

## ENGROSSED LEGISLATIVE BILL 912

Introduced by Hardin, 48.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 38-1915, 38-2315, 38-2850, 38-2871, 71-1918, 71-2444, 71-2445, and 71-2447, Reissue Revised Statutes of Nebraska, sections 38-404, 38-409, 38-1716, 38-2101, 38-2123, 38-2801, 38-2852, 38-3208, and 52-401, Revised Statutes Cumulative Supplement, 2024, and sections 38-131, 38-2866.01, 71-1908, and 71-1912, Revised Statutes Supplement, 2025; to adopt the Community Health Worker Training Endorsement Act, the Athletic Trainer Compact, and the Respiratory Care Interstate Compact; to change provisions relating to the practice of athletic training, respiratory care, massage therapy, medical radiography, mental health practitioners, nurse practitioners, pharmacy, and pharmacists; to change provisions relating to child care licensing; to provide for liens for physical therapy services; to provide for automated pickup kiosks for certain prescription medication; to eliminate provisions relating to physician liability for a physician assistant; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal section 38-2053, Revised Statutes Cumulative Supplement, 2024; and to declare an emergency.

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

**Section 1.** Sections 1 to 5 of this act shall be known and may be cited as the Community Health Worker Training Endorsement Act.

**Sec. 2.** (1) The Legislature finds that establishing certification of training programs for community health workers will strengthen Nebraska's public health and health care workforce, promote consistent standards of practice, and support improved access to preventive and primary care services.

(2) The purpose of the Community Health Worker Training Endorsement Act is to establish a consistent statewide process for recognizing community health worker training programs that meet minimum standards of quality and content and

ensure that community health worker services are eligible for reimbursement by medicaid and private insurers.

**Sec. 3.** For purposes of the Community Health Worker Training Endorsement Act:

(1) Community health worker means an individual who has successfully completed an endorsed community health worker training program and has a close understanding of the community served and who acts as a liaison between health, behavioral health, and social service systems and the community to facilitate access, promote understanding, and improve health outcomes;

(2) Community health worker services means preventive, outreach, education, navigation, advocacy, and social support services provided by a community health worker;

(3) Core competencies means the knowledge, skills, and abilities a certified community health worker is required to demonstrate as determined by the department;

(4) Department means the Department of Health and Human Services; and

(5) Endorsed community health worker training program means an education or training program that the department has determined meets minimum standards, including core competencies as defined by the department, for the purpose of qualifying for reimbursement by medicaid and private insurers.

**Sec. 4.** On or before July 1, 2027, the department may adopt and promulgate rules and regulations that:

(1) Identify and maintain the core competencies required for community health worker training programs using the department's expertise in public health, behavioral health, workforce development, and medical assistance program alignment. The department shall periodically review and update the core competencies to ensure they reflect national best practices and community health needs;

(2) Define the application, approval, and renewal process for training endorsement;

(3) Set reasonable application and renewal fees;

(4) Establish procedures for denial, suspension, and revocation of a training endorsement;

(5) Approve training programs and training providers that meet established core competencies; and

(6) Provide that an individual who is aggrieved by a denial, suspension, or revocation of approval of a training endorsement may request a hearing in accordance with the Administrative Procedure Act.

**Sec. 5.** (1) Nothing in the Community Health Worker Training Endorsement Act shall be construed to: (a) Create a licensure or certification requirement for a community health worker; (b) authorize a community health worker to perform tasks that require professional licensure; or (c) limit the scope of practice of a licensed health care professional.

(2) Completion of a recognized community health worker training program shall not constitute licensure, certification, or credentialing under the Uniform Credentialing Act.

**Sec. 6.** The State of Nebraska adopts the Respiratory Care Interstate Compact in the form provided in this section.

SECTION 1. TITLE AND PURPOSE

A. The purpose of this Compact is to facilitate the interstate Practice of Respiratory Therapy with the goal of improving public access to Respiratory Therapy services by providing Respiratory Therapists licensed in a Member State the ability to practice in other Member States. The Compact preserves the regulatory authority of states to protect public health and safety through the current system of State licensure.

B. This Compact is designed to achieve the following objectives:

1. Increase public access to Respiratory Therapy services by creating a responsible, streamlined pathway for Licensees to practice in Member States with the goal of improving outcomes for patients;

2. Enhance States' ability to protect the public's health and safety;

3. Promote the cooperation of Member States in regulating the Practice of Respiratory Therapy within those Member States;

4. Ease administrative burdens on States by encouraging the cooperation of Member States in regulating multistate Respiratory Therapy practice;
5. Support relocating Active Military Members and their spouses; and
6. Promote mobility and address workforce shortages.

#### SECTION 2. DEFINITIONS

As used in this Compact, unless the context requires otherwise, the following definitions shall apply:

A. Active Military Member means any person with a full-time duty status in the armed forces of the United States, including members of the National Guard and Reserve.

B. Adverse Action means any administrative, civil, equitable, or criminal action permitted by a State's laws which is imposed by any State authority with regulatory authority over Respiratory Therapists, such as license denial, censure, revocation, suspension, probation, monitoring of the Licensee, or restriction on the Licensee's practice, not including participation in an Alternative Program.

C. Alternative Program means a nondisciplinary monitoring or practice remediation process applicable to a Respiratory Therapist approved by any State authority with regulatory authority over Respiratory Therapists. This includes, but is not limited to, programs to which Licensees with substance abuse or addiction issues are referred in lieu of Adverse Action.

D. Charter Member States means those Member States who were the first seven states to enact the Compact into the laws of their State.

E. Commission or Respiratory Care Interstate Compact Commission means the government instrumentality and body politic whose membership consists of all Member States that have enacted the Compact.

F. Commissioner means the individual appointed by a Member State to serve as the member of the Commission for that Member State.

G. Compact means the Respiratory Care Interstate Compact.

H. Compact Privilege means the authorization granted by a Remote State to allow a Licensee from another Member State to practice as a Respiratory

Therapist in the Remote State under the Remote State's laws and Rules. The Practice of Respiratory Therapy occurs in the Member State where the patient is located at the time of the patient encounter.

I. Criminal Background Check means the submission by the Member State of fingerprints or other biometric-based information on license applicants at the time of initial licensing for the purpose of obtaining that applicant's criminal history record information, as defined in 28 C.F.R. 20.3(d) or successor provision, from the Federal Bureau of Investigation and the State's criminal history record repository, as defined in 28 C.F.R. 20.3(f) or successor provision.

J. Data System means the Commission's repository of information about Licensees as further set forth in Section 8.

K. Domicile means the jurisdiction which is the Licensee's principal home for legal purposes.

L. Encumbered License means a license that a State's Respiratory Therapy Licensing Authority has limited in any way.

M. Executive Committee means a group of directors elected or appointed to act on behalf of, and within the powers granted to them by the Commission.

N. Home State except as set forth in Section 5, means the Member State that is the Licensee's primary Domicile.

O. Home State License means an active license to practice Respiratory Therapy in a Home State that is not an Encumbered License.

P. Jurisprudence Requirement means an assessment of an individual's knowledge of the State laws and regulations governing the Practice of Respiratory Therapy in such State.

Q. Licensee means an individual who currently holds an authorization from the State to practice as a Respiratory Therapist.

R. Member State means a State that has enacted the Compact and been admitted to the Commission in accordance with the provisions herein and Commission Rules.

S. Model Compact means the model for the Respiratory Care Interstate

Compact on file with The Council of State Governments or other entity as designated by the Commission.

T. Remote State means a Member State where a Licensee is exercising or seeking to exercise the Compact Privilege.

U. Respiratory Therapist or Respiratory Care Practitioner means an individual who holds a credential issued by the National Board for Respiratory Care (or its successor) and holds a license in a State to practice Respiratory Therapy. For purposes of this Compact, any other title or status adopted by a State to replace the term Respiratory Therapist or Respiratory Care Practitioner shall be deemed synonymous with Respiratory Therapist and shall confer the same rights and responsibilities to the Licensee under the provisions of this Compact at the time of its enactment.

V. Respiratory Therapy, Respiratory Therapy Practice, Respiratory Care, the Practice of Respiratory Care, and the Practice of Respiratory Therapy means the care and services provided by or under the direction and supervision of a Respiratory Therapist or Respiratory Care Practitioner.

W. Respiratory Therapy Licensing Authority means the agency, board, or other body of a State that is responsible for licensing and regulation of Respiratory Therapists.

X. Rule means a regulation promulgated by an entity that has the force and effect of law.

Y. Scope of Practice means the procedures, actions, and processes a Respiratory Therapist licensed in a State or practicing under a Compact Privilege in a State is permitted to undertake in that State and the circumstances under which the Respiratory Therapist is permitted to undertake those procedures, actions, and processes. Such procedures, actions, and processes, and the circumstances under which they may be undertaken may be established through means, including, but not limited to, statute, regulations, case law, and other processes available to the State Respiratory Therapy Licensing Authority or other government agency.

Z. Significant Investigative Information means information, records, and

documents received or generated by a State Respiratory Therapy Licensing Authority pursuant to an investigation for which a determination has been made that there is probable cause to believe that the Licensee has violated a statute or regulation that is considered more than a minor infraction for which the State Respiratory Therapy Licensing Authority could pursue Adverse Action against the Licensee.

AA. State means any state, commonwealth, district, or territory of the United States.

### SECTION 3. STATE PARTICIPATION IN THIS COMPACT

A. In order to participate in this Compact and thereafter continue as a Member State, a Member State shall:

1. Enact a Compact that is not materially different from the Model Compact;

2. License Respiratory Therapists;

3. Participate in the Commission's Data System;

4. Have a mechanism in place for receiving and investigating complaints against Licensees and Compact Privilege holders;

5. Notify the Commission, in compliance with the terms of this Compact and Commission Rules, of any Adverse Action against a Licensee, a Compact Privilege holder, or a license applicant;

6. Notify the Commission, in compliance with the terms of this Compact and Commission Rules, of the existence of Significant Investigative Information;

7. Comply with the Rules of the Commission;

8. Grant the Compact Privilege to a holder of an active Home State License who otherwise meets the applicable requirements of Section 4 in a Member State; and

9. Complete a Criminal Background Check for each new Licensee at the time of initial licensure.

a. Where expressly authorized or permitted by federal law, whether such federal law is in effect prior to, at, or after the time of a Member State's enactment of this Compact, a Member State's enactment of this Compact shall

hereby authorize the Member State's Respiratory Therapy Licensing Authority to perform Criminal Background Checks as defined herein. The absence of such a federal law as described in this subsection shall not prevent or preclude such authorization where it may be derived or granted through means other than the enactment of this Compact.

B. Nothing in this Compact prohibits a Member State from charging a fee for granting and renewing the Compact Privilege.

#### SECTION 4. COMPACT PRIVILEGE

A. To exercise the Compact Privilege under the terms and provisions of the Compact, the Licensee shall:

1. Hold and maintain an active Home State License as a Respiratory Therapist;

2. Hold and maintain an active credential from the National Board for Respiratory Care (or its successor) that would qualify them for licensure in the Remote State in which they are seeking the privilege;

3. Have not had any Adverse Action against a license within the previous two years;

4. Notify the Commission that the Licensee is seeking the Compact Privilege within a Remote State;

5. Pay any applicable fees, including any State and Commission fees and renewal fees, for the Compact Privilege;

6. Meet any Jurisprudence Requirements established by the Remote State in which the Licensee is seeking a Compact Privilege;

7. Report to the Commission Adverse Action taken by any non-Member State within thirty days from the date the Adverse Action is taken;

8. Report to the Commission, when applying for a Compact Privilege, the address of the Licensee's Domicile and thereafter promptly report to the Commission any change in the address of the Licensee's Domicile within thirty days of the effective date of the change in address; and

9. Consent to accept service of process by mail at the Licensee's Domicile on record with the Commission with respect to any action brought against the

Licensee by the Commission or a Member State, and consent to accept service of a subpoena by mail at the Licensee's Domicile on record with the Commission with respect to any action brought or investigation conducted by the Commission or a Member State.

B. The Compact Privilege is valid until the expiration date or revocation of the Home State License unless terminated pursuant to Adverse Action. The Licensee must comply with all of the requirements of Subsection A, above, to maintain the Compact Privilege in a Remote State. If those requirements are met, no Adverse Actions are taken, and the Licensee has paid any applicable Compact Privilege renewal fees, then the Licensee will maintain the Licensee's Compact Privilege.

C. A Licensee providing Respiratory Therapy in a Remote State under the Compact Privilege shall function within the Scope of Practice authorized by the Remote State for the type of Respiratory Therapist license the Licensee holds. Such procedures, actions, processes, and the circumstances under which they may be undertaken may be established through means, including, but not limited to, statute, regulations, case law, and other processes available to the State Respiratory Therapy Licensing Authority or other government agency.

D. If a Licensee's Compact Privilege in a Remote State is removed by the Remote State, the individual shall lose or be ineligible for the Compact privilege in that Remote State until the Compact Privilege is no longer limited or restricted by that State.

E. If a Home State License is encumbered, the Licensee shall lose the Compact Privilege in all Remote States until the following occur:

1. The Home State License is no longer encumbered; and
2. Two years have elapsed from the date on which the license is no longer encumbered due to the Adverse Action.

F. Once a Licensee with a restricted or limited license meets the requirements of Subsection E.1 and 2, the Licensee must also meet the requirements of Subsection A to obtain a Compact Privilege in a Remote State.

#### SECTION 5. ACTIVE MILITARY MEMBER OR THEIR SPOUSE

A. An Active Military Member, or their spouse, shall designate a Home State where the individual has a current license in good standing. The individual may retain the Home State designation during the period the service member is on active duty.

B. An Active Military Member and their spouse shall not be required to pay to the Commission for a Compact Privilege any fee that may otherwise be charged by the Commission. If a Remote State chooses to charge a fee for a Compact Privilege, it may choose to charge a reduced fee or no fee to an Active Military Member and their spouse for a Compact Privilege.

#### SECTION 6. ADVERSE ACTIONS

A. A Member State in which a Licensee is licensed shall have authority to impose Adverse Action against the license issued by that Member State.

B. A Member State may take Adverse Action based on Significant Investigative Information of a Remote State or the Home State, so long as the Member State follows its own procedures for imposing Adverse Action.

C. Nothing in this Compact shall override a Member State's decision that participation in an Alternative Program may be used in lieu of Adverse Action and that such participation shall remain nonpublic if required by the Member State's laws.

