Perfusion means the functions necessary for the  
20 support, treatment, measurement, or supplementation of the  
21 cardiovascular, circulatory, and respiratory systems or other  
22 organs, or a combination of such activities, and to ensure the safe  
23 management of physiologic functions by monitoring and analyzing the  
24 parameters of the systems under an order and under the supervision  
25 of a licensed physician, including:

26           (a) The use of extracorporeal circulation, long-term  
27 cardiopulmonary support techniques including extracorporeal carbon

1 dioxide removal and extracorporeal membrane oxygenation, and  
2 associated therapeutic and diagnostic technologies;

3 (b) Counterpulsation, ventricular assistance,  
4 autotransfusion, blood conservation techniques, myocardial and  
5 organ preservation, extracorporeal life support, and isolated limb  
6 perfusion;

7 (c) The use of techniques involving blood management,  
8 advanced life support, and other related functions; and

9 (d) In the performance of the acts described in  
10 subdivisions (a) through (c) of this subdivision:

11 (i) The administration of:

12 (A) Pharmacological and therapeutic agents; and

13 (B) Blood products or anesthetic agents through the  
14 extracorporeal circuit or through an intravenous line as ordered by  
15 a physician;

16 (ii) The performance and use of:

17 (A) Anticoagulation monitoring and analysis;

18 (B) Physiologic monitoring and analysis;

19 (C) Blood gas and chemistry monitoring and analysis;

20 (D) Hematologic monitoring and analysis;

21 (E) Hypothermia and hyperthermia;

22 (F) Hemoconcentration and hemodilution; and

23 (G) Hemodialysis; and

24 (iii) The observation of signs and symptoms related to  
25 perfusion services, the determination of whether the signs and  
26 symptoms exhibit abnormal characteristics, and the implementation  
27 of appropriate reporting, clinical perfusion protocols, or changes

1 in, or the initiation of, emergency procedures; and

2 (5) Perfusionist means a person who is licensed to  
3 practice perfusion pursuant to the Perfusion Practice Act.

4 Sec. 10. After the effective date of this act, no  
5 person shall practice perfusion, whether or not compensation is  
6 received or expected, unless the person holds a license to practice  
7 perfusion under the Perfusion Practice Act, except that nothing in  
8 the act shall be construed to:

9 (1) Prohibit any person credentialed to practice under  
10 any other law from engaging in the practice for which he or she is  
11 credentialed;

12 (2) Prohibit any student enrolled in a bona fide  
13 perfusion training program recognized by the board from performing  
14 those duties which are necessary for the student's course of study,  
15 if the duties are performed under the supervision and direction  
16 of a perfusionist who is on duty and immediately available in the  
17 assigned patient care area; or

18 (3) Prohibit any person from practicing perfusion within  
19 the scope of his or her official duties when employed by an agency,  
20 bureau, or division of the federal government, serving in the  
21 Armed Forces or the Public Health Service of the United States, or  
22 employed by the Veterans Administration.

23 Sec. 11. To be eligible to be licensed as a perfusionist,  
24 an applicant shall fulfill the following requirements:

25 (1) Submit a complete application to the department as  
26 required under the Uniform Licensing Law;

27 (2) Pay the fee established and collected as provided in

1 sections 71-162 to 71-162.05;

2 (3) Submit evidence of successful completion of a  
3 perfusion education program with standards established by the  
4 Accreditation Committee for Perfusion Education and approved by the  
5 Commission on Accreditation of Allied Health Education Programs  
6 or a program with substantially equivalent education standards  
7 approved by the board; and

8 (4) Submit evidence of successful completion of the  
9 certification examinations offered by the American Board of  
10 Cardiovascular Perfusion, or its successor, or a substantially  
11 equivalent examination approved by the board.

12 Sec. 12. The board may waive the education and  
13 examination requirements under section 11 of this act for an  
14 applicant who:

15 (1) Within one hundred eighty days after the effective  
16 date of this act, submits evidence satisfactory to the board that  
17 he or she has been operating cardiopulmonary bypass systems for  
18 cardiac surgical patients as his or her primary function in a  
19 licensed health care facility for at least two of the last ten  
20 years prior to the effective date of this act;

21 (2) Submits evidence of holding a current certificate as  
22 a Certified Clinical Perfusionist issued by the American Board of  
23 Cardiovascular Perfusion, or its successor; or

24 (3) Submits evidence of holding a credential as a  
25 perfusionist issued by another state or possession of the  
26 United States or the District of Columbia which has standards  
27 substantially equivalent to those of this state.

1           Sec. 13. The department shall issue a temporary license  
2 to a person who has applied for licensure pursuant to the Perfusion  
3 Practice Act and who, in the judgment of the department, with  
4 the recommendation of the board, is eligible for examination. An  
5 applicant with a temporary license may practice only under the  
6 direct supervision of a perfusionist. The board may adopt and  
7 promulgate rules and regulations governing such direct supervision  
8 which do not require the immediate physical presence of the  
9 supervising perfusionist. A temporary license shall expire one year  
10 after the date of issuance and may be renewed for a subsequent  
11 one-year period, subject to the rules and regulations adopted under  
12 the act. A temporary license shall be surrendered to the department  
13 upon its expiration.

14           Sec. 14. Each perfusionist shall, in the period since  
15 his or her license was issued or last renewed, complete continuing  
16 competency activities as required by the board pursuant to section  
17 71-161.09 as a prerequisite for the licensee's next subsequent  
18 license renewal.

19           Sec. 15. No person shall use the title Perfusionist, the  
20 abbreviation LP, or any other title, designation, words, letters,  
21 abbreviations, or insignia indicating the practice of perfusion  
22 unless licensed to practice perfusion.

23           Sec. 16. The department, with the recommendation of the  
24 board, shall adopt and promulgate rules and regulations to carry  
25 out the Perfusion Practice Act.

26           Sec. 17. The board shall adopt and publish a code  
27 of ethics for perfusionists and maintain a record of every

1 perfusionist licensed in this state which includes his or her  
2 place of business, place of residence, and license date and number.

3       Sec. 18. There is created the Perfusionist Committee  
4 which shall review and make recommendations to the board regarding  
5 all matters relating to perfusionists that come before the board.  
6 Such matters shall include, but not be limited to, (1) applications  
7 for licensure, (2) perfusionist education, (3) scope of practice,  
8 (4) proceedings arising relating to disciplinary actions, (5)  
9 perfusionist licensure requirements, and (6) continuing competency.  
10 The committee shall be directly responsible to the board. The  
11 committee shall be appointed by the board and shall be composed  
12 of two perfusionists and one physician who has clinical experience  
13 with perfusionists. The physician member may also be a member of  
14 the board. The chairperson of the committee shall be elected by a  
15 majority vote of the committee members. All appointments shall be  
16 for five-year terms, at staggered intervals. Members shall serve  
17 no more than two consecutive terms. Reappointments shall be made  
18 by the board. The committee shall meet on a regular basis, and  
19 committee members shall, in addition to necessary traveling and  
20 lodging expenses, receive a per diem for each day actually engaged  
21 in the discharge of his or her duties, including compensation for  
22 the time spent in traveling to and from the place of conducting  
23 business. Traveling and lodging expenses shall be reimbursed on  
24 the same basis as provided in sections 81-1174 to 81-1177. The  
25 compensation shall not exceed fifty dollars per day and shall be  
26 determined by the committee with the approval of the department.

27       Sec. 19. Original sections 71-101, 71-102, 71-107,



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- 1 71-110, 71-112, and 71-162, Revised Statutes Cumulative Supplement,
- 2 2006, are repealed.