

LEGISLATURE OF NEBRASKA  
ONE HUNDRED NINTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 735**

Introduced by Rountree, 3.

Read first time January 07, 2026

Committee: Health and Human Services

1 A BILL FOR AN ACT relating to respiratory care; to amend section 38-3208,  
2 Revised Statutes Cumulative Supplement, 2024, and section 38-131,  
3 Revised Statutes Supplement, 2025; to adopt the Respiratory Care  
4 Interstate Compact; to require certain criminal background checks  
5 under the Uniform Credentialing Act; to change provisions relating  
6 to the practice of respiratory care; to harmonize provisions; and to  
7 repeal the original sections.

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

1       **Section 1. RESPIRATORY CARE INTERSTATE COMPACT**

2       **SECTION 1. TITLE AND PURPOSE**

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

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

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

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

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

18       4. Ease administrative burdens on States by encouraging the  
19       cooperation of Member States in regulating multi-state Respiratory  
20       Therapy practice;

21       5. Support relocating Active Military Members and their spouses; and

22       6. Promote mobility and address workforce shortages.

23       **SECTION 2. DEFINITIONS**

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

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

29       B. Adverse Action means any administrative, civil, equitable, or  
30       criminal action permitted by a State's laws which is imposed by any State  
31       authority with regulatory authority over Respiratory Therapists, such as

1    license denial, censure, revocation, suspension, probation, monitoring of  
2    the Licensee, or restriction on the Licensee's practice, not including  
3    participation in an Alternative Program.

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

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

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

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

17       G. Compact means the Respiratory Care Interstate Compact.

18       H. Compact Privilege means the authorization granted by a Remote  
19    State to allow a Licensee from another Member State to practice as a  
20    Respiratory Therapist in the Remote State under the Remote State's laws  
21    and Rules. The Practice of Respiratory Therapy occurs in the Member State  
22    where the patient is located at the time of the patient encounter.

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

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

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

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

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

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

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

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

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

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

20       S. Model Compact means the model for the Respiratory Care Interstate  
21       Compact on file with The Council of State Governments or other entity as  
22       designated by the Commission.

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

25       U. Respiratory Therapist or Respiratory Care Practitioner means an  
26       individual who holds a credential issued by the National Board for  
27       Respiratory Care (or its successor) and holds a license in a State to  
28       practice Respiratory Therapy. For purposes of this Compact, any other  
29       title or status adopted by a State to replace the term Respiratory  
30       Therapist or Respiratory Care Practitioner shall be deemed synonymous  
31       with Respiratory Therapist and shall confer the same rights and

1    responsibilities to the Licensee under the provisions of this Compact at  
2    the time of its enactment.

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

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

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

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

22        Z. Significant Investigative Information means information, records,  
23    and documents received or generated by a State Respiratory Therapy  
24    Licensing Authority pursuant to an investigation for which a  
25    determination has been made that there is probable cause to believe that  
26    the Licensee has violated a statute or regulation that is considered more  
27    than a minor infraction for which the State Respiratory Therapy Licensing  
28    Authority could pursue Adverse Action against the Licensee.

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

31        SECTION 3. STATE PARTICIPATION IN THIS COMPACT

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

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

5       2. License Respiratory Therapists;

6       3. Participate in the Commission's Data System;

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

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

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

15       7. Comply with the Rules of the Commission;

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

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

21       a. Where expressly authorized or permitted by federal law, whether  
22 such federal law is in effect prior to, at, or after the time of a Member  
23 State's enactment of this Compact, a Member State's enactment of this  
24 Compact shall hereby authorize the Member State's Respiratory Therapy  
25 Licensing Authority to perform Criminal Background Checks as defined  
26 herein. The absence of such a federal law as described in this subsection  
27 shall not prevent or preclude such authorization where it may be derived  
28 or granted through means other than the enactment of this Compact.

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

31       SECTION 4. COMPACT PRIVILEGE

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

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

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

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

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

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

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

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

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

22       9. Consent to accept service of process by mail at the Licensee's  
23       Domicile on record with the Commission with respect to any action brought  
24       against the Licensee by the Commission or a Member State, and consent to  
25       accept service of a subpoena by mail at the Licensee's Domicile on record  
26       with the Commission with respect to any action brought or investigation  
27       conducted by the Commission or a Member State.

