

ENGROSSED LEGISLATIVE BILL 1212

Introduced by Riepe, 12.

A BILL FOR AN ACT relating to occupational licensing; to amend sections 81-3437.01 and 81-3451, Reissue Revised Statutes of Nebraska, sections 38-2001 and 38-2002, Revised Statutes Cumulative Supplement, 2024, and section 81-3449, Revised Statutes Supplement, 2025; to define terms and provide for licensure of internationally trained physicians under the Medicine and Surgery Practice Act; to change and eliminate provisions relating to the Engineers and Architects Regulation Act; to harmonize provisions; to provide operative dates; and to repeal the original sections.

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

Section 1. Section 38-2001, Revised Statutes Cumulative Supplement, 2024, is amended to read:

38-2001 Sections 38-2001 to 38-2064 and sections 3 to 9 of this act shall be known and may be cited as the Medicine and Surgery Practice Act.

Sec. 2. Section 38-2002, Revised Statutes Cumulative Supplement, 2024, is amended to read:

38-2002 For the purposes of the Medicine and Surgery Practice Act and elsewhere in the Uniform Credentialing Act, unless the context otherwise requires, the definitions found in sections 38-2003 to 38-2022 and section 3 of this act apply.

Sec. 3. For purposes of sections 3 to 9 of this act:

(1) Assessment and evaluation program means a structured program approved by the department, with the recommendation of the board, which utilizes multiple assessment methods to evaluate an internationally trained physician's performance over time across the general competencies within the physician's intended scope of practice;

(2) General competencies means the six domains of professional competence

endorsed by the Coalition for Physician Accountability, including patient care and procedural skills, medical knowledge, practice-based learning and improvement, interpersonal and communication skills, professionalism, and systems-based practice;

(3) Health profession shortage area means a geographic region of the state that has been designated by the Nebraska Rural Health Advisory Commission pursuant to section 71-5665;

(4) Internationally trained physician means a physician who has: (a) Received a degree of doctor of medicine or its equivalent from a legally chartered medical school outside the United States; (b) completed a graduate medical education training program that is substantially similar to United States graduate medical education or residency, as determined by the board; (c) been licensed or otherwise authorized to practice medicine in a country other than the United States; (d) practiced medicine for at least three of the last five years following the completion of a graduate medical education training program, unless that period is waived by the board; and (e) been in good standing with any previous medical licensing or regulatory institution during the most recent three years of practice and has no pending discipline before the licensing or regulatory institution;

(5) Legally chartered medical school outside the United States means a medical school recognized by the Educational Commission for Foreign Medical Graduates that provides individuals with a medical education or training outside the United States that is substantially similar to the training required to qualify to practice medicine and surgery in this state, as determined by the board;

(6) Licensing examination means the United States Medical Licensing Examination;

(7) Participating health care entity means a federally qualified health center, hospital, or other entity that provides an assessment and evaluation program and is approved by the department, with the recommendation of the board. The department, with the recommendation of the board, may establish

additional criteria for qualification as a participating health care entity including criteria relating to the ability to implement a board-recommended assessment and evaluation program addressing the general competencies;

(8) Provisional license means a license to practice medicine issued pursuant to section 4 of this act; and

(9) Transitional license means a license issued pursuant to section 5 of this act that permits an internationally trained physician to practice as a practitioner in a health profession shortage area independently without the supervision of a participating health care entity.

Sec. 4. (1) The department, with the recommendation of the board, may issue a provisional license for no longer than three years to an internationally trained physician if the physician and the participating health care entity submit evidence that the physician:

(a) Meets the definition of an internationally trained physician as defined in section 3 of this act;

(b) Has a valid certification issued by the Educational Commission for Foreign Medical Graduates;

(c) Has achieved a passing score on step 1 and step 2 of the licensing examination;

(d) Has entered into an agreement with a participating health care entity for full-time employment under the supervision of a licensed physician. Such agreement shall provide that the participating health care entity shall conduct an initial formative needs assessment, develop an individualized learning and supervision plan, and assess and evaluate the physician's familiarity with the standards appropriate for medical practice in the state, consistent with assessment and evaluation criteria established in rules and regulations adopted and promulgated by the department, with the recommendation of the board, and designed to address all general competencies;

(e) Is either a United States citizen or is legally authorized to work by the federal government pursuant to 8 C.F.R. 274a.12, as such regulation existed on January 1, 2026; and

(f) Has satisfied other criteria as required by the board which shall not include a medical education residency program as a prerequisite.

