

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1214

FINAL READING

Introduced by Health and Human Services Committee: Hansen, 16,
Chairperson; Ballard, 21; Cavanaugh, M., 6; Day, 49;
Hardin, 48; Riepe, 12; Walz, 15.

Read first time January 16, 2024

Committee: Health and Human Services

1 A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend
2 section 38-131, Revised Statutes Supplement, 2023; to change
3 requirements relating to a criminal background check as prescribed;
4 and to repeal the original section.

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

1 Section 1. Section 38-131, Revised Statutes Supplement, 2023, is
2 amended to read:

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

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

1 includes the criminal history record information concerning the
2 applicant.

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

8 (4) A physician or osteopathic physician who is an ~~an~~ applicant for
9 a temporary educational permit ~~as defined in section 38-2019~~ shall have
10 ninety days from the issuance of the permit to comply with subsection (1)
11 of this section and shall have such permit suspended after such ninety-
12 day period if the criminal background check is not complete or revoked if
13 the criminal background check reveals that the applicant was not
14 qualified for the permit.

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

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

22 Sec. 2. Original section 38-131, Revised Statutes Supplement, 2023,
23 is repealed.