28       B. The Compact Privilege is valid until the expiration date or  
29       revocation of the Home State License unless terminated pursuant to  
30       Adverse Action. The Licensee must comply with all of the requirements of  
31       Subsection A, above, to maintain the Compact Privilege in a Remote State.

1    If those requirements are met, no Adverse Actions are taken, and the  
2    Licensee has paid any applicable Compact Privilege renewal fees, then the  
3    Licensee will maintain the Licensee's Compact Privilege.

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

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

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

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

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

25        SECTION 5. ACTIVE MILITARY MEMBER OR THEIR SPOUSE

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

30        B. An Active Military Member and their spouse shall not be required  
31   to pay to the Commission for a Compact Privilege any fee that may

1    otherwise be charged by the Commission. If a Remote State chooses to  
2    charge a fee for a Compact Privilege, it may choose to charge a reduced  
3    fee or no fee to an Active Military Member and their spouse for a Compact  
4    Privilege.

5            SECTION 6. ADVERSE ACTIONS

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

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

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

16            D. A Remote State shall have the authority to:

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

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

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

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

30            c. Subpoenas issued by a Respiratory Therapy Licensing Authority in  
31   a Member State for production of evidence from another Member State shall

1    be enforced in the latter State, according to the practice and procedure  
2    of that court applicable to subpoenas issued in the proceedings pending  
3    before it.

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

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

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

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

19        **E. Joint Investigations**

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

27       2. Member States shall share any Significant Investigative  
28    Information, litigation, or compliance materials in furtherance of any  
29    joint or individual investigation initiated under the Compact. In sharing  
30    such information between Member State Respiratory Therapy Licensing  
31    Authorities, all information obtained shall be kept confidential, except

1 as otherwise mutually agreed upon by the sharing and receiving Member  
2 States.

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

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

11 SECTION 7. ESTABLISHMENT OF THE RESPIRATORY CARE INTERSTATE COMPACT  
12 COMMISSION

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

20 B. Membership, Voting, and Meetings

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

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

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

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

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

1 sixty days of the vacancy.

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

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

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

9 C. The Commission shall have the following powers:

10 1. Establish and amend the fiscal year of the Commission;

11 2. Establish and amend bylaws and policies, including, but not  
12 limited to, a code of conduct and conflict of interest;

13 3. Establish and amend Rules, which shall be binding in all Member  
14 States;

15 4. Maintain its financial records in accordance with the bylaws;

16 5. Meet and take such actions as are consistent with the provisions  
17 of this Compact, the Commission's Rules, and the bylaws;

18 6. Initiate and conduct legal proceedings or actions in the name of  
19 the Commission, provided that the standing of any Respiratory Therapy  
20 Licensing Authority to sue or be sued under applicable law shall not be  
21 affected;

22 7. Maintain and certify records and information provided to a Member  
23 State as the authenticated business records of the Commission, and  
24 designate an agent to do so on the Commission's behalf;

25 8. Purchase and maintain insurance and bonds;

26 9. Accept or contract for services of personnel, including, but not  
27 limited to, employees of a Member State;

28 10. Conduct an annual financial review;

29 11. Hire employees, elect or appoint officers, fix compensation,  
30 define duties, grant such individuals appropriate authority to carry out  
31 the purposes of the Compact, and establish the Commission's personnel

1    policies and programs relating to conflicts of interest, qualifications  
2    of personnel, and other related personnel matters;

3        12. Assess and collect fees;

4        13. Accept any and all appropriate gifts, donations, grants of  
5    money, other sources of revenue, equipment, supplies, materials, and  
6    services, and receive, utilize, and dispose of the same, provided that at  
7    all times:

8        a. The Commission shall avoid any appearance of impropriety; and  
9        b. The Commission shall avoid any appearance of conflict of  
10    interest;

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

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

15        16. Establish a budget and make expenditures;

16        17. Borrow money in a fiscally responsible manner;

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

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

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

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

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

31        23. Perform such other functions as may be necessary or appropriate

1    to achieve the purposes of this Compact.

2        D. The Executive Committee

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

6        a. Overseeing the day-to-day activities of the administration of the  
7    Compact, including enforcement and compliance with the provisions of the  
8    Compact, its Rules and bylaws, and other such duties as deemed necessary;

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

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

14        d. Preparing and recommending the budget;

15        e. Maintaining financial records on behalf of the Commission;

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

18        g. Establishing additional committees as necessary;

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

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

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

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

29        b. Two ex-officio, non-voting members.

