

AMENDMENTS TO LB78

Introduced by Cavanaugh, M., 6.

1 1. Strike the original sections and insert the following new
2 sections:

3 Section 1. Section 38-101, Revised Statutes Cumulative Supplement,
4 2022, is amended to read:

5 38-101 Sections 38-101 to 38-1,147 and section 3 of this act and the
6 following practice acts shall be known and may be cited as the Uniform
7 Credentialing Act:

8 (1) The Advanced Practice Registered Nurse Practice Act;

9 (2) The Alcohol and Drug Counseling Practice Act;

10 (3) The Athletic Training Practice Act;

11 (4) The Audiology and Speech-Language Pathology Practice Act;

12 (5) The Certified Nurse Midwifery Practice Act;

13 (6) The Certified Registered Nurse Anesthetist Practice Act;

14 (7) The Chiropractic Practice Act;

15 (8) The Clinical Nurse Specialist Practice Act;

16 (9) The Cosmetology, Electrology, Esthetics, Nail Technology, and
17 Body Art Practice Act;

18 (10) The Dentistry Practice Act;

19 (11) The Dialysis Patient Care Technician Registration Act;

20 (12) The Emergency Medical Services Practice Act;

21 (13) The Environmental Health Specialists Practice Act;

22 (14) The Funeral Directing and Embalming Practice Act;

23 (15) The Genetic Counseling Practice Act;

24 (16) The Hearing Instrument Specialists Practice Act;

25 (17) The Licensed Practical Nurse-Certified Practice Act until
26 November 1, 2017;

27 (18) The Massage Therapy Practice Act;

- 1 (19) The Medical Nutrition Therapy Practice Act;
- 2 (20) The Medical Radiography Practice Act;
- 3 (21) The Medicine and Surgery Practice Act;
- 4 (22) The Mental Health Practice Act;
- 5 (23) The Nurse Practice Act;
- 6 (24) The Nurse Practitioner Practice Act;
- 7 (25) The Nursing Home Administrator Practice Act;
- 8 (26) The Occupational Therapy Practice Act;
- 9 (27) The Optometry Practice Act;
- 10 (28) The Perfusion Practice Act;
- 11 (29) The Pharmacy Practice Act;
- 12 (30) The Physical Therapy Practice Act;
- 13 (31) The Podiatry Practice Act;
- 14 (32) The Psychology Practice Act;
- 15 (33) The Respiratory Care Practice Act;
- 16 (34) The Surgical First Assistant Practice Act; and
- 17 (35) The Veterinary Medicine and Surgery Practice Act.

18 If there is any conflict between any provision of sections 38-101 to
19 38-1,147 and section 3 of this act and any provision of a practice act,
20 the provision of the practice act shall prevail except as otherwise
21 specifically provided in section 38-129.02.

22 Sec. 2. Section 38-129, Revised Statutes Cumulative Supplement,
23 2022, is amended to read:

24 38-129 (1) No individual shall be issued a credential under the
25 Uniform Credentialing Act until the individual ~~he or she~~ has furnished
26 satisfactory evidence to the department that the individual:

27 (a) Is ~~he or she~~ is of good character;

28 (b) Has ~~and has~~ attained the age of nineteen years except as
29 otherwise specifically provided by statute, rule, or regulation; and -

30 (c) Except as provided in subsection (2) of section 3 of this act,
31 beginning October 1, 2024, has completed implicit bias or diversity,

1 equity, and inclusion training as defined in section 3 of this act.

2 (2) A credential may only be issued to (a) a citizen of the United
3 States, (b) an alien lawfully admitted into the United States who is
4 eligible for a credential under the Uniform Credentialing Act, (c) a
5 nonimmigrant lawfully present in the United States who is eligible for a
6 credential under the Uniform Credentialing Act, or (d) a person who
7 submits (i) an unexpired employment authorization document issued by the
8 United States Department of Homeland Security, Form I-766, and (ii)
9 documentation issued by the United States Department of Homeland
10 Security, the United States Citizenship and Immigration Services, or any
11 other federal agency, such as one of the types of Form I-797 used by the
12 United States Citizenship and Immigration Services, demonstrating that
13 such person is described in section 202(c)(2)(B)(i) through (x) of the
14 federal REAL ID Act of 2005, Public Law 109-13. Such credential shall be
15 valid only for the period of time during which such person's employment
16 authorization document is valid.

17 Sec. 3. (1) Except as provided in subsection (2) of this section,
18 beginning with the first credential renewal period which begins on or
19 after October 1, 2024, every person holding a credential under the
20 Uniform Credentialing Act shall annually complete implicit bias or
21 diversity, equity, and inclusion training.

22 (2) This section and subdivision (1)(c) of section 38-129 do not
23 apply to persons credentialed to engage in the practice of asbestos
24 abatement, inspection, project design, and training; athletic training;
25 body art; cosmetology; electrology; esthetics; funeral directing and
26 embalming; hearing instrument dispensing and fitting; lead-based paint
27 abatement, inspection, project design, and training; nail technology;
28 radon detection, measurement, and mitigation; or veterinary medicine and
29 surgery or to a registered environmental health specialist.

30 (3)(a) For purposes of this section, implicit bias or diversity,
31 equity, and inclusion training means a program designed to increase

1 awareness of prejudices or partialities, provide tools that facilitate
2 positive interpersonal and intergroup interaction, reduce prejudice and
3 discrimination, and afford all individuals the opportunity to interact
4 fully and effectively in medical settings, thereby reducing inequitable
5 health treatments and outcomes.

6 (b) The department may approve implicit bias training or diversity,
7 equity, and inclusion training provided by a national or state medical
8 association to qualify as implicit bias training under this section.

9 Sec. 4. Section 38-1706, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 38-1706 Massage therapy means a health care service involving the
12 physical, mechanical, or electrical manipulation of soft tissue for the
13 therapeutic purposes or to enhance wellness ~~of enhancing muscle~~
14 ~~relaxation, reducing stress, improving circulation, or instilling a~~
15 ~~greater sense of well-being~~ and may include the use of oil, salt glows,
16 heat lamps, and hydrotherapy. Massage therapy does not include diagnosis
17 or treatment or use of procedures for which a license to practice
18 medicine or surgery, chiropractic, or podiatry is required nor the use of
19 microwave diathermy, shortwave diathermy, ultrasound, transcutaneous
20 electrical nerve stimulation, electrical stimulation of over thirty-five
21 volts, neurological hyperstimulation, or spinal and joint adjustments.

22 Sec. 5. Original section 38-1706, Reissue Revised Statutes of
23 Nebraska, and sections 38-101 and 38-129, Revised Statutes Cumulative
24 Supplement, 2022, are repealed.