



Hundredth Legislature - First Session - 2007  
**Introducer's Statement of Intent**  
**LB 194**

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**Chairperson:** Joel Johnson  
**Committee:** Health and Human Services  
**Date of Hearing:** January 31, 2007

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB 194 contains the following provisions:

- Prior to adopting any new rule or regulation and prior to amending any current rule or regulation under the Uniform Licensing Law (ULL) the Department of Health and Human Services (department) must notify each credentialed health professional of the proposed changes.
- The department shall take no action to investigate, censure, place on probation, impose a civil penalty on, sanction, discipline, suspend, revoke, or limit, temporarily or permanently, any professional licensee without the unanimous concurrence of the appointed professional board. The department shall take no action to institute a hearing on such matters without unanimous concurrence of the appointed professional board.
- The department shall not dismiss an action or reinstate licensed privileges without unanimous concurrence of the professional board. The director shall not dispose of a matter by stipulation, agree to a settlement, or approve a consent order, without unanimous concurrence of the professional board.
- Within 60 days after completion of a hearing relating to a disciplinary procedure, the director must notify the credentialed person of any action taken to discipline.
- A temporary suspension of licensed privileges shall be effective for a maximum of 30 days instead of the current 90 days.
- No hearing held by the department under the ULL to discipline a professional shall be held without a 30 day, rather than the current 10 day, notice to the professional.
- Any hearing before the department regarding an action to discipline a professional must be held before the director of the department, not before any hearing officer as is currently provided in the law.
- Any complaint filed with the department against a credentialed health professional must be made within 12 months of the allegation, if the allegation contains a potential health

and safety issue. Any complaint must be filed within six months if the complaint does not contain any issue involving an obvious health and safety issue. Any complaint not timely filed within these periods will be dismissed. If a complaint is not timely filed, the professional board may, in its discretion, send a letter of concern to the credentialed person urging corrective action.

- Within 14 days after a complaint against a credentialed person has been filed with the department, the department shall notify the professional against whom a complaint is filed and shall notify the professional the name of the person filing the complaint. The identity of the complainant shall also be released to the professional board.
- Any sanction recommended by a professional board must be based on precedent and be consistent with similar cases. The recommendation must be reasonable, fair, and appropriate.
- Whenever the department and the professional board disagree about the need to investigate a matter, the matter shall be dismissed.
- Under current law, the Attorney General must institute civil or criminal proceedings at the request of the department. Under this bill, the Attorney General shall take action at the request of a professional board, not the department.

The primary purpose of LB 194 is to provide a forum for to discuss alternatives to LB 463 (2007).

A system of checks and balances must exist in the law to check the authority of the department and to protect the public. Section 8 of LB 194 contains the following language on page 13:

The recommendation of the board shall be based on precedent and be consistent with similar cases. The recommendation shall be reasonable and fair to represent appropriate disciplinary action regarding the alleged violation as compared to violations of a more severe or minor nature and the respective disciplinary actions taken in other areas.

The department must enjoy the confidence of the public and the professionals who are regulated.

**Principal Introducer:**

\_\_\_\_\_ **Senator Rich Pahls**