

## LEGISLATIVE BILL 428

Approved by the Governor April 20, 1979

Introduced by Public Health and Welfare Committee,  
Cullan, 49, Chmn.; Clark, 47; R. Maresh, 32;  
Goodrich, 20; Kennedy, 21

AN ACT to amend section 71-110, Revised Statutes Supplement, 1978, section 71-162, Reissue Revised Statutes of Nebraska, 1943, as amended by section 6, Legislative Bill 4, Eighty-sixth Legislature, First Session, 1979, and section 71-116, Revised Statutes Supplement, 1978, as amended by section 3, Legislative Bill 297, Eighty-sixth Legislature, First Session, 1979, relating to public health and welfare; to authorize biennial licenses; to provide for expiration as prescribed; to change fees; to change terms for the board of examiners; to provide for additional fees; and to repeal the original sections.

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

Section 1. That section 71-110, Revised Statutes Supplement, 1978, be amended to read as follows:

71-110. (1) ~~The different licenses to practice a profession shall expire on the first day of the several months as hereinafter indicated. These licenses shall be renewed annually or biennially upon request of the licensee without examination. The department through appropriate notification of license renewal procedures shall have the authority by regulation to determine whether such licenses shall be renewed annually or biennially. If such renewal period is determined by regulation to be for two years, then all annual renewal fees established pursuant to section 71-162 shall be automatically doubled. The annual or biennial expiration date in the different professions shall be as follows: January, pharmacy; February, embalming and funeral directing; March, dentistry and dental hygiene; April, podiatry and veterinary medicine and surgery; August, chiropractic and optometry; September, osteopathy; 7 audiology and speech pathology; October, medicine and surgery; and November, physical therapy; and December, audiology and speech pathology.~~ The request for renewal need not be in any particular form, and shall be accompanied by the legal fee. Such fee shall be paid not later than the date of the expiration of such license; Provided, that while actively engaged in the military service of the United States, as defined in the Soldiers' and Sailors' Civil Relief Act of 1940 as amended, persons

licensed to practice the professions above named shall not be required to pay the annual or biennial renewal license fee.

(2) At least thirty days before the expiration of his a license, as set forth in subsection (1) of this section, the Department of Health shall notify each licensee by a letter addressed to him or her at his or her last place of residence as noted upon its records. Any licensee, who fails to pay the renewal fee, on or before the date of expiration of his or her license, shall be given a second notice in the same manner advising him or her (a) of his the failure to pay, (b) that his the license on that account has expired, (c) that the department will suspend action for thirty days following the date of expiration, (d) that upon the receipt of the annual or biennial renewal fee, together with an additional fee of ~~one-dollar~~ five dollars, within that time, no order of revocation will be entered, and (e) that upon the failure to receive the amount then due and ~~one-dollar~~ five dollars in addition to the regular renewal fee, as provided by subsection (1) of this section, an order of revocation will be entered.

(3) Any licensee who allows his a license to lapse by failing to renew the same, as provided in subsections (1) and (2) of this section, may be reinstated upon the recommendation of the board of examiners for his or her profession and the payment of the regular and additional renewal fees then due.

Sec. 2. That section 71-116, Revised Statutes Supplement, 1978, as amended by section 3, Legislative Bill 297, Eighty-sixth Legislature, First Session, 1979, be amended to read as follows:

71-116. (1) The members of each board of examiners shall be appointed for a term of three years, ~~except as herein otherwise provided~~ that on or after November 1, 1979, the members of each board of examiners shall be appointed for a term of five years and no member shall be appointed for or serve for more than two consecutive full five-year terms.

(2) The members of the Board of Examiners in Dentistry shall be appointed as follows: As of December 1, 1971, one member shall be appointed for a term of five years and one member shall be appointed for a term of three years; as of December 1, 1972, one member shall be appointed for a term of three years; as of December 1, 1973, one member shall be appointed for a term of three years; and as of December 1 of each year thereafter, two members shall be appointed for a term of three five

years; and as of December 1, 1979, one member, who is a duly licensed dental hygienist and complies with the provisions of sections 71-114, Revised Statutes Supplement, 1978, and 71-115, Reissue Revised Statutes of Nebraska, 1943, shall be appointed for a term of three five years. The dental hygienist member shall have full voting rights, except in matters pertaining to the initial or continuing licensure or competency of a duly licensed practitioner of dentistry. Thereafter successors with like qualifications shall be appointed for three-year five-year terms. No member shall be appointed for or serve for more than two consecutive full five-year terms.

(3) The members of the Board of Examiners in Medicine and Surgery shall be appointed as follows: Within thirty days after May 25, 1943, five members shall be appointed, one of whom shall hold office until December 1, 1944, one until December 1, 1945, one until December 1, 1946, one until December 1, 1947, and one until December 1, 1948; upon the expiration of said several terms, successors shall be appointed for terms of five years each. Within thirty days after October 19, 1963, a sixth member, who shall be a person eligible for appointment to the Board of Examiners in Osteopathy who also has a license to practice medicine and surgery in the State of Nebraska, shall be appointed for a term expiring on December 1, 1968. Thereafter successors with like qualifications shall be appointed for five-year terms.

