

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 834

Introduced by Gloor, 35; Campbell, 25; Cook, 13; Howard, 9; Krist,
10; Lambert, 2.

Read first time January 05, 2012

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to the Nebraska Regulation of Health Professions
2 Act; to amend sections 38-151, 71-6201, 71-6202, 71-6203,
3 71-6204, 71-6206, 71-6208, 71-6210, 71-6211, 71-6213,
4 71-6216, 71-6217, 71-6218, 71-6221, 71-6223, 71-6223.01,
5 71-6224, 71-6225, and 71-6226, Reissue Revised Statutes
6 of Nebraska, and section 38-157, Revised Statutes
7 Cumulative Supplement, 2010; to restate intent; to define
8 and redefine terms; to change provisions relating to the
9 regulation of health professions and changes in scope of
10 practice; to change membership and duties of technical
11 committees; to eliminate a fund; to harmonize provisions;
12 to repeal the original sections; and to outright repeal
13 section 71-6228, Reissue Revised Statutes of Nebraska.

14 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 38-151, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 38-151 (1) It is the intent of the Legislature that the
4 revenue to cover the cost of the credentialing system administered by
5 the department is to be derived from General Funds, cash funds,
6 federal funds, gifts, grants, or fees from individuals or businesses
7 seeking credentials. The credentialing system includes the totality
8 of the credentialing infrastructure and the process of issuance and
9 renewal of credentials, examinations, inspections, investigations,
10 continuing competency, compliance assurance, ~~and—the~~ periodic
11 credentialing review process under section 38-128, and the activities
12 conducted under the Nebraska Regulation of Health Professions Act,
13 for individuals and businesses that provide health services, health-
14 related services, and environmental services.

15 (2) The department shall determine the cost of the
16 credentialing system for such individuals and businesses by
17 calculating the total of the base costs, the variable costs, and any
18 adjustments as provided in sections 38-152 to 38-154.

19 (3) When fees are to be established pursuant to section
20 38-155 for individuals or businesses other than individuals in the
21 practice of constructing or decommissioning water wells and
22 installing water well pumps and pumping equipment, the department,
23 with the recommendation of the appropriate board if applicable, shall
24 base the fees on the cost of the credentialing system and shall
25 include usual and customary cost increases, a reasonable reserve, and

1 the cost of any new or additional credentialing activities. For
2 individuals in the practice of constructing or decommissioning water
3 wells and installing water well pumps and pumping equipment, the
4 Water Well Standards and Contractors' Licensing Board shall establish
5 the fees as otherwise provided in this subsection. All such fees
6 shall be used as provided in section 38-157.

7 Sec. 2. Section 38-157, Revised Statutes Cumulative
8 Supplement, 2010, is amended to read:

9 38-157 (1) The Professional and Occupational
10 Credentialing Cash Fund is created. Except as provided in section
11 71-17,113, the fund shall consist of all fees, gifts, grants, and
12 other money, excluding fines and civil penalties, received or
13 collected by the department under sections 38-151 to 38-156 and the
14 Nebraska Regulation of Health Professions Act.

15 (2) The department shall use the fund for the
16 administration and enforcement of such laws regulating the
17 individuals and businesses listed in section 38-121. ~~except for a~~
18 ~~percentage of the fees credited to the Nebraska Regulation of Health~~
19 ~~Professions Fund pursuant to section 71-6228.~~ Transfers may be made
20 from the ~~Professional and Occupational Credentialing Cash Fund~~ fund
21 to the General Fund at the direction of the Legislature. The State
22 Treasurer shall transfer any money in the Nebraska Regulation of
23 Health Professions Fund on the effective date of this act to the
24 Professional and Occupational Credentialing Cash Fund.

25 (3) Any money in the Professional and Occupational

1 Credentialing Cash Fund available for investment shall be invested by
2 the state investment officer pursuant to the Nebraska Capital
3 Expansion Act and the Nebraska State Funds Investment Act.

4 Sec. 3. Section 71-6201, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 71-6201 Sections 71-6201 to 71-6229 and section 9 of this
7 act shall be known and may be cited as the Nebraska Regulation of
8 Health Professions Act.

