

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 752

FINAL READING

Introduced by Arch, 14; Sanders, 45.

Read first time January 05, 2022

Committee: Health and Human Services

1 A BILL FOR AN ACT relating to public health; to amend sections 38-318,
2 38-2101, 38-2116, 38-2121, 38-2136, 38-2137, 38-2138, 38-2139,
3 38-2516, 38-3205, 43-281, 44-513, 44-792, 48-101.01, and 71-8402,
4 Reissue Revised Statutes of Nebraska, sections 28-327, 29-2261,
5 38-131, 38-178, 38-2112, 38-2115, 38-2124, 38-2125, and 38-2894,
6 Revised Statutes Cumulative Supplement, 2020, and section 38-101,
7 Revised Statutes Supplement, 2021; to adopt the Licensed
8 Professional Counselors Interstate Compact, the Occupational Therapy
9 Practice Interstate Compact, and the Alzheimer's Disease and Other
10 Dementia Support Act; to provide requirements for criminal
11 background checks; to define terms; to require notification
12 regarding stem cell therapy as prescribed; to provide for
13 disciplinary action; to redefine respiratory care under the
14 Respiratory Care Practice Act; to harmonize provisions; and to
15 repeal the original sections.
16 Be it enacted by the people of the State of Nebraska,

1 Section 1. The State of Nebraska adopts the Licensed Professional
2 Counselors Interstate Compact in the form substantially as follows:

3 Licensed Professional Counselors Interstate Compact

4 SECTION 1: PURPOSE

5 The purpose of this Compact is to facilitate interstate practice of
6 Licensed Professional Counselors with the goal of improving public access
7 to Professional Counseling services. The practice of Professional
8 Counseling occurs in the State where the client is located at the time of
9 the counseling services. The Compact preserves the regulatory authority
10 of States to protect public health and safety through the current system
11 of State licensure.

12 This Compact is designed to achieve the following objectives:

13 A. Increase public access to Professional Counseling services by
14 providing for the mutual recognition of other Member State licenses;

15 B. Enhance the States' ability to protect the public's health and
16 safety;

17 C. Encourage the cooperation of Member States in regulating
18 multistate practice for Licensed Professional Counselors;

19 D. Support spouses of relocating Active Duty Military personnel;

20 E. Enhance the exchange of licensure, investigative, and
21 disciplinary information among Member States;

22 F. Allow for the use of Telehealth technology to facilitate
23 increased access to Professional Counseling services;

24 G. Support the uniformity of Professional Counseling licensure
25 requirements throughout the States to promote public safety and public
26 health benefits;

27 H. Invest all Member States with the authority to hold a Licensed
28 Professional Counselor accountable for meeting all State practice laws in
29 the State in which the client is located at the time care is rendered
30 through the mutual recognition of Member State licenses;

31 I. Eliminate the necessity for licenses in multiple States; and

1 J. Provide opportunities for interstate practice by Licensed
2 Professional Counselors who meet uniform licensure requirements.

3 SECTION 2. DEFINITIONS

4 As used in this Compact, and except as otherwise provided, the
5 following definitions shall apply:

6 A. "Active Duty Military" means full-time duty status in the active
7 uniformed service of the United States, including members of the National
8 Guard and Reserve on active duty orders pursuant to 10 U.S.C. Chapters
9 1209 and 1211.

10 B. "Adverse Action" means any administrative, civil, equitable or
11 criminal action permitted by a State's laws which is imposed by a
12 licensing board or other authority against a Licensed Professional
13 Counselor, including actions against an individual's license or Privilege
14 to Practice such as revocation, suspension, probation, monitoring of the
15 licensee, limitation on the licensee's practice, or any other Encumbrance
16 on licensure affecting a Licensed Professional Counselor's authorization
17 to practice, including issuance of a cease and desist action.

18 C. "Alternative Program" means a nondisciplinary monitoring or
19 practice remediation process approved by a Professional Counseling
20 Licensing Board to address Impaired Practitioners.

21 D. "Continuing Competence/Education" means a requirement, as a
22 condition of license renewal, to provide evidence of participation in,
23 and/or completion of, educational and professional activities relevant to
24 practice or area of work.

25 E. "Counseling Compact Commission" or "Commission" means the
26 national administrative body whose membership consists of all States that
27 have enacted the Compact.

28 F. "Current Significant Investigative Information" means:

29 1. Investigative Information that a Licensing Board, after a
30 preliminary inquiry that includes notification and an opportunity for the
31 Licensed Professional Counselor to respond, if required by State law, has

1 reason to believe is not groundless and, if proved true, would indicate
2 more than a minor infraction; or

3 2. Investigative Information that indicates that the Licensed
4 Professional Counselor represents an immediate threat to public health
5 and safety regardless of whether the Licensed Professional Counselor has
6 been notified and had an opportunity to respond.

7 G. "Data System" means a repository of information about Licensees,
8 including, but not limited to, continuing education, examination,
9 licensure, investigative, Privilege to Practice and Adverse Action
10 information.

11 H. "Encumbered License" means a license in which an Adverse Action
12 restricts the practice of licensed Professional Counseling by the
13 Licensee and said Adverse Action has been reported to the National
14 Practitioners Data Bank (NPDB).

15 I. "Encumbrance" means a revocation or suspension of, or any
16 limitation on, the full and unrestricted practice of Licensed
17 Professional Counseling by a Licensing Board.

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

21 K. "Home State" means the Member State that is the Licensee's
22 primary State of residence.

23 L. "Impaired Practitioner" means an individual who has a
24 condition(s) that may impair their ability to practice as a Licensed
25 Professional Counselor without some type of intervention and may include,
26 but are not limited to, alcohol and drug dependence, mental health
27 impairment, and neurological or physical impairments.

28 M. "Investigative Information" means information, records, and
29 documents received or generated by a Professional Counseling Licensing
30 Board pursuant to an investigation.

31 N. "Jurisprudence Requirement" if required by a Member State, means

1 the assessment of an individual's knowledge of the laws and Rules
2 governing the practice of Professional Counseling in a State.

3 O. "Licensed Professional Counselor" means a counselor licensed by a
4 Member State, regardless of the title used by that State, to
5 independently assess, diagnose, and treat behavioral health conditions.

6 P. "Licensee" means an individual who currently holds an
7 authorization from the State to practice as a Licensed Professional
8 Counselor.

9 Q. "Licensing Board" means the agency of a State, or equivalent,
10 that is responsible for the licensing and regulation of Licensed
11 Professional Counselors.

12 R. "Member State" means a State that has enacted the Compact.

13 S. "Privilege to Practice" means a legal authorization, which is
14 equivalent to a license, permitting the practice of Professional
15 Counseling in a Remote State.

16 T. "Professional Counseling" means the assessment, diagnosis, and
17 treatment of behavioral health conditions by a Licensed Professional
18 Counselor.

19 U. "Remote State" means a Member State other than the Home State,
20 where a Licensee is exercising or seeking to exercise the Privilege to
21 Practice.

22 V. "Rule" means a regulation promulgated by the Commission that has
23 the force of law.

24 W. "Single State License" means a Licensed Professional Counselor
25 license issued by a Member State that authorizes practice only within the
26 issuing State and does not include a Privilege to Practice in any other
27 Member State.

28 X. "State" means any state, commonwealth, district, or territory of
29 the United States of America that regulates the practice of Professional
30 Counseling.

31 Y. "Telehealth" means the application of telecommunication

1 technology to deliver Professional Counseling services remotely to
2 assess, diagnose, and treat behavioral health conditions.

3 Z. "Unencumbered License" means a license that authorizes a Licensed
4 Professional Counselor to engage in the full and unrestricted practice of
5 Professional Counseling.

6 SECTION 3. STATE PARTICIPATION IN THE COMPACT

7 A. To Participate in the Compact, a State must currently:

8 1. License and regulate Licensed Professional Counselors;

9 2. Require Licensees to pass a nationally recognized examination
10 approved by the Commission;

11 3. Require Licensees to have a sixty semester-hour (or ninety
12 quarter-hour) master's degree in counseling or sixty semester-hours (or
13 ninety quarter-hours) of graduate course work including the following
14 topic areas:

15 a. Professional Counseling Orientation and Ethical Practice;

16 b. Social and Cultural Diversity;

17 c. Human Growth and Development;

18 d. Career Development;

19 e. Counseling and Helping Relationships;

20 f. Group Counseling and Group Work;

21 g. Diagnosis and Treatment; Assessment and Testing;

22 h. Research and Program Evaluation; and

23 i. Other areas as determined by the Commission.

24 4. Require Licensees to complete a supervised postgraduate
25 professional experience as defined by the Commission;

26 5. Have a mechanism in place for receiving and investigating
27 complaints about Licensees.

28 B. A Member State shall:

29 1. Participate fully in the Commission's Data System, including
30 using the Commission's unique identifier as defined in Rules;

31 2. Notify the Commission, in compliance with the terms of the

1 Compact and Rules, of any Adverse Action or the availability of
2 Investigative Information regarding a Licensee;

3 3. Implement or utilize procedures for considering the criminal
4 history records of applicants for an initial Privilege to Practice. These
5 procedures shall include the submission of fingerprints or other
6 biometric-based information by applicants for the purpose of obtaining an
7 applicant's criminal history record information from the Federal Bureau
8 of Investigation and the agency responsible for retaining that State's
9 criminal records;

10 a. A Member State must fully implement a criminal background check
11 requirement, within a timeframe established by rule, by receiving the
12 results of the Federal Bureau of Investigation record search and shall
13 use the results in making licensure decisions.

14 b. Communication between a Member State, the Commission and among
15 Member States regarding the verification of eligibility for licensure
16 through the Compact shall not include any information received from the
17 Federal Bureau of Investigation relating to a federal criminal records
18 check performed by a Member State under Public Law 92-544.

19 4. Comply with the Rules of the Commission;

20 5. Require an applicant to obtain or retain a license in the Home
21 State and meet the Home State's qualifications for licensure or renewal
22 of licensure, as well as all other applicable State laws;

23 6. Grant the Privilege to Practice to a Licensee holding a valid
24 Unencumbered License in another Member State in accordance with the terms
25 of the Compact and Rules; and

26 7. Provide for the attendance of the State's commissioner to the
27 Counseling Compact Commission meetings.

28 C. Member States may charge a fee for granting the Privilege to
29 Practice.

30 D. Individuals not residing in a Member State shall continue to be
31 able to apply for a Member State's Single State License as provided under

1 the laws of each Member State. However, the Single State License granted
2 to these individuals shall not be recognized as granting a Privilege to
3 Practice Professional Counseling in any other Member State.

4 E. Nothing in this Compact shall affect the requirements established
5 by a Member State for the issuance of a Single State License.

6 F. A license issued to a Licensed Professional Counselor by a Home
7 State to a resident in that State shall be recognized by each Member
8 State as authorizing a Licensed Professional Counselor to practice
9 Professional Counseling, under a Privilege to Practice, in each Member
10 State.

11 SECTION 4. PRIVILEGE TO PRACTICE

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

14 1. Hold a license in the Home State;

15 2. Have a valid United States social security number or national
16 practitioner identifier;

17 3. Be eligible for a Privilege to Practice in any Member State in
18 accordance with Section 4(D), (G) and (H);

19 4. Have not had any Encumbrance or restriction against any license
20 or Privilege to Practice within the previous two years;

21 5. Notify the Commission that the Licensee is seeking the Privilege
22 to Practice within a Remote State(s);

23 6. Pay any applicable fees, including any State fee, for the
24 Privilege to Practice;

25 7. Meet any Continuing Competence/Education requirements established
26 by the Home State;

27 8. Meet any Jurisprudence Requirements established by the Remote
28 State(s) in which the Licensee is seeking a Privilege to Practice; and

29 9. Report to the Commission any Adverse Action, Encumbrance, or
30 restriction on license taken by any non-Member State within thirty days
31 from the date the action is taken.

1 B. The Privilege to Practice is valid until the expiration date of
2 the Home State license. The Licensee must comply with the requirements of
3 Section 4(A) to maintain the Privilege to Practice in the Remote State.

4 C. A Licensee providing Professional Counseling in a Remote State
5 under the Privilege to Practice shall adhere to the laws and regulations
6 of the Remote State.

7 D. A Licensee providing Professional Counseling services in a Remote
8 State is subject to that State's regulatory authority. A Remote State
9 may, in accordance with due process and that State's laws, remove a
10 Licensee's Privilege to Practice in the Remote State for a specific
11 period of time, impose fines, and/or take any other necessary actions to
12 protect the health and safety of its citizens. The Licensee may be
13 ineligible for a Privilege to Practice in any Member State until the
14 specific time for removal has passed and all fines are paid.

15 E. If a Home State license is encumbered, the Licensee shall lose
16 the Privilege to Practice in any Remote State until the following occur:

- 17 1. The Home State license is no longer encumbered; and
18 2. Have not had any Encumbrance or restriction against any license
19 or Privilege to Practice within the previous two years.

20 F. Once an Encumbered License in the Home State is restored to good
21 standing, the Licensee must meet the requirements of Section 4(A) to
22 obtain a Privilege to Practice in any Remote State.

23 G. If a Licensee's Privilege to Practice in any Remote State is
24 removed, the individual may lose the Privilege to Practice in all other
25 Remote States until the following occur:

- 26 1. The specific period of time for which the Privilege to Practice
27 was removed has ended;
28 2. All fines have been paid; and
29 3. Have not had any Encumbrance or restriction against any license
30 or Privilege to Practice within the previous two years.

31 H. Once the requirements of Section 4(G) have been met, the Licensee

1 must meet the requirements in Section 4(A) to obtain a Privilege to
2 Practice in a Remote State.

3 SECTION 5: OBTAINING A NEW HOME STATE LICENSE BASED ON A PRIVILEGE
4 TO PRACTICE

5 A. A Licensed Professional Counselor may hold a Home State license,
6 which allows for a Privilege to Practice in other Member States, in only
7 one Member State at a time.

8 B. If a Licensed Professional Counselor changes primary State of
9 residence by moving between two Member States:

10 1. The Licensed Professional Counselor shall file an application for
11 obtaining a new Home State license based on a Privilege to Practice, pay
12 all applicable fees, and notify the current and new Home State in
13 accordance with applicable Rules adopted by the Commission.

14 2. Upon receipt of an application for obtaining a new Home State
15 license by virtue of a Privilege to Practice, the new Home State shall
16 verify that the Licensed Professional Counselor meets the pertinent
17 criteria outlined in Section 4 via the Data System, without need for
18 primary source verification except for:

19 a. a Federal Bureau of Investigation fingerprint-based criminal
20 background check if not previously performed or updated pursuant to
21 applicable rules adopted by the Commission in accordance with Public Law
22 92-544;

23 b. other criminal background check as required by the new Home
24 State; and

25 c. completion of any requisite Jurisprudence Requirements of the new
26 Home State.

27 3. The former Home State shall convert the former Home State license
28 into a Privilege to Practice once the new Home State has activated the
29 new Home State license in accordance with applicable Rules adopted by the
30 Commission.

31 4. Notwithstanding any other provision of this Compact, if the

1 Licensed Professional Counselor cannot meet the criteria in Section 4,
2 the new Home State may apply its requirements for issuing a new Single
3 State License.

4 5. The Licensed Professional Counselor shall pay all applicable fees
5 to the new Home State in order to be issued a new Home State license.

6 C. If a Licensed Professional Counselor changes Primary State of
7 Residence by moving from a Member State to a non-Member State, or from a
8 non-Member State to a Member State, the State criteria shall apply for
9 issuance of a Single State License in the new State.

10 D. Nothing in this Compact shall interfere with a Licensee's ability
11 to hold a Single State License in multiple States, however for the
12 purposes of this Compact, a Licensee shall have only one Home State
13 license.

14 E. Nothing in this Compact shall affect the requirements established
15 by a Member State for the issuance of a Single State License.

16 SECTION 6. ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

17 Active Duty Military personnel, or their spouse, shall designate a
18 Home State where the individual has a current license in good standing.
19 The individual may retain the Home State designation during the period
20 the service member is on active duty. Subsequent to designating a Home
21 State, the individual shall only change their Home State through
22 application for licensure in the new State, or through the process
23 outlined in Section 5.

24 SECTION 7. COMPACT PRIVILEGE TO PRACTICE TELEHEALTH

25 A. Member States shall recognize the right of a Licensed
26 Professional Counselor, licensed by a Home State in accordance with
27 Section 3 and under Rules promulgated by the Commission, to practice
28 Professional Counseling in any Member State via Telehealth under a
29 Privilege to Practice as provided in the Compact and Rules promulgated by
30 the Commission.

31 B. A Licensee providing Professional Counseling services in a Remote

1 State under the Privilege to Practice shall adhere to the laws and
2 regulations of the Remote State.

3 SECTION 8. ADVERSE ACTIONS

4 A. In addition to the other powers conferred by State law, a Remote
5 State shall have the authority, in accordance with existing State due
6 process law, to:

7 1. Take Adverse Action against a Licensed Professional Counselor's
8 Privilege to Practice within that Member State, and

9 2. Issue subpoenas for both hearings and investigations that require
10 the attendance and testimony of witnesses as well as the production of
11 evidence. Subpoenas issued by a Licensing Board in a Member State for the
12 attendance and testimony of witnesses or the production of evidence from
13 another Member State shall be enforced in the latter State by any court
14 of competent jurisdiction, according to the practice and procedure of
15 that court applicable to subpoenas issued in proceedings pending before
16 it. The issuing authority shall pay any witness fees, travel expenses,
17 mileage, and other fees required by the service statutes of the State in
18 which the witnesses or evidence are located.