D. A Remote State shall have the authority to:

1. Take Adverse Actions as set forth herein against a Licensee's Compact Privilege in that State;

2. Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses, and the production of evidence.

a. Subpoenas may be issued by a Respiratory Therapy Licensing Authority in a Member State for the attendance and testimony of witnesses and the production of evidence.

b. Subpoenas issued by a Respiratory Therapy Licensing Authority in a Member State for the attendance and testimony of witnesses shall be enforced in the latter State by any court of competent jurisdiction in the latter State, according to the practice and procedure of that court applicable to subpoenas

issued in proceedings pending before it.

c. Subpoenas issued by a Respiratory Therapy Licensing Authority in a Member State for production of evidence from another Member State shall be enforced in the latter State, according to the practice and procedure of that court applicable to subpoenas issued in the proceedings pending before it.

d. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the State where the witnesses or evidence are located;

3. Unless otherwise prohibited by State law, recover from the Licensee the costs of investigations and disposition of cases resulting from any Adverse Action taken against that Licensee;

4. Notwithstanding subsection D.2., a Member State may not issue a subpoena to gather evidence of conduct in another Member State that is lawful in such other Member State for the purpose of taking Adverse Action against a Licensee's Compact Privilege or application for a Compact Privilege in that Member State; and

5. Nothing in this Compact authorizes a Member State to impose discipline against a Respiratory Therapist's Compact Privilege in that Member State for the individual's otherwise lawful practice in another State.

#### E. Joint Investigations

1. In addition to the authority granted to a Member State by its respective Respiratory Therapy Practice act or other applicable state law, a Member State may participate with other Member States in joint investigations of Licensees, provided, however, that a Member State receiving such a request has no obligation to respond to any subpoena issued regarding an investigation of conduct or practice that was lawful in a Member State at the time it was undertaken.

2. Member States shall share any Significant Investigative Information, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the Compact. In sharing such information between Member State Respiratory Therapy Licensing Authorities, all information

obtained shall be kept confidential, except as otherwise mutually agreed upon by the sharing and receiving Member States.

F. Nothing in this Compact may permit a Member State to take any Adverse Action against a Licensee or holder of a Compact Privilege for conduct or practice that was legal in the Member State at the time it was undertaken.

G. Nothing in this Compact may permit a Member State to take disciplinary action against a Licensee or holder of a Compact Privilege for conduct or practice that was legal in the Member State at the time it was undertaken.

#### SECTION 7. ESTABLISHMENT OF THE RESPIRATORY CARE INTERSTATE COMPACT COMMISSION

A. The Compact Member States hereby create and establish a joint government agency whose membership consists of all Member States that have enacted the Compact known as the Respiratory Care Interstate Compact Commission. The Commission is an instrumentality of the Compact Member States acting jointly and not an instrumentality of any one State. The Commission shall come into existence on or after the effective date of the Compact, as set forth in Section 11.

##### B. Membership, Voting, and Meetings

1. Each Member State shall have and be limited to one Commissioner selected by that Member State's Respiratory Therapy Licensing Authority.

2. The Commissioner shall be an administrator or their designated staff member of the Member State's Respiratory Therapy Licensing Authority.

3. The Commission shall by Rule or bylaw establish a term of office for Commissioners and may by Rule or bylaw establish term limits.

4. The Commission may recommend to a Member State the removal or suspension of any Commissioner from office.

5. A Member State's Respiratory Therapy Licensing Authority shall fill any vacancy of its Commissioner occurring on the Commission within sixty days of the vacancy.

6. Each Commissioner shall be entitled to one vote on all matters before the Commission requiring a vote by Commissioners.

7. A Commissioner shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for Commissioners to meet by telecommunication, videoconference, or other means of communication.

8. The Commission shall meet at least once during each calendar year. Additional meetings may be held as set forth in the bylaws.

C. The Commission shall have the following powers:

1. Establish and amend the fiscal year of the Commission;
2. Establish and amend bylaws and policies, including, but not limited to, a code of conduct and conflict of interest;
3. Establish and amend Rules, which shall be binding in all Member States;
4. Maintain its financial records in accordance with the bylaws;
5. Meet and take such actions as are consistent with the provisions of this Compact, the Commission's Rules, and the bylaws;
6. Initiate and conduct legal proceedings or actions in the name of the Commission, provided that the standing of any Respiratory Therapy Licensing Authority to sue or be sued under applicable law shall not be affected;
7. Maintain and certify records and information provided to a Member State as the authenticated business records of the Commission, and designate an agent to do so on the Commission's behalf;
8. Purchase and maintain insurance and bonds;
9. Accept or contract for services of personnel, including, but not limited to, employees of a Member State;
10. Conduct an annual financial review;
11. Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the Compact, and establish the Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;
12. Assess and collect fees;
13. Accept any and all appropriate gifts, donations, grants of money, other sources of revenue, equipment, supplies, materials, and services, and

receive, utilize, and dispose of the same, provided that at all times:

a. The Commission shall avoid any appearance of impropriety; and

b. The Commission shall avoid any appearance of conflict of interest;

14. Lease, purchase, retain, own, hold, improve, or use any property, real, personal, or mixed, or any undivided interest therein;

15. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed;

16. Establish a budget and make expenditures;

17. Borrow money in a fiscally responsible manner;

18. Appoint committees, including standing committees, composed of Commissioners, State regulators, State legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this Compact and the bylaws;

19. Provide and receive information from, and cooperate with, law enforcement agencies;

20. Establish and elect an Executive Committee, including a chair, vice-chair, secretary, treasurer, and such other offices as the Commission shall establish by Rule or bylaw;

21. Enter into contracts or arrangements for the management of the affairs of the Commission;

22. Determine whether a State's adopted language is materially different from the Model Compact language such that the State would not qualify for participation in the Compact; and

23. Perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact.

D. The Executive Committee

1. The Executive Committee shall have the power to act on behalf of the Commission according to the terms of this Compact. The powers, duties, and responsibilities of the Executive Committee shall include:

a. Overseeing the day-to-day activities of the administration of the Compact, including enforcement and compliance with the provisions of the

Compact, its Rules and bylaws, and other such duties as deemed necessary;

b. Recommending to the Commission changes to the Rules or bylaws, changes to this Compact legislation, fees charged to Compact Member States, fees charged to Licensees, and other fees;

c. Ensuring Compact administration services are appropriately provided, including by contract;

d. Preparing and recommending the budget;

e. Maintaining financial records on behalf of the Commission;

f. Monitoring Compact compliance of Member States and providing compliance reports to the Commission;

g. Establishing additional committees as necessary;

h. Exercising the powers and duties of the Commission during the interim between Commission meetings, except for adopting or amending Rules, adopting or amending bylaws, and exercising any other powers and duties expressly reserved to the Commission by Rule or bylaw; and

i. Performing other duties as provided in the Rules or bylaws of the Commission.

2. The Executive Committee shall be composed of up to nine members, as further set forth in the bylaws of the Commission:

a. Seven voting members who are elected by the Commission from the current membership of the Commission; and

b. Two ex officio, nonvoting members.

3. The Commission may remove any member of the Executive Committee as provided in the Commission's bylaws.

4. The Executive Committee shall meet at least annually.

a. Executive Committee meetings shall be open to the public, except that the Executive Committee may meet in a closed, nonpublic meeting as provided in subsection F.4 below;

b. The Executive Committee shall give advance notice of its meetings, posted on its website and as determined to provide notice to persons with an interest in the business of the Commission; and

c. The Executive Committee may hold a special meeting in accordance with subsection F.2 below.

E. The Commission shall adopt and provide to the Member States an annual report.

F. Meetings of the Commission

1. All meetings of the Commission that are not closed pursuant to subsection 7.F.4 shall be open to the public. Notice of public meetings shall be posted on the Commission's website at least thirty days prior to the public meeting.

2. Notwithstanding subsection 7.F.1, the Commission may convene an emergency public meeting by providing at least twenty-four hours prior notice on the Commission's website, and any other means as provided in the Commission's Rules, for any of the reasons it may dispense with notice of proposed rulemaking under subsection 9.G. The Commission's legal counsel shall certify that one of the reasons justifying an emergency public meeting has been met.

3. Notice of all Commission meetings shall provide the time, date, and location of the meeting, and if the meeting is to be held or accessible via telecommunication, videoconference, or other electronic means, the notice shall include the mechanism for access to the meeting.

4. The Commission or the Executive Committee may convene in a closed, nonpublic meeting for the Commission or Executive Committee to receive or solicit legal advice or to discuss:

- a. Noncompliance of a Member State with its obligations under the Compact;
- b. The employment, compensation, discipline or other matters, practices or procedures related to specific employees;
- c. Current or threatened discipline of a Licensee or Compact Privilege holder by the Commission or by a Member State's Respiratory Therapy Licensing Authority;
- d. Current, threatened, or reasonably anticipated litigation;
- e. Negotiation of contracts for the purchase, lease, or sale of goods,

services, or real estate;

f. Accusing any person of a crime or formally censuring any person;

g. Trade secrets or commercial or financial information that is privileged or confidential;

h. Information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

i. Investigative records compiled for law enforcement purposes;

j. Information related to any investigative reports prepared by or on behalf of or for use of the Commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the Compact;

k. Legal advice;

l. Matters specifically exempted from disclosure by federal or Member State law; or

m. Other matters as promulgated by the Commission by Rule.

5. If a meeting, or portion of a meeting, is closed, the presiding officer shall state that the meeting will be closed and reference each relevant exempting provision, and such reference shall be recorded in the minutes.

6. The Commission shall keep minutes in accordance with Commission Rules and bylaws. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release only by a majority vote of the Commission or order of a court of competent jurisdiction.

#### G. Financing of the Commission

1. The Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

2. The Commission may accept any and all appropriate revenue sources as provided herein.

3. The Commission may levy on and collect an annual assessment from each Member State and impose fees on Licensees of Member States to whom it grants a Compact Privilege to cover the cost of the operations and activities of the

Commission and its staff. The aggregate annual assessment amount for Member States, if any, shall be allocated based upon a formula that the Commission shall promulgate by Rule.

4. The Commission shall not incur obligations of any kind prior to securing the funds or a loan adequate to meet the same; nor shall the Commission pledge the credit of any of the Member States, except by and with the authority of the Member State.

5. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the financial review and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Commission shall be subject to an annual financial review by a certified or licensed public accountant, and the report of the financial review shall be included in and become part of the annual report of the Commission.

#### H. Qualified Immunity, Defense, and Indemnification

1. Nothing herein shall be construed as a limitation on the liability of any Licensee for professional malpractice or misconduct, which shall be governed solely by any other applicable state laws.

2. The members, officers, executive director, employees, and agents of the Commission shall have no greater liability than a state employee would have under the same or similar circumstances, either personally or in their official capacity, for any claim for damage to or loss of property, personal injury, or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred, within the scope of Commission employment, duties, or responsibilities; provided that nothing in this subsection shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person. The procurement of insurance of any type by the Commission shall not in any way compromise or limit the immunity granted hereunder.

3. The Commission shall defend any Commissioner, officer, executive director, employee, and agent of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or as determined by the Commission that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining their own counsel at their own expense; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

4. The Commission shall indemnify and hold harmless any Commissioner, member, officer, executive director, employee, and agent of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

5. Nothing in this Compact shall be interpreted to waive or otherwise abrogate a Member State's state action immunity or state action affirmative defense with respect to antitrust claims under the Sherman Act, Clayton Act, or any other State or federal antitrust or anticompetitive law or regulation.

6. Nothing in this Compact shall be construed to be a waiver of sovereign immunity by the Member States or by the Commission.

#### SECTION 8. DATA SYSTEM

A. The Commission shall provide for the development, maintenance, operation, and utilization of a coordinated database and reporting system containing licensure, Adverse Action, and the presence of Significant Investigative Information.

B. Notwithstanding any other provision of State law to the contrary, a Member State shall submit a uniform data set to the Data System as required by the Rules of the Commission, including, but not limited to:

1. Identifying information;
2. Licensure data;
3. Adverse Actions against a Licensee, license applicant, or Compact Privilege holder and information related thereto;
4. Nonconfidential information related to Alternative Program participation, the beginning and ending dates of such participation, and other information related to such participation not made confidential under Member State law;
5. Any denial of application for licensure, and the reasons for such denial;
6. The presence of current Significant Investigative Information; and
7. Other information that may facilitate the administration of this Compact or the protection of the public, as determined by the Rules of the Commission.

C. No Member State shall submit any information which constitutes criminal history record information, as defined by applicable federal law, to the Data System established hereunder.

D. The records and information provided to a Member State pursuant to this Compact or through the Data System, when certified by the Commission or an agent thereof, shall constitute the authenticated business records of the Commission, and shall be entitled to any associated hearsay exception in any relevant judicial, quasi-judicial, or administrative proceedings in a Member State.

E. Significant Investigative Information pertaining to a Licensee in any Member State will only be available to other Member States.

F. It is the responsibility of the Member States to report any Adverse Action against a Licensee and to monitor the database to determine whether Adverse Action has been taken against a Licensee. Adverse Action information

pertaining to a Licensee in any Member State will be available to any other Member State.

G. Member States contributing information to the Data System may designate information that may not be shared with the public without the express permission of the contributing State.

H. Any information submitted to the Data System that is subsequently expunged pursuant to federal law or the laws of the Member State contributing the information shall be removed from the Data System.

#### SECTION 9. RULEMAKING

A. The Commission shall promulgate reasonable Rules in order to effectively and efficiently implement and administer the purposes and provisions of the Compact. A Rule shall be invalid and have no force or effect only if a court of competent jurisdiction holds that the Rule is invalid because the Commission exercised its rulemaking authority in a manner that is beyond the scope and purposes of the Compact, or the powers granted hereunder, or based upon another applicable standard of review.

B. For purposes of the Compact, the Rules of the Commission shall have the force of law in each Member State.

C. The Commission shall exercise its rulemaking powers pursuant to the criteria set forth in this section and the Rules adopted thereunder. Rules shall become binding as of the date specified in each Rule.

D. If a majority of the legislatures of the Member States rejects a Rule or portion of a Rule, by enactment of a statute or resolution in the same manner used to adopt the Compact within four years of the date of adoption of the Rule, then such Rule shall have no further force and effect in any Member State.

E. Rules shall be adopted at a regular or special meeting of the Commission.

F. Prior to adoption of a proposed Rule, the Commission shall hold a public hearing and allow persons to provide oral and written comments, data, facts, opinions, and arguments.

G. Prior to adoption of a proposed Rule by the Commission, and at least thirty days in advance of the meeting at which the Commission will hold a public hearing on the proposed Rule, the Commission shall provide a notice of proposed rulemaking:

1. On the website of the Commission or other publicly accessible platform;
2. To persons who have requested notice of the Commission's notices of proposed rulemaking; and
3. In such other ways as the Commission may by Rule specify.

H. The notice of proposed rulemaking shall include:

1. The time, date, and location of the public hearing at which the Commission will hear public comments on the proposed Rule and, if different, the time, date, and location of the meeting where the Commission will consider and vote on the proposed Rule;

2. If the hearing is held via telecommunication, videoconference, or other electronic means, the Commission shall include the mechanism for access to the hearing in the notice of proposed rulemaking;

3. The text of the proposed Rule and the reason therefor;

4. A request for comments on the proposed Rule from any interested person;

and

5. The manner in which interested persons may submit written comments.

I. All hearings will be recorded. A copy of the recording and all written comments and documents received by the Commission in response to the proposed Rule shall be available to the public.

