

# One Hundred Second Legislature - Second Session - 2012

## Introducer's Statement of Intent

### LB834

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**Chairperson: Senator Kathy Campbell**

**Committee: Health and Human Services**

**Date of Hearing: January 19, 2012**

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

This bill makes six basic changes to the law that governs the credentialing review process known as the "407 process."

1. Expanding coverage: The credentialing review process has traditionally been limited to professions directly related to health care. LB 834 expands the range of groups and individuals that come under the Act so that all professions which are or could be regulated by HHS are subject to review through the 407 process. This means that professions like nail technicians, funeral directors and veterinarians will now be eligible to apply for a change in scope of practice through the credentialing review process, commonly known as the "407" process. The Department has had requests for a 407 type review of such professions but does not have the statutory authority to do so. This bill gives them that authority.

2. Changing the scope of practice criteria: This bill retains the criteria for regulating new professions in Section 71-6221(1) and (2), but eliminates confusing and superfluous language. In the scope of practice criteria in Section 71-8221(3), the requirement that an applicant group must show that the current situation creates a "risk of harm" is removed but an applicant group must still show that the change does not create a new harm or danger to the public. The scope-of-practice criteria also require consideration of the benefit the change in scope of practice would bring to the public and what education and discipline are in place.

3. Simplifying the Application Requirements: In Section 71-6223, much of the prescriptive language regarding what an application must include is removed and replaced with new language that focuses on the key issues of stating the problem, stating the solution and providing evidence and documentation to validate the request. Two new criteria are added dealing with the issues of third-party reimbursement, and the experience of other states in dealing with the topic of the application.

4. Changing the Role of Technical Review Committee: In Section 71-6224, the role of the Technical Committee is changing. The changes include:

- \* Making a clear statement that the committee should make such investigation as it deems necessary. This may include asking the applicant group for further information and seeking scientific evidence from sources other than the applicant group;
- \* Adding a requirement that the committee recommend whether the proposal will benefit the health, safety and welfare of the public;
- \* Retaining the requirement that the committee evaluate the proposal based on the criteria in the law, but eliminating the language requiring the committee to recommend denial if any one of the statutory criteria are not met. Instead, the committee will be required to weigh the evidence and deny or approve the application; and
- \* Changing the process of the Committee recommending amendments for the applicant group's approval and stating instead that the Committee may recommend amendments to the proposal or other solutions to problems identified during the review.

\* 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. Updating the Funding Mechanism: Expanding the law to cover all groups that are or could be regulated by the Division of Public Health eliminates the need for a separate fund to support the credentialing review process. Therefore, the bill transfers 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. Changing the Time Frame of Application: Changes the time frame in which the Department has to make a final recommendation from the current 9 months to 12 months, starting at the point when the application is submitted and found to be complete.

**Principal Introducer:** \_\_\_\_\_

**Senator Mike Gloor**