19 3. Only the Home State shall have the power to take Adverse Action
20 against a Licensed Professional Counselor's license issued by the Home
21 State.

22 B. For purposes of taking Adverse Action, the Home State shall give
23 the same priority and effect to reported conduct received from a Member
24 State as it would if the conduct had occurred within the Home State. In
25 so doing, the Home State shall apply its own State laws to determine
26 appropriate action.

27 C. The Home State shall complete any pending investigations of a
28 Licensed Professional Counselor who changes primary State of residence
29 during the course of the investigations. The Home State shall also have
30 the authority to take appropriate action(s) and shall promptly report the
31 conclusions of the investigations to the administrator of the Data

1 System. The administrator of the coordinated licensure information system
2 shall promptly notify the new Home State of any Adverse Actions.

3 D. A Member State, if otherwise permitted by State law, may recover
4 from the affected Licensed Professional Counselor the costs of
5 investigations and dispositions of cases resulting from any Adverse
6 Action taken against that Licensed Professional Counselor.

7 E. A Member State may take Adverse Action based on the factual
8 findings of the Remote State, provided that the Member State follows its
9 own procedures for taking the Adverse Action.

10 F. Joint Investigations:

11 1. In addition to the authority granted to a Member State by its
12 respective Professional Counseling practice act or other applicable State
13 law, any Member State may participate with other Member States in joint
14 investigations of Licensees.

15 2. Member States shall share any investigative, litigation, or
16 compliance materials in furtherance of any joint or individual
17 investigation initiated under the Compact.

18 G. If Adverse Action is taken by the Home State against the license
19 of a Licensed Professional Counselor, the Licensed Professional
20 Counselor's Privilege to Practice in all other Member States shall be
21 deactivated until all Encumbrances have been removed from the State
22 license. All Home State disciplinary orders that impose Adverse Action
23 against the license of a Licensed Professional Counselor shall include a
24 Statement that the Licensed Professional Counselor's Privilege to
25 Practice is deactivated in all Member States during the pendency of the
26 order.

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

31 I. Nothing in this Compact shall override a Member State's decision

1 that participation in an Alternative Program may be used in lieu of
2 Adverse Action.

3 SECTION 9. ESTABLISHMENT OF COUNSELING COMPACT COMMISSION

4 A. The Compact Member States hereby create and establish a joint
5 public agency known as the Counseling Compact Commission:

6 1. The Commission is an instrumentality of the Compact States.

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.

13 3. Nothing in this Compact shall be construed to be a waiver of
14 sovereign immunity.

15 B. Membership, Voting, and Meetings

16 1. Each Member State shall have and be limited to one delegate
17 selected by that Member State's Licensing Board.

18 2. The delegate shall be either:

19 a. A current member of the Licensing Board at the time of
20 appointment, who is a Licensed Professional Counselor or public member;
21 or

22 b. An administrator of the Licensing Board.

23 3. Any delegate may be removed or suspended from office as provided
24 by the law of the State from which the delegate is appointed.

25 4. The Member State Licensing Board shall fill any vacancy occurring
26 on the Commission within sixty days.

27 5. Each delegate shall be entitled to one vote with regard to the
28 promulgation of Rules and creation of bylaws and shall otherwise have an
29 opportunity to participate in the business and affairs of the Commission.

30 6. A delegate shall vote in person or by such other means as
31 provided in the bylaws. The bylaws may provide for delegates'

1 participation in meetings by telephone or other means of communication.

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

4 8. The Commission shall by Rule establish a term of office for
5 delegates and may by Rule establish term limits.

6 C. The Commission shall have the following powers and duties:

7 1. Establish the fiscal year of the Commission;

8 2. Establish bylaws;

9 3. Maintain its financial records in accordance with the bylaws;

10 4. Meet and take such actions as are consistent with the provisions
11 of this Compact and the bylaws;

12 5. Promulgate Rules which shall be binding to the extent and in the
13 manner provided for in the Compact;

14 6. Bring and prosecute legal proceedings or actions in the name of
15 the Commission, provided that the standing of any State Licensing Board
16 to sue or be sued under applicable law shall not be affected;

17 7. Purchase and maintain insurance and bonds;

18 8. Borrow, accept, or contract for services of personnel, including,
19 but not limited to, employees of a Member State;

20 9. Hire employees, elect or appoint officers, fix compensation,
21 define duties, grant such individuals appropriate authority to carry out
22 the purposes of the Compact, and establish the Commission's personnel
23 policies and programs relating to conflicts of interest, qualifications
24 of personnel, and other related personnel matters;

25 10. Accept any and all appropriate donations and grants of money,
26 equipment, supplies, materials, and services, and to receive, utilize,
27 and dispose of the same; provided that at all times the Commission shall
28 avoid any appearance of impropriety and/or conflict of interest;

29 11. Lease, purchase, accept appropriate gifts or donations of, or
30 otherwise to own, hold, improve or use, any property, real, personal or
31 mixed; provided that at all times the Commission shall avoid any

1 appearance of impropriety;

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

4 13. Establish a budget and make expenditures;

5 14. Borrow money;

6 15. Appoint committees, including standing committees composed of
7 members, State regulators, State legislators or their representatives,
8 and consumer representatives, and such other interested persons as may be
9 designated in this Compact and the bylaws;

10 16. Provide and receive information from, and cooperate with, law
11 enforcement agencies;

12 17. Establish and elect an Executive Committee; and

13 18. Perform such other functions as may be necessary or appropriate
14 to achieve the purposes of this Compact consistent with the State
15 regulation of Professional Counseling licensure and practice.

16 D. The Executive Committee

17 1. The Executive Committee shall have the power to act on behalf of
18 the Commission according to the terms of this Compact.

19 2. The Executive Committee shall be composed of up to eleven
20 members:

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

23 b. Up to four ex officio, nonvoting members from four recognized
24 national professional counselor organizations.

25 c. The ex officio members will be selected by their respective
26 organizations.

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

29 4. The Executive Committee shall meet at least annually.

30 5. The Executive Committee shall have the following duties and
31 responsibilities:

1 a. Recommend to the entire Commission changes to the Rules or
2 bylaws, changes to this Compact legislation, fees paid by Compact Member
3 States such as annual dues, and any Commission Compact fee charged to
4 Licensees for the Privilege to Practice;

5 b. Ensure Compact administration services are appropriately
6 provided, contractual or otherwise;

7 c. Prepare and recommend the budget;

8 d. Maintain financial records on behalf of the Commission;

9 e. Monitor Compact compliance of Member States and provide
10 compliance reports to the Commission;

11 f. Establish additional committees as necessary; and

12 g. Other duties as provided in Rules or bylaws.

13 E. Meetings of the Commission

14 1. All meetings shall be open to the public, and public notice of
15 meetings shall be given in the same manner as required under the
16 Rulemaking provisions in Section 11.

17 2. The Commission or the Executive Committee or other committees of
18 the Commission may convene in a closed, nonpublic meeting if the
19 Commission or Executive Committee or other committees of the Commission
20 must discuss:

21 a. Noncompliance of a Member State with its obligations under the
22 Compact;

23 b. The employment, compensation, discipline or other matters,
24 practices or procedures related to specific employees or other matters
25 related to the Commission's internal personnel practices and procedures;

26 c. Current, threatened, or reasonably anticipated litigation;

27 d. Negotiation of contracts for the purchase, lease, or sale of
28 goods, services, or real estate;

29 e. Accusing any person of a crime or formally censuring any person;

30 f. Disclosure of trade secrets or commercial or financial
31 information that is privileged or confidential;

1 g. Disclosure of information of a personal nature where disclosure
2 would constitute a clearly unwarranted invasion of personal privacy;

3 h. Disclosure of investigative records compiled for law enforcement
4 purposes;

5 i. Disclosure of information related to any investigative reports
6 prepared by or on behalf of or for use of the Commission or other
7 committee charged with responsibility of investigation or determination
8 of compliance issues pursuant to the Compact; or

9 j. Matters specifically exempted from disclosure by federal or
10 Member State statute.

11 3. If a meeting, or portion of a meeting, is closed pursuant to this
12 provision, the Commission's legal counsel or designee shall certify that
13 the meeting may be closed and shall reference each relevant exempting
14 provision.

15 4. The Commission shall keep minutes that fully and clearly describe
16 all matters discussed in a meeting and shall provide a full and accurate
17 summary of actions taken, and the reasons therefor, including a
18 description of the views expressed. All documents considered in
19 connection with an action shall be identified in such minutes. All
20 minutes and documents of a closed meeting shall remain under seal,
21 subject to release by a majority vote of the Commission or order of a
22 court of competent jurisdiction.

23 F. Financing of the Commission

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

27 2. The Commission may accept any and all appropriate revenue
28 sources, donations, and grants of money, equipment, supplies, materials,
29 and services.

30 3. The Commission may levy on and collect an annual assessment from
31 each Member State or impose fees on other parties to cover the cost of

1 the operations and activities of the Commission and its staff, which must
2 be in a total amount sufficient to cover its annual budget as approved
3 each year for which revenue is not provided by other sources. The
4 aggregate annual assessment amount shall be allocated based upon a
5 formula to be determined by the Commission, which shall promulgate a Rule
6 binding upon all Member States.

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

11 5. The Commission shall keep accurate accounts of all receipts and
12 disbursements. The receipts and disbursements of the Commission shall be
13 subject to the audit and accounting procedures established under its
14 bylaws. However, all receipts and disbursements of funds handled by the
15 Commission shall be audited yearly by a certified or licensed public
16 accountant, and the report of the audit shall be included in and become
17 part of the annual report of the Commission.

18 G. Qualified Immunity, Defense, and Indemnification

19 1. The members, officers, executive director, employees, and
20 representatives of the Commission shall have no greater liability, either
21 personally or in their official capacity, for any claim for damage to or
22 loss of property or personal injury or other civil liability caused by or
23 arising out of any actual or alleged act, error, or omission that
24 occurred, or that the person against whom the claim is made had a
25 reasonable basis for believing occurred, within the scope of Commission
26 employment, duties, or responsibilities, than a state employee would have
27 under the same or similar circumstances; provided that nothing in this
28 paragraph shall be construed to protect any such person from suit or
29 liability for any damage, loss, injury, or liability caused by the
30 intentional or willful or wanton misconduct of that person.

31 2. The Commission shall defend any member, officer, executive

1 director, employee or representative of the Commission in any civil
2 action seeking to impose liability arising out of any actual or alleged
3 act, error, or omission that occurred within the scope of Commission
4 employment, duties, or responsibilities, or that the person against whom
5 the claim is made had a reasonable basis for believing occurred within
6 the scope of Commission employment, duties, or responsibilities; provided
7 that nothing herein shall be construed to prohibit that person from
8 retaining his or her own counsel; and provided further, that the actual
9 or alleged act, error, or omission did not result from that person's
10 intentional or willful or wanton misconduct.

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

21 SECTION 10. DATA SYSTEM

22 A. The Commission shall provide for the development, maintenance,
23 operation, and utilization of a coordinated database and reporting system
24 containing licensure, Adverse Action, and Investigative Information on
25 all licensed individuals in Member States.

26 B. Notwithstanding any other provision of State law to the contrary,
27 a Member State shall submit a uniform data set to the Data System on all
28 individuals to whom this Compact is applicable as required by the Rules
29 of the Commission, including:

30 1. Identifying information;

31 2. Licensure data;

- 1 3. Adverse Actions against a license or Privilege to Practice;
2 4. Nonconfidential information related to Alternative Program
3 participation;
4 5. Any denial of application for licensure, and the reason(s) for
5 such denial;
6 6. Current Significant Investigative Information; and
7 7. Other information that may facilitate the administration of this
8 Compact, as determined by the Rules of the Commission.

9 C. Investigative Information pertaining to a Licensee in any Member
10 State will only be available to other Member States.

11 D. The Commission shall promptly notify all Member States of any
12 Adverse Action taken against a Licensee or an individual applying for a
13 license. Adverse Action information pertaining to a Licensee in any
14 Member State will be available to any other Member State.

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

18 F. Any information submitted to the Data System that is subsequently
19 required to be expunged by the laws of the Member State contributing the
20 information shall be removed from the Data System.

21 SECTION 11. RULEMAKING

22 A. The Commission shall promulgate reasonable Rules in order to
23 effectively and efficiently achieve the purpose of the Compact.
24 Notwithstanding the foregoing, in the event the Commission exercises its
25 Rulemaking authority in a manner that is beyond the scope of the purposes
26 of the Compact, or the powers granted hereunder, then such an action by
27 the Commission shall be invalid and have no force or effect.

28 B. The Commission shall exercise its Rulemaking powers pursuant to
29 the criteria set forth in this Section and the Rules adopted thereunder.
30 Rules and amendments shall become binding as of the date specified in
31 each Rule or amendment.

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

6 D. Rules or amendments to the Rules shall be adopted at a regular or
7 special meeting of the Commission.

8 E. Prior to promulgation and adoption of a final Rule or Rules by
9 the Commission, and at least thirty days in advance of the meeting at
10 which the Rule will be considered and voted upon, the Commission shall
11 file a Notice of Proposed Rulemaking:

12 1. On the website of the Commission or other publicly accessible
13 platform; and

14 2. On the website of each Member State Professional Counseling
15 Licensing Board or other publicly accessible platform or the publication
16 in which each State would otherwise publish proposed Rules.

17 F. The Notice of Proposed Rulemaking shall include:

18 1. The proposed time, date, and location of the meeting in which the
19 Rule will be considered and voted upon;

20 2. The text of the proposed Rule or amendment and the reason for the
21 proposed Rule;

22 3. A request for comments on the proposed Rule from any interested
23 person; and

24 4. The manner in which interested persons may submit notice to the
25 Commission of their intention to attend the public hearing and any
26 written comments.

27 G. Prior to adoption of a proposed Rule, the Commission shall allow
28 persons to submit written data, facts, opinions, and arguments, which
29 shall be made available to the public.

30 H. The Commission shall grant an opportunity for a public hearing
31 before it adopts a Rule or amendment if a hearing is requested by:

- 1 1. At least twenty-five persons;
- 2 2. A State or federal governmental subdivision or agency; or
- 3 3. An association having at least twenty-five members.

4 I. If a hearing is held on the proposed Rule or amendment, the
5 Commission shall publish the place, time, and date of the scheduled
6 public hearing. If the hearing is held via electronic means, the
7 Commission shall publish the mechanism for access to the electronic
8 hearing.

9 1. All persons wishing to be heard at the hearing shall notify the
10 executive director of the Commission or other designated member in
11 writing of their desire to appear and testify at the hearing not less
12 than five business days before the scheduled date of the hearing.

13 2. Hearings shall be conducted in a manner providing each person who
14 wishes to comment a fair and reasonable opportunity to comment orally or
15 in writing.

16 3. All hearings will be recorded. A copy of the recording will be
17 made available on request.

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

21 J. Following the scheduled hearing date, or by the close of business
22 on the scheduled hearing date if the hearing was not held, the Commission
23 shall consider all written and oral comments received.

24 K. If no written notice of intent to attend the public hearing by
25 interested parties is received, the Commission may proceed with
26 promulgation of the proposed Rule without a public hearing.

27 L. The Commission shall, by majority vote of all members, take final
28 action on the proposed Rule and shall determine the effective date of the
29 Rule, if any, based on the Rulemaking record and the full text of the
30 Rule.

31 M. Upon determination that an emergency exists, the Commission may

1 consider and adopt an emergency Rule without prior notice, opportunity
2 for comment, or hearing, provided that the usual Rulemaking procedures
3 provided in the Compact and in this section shall be retroactively
4 applied to the Rule as soon as reasonably possible, in no event later
5 than ninety days after the effective date of the Rule. For the purposes
6 of this provision, an emergency Rule is one that must be adopted
7 immediately in order to:

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

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

25 SECTION 12. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

26 A. Oversight

27 1. The executive, legislative, and judicial branches of State
28 government in each Member State shall enforce this Compact and take all
29 actions necessary and appropriate to effectuate the Compact's purposes
30 and intent. The provisions of this Compact and the Rules promulgated
31 hereunder shall have standing as statutory law.

1 2. All courts shall take judicial notice of the Compact and the
2 Rules in any judicial or administrative proceeding in a Member State
3 pertaining to the subject matter of this Compact which may affect the
4 powers, responsibilities, or actions of the Commission.

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

10 B. Default, Technical Assistance, and Termination

11 1. If the Commission determines that a Member State has defaulted in
12 the performance of its obligations or responsibilities under this Compact
13 or the promulgated Rules, the Commission shall:

14 a. Provide written notice to the defaulting State and other Member
15 States of the nature of the default, the proposed means of curing the
16 default and/or any other action to be taken by the Commission; and

17 b. Provide remedial training and specific technical assistance
18 regarding the default.

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

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

30 E. A State that has been terminated is responsible for all
31 assessments, obligations, and liabilities incurred through the effective

1 date of termination, including obligations that extend beyond the
2 effective date of termination.

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

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

12 H. Dispute Resolution

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

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

18 I. Enforcement

19 1. The Commission, in the reasonable exercise of its discretion,
20 shall enforce the provisions and Rules of this Compact.

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

29 3. The remedies herein shall not be the exclusive remedies of the
30 Commission. The Commission may pursue any other remedies available under
31 federal or State law.

