

**ONE HUNDRED SIXTH LEGISLATURE - SECOND SESSION - 2020**  
**COMMITTEE STATEMENT**  
**LB755**

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**Hearing Date:** Thursday January 23, 2020  
**Committee On:** Health and Human Services  
**Introducer:** Blood  
**One Liner:** Provide for and change home services permits for barbers, cosmetology, and nail technology

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

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**Vote Results:**

**Aye:** 7 Senators Arch, Cavanaugh, Hansen, B., Howard, Murman, Walz, Williams  
**Nay:**  
**Absent:**  
**Present Not Voting:**

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**Oral Testimony:**

**Proponents:**

Senator Carol Blood  
Ken Allen

**Representing:**

Introducer  
Nebraska Board of Barber Examiners

**Opponents:**

**Representing:**

**Neutral:**

**Representing:**

**Summary of purpose and/or changes:**

LB 755 amends The Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art Practice Act and The Barber Act.

The change to The Barber Act would allow barbers to cut hair inside someone's home, which they are currently unable to do. Under the bill, to provide services in a client's home, barber shops would need to obtain a home barber services permit, and may only provide home barber services to an individual with an emergency or persistent circumstance. An emergency or persistent circumstance is one that significantly immobilizes a person, to the extent they are unable to regularly conduct routine daily living activities that involve leaving the home. The persistent circumstances added are "having sole responsibility for the care of a mentally disabled person requiring constant attention;" and "[having a] mental disability that [prevents the person from being able to leave the home with regularity.]" "Persistent circumstances" is also added into the Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art Practice Act, which already allows home services for nail technicians and cosmetologists. The bill lists how to obtain a home barber services permit, requirements for maintaining the permit, and when permits may be renewed. An applicant must hold an active license and submit an application to the board.

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**Explanation of amendments:**

AM 2480 replaces the bill and contains the provisions of LB 755, as introduced, and adds the provisions of LB 772 and LB 37 as amended, and LB 811, LB 825, and LB 834, as introduced.

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The provisions of LB 755 are contained in the following sections of the committee amendment:

Section 1, pp 1-2; Section 2, pp. 2-4; and Sections 25, 26, 27, 28, 29, 30, 31, and 32, pp. 13-16.

#### LB 772

The amended provisions of LB 772 are contained in the following sections of the committee amendment:

Sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, and 19, pp. 4-12.

LB 772, as amended by the committee amendment, would amend The Medicine and Surgery Practice Act to change the scope of practice for physician assistants (PAs). The bill removes many restrictions that are currently placed on PAs, such as what must be in their collaborative agreement; their ability to work in a hospital; their ability to prescribe medication; and restrictions on PAs with less than two years of experience. It would amend language throughout to remove the word "control" when describing the relationship between a PA and supervising physician; and instead adds the language "collaborative" or its derivative. A PA would no longer be considered a legal agent of a supervising physician.

LB772 would also allow a PA, if acting under a collaborative agreement with a supervising physician, to be able to prescribe drugs and devices, including those on the controlled substances list, or distribute drug samples; and would be able to plan a therapeutic regimen including various treatments (AM2480, Section 18, pp. 10-11). LB 772 would also allow a PA to be a nonvoting member of the Board of Medicine and Surgery (AM2480, Section 19, pp. 11-12). The PA would only be able to provide medical services if the services are within the supervising physician's or supervising podiatrist's scope of practice, and if the PA has the training, education, and experience to provide such services.

LB 772 would allow PAs to provide medical services in collaboration with any physician in their supervising physician's physician group, so long as the PA is actually collaborating with the other physician. The PA may only perform those services if they are within the scope of the PA's education, experience, and training. It would further mandate a physician assistant have at least one supervising physician for each employer. The PA would need to have a supervising physician for each specialty practice area if the employer is a multispecialty practice. It would also specifically allow podiatrists to supervise PAs (AM2480, Section 13, pp. 6-8).