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

1       4. The Executive Committee shall meet at least annually.  
2           a. Executive Committee meetings shall be open to the public, except  
3       that the Executive Committee may meet in a closed, non-public meeting as  
4       provided in subsection F.4 below;

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

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

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

12          F. Meetings of the Commission

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

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

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

28          4. The Commission or the Executive Committee may convene in a  
29       closed, non-public meeting for the Commission or Executive Committee to  
30       receive or solicit legal advice or to discuss:

31           a. Non-compliance of a Member State with its obligations under the

1      Compact;

2      b. The employment, compensation, discipline or other matters,

3      practices or procedures related to specific employees;

4      c. Current or threatened discipline of a Licensee or Compact

5      Privilege holder by the Commission or by a Member State's Respiratory

6      Therapy Licensing Authority;

7      d. Current, threatened, or reasonably anticipated litigation;

8      e. Negotiation of contracts for the purchase, lease, or sale of

9      goods, services, or real estate;

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

11     g. Trade secrets or commercial or financial information that is

12     privileged or confidential;

13     h. Information of a personal nature where disclosure would

14     constitute a clearly unwarranted invasion of personal privacy;

15     i. Investigative records compiled for law enforcement purposes;

16     j. Information related to any investigative reports prepared by or

17     on behalf of or for use of the Commission or other committee charged with

18     responsibility of investigation or determination of compliance issues

19     pursuant to the Compact;

20     k. Legal advice;

21     l. Matters specifically exempted from disclosure by federal or

22     Member State law; or

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

24     5. If a meeting, or portion of a meeting, is closed, the presiding

25     officer shall state that the meeting will be closed and reference each

26     relevant exempting provision, and such reference shall be recorded in the

27     minutes.

28     6. The Commission shall keep minutes in accordance with Commission

29     Rules and bylaws. All documents considered in connection with an action

30     shall be identified in such minutes. All minutes and documents of a

31     closed meeting shall remain under seal, subject to release only by a

1 majority vote of the Commission or order of a court of competent  
2 jurisdiction.

3 G. Financing of the Commission

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

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

9 3. The Commission may levy on and collect an annual assessment from  
10 each Member State and impose fees on Licensees of Member States to whom  
11 it grants a Compact Privilege to cover the cost of the operations and  
12 activities of the Commission and its staff. The aggregate annual  
13 assessment amount for Member States, if any, shall be allocated based  
14 upon a formula that the Commission shall promulgate by Rule.

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

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

27 H. Qualified Immunity, Defense, and Indemnification

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

31 2. The Member States, Commissioners, officers, executive directors,

1 employees, and agents of the Commission shall be immune from suit and  
2 liability, both personally and in their official capacity, for any claim  
3 for damage to or loss of property or personal injury or other civil  
4 liability caused by or arising out of any actual or alleged act, error,  
5 or omission that occurred, or that the person against whom the claim is  
6 made had a reasonable basis for believing occurred within the scope of  
7 Commission employment, duties or responsibilities; provided that nothing  
8 in this subsection shall be construed to protect any such person from  
9 suit or liability for any damage, loss, injury, or liability caused by  
10 the intentional or willful or wanton misconduct of that person. The  
11 procurement of insurance of any type by the Commission shall not in any  
12 way compromise or limit the immunity granted hereunder.

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

25       4. The Commission shall indemnify and hold harmless any  
26 Commissioner, member, officer, executive director, employee, and agent of  
27 the Commission for the amount of any settlement or judgment obtained  
28 against that person arising out of any actual or alleged act, error, or  
29 omission that occurred within the scope of Commission employment, duties,  
30 or responsibilities, or that such person had a reasonable basis for  
31 believing occurred within the scope of Commission employment, duties, or

1    responsibilities; provided that the actual or alleged act, error, or  
2    omission did not result from the intentional or willful or wanton  
3    misconduct of that person.

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

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

11        SECTION 8. DATA SYSTEM

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

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

19        1. Identifying information;

20        2. Licensure data;

21        3. Adverse Actions against a Licensee, license applicant, or Compact  
22    Privilege holder and information related thereto;

23        4. Non-confidential information related to Alternative Program  
24    participation, the beginning and ending dates of such participation, and  
25    other information related to such participation not made confidential  
26    under Member State law;

27        5. Any denial of application for licensure, and the reasons for such  
28    denial;

29        6. The presence of current Significant Investigative Information;  
30    and

31        7. Other information that may facilitate the administration of this

1    Compact or the protection of the public, as determined by the Rules of  
2    the Commission.

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

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

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

14        F. It is the responsibility of the Member States to report any  
15        Adverse Action against a Licensee and to monitor the database to  
16        determine whether Adverse Action has been taken against a Licensee.  
17        Adverse Action information pertaining to a Licensee in any Member State  
18        will be available to any other Member State.

