

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 859

Introduced by Campbell, 25.

Read first time January 11, 2016

Committee: Health and Human Services

- 1 A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend
- 2 sections 38-140 and 38-1,124, Reissue Revised Statutes of Nebraska;
- 3 to change provisions relating to cease and desist orders; to repeal
- 4 the original sections; and to declare an emergency.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 38-140, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 38-140 Every business credentialed under the Uniform Credentialing
4 Act shall report to the department the name of every person without a
5 credential that he or she has reason to believe is engaged in practicing
6 any profession or operating any business for which a credential is
7 required by the Uniform Credentialing Act. The department may, along with
8 other law enforcement agencies, investigate such reports or other
9 complaints of unauthorized practice or unauthorized operation of a
10 business. The director, with the recommendation of the appropriate board,
11 may issue an order to cease and desist the unauthorized practice of such
12 profession or unauthorized operation of such business as a measure to
13 obtain compliance with the applicable credentialing requirements by the
14 person or business prior to referral of the matter to the Attorney
15 General for action. For businesses that do not have a board, the
16 department may issue such cease and desist orders. Practice of such
17 profession or operation of such business without a credential after
18 receiving a cease and desist order is a Class III felony.

19 Sec. 2. Section 38-1,124, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 38-1,124 (1) The department shall enforce the Uniform Credentialing
22 Act and for that purpose shall make necessary investigations. Every
23 credential holder and every member of a board shall furnish the
24 department such evidence as he or she may have relative to any alleged
25 violation which is being investigated.

26 (2) Every credential holder shall report to the department the name
27 of every person without a credential that he or she has reason to believe
28 is engaged in practicing any profession or operating any business for
29 which a credential is required by the Uniform Credentialing Act. The
30 department may, along with the Attorney General and other law enforcement
31 agencies, investigate such reports or other complaints of unauthorized

1 practice. The director, with the recommendation of the appropriate board,
2 may issue an order to cease and desist the unauthorized practice of such
3 profession or the unauthorized operation of such business as a measure to
4 obtain compliance with the applicable credentialing requirements by the
5 person prior to referral of the matter to the Attorney General for
6 action. Practice of such profession or operation of such business without
7 a credential after receiving a cease and desist order is a Class III
8 felony.

9 (3) Any credential holder who is required to file a report of loss
10 or theft of a controlled substance to the federal Drug Enforcement
11 Administration shall provide a copy of such report to the department.

12 Sec. 3. Original sections 38-140 and 38-1,124, Reissue Revised
13 Statutes of Nebraska, are repealed.

14 Sec. 4. Since an emergency exists, this act takes effect when
15 passed and approved according to law.