

## LEGISLATIVE BILL 242

Approved by the Governor February 20, 2003

Introduced by Jensen, 20

AN ACT relating to health and human services; to amend sections 46-1236, 71-145, 71-163, 71-172.02, 71-1,132.48, 71-1,132.53, 71-1,232, 71-1,242, 71-1,291, 71-1,320, 71-1,322, 71-1,327, 71-1,331, 71-388, 71-394.01, 71-3,125, 71-3,132, 71-3,173, 71-1304, 71-1327, 71-1327.01, 71-1331, 71-3702, 71-3704, 71-3705, 71-3712, 71-4714.01, 71-6101, 71-6107, 71-6110, 71-6114, and 71-7421, Reissue Revised Statutes of Nebraska, and sections 11-201, 28-406, 28-410, 33-151, 46-602, 46-606, 46-1222, 46-1224, 46-1229, 46-1231, 69-305, 71-101, 71-110, 71-121.01, 71-122, 71-131, 71-149, 71-157, 71-158, 71-162, 71-172.01, 71-175, 71-185, 71-185.02, 71-185.03, 71-193.18, 71-193.31, 71-1,104, 71-1,107.10, 71-1,107.13, 71-1,107.14, 71-1,107.26, 71-1,132.13, 71-1,132.20, 71-1,132.21, 71-1,132.37, 71-1,135.02, 71-1,143.01, 71-1,147.30, 71-1,147.42, 71-1,147.64, 71-1,158, 71-1,161, 71-1,165, 71-1,166, 71-1,194, 71-1,195.01, 71-1,227, 71-1,228, 71-1,235, 71-1,238, 71-1,239.01, 71-1,240, 71-1,278, 71-1,281.01, 71-1,294, 71-1,314.01, 71-1,319.01, 71-1,329, 71-1,344, 71-1,345, 71-397, 71-3,115, 71-3,147, 71-3,155, 71-3,184, 71-3,196, 71-3,205, 71-3,214, 71-3,221, 71-3,228, 71-1722, 71-1723, 71-1724, 71-1725.01, 71-1730, 71-1735, 71-1755, 71-1757, 71-1777, 71-1778, 71-1787, 71-2803.01, 71-2819, 71-3508.03, 71-3515.02, 71-3703, 71-3708, 71-3710, 71-4305, 71-4706, 71-4708, 71-4711, 71-5172, 71-5306, 71-5308, 71-6053, 71-6054, 71-6055, 71-6060, 71-6061, 71-6063, 71-6106, 71-6113, 71-6303, 71-6321, 71-6328.01, 71-6734, 71-7417, 71-7418, and 71-7420, Revised Statutes Supplement, 2002; to provide, change, and eliminate fee provisions for certain professions and occupations; to change credentialing provisions; to create and eliminate funds; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 71-109, 71-1,132.22, 71-1,132.47, 71-1,132.49, 71-1,132.50, 71-383, 71-384, 71-1336, 71-1760, 71-1786, 71-4718, and 71-6116, Reissue Revised Statutes of Nebraska, and sections 71-1,136.02, 71-1,150, 71-1,206.13, 71-1,237, 71-1,243, 71-1,283, 71-1,288, 71-1,334, 71-1,350, 71-381, 71-382, and 71-1727, Revised Statutes Supplement, 2002.

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

Section 1. Section 11-201, Revised Statutes Supplement, 2002, is amended to read:

11-201. It shall be the duty of the Risk Manager:

(1) To prescribe the amount, terms, and conditions of any bond when the amount or terms are not fixed by any specific statute. The Risk Manager, in prescribing the amount, deductibles, conditions, and terms, shall consider the type of risks to be bonded, the relationship of the bond premium to risks involved, the past and projected trends for bond premiums, the ability of the Tort Claims Fund, the State Self-Insured Property Fund, and state agencies to pay the deductibles, and any other factors the manager may, in his or her discretion, deem necessary in order to accomplish the provisions of sections 2-1201, 3-103, 8-104, 8-105, 11-119, 11-121, 11-201, 37-110, 48-158, 48-609, 48-618, 48-721, 48-804.03, 53-109, 55-123, 55-126, 55-127, 55-150, 57-917, 60-1303, 60-1502, ~~71-1,206.13~~, 71-222.01, 72-1241, 80-401.02, 81-111, 81-151, 81-8,128, 81-1108.14, 81-2002, 83-128, 84-106, 84-206, and 84-801;