1 SECTION 13. DATE OF IMPLEMENTATION OF THE COUNSELING COMPACT
2 COMMISSION AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT

3 A. The Compact shall come into effect on the date on which the
4 Compact statute is enacted into law in the tenth Member State. The
5 provisions, which become effective at that time, shall be limited to the
6 powers granted to the Commission relating to assembly and the
7 promulgation of Rules. Thereafter, the Commission shall meet and exercise
8 Rulemaking powers necessary to the implementation and administration of
9 the Compact.

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

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

17 1. A Member State's withdrawal shall not take effect until six
18 months after enactment of the repealing statute.

19 2. Withdrawal shall not affect the continuing requirement of the
20 withdrawing State's Professional Counseling Licensing Board to comply
21 with the investigative and Adverse Action reporting requirements of the
22 Compact prior to the effective date of withdrawal.

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

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

30 SECTION 14. CONSTRUCTION AND SEVERABILITY

31 This Compact shall be liberally construed so as to effectuate the

1 purposes thereof. The provisions of this Compact shall be severable and
2 if any phrase, clause, sentence or provision of this Compact is declared
3 to be contrary to the constitution of any Member State or of the United
4 States or the applicability thereof to any government, agency, person or
5 circumstance is held invalid, the validity of the remainder of this
6 Compact and the applicability thereof to any government, agency, person
7 or circumstance shall not be affected thereby. If this Compact shall be
8 held contrary to the constitution of any Member State, the Compact shall
9 remain in full force and effect as to the remaining Member States and in
10 full force and effect as to the Member State affected as to all severable
11 matters.

12 SECTION 15. BINDING EFFECT OF COMPACT AND OTHER LAWS

13 A. A Licensee providing Professional Counseling services in a Remote
14 State under the Privilege to Practice shall adhere to the laws and
15 regulations, including scope of practice, of the Remote State.

16 B. Nothing herein prevents the enforcement of any other law of a
17 Member State that is not inconsistent with the Compact.

18 C. Any laws in a Member State in conflict with the Compact are
19 superseded to the extent of the conflict.

20 D. Any lawful actions of the Commission, including all Rules and
21 bylaws properly promulgated by the Commission, are binding upon the
22 Member States.

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

25 F. In the event any provision of the Compact exceeds the
26 constitutional limits imposed on the legislature of any Member State, the
27 provision shall be ineffective to the extent of the conflict with the
28 constitutional provision in question in that Member State.

29 Sec. 2. The State of Nebraska adopts the Occupational Therapy
30 Practice Interstate Compact in the form substantially as follows:

31 ARTICLE 1. PURPOSE.

1 The purpose of the Occupational Therapy Practice Interstate Compact
2 is to facilitate interstate practice of occupational therapy with the
3 goal of improving public access to occupational therapy services. The
4 practice of occupational therapy occurs in the state where the patient or
5 client is located at the time of the patient or client encounter. This
6 Compact preserves the regulatory authority of states to protect public
7 health and safety through the current system of state licensure.

8 This Compact is designed to achieve the following objectives:

9 A. Increase public access to occupational therapy services by
10 providing for the mutual recognition of other Member State licenses;

11 B. Enhance the states' ability to protect the public health and
12 safety;

13 C. Encourage the cooperation of Member States in regulating
14 multistate occupational therapy practice;

15 D. Support spouses of relocating military members;

16 E. Enhance the exchange of licensure, investigative, and
17 disciplinary information between Member States;

18 F. Allow a Remote State to hold a provider of services with a
19 Compact Privilege in that state accountable to that state's practice
20 standards; and

21 G. Facilitate the use of telehealth technology in order to increase
22 access to occupational therapy services.

23 ARTICLE 2. DEFINITIONS.

24 As used in the Occupational Therapy Practice Interstate Compact, and
25 except as otherwise provided, the following definitions apply:

26 A. Active duty military means full-time duty status in the active
27 uniformed service of the United States, including members of the National
28 Guard and Reserve on active duty orders pursuant to 10 U.S.C. Chapters
29 1209 and 1211.

30 B. Adverse action means any administrative, civil, equitable, or
31 criminal action permitted by a state's laws which is imposed by a

1 licensing board or other authority against an occupational therapist or
2 occupational therapy assistant, including actions against an individual's
3 license or Compact Privilege such as revocation, suspension, probation,
4 monitoring of the Licensee, or restriction on the Licensee's practice.

5 C. Alternative program means a nondisciplinary monitoring process
6 approved by an occupational therapy licensing board to address Impaired
7 Practitioners.

8 D. Compact Privilege means the authorization, which is equivalent to
9 a license, granted by a Remote State to allow a Licensee from another
10 Member State to practice as an occupational therapist or practice as an
11 occupational therapy assistant in the Remote State under its laws and
12 rules. The practice of occupational therapy occurs in the Member State
13 where the patient or client is located at the time of the patient or
14 client encounter.

15 E. Continuing Competence/Education means a requirement, as a
16 condition of license renewal, to provide evidence of participation in,
17 and completion of, educational and professional activities relevant to
18 practice or area of work.

19 F. Current significant investigative information means investigative
20 information that a licensing board, after an inquiry or investigation
21 that includes notification and an opportunity for the occupational
22 therapist or occupational therapy assistant to respond, if required by
23 state law, has reason to believe is not groundless and, if proved true,
24 would indicate more than a minor infraction.

25 G. Data system means a repository of information about Licensees,
26 including, but not limited to, licensure, investigative information,
27 Compact Privilege, and adverse action.

28 H. Encumbered License means a license in which an adverse action
29 restricts the practice of occupational therapy by the Licensee and the
30 adverse action has been reported to the National Practitioner Data Bank.

31 I. Executive Committee means a group of directors elected or

1 appointed to act on behalf of, and within the powers granted to them by,
2 the Commission.

3 J. Home State means the Member State that is the Licensee's primary
4 state of residence.

5 K. Impaired Practitioner means an individual whose professional
6 practice is adversely affected by substance abuse, addiction, or other
7 health-related conditions.

8 L. Investigative information means information, records, or
9 documents received or generated by an occupational therapy licensing
10 board pursuant to an investigation.

11 M. Jurisprudence requirement means the assessment of an individual's
12 knowledge of the laws and rules governing the practice of occupational
13 therapy in a state.

14 N. Licensee means an individual who currently holds an authorization
15 from the state to practice as an occupational therapist or as an
16 occupational therapy assistant.

17 O. Member State means a state that has enacted this Compact.

18 P. Occupational therapist means an individual who is licensed by a
19 state to practice occupational therapy.

20 Q. Occupational therapy assistant means an individual who is
21 licensed by a state to assist in the practice of occupational therapy.

22 R. Occupational therapy, occupational therapy practice, and the
23 practice of occupational therapy mean the care and services provided by
24 an occupational therapist or an occupational therapy assistant as set
25 forth in the Member State's statutes and regulations.

26 S. Occupational Therapy Interstate Compact Commission or Commission
27 means the national administrative body whose membership consists of all
28 states that have enacted this Compact.

29 T. Occupational therapy licensing board or licensing board means the
30 agency of a state that is responsible for the licensing and regulation of
31 occupational therapists and occupational therapy assistants.

1 U. Primary state of residence means the state, also known as the
2 Home State, in which an occupational therapist or occupational therapy
3 assistant who is not active duty military declares a primary residence
4 for legal purposes as verified by: Driver's license, federal income tax
5 return, lease, deed, mortgage or voter registration or other verifying
6 documentation as further defined by Commission Rules.

7 V. Remote State means a Member State other than the Home State,
8 where a Licensee is exercising or seeking to exercise the Compact
9 Privilege.

10 W. Rule means a regulation promulgated by the Commission that has
11 the force of law.

12 X. State means any state, commonwealth, district, or territory of
13 the United States of America that regulates the practice of occupational
14 therapy.

15 Y. Single-State License means an occupational therapist or
16 occupational therapy assistant license issued by a Member State that
17 authorizes practice only within the issuing state and does not include a
18 Compact Privilege in any other Member State.

19 Z. Telehealth means the application of telecommunication technology
20 to deliver occupational therapy services for assessment, intervention, or
21 consultation.

22 ARTICLE 3. STATE PARTICIPATION IN THIS COMPACT.

23 A. To participate in this Compact, a Member State shall:

24 1. License occupational therapists and occupational therapy
25 assistants;

26 2. Participate fully in the data system, including, but not limited
27 to, using the Commission's unique identifier as defined in Rules of the
28 Commission;

29 3. Have a mechanism in place for receiving and investigating
30 complaints about Licensees;

31 4. Notify the Commission, in compliance with the terms of this

1 Compact and Rules, of any adverse action or the availability of
2 investigative information regarding a Licensee;

3 5. Implement or utilize procedures for considering the criminal
4 history records of applicants for an initial Compact Privilege. These
5 procedures shall include the submission of fingerprints or other
6 biometric-based information by applicants for the purpose of obtaining an
7 applicant's criminal history record information from the Federal Bureau
8 of Investigation and the agency responsible for retaining that state's
9 criminal records.

10 a. A Member State shall, within a timeframe established by the
11 Commission, require a criminal background check for a Licensee seeking or
12 applying for a Compact Privilege whose primary state of residence is that
13 Member State, by receiving the results of the Federal Bureau of
14 Investigation criminal record search, and shall use the results in making
15 licensure decisions.

16 b. Communication between a Member State, the Commission, and among
17 Member States regarding the verification of eligibility for licensure
18 through this Compact shall not include any information received from the
19 Federal Bureau of Investigation relating to a federal criminal records
20 check performed by a Member State under Public Law 92-544.

21 6. Comply with the Rules of the Commission;

22 7. Utilize only a recognized national examination as a requirement
23 for licensure pursuant to the Rules of the Commission; and

24 8. Have Continuing Competence/Education requirements as a condition
25 for license renewal.

26 B. A Member State shall grant the Compact Privilege to a Licensee
27 holding a valid unencumbered license in another Member State in
28 accordance with the terms of this Compact and Rules.

29 C. Member States may charge a fee for granting a Compact Privilege.

30 D. A Member State shall provide for the state's delegate to attend
31 all Commission meetings.

1 E. Individuals not residing in a Member State shall continue to be
2 able to apply for a Member State's Single-State License as provided under
3 the laws of each Member State. However, the Single-State License granted
4 to these individuals shall not be recognized as granting the Compact
5 Privilege in any other Member State.

6 F. Nothing in this Compact shall affect the requirements established
7 by a Member State for the issuance of a Single-State License.

8 ARTICLE 4. COMPACT PRIVILEGE.

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

11 1. Hold a license in the Home State;

12 2. Have a valid United States social security number or national
13 practitioner identification number;

14 3. Have no encumbrance on any state license;

15 4. Be eligible for a Compact Privilege in any Member State in
16 accordance with sections D, F, G, and H of this Article 4;

17 5. Have paid all fines and completed all requirements resulting from
18 any adverse action against any license or Compact Privilege, and two
19 years have elapsed from the date of such completion;

20 6. Notify the Commission that the Licensee is seeking the Compact
21 Privilege within a Remote State(s);

22 7. Pay any applicable fees, including any state fee, for the Compact
23 Privilege;

24 8. Complete a criminal background check in accordance with
25 subsection A5 of Article 3. The Licensee shall be responsible for the
26 payment of any fee associated with the completion of such criminal
27 background check;

28 9. Meet any jurisprudence requirements established by the Remote
29 State(s) in which the Licensee is seeking a Compact Privilege; and

30 10. Report to the Commission adverse action taken by any non-Member
31 State within thirty days from the date the adverse action is taken.

1 B. The Compact Privilege is valid until the expiration date of the
2 Home State license. The Licensee must comply with the requirements of
3 section A of this Article 4 to maintain this Compact Privilege in the
4 Remote State.

5 C. A Licensee providing occupational therapy in a Remote State under
6 the Compact Privilege shall function within the laws and regulations of
7 the Remote State.

8 D. Occupational therapy assistants practicing in a Remote State
9 shall be supervised by an occupational therapist licensed or holding a
10 Compact Privilege in that Remote State.

11 E. A Licensee providing occupational therapy in a Remote State is
12 subject to that state's regulatory authority. A Remote State may, in
13 accordance with due process and that state's laws, remove a Licensee's
14 Compact Privilege in the Remote State for a specific period of time,
15 impose fines, or take any other necessary actions to protect the health
16 and safety of its citizens. The Licensee may be ineligible for a Compact
17 Privilege in any state until the specific time for removal has passed and
18 all fines are paid.

19 F. If a Home State license is encumbered, the Licensee shall lose
20 the Compact Privilege in any Remote State until the following occur:

- 21 1. The Home State license is no longer encumbered; and
22 2. Two years have elapsed from the date on which the Home State
23 license is no longer encumbered in accordance with subsection F1 of this
24 Article 4.

25 G. Once an Encumbered License in the Home State is restored to good
26 standing, the Licensee must meet the requirements of section A of this
27 Article 4 to obtain a Compact Privilege in any Remote State.

28 H. If a Licensee's Compact Privilege in any Remote State is removed,
29 the individual may lose the Compact Privilege in any other Remote State
30 until the following occur:

- 31 1. The specific period of time for which the Compact Privilege was

1 removed has ended;

2 2. All fines have been paid and all conditions have been met;

3 3. Two years have elapsed from the date of completing requirements
4 for subsections H1 and 2 of this Article 4; and

5 4. The Compact Privileges are reinstated by the Commission, and the
6 compact data system is updated to reflect reinstatement.

7 I. If a Licensee's Compact Privilege in any Remote State is removed
8 due to an erroneous charge, privileges shall be restored through the
9 compact data system.

10 J. Once the requirements of section H of this Article 4 have been
11 met, the Licensee must meet the requirements in section A of this Article
12 4 to obtain a Compact Privilege in a Remote State.

13 ARTICLE 5. OBTAINING A NEW HOME STATE LICENSE BY VIRTUE OF COMPACT
14 PRIVILEGE.

15 A. An occupational therapist and an occupational therapy assistant
16 may hold a Home State license, issued by the Home State which allows for
17 Compact Privileges, in only one Member State at a time.

18 B. If an occupational therapist or occupational therapy assistant
19 changes primary state of residence by moving between two Member States:

20 1. The occupational therapist or occupational therapy assistant
21 shall file an application for obtaining a new Home State license by
22 virtue of a Compact Privilege, pay all applicable fees, and notify the
23 current and new Home State in accordance with applicable Rules adopted by
24 the Commission.

25 2. Upon receipt of an application for obtaining a new Home State
26 license by virtue of compact privilege, the new Home State shall verify
27 that the occupational therapist or occupational therapy assistant meets
28 the pertinent criteria outlined in Article 4 via the data system, without
29 need for primary source verification except for:

30 a. A Federal Bureau of Investigation fingerprint-based criminal
31 background check if not previously performed or updated pursuant to

1 applicable Rules adopted by the Commission in accordance with Public Law
2 92-544;

3 b. Other criminal background check as required by the new Home
4 State; and

5 c. Submission of any requisite jurisprudence requirements of the new
6 Home State.

7 3. The former Home State shall convert the former Home State license
8 into a Compact Privilege once the new Home State has activated the new
9 Home State license in accordance with applicable Rules adopted by the
10 Commission.

11 4. Notwithstanding any other provision of this Compact, if the
12 occupational therapist or occupational therapy assistant cannot meet the
13 criteria in Article 4, the new Home State shall apply its requirements
14 for issuing a new Single-State License.

15 5. The occupational therapist or the occupational therapy assistant
16 shall pay all applicable fees to the new Home State in order to be issued
17 a new Home State license.

18 C. If an occupational therapist or occupational therapy assistant
19 changes primary state of residence by moving from a Member State to a
20 non-Member State, or from a non-Member State to a Member State, the state
21 criteria shall apply for issuance of a Single-State License in the new
22 state.

23 D. Nothing in this Compact shall interfere with a Licensee's ability
24 to hold a Single-State License in multiple states, however, for the
25 purposes of this Compact, a Licensee shall have only one Home State
26 license.

27 E. Nothing in this Compact shall affect the requirements established
28 by a Member State for the issuance of a Single-State License.

29 ARTICLE 6. ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES.

30 Active duty military personnel, or their spouse, shall designate a
31 Home State where the individual has a current license in good standing.

1 The individual may retain the Home State designation during the period
2 the service member is on active duty. Subsequent to designating a Home
3 State, the individual shall only change their Home State through
4 application for licensure in the new state or through the process
5 described in Article 5.

6 ARTICLE 7. ADVERSE ACTIONS.

7 A. A Home State shall have exclusive power to impose adverse action
8 against a license issued by the Home State.

9 B. In addition to the other powers conferred by state law, a Remote
10 State shall have the authority, in accordance with existing state due
11 process law, to:

12 1. Take adverse action against an occupational therapist's or
13 occupational therapy assistant's Compact Privilege within that Member
14 State.

15 2. Issue subpoenas for both hearings and investigations that require
16 the attendance and testimony of witnesses as well as the production of
17 evidence. Subpoenas issued by a licensing board in a Member State for the
18 attendance and testimony of witnesses or the production of evidence from
19 another Member State shall be enforced in the latter state by any court
20 of competent jurisdiction, according to the practice and procedure of
21 that court applicable to subpoenas issued in proceedings pending before
22 it. The issuing authority shall pay any witness fees, travel expenses,
23 mileage, and other fees required by the service statutes of the state in
24 which the witnesses or evidence are located.

