

ONE HUNDRED SECOND LEGISLATURE - SECOND SESSION - 2012
COMMITTEE STATEMENT
LB834

Hearing Date: Thursday January 19, 2012
Committee On: Health and Human Services
Introducer: Gloor
One Liner: Change the Nebraska Regulation of Health Professions Act

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:
Aye: 7 Senators Bloomfield, Campbell, Cook, Gloor, Howard, Krist, Lambert
Nay:
Absent:
Present Not Voting:

Proponents:

Senator Mike Gloor
Dr. Joann Schaefer
Dr. Dale Michels

Nancy Gondringer
David Buntain
Don Wesely

Opponents:

Katie Zulkoski
David O'Doherty

Neutral:

Steve Grasz
Joni Cover
Jim Cunningham
Michael Munro

Representing:

District #35
DHHS, Division of Public Health
Nebraska Academy of Family Physicians (NAFP) and
the Nebraska Board of Health
Nebraska Association of Nurse Anesthetists
Nebraska Medical Association
Nebraska Nurses Association

Representing:

Nebraska Academy of Eye Physicians & Surgeons
Nebraska Dental Association

Representing:

Nebraska Chiropractic Physicians Association
Nebraska Pharmacists Association
Nebraska Catholic Conference
Madonna Rehabilitation Hospital

Summary of purpose and/or changes:

The bill provides changes to the Credentialing Review Program known as the "407 process." The 407 process makes recommendations to the Legislature on 1) proposals to credential currently unregulated health professions and 2) proposals for changes in the scope of practice of currently regulated health professions.

LB 834:

- 1) Expands the oversight of the Act beyond health care professions to include other professions that are or could be regulated by HHS.
 - 2) Changes the scope of practice criteria to remove the "risk of harm" requirement. Currently an applicant group must show that the practice or limitation on the scope of practice create a situation of harm or danger to the public. The bill retains the criteria that the change in scope of practice does not create a significant new danger to the public and the criteria that enactment of the proposed change would benefit the public.
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- 3) Simplifies the application requirements and adds two new items to the application: a) the application must include the status of third-party reimbursement and b) the other states' scope of practice regarding the proposed change in regulation.
 - 4) Changes the role of the Technical Review Committee to clearly state that the Committee can make investigations it deems necessary; requires the Committee recommend whether the proposal will benefit the public; allows the Committee to weight the evidence in total to make the recommendation on denial or approval of the application; and allows the Committee to recommend amendments or recommend other solutions to problems identified during the review. Finally, the Technical Committee membership is changed to allow no more than one member of the applicant group or the profession seeking to be regulated or changing their scope of practice.
 - 5) Updates the funding mechanism to allow transferring money from the Nebraska Regulation of Health Professions Cash Fund that currently pays for expenses of the 407 process, to the Professional and Occupational Credentialing Cash Fund from which the administrative costs for all credentialing activity is paid.
 - 6) Changes the time frame from the current 9 months to 12 months, starting at the point when the application is submitted and found to be complete, for the department to make a final recommendation.
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Explanation of amendments:

The Committee Amendment:

Clarifies that clergy are not consider a health professional under the act

Adds a criteria to the scope of practice criteria that "the health, safety and welfare of the public is inadequately addressed" by the present scope of practice.

Clarifies that the report from the technical committee will include written findings on all criteria.

Kathy Campbell, Chairperson