J. Nothing in this section shall be construed as requiring a separate hearing on each Rule. Rules may be grouped for the convenience of the Commission at hearings required by this section.

K. The Commission shall, by majority vote of all Commissioners, take final action on the proposed Rule based on the rulemaking record and the full text of the Rule.

1. The Commission may adopt changes to the proposed Rule provided the changes are consistent with the original purpose of the proposed Rule.

2. The Commission shall provide an explanation of the reasons for substantive changes made to the proposed Rule as well as reasons for substantive changes not made that were recommended by commenters.

3. The Commission shall determine a reasonable effective date for the Rule. Except for an emergency as provided in Section 9.L, the effective date of the Rule shall be no sooner than thirty days after issuing the notice that it adopted or amended the Rule.

L. Upon determination that an emergency exists, the Commission may consider and adopt an emergency Rule with twenty-four hours' notice, and with opportunity to comment, provided that the usual rulemaking procedures provided in the Compact and in this section shall be retroactively applied to the Rule as soon as reasonably possible, in no event later than ninety days after the effective date of the Rule. For the purposes of this provision, an emergency Rule is one that must be adopted immediately in order to:

1. Meet an imminent threat to public health, safety, or welfare;
2. Prevent a loss of Commission or Member State funds;
3. Meet a deadline for the promulgation of a Rule that is established by federal law or Rule; or
4. Protect public health and safety.

M. The Commission or an authorized committee of the Commission may direct revisions to a previously adopted Rule for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the Commission. The revision shall be subject to challenge by any person for a period of thirty days after posting. The revision may be challenged only on grounds that the revision results in a material change to a Rule. A challenge shall be made in writing and delivered to the Commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

N. No Member State's rulemaking process or procedural requirements shall

apply to the Commission.

1. The Commission shall have no authority over any Member State's rulemaking process or procedural requirements that do not pertain to the Compact.

0. Nothing in this Compact, nor any Rule or regulation of the Commission, shall be construed to limit, restrict, or in any way reduce the ability of a Member State to enact and enforce laws, regulations, or other Rules related to the Practice of Respiratory Therapy in that State, where those laws, regulations, or other Rules are not inconsistent with the provisions of this Compact.

#### SECTION 10. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

##### A. Oversight

1. The executive and judicial branches of State government in each Member State shall enforce this Compact and take all actions necessary and appropriate to implement the Compact.

2. Venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings. Nothing herein shall affect or limit the selection or propriety of venue in any action against a Licensee for professional malpractice, misconduct, or any such similar matter.

3. The Commission shall be entitled to receive service of process in any proceeding regarding the enforcement or interpretation of the Compact and shall have standing to intervene in such a proceeding for all purposes. Failure to provide the Commission service of process shall render a judgment or order void as to the Commission, this Compact, or promulgated Rules.

##### B. Default, Technical Assistance, and Termination

1. If the Commission determines that a Member State has defaulted in the performance of its obligations or responsibilities under this Compact or the promulgated Rules, the Commission shall provide written notice to the

defaulting State. The notice of default shall describe the default, the proposed means of curing the default, and any other action that the Commission may take, and shall offer training and specific technical assistance regarding the default.

2. The Commission shall provide a copy of the notice of default to the other Member States.

C. If a State in default fails to cure the default, the defaulting State may be terminated from the Compact upon an affirmative vote of a majority of the Commissioners of the Member States, and all rights, privileges and benefits conferred on that State by this Compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending State of obligations or liabilities incurred during the period of default.

D. Termination of membership in the Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Commission to the Governor, the majority and minority leaders of the defaulting State's legislature, the defaulting State's Respiratory Therapy Licensing Authority and each of the Member States' Respiratory Therapy Licensing Authorities.

E. A State that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination, if necessary.

F. Upon the termination of a State's membership from this Compact, that State shall immediately provide notice to all Licensees and Compact Privilege holders (of which the Commission has a record) within that State of such termination. The terminated State shall continue to recognize all licenses granted pursuant to this Compact for a minimum of one hundred eighty days after the date of said notice of termination.

G. The Commission shall not bear any costs related to a State that is found to be in default or that has been terminated from the Compact, unless agreed upon in writing between the Commission and the defaulting State.

H. The defaulting State may appeal the action of the Commission by petitioning the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices. The prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees.

I. Dispute Resolution

1. Upon request by a Member State, the Commission shall attempt to resolve disputes related to the Compact that arise among Member States and between Member and non-Member States.

2. The Commission shall promulgate a Rule providing for both mediation and binding dispute resolution for disputes, as appropriate.

J. Enforcement

1. By majority vote, as may be further provided by Rule, the Commission may initiate legal action against a Member State in default in the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices to enforce compliance with the provisions of the Compact and its promulgated Rules. A Member State by enactment of this Compact consents to venue and jurisdiction in such court for the purposes set forth herein. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees. The remedies herein shall not be the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or the defaulting Member State's law.

2. A Member State may initiate legal action against the Commission in the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices to enforce compliance with the provisions of the Compact and its promulgated Rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees.

3. No person other than a Member State shall enforce this Compact against the Commission.

SECTION 11. EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

A. The Compact shall come into effect on the date on which the Compact statute is enacted into law in the seventh Member State ("Effective Date").

1. On or after the Effective Date of the Compact, the Commission shall convene and review the enactment of each of the first seven Member States ("Charter Member States") to determine if the statute enacted by each such Charter Member State is materially different than the Model Compact.

a. A Charter Member State whose enactment is found to be materially different from the Model Compact shall be entitled to the default process set forth in Section 10.

b. If any Member State is later found to be in default, or is terminated or withdraws from the Compact, the Commission shall remain in existence and the Compact shall remain in effect even if the number of Member States should be less than seven.

2. Member States enacting the Compact subsequent to the seven initial Charter Member States shall be subject to the process set forth herein and Commission Rule to determine if their enactments are materially different from the Model Compact and whether they qualify for participation in the Compact.

3. All actions taken for the benefit of the Commission or in furtherance of the purposes of the administration of the Compact prior to the effective date of the Compact or the Commission coming into existence shall be considered to be actions of the Commission unless specifically repudiated by the Commission. The Commission shall own and have all rights to any intellectual property developed on behalf or in furtherance of the Commission by individuals or entities involved in organizing or establishing the Commission, as may be further set forth in Rules of the Commission.

4. Any State that joins the Compact subsequent to the Commission's initial adoption of the Rules and bylaws shall be subject to the Rules and bylaws as they exist on the date on which the Compact becomes law in that State. Any Rule

that has been previously adopted by the Commission shall have the full force and effect of law on the date the Compact becomes law in that State.

B. Any Member State may withdraw from this Compact by enacting a statute repealing the same.

1. A Member State's withdrawal shall not take effect until one hundred eighty days after enactment of the repealing statute.

2. Withdrawal shall not affect the continuing requirement of the withdrawing State's Respiratory Therapy Licensing Authority to comply with the investigative and Adverse Action reporting requirements of this Compact prior to the effective date of withdrawal.

3. Upon the enactment of a statute withdrawing from this Compact, a State shall immediately provide notice of such withdrawal to all Licensees and Compact Privilege holders (of which the Commission has a record) within that State. Notwithstanding any subsequent statutory enactment to the contrary, such withdrawing State shall continue to recognize all licenses granted pursuant to this Compact for a minimum of one hundred eighty days after the date of such notice of withdrawal.

C. Nothing contained in this Compact shall be construed to invalidate or prevent any licensure agreement or other cooperative arrangement between a Member State and a non-Member State that does not conflict with the provisions of this Compact.

D. This Compact may be amended by the Member States. No amendment to this Compact shall become effective and binding upon any Member State until it is enacted into the laws of all Member States.

#### SECTION 12. CONSTRUCTION AND SEVERABILITY

A. This Compact and the Commission's rulemaking authority shall be liberally construed so as to effectuate the purposes and the implementation and administration of the Compact. Provisions of the Compact expressly authorizing or requiring the promulgation of Rules shall not be construed to limit the Commission's rulemaking authority solely for those purposes.

B. The provisions of this Compact shall be severable, and if any phrase,

clause, sentence, or provision of this Compact is held by a court of competent jurisdiction to be contrary to the constitution of any Member State, a State seeking participation in the Compact, or of the United States, or the applicability thereof to any government, agency, person, or circumstance is held to be unconstitutional by a court of competent jurisdiction, the validity of the remainder of this Compact and the applicability thereof to any other government, agency, person, or circumstance shall not be affected thereby.

C. Notwithstanding subsection B of this section, the Commission may deny a State's participation in the Compact or, in accordance with the requirements of Section 10, terminate a Member State's participation in the Compact, if it determines that a constitutional requirement of a Member State is a material departure from the Compact. Otherwise, if this Compact shall be held to be contrary to the constitution of any Member State, the Compact shall remain in full force and effect as to the remaining Member States and in full force and effect as to the Member State affected as to all severable matters.

SECTION 13. CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS

A. Nothing herein shall prevent or inhibit the enforcement of any other law of a Member State that is not inconsistent with the Compact.

B. Any laws, statutes, regulations, or other legal requirements in a Member State in conflict with the Compact are superseded to the extent of the conflict, including any subsequently enacted State laws.

C. All permissible agreements between the Commission and the Member States are binding in accordance with their terms.

D. Other than as expressly set forth herein, nothing in this Compact will impact initial licensure.

**Sec. 7.** The State of Nebraska adopts the Athletic Trainer Compact in the form substantially as follows:

SECTION 1. TITLE AND PURPOSE

This statute shall be known and cited as the Athletic Trainer Compact. The purposes of this compact are to expand mobility of Athletic Training practice and improve public access to services by providing qualified Licensed Athletic

Trainers the ability to practice in other Member States. This compact preserves the regulatory authority of States to protect public health and safety through the current system of State licensure.

This compact is designed to achieve the following objectives:

A. Increase public access to Athletic Training and enhance continuity of care by providing for the mutual recognition of other Licenses issued by Member States;

B. Provide an additional streamlined opportunity for interstate practice by Licensed Athletic Trainers who meet compact uniform requirements;

C. Promote mobility and workforce development by eliminating the necessity for Licenses in multiple States by providing for the mutual recognition of other Licenses issued by Member States;

D. Reduce administrative burdens on Licensed Athletic Trainers and Member States;

E. Enhance the States' ability to protect the public's health and safety;

F. Encourage the cooperation of Member States in regulating interstate practice of Licensed Athletic Trainers;

G. Support relocating Active Military Members and their spouses;

H. Enhance the exchange of licensure, investigative, and disciplinary information among Member States;

I. Allow for the use of telehealth to facilitate increased access to Athletic Training services;

J. Support the uniformity of Licensed Athletic Trainer licensure requirements throughout the States;

K. Affirm the authority of all Member States to hold a Licensed Athletic Trainer accountable for abiding by the Scope of Practice in the State in which the patient is located at the time of care; and

L. Require adherence to the Model Compact Language in order to promote uniformity and ensure that all Member States have accepted and are mutually obligated to the same terms.

## SECTION 2. DEFINITIONS

As used in this compact, unless the context requires otherwise, the following definitions shall apply:

A. "Active Military Member" means any individual with full-time duty status in the active armed forces of the United States, including members of the National Guard and Reserve;

B. "Adverse Action" means any administrative, civil, equitable, or criminal action permitted by a State's laws which is imposed by a Licensing Authority or other authority against a Licensee, including actions against an individual's License or Compact Privilege such as revocation, suspension, probation, monitoring of the Licensee, limitation on the Licensee's practice, or any other Encumbrance on licensure affecting a Licensee's authorization to practice;

C. "Alternative Program" means a nondisciplinary monitoring or practice remediation process applicable to an Athletic Trainer approved by a State Licensing Authority of a Member State in which the Athletic Trainer is licensed. This includes, but is not limited to, programs to which Licensees with substance use, addiction, or mental health conditions are referred in lieu of Adverse Action;

D. "Athletic Training" means the prevention, examination, assessment, treatment, and rehabilitation of emergent, acute, or chronic injuries and medical conditions as defined by applicable Member State laws and regulations;

E. "Athletic Trainer Compact Commission" or "Compact Commission" means the government agency whose membership consists of all States that have enacted this compact, as described herein and which shall operate as an instrumentality of the Member States to administer and implement the compact according to its terms;

F. "BOC" means the Board of Certification, Inc. or any successor organization thereto;

G. "CAATE" means the Commission on Accreditation of Athletic Training Education or any successor organization thereto;

H. "Charter Member State" means any Member State which enacted and made

effective this compact by law before the compact effective date specified herein;

I. "Commissioner" means the individual appointed by a Member State to serve as the member of the Commission for that Member State;

J. "Compact Privilege" means the legal authorization granted by a Remote State, equivalent to a License, allowing a Licensee from another Member State to provide Athletic Training services in a Remote State;

K. "Compact Qualifying License" means a License that is not an Encumbered License issued by a Member State to practice Athletic Training which qualifies the Licensee to exercise a Compact Privilege pursuant to Section 4 of this compact;

L. "Continuing Competence" means a requirement, as a condition of License renewal, to provide evidence of successful participation, and completion of, educational and professional activities relevant to practice or area of work. For purposes of this compact, evidence of active BOC certification may satisfy the meaning of Continuing Competence as set forth herein;

M. "Current Significant Investigative Information" means the existence of:

1. Investigative Information that a Licensing Authority, after a preliminary inquiry that includes notification and an opportunity for the subject Licensee to respond, if required by State law, has reason to believe is not groundless and, if proven true, would indicate more than a minor infraction; or

2. Investigative Information that indicates that the subject Licensee represents an immediate threat to public health and safety regardless of whether the subject Licensee has been notified and had an opportunity to respond;

N. "Criminal Background Check" means the submission of fingerprints or other biometric-based information for a License applicant for the purpose of obtaining that applicant's criminal history record information, as defined in 28 C.F.R. 20.3(d) from the Federal Bureau of Investigation and the State's criminal history record repository as defined in 28 C.F.R. 20.3(f);

O. "Data System" means the Commission's repository of information about Licensees, including, but not limited to, examination, licensure, investigative, Compact Privilege, Adverse Action, and Alternative Program;

P. "Encumbrance" or "Encumbered" means a revocation or suspension of, or any limitation or condition on, the full and unrestricted practice of Athletic Training;

Q. "Executive Committee" means a group of Commissioners elected or appointed to act on behalf of, and within the powers granted to them by, the compact and Commission;

R. "Investigative Information" means information, records, and documents received or generated by a Licensing Authority pursuant to an investigation;

S. "Jurisprudence Requirement" means the assessment of an individual's knowledge of the laws and Rules governing the practice of Athletic Training, as applicable, in a State;

T. "License" means current authorization by a Member State to engage in the practice of Athletic Training;

U. "Licensee" or "Licensed Athletic Trainer" means an individual who currently holds an active, unrestricted License and who meets all of the requirements outlined in Section 4 of this compact;

V. "Licensing Authority" means the board or agency of a State, or equivalent, that is responsible for the licensing and regulation of Athletic Trainers;

W. "Model Compact Language" means the model language for the Athletic Trainer Compact on file with The Council of State Governments or other entity as designated by the Commission to which all Member States must substantively adhere and adopt;

X. "Member State" means a State that has enacted the compact;

Y. "Remote State" means a Member State other than the State of Qualifying Licensure;

Z. "Rule" means a regulation promulgated by an authorized entity that has the force of law;

AA. "Scope of Practice" means the procedures, actions, and processes an Athletic Trainer licensed in a State is permitted to undertake in that State and the circumstances under which the Licensee is permitted to undertake those procedures, actions, and processes. Such procedures, actions, and processes and the circumstances under which they may be undertaken may be established through means, including, but not limited to, statute, regulations, case law, and other processes available to the State Licensing Authority or other government agency. Scope of Practice shall include any State requirements regarding supervision or direction, if required by such State and as further defined by such State's statutes and regulations;

BB. "Single-State License" means a License issued by any State that authorizes practice only within the issuing State;

CC. "State" means any state, commonwealth, district, or territory of the United States of America;

DD. "State of Qualifying Licensure" means the Member State that has issued a Compact Qualifying License to a Licensee pursuant to this compact; and

EE. "Unencumbered License" means a License that authorizes a Licensee to engage in the full and unrestricted practice of Athletic Training.