(2) An internationally trained physician practicing under a provisional license shall be allowed to renew such physician's provisional license for one three-year period. No physician practicing under a provisional license shall be allowed to hold a provisional license for more than six years.

(3)(a) Within six months after a physician commences practice under a provisional license, the participating health care entity shall: (i) Conduct an initial formative needs assessment of the internationally trained physician's competence in the general competencies, including a review of the physician's prior graduate medical education and practice experience using a process approved by the department, with the recommendation of the board; and (ii) submit an individualized learning and supervision plan to the department for the physician that is informed by the initial formative needs assessment and addresses all general competencies for the physician's intended scope of practice. A copy of such plan shall be provided to the board.

(b) The initial formative needs assessment shall be used to identify areas of strength and areas in which additional support is needed and shall not be used to deny issuance of a provisional license to a physician who otherwise meets the requirements of subsection (1) of this section.

(4)(a) The assessment and evaluation program utilized by a participating health care entity for a physician practicing under a provisional license shall include, but not be limited to: (i) Standardized assessments of medical knowledge; (ii) direct observation of the physician's clinical skills; (iii) multi-source feedback from physicians and other health care team members and, when feasible, patients; and (iv) periodic audits of medical records for which the physician is responsible.

(b) The assessment and evaluation program shall ensure that the physician engages in a sufficient volume and breadth of cases to permit meaningful assessment across the general competencies for the physician's intended scope of practice.

(5) An internationally trained physician practicing under a provisional license shall be supervised and employed by a participating health care entity. All practice under a provisional license shall initially occur under supervision by a supervisor who meets the requirements described in subdivision (a) of this subsection. The level of supervision may be adjusted over time based on documented competence demonstrated through the assessment and evaluation program, in accordance with standards and supervision levels established in rules and regulations adopted and promulgated by the department, with the recommendation of the board. A participating health care entity shall:

(a) Employ one or more supervisors to supervise internationally trained physicians. A supervisor shall (i) be licensed to practice medicine in the state in good standing, and (ii) possess all necessary institutional privileges;

(b) Carry medical malpractice insurance covering such physician during the period of time the physician practices under the provisional license; and

(c) Complete all required assessment and evaluation program criteria.

(6) The department, with the recommendation of the board, may adopt and promulgate rules and regulations to carry out this section, including, but not limited to, criteria for participating health care entities and supervisors, requirements for assessment and evaluation programs, supervision levels, and required forms for initial formative needs assessments and individualized learning and supervision plans.

Sec. 5. (1) The department, with the recommendation of the board, may issue a transitional license for no longer than three years to an internationally trained physician if such physician has:

(a) Practiced medicine for three years under the supervision of a participating health care entity;

(b) Completed and received satisfactory results on the participating health care entity's department-approved and board-recommended assessment and evaluation program which shall document, using multiple assessment methods, the physician's performance across the general competencies within the physician's

intended scope of practice;

(c) Received a satisfactory score on step 3 of the licensing examination;
and

(d) Completed additional prerequisites required by the board. Such prerequisites shall not include a medical education residency program.

(2) Prior to issuing a transitional license, the department shall receive from the participating health care entity a final assessment and evaluation report on a form prescribed by the department, with the recommendation of the board, affirming that, in the judgment of the participating health care entity, the physician has demonstrated the ability to engage in independent and unsupervised practice within the physician's intended scope of practice across all general competencies. The board shall be provided with a copy of the final assessment and evaluation report and may review the report and make a recommendation to the department regarding issuance, denial, or renewal of a provisional or transitional license under this section.

(3) The transitional license may be renewed for one three-year period.