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

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

25        SECTION 9. RULEMAKING

26        A. The Commission shall promulgate reasonable Rules in order to  
27        effectively and efficiently implement and administer the purposes and  
28        provisions of the Compact. A Rule shall be invalid and have no force or  
29        effect only if a court of competent jurisdiction holds that the Rule is  
30        invalid because the Commission exercised its rulemaking authority in a  
31        manner that is beyond the scope and purposes of the Compact, or the

1    powers granted hereunder, or based upon another applicable standard of  
2    review.

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

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

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

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

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

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

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

24        2. To persons who have requested notice of the Commission's notices  
25   of proposed rulemaking, and

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

27        H. The notice of proposed rulemaking shall include:

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

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

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

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

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

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

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

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

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

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

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

28      L. Upon determination that an emergency exists, the Commission may  
29      consider and adopt an emergency Rule with twenty-four hours' notice, and  
30      with opportunity to comment, provided that the usual rulemaking  
31      procedures provided in the Compact and in this section shall be

1 retroactively applied to the Rule as soon as reasonably possible, in no  
2 event later than ninety days after the effective date of the Rule. For  
3 the purposes of this provision, an emergency Rule is one that must be  
4 adopted immediately in order to:

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

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

22 N. No Member State's rulemaking process or procedural requirements  
23 shall apply to the Commission.

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

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

1    the provisions of this Compact.

2            SECTION 10. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

3            A. Oversight

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

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

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

21            B. Default, Technical Assistance, and Termination

22            1. If the Commission determines that a Member State has defaulted in  
23   the performance of its obligations or responsibilities under this Compact  
24   or the promulgated Rules, the Commission shall provide written notice to  
25   the defaulting State. The notice of default shall describe the default,  
26   the proposed means of curing the default, and any other action that the  
27   Commission may take, and shall offer training and specific technical  
28   assistance regarding the default.

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

31            C. If a State in default fails to cure the default, the defaulting

1    State may be terminated from the Compact upon an affirmative vote of a  
2    majority of the Commissioners of the Member States, and all rights,  
3    privileges and benefits conferred on that State by this Compact may be  
4    terminated on the effective date of termination. A cure of the default  
5    does not relieve the offending State of obligations or liabilities  
6    incurred during the period of default.

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

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

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

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

28           H. The defaulting State may appeal the action of the Commission by  
29   petitioning the United States District Court for the District of Columbia  
30   or the federal district where the Commission has its principal offices.  
31   The prevailing party shall be awarded all costs of such litigation,

1     including reasonable attorney's fees.

2       I. Dispute Resolution

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

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

8       J. Enforcement

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

20      The Commission may pursue any other remedies available under federal or  
21      the defaulting Member State's law.

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

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

1        SECTION 11. EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

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

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

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

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

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

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

31        4. Any State that joins the Compact subsequent to the Commission's

1 initial adoption of the Rules and bylaws shall be subject to the Rules  
2 and bylaws as they exist on the date on which the Compact becomes law in  
3 that State. Any Rule that has been previously adopted by the Commission  
4 shall have the full force and effect of law on the date the Compact  
5 becomes law in that State.

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

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

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

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

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

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

28 SECTION 12. CONSTRUCTION AND SEVERABILITY

29 A. This Compact and the Commission's rulemaking authority shall be  
30 liberally construed so as to effectuate the purposes and the  
31 implementation and administration of the Compact. Provisions of the

1    Compact expressly authorizing or requiring the promulgation of Rules  
2    shall not be construed to limit the Commission's rulemaking authority  
3    solely for those purposes.

4        B. The provisions of this Compact shall be severable, and if any  
5    phrase, clause, sentence, or provision of this Compact is held by a court  
6    of competent jurisdiction to be contrary to the constitution of any  
7    Member State, a State seeking participation in the Compact, or of the  
8    United States, or the applicability thereof to any government, agency,  
9    person, or circumstance is held to be unconstitutional by a court of  
10   competent jurisdiction, the validity of the remainder of this Compact and  
11   the applicability thereof to any other government, agency, person, or  
12   circumstance shall not be affected thereby.