25 C. For purposes of taking adverse action, the Home State shall give
26 the same priority and effect to reported conduct received from a Member
27 State as it would if the conduct had occurred within the Home State. In
28 so doing, the Home State shall apply its own state laws to determine
29 appropriate action.

30 D. The Home State shall complete any pending investigations of an
31 occupational therapist or occupational therapy assistant who changes

1 primary state of residence during the course of the investigations. The
2 Home State, where the investigations were initiated, shall also have the
3 authority to take appropriate action and shall promptly report the
4 conclusions of the investigations to the Commission data system. The
5 Commission data system administrator shall promptly notify the new Home
6 State of any adverse actions.

7 E. A Member State, if otherwise permitted by state law, may recover
8 from the affected occupational therapist or occupational therapy
9 assistant the costs of investigations and disposition of cases resulting
10 from any adverse action taken against that occupational therapist or
11 occupational therapy assistant.

12 F. A Member State may take adverse action based on the factual
13 findings of the Remote State, provided that the Member State follows its
14 own procedures for taking the adverse action.

15 G. Joint Investigations.

16 1. In addition to the authority granted to a Member State by its
17 respective state occupational therapy laws and regulations or other
18 applicable State law, any Member State may participate with other Member
19 States in joint investigations of Licensees.

20 2. Member States shall share any investigative, litigation, or
21 compliance materials in furtherance of any joint or individual
22 investigation initiated under this Compact.

23 H. If an adverse action is taken by the Home State against an
24 occupational therapist's or occupational therapy assistant's license, the
25 occupational therapist's or occupational therapy assistant's Compact
26 Privilege in all other Member States shall be deactivated until all
27 encumbrances have been removed from the state license. All Home State
28 disciplinary orders that impose adverse action against an occupational
29 therapist's or occupational therapy assistant's license shall include a
30 statement that the occupational therapist's or occupational therapy
31 assistant's Compact Privilege is deactivated in all Member States during

1 the pendency of the order.

2 I. If a Member State takes adverse action, it shall promptly notify
3 the administrator of the data system. The administrator of the data
4 system shall promptly notify the Home State of any adverse actions by
5 Remote States.

6 J. Nothing in this Compact shall override a Member State's decision
7 that participation in an alternative program may be used in lieu of
8 adverse action.

9 ARTICLE 8. ESTABLISHMENT OF THE OCCUPATIONAL THERAPY COMPACT
10 COMMISSION.

11 A. The Member States hereby create and establish a joint public
12 agency known as the Occupational Therapy Interstate Compact Commission:

13 1. The Commission is an instrumentality of the Compact States.

14 2. Venue is proper and judicial proceedings by or against the
15 Commission shall be brought solely and exclusively in a court of
16 competent jurisdiction where the principal office of the Commission is
17 located. The Commission may waive venue and jurisdictional defenses to
18 the extent it adopts or consents to participate in alternative dispute
19 resolution proceedings.

20 3. Nothing in this Compact shall be construed to be a waiver of
21 sovereign immunity.

22 B. Membership, Voting, and Meetings.

23 1. Each Member State shall have and be limited to one delegate
24 selected by that Member State's licensing board.

25 2. The delegate shall be either:

26 a. A current member of the licensing board, who is an occupational
27 therapist, occupational therapy assistant, or public member; or

28 b. An administrator of the licensing board.

29 3. Any delegate may be removed or suspended from office as provided
30 by the law of the state from which the delegate is appointed.

31 4. The Member State board shall fill any vacancy occurring in the

1 Commission within ninety days.

2 5. Each delegate shall be entitled to one vote with regard to the
3 promulgation of Rules and creation of bylaws and shall otherwise have an
4 opportunity to participate in the business and affairs of the Commission.
5 A delegate shall vote in person or by such other means as provided in the
6 bylaws. The bylaws may provide for delegates' participation in meetings
7 by telephone or other means of communication.

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

10 7. The Commission shall establish by Rule a term of office for
11 delegates.

12 C. The Commission shall have the following powers and duties:

13 1. Establish a Code of Ethics for the Commission;

14 2. Establish the fiscal year of the Commission;

15 3. Establish bylaws;

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

17 5. Meet and take such actions as are consistent with the provisions
18 of this Compact and the bylaws;

19 6. Promulgate uniform Rules to facilitate and coordinate
20 implementation and administration of this Compact. The Rules shall have
21 the force and effect of law and shall be binding in all Member States;

22 7. Bring and prosecute legal proceedings or actions in the name of
23 the Commission, provided that the standing of any state licensing board
24 to sue or be sued under applicable law shall not be affected;

25 8. Purchase and maintain insurance and bonds;

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

28 10. Hire employees, elect or appoint officers, fix compensation,
29 define duties, grant such individuals appropriate authority to carry out
30 the purposes of this Compact, and to establish the Commission's personnel
31 policies and programs relating to conflicts of interest, qualifications

1 of personnel, and other related personnel matters;

2 11. Accept any and all appropriate donations and grants of money,
3 equipment, supplies, materials, and services, and to receive, utilize,
4 and dispose of the same; provided that at all times the Commission shall
5 avoid any appearance of impropriety or conflict of interest;

6 12. Lease, purchase, accept appropriate gifts or donations of, or
7 otherwise to own, hold, improve, or use, any property, real, personal, or
8 mixed; provided that at all times the Commission shall avoid any
9 appearance of impropriety;

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

12 14. Establish a budget and make expenditures;

13 15. Borrow money;

14 16. Appoint committees, including standing committees composed of
15 members, state regulators, state legislators or their representatives,
16 and consumer representatives, and such other interested persons as may be
17 designated in this Compact and the bylaws;

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

20 18. Establish and elect an executive committee; and

21 19. Perform such other functions as may be necessary or appropriate
22 to achieve the purposes of this Compact consistent with the state
23 regulation of occupational therapy licensure and practice.

24 D. The Executive Committee.

25 The executive committee shall have the power to act on behalf of the
26 Commission according to the terms of this Compact.

27 1. The executive committee shall be composed of nine members:

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

30 b. One ex officio, nonvoting member from a recognized national
31 occupational therapy professional association; and

1 c. One ex officio, nonvoting member from a recognized national
2 occupational therapy certification organization.

3 2. The ex officio members will be selected by their respective
4 organizations.

5 3. The Commission may remove any member of the executive committee
6 as provided in bylaws.

7 4. The executive committee shall meet at least annually.

8 5. The executive committee shall have the following duties and
9 responsibilities:

10 a. Recommend to the entire Commission changes to the Rules or
11 bylaws, changes to this Compact, fees paid by Member States such as
12 annual dues, and any Commission Compact fee charged to Licensees for the
13 Compact Privilege;

14 b. Ensure Compact administration services are appropriately
15 provided, contractual or otherwise;

16 c. Prepare and recommend the budget;

17 d. Maintain financial records on behalf of the Commission;

18 e. Monitor Compact compliance of Member States and provide
19 compliance reports to the Commission;

20 f. Establish additional committees as necessary; and

21 g. Other duties as provided in Rules or bylaws.

22 E. Meetings of the Commission.

23 1. All meetings shall be open to the public, and public notice of
24 meetings shall be given in the same manner as required under the
25 Rulemaking provisions in Article 10.

26 2. The Commission or the executive committee or other committees of
27 the Commission may convene in a closed, nonpublic meeting if the
28 Commission or executive committee or other committees of the Commission
29 must discuss:

30 a. Noncompliance of a Member State with its obligations under this
31 Compact;

1 b. The employment, compensation, discipline, or other matters,
2 practices, or procedures related to specific employees or other matters
3 related to the Commission's internal personnel practices and procedures;

4 c. Current, threatened, or reasonably anticipated litigation;

5 d. Negotiation of contracts for the purchase, lease, or sale of
6 goods, services, or real estate;

7 e. Accusing any person of a crime or formally censuring any person;

8 f. Disclosure of trade secrets or commercial or financial
9 information that is privileged or confidential;

10 g. Disclosure of information of a personal nature where disclosure
11 would constitute a clearly unwarranted invasion of personal privacy;

12 h. Disclosure of investigative records compiled for law enforcement
13 purposes;

14 i. Disclosure of information related to any investigative reports
15 prepared by or on behalf of or for use of the Commission or other
16 committee charged with responsibility of investigation or determination
17 of compliance issues pursuant to this Compact; or

18 j. Matters specifically exempted from disclosure by federal or
19 Member State statute.

20 3. If a meeting, or portion of a meeting, is closed pursuant to this
21 provision, the Commission's legal counsel or designee shall certify that
22 the meeting may be closed and shall reference each relevant exempting
23 provision.

24 4. The Commission shall keep minutes that fully and clearly describe
25 all matters discussed in a meeting and shall provide a full and accurate
26 summary of actions taken, and the reasons therefor, including a
27 description of the views expressed. All documents considered in
28 connection with an action shall be identified in such minutes. All
29 minutes and documents of a closed meeting shall remain under seal,
30 subject to release by a majority vote of the Commission or order of a
31 court of competent jurisdiction.

1 F. Financing of the Commission.

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

5 2. The Commission may accept any and all appropriate revenue
6 sources, donations, and grants of money, equipment, supplies, materials,
7 and services.

8 3. The Commission may levy on and collect an annual assessment from
9 each Member State or impose fees on other parties to cover the cost of
10 the operations and activities of the Commission and its staff, which must
11 be in a total amount sufficient to cover its annual budget as approved by
12 the Commission each year for which revenue is not provided by other
13 sources. The aggregate annual assessment amount shall be allocated based
14 upon a formula to be determined by the Commission, which shall promulgate
15 a Rule binding upon all Member States.

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

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

27 G. Qualified Immunity, Defense, and Indemnification.

28 1. The members, officers, executive director, employees, and
29 representatives of the Commission shall have no greater liability than a
30 state employee would have under the same or similar circumstances, either
31 personally or in their official capacity, for any claim for damage to or

1 loss of property or personal injury or other civil liability caused by or
2 arising out of any actual or alleged act, error, or omission that
3 occurred, or that the person against whom the claim is made had a
4 reasonable basis for believing occurred, within the scope of Commission
5 employment, duties, or responsibilities; provided that nothing in this
6 paragraph shall be construed to protect any such person from suit or
7 liability for any damage, loss, injury, or liability caused by the
8 intentional or willful or wanton misconduct of that person.

9 2. The Commission shall defend any member, officer, executive
10 director, employee, or representative of the Commission in any civil
11 action seeking to impose liability arising out of any actual or alleged
12 act, error, or omission that occurred within the scope of Commission
13 employment, duties, or responsibilities, or that the person against whom
14 the claim is made had a reasonable basis for believing occurred within
15 the scope of Commission employment, duties, or responsibilities; provided
16 that nothing herein shall be construed to prohibit that person from
17 retaining his or her own counsel; and provided further, that the actual
18 or alleged act, error, or omission did not result from that person's
19 intentional or willful or wanton misconduct.

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

30 ARTICLE 9. DATA SYSTEM.

31 A. The Commission shall provide for the development, maintenance,

1 and utilization of a coordinated database and reporting system containing
2 licensure, adverse action, and investigative information on all licensed
3 individuals in Member States.

4 B. A Member State shall submit a uniform data set to the data system
5 on all individuals to whom this Compact is applicable utilizing a unique
6 identifier as required by the Rules of the Commission, including:

7 1. Identifying information;

8 2. Licensure data;

9 3. Adverse actions against a license or Compact Privilege;

10 4. Nonconfidential information related to alternative program
11 participation;

12 5. Any denial of application for licensure, and the reason for such
13 denial;

14 6. Other information that may facilitate the administration of this
15 Compact, as determined by the Rules of the Commission; and

16 7. Current significant investigative information.

17 C. Current significant investigative information and other
18 investigative information pertaining to a Licensee in any Member State
19 will only be available to other Member States.

20 D. The Commission shall promptly notify all Member States of any
21 adverse action taken against a Licensee or an individual applying for a
22 license. Adverse action information pertaining to a Licensee in any
23 Member State will be available to any other Member State.

24 E. Member States contributing information to the data system may
25 designate information that may not be shared with the public without the
26 express permission of the contributing state.

27 F. Any information submitted to the data system that is subsequently
28 required to be expunged by the laws of the Member State contributing the
29 information shall be removed from the data system.

30 ARTICLE 10. RULEMAKING.

31 A. The Commission shall exercise its Rulemaking powers pursuant to

1 the criteria set forth in this Article and the Rules adopted thereunder.
2 Rules and amendments shall become binding as of the date specified in
3 each Rule or amendment.

4 B. The Commission shall promulgate reasonable rules in order to
5 effectively and efficiently achieve the purposes of the Compact.
6 Notwithstanding the foregoing, in the event the Commission exercises its
7 rulemaking authority in a manner that is beyond the scope of the purposes
8 of the Compact, or the powers granted hereunder, then such an action by
9 the Commission shall be invalid and have no force and effect.

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

15 D. Rules or amendments to the Rules shall be adopted at a regular or
16 special meeting of the Commission.

17 E. Prior to promulgation and adoption of a final Rule or Rules by
18 the Commission, and at least thirty days in advance of the meeting at
19 which the Rule will be considered and voted upon, the Commission shall
20 file a Notice of Proposed Rulemaking:

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

23 2. On the website of each Member State occupational therapy
24 licensing board or other publicly accessible platform or the publication
25 in which each State would otherwise publish proposed Rules.

26 F. The Notice of Proposed Rulemaking shall include:

27 1. The proposed time, date, and location of the meeting in which the
28 Rule will be considered and voted upon;

29 2. The text of the proposed Rule or amendment and the reason for the
30 proposed Rule;

31 3. A request for comments on the proposed Rule from any interested

1 person; and

2 4. The manner in which interested persons may submit notice to the
3 Commission of their intention to attend the public hearing and any
4 written comments.

5 G. Prior to adoption of a proposed Rule, the Commission shall allow
6 persons to submit written data, facts, opinions, and arguments, which
7 shall be made available to the public.

8 H. The Commission shall grant an opportunity for a public hearing
9 before it adopts a Rule or amendment if a hearing is requested by:

10 1. At least twenty-five persons;

11 2. A State or federal governmental subdivision or agency; or

12 3. An association or organization having at least twenty-five
13 members.

14 I. If a hearing is held on the proposed Rule or amendment, the
15 Commission shall publish the place, time, and date of the scheduled
16 public hearing. If the hearing is held via electronic means, the
17 Commission shall publish the mechanism for access to the electronic
18 hearing.

19 1. All persons wishing to be heard at the hearing shall notify the
20 executive director of the Commission or other designated member in
21 writing of their desire to appear and testify at the hearing not less
22 than five business days before the scheduled date of the hearing.

23 2. Hearings shall be conducted in a manner providing each person who
24 wishes to comment a fair and reasonable opportunity to comment orally or
25 in writing.

26 3. All hearings will be recorded. A copy of the recording will be
27 made available on request.

28 4. Nothing in this Article shall be construed as requiring a
29 separate hearing on each Rule.

30 Rules may be grouped for the convenience of the Commission at
31 hearings required by this Article.

1 J. Following the scheduled hearing date, or by the close of business
2 on the scheduled hearing date if the hearing was not held, the Commission
3 shall consider all written and oral comments received.

4 K. If no written notice of intent to attend the public hearing by
5 interested parties is received, the Commission may proceed with
6 promulgation of the proposed Rule without a public hearing.

7 L. The Commission shall, by majority vote of all members, take final
8 action on the proposed Rule and shall determine the effective date of the
9 Rule, if any, based on the Rulemaking record and the full text of the
10 Rule.

11 M. Upon determination that an emergency exists, the Commission may
12 consider and adopt an emergency Rule without prior notice, opportunity
13 for comment, or hearing; provided that the usual Rulemaking procedures
14 provided in this Compact and in this Article shall be retroactively
15 applied to the Rule as soon as reasonably possible, in no event later
16 than ninety days after the effective date of the Rule. For the purposes
17 of this provision, an emergency Rule is one that must be adopted
18 immediately in order to:

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

24 N. The Commission or an authorized committee of the Commission may
25 direct revisions to a previously adopted Rule or amendment for purposes
26 of correcting typographical errors, errors in format, errors in
27 consistency, or grammatical errors. Public notice of any revisions shall
28 be posted on the website of the Commission. The revision shall be subject
29 to challenge by any person for a period of thirty days after posting. The
30 revision may be challenged only on grounds that the revision results in a
31 material change to a Rule. A challenge shall be made in writing and

1 delivered to the chair of the Commission prior to the end of the notice
2 period. If no challenge is made, the revision will take effect without
3 further action. If the revision is challenged, the revision may not take
4 effect without the approval of the Commission.

5 ARTICLE 11. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT.

6 A. Oversight.

7 1. The executive, legislative, and judicial branches of state
8 government in each Member State shall enforce this Compact and take all
9 actions necessary and appropriate to effectuate this Compact's purposes
10 and intent. The provisions of this Compact and the Rules promulgated
11 hereunder shall have standing as statutory law.

12 2. All courts shall take judicial notice of this Compact and the
13 Rules in any judicial or administrative proceeding in a Member State
14 pertaining to the subject matter of this Compact which may affect the
15 powers, responsibilities, or actions of the Commission.

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

25 a. Provide written notice to the defaulting state and other Member
26 States of the nature of the default, the proposed means of curing the
27 default, and any other action to be taken by the Commission; and

28 b. Provide remedial training and specific technical assistance
29 regarding the default.