### SECTION 3. STATE PARTICIPATION IN THE COMPACT

A. To be eligible to join this compact and to maintain eligibility as a Member State, a State must:

1. Enact and maintain a statute that is not materially different from the Model Compact Language;

2. License and regulate the practice of Athletic Training;

3. Require that Licensees in that State maintain Continuing Competence standards as part of their State practice act or Rules;

4. Have a mechanism in place for receiving and investigating complaints about Licensees;

5. Grant the Compact Privilege to a Licensee who meets all the requirements outlined in Section 4 of this compact in accordance with the terms of the compact and any Rules promulgated thereunder;

6. Participate fully in the Compact Commission's Data System, including using the unique identifier as defined in Rules;

7. Notify the Compact Commission, in compliance with the terms of the compact and Rules, of any Adverse Action or the availability of Current Significant Investigative Information regarding a Licensee;

8. Within a timeframe established by Rule, implement or utilize procedures for considering the criminal history records of applicants for a Compact Qualifying License which includes receiving the results of the Federal Bureau of Investigation record search and shall use those results in making licensure decisions. These procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that State's criminal records;

a. A Member State must fully implement a Criminal Background Check requirement in order to participate in the issuance and acceptance of Compact Privileges; and

b. Communication between a Member State and the Compact Commission or among Member States regarding the verification of eligibility for licensure through the compact shall not include any information received from the Federal Bureau of Investigation relating to a federal criminal records check performed by a Member State; and

9. Comply with and enforce the Rules of the Compact Commission.

B. Member States may set and collect a fee for issuance and renewal of a Compact Privilege to applicants.

C. Individuals without a Compact Qualifying License shall continue to be able to apply for a Member State's Single-State License as provided under the laws of each Member State.

D. Nothing in this compact shall affect the requirements established by a Member State for the issuance of a Single-State License.

E. A Compact Qualifying License shall be recognized by each Remote State

as authorizing that Licensee to engage in the practice of Athletic Training, under a Compact Privilege, in another Member State in accordance with the requirements in Section 4 of this compact.

#### SECTION 4. COMPACT PRIVILEGE

A. To be eligible for a Compact Privilege under the terms and provisions of the compact, the Licensee shall complete a Criminal Background Check performed by the Licensing Authority in the State of Qualifying Licensure prior to entry in the compact and shall:

1. Satisfy one of the following two pathways:

a. Hold a valid current active certification through the BOC, or its successor organization; or

b. If a Licensee does not meet the requirements of subsection 4.A.1.a., the following must be completed:

i. An education program which is one of the following:

1. At least a bachelor's degree with a major course of study in Athletic Training, or an equivalent course of study from a college or university accredited at the time of graduation by CAATE, or its successor organization;

2. An academic degree from a college or university in a foreign country equivalent to the degree described in subparagraph 1 of this subsection with a major course of study as described in subparagraph 1 of this subsection that is accredited by CAATE, or its successor organization; or

3. The substantial equivalent of the foregoing which the Commission may determine by Rule; and

ii. Successful completion of the exam administered by the BOC, or its successor organization, preceding the date of the Licensee's application for licensure in their State of Qualifying Licensure or the substantial equivalent of the foregoing requirement which the Commission may determine by Rule.

2. Hold a Compact Qualifying License;

3. Have not had any Encumbrance against any License or Compact Privilege to practice Athletic Training within the previous two years;

4. Be eligible for a Compact Privilege in any Member State in accordance

with Section 4 of this compact;

5. Notify the Compact Commission that the Licensee is seeking the Compact Privilege within a Remote State;

6. Pay any applicable fees, including any State fee, for the Compact Privilege;

7. Meet only the Continuing Competence requirements established by the State of Qualifying Licensure;

8. Comply with any requirements of the State of Qualifying Licensure as set forth in Section 3 of this compact;

9. Meet any Jurisprudence Requirements established by the Remote State in which the Licensee is seeking a Compact Privilege; and

10. Report to the Compact Commission any Adverse Action, Encumbrance, or restriction on a License taken by any non-Member State within thirty days from the date the action is taken.

B. The Compact Privilege is valid until the expiration date of the Compact Qualifying License. To maintain a Compact Privilege, renewal of the Compact Privilege shall be congruent with the renewal of the Compact Qualifying License as the Compact Commission may define by Rule. The Licensee must comply with the requirements of this section to maintain the Compact Privilege in the Remote State. A Licensee may apply for and hold Compact Privileges in multiple Member States.

C. A Licensed Athletic Trainer must follow the Scope of Practice of the Member State where the patient is located. A Licensee engaging in the practice of Athletic Training in a Remote State under the Compact Privilege shall adhere to the Scope of Practice laws and regulations of the Remote State. Licensees shall be responsible for educating themselves on, and complying with, any and all Scope of Practice laws and regulations and State laws relating to the remote practice of Athletic Training, as applicable.

D. A Licensee engaging in the practice of Athletic Training in a Remote State is subject to that State's regulatory authority. A Remote State may, in accordance with due process and that State's laws, remove a Licensee's Compact

Privilege in the Remote State for a specific period of time, impose fines, or take any other necessary actions to protect the health and safety of its citizens. Any Member State which undertakes such an action shall promptly notify the Member State and the Commission as specified in the Rules. The Licensee may be deemed to be ineligible to exercise the Compact Privilege by any Member State until the specific time for removal has passed and all fines are paid.

E. All Member State disciplinary orders that impose Adverse Action against a Compact Qualifying License shall result in deactivation of the Licensee's Compact Privilege in all Member States during the pendency of the order. If a Compact Qualifying License is Encumbered, the Licensee shall lose the Compact Privilege in any Remote State until the following occur:

1. The Compact Qualifying License is no longer Encumbered; and
2. The Licensee has not had any Encumbrance or restriction against any License, Compact Qualifying License, or Compact Privilege within the previous two years.

F. Once an Encumbered License is restored to good standing as a Compact Qualifying License (as certified by the Licensing Authority) the Licensee must meet the requirements of this section to obtain a Compact Privilege in any Remote State.

G. If a Licensee's Compact Privilege in any Remote State is removed, that Licensee may also lose the Compact Privilege in other Remote States, as each Member State shall determine in its sole authority, until the following occur:

1. The specific period of time for which the Compact Privilege was removed has ended;
2. All fines have been paid; and
3. Have not had any Encumbrance or restriction against any License or Compact Privilege within the previous two years.

H. Once the requirements of Section 4.G have been met, the Licensee must meet the requirements in Section 4.A to obtain a Compact Privilege in a Remote State.

SECTION 5. COMPACT QUALIFYING LICENSE

A. A Licensee may only designate one License as their Compact Qualifying License at a time. The procedures for such designation may be further defined by Compact Commission Rule.

B. Nothing in this Section shall require that the State of Qualifying Licensure be the State of primary residence or State of primary practice for the Licensee.

C. Nothing in this compact shall interfere with a Licensee's ability to hold a Single-State License in multiple States.

D. Nothing in this compact shall affect the requirements established by a Member State for the issuance of a Single-State License.

SECTION 6. ACTIVE MILITARY MEMBER OR THEIR SPOUSES

An Active Military Member or their spouse shall not be required to pay a fee to the Commission for a Compact Privilege. If a Member State chooses to charge a Member State fee, it may choose to charge a reduced fee or no fee to an Active Military Member or their spouse for a Compact Privilege.

SECTION 7. ADVERSE ACTIONS

A. A Member State in which a Licensee is issued a Compact Qualifying License shall have the exclusive authority to impose Adverse Action against the Compact Qualifying License issued by that Member State.

B. A Member State may take Adverse Action based on Current Significant Investigative Information of a Remote State, so long as the Member State follows its own procedures for imposing Adverse Action.

C. Nothing in this compact shall override a Member State's decision that participation in an Alternative Program may be used in lieu of Adverse Action and that such participation shall remain nonpublic if required by the Member State's laws or Rules.

D. A Remote State shall have the authority to:

1. Take Adverse Actions as set forth herein against a Licensee's Compact Privilege in that State; and

2. Issue subpoenas for both hearings and investigations that require the

attendance and testimony of witnesses as well as the production of evidence.

a. Subpoenas may be issued by a Member State Athletic Training Licensing Authority for the attendance and testimony of witnesses and the production of evidence.

b. A Member State which issues a subpoena may request service of that subpoena by another Member State. The Member State receiving the request to serve a subpoena shall serve the subpoena if it is deemed enforceable by a court of competent jurisdiction according to the practice and procedure in the receiving Member State.

c. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the State where the witnesses or evidence are located.

E. For purposes of taking Adverse Action, a Member State shall give the same priority and effect to reported conduct received from another Member State as it would if the conduct had occurred within that State. In so doing, the investigating Member State shall apply its own State laws to determine appropriate action.

F. A Member State, if otherwise permitted by State law, may recover from the affected Licensee the costs of investigations and dispositions of cases resulting from any Adverse Action taken against that Licensee.

G. Joint Investigations:

1. In addition to the authority granted to a Member State by its respective State law, any Member State may participate with other Member States in joint investigations of Licensees.

2. Member States shall share any Current Significant Investigative Information, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the compact. In sharing such information between Member State Athletic Trainer Licensing Authorities, all information obtained shall be kept confidential, except as otherwise mutually agreed upon by the sharing and receiving Member States.

3. A Remote State may issue subpoenas on behalf of a Member State for both

hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence.

H. If a Member State takes Adverse Action, it shall promptly notify the administrator of the Data System. The administrator of the Data System shall promptly notify all Member States of any Adverse Actions by Remote States.

I. Nothing in this compact may permit a Member State to take any Adverse Action against a Licensee or holder of a Compact Privilege for conduct or practice occurring in another Member State that was legal in the Member State at the time it was undertaken.

#### SECTION 8. ESTABLISHMENT AND OPERATION OF THE COMMISSION

A. The compact Member States hereby create and establish a joint government agency whose membership consists of all Member States that have enacted the compact known as the Athletic Trainer Licensure Compact Commission. The Compact Commission is an instrumentality of the Member States acting jointly and not an instrumentality of any one State. The Compact Commission shall come into existence on or after the effective date of the compact as set forth in Section 12 of this compact.

##### B. Membership, Voting, and Meetings

1. Each Member State shall have and be limited to one Commissioner selected by that Member State's Licensing Authority within sixty days of the Member State's effective date.

2. The Commissioner shall be an administrator or their designated staff or current board member of the Licensing Authority.

3. The Compact Commission may recommend removal or suspension of any Commissioner from office.

4. A Member State's Licensing Authority shall fill any vacancy of its Commissioner occurring on the Compact Commission within sixty days of the vacancy.

5. Each Commissioner shall be entitled to one vote on all matters before the Compact Commission requiring a vote by the Commissioners.

6. The Compact Commission shall meet at least once during each calendar

year. Additional meetings may be held as set forth in the Commission bylaws. A Commissioner shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for Commissioners to meet by telecommunication, videoconference, or other means of communication.

C. The Compact Commission shall have the following powers:

1. Promulgate, adopt, and amend Rules and bylaws;
2. Establish code of conduct, confidentiality, and conflict of interest policies for Commissioners;
3. Establish the fiscal year of the Compact Commission;
4. Maintain its financial records in accordance with the bylaws;
5. Purchase and maintain insurance and insurance bonds;
6. Accept, or contract for services of personnel, including, but not limited to, employees of a Member State;
7. Conduct a financial review or audit;
8. Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the compact, and establish the Compact Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;
9. Enter into contracts or arrangements for the management of the affairs of the Commission;
10. Assess and collect fees;
11. Accept any and all appropriate gifts, donations, grants of money, other sources of revenue, equipment, supplies, materials, and services, and receive, utilize, and dispose of the same; provided that at all times the Compact Commission shall avoid any appearance of impropriety or conflict of interest;
12. Lease, purchase, retain, own, hold, improve, invest, or use any property, real, personal, or mixed, or any undivided interest therein;
13. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed;

14. Establish a budget and make expenditures;
15. Borrow and invest money;
16. Meet and take such actions as are consistent with the provisions of this compact, the Compact Commission's Rules, and the bylaws;
17. Initiate and conclude legal proceedings or actions in the name of the Compact Commission, provided that the standing of any Licensing Authority to sue or be sued under applicable law shall not be affected;
18. Maintain and certify records and information provided to a Member State as the authenticated business records of the Compact Commission, and designate an agent to do so on the Compact Commission's behalf;
19. Provide and receive information from, and cooperate with, law enforcement agencies;
20. Determine whether a State's adopted language is materially different from the Model Compact Language such that the State would not qualify for participation in the compact;
21. Establish and elect an Executive Committee, including a chair and a vice-chair, secretary, treasurer, and such other offices as the Commission shall establish by Rule or bylaw;
22. Appoint committees, including standing committees, composed of Member State Commissioners, State regulators, State legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this compact and the bylaws; and
23. Perform such other functions as may be necessary or appropriate to achieve the purposes of this compact.