Motion to include LB 772 (as amended with committee amendment AM 2480) as part of the Committee Amendment to LB 755:

Vote Results: 7-0-0-0

Voting Aye: Senators Howard, Arch, Cavanaugh, B. Hansen, Murman, Walz, and Williams

Voting Nay: None

Absent: None

Present Not Voting: None

Public Hearing (January 24, 2020) testifiers

Proponents:

Senator Matt Williams, Introducer

Kurt Schmeckpeper, Nebraska Academy of Physicians Assistants

Tamara Dolphens, Nebraska Academy of Physicians Assistants

Robert Wergin, Nebraska Medical Association

Adam Kuenning, Immanuel

Opponents - None

Neutral - None

#### LB 37

The amended provisions of LB 37 are contained in the following sections of the committee amendment:

Section 15, pp. 9-10; Sections 20, 21, 22, 23, and 24, pp. 12-13.

LB 37, as amended by committee amendment AM 2480, would allow physician assistants (PAs) to practice under the supervision of and collaboration with podiatrists.

It would amend the Podiatry Practice Act to outline the services a physician assistant can provide. Specifically, a PA may only perform services that are delegated by and provided under the supervision of the podiatrist; services must be within the podiatrist's scope of practice; appropriate to the level of education, experience, and training of the PA; and are not otherwise prohibited by law. (AM2480, Section 24, pp. 12-13).

LB 37 would also define a supervising podiatrist, and supervision. (AM2480, Sections 22, 23; p. 12). To be a supervising podiatrist: the podiatrist must be licensed without any restrictions on his or her ability to supervise a physician assistant; the podiatrist and physician assistant must have a written agreement laying out the terms of supervision, scope of practice, etc. and keep this agreement on file in certain locations; the supervision by the podiatrist would not require the physical presence of the podiatrist when the services are rendered by the physician assistant; and a podiatrist, like other supervising physicians, may not supervise more than four PAs at one time, unless the Board of Medicine and Surgery allows the podiatrist to do so (AM2480, Section 15, pp. 9-10).

Motion to include LB 37 (as amended with committee amendment AM 2480) as part of the Committee Amendment to LB 755:

Vote Results: 7-0-0-0

Voting Aye: Senators Howard, Arch, Cavanaugh, B. Hansen, Murman, Walz, and Williams

Voting Nay: None

Absent: None

Present Not Voting: None

Public Hearing (January 30, 2019) testifiers

Proponents:

Senator Robert Hilkemann, Introducer

Robert Greenhagen, Nebraska Podiatric Medical Association

Opponents - None

Neutral:

Michelle Weber, Nebraska Academy of Physician Assistants

Britt Thedinger, Nebraska Medical Association

LB 825

The provisions of LB 825 are contained in Section 33 of the committee amendment.

LB825 amends Nebraska's infant disease screening statute to add "spinal muscular atrophy" as a disease screened for in infants. "Spinal muscular atrophy" is also added to diseases for which dietary and therapeutic management shall be the responsibility of the parent(s), guardian(s), or custodian(s) of the infant.

Motion to include LB 825 as part of the Committee Amendment to LB 755:

Vote Results: 7-0-0-0

Voting Aye: Senators Howard, Arch, Cavanaugh, B. Hansen, Murman, Walz, and Williams

Voting Nay: None

Absent: None

Present Not Voting: None

Public Hearing (January 22, 2020) testifiers

Proponents:

Senator Robert Hilkemann, Introducer

Dr. Geetanjali Rathore, Children's Hospital & Medical Center

Matt Schaefer, Nebraska Medical Association

Chris Arnold, Care SMA

Robert Rauner, Self

Edison McDonald, The ARC of Nebraska

David Slattery, Nebraska Hospital Association

Opponents - None

Neutral - None

LB 811

The provisions of LB 811 are found in Section 34 of the committee amendment.

LB 811 would amend The Parkinson's Disease Registry Act. The Act would ensure pharmacists include specific information in their semi-annual report with the department. This bill removes the requirement of including the patient's social security number, and adds the requirement of including the patient's date of birth.