30 2. If a state in default fails to cure the default, the defaulting
31 state may be terminated from this Compact upon an affirmative vote of a

1 majority of the Member States, and all rights, privileges, and benefits
2 conferred by this Compact may be terminated on the effective date of
3 termination. A cure of the default does not relieve the offending state
4 of obligations or liabilities incurred during the period of default.

5 3. Termination of membership in this Compact shall be imposed only
6 after all other means of securing compliance have been exhausted. Notice
7 of intent to suspend or terminate shall be given by the Commission to the
8 governor, the majority and minority leaders of the defaulting State's
9 legislature, and each of the Member States.

10 4. A state that has been terminated is responsible for all
11 assessments, obligations, and liabilities incurred through the effective
12 date of termination, including obligations that extend beyond the
13 effective date of termination.

14 5. The Commission shall not bear any costs related to a state that
15 is found to be in default or that has been terminated from this Compact,
16 unless agreed upon in writing between the Commission and the defaulting
17 state.

18 6. The defaulting state may appeal the action of the Commission by
19 petitioning the United States District Court for the District of Columbia
20 or the federal district where the Commission has its principal offices.
21 The prevailing member shall be awarded all costs of such litigation,
22 including reasonable attorney's fees.

23 C. Dispute Resolution.

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

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

29 D. Enforcement.

30 1. The Commission, in the reasonable exercise of its discretion,
31 shall enforce the provisions and Rules of this Compact.

1 2. By majority vote, the Commission may initiate legal action in the
2 United States District Court for the District of Columbia or the federal
3 district where the Commission has its principal offices against a Member
4 State in default to enforce compliance with the provisions of this
5 Compact and its promulgated Rules and bylaws. The relief sought may
6 include both injunctive relief and damages. In the event judicial
7 enforcement is necessary, the prevailing member shall be awarded all
8 costs of such litigation, including reasonable attorney's fees.

9 3. The remedies herein shall not be the exclusive remedies of the
10 Commission. The Commission may pursue any other remedies available under
11 federal or State law.

12 ARTICLE 12. DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR
13 OCCUPATIONAL THERAPY PRACTICE AND ASSOCIATED RULES, WITHDRAWAL, AND
14 AMENDMENT.

15 A. This Compact shall come into effect on the date on which this
16 Compact statute is enacted into law in the tenth Member State. The
17 provisions, which become effective at that time, shall be limited to the
18 powers granted to the Commission relating to assembly and the
19 promulgation of Rules. Thereafter, the Commission shall meet and exercise
20 Rulemaking powers necessary to the implementation and administration of
21 this Compact.

22 B. Any state that joins this Compact subsequent to the Commission's
23 initial adoption of the Rules shall be subject to the Rules as they exist
24 on the date on which this Compact becomes law in that state. Any Rule
25 that has been previously adopted by the Commission shall have the full
26 force and effect of law on the day this Compact becomes law in that
27 State.

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

30 1. A Member State's withdrawal shall not take effect until six
31 months after enactment of the repealing statute.

1 2. Withdrawal shall not affect the continuing requirement of the
2 withdrawing state's occupational therapy licensing board to comply with
3 the investigative and adverse action reporting requirements of this
4 Compact prior to the effective date of withdrawal.

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

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

12 ARTICLE 13. CONSTRUCTION AND SEVERABILITY.

13 This Compact shall be liberally construed so as to effectuate the
14 purposes thereof. The provisions of this Compact shall be severable and
15 if any phrase, clause, sentence, or provision of this Compact is declared
16 to be contrary to the constitution of any Member State or of the United
17 States or the applicability thereof to any government, agency, person, or
18 circumstance is held invalid, the validity of the remainder of this
19 Compact and the applicability thereof to any government, agency, person,
20 or circumstance shall not be affected thereby. If this Compact shall be
21 held contrary to the constitution of any Member State, this Compact shall
22 remain in full force and effect as to the remaining Member States and in
23 full force and effect as to the Member State affected as to all severable
24 matters.

25 ARTICLE 14. BINDING EFFECT OF COMPACT AND OTHER LAWS.

26 A. A Licensee providing occupational therapy in a Remote State under
27 the Compact Privilege shall function within the laws and regulations of
28 the Remote State.

29 B. Nothing herein prevents the enforcement of any other law of a
30 Member State that is not inconsistent with this Compact.

31 C. Any laws in a Member State in conflict with this Compact are

1 superseded to the extent of the conflict.

2 D. Any lawful actions of the Commission, including all Rules and
3 bylaws promulgated by the Commission, are binding upon the Member States.

4 E. All agreements between the Commission and the Member States are
5 binding in accordance with their terms.

6 F. In the event any provision of this Compact exceeds the
7 constitutional limits imposed on the legislature of any Member State, the
8 provision shall be ineffective to the extent of the conflict with the
9 constitutional provision in question in that Member State.

10 Sec. 3. Section 28-327, Revised Statutes Cumulative Supplement,
11 2020, is amended to read:

12 28-327 No abortion shall be performed except with the voluntary and
13 informed consent of the woman upon whom the abortion is to be performed.
14 Except in the case of an emergency situation, consent to an abortion is
15 voluntary and informed only if:

16 (1) The woman is told the following by the physician who is to
17 perform the abortion, by the referring physician, or by a physician
18 assistant or registered nurse licensed under the Uniform Credentialing
19 Act who is an agent of either physician, at least twenty-four hours
20 before the abortion:

21 (a) The particular medical risks associated with the particular
22 abortion procedure to be employed including, when medically accurate, the
23 risks of infection, hemorrhage, perforated uterus, danger to subsequent
24 pregnancies, and infertility;

25 (b) The probable gestational age of the unborn child at the time the
26 abortion is to be performed;

27 (c) The medical risks associated with carrying her child to term;

28 (d) That she cannot be forced or required by anyone to have an
29 abortion and is free to withhold or withdraw her consent for an abortion;
30 and

31 (e) Research indicates that mifepristone alone is not always

1 effective in ending a pregnancy. You may still have a viable pregnancy
2 after taking mifepristone. If you change your mind and want to continue
3 your pregnancy after taking mifepristone, information on finding
4 immediate medical assistance is available on the website of the
5 Department of Health and Human Services.

6 The person providing the information specified in this subdivision
7 to the person upon whom the abortion is to be performed shall be deemed
8 qualified to so advise and provide such information only if, at a
9 minimum, he or she has had training in each of the following subjects:
10 Sexual and reproductive health; abortion technology; contraceptive
11 technology; short-term counseling skills; community resources and
12 referral; and informed consent. The physician or the physician's agent
13 may provide this information by telephone without conducting a physical
14 examination or tests of the patient, in which case the information
15 required to be supplied may be based on facts supplied by the patient and
16 whatever other relevant information is reasonably available to the
17 physician or the physician's agent;

18 (2) The woman is informed by telephone or in person, by the
19 physician who is to perform the abortion, by the referring physician, or
20 by an agent of either physician, at least twenty-four hours before the
21 abortion:

22 (a) The name of the physician who will perform the abortion;

23 (b) That medical assistance benefits may be available for prenatal
24 care, childbirth, and neonatal care;

25 (c) That the father is liable to assist in the support of her child,
26 even in instances in which the father has offered to pay for the
27 abortion;

28 (d) That she has the right to review the printed materials described
29 in section 28-327.01. The physician or his or her agent shall orally
30 inform the woman that the materials have been provided by the Department
31 of Health and Human Services and that they describe the unborn child,

1 list agencies which offer alternatives to abortion, and include
2 information on finding immediate medical assistance if she changes her
3 mind after taking mifepristone and wants to continue her pregnancy. If
4 the woman chooses to review the materials, they shall either be given to
5 her at least twenty-four hours before the abortion or mailed to her at
6 least seventy-two hours before the abortion by certified mail, restricted
7 delivery to addressee, which means the postal employee can only deliver
8 the mail to the addressee. The physician and his or her agent may
9 disassociate themselves from the materials and may comment or refrain
10 from commenting on them as they choose; and

11 (e) That she has the right to request a comprehensive list, compiled
12 by the Department of Health and Human Services, of health care providers,
13 facilities, and clinics that offer to have ultrasounds performed by a
14 person at least as qualified as a registered nurse licensed under the
15 Uniform Credentialing Act, including and specifying those that offer to
16 perform such ultrasounds free of charge. The list shall be arranged
17 geographically and shall include the name, address, hours of operation,
18 and telephone number of each entity. If requested by the woman, the
19 physician who is to perform the abortion, the referring physician, or his
20 or her agent shall provide such a list as compiled by the department;

21 (3) If an ultrasound is used prior to the performance of an
22 abortion, the physician who is to perform the abortion, the referring
23 physician, or a physician assistant or registered nurse licensed under
24 the Uniform Credentialing Act who is an agent of either physician, or any
25 qualified agent of either physician, shall:

26 (a) Perform an ultrasound of the woman's unborn child of a quality
27 consistent with standard medical practice in the community at least one
28 hour prior to the performance of the abortion;

29 (b) Simultaneously display the ultrasound images so that the woman
30 may choose to view the ultrasound images or not view the ultrasound
31 images. The woman shall be informed that the ultrasound images will be

1 displayed so that she is able to view them. Nothing in this subdivision
2 shall be construed to require the woman to view the displayed ultrasound
3 images; and

4 (c) If the woman requests information about the displayed ultrasound
5 image, her questions shall be answered. If she requests a detailed,
6 simultaneous, medical description of the ultrasound image, one shall be
7 provided that includes the dimensions of the unborn child, the presence
8 of cardiac activity, if present and viewable, and the presence of
9 external members and internal organs, if present and viewable;

10 (4) At least one hour prior to the performance of an abortion, a
11 physician, psychiatrist, psychologist, mental health practitioner,
12 physician assistant, registered nurse, or social worker licensed under
13 the Uniform Credentialing Act or a professional counselor holding a
14 privilege to practice in Nebraska under the Licensed Professional
15 Counselors Interstate Compact has:

16 (a) Evaluated the pregnant woman to identify if the pregnant woman
17 had the perception of feeling pressured or coerced into seeking or
18 consenting to an abortion;

19 (b) Evaluated the pregnant woman to identify the presence of any
20 risk factors associated with abortion;

21 (c) Informed the pregnant woman and the physician who is to perform
22 the abortion of the results of the evaluation in writing. The written
23 evaluation shall include, at a minimum, a checklist identifying both the
24 positive and negative results of the evaluation for each risk factor
25 associated with abortion and both the licensed person's written
26 certification and the woman's written certification that the pregnant
27 woman was informed of the risk factors associated with abortion as
28 discussed; and

29 (d) Retained a copy of the written evaluation results in the
30 pregnant woman's permanent record;

31 (5) If any risk factors associated with abortion were identified,

1 the pregnant woman was informed of the following in such manner and
2 detail that a reasonable person would consider material to a decision of
3 undergoing an elective medical procedure:

4 (a) Each complication associated with each identified risk factor;
5 and

6 (b) Any quantifiable risk rates whenever such relevant data exists;

7 (6) The physician performing the abortion has formed a reasonable
8 medical judgment, documented in the permanent record, that:

9 (a) The preponderance of statistically validated medical studies
10 demonstrates that the physical, psychological, and familial risks
11 associated with abortion for patients with risk factors similar to the
12 patient's risk factors are negligible risks;

13 (b) Continuance of the pregnancy would involve risk of injury to the
14 physical or mental health of the pregnant woman greater than if the
15 pregnancy were terminated by induced abortion; or

16 (c) Continuance of the pregnancy would involve less risk of injury
17 to the physical or mental health of the pregnant woman than if the
18 pregnancy were terminated by an induced abortion;

19 (7) The woman certifies in writing, prior to the abortion, that:

20 (a) The information described in subdivisions (1) and (2)(a), (b),
21 and (c) of this section has been furnished her;

22 (b) She has been informed of her right to review the information
23 referred to in subdivision (2)(d) of this section; and

24 (c) The requirements of subdivision (3) of this section have been
25 performed if an ultrasound is performed prior to the performance of the
26 abortion; and

27 (8) Prior to the performance of the abortion, the physician who is
28 to perform the abortion or his or her agent receives a copy of the
29 written certification prescribed by subdivision (7) of this section. The
30 physician or his or her agent shall retain a copy of the signed
31 certification form in the woman's medical record.

1 Sec. 4. Section 29-2261, Revised Statutes Cumulative Supplement,
2 2020, is amended to read:

3 29-2261 (1) Unless it is impractical to do so, when an offender has
4 been convicted of a felony other than murder in the first degree, the
5 court shall not impose sentence without first ordering a presentence
6 investigation of the offender and according due consideration to a
7 written report of such investigation. When an offender has been convicted
8 of murder in the first degree and (a) a jury renders a verdict finding
9 the existence of one or more aggravating circumstances as provided in
10 section 29-2520 or (b)(i) the information contains a notice of
11 aggravation as provided in section 29-1603 and (ii) the offender waives
12 his or her right to a jury determination of the alleged aggravating
13 circumstances, the court shall not commence the sentencing determination
14 proceeding as provided in section 29-2521 without first ordering a
15 presentence investigation of the offender and according due consideration
16 to a written report of such investigation.

17 (2) A court may order a presentence investigation in any case,
18 except in cases in which an offender has been convicted of a Class IIIA
19 misdemeanor, a Class IV misdemeanor, a Class V misdemeanor, a traffic
20 infraction, or any corresponding city or village ordinance.

21 (3) The presentence investigation and report shall include, when
22 available, an analysis of the circumstances attending the commission of
23 the crime, the offender's history of delinquency or criminality, physical
24 and mental condition, family situation and background, economic status,
25 education, occupation, and personal habits, and any other matters that
26 the probation officer deems relevant or the court directs to be included.
27 All local and state police agencies and Department of Correctional
28 Services adult correctional facilities shall furnish to the probation
29 officer copies of such criminal records, in any such case referred to the
30 probation officer by the court of proper jurisdiction, as the probation
31 officer shall require without cost to the court or the probation officer.

1 Such investigation shall also include:

2 (a) Any written statements submitted to the county attorney by a
3 victim; and

4 (b) Any written statements submitted to the probation officer by a
5 victim.

6 (4) If there are no written statements submitted to the probation
7 officer, he or she shall certify to the court that:

8 (a) He or she has attempted to contact the victim; and

9 (b) If he or she has contacted the victim, such officer offered to
10 accept the written statements of the victim or to reduce such victim's
11 oral statements to writing.

12 For purposes of subsections (3) and (4) of this section, the term
13 victim shall be as defined in section 29-119.

14 (5) Before imposing sentence, the court may order the offender to
15 submit to psychiatric observation and examination for a period of not
16 exceeding sixty days or such longer period as the court determines to be
17 necessary for that purpose. The offender may be remanded for this purpose
18 to any available clinic or mental hospital, or the court may appoint a
19 qualified psychiatrist to make the examination. The report of the
20 examination shall be submitted to the court.

21 (6)(a) Any presentence report, substance abuse evaluation, or
22 psychiatric examination shall be privileged and shall not be disclosed
23 directly or indirectly to anyone other than a judge; probation officers
24 to whom an offender's file is duly transferred; the probation
25 administrator or his or her designee; alcohol and drug counselors, mental
26 health practitioners, psychiatrists, and psychologists licensed or
27 certified under the Uniform Credentialing Act to conduct substance abuse
28 evaluations and treatment; or others entitled by law to receive such
29 information, including personnel and mental health professionals for the
30 Nebraska State Patrol specifically assigned to sex offender registration
31 and community notification for the sole purpose of using such report,

1 evaluation, or examination for assessing risk and for community
2 notification of registered sex offenders.

3 (b) For purposes of this subsection, mental health professional
4 means (i) a practicing physician licensed to practice medicine in this
5 state under the Medicine and Surgery Practice Act, (ii) a practicing
6 psychologist licensed to engage in the practice of psychology in this
7 state as provided in section 38-3111 or as provided under similar
8 provisions of the Psychology Interjurisdictional Compact, ~~or~~ (iii) a
9 practicing mental health professional licensed or certified in this state
10 as provided in the Mental Health Practice Act, or (iv) a practicing
11 professional counselor holding a privilege to practice in Nebraska under
12 the Licensed Professional Counselors Interstate Compact.

13 (7) The court shall permit inspection of the presentence report,
14 substance abuse evaluation, or psychiatric examination or parts of the
15 report, evaluation, or examination, as determined by the court, by the
16 prosecuting attorney and defense counsel. Beginning July 1, 2016, such
17 inspection shall be by electronic access only unless the court determines
18 such access is not available to the prosecuting attorney or defense
19 counsel. The State Court Administrator shall determine and develop the
20 means of electronic access to such presentence reports, evaluations, and
21 examinations. Upon application by the prosecuting attorney or defense
22 counsel, the court may order that addresses, telephone numbers, and other
23 contact information for victims or witnesses named in the report,
24 evaluation, or examination be redacted upon a showing by a preponderance
25 of the evidence that such redaction is warranted in the interests of
26 public safety. The court may permit inspection of the presentence report,
27 substance abuse evaluation, or psychiatric examination or examination of
28 parts of the report, evaluation, or examination by any other person
29 having a proper interest therein whenever the court finds it is in the
30 best interest of a particular offender. The court may allow fair
31 opportunity for an offender to provide additional information for the

1 court's consideration.

2 (8) If an offender is sentenced to imprisonment, a copy of the
3 report of any presentence investigation, substance abuse evaluation, or
4 psychiatric examination shall be transmitted immediately to the
5 Department of Correctional Services. Upon request, the Board of Parole or
6 the Division of Parole Supervision may receive a copy of the report from
7 the department.