D. The Executive Committee

1. The Executive Committee shall have the power to act on behalf of the Compact Commission according to the terms of this compact. The powers, duties, and responsibilities of the Executive Committee shall include:
  - a. Exercise the powers and duties of the Compact Commission during the interim between Compact Commission meetings, except for adopting or amending Rules, adopting or amending bylaws, and exercising any other powers and duties

expressly reserved to the Compact Commission by Rule or bylaw;

b. Oversee the day-to-day activities of the administration of the compact including enforcement and compliance with the provisions of the compact, its Rules and bylaws, and other such duties as deemed necessary;

c. Recommend to the Compact Commission changes to the Rules or bylaws, changes to this compact legislation, fees charged to compact Member States, fees charged to Licensees, and other fees;

d. Ensure compact administration services are appropriately provided, including by contract;

e. Prepare and recommend the budget;

f. Maintain financial records on behalf of the Compact Commission;

g. Monitor compact compliance of Member States and provide compliance reports to the Compact Commission;

h. Establish additional committees as necessary; and

i. Other duties as provided in the Rules or bylaws of the Compact Commission.

2. The Executive Committee shall be composed of five voting members, elected by the Compact Commission:

a. The chair and vice-chair of the Compact Commission shall be voting members of the Executive Committee;

b. The Compact Commission shall elect up to three additional voting members from the current membership of the Compact Commission to include the offices of treasurer, secretary, and one member-at-large; and

c. Up to four ex officio, nonvoting members from recognized national athletic trainer organizations.

3. The Compact Commission may remove any member of the Executive Committee as provided in the Compact Commission's bylaws.

4. The Executive Committee shall meet at least annually:

a. Executive Committee meetings shall be open to the public, except that the Executive Committee may meet in a closed, nonpublic meeting as provided in this Section.

b. The Executive Committee shall give advance notice of its meetings, posted on its website and as determined by Rule or bylaw to provide notice to persons with an interest in the business of the Compact Commission.

c. The Executive Committee may hold a special meeting in accordance with this section.

E. The Compact Commission shall adopt and provide to the Member States an annual report.

F. Meetings of the Compact Commission:

1. All meetings shall be open to the public, except that the Compact Commission may meet in a closed, nonpublic meeting as provided in this section.

2. Public notice for all meetings of the full Compact Commission shall be given in the same manner as required under the rulemaking provisions in this compact, except that the Compact Commission may hold a special meeting as provided in this section.

3. The Compact Commission may hold a special meeting when it must meet to conduct emergency business by giving twenty-four hours' notice to all Commissioners, on the Compact Commission's website, and by other means as provided in the Compact Commission's Rules. The Compact Commission's legal counsel shall certify that the Compact Commission's need to meet qualifies as an emergency.

4. The Compact Commission or the Executive Committee or other committees of the Compact Commission may convene in a closed, nonpublic meeting for the Compact Commission or Executive Committee or other committees of the Compact Commission to receive legal advice or to discuss:

- a. Noncompliance of a Member State with its obligations under the compact;
- b. The employment, compensation, discipline, or other matters, practices, or procedures related to specific employees;
- c. Current or threatened discipline of a Licensee by a Member State's Licensing Authority;
- d. Current, threatened, or reasonably anticipated litigation;
- e. Negotiation of contracts for the purchase, lease, or sale of goods,

services, or real estate;

f. Accusing any person of a crime or formally censuring any person;

g. Trade secrets or commercial or financial information that is privileged or confidential;

h. Information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

i. Investigative records compiled for law enforcement purposes;

j. Information related to any investigative reports prepared by or on behalf of or for use of the Compact Commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the compact;

k. Matters specifically exempted from disclosure by federal or Member State law; or

l. Other matters as specified in Rules of the Compact Commission.

5. If a meeting, or portion of a meeting, is closed, the Compact Commission's legal counsel or designee shall certify that the meeting will be closed and reference each relevant exempting provision, and such reference shall be recorded in the minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release only by a majority vote of the Compact Commission or order of a court of competent jurisdiction.

G. Financing of the Compact Commission:

1. The Compact Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

2. The Compact Commission may accept any and all appropriate revenue sources as provided in this section.

3. The Compact Commission may levy on and collect an annual assessment from each Member State and impose fees on Licensees of Member States to whom it grants a Compact Privilege to cover the cost of the operations and activities of the Compact Commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount for

Member States shall be allocated based upon a formula that the Compact Commission shall promulgate by Rule.

4. The Compact Commission shall not incur obligations of any kind prior to securing the funds or a loan adequate to meet the same; nor shall the Compact Commission pledge the credit of any of the Member States, except by and with the authority of the Member State.

5. The Compact Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Compact Commission shall be subject to the financial review or audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Compact Commission shall be subject to an annual financial review or audit by a certified or licensed public accountant, and the report of the financial review or audit shall be included in and become part of the annual report of the Compact Commission.

H. Qualified Immunity, Defense, and Indemnification:

1. The members, officers, executive director, employees, and representatives of the Compact Commission shall have no greater liability than a state employee would have under the same or similar circumstances, both personally and in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Compact Commission employment, duties, or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person. The procurement of insurance of any type by the Compact Commission shall not in any way compromise or limit the immunity granted hereunder.

2. The Compact Commission shall defend any member, officer, executive director, employee, and representative of the Compact Commission in any civil action seeking to impose liability arising out of any actual or alleged act,

error, or omission that occurred within the scope of Compact Commission employment, duties, or responsibilities, or as determined by the Compact Commission that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Compact Commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining their own counsel at their own expense; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

3. The Compact Commission shall indemnify and hold harmless any member, officer, executive director, employee, and representative of the Compact Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of Compact Commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of Compact Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

4. Nothing herein shall be construed as a limitation on the liability of any Licensee for professional malpractice or misconduct, which shall be governed solely by any other applicable State laws.

5. Nothing in this compact shall be interpreted to waive or otherwise abrogate a Member State's state action immunity or state action affirmative defense with respect to antitrust claims under the Sherman Act, Clayton Act, or any other State or federal antitrust or anticompetitive law or regulation.

6. Nothing in this compact shall be construed to be a waiver of sovereign immunity by the Member States or by the Compact Commission.

#### SECTION 9. DATA SYSTEM

A. The Commission shall provide for the development, maintenance, operation, and utilization of a coordinated Data System and reporting system containing licensure, Compact Privileges, Adverse Action, and the presence of

Current Significant Investigative Information on all Licensees and applicants for a License in Member States.

B. Notwithstanding any other provision of State law to the contrary, a Member State shall submit a uniform data set to the Data System on all Licensees, applicants, and others to whom this compact is applicable as required by the Rules of the Compact Commission, including:

1. Personally identifying information;
2. Licensure data;
3. Adverse Actions against a Licensee, License applicant, or Compact Privilege and information related thereto;
4. Nonconfidential information related to Alternative Program participation, the beginning and ending dates of such participation, and other information related to such participation;
5. Any denial of an application for licensure, and the reason for such denial, excluding the reporting of any criminal history record information where prohibited by law;
6. A binary determination regarding the presence of Current Significant Investigative Information; and
7. Other information that may facilitate the administration of this compact or the protection of the public, as determined by the Rules of the Commission.

C. The records and information provided to a Member State pursuant to this compact or through the Data System, when certified by the Commission or an agent thereof, shall constitute the authenticated business records of the Commission, and shall be entitled to any associated hearsay exception in any relevant judicial, quasi-judicial, or administrative proceedings in a Member State.

D. Current Significant Investigative Information pertaining to a Licensee in any Member State will only be available to other Member States.

E. It is the responsibility of the Member States to monitor the Data System to determine whether Adverse Action has been taken against a Licensee or

License applicant. Adverse Action information pertaining to a Licensee or License applicant in any Member State will be available to any other Member State.

F. Member States contributing information to the Data System may designate information that may not be shared with the public without the express permission of the contributing State.

G. Any information submitted to the Data System that is subsequently expunged pursuant to federal law or the laws of the Member State contributing the information shall be removed from the Data System.

#### SECTION 10. RULEMAKING

A. The Compact Commission shall promulgate reasonable Rules in order to effectively and efficiently implement and administer the purposes and provisions of the compact. A Rule shall be invalid and have no force or effect only if a court of competent jurisdiction holds that the Rule is invalid because the Compact Commission exercised its rulemaking authority in a manner that is beyond the scope and purposes of the compact, or the powers granted hereunder, or based upon another applicable standard of review.

B. The Rules of the Compact Commission shall have the force of law in each Member State, provided however that where the Rules conflict with the laws or regulations of a Member State that relate to the Scope of Practice a Licensed Athletic Trainer is permitted to undertake in that State and the circumstances under which they may do so, as held by a court of competent jurisdiction, the Rules of the Compact Commission shall be ineffective in that State to the extent of the conflict.

C. The Compact Commission shall exercise its rulemaking powers pursuant to the criteria set forth in this section and the Rules adopted thereunder. Rules of this compact shall become binding on the day following adoption or as of the date specified in the Rule or amendment, whichever is later.

D. If a majority of the legislatures of the Member States rejects a Rule or portion of a Rule, by enactment of a statute or resolution in the same manner used to adopt the compact within four years of the date of adoption of

the Rule, then such Rule shall have no further force and effect in any Member State.

E. Rules shall be adopted at a regular or special meeting of the Compact Commission.

F. Prior to adoption of a proposed Rule, the Compact Commission shall hold a public hearing and allow persons to provide oral and written comments, data, facts, opinions, and arguments. At least thirty days in advance of the public hearing on the proposed Rule, the Compact Commission shall provide a notice of proposed rulemaking:

1. On the website of the Compact Commission or other publicly accessible platform;

2. To persons who have requested notice of the Compact Commission's notices of proposed rulemaking; and

3. In such other ways as the Compact Commission may by Rule specify.

G. The notice of proposed rulemaking shall include:

1. The time, date, and location of the public hearing at which the Compact Commission will hear public comments on the proposed Rule and, if different, the time, date, and location of the meeting where the Compact Commission will consider and vote on the proposed Rule;

2. If the hearing is held via telecommunication, videoconference, or other electronic means, the Compact Commission shall include the mechanism for access to the hearing in the notice of proposed rulemaking;

3. The text of the proposed Rule and the reason therefor;

4. A request for comments on the proposed Rule from any interested person; and

5. The manner in which interested persons may submit written comments.

H. All hearings will be recorded. A copy of the recording and all written comments and documents received by the Compact Commission in response to the proposed Rule shall be available to the public.

I. Nothing in this section shall be construed as requiring a separate hearing on each Rule. Rules may be grouped for the convenience of the Compact

Commission at hearings required by this section.

J. The Compact Commission shall, by majority vote of all members, take final action on the proposed Rule based on the rulemaking record and the full text of the Rule.

1. The Compact Commission may adopt changes to the proposed Rule provided the changes do not enlarge the original purpose of the proposed Rule.

2. The Compact Commission shall provide an explanation of the reasons for substantive changes made to the proposed Rule as well as reasons for substantive changes not made that were recommended by commenters.

3. The Compact Commission shall determine a reasonable effective date for the Rule. Except for an emergency as provided in this section, the effective date of the Rule shall be no sooner than thirty days after issuing the notice that it adopted or amended the Rule.

K. Upon determination that an emergency exists, the Compact Commission may consider and adopt an emergency Rule with twenty-four hours' notice, with opportunity to comment, provided that the usual rulemaking procedures provided in the compact and in this section shall be retroactively applied to the Rule as soon as reasonably possible, in no event later than ninety days after the effective date of the Rule. For the purposes of this provision, an emergency Rule is one that must be adopted immediately in order to:

1. Meet an imminent threat to public health, safety, or welfare;
2. Prevent a loss of Compact Commission or Member State funds;
3. Meet a deadline for the promulgation of a Rule that is established by federal law or rule; or
4. Protect public health and safety.

L. The Compact Commission or an authorized committee of the Compact Commission may direct revisions to a previously adopted Rule for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the Compact Commission. The revisions shall be subject to challenge by any person for a period of thirty days after posting. A revision may be

challenged only on grounds that the revision results in a material change to a Rule. A challenge shall be made in writing and delivered to the Compact Commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Compact Commission.

M. No Member State's rulemaking requirements shall apply under this compact.

#### SECTION 11. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

##### A. Oversight:

1. The executive and judicial branches of State government in each Member State shall enforce this compact and take all actions necessary and appropriate to implement the compact.

2. Except as otherwise provided in this compact, venue is proper and judicial proceedings by or against the Compact Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Compact Commission is located. The Compact Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings. Nothing herein shall affect or limit the selection or propriety of venue in any action against a Licensee for professional malpractice, misconduct or any such similar matter.

3. The Compact Commission shall be entitled to receive service of process in any proceeding regarding the enforcement or interpretation of the compact and shall have standing to intervene in such a proceeding for all purposes. Failure to provide the Compact Commission service of process shall render a judgment or order void as to the Compact Commission, this compact, or promulgated Rules.

##### B. Default, Technical Assistance, and Termination:

1. If the Compact Commission determines that a Member State has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated Rules, the Commission shall provide written notice to the

defaulting State. The notice of default shall describe the default, the proposed means of curing the default, and any other action that the Compact Commission may take, and shall offer training and specific technical assistance regarding the default.

2. The Compact Commission shall provide a copy of the notice of default to the other Member States.

C. If a State in default fails to cure the default, the defaulting State may be terminated from the compact upon an affirmative vote of a majority of the Commissioners of the Member States, and all rights, privileges and benefits conferred on that State by this compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending State of obligations or liabilities incurred during the period of default.

D. Termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Compact Commission to the Governor, the majority and minority leaders of the defaulting State's legislature, the defaulting State's Licensing Authority and each of the Member States' Licensing Authority.

E. A State that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

F. Upon the termination of a State's membership from this compact, that State shall immediately provide notice to all Licensees within that State of such termination. The terminated State shall continue to recognize all Licenses and Compact Privileges granted pursuant to this compact for a minimum of one hundred eighty days after the date of said notice of termination.

G. The Compact Commission shall not bear any costs related to a State that is found to be in default or that has been terminated from the compact, unless agreed upon in writing between the Compact Commission and the defaulting State.

H. The defaulting State may appeal the action of the Compact Commission by

petitioning the United States District Court for the District of Columbia or the federal district where the Compact Commission has its principal offices. The prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees.

I. Dispute Resolution:

1. Upon request by a Member State, the Compact Commission shall attempt to resolve disputes related to the compact that arise among Member States and between Member and non-Member States.

2. The Compact Commission shall promulgate a Rule providing for both mediation and binding dispute resolution for disputes as appropriate.

J. Enforcement:

1. By two-thirds majority vote, the Compact Commission may initiate legal action against a Member State in default in the United States District Court for the District of Columbia or the federal district where the Compact Commission has its principal offices to enforce compliance with the provisions of the compact and its promulgated Rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees. The remedies herein shall not be the exclusive remedies of the Compact Commission. The Compact Commission may pursue any other remedies available under federal or the defaulting Member State's law.

2. A Member State may initiate legal action against the Compact Commission in the United States District Court for the District of Columbia or the federal district where the Compact Commission has its principal offices to enforce compliance with the provisions of the compact and its promulgated Rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees.