9 Sec. 4. Section 71-6202, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 71-6202 The purpose of the Nebraska Regulation of Health
12 Professions Act is to establish guidelines for the regulation of
13 health professions which are not licensed or regulated ~~prior to~~
14 ~~January 1, 1985,~~ and those licensed or regulated health professions
15 which seek to change their scope of practice. ~~The act is not intended~~
16 ~~and shall not be construed to apply to any regulatory entity created~~
17 ~~prior to January 1, 1985, or to any remedial or technical amendments~~
18 ~~to any laws which licensed or regulated activity prior to January 1,~~
19 ~~1985, except as provided in such act.~~ The Legislature believes that
20 all individuals should be permitted to ~~enter into a health profession~~
21 provide a health service, a health-related service, or an
22 environmental service unless there is an overwhelming need for the
23 state to protect ~~the interests of the public~~ from harm.

24 Sec. 5. Section 71-6203, Reissue Revised Statutes of
25 Nebraska, is amended to read:

1 71-6203 For purposes of the Nebraska Regulation of Health
2 Professions Act, unless the context otherwise requires, the
3 definitions found in sections 71-6204 to 71-6220.01 and section 9 of
4 this act shall be used.

5 Sec. 6. Section 71-6204, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 71-6204 Applicant group shall mean any health
8 professional group or organization, any individual, or any other
9 interested party which proposes that any health professional group
10 not previously regulated be regulated by the division or which
11 proposes to change the scope of practice of a regulated health
12 profession.

13 Sec. 7. Section 71-6206, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 71-6206 Certificate or certification shall mean a
16 voluntary process by which a statutory regulatory entity grants
17 recognition to an individual who has met certain prerequisite
18 qualifications specified by such regulatory entity and who may assume
19 or use certified in the title or designation to perform prescribed
20 ~~health professional tasks.~~

21 Sec. 8. Section 71-6208, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 71-6208 Director shall mean the Director of Public Health
24 of the Division of Public Health of the Department of Health and
25 Human Services.

1 Sec. 9. Division shall mean the Division of Public Health
2 of the Department of Health and Human Services.

3 Sec. 10. Section 71-6210, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 71-6210 Health profession shall mean ~~any regulated health~~
6 ~~profession or any health professional group not previously regulated.~~
7 a vocation involving health services, health-related services, or
8 environmental services requiring specialized knowledge and training.

9 Sec. 11. Section 71-6211, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 71-6211 Health professional group not previously
12 regulated shall mean those persons or groups who are not currently
13 licensed or otherwise regulated under the Uniform Credentialing Act,
14 who are determined by the director to be qualified by training,
15 education, or experience to perform the functions prescribed in this
16 section, and whose principal functions, customarily performed for
17 remuneration, are to render services directly or indirectly to
18 individuals for the purpose of:

19 (1) Preventing physical, mental, or emotional injury or
20 illness, excluding persons acting in their capacity as clergy;

21 (2) Facilitating recovery from injury or illness; ~~or~~

22 (3) Providing rehabilitative or continuing care following
23 injury or illness; or -

24 (4) Providing any other health service, health-related
25 service, or environmental service which may be subject to regulation

1 by the division.

2 Sec. 12. Section 71-6213, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 71-6213 License, licensing, or licensure shall mean
5 permission to engage in a health profession which would otherwise be
6 unlawful in this state in the absence of such permission and which is
7 granted to individuals who meet prerequisite qualifications and
8 allows them to perform prescribed ~~health professional~~ tasks and use a
9 particular title.

10 Sec. 13. Section 71-6216, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 71-6216 Public member shall mean an individual who is
13 not, and never was, a member of the health profession being
14 regulated, the spouse of a member, or an individual who does not have
15 and never has had a material financial interest in the rendering of
16 the health ~~professional service~~ profession being regulated or an
17 activity directly related to the health profession being regulated.

18 Sec. 14. Section 71-6217, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 71-6217 Registration shall mean the formal notification
21 which, prior to rendering services, a practitioner submits to a state
22 agency setting forth the name and address of the practitioner, the
23 location, nature, and operation of the health activity to be
24 practiced, and such other information which is required by the
25 regulatory entity. A registered practitioner may be subject to

1 discipline and standards of professional conduct established by the
2 regulatory entity ~~but shall not~~ and may be required to meet any test
3 of education, experience, or training in order to render services.