8 (9) Notwithstanding subsections (6) and (7) of this section, the
9 Supreme Court or an agent of the Supreme Court acting under the direction
10 and supervision of the Chief Justice shall have access to psychiatric
11 examinations, substance abuse evaluations, and presentence investigations
12 and reports for research purposes. The Supreme Court and its agent shall
13 treat such information as confidential, and nothing identifying any
14 individual shall be released.

15 Sec. 5. Section 38-101, Revised Statutes Supplement, 2021, is
16 amended to read:

17 38-101 Sections 38-101 to 38-1,146 and section 6 of this act and the
18 following practice acts shall be known and may be cited as the Uniform
19 Credentialing Act:

- 20 (1) The Advanced Practice Registered Nurse Practice Act;
- 21 (2) The Alcohol and Drug Counseling Practice Act;
- 22 (3) The Athletic Training Practice Act;
- 23 (4) The Audiology and Speech-Language Pathology Practice Act;
- 24 (5) The Certified Nurse Midwifery Practice Act;
- 25 (6) The Certified Registered Nurse Anesthetist Practice Act;
- 26 (7) The Chiropractic Practice Act;
- 27 (8) The Clinical Nurse Specialist Practice Act;
- 28 (9) The Cosmetology, Electrology, Esthetics, Nail Technology, and
29 Body Art Practice Act;
- 30 (10) The Dentistry Practice Act;
- 31 (11) The Dialysis Patient Care Technician Registration Act;

- 1 (12) The Emergency Medical Services Practice Act;
2 (13) The Environmental Health Specialists Practice Act;
3 (14) The Funeral Directing and Embalming Practice Act;
4 (15) The Genetic Counseling Practice Act;
5 (16) The Hearing Instrument Specialists Practice Act;
6 (17) The Licensed Practical Nurse-Certified Practice Act until
7 November 1, 2017;
8 (18) The Massage Therapy Practice Act;
9 (19) The Medical Nutrition Therapy Practice Act;
10 (20) The Medical Radiography Practice Act;
11 (21) The Medicine and Surgery Practice Act;
12 (22) The Mental Health Practice Act;
13 (23) The Nurse Practice Act;
14 (24) The Nurse Practitioner Practice Act;
15 (25) The Nursing Home Administrator Practice Act;
16 (26) The Occupational Therapy Practice Act;
17 (27) The Optometry Practice Act;
18 (28) The Perfusion Practice Act;
19 (29) The Pharmacy Practice Act;
20 (30) The Physical Therapy Practice Act;
21 (31) The Podiatry Practice Act;
22 (32) The Psychology Practice Act;
23 (33) The Respiratory Care Practice Act;
24 (34) The Surgical First Assistant Practice Act; and
25 (35) The Veterinary Medicine and Surgery Practice Act.

26 If there is any conflict between any provision of sections 38-101 to
27 38-1,146 and section 6 of this act and any provision of a practice act,
28 the provision of the practice act shall prevail except as otherwise
29 specifically provided in section 38-129.02.

30 Sec. 6. (1) For purposes of this section:

31 (a) Health care practitioner means a person licensed or certified

1 under the Uniform Credentialing Act;

2 (b) Human stem cells means human cells, tissues, or cellular or
3 tissue-based products, as defined in 21 C.F.R. 1271.3 as amended August
4 31, 2016, as published in the Federal Register at 81 Fed. Reg. 60223;

5 (c) Informed written consent related to stem-cell-based therapy
6 means a signed writing executed by a patient that confirms that (i) a
7 health care practitioner has explained the treatment, (ii) the treatment
8 has not received the approval of the United States Food and Drug
9 Administration, including for experimental use, and (iii) the patient
10 understands that the treatment has not received such approval; and

11 (d) Stem-cell-based therapy means treatment using products derived
12 from human stem cells.

13 (2) Any health care practitioner who performs stem-cell-based
14 therapy shall, by informed written consent, communicate to any patient
15 seeking stem-cell-based therapy from such practitioner that it is not
16 approved by the United States Food and Drug Administration.

17 (3) This section does not apply to a health care practitioner using
18 stem-cell-based therapy products that are approved by the United States
19 Food and Drug Administration or stem-cell-based therapy for which the
20 health care practitioner obtained approval for an investigational new
21 drug or device from the United States Food and Drug Administration for
22 use of human cells, tissues, or cellular or tissue-based products.

23 Sec. 7. Section 38-131, Revised Statutes Cumulative Supplement,
24 2020, is amended to read:

25 38-131 (1) An applicant for an initial license to practice as a
26 registered nurse, a licensed practical nurse, a physical therapist, a
27 physical therapy assistant, a psychologist, an advanced emergency medical
28 technician, an emergency medical technician, an audiologist, a speech-
29 language pathologist, a licensed independent mental health practitioner,
30 an occupational therapist, an occupational therapy assistant, or a
31 paramedic or to practice a profession which is authorized to prescribe

1 controlled substances shall be subject to a criminal background check. A
2 criminal background check may also be required for initial licensure or
3 reinstatement of a license governed by the Uniform Credentialing Act if a
4 criminal background check is required by an interstate licensure compact.
5 Except as provided in subsection (3) of this section, the applicant shall
6 submit with the application a full set of fingerprints which shall be
7 forwarded to the Nebraska State Patrol to be submitted to the Federal
8 Bureau of Investigation for a national criminal history record
9 information check. The applicant shall authorize release of the results
10 of the national criminal history record information check to the
11 department. The applicant shall pay the actual cost of the fingerprinting
12 and criminal background check.

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

18 (3) An applicant for a temporary educational permit as defined in
19 section 38-2019 shall have ninety days from the issuance of the permit to
20 comply with subsection (1) of this section and shall have his or her
21 permit suspended after such ninety-day period if the criminal background
22 check is not complete or revoked if the criminal background check reveals
23 that the applicant was not qualified for the permit.

24 Sec. 8. Section 38-178, Revised Statutes Cumulative Supplement,
25 2020, is amended to read:

26 38-178 Except as otherwise provided in sections 38-1,119 to
27 38-1,123, a credential to practice a profession may be denied, refused
28 renewal, or have other disciplinary measures taken against it in
29 accordance with section 38-185 or 38-186 on any of the following grounds:

30 (1) Misrepresentation of material facts in procuring or attempting
31 to procure a credential;

1 (2) Immoral or dishonorable conduct evidencing unfitness to practice
2 the profession in this state;

3 (3) Abuse of, dependence on, or active addiction to alcohol, any
4 controlled substance, or any mind-altering substance;

5 (4) Failure to comply with a treatment program or an aftercare
6 program, including, but not limited to, a program entered into under the
7 Licensee Assistance Program established pursuant to section 38-175;

8 (5) Conviction of (a) a misdemeanor or felony under Nebraska law or
9 federal law, or (b) a crime in any jurisdiction which, if committed
10 within this state, would have constituted a misdemeanor or felony under
11 Nebraska law and which has a rational connection with the fitness or
12 capacity of the applicant or credential holder to practice the
13 profession;

14 (6) Practice of the profession (a) fraudulently, (b) beyond its
15 authorized scope, (c) with gross incompetence or gross negligence, or (d)
16 in a pattern of incompetent or negligent conduct;

17 (7) Practice of the profession while the ability to practice is
18 impaired by alcohol, controlled substances, drugs, mind-altering
19 substances, physical disability, mental disability, or emotional
20 disability;

21 (8) Physical or mental incapacity to practice the profession as
22 evidenced by a legal judgment or a determination by other lawful means;

23 (9) Illness, deterioration, or disability that impairs the ability
24 to practice the profession;

25 (10) Permitting, aiding, or abetting the practice of a profession or
26 the performance of activities requiring a credential by a person not
27 credentialed to do so;

28 (11) Performing or offering to perform scleral tattooing as defined
29 in section 38-10,172 by a person not credentialed to do so;

30 (12) Having had his or her credential denied, refused renewal,
31 limited, suspended, revoked, or disciplined in any manner similar to

1 section 38-196 by another state or jurisdiction based upon acts by the
2 applicant or credential holder similar to acts described in this section;

3 (13) Use of untruthful, deceptive, or misleading statements in
4 advertisements, including failure to comply with section 38-124;

5 (14) Conviction of fraudulent or misleading advertising or
6 conviction of a violation of the Uniform Deceptive Trade Practices Act;

7 (15) Distribution of intoxicating liquors, controlled substances, or
8 drugs for any other than lawful purposes;

9 (16) Violations of the Uniform Credentialing Act or the rules and
10 regulations relating to the particular profession;

11 (17) Unlawful invasion of the field of practice of any profession
12 regulated by the Uniform Credentialing Act which the credential holder is
13 not credentialed to practice;

14 (18) Violation of the Uniform Controlled Substances Act or any rules
15 and regulations adopted pursuant to the act;

16 (19) Failure to file a report required by section 38-1,124,
17 38-1,125, or 71-552;

18 (20) Failure to maintain the requirements necessary to obtain a
19 credential;

20 (21) Violation of an order issued by the department;

21 (22) Violation of an assurance of compliance entered into under
22 section 38-1,108;

23 (23) Failure to pay an administrative penalty;

24 (24) Unprofessional conduct as defined in section 38-179;~~or~~

25 (25) Violation of the Automated Medication Systems Act; or ~~or~~

26 (26) Failure to comply with section 6 of this act.

27 Sec. 9. Section 38-318, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 38-318 (1) An individual who is licensed as a provisional alcohol
30 and drug counselor at the time of application for licensure as an alcohol
31 and drug counselor is deemed to have met the requirements of a high

1 school diploma or its equivalent, the two hundred seventy hours of
2 education related to alcohol and drug counseling, and the supervised
3 practical training requirement.

4 (2) An applicant who is licensed as a provisional mental health
5 practitioner or a mental health practitioner or who holds a privilege to
6 practice in Nebraska as a professional counselor under the Licensed
7 Professional Counselors Interstate Compact at the time of application for
8 licensure is deemed to have met the requirements of subdivisions (2)(a),
9 (b), (c), (d), and (f) of section 38-314.

10 Sec. 10. Section 38-2101, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 38-2101 Sections 38-2101 to 38-2139 and section 16 of this act shall
13 be known and may be cited as the Mental Health Practice Act.

14 Sec. 11. Section 38-2112, Revised Statutes Cumulative Supplement,
15 2020, is amended to read:

16 38-2112 Consultation means a professional collaborative relationship
17 which is between a licensed mental health practitioner and a consultant
18 who is a psychologist licensed to engage in the practice of psychology in
19 this state as provided in section 38-3111 or as provided in similar
20 provisions of the Psychology Interjurisdictional Compact, a qualified
21 physician, ~~or~~ a licensed independent mental health practitioner, or a
22 professional counselor holding a privilege to practice in Nebraska under
23 the Licensed Professional Counselors Interstate Compact and in which (1)
24 the consultant makes a diagnosis based on information supplied by the
25 licensed mental health practitioner and any additional assessment deemed
26 necessary by the consultant and (2) the consultant and the licensed
27 mental health practitioner jointly develop a treatment plan which
28 indicates the responsibility of each professional for implementing
29 elements of the plan, updating the plan, and assessing the client's
30 progress.

31 Sec. 12. Section 38-2115, Revised Statutes Cumulative Supplement,

1 2020, is amended to read:

2 38-2115 (1) Mental health practice means the provision of treatment,
3 assessment, psychotherapy, counseling, or equivalent activities to
4 individuals, couples, families, or groups for behavioral, cognitive,
5 social, mental, or emotional disorders, including interpersonal or
6 personal situations.

7 (2) Mental health practice does not include:

8 (a) The practice of psychology or medicine;

9 (b) Prescribing drugs or electroconvulsive therapy;

10 (c) Treating physical disease, injury, or deformity;

11 (d) Diagnosing major mental illness or disorder except in
12 consultation with a qualified physician, a psychologist licensed to
13 engage in the practice of psychology in this state as provided in section
14 38-3111 or as provided in similar provisions of the Psychology
15 Interjurisdictional Compact, ~~or~~ a licensed independent mental health
16 practitioner, or a professional counselor holding a privilege to practice
17 in Nebraska under the Licensed Professional Counselors Interstate
18 Compact;

19 (e) Measuring personality or intelligence for the purpose of
20 diagnosis or treatment planning;

21 (f) Using psychotherapy with individuals suspected of having major
22 mental or emotional disorders except in consultation with a qualified
23 physician, a licensed psychologist, or a licensed independent mental
24 health practitioner; or

25 (g) Using psychotherapy to treat the concomitants of organic illness
26 except in consultation with a qualified physician or licensed
27 psychologist.

28 (3) Mental health practice includes the initial assessment of
29 organic mental or emotional disorders for the purpose of referral or
30 consultation.

31 (4) Nothing in sections 38-2114, 38-2118, and 38-2119 shall be

1 deemed to constitute authorization to engage in activities beyond those
2 described in this section. Persons who are certified under the Mental
3 Health Practice Act but who do not hold a license licensed under section
4 38-2122 or a privilege to practice in Nebraska as a professional
5 counselor under the Licensed Professional Counselors Interstate Compact
6 shall not engage in mental health practice.

7 Sec. 13. Section 38-2116, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 38-2116 (1)(a) ~~(1)~~ Mental health practitioner means a person who
10 holds himself or herself out as a person qualified to engage in mental
11 health practice or a person who offers or renders mental health practice
12 services.

13 (b) Independent mental health practitioner means a person who holds
14 himself or herself out as a person qualified to engage in independent
15 mental health practice or a person who offers or renders independent
16 mental health practice services.

17 (2)(a) ~~(2)~~ A person who is licensed as a mental health practitioner
18 and certified as a master social worker may use the title licensed
19 clinical social worker.

20 (b) A person who is licensed as a mental health practitioner and
21 certified as a professional counselor may use the title licensed
22 professional counselor.

23 (c) A person who is licensed as a mental health practitioner and
24 certified as a marriage and family therapist may use the title licensed
25 marriage and family therapist.

26 (d) No person shall use the title licensed clinical social worker,
27 licensed professional counselor, or licensed marriage and family
28 therapist unless he or she is licensed and certified as provided in this
29 subsection.

30 (3)(a) ~~(3)~~ A person who is licensed as an independent mental health
31 practitioner and certified as a master social worker may use the title

1 licensed independent clinical social worker.

2 (b) A person who is licensed as an independent mental health
3 practitioner and certified as a professional counselor or who holds a
4 privilege to practice in Nebraska as a professional counselor under the
5 Licensed Professional Counselors Interstate Compact may use the title
6 licensed independent professional counselor.

7 (c) A person who is licensed as an independent mental health
8 practitioner and certified as a marriage and family therapist may use the
9 title licensed independent marriage and family therapist.

10 (d) No person shall use the title licensed independent clinical
11 social worker, licensed independent professional counselor, or licensed
12 independent marriage and family therapist unless he or she is licensed
13 and certified or holds a privilege as provided in this subsection.

14 (4) A mental health practitioner shall not represent himself or
15 herself as a physician or psychologist and shall not represent his or her
16 services as being medical or psychological in nature. An independent
17 mental health practitioner shall not represent himself or herself as a
18 physician or psychologist.

19 Sec. 14. Section 38-2121, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 38-2121 The requirement to be licensed as a mental health
22 practitioner pursuant to the Uniform Credentialing Act in order to engage
23 in mental health practice shall not be construed to prevent:

24 (1) Qualified members of other professions who are licensed,
25 certified, or registered by this state from practice of any mental health
26 activity consistent with the scope of practice of their respective
27 professions;

28 (2) Alcohol and drug counselors who are licensed by the Division of
29 Public Health of the Department of Health and Human Services and problem
30 gambling counselors who are certified by the Department of Health and
31 Human Services prior to July 1, 2013, or by the Nebraska Commission on

1 Problem Gambling beginning on July 1, 2013, from practicing their
2 profession. Such exclusion shall include students training and working
3 under the supervision of an individual qualified under section 38-315;

4 (3) Any person employed by an agency, bureau, or division of the
5 federal government from discharging his or her official duties, except
6 that if such person engages in mental health practice in this state
7 outside the scope of such official duty or represents himself or herself
8 as a licensed mental health practitioner, he or she shall be licensed;

9 (4) Teaching or the conduct of research related to mental health
10 services or consultation with organizations or institutions if such
11 teaching, research, or consultation does not involve the delivery or
12 supervision of mental health services to individuals or groups of
13 individuals who are themselves, rather than a third party, the intended
14 beneficiaries of such services;

15 (5) The delivery of mental health services by:

16 (a) Students, interns, or residents whose activities constitute a
17 part of the course of study for medicine, psychology, nursing, school
18 psychology, social work, clinical social work, counseling, marriage and
19 family therapy, or other health care or mental health service
20 professions; or

21 (b) Individuals seeking to fulfill postgraduate requirements for
22 licensure when those individuals are supervised by a licensed
23 professional consistent with the applicable regulations of the
24 appropriate professional board;

25 (6) Duly recognized members of the clergy from providing mental
26 health services in the course of their ministerial duties and consistent
27 with the codes of ethics of their profession if they do not represent
28 themselves to be mental health practitioners;

29 (7) The incidental exchange of advice or support by persons who do
30 not represent themselves as engaging in mental health practice, including
31 participation in self-help groups when the leaders of such groups receive

1 no compensation for their participation and do not represent themselves
2 as mental health practitioners or their services as mental health
3 practice;

4 (8) Any person providing emergency crisis intervention or referral
5 services or limited services supporting a service plan developed by and
6 delivered under the supervision of a licensed mental health practitioner,
7 licensed physician, or a psychologist licensed to engage in the practice
8 of psychology if such persons are not represented as being licensed
9 mental health practitioners or their services are not represented as
10 mental health practice;~~or~~

11 (9) Staff employed in a program designated by an agency of state
12 government to provide rehabilitation and support services to individuals
13 with mental illness from completing a rehabilitation assessment or
14 preparing, implementing, and evaluating an individual rehabilitation
15 plan; or -

16 (10) A person who holds a privilege to practice in Nebraska as a
17 professional counselor under the Licensed Professional Counselors
18 Interstate Compact from acting as authorized by such privilege.