3. No person other than a Member State shall enforce this compact against the Compact Commission.

SECTION 12. EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

A. The compact shall come into effect on the date on which the compact statute is enacted into law in the seventh Member State.

1. On or after the effective date of the compact, the Compact Commission shall convene and review the enactment of each of the first seven Member States (Charter Member States) to determine if the statute enacted and made effective by each such Charter Member State is materially different than the Model Compact Language.

a. A Charter Member State whose enactment is found to be materially different from the Model Compact Language shall be entitled to the default process set forth in Section 11 of this compact.

b. If any Member State is later found to be in default, or is terminated or withdraws from the compact, the Compact Commission shall remain in existence and the compact shall remain in effect even if the number of Member States should be less than seven.

2. Member States enacting the compact subsequent to the seven initial Charter Member States shall be subject to the process set forth in this section to determine if their enactments are materially different from the Model Compact Language and whether they qualify for participation in the compact.

3. All actions taken for the benefit of the Compact Commission or in furtherance of the purposes of the administration of the compact prior to the effective date of the compact or the Compact Commission coming into existence shall be considered to be actions of the Compact Commission unless specifically repudiated by the Compact Commission.

4. Any State that joins the compact subsequent to the Compact Commission's initial adoption of the Rules and bylaws shall be subject to the Rules and bylaws as they exist on the date on which the compact becomes law in that State. Any Rule that has been previously adopted by the Compact Commission shall have the full force and effect of law on the day the compact becomes law in that State.

B. Any Member State may withdraw from this compact by enacting a statute repealing the same.

1. A Member State's withdrawal shall not take effect until one hundred eighty days after enactment of the repealing statute.

2. Withdrawal shall not affect the continuing requirement of the withdrawing State's Licensing Authority to comply with the investigative and Adverse Action reporting requirements of this compact prior to the effective date of withdrawal.

3. Upon the enactment of a statute withdrawing from this compact, a State shall immediately provide notice of such withdrawal to all Licensees and privilege holders within that State. Notwithstanding any subsequent statutory enactment to the contrary, such withdrawing State shall continue to recognize all Compact Privileges granted pursuant to this compact for a minimum of one hundred eighty days after the date of such notice of withdrawal.

4. Nothing contained in this compact shall be construed to invalidate or prevent any licensure agreement or other cooperative arrangement between a Member State and a non-Member State that does not conflict with the provisions of this compact.

5. This compact may be amended by the Member States. No amendment to this compact shall become effective and binding upon any Member State until it is enacted into the laws of all Member States.

#### SECTION 13. CONSTRUCTION AND SEVERABILITY

A. This compact and the Compact Commission's rulemaking authority shall be liberally construed so as to effectuate the purposes, and the implementation and administration of the compact. Provisions of the compact expressly authorizing or requiring the promulgation of Rules shall not be construed to limit the Compact Commission's rulemaking authority solely for those purposes.

B. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is held by a court of competent jurisdiction to be contrary to the constitution of any Member State, a State seeking participation in the compact, or of the United States, or the applicability thereof to any government, agency, person, or circumstance is held to be unconstitutional by a court of competent jurisdiction, the validity

of the remainder of this compact and the applicability thereof to any other government, agency, person, or circumstance shall not be affected thereby.

C. Notwithstanding the foregoing, the Compact Commission may deny a State's participation in the compact or terminate a Member State's participation in the compact if it determines that a constitutional requirement of a Member State is a material departure from the compact. Otherwise, if this compact shall be held to be contrary to the constitution of any Member State, the compact shall remain in full force and effect as to the remaining Member States and in full force and effect as to the Member State affected as to all severable matters.

SECTION 14. CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS

A. Nothing herein shall prevent or inhibit the enforcement of any other law of a Member State that is not inconsistent with the compact.

B. Any laws, statutes, regulations, or other legal requirements in a Member State in conflict with the compact are superseded to the extent of the conflict.

C. All permissible agreements between the Compact Commission and the Member States are binding in accordance with their terms.

**Sec. 8.** Section 38-131, Revised Statutes Supplement, 2025, is amended to read:

38-131 (1) An applicant for an initial license to practice as a registered nurse, a licensed practical nurse, a physical therapist, a physical therapy assistant, an athletic trainer, a psychologist, a respiratory care practitioner, an advanced emergency medical technician, an emergency medical technician, an audiologist, a speech-language pathologist, a licensed independent mental health practitioner, an occupational therapist, an occupational therapy assistant, a dietitian, a certified social worker, a certified master social worker, a licensed clinical social worker, a paramedic, a physician, an osteopathic physician, a physician or osteopathic physician who is an applicant for a temporary educational permit, a physician or osteopathic physician who is an applicant for a temporary visiting faculty permit, a

physician assistant, a dentist, a dental hygienist, an optometrist, a podiatrist, a veterinarian, an advanced practice registered nurse-nurse practitioner, an advanced practice registered nurse-certified nurse midwife, or an advanced practice registered nurse-certified registered nurse anesthetist shall be subject to a criminal background check. Except as provided in subsection (4) of this section, such an applicant for an initial license shall submit a full set of fingerprints to the Nebraska State Patrol for a criminal history record information check. The applicant shall authorize release of the results of the national criminal history record information check by the Federal Bureau of Investigation to the department. The applicant shall pay the actual cost of the fingerprinting and criminal background check.

(2) The Nebraska State Patrol is authorized to submit the fingerprints of such applicants to the Federal Bureau of Investigation and to issue a report to the department that includes the criminal history record information concerning the applicant. The Nebraska State Patrol shall forward submitted fingerprints to the Federal Bureau of Investigation for a national criminal history record information check. The Nebraska State Patrol shall issue a report to the department that includes the criminal history record information concerning the applicant.

(3) This section shall not apply to a dentist who is an applicant for a dental locum tenens under section 38-1122, to a physician or osteopathic physician who is an applicant for a physician locum tenens under section 38-2036, or to a veterinarian who is an applicant for a veterinarian locum tenens under section 38-3335.

(4) A physician or osteopathic physician who is an applicant for a temporary educational permit shall have ninety days from the issuance of the permit to comply with subsection (1) of this section and shall have such permit suspended after such ninety-day period if the criminal background check is not complete or revoked if the criminal background check reveals that the applicant was not qualified for the permit.

(5) The department and the Nebraska State Patrol may adopt and promulgate

rules and regulations concerning costs associated with the fingerprinting and the national criminal history record information check.

(6) For purposes of interpretation by the Federal Bureau of Investigation, the term department in this section means the Division of Public Health of the Department of Health and Human Services.

**Sec. 9.** Section 38-404, Revised Statutes Cumulative Supplement, 2024, is amended to read:

38-404 Athletic trainer means a health care professional who is licensed to practice athletic training under the Athletic Training Practice Act or the Athletic Trainer Compact and who, under guidelines established with a licensed physician, performs the functions outlined in section 38-408 except as otherwise provided in subsection (5) of section 38-408.

**Sec. 10.** Section 38-409, Revised Statutes Cumulative Supplement, 2024, is amended to read:

38-409 No person shall be authorized to perform the functions outlined in section 38-408 unless the person first obtains a license as an athletic trainer or unless such person is licensed as a physician, osteopathic physician, chiropractor, nurse, physical therapist, or podiatrist. No person shall hold himself or herself out as an athletic trainer in this state unless such person is licensed under the Athletic Training Practice Act or the Athletic Trainer Compact.

**Sec. 11.** Section 38-1716, Revised Statutes Cumulative Supplement, 2024, is amended to read:

38-1716 No person shall operate or profess or attempt to operate a massage therapy establishment unless such establishment is licensed by the department under the Massage Therapy Practice Act. The department shall not issue or renew a license for a massage therapy establishment until all requirements of the act have been complied with. No person shall engage in any of the practices of massage therapy in any location or premises other than a licensed massage therapy establishment except as specifically permitted in the act or in the rules and regulations adopted and promulgated by the department.

**Sec. 12.** Section 38-1915, Reissue Revised Statutes of Nebraska, is amended to read:

38-1915 (1)(a) A person licensed by the department, with the recommendation of the board, as a medical radiographer may practice medical radiography on any part of the human anatomy for interpretation by, and under the direction of, a licensed practitioner, including computed tomography but excluding interpretative fluoroscopic procedures, and may use fluoroscopy in collaboration with a certified registered nurse anesthetist as authorized in section 38-711.

(b) A medical radiographer may also utilize fluoroscopy under the direction of, or in collaboration with, a nurse practitioner pursuant to section 38-2315.

(2) An applicant for a license as a medical radiographer shall:

(a) Complete an educational program in radiography approved by the board pursuant to subsection (1) of section 38-1918;

(b) Complete an application in accordance with the Uniform Credentialing Act; and

(c) Successfully complete an examination approved by the board.

(3) Presentation of proof of registration in radiography with the American Registry of Radiologic Technologists is proof of meeting the requirements of subdivisions (2)(a) and (c) of this section.

**Sec. 13.** Section 38-2101, Revised Statutes Cumulative Supplement, 2024, is amended to read:

38-2101 Sections 38-2101 to 38-2147 and section 14 of this act shall be known and may be cited as the Mental Health Practice Act.

**Sec. 14.** (1) Every two years, a minimum of two hours of continuing education in domestic abuse counseling shall be required for all licensed mental health practitioners and licensed independent mental health practitioners under the Mental Health Practice Act.

(2) Such training shall be conducted by an individual who has (a) received the domestic abuse training required in section 38-2123, (b) a minimum of three

years' experience working with victims of domestic abuse or offenders, and (c) completed an additional forty hours in domestic abuse-related training.

(3) For purposes of the section, domestic abuse means abuse as defined in section 42-903.

**Sec. 15.** Section 38-2123, Revised Statutes Cumulative Supplement, 2024, is amended to read:

38-2123 (1) A person who needs to obtain the required three thousand hours of supervised experience in mental health practice as specified in section 38-2122 to qualify for a mental health practitioner license shall obtain a provisional mental health practitioner license. To qualify for a provisional mental health practitioner license, such person shall:

(a) Have a master's degree, a doctoral degree, or the equivalent of a master's degree, as determined by the board, that consists of course work and training which was primarily therapeutic mental health in content and included a practicum or internship and was from a mental health program as specified in section 38-2122;

(b) Apply prior to earning the three thousand hours of supervised experience;

(c) Pay the provisional mental health practitioner license fee; and

(d) Beginning September 1, 2027, obtain three hours of training relating to domestic abuse, which shall include: (i) Appropriate screening tools for victims of domestic abuse; (ii) indicators of high lethality or risk; (iii) documentation standards; (iv) appropriate referrals to domestic abuse specific services, advocacy, and systems navigation professionals; (v) impact on children; (vi) ethical practice and boundaries; and (vii) trauma-informed, victim-centered care and safety planning. For purposes of this subdivision (1) (d), domestic abuse means abuse as defined in section 42-903.

(2) An individual or organization providing the training described in subdivision (1)(d) of this section shall submit all training materials to the board for approval.

(3) The rules and regulations approved by the board and adopted and

promulgated by the department shall not require that the applicant have a supervisor in place at the time of application for a provisional mental health practitioner license.

(4) A provisional mental health practitioner license shall expire upon receipt of licensure as a mental health practitioner or five years after the date of issuance, whichever comes first.

(5) A person who holds a provisional mental health practitioner license shall inform all clients that he or she holds a provisional license and is practicing mental health under supervision and shall identify the supervisor. Failure to make such disclosure is a ground for discipline as set forth in section 38-2139.

**Sec. 16.** Section 38-2315, Reissue Revised Statutes of Nebraska, is amended to read:

38-2315 (1) A nurse practitioner may provide health care services within specialty areas. A nurse practitioner shall function by establishing collaborative, consultative, and referral networks as appropriate with other health care professionals. Patients who require care beyond the scope of practice of a nurse practitioner shall be referred to an appropriate health care provider.

(2) Nurse practitioner practice means health promotion, health supervision, illness prevention and diagnosis, treatment, and management of common health problems and acute and chronic conditions, including:

(a) Assessing patients, ordering diagnostic tests and therapeutic treatments, synthesizing and analyzing data, and applying advanced nursing principles;

(b) Dispensing, incident to practice only, sample medications which are provided by the manufacturer and are provided at no charge to the patient; and

(c) Prescribing therapeutic measures and medications relating to health conditions within the scope of practice.

(3) A nurse practitioner who has proof of a current certification from an approved certification program in a psychiatric or mental health specialty may

manage the care of patients committed under the Nebraska Mental Health Commitment Act. Patients who require care beyond the scope of practice of a nurse practitioner, who has proof of a current certification from an approved certification program in a psychiatric or mental health specialty, shall be referred to an appropriate health care provider.

(4) A nurse practitioner may pronounce death and may complete and sign death certificates and any other forms if such acts are within the scope of practice of the nurse practitioner and are not otherwise prohibited by law.

(5) A nurse practitioner may perform and utilize fluoroscopy for procedural guidance and for the performance of authorized duties upon the nurse practitioner's successful completion of appropriate education and training as approved jointly by the department and the board. Such education and training shall be in accordance with rules and regulations adopted and promulgated pursuant to section 71-3508. A nurse practitioner may also direct fluoroscopy in collaboration with a licensed medical radiographer.

**Sec. 17.** Section 38-2801, Revised Statutes Cumulative Supplement, 2024, is amended to read:

38-2801 Sections 38-2801 to 38-28,117 and section 18 of this act and the Nebraska Drug Product Selection Act shall be known and may be cited as the Pharmacy Practice Act.

**Sec. 18.** (1) Individuals employed by a facility where dispensed drugs and devices are delivered from a pharmacy to be picked up by a patient or caregiver, as requested by the patient, shall not be considered to be engaging in the practice of pharmacy if:

(a) The drug or device has been prepaid by the patient or caregiver;

(b) The dispensing pharmacist has offered patient counseling either prior to, or at the time of, dispensing;

(c) The drug or device is (i) maintained in the packaging as received from the dispensing pharmacy and stored in accordance with the manufacturer's recommendations and (ii) kept in a separate area from other drugs or devices held by the facility;

(d) The drug or device being delivered is not a controlled substance;

(e) A drug or device that is not picked up within thirty days after delivery is donated or destroyed by the facility or returned to the pharmacy and is not eligible for a refund of any amount paid;

(f) The facility has implemented a written policy relating to the donation or destruction of a drug or device that is not picked up by a patient or caregiver within thirty days after delivery to the facility; and

(g) The facility maintains documentation of the delivery of a drug or device under this subsection, including the date received, the name of the pharmacy, the name of the patient, the signature and printed name of the individual picking up the drug or device, the date it was picked up, and the date of donation, destruction, or return to a pharmacy.

(2) A facility other than a pharmacy, acting in accordance with subsection (1) of this section, shall not be liable for the contents of a drug or device delivered to a patient.

(3) The decision to accept a drug or device for delivery to a patient rests solely with the receiving facility.

(4) The department, with the recommendation of the board, may adopt and promulgate rules and regulations for the administration of this section.