4 Sec. 15. Section 71-6218, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 71-6218 Regulated health professions shall mean those
7 persons or groups who are currently licensed or otherwise regulated
8 under the Uniform Credentialing Act, who are qualified by training,
9 education, or experience to perform the functions prescribed in this
10 section, and whose principal functions, customarily performed for
11 remuneration, are to render services directly or indirectly to
12 individuals for the purpose of:

13 (1) Preventing physical, mental, or emotional injury or
14 illness;

15 (2) Facilitating recovery from injury or illness; ~~or~~

16 (3) Providing rehabilitative or continuing care following
17 injury or illness; or -

18 (4) Providing any other health service, health-related
19 service, or environmental service which may be subject to regulation
20 by the division.

21 Sec. 16. Section 71-6221, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 71-6221 (1) ~~After January 1, 1985, a~~ A health profession
24 shall be regulated by the state only when:

25 (a) Unregulated practice can clearly harm or endanger the

1 health, safety, or welfare of the public; ~~and the potential for the~~
2 ~~harm is easily recognizable and not remote or dependent upon tenuous~~
3 ~~argument;~~

4 (b) Regulation of the health profession does not impose
5 significant new economic hardship on the public, significantly
6 diminish the supply of qualified practitioners, or otherwise create
7 barriers to service that are not consistent with the public welfare
8 and interest;

9 (c) The public needs, ~~and can reasonably be expected to~~
10 ~~benefit from,~~ assurance from the state of initial and continuing
11 professional ability; ~~by the state;~~ and

12 (d) The public cannot be ~~effectively~~ protected by ~~other~~
13 ~~means in a more cost effective manner.~~ a more effective alternative.

14 (2) If it is determined that practitioners of a health
15 profession not currently regulated are prohibited from the full
16 practice of their profession in Nebraska, then the following criteria
17 shall be used to determine whether regulation is necessary:

18 (a) Absence of a separate regulated profession creates a
19 situation of harm or danger to the health, safety, or welfare of the
20 public; ~~and the potential for the harm is easily recognizable and not~~
21 ~~remote or dependent upon tenuous argument;~~

22 (b) Creation of a separate regulated profession would not
23 create a significant new danger to the health, safety, or welfare of
24 the public;

25 (c) Creation of a separate regulated profession would

1 benefit the health, safety, or welfare of the public; and

2 (d) The public cannot be ~~effectively protected by other~~
3 ~~means in a more cost effective manner. a more effective alternative.~~

4 (3) ~~After March 18, 1988, the~~The scope of practice of a
5 regulated health profession shall be changed only when:

6 ~~(a) The present scope of practice or limitations on the~~
7 ~~scope of practice create a situation of harm or danger to the health,~~
8 ~~safety, or welfare of the public and the potential for the harm is~~
9 ~~easily recognizable and not remote or dependent upon tenuous~~
10 ~~argument;~~

11 ~~(b) The proposed change in scope of practice does not~~
12 ~~create a significant new danger to the health, safety, or welfare of~~
13 ~~the public;~~

14 ~~(e)~~(a) Enactment of the proposed change in scope of
15 practice would benefit the health, safety, or welfare of the public;
16 and

17 ~~(d) The public cannot be effectively protected by other~~
18 ~~means in a more cost effective manner.~~

19 (b) The proposed change in scope of practice does not
20 create a significant new danger to the health, safety, or welfare of
21 the public;

22 (c) The current education and training for the health
23 profession adequately prepares practitioners to perform the new skill
24 or service;

25 (d) There are appropriate postprofessional programs and

1 competence assessment measures available to assure that the
2 practitioner is competent to perform the new skill or service in a
3 safe manner; and

4 (e) There are adequate measures to assess whether
5 practitioners are competently performing the new skill or service and
6 to take appropriate action if they are not performing competently.

7 (4) ~~The Division of Public Health~~ division shall, by rule
8 and regulation, establish standards for the application of each
9 criterion which shall be used by the review bodies in recommending
10 whether proposals for credentialing or change in scope of practice
11 meet the criteria.

12 Sec. 17. Section 71-6223, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 71-6223 (1) An applicant group shall submit a letter of
15 intent to file an application to the director on forms prescribed by
16 the director. The letter of intent shall identify the applicant
17 group, the proposed regulation or change in scope of practice sought,
18 and information sufficient for the director to determine whether the
19 application is eligible for review.

20 (2) The director shall notify the applicant group as to
21 whether it is eligible for review within fifteen days ~~of~~ after the
22 receipt of the letter of intent. The final application shall be
23 submitted to the director who shall notify the applicant group of its
24 acceptance for review within fifteen days ~~of~~ after receipt of the
25 final application. If more than one application is received in a

1 given year, the director may establish the order in which
2 applications shall be reviewed.