Motion to include LB 811 as part of the Committee Amendment to LB 755:

Vote Results: 7-0-0-0

Voting Aye: Senators Howard, Arch, Cavanaugh, B. Hansen, Murman, Walz, and Williams

Voting Nay: None

Absent: None

Present Not Voting: None

Public Hearing (January 23, 2020) testifiers

Proponents:

Senator John McCollister, Introducer

Randi Scott, Parkinson's Nebraska

Joni Cover, Nebraska Pharmacist's Association

Dr. Michelle Walsh, Nebraska Medical Association

Opponents - None

Neutral -None

LB 834

The provisions of LB 834 are contained in the following sections of the committee amendment:

Sections 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, and 46, pp. 20-35.

LB834 would amend the Nebraska Engineers and Architects Regulation Act (Neb. Rev. Stat. Sections 81-3401 through 81-3455). It would allow architecture candidates to begin taking their examination in conjunction with completing their education and experience requirements. It also allows engineers to take one of their two examinations prior to completing four years of post-accredited degree experience.

LB834 would allow architecture candidates to take their examination without board approval (however, architecture candidates would still need to meet the current education, examination, and experience requirements before being licensed). The bill removes the language regarding minimum requirements for admission to examination for architects; allows for graduation from the Canadian Architectural Certification Board to fulfill the education requirement for licensure for architects; and adds that for an individual who has a valid architecture license in another jurisdiction, upon payment of a fee and application to the board, the architect may be issued a temporary permit for a definite time period and

definite project. (AM2480, Section 44, pp. 24-27).

LB834 would also add graduation from the Canadian Engineering Accreditation Board as fulfilling the education requirement for enrollment as an engineer-intern, and also as an acceptable education requirement for taking their examination on the principles and practice of engineering. It would remove the requirement of four post-accredited degree experience to take the principles and practice examination. The minimum requirements for licensure remain the same. Temporary engineering permits would be amended to mirror the temporary architecture permits. (AM2480, Section 45, 27-31).

LB834 would also amend some language regarding the Board of Architects. It would change the requirement for serving on the Board from having had direct supervision of work for five years to being licensed for five years. (AM2480, Section 39, pp. 21-22). Board members may be paid up to \$100 for a portion of a day's participation in meetings, traveling to meetings, or participating via telephone or electronic means. (AM2480, Section 40, pp. 22-23). The duties would shift from the secretary to the board for receiving and accounting for monies relating to the Engineers and Architects Regulation Fund; the State Treasurer would not have to transfer \$300,000 from the Engineers and Architects Regulation Fund on or before June 15, 2018 (AM2480, Section 41, p. 23); the board would not have to file a roster of all architects and engineers with the Secretary of State (AM2480, Section 42, p. 23-24); and the board could provide notice via means other than mail for license renewal (AM2480, Section 43, p. 24).

The bill would also insert and define ABET (AM2480, Section 37, p. 20-21); would remove language that states the provisions of the Engineers and Architects Regulation Act do not apply to an individual with a temporary permit (AM2480, Section 46, p. 31-34).

Motion to include LB 834 as part of the Committee Amendment to LB 755:

Vote Results: 7-0-0-0

Voting Aye: Senators Howard, Arch, Cavanaugh, B. Hansen, Murman, Walz, and Williams

Voting Nay: None

Absent: None

Present Not Voting: None

Public Hearing (January 24, 2020) testifiers

Proponents:

Senator John Arch, Introducer

Jon Wilbeck, Nebraska Board of Engineers and Architects

Jan Bostelman, Nebraska Board of Engineers and Architects

Jeanne McClure, American Council of Engineering Companies Nebraska

Nicole Fox, Platte Institute

Brian Kelly, Self

Kylie Steel, Self

Ken Kilzer, Self

Opponents:

Jeffrey Stevens, Self

Neutral - None

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Sara Howard, Chairperson