19 Sec. 15. Section 38-2124, Revised Statutes Cumulative Supplement,
20 2020, is amended to read:

21 38-2124 (1) No person shall hold himself or herself out as an
22 independent mental health practitioner unless he or she is licensed as
23 such by the department or unless he or she holds a privilege to practice
24 in Nebraska as a professional counselor under the Licensed Professional
25 Counselors Interstate Compact. A person shall be qualified to be a
26 licensed independent mental health practitioner if he or she:

27 (a)(i)(A) Graduated with a master's or doctoral degree from an
28 educational program which is accredited, at the time of graduation or
29 within four years after graduation, by the Council for Accreditation of
30 Counseling and Related Educational Programs, the Commission on
31 Accreditation for Marriage and Family Therapy Education, or the Council

1 on Social Work Education or (B) graduated with a master's or doctoral
2 degree from an educational program deemed by the board to be equivalent
3 in didactic content and supervised clinical experience to an accredited
4 program;

5 (ii)(A) Is licensed as a licensed mental health practitioner or (B)
6 is licensed as a provisional mental health practitioner and has
7 satisfactorily passed an examination approved by the board pursuant to
8 subdivision (3) of section 38-2122; and

9 (iii) Has three thousand hours of experience supervised by a
10 licensed physician, a licensed psychologist, or a licensed independent
11 mental health practitioner, one-half of which is comprised of experience
12 with clients diagnosed under the major mental illness or disorder
13 category; or

14 (b)(i) Graduated from an educational program which does not meet the
15 requirements of subdivision (a)(i) of this subsection;

16 (ii)(A) Is licensed as a licensed mental health practitioner or (B)
17 is licensed as a provisional mental health practitioner and has
18 satisfactorily passed an examination approved by the board pursuant to
19 subdivision (3) of section 38-2122; and

20 (iii) Has seven thousand hours of experience obtained in a period of
21 not less than ten years and supervised by a licensed physician, a
22 licensed psychologist, or a licensed independent mental health
23 practitioner, one-half of which is comprised of experience with clients
24 diagnosed under the major mental illness or disorder category.

25 (2) The experience required under this section shall be documented
26 in a reasonable form and manner as prescribed by the board, which may
27 consist of sworn statements from the applicant and his or her employers
28 and supervisors. The board shall not in any case require the applicant to
29 produce individual case records.

30 (3) The application for an independent mental health practitioner
31 license shall include the applicant's social security number.

1 Sec. 16. The only persons credentialed pursuant to the Mental
2 Health Practice Act that are eligible to be licensed professional
3 counselors under the Licensed Professional Counselors Interstate Compact
4 are licensed independent mental health practitioners with a certification
5 in professional counseling.

6 Sec. 17. Section 38-2125, Revised Statutes Cumulative Supplement,
7 2020, is amended to read:

8 38-2125 (1) The department, with the recommendation of the board,
9 may issue a license based on licensure in another jurisdiction to an
10 individual who:

11 (a) Meets ~~(1)~~ meets the licensure requirements of the Mental Health
12 Practice Act or substantially equivalent requirements as determined by
13 the department, with the recommendation of the board; ~~7~~ or

14 (b) Has ~~(2)~~ has been in active practice in the appropriate
15 discipline for at least five years following initial licensure or
16 certification in another jurisdiction and has passed the Nebraska
17 jurisprudence examination.

18 (2) The department may issue a license based on a privilege to
19 practice in Nebraska under the Licensed Professional Counselors
20 Interstate Compact as provided in section 5 of such compact.

21 (3) An applicant for a license who is a military spouse may apply
22 for a temporary license as provided in section 38-129.01.

23 Sec. 18. Section 38-2136, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 38-2136 No person who is licensed or certified pursuant to the
26 Mental Health Practice Act or who holds a privilege to practice in
27 Nebraska as a professional counselor under the Licensed Professional
28 Counselors Interstate Compact shall disclose any information he or she
29 may have acquired from any person consulting him or her in his or her
30 professional capacity except:

31 (1) With the written consent of the person or, in the case of death

1 or disability, of the person's personal representative, any other person
2 authorized to sue on behalf of the person, or the beneficiary of an
3 insurance policy on the person's life, health, or physical condition.
4 When more than one person in a family receives therapy conjointly, each
5 such family member who is legally competent to execute a waiver shall
6 agree to the waiver referred to in this subdivision. Without such a
7 waiver from each family member legally competent to execute a waiver, a
8 practitioner shall not disclose information received from any family
9 member who received therapy conjointly;

10 (2) As such privilege against disclosure is limited by the laws of
11 the State of Nebraska or as the board may determine by rule and
12 regulation;

13 (3) When the person waives the privilege against disclosure by
14 bringing charges against the licensee; or

15 (4) When there is a duty to warn under the limited circumstances set
16 forth in section 38-2137.

17 Sec. 19. Section 38-2137, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 38-2137 (1) There shall be no monetary liability on the part of, and
20 no cause of action shall arise against, any person who is licensed or
21 certified pursuant to the Mental Health Practice Act or who holds a
22 privilege to practice in Nebraska as a professional counselor under the
23 Licensed Professional Counselors Interstate Compact for failing to warn
24 of and protect from a patient's threatened violent behavior or failing to
25 predict and warn of and protect from a patient's violent behavior except
26 when the patient has communicated to the mental health practitioner a
27 serious threat of physical violence against himself, herself, or a
28 reasonably identifiable victim or victims.

29 (2) The duty to warn of or to take reasonable precautions to provide
30 protection from violent behavior shall arise only under the limited
31 circumstances specified in subsection (1) of this section. The duty shall

1 be discharged by the mental health practitioner if reasonable efforts are
2 made to communicate the threat to the victim or victims and to a law
3 enforcement agency.

4 (3) No monetary liability and no cause of action shall arise under
5 section 38-2136 against a licensee or certificate or privilege holder for
6 information disclosed to third parties in an effort to discharge a duty
7 arising under subsection (1) of this section according to the provisions
8 of subsection (2) of this section.

9 Sec. 20. Section 38-2138, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 38-2138 (1) The board shall adopt a code of ethics which is
12 essentially in agreement with the current code of ethics of the national
13 and state associations of the specialty professions included in mental
14 health practice and which the board deems necessary to assure adequate
15 protection of the public in the provision of mental health services to
16 the public. A violation of the code of ethics shall be considered an act
17 of unprofessional conduct.

18 (2) The board shall ensure through the code of ethics and the rules
19 and regulations adopted and promulgated under the Mental Health Practice
20 Act that persons licensed or certified pursuant to the act or holding
21 privileges to practice in Nebraska as professional counselors under the
22 Licensed Professional Counselors Interstate Compact limit their practice
23 to demonstrated areas of competence as documented by relevant
24 professional education, training, and experience.

25 (3) Intentional failure by a mental health practitioner to report
26 known acts of unprofessional conduct by a mental health practitioner to
27 the department or the board shall be considered an act of unprofessional
28 conduct and shall be grounds for disciplinary action under appropriate
29 sections of the Uniform Credentialing Act unless the mental health
30 practitioner has acquired such knowledge in a professional relationship
31 otherwise protected by confidentiality.

1 Sec. 21. Section 38-2139, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 38-2139 In addition to the grounds for disciplinary action found in
4 sections 38-178 and 38-179, a credential or privilege to practice in
5 Nebraska subject to the Mental Health Practice Act may be denied, refused
6 renewal, limited, revoked, or suspended or have other disciplinary
7 measures taken against it in accordance with section 38-196 when the
8 applicant, ~~or licensee,~~ or privilege holder fails to disclose the
9 information required by section 38-2123 or 38-2129 or the Licensed
10 Professional Counselors Interstate Compact.

11 Sec. 22. Section 38-2516, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 38-2516 (1) No person may represent himself or herself to be a
14 licensed occupational therapist or occupational therapy assistant unless
15 the person he or she is licensed in accordance with the Occupational
16 Therapy Practice Act or has a compact privilege to practice in accordance
17 with the Occupational Therapy Practice Interstate Compact.

18 (2) Nothing in the Occupational Therapy Practice Act ~~Nothing in such~~
19 ~~act~~ shall be construed to prevent:

20 (a) ~~(1)~~ Any person licensed in this state pursuant to the Uniform
21 Credentialing Act from engaging in the profession or occupation for which
22 he or she is licensed;

23 (b) ~~(2)~~ The activities and services of any person employed as an
24 occupational therapist or occupational therapy assistant who serves in
25 the armed forces of the United States or the United States Public Health
26 Service or who is employed by the United States Department of Veterans
27 Affairs or other federal agencies, if their practice is limited to that
28 service or employment;

29 (c) ~~(3)~~ The activities and services of any person pursuing an
30 accredited course of study leading to a degree or certificate in
31 occupational therapy if such activities and services constitute a part of

1 a supervised course of study and if such a person is designated by a
2 title which clearly indicates his or her status as a student or trainee;

3 (d) ~~(4)~~ The activities and services of any person fulfilling the
4 supervised fieldwork experience requirements of sections 38-2518 and
5 38-2519 if such activities and services constitute a part of the
6 experience necessary to meet the requirements of such sections; or

7 (e) ~~(5)~~ Qualified members of other professions or occupations,
8 including, but not limited to, recreation specialists or therapists,
9 special education teachers, independent living specialists, work
10 adjustment trainers, caseworkers, and persons pursuing courses of study
11 leading to a degree or certification in such fields, from doing work
12 similar to occupational therapy which is consistent with their training
13 if they do not represent themselves by any title or description to be
14 occupational therapists.

15 Sec. 23. Section 38-2894, Revised Statutes Cumulative Supplement,
16 2020, is amended to read:

17 38-2894 (1) A registration to practice as a pharmacy technician may
18 be denied, refused renewal, removed, or suspended or have other
19 disciplinary measures taken against it by the department, with the
20 recommendation of the board, for failure to meet the requirements of or
21 for violation of any of the provisions of subdivisions (1) through (18)
22 and (20) through ~~(25)~~ (26) of section 38-178 and sections 38-2890 to
23 38-2897 or the rules and regulations adopted under such sections.

24 (2) If the department proposes to deny, refuse renewal of, or remove
25 or suspend a registration, it shall send the applicant or registrant a
26 notice setting forth the action to be taken and the reasons for the
27 determination. The denial, refusal to renew, removal, or suspension shall
28 become final thirty days after mailing the notice unless the applicant or
29 registrant gives written notice to the department of his or her desire
30 for an informal conference or for a formal hearing.

31 (3) Notice may be served by any method specified in section

1 25-505.01, or the department may permit substitute or constructive
2 service as provided in section 25-517.02 when service cannot be made with
3 reasonable diligence by any of the methods specified in section
4 25-505.01.

5 (4) Pharmacy technicians may participate in the Licensee Assistance
6 Program described in section 38-175.

7 Sec. 24. Section 38-3205, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 38-3205 Respiratory care means the health specialty responsible for
10 the treatment, management, diagnostic testing, ~~control~~, and care of
11 patients with deficiencies and abnormalities associated with the
12 cardiopulmonary system. Respiratory care ~~is shall~~ not be limited to a
13 hospital setting and includes ~~shall include~~ the therapeutic and
14 diagnostic management and maintenance use of medical gases, administering
15 apparatus, humidification and aerosols, ventilatory management ~~assistance~~
16 ~~and ventilatory control~~, postural drainage, chest physiotherapy and
17 breathing exercises, ~~respiratory rehabilitation~~, cardiopulmonary
18 resuscitation and rehabilitation, and maintenance and insertion of lines,
19 drains, and artificial and nonartificial airways without cutting tissues
20 ~~of nasal or oral endotracheal tubes~~. Respiratory care ~~shall~~ also includes
21 ~~include~~ the administration of all pharmacologic, diagnostic, and
22 therapeutic agents for the treatment and diagnosis of cardiopulmonary
23 disease for which the respiratory care practitioner has been
24 professionally trained or has obtained advance education or
25 certification, including specific testing techniques employed in
26 respiratory care to assist in diagnosis, monitoring, treatment, and
27 research of how specific cardiopulmonary disease affects the patient
28 ~~aerosol and inhalant medications to the cardiorespiratory system and~~
29 ~~specific testing techniques employed in respiratory care to assist in~~
30 ~~diagnosis, monitoring, treatment, and research~~. Such techniques shall
31 include management , ~~but not be limited to, measurement of ventilatory~~

1 volumes, pressures, and flows, measurement of physiologic partial
2 pressures, pulmonary function testing, ~~and~~ hemodynamic insertion of
3 lines, and ~~other~~ related physiological monitoring of the cardiopulmonary
4 system.

5 Sec. 25. Section 43-281, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 43-281 (1) Following an adjudication of jurisdiction and prior to
8 final disposition, the court may place the juvenile with the Office of
9 Juvenile Services or the Department of Health and Human Services for
10 evaluation, except that on and after October 1, 2013, no juvenile
11 adjudicated under subdivision (1), (2), (3)(b), or (4) of section 43-247
12 shall be placed with the office or the department. The office or
13 department shall arrange and pay for an appropriate evaluation if the
14 office or department determines that there are no parental funds or
15 private or public insurance available to pay for such evaluation, except
16 that on and after October 1, 2013, the office and the department shall
17 not be responsible for such evaluations of any juvenile adjudicated under
18 subdivision (1), (2), (3)(b), or (4) of section 43-247.

19 (2) On and after October 1, 2013, following an adjudication of
20 jurisdiction under subdivision (1), (2), (3)(b), or (4) of section 43-247
21 and prior to final disposition, the court may order an evaluation to be
22 arranged by the Office of Probation Administration. For a juvenile in
23 detention, the court shall order that such evaluation be completed and
24 the juvenile returned to the court within twenty-one days after the
25 evaluation. For a juvenile who is not in detention, the evaluation shall
26 be completed and the juvenile returned to the court within thirty days.
27 The physician, psychologist, licensed mental health practitioner,
28 professional counselor holding a privilege to practice in Nebraska under
29 the Licensed Professional Counselors Interstate Compact, licensed drug
30 and alcohol counselor, or other provider responsible for completing the
31 evaluation shall have up to ten days to complete the evaluation after

1 receiving the referral authorizing the evaluation.

2 (3) A juvenile pending evaluation ordered under subsection (1) or
3 (2) of this section shall not reside in a detention facility at the time
4 of the evaluation or while waiting for the completed evaluation to be
5 returned to the court unless detention of such juvenile is a matter of
6 immediate and urgent necessity for the protection of such juvenile or the
7 person or property of another or if it appears that such juvenile is
8 likely to flee the jurisdiction of the court.

9 (4) The court shall provide copies of predisposition reports and
10 evaluations of the juvenile to the juvenile's attorney and the county
11 attorney or city attorney prior to any hearing in which the report or
12 evaluation will be relied upon.

13 Sec. 26. Section 44-513, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 44-513 Whenever any insurer provides by contract, policy,
16 certificate, or any other means whatsoever for a service, or for the
17 partial or total reimbursement, payment, or cost of a service, to or on
18 behalf of any of its policyholders, group policyholders, subscribers, or
19 group subscribers or any person or group of persons, which service may be
20 legally performed by a person licensed in this state for the practice of
21 osteopathic medicine and surgery, chiropractic, optometry, psychology,
22 dentistry, podiatry, or mental health practice or by a person who holds a
23 privilege to practice in Nebraska as a professional counselor under the
24 Licensed Professional Counselors Interstate Compact, the person rendering
25 such service or such policyholder, subscriber, or other person shall be
26 entitled to such partial or total reimbursement, payment, or cost of such
27 service, whether the service is performed by a duly licensed medical
28 doctor or by a duly licensed osteopathic physician, chiropractor,
29 optometrist, psychologist, dentist, podiatrist, or mental health
30 practitioner or duly privileged professional counselor. This section
31 shall not limit the negotiation of preferred provider policies and

1 contracts under sections 44-4101 to 44-4113.