3 (3) The application shall include an explanation of:

4 ~~(1) The problem and why regulation or change of the scope~~
5 ~~of practice of a health profession is necessary, including (a) the~~
6 ~~nature of the potential harm to the public if the health profession~~
7 ~~is not regulated or the scope of practice of a health profession is~~
8 ~~not changed and the extent to which there is a threat to public~~
9 ~~health and safety, (b) the extent to which consumers need, and will~~
10 ~~benefit from, a method of regulation identifying competent~~
11 ~~practitioners and indicating typical employers, if any, of~~
12 ~~practitioners in the health profession, and (c) the extent of~~
13 ~~autonomy a practitioner has, as indicated by the extent to which the~~
14 ~~health profession calls for independent judgment, the extent of skill~~
15 ~~or experience required in making the independent judgment, and the~~
16 ~~extent to which practitioners are supervised;~~

17 ~~(2) The efforts made to address the problem, including~~
18 ~~(a) voluntary efforts, if any, by members of the health profession to~~
19 ~~establish a code of ethics or help resolve disputes between health~~
20 ~~practitioners and consumers and (b) recourse to, and the extent of~~
21 ~~use of, applicable law and whether present law could be strengthened~~
22 ~~to control the problem;~~

23 ~~(3) If the application is for the regulation of an~~
24 ~~unregulated health profession, an analysis of all feasible methods of~~
25 ~~regulation, including those methods listed in section 71-6222,~~

1 ~~identifying why each method is or is not appropriate for regulation~~
2 ~~of the profession;~~

3 ~~(4) The benefit to the public if the health profession is~~
4 ~~regulated or the scope of practice of a health profession is changed,~~
5 ~~including:~~

6 ~~(a) The extent to which the incidence of specific~~
7 ~~problems present in the unregulated health profession can reasonably~~
8 ~~be expected to be reduced by regulation;~~

9 ~~(b) Whether the public can identify qualified~~
10 ~~practitioners;~~

11 ~~(c) The extent to which the public can be confident that~~
12 ~~qualified practitioners are competent, as determined by:~~

13 ~~(i) Whether the proposed regulatory entity would be a~~
14 ~~board composed of members of the profession and public members or a~~
15 ~~state agency, or both, and, if appropriate, their respective~~
16 ~~responsibilities in administering the system of registration,~~
17 ~~certification, or licensure, including the composition of the board~~
18 ~~and the number of public members, if any; the powers and duties of~~
19 ~~the board or state agency regarding examination and revocation,~~
20 ~~suspension, and nonrenewal of registrations, certificates, or~~
21 ~~licenses; the adoption and promulgation of rules and canons of~~
22 ~~ethics; the conduct of inspections; the receipt of complaints and~~
23 ~~disciplinary action taken against practitioners; and how fees would~~
24 ~~be levied and collected to cover the expenses of administering and~~
25 ~~operating the regulatory system;~~

1 ~~(ii) If there is a grandfather clause, whether such~~
2 ~~practitioners will be required to meet the prerequisite~~
3 ~~qualifications established by the regulatory entity at a later date;~~

4 ~~(iii) The nature of the standards proposed for~~
5 ~~registration, certification, or licensure as compared with the~~
6 ~~standards of other jurisdictions;~~

7 ~~(iv) Whether the regulatory entity would be authorized to~~
8 ~~enter into reciprocity agreements with other jurisdictions; and~~

9 ~~(v) The nature and duration of any training including,~~
10 ~~but not limited to, whether the training includes a substantial~~
11 ~~amount of supervised field experience; whether training programs~~
12 ~~exist in this state; if there will be an experience requirement;~~
13 ~~whether the experience must be acquired under a registered,~~
14 ~~certified, or licensed practitioner; whether there are alternative~~
15 ~~routes of entry or methods of meeting the prerequisite~~
16 ~~qualifications; whether all applicants will be required to pass an~~
17 ~~examination; and if an examination is required, by whom it will be~~
18 ~~developed and how the costs of development will be met; and~~

19 ~~(d) Assurance of the public that practitioners have~~
20 ~~maintained their competence, including whether the registration,~~
21 ~~certification, or licensure will carry an expiration date and whether~~
22 ~~renewal will be based only upon payment of a fee or will involve~~
23 ~~reexamination, peer review, or other enforcement;~~

24 ~~(a) The problem created by not regulating a health~~
25 ~~professional group not previously regulated or by not changing the~~