Sec. 6. (1) After an internationally trained physician has practiced under a provisional license for a minimum of three years and a transitional license for a minimum of three years, such physician shall be eligible to apply for an unrestricted license to practice medicine in this state. Prior to granting such unrestricted license, the board shall review and evaluate assessment data and reports submitted under sections 4 and 5 of this act.

(2) While practicing under a provisional or transitional license, the physician shall submit the following information to the department and the board every six months or upon request: (a) A statement certifying that the physician is employed as a physician in this state and not subject to discipline; and (b) a disclosure of the results of any assessment or evaluation completed by the participating health care entity under an approved assessment and evaluation program pursuant to section 5 of this act.

(3) The physician shall notify the department and the board of any changes in employment during the period of time a provisional license is in effect.

Sec. 7. A participating health care entity employing a physician practicing under a provisional or transitional license shall ensure that such physician:

(1) Is subject to, and protected by, the entity's policies regarding work hours, discrimination and harassment, and access to wellness and support services on the same basis as other physicians employed by the entity; and

(2) Receives written information at the commencement of employment regarding the policies described in subdivision (1) of this section.

Sec. 8. (1) In addition to other grounds for disciplinary action against the license under the Uniform Credentialing Act, the department may take disciplinary action, including suspension and revocation, against a license granted pursuant to section 4 or 5 of this act for professional misconduct, noncompliance with licensure requirements, or an unsatisfactory assessment or evaluation submitted by a participating health care entity. In determining whether an assessment or evaluation is unsatisfactory under this subsection, the department may consider the totality of assessment data generated under an approved assessment and evaluation program, including repeated deficiencies in one or more general competencies and the physician's response to remediation. The department shall consider any board recommendation relating to an assessment or evaluation described in this section.

(2) A provisional or transitional license may be suspended, pending a full disciplinary review by the department if, in the judgment of a participating health care entity, the internationally trained physician's practice jeopardizes the health and well-being of a patient.

Sec. 9. An internationally trained physician aggrieved by any action against such physician's provisional or transitional license may appeal the decision. The appeal shall be in accordance with the Administrative Procedure Act.

Sec. 10. Section 81-3437.01, Reissue Revised Statutes of Nebraska, is amended to read:

81-3437.01 (1) Each licensee authorized to practice architecture or

engineering must obtain a seal. The design of the seal shall be determined by the board. If a professional engineer's license has been issued in a specific discipline, the discipline shall be specified on the seal. The following information shall be on the seal: State of Nebraska; licensee's name; licensee's license number; and the words Architect or Professional (discipline) Engineer.

(2) Whenever the seal is applied, the licensee's signature and the date of the seal's application shall be placed across or adjacent to the seal in a manner that does not obscure the licensee's name or the license number on the seal. The board may adopt and promulgate rules and regulations for application of the seal.

(3) The seal shall be on all technical submissions and calculations whenever presented to a client or any public or governmental agency. It shall be unlawful for a licensee to affix his or her seal or to permit his or her seal to be affixed to any document after the expiration of the certificate or for the purpose of aiding or abetting any other person to evade or attempt to evade the Engineers and Architects Regulation Act.

(4) The seal shall be placed on all originals, copies, tracings, or other reproducible drawings and the first page of specifications, reports, and studies in such a manner that the seal, signature, and date will be reproduced and be in compliance with rules and regulations of the board. The application of the licensee's seal shall constitute certification that the work was done by the licensee or under the licensee's control.

(5) In the case of a temporary permit issued to a licensee of another state, the licensee shall use his or her state of licensure seal and shall affix his or her signature and temporary permit to all his or her work.