2 Sec. 27. Section 44-792, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 44-792 For purposes of sections 44-791 to 44-795:

5 (1) Health insurance plan means (a) any group sickness and accident
6 insurance policy, group health maintenance organization contract, or
7 group subscriber contract delivered, issued for delivery, or renewed in
8 this state and (b) any self-funded employee benefit plan to the extent
9 not preempted by federal law. Health insurance plan includes any group
10 policy, group contract, or group plan offered or administered by the
11 state or its political subdivisions. Health insurance plan does not
12 include group policies providing coverage for a specified disease,
13 accident-only coverage, hospital indemnity coverage, disability income
14 coverage, medicare supplement coverage, long-term care coverage, or other
15 limited-benefit coverage. Health insurance plan does not include any
16 policy, contract, or plan covering an employer group that covers fewer
17 than fifteen employees;

18 (2) Mental health condition means any condition or disorder
19 involving mental illness that falls under any of the diagnostic
20 categories listed in the Mental Disorders Section of the International
21 Classification of Disease;

22 (3) Mental health professional means (a) a practicing physician
23 licensed to practice medicine in this state under the Medicine and
24 Surgery Practice Act, (b) a practicing psychologist licensed to engage in
25 the practice of psychology in this state as provided in section 38-3111
26 or as provided in similar provisions of the Psychology
27 Interjurisdictional Compact, ~~or~~ (c) a practicing mental health
28 professional licensed or certified in this state as provided in the
29 Mental Health Practice Act, or (d) a professional counselor who holds a
30 privilege to practice in Nebraska as a professional counselor under the
31 Licensed Professional Counselors Interstate Compact;

1 (4) Rate, term, or condition means lifetime limits, annual payment
2 limits, and inpatient or outpatient service limits. Rate, term, or
3 condition does not include any deductibles, copayments, or coinsurance;
4 and

5 (5)(a) Serious mental illness means, prior to January 1, 2002, (i)
6 schizophrenia, (ii) schizoaffective disorder, (iii) delusional disorder,
7 (iv) bipolar affective disorder, (v) major depression, and (vi) obsessive
8 compulsive disorder; and

9 (b) Serious mental illness means, on and after January 1, 2002, any
10 mental health condition that current medical science affirms is caused by
11 a biological disorder of the brain and that substantially limits the life
12 activities of the person with the serious mental illness. Serious mental
13 illness includes, but is not limited to (i) schizophrenia, (ii)
14 schizoaffective disorder, (iii) delusional disorder, (iv) bipolar
15 affective disorder, (v) major depression, and (vi) obsessive compulsive
16 disorder.

17 Sec. 28. Section 48-101.01, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 48-101.01 (1) The Legislature finds and declares:

20 (a) The occupations of first responders are recognized as stressful
21 occupations. Only our nation's combat soldiers endure more stress.
22 Similar to military personnel, first responders face unique and uniquely
23 dangerous risks in their sworn mission to keep the public safe. They rely
24 on each other for survival to protect the communities they serve;

25 (b) On any given day, first responders can be called on to make life
26 and death decisions, witness a young child dying with the child's grief-
27 stricken family, make a decision that will affect a community member for
28 the rest of such person's life, or be exposed to a myriad of communicable
29 diseases and known carcinogens;

30 (c) On any given day, first responders protect high-risk individuals
31 from themselves and protect the community from such individuals;

1 (d) First responders are constantly at significant risk of bodily
2 harm or physical assault while they perform their duties;

3 (e) Constant, cumulative exposure to horrific events make first
4 responders uniquely susceptible to the emotional and behavioral impacts
5 of job-related stressors;

6 (f) Trauma-related injuries can become overwhelming and manifest in
7 post-traumatic stress, which may result in substance use disorders and
8 even, tragically, suicide; and

9 (g) It is imperative for society to recognize occupational injuries
10 related to post-traumatic stress and to promptly seek diagnosis and
11 treatment without stigma. This includes recognizing that mental injury
12 and mental illness as a result of trauma is not disordered, but is a
13 normal and natural human response to trauma, the negative effects of
14 which can be ameliorated through diagnosis and effective treatment.

15 (2) Personal injury includes mental injuries and mental illness
16 unaccompanied by physical injury for an employee who is a first
17 responder, frontline state employee, or county correctional officer if
18 such employee:

19 (a) Establishes that the employee's employment conditions causing
20 the mental injury or mental illness were extraordinary and unusual in
21 comparison to the normal conditions of the particular employment; and

22 (b) Establishes, through a mental health professional, the medical
23 causation between the mental injury or mental illness and the employment
24 conditions by medical evidence.

25 (3) The employee bears the burden of establishing the matters
26 described in subsection (2) of this section by a preponderance of the
27 evidence.

28 (4) Until January 1, 2028, a first responder may establish prima
29 facie evidence of a personal injury that is a mental injury or mental
30 illness if the first responder:

31 (a) Presents evidence that the first responder underwent a mental

1 health examination by a mental health professional upon entry into such
2 service or subsequent to such entry and before the onset of the mental
3 injury or mental illness and such examination did not reveal the mental
4 injury or mental illness for which the first responder seeks
5 compensation;

6 (b) Presents testimony or an affidavit from a mental health
7 professional stating the first responder suffers from a mental injury or
8 mental illness caused by one or more events or series of events which
9 cumulatively produced the mental injury or mental illness which brought
10 about the need for medical attention and the interruption of employment;

11 (c) Presents evidence that such events or series of events arose out
12 of and in the course of the first responder's employment; and

13 (d) Presents evidence that, prior to the employment conditions which
14 caused the mental injury or mental illness, the first responder had
15 participated in resilience training and updated the training at least
16 annually thereafter.

17 (5) For purposes of this section, mental injuries and mental illness
18 arising out of and in the course of employment unaccompanied by physical
19 injury are not considered compensable if they result from any event or
20 series of events which are incidental to normal employer and employee
21 relations, including, but not limited to, personnel actions by the
22 employer such as disciplinary actions, work evaluations, transfers,
23 promotions, demotions, salary reviews, or terminations.

24 (6)(a) The Department of Health and Human Services shall reimburse a
25 first responder for the cost of annual resilience training not reimbursed
26 by the first responder's employer. The department shall pay reimbursement
27 at a rate determined by the Critical Incident Stress Management Program
28 under section 71-7104. Reimbursement shall be subject to the annual limit
29 set by such program under section 71-7104.

30 (b) To obtain reimbursement under this subsection, a first responder
31 shall submit an application to the Department of Health and Human

1 Services on a form and in a manner prescribed by the department.

2 (7) The Department of Health and Human Services shall maintain and
3 annually update records of first responders who have completed annual
4 resilience training.

5 (8) For purposes of this section:

6 (a) County correctional officer means a correctional officer
7 employed by a high-population county whose:

8 (i) Position obligates such employee to maintain order and custody
9 of inmates in a county jail; and

10 (ii) Duties involve regular and direct interaction with high-risk
11 individuals;

12 (b) Custody means:

13 (i) Under the charge or control of a state institution or state
14 agency and includes time spent outside of the state institution or state
15 agency; or

16 (ii) In the custody of a county jail in a high-population county or
17 in the process of being placed in the custody of a county jail in a high-
18 population county;

19 (c) First responder means a sheriff, a deputy sheriff, a police
20 officer, an officer of the Nebraska State Patrol, a volunteer or paid
21 firefighter, or a volunteer or paid individual licensed under a licensure
22 classification in subdivision (1) of section 38-1217 who provides medical
23 care in order to prevent loss of life or aggravation of physiological or
24 psychological illness or injury;

25 (d) Frontline state employee means an employee of the Department of
26 Correctional Services or the Department of Health and Human Services
27 whose duties involve regular and direct interaction with high-risk
28 individuals;

29 (e) High-population county means a county with more than three
30 hundred thousand inhabitants as determined by the most recent federal
31 decennial census or the most recent revised certified count by the United

1 States Bureau of the Census;

2 (f) High-risk individual means an individual in custody for whom
3 violent or physically intimidating behavior is common, including, but not
4 limited to, a committed offender as defined in section 83-170, a patient
5 at a regional center as defined in section 71-911, a juvenile committed
6 to a youth rehabilitation and treatment center, and a person in the
7 custody of a county jail in a high-population county or in the process of
8 being placed in the custody of a county jail in a high-population county;

9 (g) Mental health professional means:

10 (i) A practicing physician licensed to practice medicine in this
11 state under the Medicine and Surgery Practice Act;

12 (ii) A practicing psychologist licensed to engage in the practice of
13 psychology in this state as provided in section 38-3111 or as provided in
14 similar provisions of the Psychology Interjurisdictional Compact; ~~or~~

15 (iii) A person licensed as an independent mental health practitioner
16 under the Mental Health Practice Act; or ~~and~~

17 (iv) A professional counselor who holds a privilege to practice in
18 Nebraska as a professional counselor under the Licensed Professional
19 Counselors Interstate Compact; and

20 (h) Resilience training means training that meets the guidelines
21 established by the Critical Incident Stress Management Program under
22 section 71-7104 and that teaches how to adapt to, manage, and recover
23 from adversity, trauma, tragedy, threats, or significant sources of
24 stress.

25 (9) All other provisions of the Nebraska Workers' Compensation Act
26 apply to this section.

27 Sec. 29. Section 71-8402, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 71-8402 For purposes of sections 71-8401 to 71-8407:

30 (1) Medical records means a provider's record of a patient's health
31 history and treatment rendered;

1 (2) Mental health medical records means medical records or parts
2 thereof created by or under the direction or supervision of a licensed
3 psychiatrist, a licensed psychologist, ~~or~~ a mental health practitioner
4 licensed or certified pursuant to the Mental Health Practice Act, or a
5 professional counselor who holds a privilege to practice in Nebraska as a
6 professional counselor under the Licensed Professional Counselors
7 Interstate Compact;

8 (3) Patient includes a patient or former patient;

9 (4) Patient request or request of a patient includes the request of
10 a patient's guardian or other authorized representative; and

11 (5) Provider means a physician, psychologist, chiropractor, dentist,
12 hospital, clinic, and any other licensed or certified health care
13 practitioner or entity.

14 Sec. 30. Sections 30 to 36 of this act shall be known and may be
15 cited as the Alzheimer's Disease and Other Dementia Support Act.

16 Sec. 31. The Legislature hereby finds and declares that Alzheimer's
17 and other dementia are of significant concern to the State of Nebraska,
18 and that the Legislature and the state would benefit from a more
19 coordinated approach to addressing Alzheimer's disease and other
20 dementia.

21 Sec. 32. For purposes of the Alzheimer's Disease and Other Dementia
22 Support Act:

23 (1) Council means the Alzheimer's Disease and Other Dementia
24 Advisory Council; and

25 (2) Department means the Department of Health and Human Services.

26 Sec. 33. (1) The Alzheimer's Disease and Other Dementia Advisory
27 Council is created and shall include:

28 (a) Twelve voting members appointed by the Governor. The voting
29 members shall consist of: (i) An individual living with Alzheimer's
30 disease or another dementia or a family member of such an individual;
31 (ii) an individual who is the family caregiver of an individual living

1 with Alzheimer's disease or another dementia; (iii) an individual who
2 represents nursing homes; (iv) an individual who represents assisted-
3 living facilities; (v) an individual who represents providers of adult
4 day care services; (vi) an individual who represents home care providers;
5 (vii) a medical professional who has experience diagnosing and treating
6 Alzheimer's disease; (viii) an individual who conducts research regarding
7 Alzheimer's disease or other dementia; (ix) an individual who represents
8 a leading, nationwide organization that advocates on behalf of
9 individuals living with Alzheimer's disease or other dementia; (x) an
10 individual who represents an area agency on aging; (xi) an individual
11 representing an organization that advocates for older adults; and (xii)
12 an individual with experience or expertise in the area of the specific
13 needs of individuals with intellectual and developmental disabilities and
14 Alzheimer's disease or other dementia; and

15 (b) Five nonvoting members. The nonvoting members shall consist of:
16 (i) The Director of Public Health or the director's designee; (ii) the
17 Director of Medicaid and Long-Term Care or the director's designee; (iii)
18 a representative of the State Unit on Aging of the Division of Medicaid
19 and Long-Term Care designated by the Director of Medicaid and Long-Term
20 Care; (iv) a representative of the Nebraska Workforce Development Board
21 designated by the board; and (v) the state long-term care ombudsman or
22 the ombudsman's designee.

23 (2) The Governor shall make the appointments within ninety days
24 after the effective date of this act. Vacancies shall be filled in the
25 same manner as the original appointments.

26 (3) The voting members of the council shall serve for a term of four
27 years. A voting member may be reappointed to one additional term of four
28 years.

29 (4) Members of the council shall select the chairperson and vice-
30 chairperson who shall not be employees of the state and may serve in such
31 role for up to four consecutive years. The Director of Public Health or

1 the director's designee shall call and preside over the first meeting
2 until a chairperson is selected. Thereafter, the council shall meet at
3 least quarterly at the call of the chairperson. A majority of the voting
4 members shall constitute a quorum for the conduct of meetings.

5 (5) The council shall hold its first meeting not later than thirty
6 days after the appointment of its members and shall hold subsequent
7 meetings at least once every calendar quarter.

8 (6) Members shall serve on the council without compensation but
9 shall be compensated for expenses incurred for such service.

10 (7) The department shall provide staff and support to the council as
11 necessary to assist the council in the performance of its duties.

12 Sec. 34. (1) The purpose of the council shall be to examine (a) the
13 needs of individuals living with Alzheimer's disease or other dementia,
14 (b) the services available in the state for those individuals and their
15 family caregivers, and (c) the ability of health care providers and
16 facilities to meet the current and future needs of such individuals.

17 (2) The council shall collaborate with the department and other
18 state departments as needed to gather input on issues and strategies that
19 pertain to Alzheimer's disease and other dementia and identify proactive
20 approaches on public health, workforce, caregiver support, and care
21 delivery. The council shall monitor analysis, policy development, and
22 program implementation related to Alzheimer's disease and other dementia.

23 Sec. 35. The council shall consider and make findings and
24 recommendations on the following topics:

25 (1) Trends in the state's Alzheimer's disease and other dementia
26 populations and service needs, including:

27 (a) The state's role in providing or facilitating long-term care,
28 family caregiver support, and assistance to those with early-stage or
29 early-onset Alzheimer's disease or other dementia;

30 (b) The state's policies regarding individuals with Alzheimer's
31 disease or other dementia;

1 (c) The fiscal impact of Alzheimer's disease and other dementia on
2 publicly funded health care programs; and

3 (d) The establishment of a surveillance system to better determine
4 the number of individuals diagnosed with Alzheimer's disease or other
5 dementia and to monitor changes to such numbers;

6 (2) Existing resources, services, and capacity relating to the
7 diagnosis and care of individuals living with Alzheimer's disease or
8 other dementia, including:

9 (a) The type, cost, and availability of dementia care services;

10 (b) The availability of health care workers who can serve people
11 with dementia, including, but not limited to, neurologists,
12 geriatricians, and direct care workers;

13 (c) Dementia-specific training requirements for public and private
14 employees who interact with people living with Alzheimer's disease or
15 other dementia which shall include, but not be limited to, long-term care
16 workers, case managers, adult protective services, law enforcement, and
17 first responders;

18 (d) Home and community-based services, including respite care for
19 individuals exhibiting symptoms of Alzheimer's disease or other dementia
20 and their families;

21 (e) Quality care measures for home and community-based services and
22 residential care facilities; and

23 (f) State-supported Alzheimer's disease and other dementia research
24 conducted at universities located in this state; and

25 (3) Policies and strategies that address the following:

26 (a) Increasing public awareness of Alzheimer's disease and other
27 dementia;

28 (b) Educating providers to increase early detection and diagnosis of
29 Alzheimer's disease and other dementia;

30 (c) Improving the health care received by individuals diagnosed with
31 Alzheimer's disease or other dementia;

1 (d) Evaluating the capacity of the health care system in meeting the
2 growing number and needs of those with Alzheimer's disease and other
3 dementia;

4 (e) Increasing the number of health care professionals necessary to
5 treat the growing aging and Alzheimer's disease and dementia populations;

6 (f) Improving services provided in the home and community to delay
7 and decrease the need for institutionalized care for individuals with
8 Alzheimer's disease or other dementia;

9 (g) Improving long-term care, including assisted living, for those
10 with Alzheimer's disease or other dementia;

11 (h) Assisting unpaid Alzheimer's disease or dementia caregivers;

12 (i) Increasing and improving research on Alzheimer's disease and
13 other dementia;

14 (j) Promoting activities to maintain and improve brain health;

15 (k) Improving the collection of data and information related to
16 Alzheimer's disease and other dementia and the resulting public health
17 burdens;

18 (l) Improving public safety and addressing the safety-related needs
19 of those with Alzheimer's disease or other dementia;

20 (m) Addressing legal protections for, and legal issues faced by,
21 individuals with Alzheimer's disease or other dementia; and

22 (n) Improving the ways in which the government evaluates and adopts
23 policies to assist individuals diagnosed with Alzheimer's disease or
24 other dementia and their families.

25 Sec. 36. (1)(a) No later than eighteen months after the effective
26 date of this act, the council shall compile the findings and
27 recommendations under the Alzheimer's Disease and Other Dementia Support
28 Act and submit them as a State Alzheimer's Plan to the Legislature and
29 the Governor.

30 (b) Every four years thereafter, the council shall issue an updated
31 State Alzheimer's Plan addressing the items in sections 34 and 35 of this

1 act and any other issues the council deems necessary and relevant toward
2 addressing Alzheimer's disease and dementia in Nebraska.

3 (2) By October 1 of each year after the creation of the State
4 Alzheimer's Plan, the council shall electronically submit to the
5 Legislature and the Governor an annual report on the status of
6 implementation of the State Alzheimer's Plan recommendations and any
7 barriers to implementation.

8 Sec. 37. Original sections 38-318, 38-2101, 38-2116, 38-2121,
9 38-2136, 38-2137, 38-2138, 38-2139, 38-2516, 38-3205, 43-281, 44-513,
10 44-792, 48-101.01, and 71-8402, Reissue Revised Statutes of Nebraska,
11 sections 28-327, 29-2261, 38-131, 38-178, 38-2112, 38-2115, 38-2124,
12 38-2125, and 38-2894, Revised Statutes Cumulative Supplement, 2020, and
13 section 38-101, Revised Statutes Supplement, 2021, are repealed.