1 scope of practice of a regulated health profession;

2 (b) If the application is for the regulation of a health
3 professional group not previously regulated, all feasible methods of
4 regulation, including those methods listed in section 71-6222, and
5 the impact of such methods on the public;

6 (c) The benefit to the public of regulating a health
7 professional group not previously regulated or changing the scope of
8 practice of a regulated health profession;

9 ~~(5)-(d) The extent to which regulation or the change of~~
10 ~~scope of practice might harm the public; , including:~~

11 ~~(a) The extent to which regulation will restrict entry~~
12 ~~into the health profession as determined by (i) whether the proposed~~
13 ~~standards are more restrictive than necessary to ensure safe and~~
14 ~~effective performance and (ii) whether the proposed legislation~~
15 ~~requires registered, certificated, or licensed practitioners in other~~
16 ~~jurisdictions who migrate to this state to qualify in the same manner~~
17 ~~as state applicants for registration, certification, and licensure~~
18 ~~when the other jurisdiction has substantially equivalent requirements~~
19 ~~for registration, certification, or licensure as those in this state;~~
20 ~~and~~

21 ~~(b) Whether there are similar professions to that of the~~
22 ~~applicant group which should be included in, or portions of the~~
23 ~~applicant group which should be excluded from, the proposed~~
24 ~~legislation;~~

25 ~~(6) The maintenance of standards, including (a) whether~~

1 ~~effective quality assurance standards exist in the health profession,~~
2 ~~such as legal requirements associated with specific programs that~~
3 ~~define or enforce standards or a code of ethics, and (b) how the~~
4 ~~proposed legislation will assure quality as determined by the extent~~
5 ~~to which a code of ethics, if any, will be adopted and the grounds~~
6 ~~for suspension or revocation of registration, certification, or~~
7 ~~licensure;~~

8 (e) The type of standards that exist to ensure that a
9 practitioner of a health profession would maintain competency;

10 ~~(7)-(f)~~ A description of the health professional group
11 proposed for regulation, including a list of associations,
12 organizations, and other groups representing the practitioners in
13 this state, an estimate of the number of practitioners in each group,
14 and whether the groups represent different levels of practice; and

15 (g) The role and availability of third-party
16 reimbursement for the services provided by the applicant group;

17 (h) The experience of other jurisdictions in regulating
18 the practitioners affected by the application;

19 ~~(8)-(i)~~ The expected costs of regulation, including (a)
20 (i) the impact registration, certification, or licensure will have on
21 the costs of the services to the public and (b)-(ii) the cost to the
22 state and to the general public of implementing the proposed
23 legislation; and -

24 (j) Other information relevant to the requested review as
25 determined by the division.

1 Sec. 18. Section 71-6223.01, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 71-6223.01 Each application shall be accompanied by an
4 application fee of five hundred dollars to be submitted at the time
5 the letter of intent is filed. ~~All~~ The division shall remit all
6 application fees shall be deposited in the Nebraska Regulation of
7 Health Professions to the State Treasurer for credit to the
8 Professional and Occupational Credentialing Cash Fund. The
9 application fee shall not be refundable, but the director may waive
10 all or part of the fee if he or she finds it to be in the public
11 interest to do so. Such a finding by the director may include, but
12 shall not be limited to, circumstances in which the director
13 determines that the application would be eligible for review and:

- 14 (1) The applicant group is an agency of state government;
15 (2) Members of the applicant group will not be materially
16 affected by the implementation of the proposed regulation or change
17 in scope of practice; or
18 (3) Payment of the application fee would impose
19 unreasonable hardship on members of the applicant group.

20 Sec. 19. Section 71-6224, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 71-6224 (1) The director with the advice of the board
23 shall appoint an appropriate technical committee to examine and
24 investigate each application. The committee shall consist of six
25 appointed members and one member of the board designated by the board

1 who shall serve as chairperson of the committee. The chairperson of
2 the committee shall not be a member of the applicant group, any
3 health profession sought to be regulated by the application, or any
4 health profession which is directly or indirectly affected by the
5 application. The director shall ensure that the total composition of
6 the committee is fair, impartial, and equitable. In no event shall
7 more than ~~two members~~ one member of the same regulated health
8 profession, the applicant group, or the health profession sought to
9 be regulated by an application serve on a technical committee.