Sec. 11. Section 81-3449, Revised Statutes Supplement, 2025, is amended to read:

81-3449 The provisions of the Engineers and Architects Regulation Act regulating the practice of architecture do not apply to the following activities:

(1) The construction, remodeling, alteration, or renovation of a detached single-family through four-family dwelling of less than five thousand square feet of above grade finished space. Any detached or attached sheds, storage buildings, and garages incidental to the dwelling are not included in the tabulation of finished space. Such exemption may be increased by rule and regulation of the board adopted pursuant to the Negotiated Rulemaking Act but shall not exceed the Type V, column B, limitations set forth by the allowable height and building areas table in the state building code adopted in section 71-6403;

(2) The construction, remodeling, alteration, or renovation of a one-story commercial or industrial building or structure of less than five thousand square feet of above grade finished space which does not exceed thirty feet in height unless such building or structure, or the remodeling or repairing thereof, provides for the employment, housing, or assembly of twenty or more persons. Any detached or attached sheds, storage buildings, and garages incidental to the building or structure are not included in the tabulation of finished space. Such exemption may be increased by rule and regulation of the board adopted pursuant to the Negotiated Rulemaking Act but shall not exceed the Type V, column B, limitations set forth by the allowable height and building areas table in the state building code adopted in section 71-6403;

(3) The construction, remodeling, alteration, or renovation of farm buildings, including barns, silos, sheds, or housing for farm equipment and machinery, livestock, poultry, or storage, if the structures are designed to be occupied by no more than twenty persons. Such exemption may be increased by rule and regulation of the board adopted pursuant to the Negotiated Rulemaking Act but shall not exceed the Type V, column B, limitations set forth by the allowable height and building areas table in the state building code adopted in section 71-6403;

(4) Any public works project with contemplated expenditures for a completed project that do not exceed one hundred thousand dollars. The board shall adjust the dollar amount in this subdivision every fifth year. The first

such adjustment after August 27, 2011, shall be effective on July 1, 2014. The adjusted amount shall be equal to the then current amount adjusted by the cumulative percentage change in the Consumer Price Index for All Urban Consumers published by the Federal Bureau of Labor Statistics for the five-year period preceding the adjustment date. The amount shall be rounded to the next highest one-thousand-dollar amount;

(5) Any alteration, renovation, or remodeling of a building if the alteration, renovation, or remodeling does not affect architectural or engineering safety features of the building;

(6) The teaching, including research and service, of architectural subjects in a college or university offering a degree in architecture accredited by the National Architectural Accrediting Board;

(7) The preparation of submissions to architects, building officials, or other regulating authorities by the manufacturer, supplier, or installer of any materials, assemblies, components, or equipment that describe or illustrate the use of such items, the preparation of any details or shop drawings required of the contractor by the terms of the construction documents, or the management of construction contracts by persons customarily engaged in contracting work;

(8) The preparation of technical submissions or the administration of construction contracts by employees of a person or organization lawfully engaged in the practice of architecture if such employees are acting under the direct supervision of an architect;

(9) A public service provider or an organization who employs a licensee performing professional services for itself;

(10) The practice by a qualified member of another legally recognized profession who is otherwise licensed or certified by this state or any political subdivision to perform services consistent with the laws of this state, the training, and the code of ethics of the respective profession, if such qualified member does not represent himself or herself to be practicing architecture and does not represent himself or herself to be an architect;

(11) Financial institutions making disbursements of funds in connection

with construction projects;

(12) Earthmoving and related work associated with soil and water conservation practices performed on farmland or any land owned by a political subdivision that is not subject to a permit from the Department of Water, Energy, and Environment or for work related to livestock waste facilities that are not subject to a permit by the Department of Water, Energy, and Environment; and

(13) The work of employees and agents of a political subdivision or a nonprofit entity organized for the purpose of furnishing electrical service performing, in accordance with other requirements of law, their customary duties in the administration and enforcement of codes, permit programs, and land-use regulations and their customary duties in utility and public works construction, operation, and maintenance.

Sec. 12. Section 81-3451, Reissue Revised Statutes of Nebraska, is amended to read:

81-3451 (1) The following shall be considered as the minimum evidence satisfactory to the board that an applicant is eligible for enrollment as an engineer-intern:

(a)(i) Graduation from a program accredited by the Engineering Accreditation Commission of ABET;

(ii) Graduation from a program accredited by the Canadian Engineering Accreditation Board; or

(iii) Meeting the Education Standard of the National Council of Examiners for Engineering and Surveying as determined by the council;

(b) Passage of an examination in the fundamentals of engineering as accepted by the Board of Engineers and Architects;

(c) Submittal of an application accompanied by the fee established by the board; and

(d) Demonstration of good reputation and good ethical character by attestation of references. The names and complete addresses of references acceptable to the board shall be included in the application for enrollment.