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

22        SECTION 13. CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS

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

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

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

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

1       **Sec. 2.** Section 38-131, Revised Statutes Supplement, 2025, is  
2 amended to read:

3           38-131 (1) An applicant for an initial license to practice as a  
4 registered nurse, a licensed practical nurse, a physical therapist, a  
5 physical therapy assistant, a psychologist, a respiratory care  
6 practitioner, an advanced emergency medical technician, an emergency  
7 medical technician, an audiologist, a speech-language pathologist, a  
8 licensed independent mental health practitioner, an occupational  
9 therapist, an occupational therapy assistant, a dietitian, a certified  
10 social worker, a certified master social worker, a licensed clinical  
11 social worker, a paramedic, a physician, an osteopathic physician, a  
12 physician or osteopathic physician who is an applicant for a temporary  
13 educational permit, a physician or osteopathic physician who is an  
14 applicant for a temporary visiting faculty permit, a physician assistant,  
15 a dentist, a dental hygienist, an optometrist, a podiatrist, a  
16 veterinarian, an advanced practice registered nurse-nurse practitioner,  
17 an advanced practice registered nurse-certified nurse midwife, or an  
18 advanced practice registered nurse-certified registered nurse anesthetist  
19 shall be subject to a criminal background check. Except as provided in  
20 subsection (4) of this section, such an applicant for an initial license  
21 shall submit a full set of fingerprints to the Nebraska State Patrol for  
22 a criminal history record information check. The applicant shall  
23 authorize release of the results of the national criminal history record  
24 information check by the Federal Bureau of Investigation to the  
25 department. The applicant shall pay the actual cost of the fingerprinting  
26 and criminal background check.

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

1     Investigation for a national criminal history record information check.  
2     The Nebraska State Patrol shall issue a report to the department that  
3     includes the criminal history record information concerning the  
4     applicant.

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

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

16                (5) The department and the Nebraska State Patrol may adopt and  
17     promulgate rules and regulations concerning costs associated with the  
18     fingerprinting and the national criminal history record information  
19     check.

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

23                **Sec. 3.** Section 38-3208, Revised Statutes Cumulative Supplement,  
24     2024, is amended to read:

25                38-3208 (1) Except as provided in subsection (2) of this section, a  
26     person shall not engage in the practice of respiratory care unless such  
27     person is licensed pursuant to the Respiratory Care Practice Act or holds  
28     a compact privilege under the Respiratory Care Interstate Compact.

29                (2) Subsection (1) of this section The Respiratory Care Practice Act  
30     shall not prohibit:

31                (a) (1) The practice of respiratory care which is an integral part

1 of the program of study by students enrolled in approved respiratory care  
2 education programs;

3 (b) (2) The gratuitous care, including the practice of respiratory  
4 care, of the ill by a friend or member of the family or by a person who  
5 is not licensed to practice respiratory care if such person does not  
6 represent himself or herself as a respiratory care practitioner;

7 (c) (3) The practice of respiratory care by nurses, physicians,  
8 physician assistants, physical therapists, or any other professional  
9 required to be licensed under the Uniform Credentialing Act when such  
10 practice is within the scope of practice for which that person is  
11 licensed to practice in this state;

12 (d) (4) The practice of any respiratory care practitioner of this  
13 state or any other state or territory while employed by the federal  
14 government or any bureau or division thereof while in the discharge of  
15 his or her official duties;

16 (e) (5) Techniques defined as pulmonary function testing and the  
17 administration of aerosol and inhalant medications to the  
18 cardiorespiratory system as it relates to pulmonary function technology  
19 administered by a registered pulmonary function technologist credentialed  
20 by the National Board for Respiratory Care or a certified pulmonary  
21 function technologist credentialed by the National Board for Respiratory  
22 Care; or

23 (f) (6) The performance of oxygen therapy or the initiation of  
24 noninvasive positive pressure ventilation by a registered  
25 polysomnographic technologist relating to the study of sleep disorders if  
26 such procedures are performed or initiated under the supervision of a  
27 licensed physician at a facility accredited by the American Academy of  
28 Sleep Medicine.

29 **Sec. 4.** Original section 38-3208, Revised Statutes Cumulative  
30 Supplement, 2024, and section 38-131, Revised Statutes Supplement, 2025,  
31 are repealed.