**Sec. 19.** Section 38-2850, Reissue Revised Statutes of Nebraska, is amended to read:

38-2850 As authorized by the Uniform Credentialing Act, the practice of pharmacy may be engaged in by a pharmacist, a pharmacist intern, or a practitioner with a pharmacy license. The practice of pharmacy shall not be construed to include:

(1) Practitioners, other than veterinarians, certified nurse midwives, certified registered nurse anesthetists, nurse practitioners, and physician assistants, who dispense drugs or devices as an incident to the practice of their profession, except that if such practitioner engages in dispensing such drugs or devices to his or her patients for which such patients are charged, such practitioner shall obtain a pharmacy license;

(2) Persons who sell, offer, or expose for sale nonprescription drugs or proprietary medicines, the sale of which is not in itself a violation of the Nebraska Liquor Control Act;

(3) Medical representatives, detail persons, or persons known by some name of like import, but only to the extent of permitting the relating of pharmaceutical information to health care professionals;

(4) Licensed veterinarians practicing within the scope of their profession;

(5) Certified nurse midwives, certified registered nurse anesthetists, nurse practitioners, and physician assistants who dispense sample medications which are provided by the manufacturer and are dispensed at no charge to the patient;

(6) Optometrists who prescribe or dispense eyeglasses or contact lenses to their own patients, including contact lenses that contain and deliver ocular pharmaceutical agents as authorized under the Optometry Practice Act, and ophthalmologists who prescribe or dispense eyeglasses or contact lenses to their own patients, including contact lenses that contain and deliver ocular pharmaceutical agents;

(7) Registered nurses or licensed practical nurses employed by a hospital who administer pursuant to a chart order, or procure for such purpose, single doses of drugs or devices from original drug or device containers or properly labeled repackaged or prepackaged drug or device containers to persons registered as patients and within the confines of the hospital;

(8) Persons employed by a facility where dispensed drugs and devices are delivered from a pharmacy for pickup by a patient or caregiver and no dispensing or storage of drugs or devices occurs;

(9) Persons who sell or purchase medical products, compounds, vaccines, or serums used in the prevention or cure of animal diseases and maintenance of animal health if such medical products, compounds, vaccines, or serums are not sold or purchased under a direct, specific, written medical order of a licensed veterinarian;

(10) A person accredited by an accrediting body who, pursuant to a medical order, (a) administers, dispenses, or distributes medical gas or medical gas devices to patients or ultimate users or (b) purchases or receives medical gas or medical gas devices for administration, dispensing, or distribution to patients or ultimate users;

(11) A person accredited by an accrediting body who, pursuant to a medical order, (a) sells, delivers, or distributes devices described in subsection (2) of section 38-2841 to patients or ultimate users or (b) purchases or receives such devices with intent to sell, deliver, or distribute to patients or ultimate users; and

(12) Individuals described in section 18 of this act.

**Sec. 20.** Section 38-2852, Revised Statutes Cumulative Supplement, 2024, is amended to read:

38-2852 Every applicant for licensure as a pharmacist shall attain a passing grade to be determined by the board in an examination in pharmacy and in an examination in jurisprudence of pharmacy. The jurisprudence examination may occur at a time, before or after graduation, as determined by the accredited pharmacy program attended by the applicant.

**Sec. 21.** Section 38-2866.01, Revised Statutes Supplement, 2025, is amended to read:

38-2866.01 (1) A pharmacist may supervise any combination of pharmacy technicians and pharmacist interns at any time up to a total of four people.

(2) A pharmacist intern shall be supervised at all times while performing the functions of a pharmacist intern which may include all aspects of the practice of pharmacy unless otherwise restricted. This subsection does not apply to a pharmacist intern who is receiving experiential training directed by the accredited pharmacy program in which he or she is enrolled.

(3) For any pharmacist supervising four pharmacy technicians, at least one individual shall be a certified pharmacy technician pursuant to section 38-2890.

**Sec. 22.** Section 38-2871, Reissue Revised Statutes of Nebraska, is amended

to read:

38-2871 (1) Original prescription information for any controlled substances listed in Schedule III, IV, or V of section 28-405 and other prescription drugs or devices not listed in section 28-405 may be transferred between pharmacies for the purpose of refill dispensing as set forth in this section, except that pharmacies electronically sharing a real-time, online database may transfer up to the maximum refills permitted by law and as authorized by the prescribing practitioner on the prescription. Transfers are subject to the following:

(a) The transfer is communicated directly between two pharmacists or pharmacist interns except when the pharmacies can use a real-time, online database;

(b) The transferring pharmacist or pharmacist intern indicates void on the record of the prescription;

(c) The transferring pharmacist or pharmacist intern indicates on the record of the prescription the name, the address, and, if a controlled substance, the Drug Enforcement Administration number of the pharmacy to which the information was transferred, the name of the pharmacist or pharmacist intern receiving the information, the date of transfer, and the name of the transferring pharmacist or pharmacist intern;

(d) The receiving pharmacist or pharmacist intern indicates on the record of the transferred prescription that the prescription is transferred;

(e) The transferred prescription includes the following information:

(i) The date of issuance of the original prescription;

(ii) The original number of refills authorized;

(iii) The date of original dispensing;

(iv) The number of valid refills remaining;

(v) The date and location of last refill; and

(vi) The name, the address, and, if a controlled substance, the Drug Enforcement Administration number of the pharmacy from which the transfer was made, the name of the pharmacist or pharmacist intern transferring the

information, the original prescription number, and the date of transfer; and

(f) Both the original and transferred prescriptions must be maintained by the transferring and receiving pharmacy for a period of five years from the date of transfer.

(2) Prescriptions for drugs or devices not listed in section 28-405 may be transferred between pharmacies for the purpose of refill dispensing if (a) the number of transfers does not exceed the number of originally authorized refills and (b) the original prescription is still valid.

(3) Nothing in this section shall prevent a pharmacist from forwarding an original prescription for a noncontrolled substance to another pharmacy at the request of the patient or the patient's caregiver.

(4) A prescription for a controlled substance may be transferred or forwarded as permitted by federal law.

**Sec. 23.** Section 38-3208, Revised Statutes Cumulative Supplement, 2024, is amended to read:

38-3208 (1) Except as provided in subsection (2) of this section, a person shall not engage in the practice of respiratory care unless such person is licensed pursuant to the Respiratory Care Practice Act or holds a compact privilege under the Respiratory Care Interstate Compact.

(2) Subsection (1) of this section shall not prohibit:

(a) The practice of respiratory care which is an integral part of the program of study by students enrolled in approved respiratory care education programs;

(b) The gratuitous care, including the practice of respiratory care, of the ill by a friend or member of the family or by a person who is not licensed to practice respiratory care if such person does not represent himself or herself as a respiratory care practitioner;

(c) The practice of respiratory care by nurses, physicians, physician assistants, physical therapists, or any other professional required to be licensed under the Uniform Credentialing Act when such practice is within the scope of practice for which that person is licensed to practice in this state;

(d) The practice of any respiratory care practitioner of this state or any other state or territory while employed by the federal government or any bureau or division thereof while in the discharge of his or her official duties;

(e) Techniques defined as pulmonary function testing and the administration of aerosol and inhalant medications to the cardiorespiratory system as it relates to pulmonary function technology administered by a registered pulmonary function technologist credentialed by the National Board for Respiratory Care or a certified pulmonary function technologist credentialed by the National Board for Respiratory Care; or

(f) The performance of oxygen therapy or the initiation of noninvasive positive pressure ventilation by a registered polysomnographic technologist relating to the study of sleep disorders if such procedures are performed or initiated under the supervision of a licensed physician at a facility accredited by the American Academy of Sleep Medicine.

**Sec. 24.** Section 52-401, Revised Statutes Cumulative Supplement, 2024, is amended to read:

52-401 (1) Whenever any person employs a physician, nurse, chiropractor, physical therapist, hospital, or provider of emergency medical service to perform professional services of any nature, in the treatment of or in connection with an injury, and such injured person claims damages from the party causing the injury, such physician, nurse, chiropractor, physical therapist, hospital, or provider of emergency medical service shall have a lien upon any sum awarded the injured person in judgment or obtained by settlement or compromise on the amount due for the usual and customary charges of such physician, nurse, chiropractor, physical therapist, hospital, or provider of emergency medical service applicable at the time services are performed, except that no such lien shall be valid against anyone covered under the Nebraska Workers' Compensation Act. For persons covered under private medical insurance or another private health benefit plan, the amount of the lien shall be reduced by the contracted discount or other limitation which would have been applied had the claim been submitted for reimbursement to the medical insurer or

administrator of such other health benefit plan. The measure of damages for medical expenses in personal injury claims shall be the private party rate, not the discounted amount.

(2) In order to prosecute such lien, it shall be necessary for such physician, nurse, chiropractor, physical therapist, hospital, or provider of emergency medical service to serve a written notice upon the person or corporation from whom damages are claimed that such physician, nurse, chiropractor, physical therapist, hospital, or provider of emergency medical service claims a lien for such services and stating the amount due and the nature of such services, except that whenever an action is pending in court for the recovery of such damages, it shall be sufficient to file the notice of such lien in the pending action.

(3) A physician, nurse, chiropractor, physical therapist, hospital, or provider of emergency medical service claiming a lien under this section shall not be liable for attorney's fees and costs incurred by the injured person in securing the judgment, settlement, or compromise, but the lien of the injured person's attorney shall have precedence over the lien created by this section.

(4) Upon a written request and with the injured person's consent, a lienholder shall provide medical records, answers to interrogatories, depositions, or any expert medical testimony related to the recovery of damages within its custody and control at a reasonable charge to the injured person.

(5) For purposes of this section, provider of emergency medical service means a public entity that provides emergency medical service as defined in section 38-1207.

**Sec. 25.** Section 71-1908, Revised Statutes Supplement, 2025, is amended to read:

71-1908 (1) Sections 71-1908 to 71-1923.03 and sections 28 and 29 of this act shall be known and may be cited as the Child Care Licensing Act.

(2) The Legislature finds that there is a present and growing need for quality child care programs and facilities. There is a need to establish and maintain licensure of persons providing such programs to ensure that such

persons are competent and are using safe and adequate facilities. The Legislature further finds and declares that the development and supervision of programs are a matter of statewide concern and should be dealt with uniformly on the state and local levels. There is a need for cooperation among the various state and local agencies which impose standards on licensees, and there should be one agency which coordinates the enforcement of such standards and informs the Legislature about cooperation among the various agencies.

**Sec. 26.** Section 71-1912, Revised Statutes Supplement, 2025, is amended to read:

71-1912 (1) Before issuance of a license, the department shall investigate or cause an investigation to be made, when it deems necessary, to determine if the applicant or person in charge of the program meets or is capable of meeting the physical well-being, safety, and protection standards and the other rules and regulations of the department adopted and promulgated under the Child Care Licensing Act. The department may investigate the character of applicants and licensees, any member of the applicant's or licensee's household, and the staff and employees of programs. The department may at any time inspect or cause an inspection to be made of any place where a program is operating to determine if such program is being properly conducted.

(2) All inspections by the department shall be unannounced except for initial licensure visits and consultation visits. Initial licensure visits are announced visits necessary for a provisional license to be issued to a family child care home I, family child care home II, child care center, or school-age-only or preschool program. Consultation visits are announced visits made at the request of a licensee for the purpose of consulting with a department specialist on ways of improving the program.

(3) An unannounced inspection of any place where a program is operating shall be conducted by the department or the city, village, or county pursuant to subsection (2) of section 71-1914 at least annually for a program licensed to provide child care for fewer than thirty children and at least twice every year for a program licensed to provide child care for thirty or more children.

At each unannounced inspection, the inspector shall request from the licensee, and verify, current proof of required liability insurance. If the licensee is unable to provide current proof of liability insurance or has let the required coverage lapse, the department shall notify the licensee that proof of insurance shall be provided to the department within three business days. If such proof of insurance is not provided to the department within three business days, the licensee's license shall be suspended. Licensure shall be restored upon the department's receipt and verification of current proof of the required liability insurance as provided in section 71-1911.03.

(4) Whenever an inspection is made, the findings shall be recorded in a report designated by the department. The public shall have access to the results of these inspections upon a written or oral request to the department. The request must include the name and address of the program. Additional unannounced inspections shall be performed as often as is necessary for the efficient and effective enforcement of the Child Care Licensing Act.

(5)(a) A person applying for a license as a child care provider or a licensed child care provider under the Child Care Licensing Act shall submit a request for a national criminal history record information check for each child care staff member, including a prospective child care staff member of the child care provider, at the applicant's or licensee's expense, as set forth in this section.

(b)(i) A prospective child care staff member shall submit to a national criminal history record information check (A) prior to employment, except as otherwise permitted under 45 C.F.R. 98.43, as such regulation existed on January 1, 2019, or (B) prior to residing in a family child care home.

(ii) Pursuant to 45 C.F.R. 98.43(d)(4), the department shall authorize a prospective child care staff member to begin work for a child care provider for purposes of employment in child care, or for a staffing agency or substitute child care staff pool operator, for the purposes of employment in child care as a substitute child care staff member, after receiving qualifying results for either (A) a Federal Bureau of Investigation fingerprint check or (B) a state

criminal registry or repository check with the use of fingerprints, for the state where the staff member resides. Pending completion of all background check components, the staff member shall be supervised at all times by an individual who received a qualifying result on a background check described in this subsection (5) within the past five years.

(c)(i) The department shall provide documentation of national criminal history record information checks which proves eligibility for employment. Such documentation shall be made available to each child care staff member or prospective child care staff member by the applicant or licensee for at least one hundred eighty days after the last day of employment or date the documentation was provided by the department, whichever is later.

(ii) Pursuant to 45 C.F.R. 98.43(d)(3), a child care provider, staffing agency, or substitute child care staff pool operator shall not be required to submit a request for a national criminal history record information check for a child care staff member or prospective child care staff member if:

(A) The child care staff member or prospective child care staff member received qualifying results from a background check described in subdivisions (5)(d) and (5)(e) of this section:

(I) Within five years before the latest date on which such a submission may be made; and

(II) While employed, or seeking employment, in child care within the state;

(B) The department provided to the first child care provider, staffing agency, or substitute child care staffing pool operator a qualifying background check result for the child care staff member or prospective child care staff member; and

(C) The child care staff member or prospective child care staff member is employed in child care within the state, or has been separated from employment in child care within the state, for a period of not more than one hundred eighty consecutive days.