10 (2) As soon as possible after its appointment, the
11 committee shall meet and review the application assigned to it. ~~Each~~
12 ~~committee shall~~ The committee shall serve as a factfinding body and
13 undertake such investigation as it deems necessary to address the
14 issues identified in the application. As part of its investigation,
15 each committee shall consider available scientific evidence and
16 conduct public factfinding hearings, ~~and shall otherwise investigate~~
17 ~~the application.~~ Each committee shall comply with the Open Meetings
18 Act.

19 (3) An applicant group shall have the burden of producing
20 evidence to support its application.

21 ~~(3) Applicant groups shall have the burden of bringing~~
22 ~~forth evidence upon which the committee shall make its findings.~~ (4)
23 Each committee shall detail its findings in a report and file the
24 report with the board and the director. Each committee shall evaluate
25 the application presented to it on the basis of the appropriate

1 criteria as established in sections 71-6221 to 71-6223 and shall make
2 a recommendation for approval or denial. Whether it recommends
3 approval or denial of an application, the committee may make
4 additional recommendations regarding changes to the proposal or other
5 solutions to problems identified during the review and may comment on
6 the anticipated benefits to the health, safety, and welfare of the
7 public. ~~If a committee finds that all appropriate criteria are not~~
8 ~~met, it shall recommend denial of the application. If it finds that~~
9 ~~all appropriate criteria are met by the application as submitted, it~~
10 ~~shall recommend approval. If the committee finds that the criteria~~
11 ~~would be met if amendments were made to the application, it may~~
12 ~~recommend such amendments to the applicant group and it may allow~~
13 ~~such amendments to be made before making its final recommendations.~~
14 If the committee recommends approval of an application for regulation
15 of a health profession not currently regulated, it shall also
16 recommend the least restrictive method of regulation to be
17 implemented consistent with the cost-effective protection of the
18 public and with section 71-6222. The committee may recommend a
19 specific method of regulation not listed in section 71-6222 if it
20 finds that such method is the best alternative method of regulation.
21 ~~Whether it recommends approval or denial of an application, the~~
22 ~~committee may make additional recommendations regarding solutions to~~
23 ~~problems identified during the review.~~

24 Sec. 20. Section 71-6225, Reissue Revised Statutes of
25 Nebraska, is amended to read:

1 71-6225 The board shall receive reports from the
2 technical committees and shall meet to review and discuss each
3 report. The board shall apply the criteria established in sections
4 71-6221 to 71-6223 and compile its own report, including its findings
5 and recommendations, and submit such report, together with the
6 committee report, to the director. The recommendation of the board
7 shall be developed in a manner consistent with subsection ~~(3)~~(4) of
8 section 71-6224.

9 Sec. 21. Section 71-6226, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 71-6226 (1) After receiving and considering reports from
12 the committee or the board, the director shall prepare a final report
13 for the Legislature. The final report shall include copies of the
14 committee report and the board report, if any, but the director shall
15 not be bound by the findings and recommendations of such reports. The
16 director in compiling his or her report shall apply the criteria
17 established in sections 71-6221 to 71-6223 and may consult with the
18 board or the committee. The recommendation of the director shall be
19 developed in a manner consistent with subsection ~~(3)~~(4) of section
20 71-6224. The final report shall be submitted to the Speaker of the
21 Legislature, the Chairperson of the Executive Board of the
22 Legislature, and the Chairperson of the Health and Human Services
23 Committee of the Legislature no later than ~~nine~~twelve months after
24 the application is submitted to the director and found to be complete
25 and shall be made available to all other members of the Legislature

1 upon request.

2 (2) The director may recommend that no legislative action
3 be taken on an application. If the director recommends that an
4 application of an applicant group be approved, the director shall
5 recommend an agency to be responsible for the regulation and the
6 level of regulation to be assigned to such applicant group.

7 (3) An application which is resubmitted shall be
8 considered the same as a new application.

9 Sec. 22. Original sections 38-151, 71-6201, 71-6202,
10 71-6203, 71-6204, 71-6206, 71-6208, 71-6210, 71-6211, 71-6213,
11 71-6216, 71-6217, 71-6218, 71-6221, 71-6223, 71-6223.01, 71-6224,
12 71-6225, and 71-6226, Reissue Revised Statutes of Nebraska, and
13 section 38-157, Revised Statutes Cumulative Supplement, 2010, are
14 repealed.

15 Sec. 23. The following section is outright repealed:
16 Section 71-6228, Reissue Revised Statutes of Nebraska.