(2) The following shall be considered as the minimum evidence satisfactory to the board that an applicant is eligible for licensure as a professional engineer:

(a)(i) Graduation from a program accredited by the Engineering Accreditation Commission of ABET;

(ii) Graduation from a program accredited by the Canadian Engineering Accreditation Board; or

(iii) Meeting the Education Standard of the National Council of Examiners for Engineering and Surveying as determined by the council;

(b) Passage of an examination in the fundamentals of engineering that is accepted by the Board of Engineers and Architects;

(c) Passage of an examination in the principles and practice of engineering that is accepted by the board;

(d) A record of four years or more of progressive post-accredited-degree experience on engineering projects of a grade and character which indicates to the board that the applicant may be competent to practice engineering;

(e) Submittal of an application for licensure as a professional engineer accompanied by a fee established by the board;

(f) Demonstration of good reputation and good ethical character by attestation of references. The names and complete addresses of references acceptable to the board shall be included in the application for licensure; and

(g) Successful passage of an examination on the statutes, rules, and other requirements unique to this state.

(3) An individual holding a license to practice engineering issued by a proper authority of any jurisdiction, based on credentials that do not conflict with subsection (2) of this section and other provisions of the Engineers and Architects Regulation Act, may, upon application, be licensed as a professional engineer after:

(a) Demonstration of good reputation and good ethical character by attestation of references. The names and complete addresses of references acceptable to the board shall be included in the application for licensure; and

(b) Successful passage of an examination on the statutes, rules, and other requirements unique to this state.

(4) An individual who has been licensed to practice engineering for fifteen years or more in one or more jurisdictions and who has practiced engineering for fifteen years in compliance with the licensing laws in the jurisdictions where his or her engineering practice has occurred since initial licensure may, upon application, be licensed as a professional engineer after:

(a) Demonstration of good reputation and good ethical character by attestation of references. The names and complete addresses of references acceptable to the board shall be included in the application for licensure; and

(b) Successful passage of an examination on the statutes, rules, and other requirements unique to this state.

(5) The board may designate a professional engineer as being licensed in a specific discipline or branch of engineering signifying the area in which the professional engineer has demonstrated competence.

(6) Upon application to the board in writing and payment of a fee established by the board, an individual who holds a valid license to practice engineering in another jurisdiction may be issued a temporary permit, valid for a definite period of time, to provide engineering services for a specific project. An individual may not be issued more than one temporary permit. No right to practice engineering accrues to such applicant with respect to any other work not set forth in the temporary permit. Temporary permit holders are subject to all of the provisions of the Engineers and Architects Regulation Act governing the practice of engineering.

(7) None of the examination materials described in this section shall be considered public records.

(8) The board or its agent shall direct the time and place of the engineering examinations referenced in subsections (1) and (2) of this section.

(9) The board may adopt the examinations and grading procedures of the National Council of Examiners for Engineering and Surveying. The board may also adopt guidelines published by the council.

(10) Licensure shall be effective upon issuance.

Sec. 13. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, and 14 of this act become operative on August 1, 2027. The other sections of this act become operative on their effective date.

Sec. 14. Original sections 38-2001 and 38-2002, Revised Statutes Cumulative Supplement, 2024, are repealed.

Sec. 15. Original sections 81-3437.01 and 81-3451, Reissue Revised Statutes of Nebraska, and section 81-3449, Revised Statutes Supplement, 2025, are repealed.

PRESIDENT OF THE LEGISLATURE

THIS IS TO CERTIFY that the within LB 1212 was passed by the One Hundred Ninth Legislature of Nebraska at its Second Session on the day of 20.....

CLERK OF THE LEGISLATURE

Approved:

..... 20....., o'clockM.

GOVERNOR