(d) A child care staff member shall be required to undergo a national

criminal history record information check not less than once during each five-year period. A child care staff member shall submit a complete set of his or her fingerprints to the Nebraska State Patrol. The Nebraska State Patrol shall transmit a copy of the child care staff member's fingerprints to the Federal Bureau of Investigation for a national criminal history record information check. The national criminal history record information check shall include information concerning child care staff members from federal repositories of such information and repositories of such information in other states, if authorized by federal law for use by the Nebraska State Patrol. The Nebraska State Patrol shall issue a report to the department that includes the information collected from the national criminal history record information check concerning child care staff members. The department shall seek federal funds, if available, to assist child care providers and child care staff members with the costs of the fingerprinting and national criminal history record information check. If the department does not receive sufficient federal funds to assist child care providers and staff members with such costs, then the child care staff member being screened, applicant for a license, or licensee shall pay the actual cost of the fingerprinting and national criminal history record information check, except that the department may pay all or part of the cost if funding becomes available. The department and the Nebraska State Patrol may adopt and promulgate rules and regulations concerning the costs associated with the fingerprinting and the national criminal history record information check. The department may adopt and promulgate rules and regulations implementing national criminal history record information check requirements for child care providers and child care staff members.

(e) A child care staff member shall also submit to the following background checks at his or her expense not less than once during each five-year period:

(i) A search of the National Crime Information Center's National Sex Offender Registry; and

(ii) A search of the following registries, repositories, or databases in

the state where the child care provider is located or where the child care staff member resides and each state where the child care provider was located or where the child care staff member resided during the preceding five years:

- (A) State criminal registries or repositories;
- (B) State sex offender registries or repositories; and
- (C) State-based child abuse and neglect registries and databases.

(f) Documentation of eligibility for employment in child care from a national criminal history record information check shall be portable between child care providers, child care staff members, prospective child care staff members, staffing agencies, and substitute child care staff pool operators.

(g) Any individual shall be ineligible for employment by a child care provider if such individual:

(i) Refuses to consent to the national criminal history record information check or a background check described in this subsection;

(ii) Knowingly makes a materially false statement in connection with the national criminal history record information check or a background check described in this subsection;

(iii) Is registered, or required to be registered, on a state sex offender registry or repository or the National Sex Offender Registry; or

(iv) Has been convicted of a crime of violence, a crime of moral turpitude, or a crime of dishonesty.

(h) The department may adopt and promulgate rules and regulations for purposes of this section.

(i) A child care provider shall be ineligible for a license under the Child Care Licensing Act and shall be ineligible to participate in the child care subsidy program if the provider employs a child care staff member who is ineligible for employment under subdivisions (g) or (h) of this subsection.

(j) National criminal history record information and information from background checks described in this subsection subject to state or federal confidentiality requirements may only be used for purposes of granting a child care license or approving a child care provider for participation in the child

care subsidy program.

(k) For purposes of this subsection:

(i) Child care provider means a child care program required to be licensed under the Child Care Licensing Act; and

(ii) Child care staff member means an individual who is not related to all of the children for whom child care services are provided and:

(A) Who is employed by a child care provider for compensation, including contract employees or self-employed individuals;

(B) Whose activities involve the care or supervision of children for a child care provider or unsupervised access to children who are cared for or supervised by a child care provider; or

(C) Who is residing in a family child care home and who is eighteen years of age or older.

**Sec. 27.** Section 71-1918, Reissue Revised Statutes of Nebraska, is amended to read:

71-1918 The department shall maintain a complaint tracking system which shall identify licensing violations discovered from a complaint investigation, an unannounced inspection, or a self-report investigation for licensees under the Child Care Licensing Act.

**Sec. 28.** (1) No child care program licensed under the Child Care Licensing Act shall be prohibited from including a volunteer in the supervised staff-to-child ratio if the volunteer (a) receives qualifying results for either (i) a Federal Bureau of Investigation fingerprint check or (ii) a state criminal registry or repository check with the use of fingerprints, for the state where the staff member resides, and submits to all other background checks as required in section 71-1912 and (b) is supervised at all times by an individual who received a qualifying result on a background check.

(2) No child care program licensed under the Child Care Licensing Act shall be prohibited from including a volunteer in the unsupervised staff-to-child ratio if the volunteer (a) receives qualifying results for either (i) a Federal Bureau of Investigation fingerprint check or (ii) a state criminal

registry or repository check with the use of fingerprints, for the state where the staff member resides, (b) submits to all other background checks as required by section 71-1912, and (c) meets staff qualifications and training requirements.

(3) No volunteer shall be included in the staff-to-child ratio for more than ten hours per week.

(4) The department shall adopt and promulgate rules and regulations to include volunteer staff who provide direct care to children and any other individual who counts in the staff-to-child ratio in the definition of staff in all licensed settings under the Child Care Licensing Act.

(5) This section terminates on December 31, 2028.

**Sec. 29.** No political subdivision shall institute residency requirements for a family child care home II. This section shall not be construed to prohibit a political subdivision from regulating business use relating to outside appearance, nuisances, or public health and safety.

**Sec. 30.** Section 71-2444, Reissue Revised Statutes of Nebraska, is amended to read:

71-2444 Sections 71-2444 to 71-2452 and section 33 of this act shall be known and may be cited as the Automated Medication Systems Act.

**Sec. 31.** Section 71-2445, Reissue Revised Statutes of Nebraska, is amended to read:

71-2445 For purposes of the Automated Medication Systems Act:

(1) Automated medication distribution machine means a type of automated medication system that stores medication to be administered to a patient by a person credentialed under the Uniform Credentialing Act;

(2) Automated medication system means a mechanical system that performs operations or activities, other than compounding, administration, or other technologies, relative to storage and packaging for dispensing or distribution of medications and that collects, controls, and maintains all transaction information and includes, but is not limited to, a prescription medication distribution machine or an automated medication distribution machine. An

automated medication system may only be used in conjunction with the provision of pharmacist care. Automated medication system does not include an automated pickup kiosk;

(3) Automated pickup kiosk means a secure, automated storage and retrieval device operated by a licensed pharmacy for the purpose of releasing prescription medication, other than controlled substances, to a patient or a caregiver and does not include an automated medication system;

(4) Chart order means an order for a drug or device issued by a practitioner for a patient who is in the hospital where the chart is stored, for a patient receiving detoxification treatment or maintenance treatment pursuant to section 28-412, or for a resident in a long-term care facility in which a long-term care automated pharmacy is located from which drugs will be dispensed. Chart order does not include a prescription;

(5) Hospital has the definition found in section 71-419;

(6) Long-term care automated pharmacy means a designated area in a long-term care facility where an automated medication system is located, that stores medications for dispensing pursuant to a medical order to residents in such long-term care facility, that is installed and operated by a pharmacy licensed under the Health Care Facility Licensure Act, and that is licensed under section 71-2451;

(7) Long-term care facility means an intermediate care facility, an intermediate care facility for persons with developmental disabilities, a long-term care hospital, a mental health substance use treatment center, a nursing facility, or a skilled nursing facility, as such terms are defined in the Health Care Facility Licensure Act;

(8) Medical order means a prescription, a chart order, or an order for pharmaceutical care issued by a practitioner;

(9) Pharmacist means any person who is licensed by the State of Nebraska to practice pharmacy;

(10) Pharmacist care means the provision by a pharmacist of medication therapy management, with or without the dispensing of drugs or devices,

intended to achieve outcomes related to the cure or prevention of a disease, elimination or reduction of a patient's symptoms, or arresting or slowing of a disease process;

(11) Pharmacist remote order entry means entering an order into a computer system or drug utilization review by a pharmacist licensed to practice pharmacy in the State of Nebraska and located within the United States, pursuant to medical orders in a hospital, long-term care facility, or pharmacy licensed under the Health Care Facility Licensure Act;

(12) Pharmacy has the same meaning as defined in section 71-425;

(13) Practice of pharmacy has the definition found in section 38-2837;

(14) Practitioner means a certified registered nurse anesthetist, a certified nurse midwife, a dentist, an optometrist, a nurse practitioner, a physician assistant, a physician, a podiatrist, or a veterinarian;

(15) Prescription means an order for a drug or device issued by a practitioner for a specific patient, for emergency use, or for use in immunizations. Prescription does not include a chart order;

(16) Prescription medication distribution machine means a type of automated medication system that packages, labels, or counts medication in preparation for dispensing of medications by a pharmacist pursuant to a prescription; and

(17) Telepharmacy means the provision of pharmacist care, by a pharmacist located within the United States, using telecommunications, remote order entry, or other automations and technologies to deliver care to patients or their agents who are located at sites other than where the pharmacist is located.

**Sec. 32.** Section 71-2447, Reissue Revised Statutes of Nebraska, is amended to read:

71-2447 Any health care facility authorized to use an automated medication system or an automated pickup kiosk shall develop, maintain, and comply with policies and procedures developed in consultation with the pharmacist responsible for pharmacist care for that facility. At a minimum, the policies and procedures shall address:

(1) The description and location within or at the facility of the automated medication system or automated pickup kiosk or the equipment being used;

(2) The name of the pharmacist responsible for implementation of, and compliance with, policies and procedures;

(3) Medication access and information access procedures;

(4) Security of inventory and confidentiality of records in compliance with state and federal laws, rules, and regulations;

(5) A description of the process used by a pharmacist or pharmacy technician for filling an automated medication system or an automated pickup kiosk;

(6) A description of how, and by whom, the automated medication system or automated pickup kiosk is being utilized, including processes for verifying, dispensing, and distributing medications;

(7) Staff education and training;

(8) Quality assurance and quality improvement programs and processes;

(9) Inoperability or emergency downtime procedures;

(10) Periodic system maintenance; and

(11) Medication security and controls.

**Sec. 33.** (1) In order for an automated pickup kiosk to be operated by, or under the authority of, a pharmacy located in Nebraska and licensed under the Health Care Facility Licensure Act, the pharmacist in charge of the licensed pharmacy shall annually license the automated pickup kiosk. An automated pickup kiosk may be operated in connection with a licensed pharmacy if it is located on property owned or leased by the pharmacy or a hospital, a facility operated by a hospital, a health clinic as defined in section 71-416, a health care practitioner facility as defined in section 71-414, or a rural emergency hospital as defined in section 71-428.01 within which the licensed pharmacy operates, whether placed within the interior of the building or affixed to, or situated on, the exterior of the building or property.

(2) The pharmacist in charge of a licensed pharmacy shall submit an

application for licensure or renewal of licensure to the Division of Public Health of the Department of Health and Human Services with a fee in an amount determined by the Board of Pharmacy, not to exceed two hundred dollars for initial licensure or fifty dollars for a renewal of licensure. The application shall include:

- (a) The name and location of the licensed pharmacy;
- (b) The physical location of the automated pickup kiosk; and
- (c) The name of the pharmacist in charge of the licensed pharmacy.

(3) As part of the application process, the division shall conduct an inspection of the automated pickup kiosk by a pharmacy inspector as provided in section 38-28,101. The division shall also conduct inspections of the operation of the automated pickup kiosk as necessary.

(4) The division shall license an automated pickup kiosk which meets the licensure requirements of this section.

(5) A pharmacist in charge of a licensed pharmacy shall apply for a separate license for each location at which it operates one or more automated pickup kiosks. The licensed pharmacy shall be the provider pharmacy for the automated pickup kiosk.

(6) The pharmacist in charge of the licensed pharmacy operating an automated pickup kiosk shall:

(a) Identify a pharmacist responsible for the operation, supervision, and development of policies and procedures for the automated pickup kiosk. Compliance with this subdivision shall be sufficient if the pharmacist monitors the automated pickup kiosk electronically and keeps records of compliance with this requirement for a period of five years;

(b) Implement the policies and procedures developed to comply with section 71-2447;

(c) Assure compliance with the prescription drug storage and record-keeping requirements of the Pharmacy Practice Act;

(d) Assure compliance with the labeling requirements described in subsection (7) of this section;

(e) Develop and implement policies for the verification of a prescription drug by a pharmacist prior to being loaded into an automated pickup kiosk or for the verification of a prescription drug by a pharmacist prior to being released to a patient or caregiver; and

(f) Assure that each prescription drug is reviewed by a pharmacist prior to the release of a drug by an automated pickup kiosk.

(7) Each prescription drug dispensed from an automated pickup kiosk shall meet the labeling requirements applicable to prescription drugs dispensed by a licensed pharmacist pursuant to section 71-2479.

(8) An automated pickup kiosk shall not dispense or make available prescription medication to a patient or caregiver unless pharmacist care has been offered and made available in a manner consistent with section 38-2869.

(9) An automated pickup kiosk that is located outside a fully enclosed building shall not be placed in a manner that exposes medications to adverse environmental conditions or to security risks, unless the Board of Pharmacy determines, through rule or case-specific approval, that the automated pickup kiosk employs environmental controls and physical security measures sufficient to protect medication integrity and prevent diversion.

(10) An automated pickup kiosk operated in accordance with this section shall not store, dispense, or otherwise make available a controlled substance as defined in section 28-401 or federal law except an automated pickup kiosk operated by, or under the authority of, a hospital pharmacy as defined in section 71-419.01 and that is located in the hospital or facility operated by a hospital.

(11) This section does not apply to a long-term care automated pharmacy or an automated medication system operated in a long-term care facility under section 71-2451.

**Sec. 34.** Sections 6, 7, 8, 9, 10, 13, 14, 15, 23, and 35 of this act become operative on January 1, 2027. Sections 30, 31, 32, 33, and 36 of this act become operative on May 1, 2027. Sections 1, 2, 3, 4, 5, 11, 12, 16, 17, 18, 19, 24, 25, 26, 27, 28, 29, 37, and 39 of this act become operative three

calendar months after the adjournment of this legislative session. The other sections of this act become operative on their effective date.

**Sec. 35.** Original sections 38-404, 38-409, 38-2101, 38-2123, and 38-3208, Revised Statutes Cumulative Supplement, 2024, and section 38-131, Revised Statutes Supplement, 2025, are repealed.

**Sec. 36.** Original sections 71-2444, 71-2445, and 71-2447, Reissue Revised Statutes of Nebraska, are repealed.

**Sec. 37.** Original sections 38-1915, 38-2315, 38-2850, and 71-1918, Reissue Revised Statutes of Nebraska, sections 38-1716, 38-2801, and 52-401, Revised Statutes Cumulative Supplement, 2024, and sections 71-1908 and 71-1912, Revised Statutes Supplement, 2025, are repealed.

**Sec. 38.** Original section 38-2871, Reissue Revised Statutes of Nebraska, section 38-2852, Revised Statutes Cumulative Supplement, 2024, and section 38-2866.01, Revised Statutes Supplement, 2025, are repealed.

**Sec. 39.** The following section is outright repealed: Section 38-2053, Revised Statutes Cumulative Supplement, 2024.

**Sec. 40.** Since an emergency exists, this act takes effect when passed and approved according to law.

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**PRESIDENT OF THE LEGISLATURE**

*THIS IS TO CERTIFY that the within LB 912 was passed by the One Hundred Ninth Legislature of Nebraska at its Second Session on the ..... day of ..... 20.....*

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**CLERK OF THE LEGISLATURE**

**Approved:**

..... 20....., ..... o'clock .....M.

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**GOVERNOR**