(4) The members of the Board of Examiners in Audiology and Speech Pathology shall consist of two audiologists and two speech pathologists and shall be appointed as follows: Within sixty days after July 22, 1978, four members shall be appointed, two of whom shall hold office until December 1, 1979, and two until December 1, 1980. Upon the expiration of such terms the successors shall be appointed for terms of three five years each. No member shall be appointed for or serve for more than two consecutive three-year five-year terms.

(5) The term of each examiner provided for herein shall commence on the first day of December, following the expiration of the term of the member whom such person succeeds, and shall be rotated in such a manner that no more than one examiner shall retire each during any year in which a term expires unless the number of members on a board makes it impractical to do so.

(6) The members of boards for professions, coming under the scope of sections 71-101 to ~~71-105~~ 71-106, for the first time shall be appointed within thirty days

after September-20, 1957 the effective date of the act providing for licensing of the profession, the terms of the initial board members to be as follows: One member shall hold office until December 1 of the first third year, one until December 1 of the second fourth year, and one until December 1 of the third fifth year following the year 1957 in which the act providing for licensing of the profession became effective.

Sec. 3. That section 71-162, Reissue Revised Statutes of Nebraska, 1943, as amended by section 6, Legislative Bill 4, Eighty-sixth Legislature, First Session, 1979, be amended to read as follows:

71-162. The following fees shall be collected by the Department of Health and turned in to the state treasury as is now provided by law:

(1) For a license to practice osteopathy and dental hygiene issued upon the basis of an examination given by the board of examiners, twenty-five dollars;

(2) For a license to practice medicine and surgery issued upon the basis of an examination given by the board of examiners, ~~or without examination based on a license granted in another state, territory, or the District of Columbia,~~ one hundred fifty dollars and this may be adjusted by the Department of Health upon recommendation of the Board of Examiners in Medicine and Surgery to cover necessary expenses;

(3) For a license to practice embalming issued upon the basis of an examination given by the board of examiners, thirty dollars;

(4) For a license to practice physical therapy issued upon the basis of an examination given by the board of examiners, thirty-five dollars;

(5) For a license to practice dentistry, podiatry, or optometry issued upon the basis of an examination given by the board of examiners, fifty dollars;

(6) For a license to practice pharmacy issued upon the basis of an examination given by the board of examiners, ~~sixty-five~~ one hundred dollars;

(7) For a license to practice chiropractic issued upon the basis of an examination given by the board of examiners, seventy-five dollars;

(8) For a license to practice any of the professions enumerated in subdivisions (1), (3), (4), (5), and (7), and (16) of this section, except podiatry; dentistry; and dental hygiene, issued without examination upon a license granted in another state, territory, or the District of Columbia, fifty dollars;

(9) For a license issued to practice dentistry without examination upon a license granted in another state, territory, or the District of Columbia, fifty dollars;

(10) For a license issued to practice podiatry when based upon an examination held by the National Board of Podiatry Examiners, fifty dollars;

(11) For a license to practice audiology or speech pathology issued upon the basis of an examination given by the board of examiners, seventy-five dollars;

(12) For a license to practice podiatry issued without an examination based upon a license granted in another state, territory, or the District of Columbia, one hundred dollars;

(13) For a license to practice pharmacy issued without an examination upon a license granted in another state, territory, or the District of Columbia, one hundred dollars;

(14) For a license to practice dental hygiene issued without examination upon a license granted in another state, territory, or the District of Columbia, twenty-five dollars;

(15) For a license to practice audiology or speech pathology issued without examination upon a license granted in another state, territory, or the District of Columbia, or when examination is waived or a national examination is used, seventy-five dollars;

(16) For a license to practice funeral directing issued upon the basis of an examination given by the board of examiners, thirty dollars;

(17) For a license to practice medicine and surgery issued without examination based on a license granted in another state, territory, or the District of Columbia, one hundred dollars and this may be adjusted by the Department of Health upon recommendation of the Board of Examiners in Medicine and Surgery to cover necessary expenses;

~~(16)~~ (18) For the annual renewal of a license to practice any of the professions enumerated in this section the fee shall be as follows: Dental hygiene, osteopathy, physical therapy, funeral directing, and embalming, ten dollars; optometry, audiology, and speech pathology, twenty-five dollars; and chiropractic, podiatry, pharmacy, dentistry, and medicine and surgery, fifteen dollars. All money paid as license and renewal fees shall be kept in a separate fund to be used for the benefit of the profession so paying such fees;

~~(17)~~ (19) For a certified statement that a licensee is licensed in this state, two dollars; and

~~(19)~~ (20) For a duplicate original license, two dollars.

Sec. 4. That original section 71-110, Revised Statutes Supplement, 1978, section 71-162, Reissue Revised Statutes of Nebraska, 1943, as amended by section 6, Legislative Bill 4, Eighty-sixth Legislature, First Session, 1979, and section 71-116, Revised Statutes Supplement, 1978, as amended by section 3, Legislative Bill 297, Eighty-sixth Legislature, First Session, 1979, are repealed.