(2) To pass upon the sufficiency of and approve the surety on the bonds of all officers and employees of the state, when approval is not otherwise prescribed by any specific statute;

(3) To arrange for the writing of corporate surety bonds for all the officers and employees of the state who are required by statute to furnish bonds;

(4) To arrange for the writing of the blanket corporate surety bond required by this section; and

(5) To order the payment of corporate surety bond premiums out of the State Insurance Fund created by section 81-8,239.02.

All state employees not specifically required to give bond by section 11-119 shall be bonded under a blanket corporate surety bond for faithful performance and honesty in an amount not to exceed one million dollars.

The Risk Manager may separately bond any officer, employee, or group thereof under a separate corporate surety bond for performance and honesty pursuant to the standards set forth in subdivision (1) of this section if the corporate surety will not bond or excludes from coverage any officer, employee, or group thereof under the blanket bond required by this section, or if the Risk Manager finds that the reasonable availability or cost of the blanket bond required under this section is adversely affected by any of the following factors: The loss experience, types of risks to be bonded, relationship of bond premium to risks involved, past and projected trends for bond premiums, or any other factors.

Surety bonds of collection agencies, as required by section 45-608, and detective agencies, as required by section 71-3207, shall be approved by the Secretary of State. The Attorney General shall approve all bond forms distributed by the Secretary of State.

Sec. 2. Section 28-406, Revised Statutes Supplement, 2002, is amended to read:

28-406. (1) The department shall issue registrations and reregistrations to manufacture, distribute, prescribe, or dispense controlled substances within this state on a biennial basis.

(2) The various fees to be paid by applicants for registrations and reregistrations, as required under the Uniform Controlled Substances Act, shall be as follows:

(a) Registration or reregistration to manufacture controlled substances, not less than one hundred dollars and not more than three hundred dollars;

(b) Registration or reregistration to distribute controlled substances, not less than one hundred dollars and not more than three hundred dollars;

(c) Registration or reregistration to prescribe, administer, or dispense controlled substances, not less than twenty dollars and not more than one hundred fifty dollars;

(d) Registration or reregistration to engage in research on the use and effects of controlled substances, not less than fifty dollars and not more than two hundred dollars;

(e) Registration or reregistration to engage in laboratory and analytical analysis of controlled substances, not less than fifty dollars and not more than two hundred dollars; and

(f) Registration or reregistration to provide detoxification treatment or maintenance treatment, not less than twenty dollars and not more than one hundred fifty dollars.

(3) The department shall remit the fees to the State Treasurer for credit to the Professional and Occupational Credentialing Cash Fund.

(4) All registrations and reregistrations shall expire on August 31 of each odd-numbered year. Registration shall be automatically denied without a hearing for nonpayment of fees. Any registration or reregistration not renewed by payment of renewal fees by October 1 of odd-numbered years shall be automatically denied and canceled on October 2 of odd-numbered years without a hearing.

~~(4)~~ (5) The department is authorized to adopt and promulgate rules and regulations necessary to implement this section.

Sec. 3. Section 28-410, Revised Statutes Supplement, 2002, is amended to read:

28-410. (1) Each registrant manufacturing, distributing, or dispensing controlled substances in Schedule I, II, III, IV, or V of section 28-405 shall keep and maintain a complete and accurate record of all stocks of such controlled substances on hand. Such records shall be maintained for five years.

(2) During odd-numbered years, each registrant manufacturing, distributing, storing, or dispensing such controlled substances shall prepare an inventory of each controlled substance in his or her possession. Such inventory shall (a) be taken within two years after the previous biennial inventory date, (b) contain such information as shall be required by the Board of Pharmacy, (c) be copied and such copy forwarded to the department within thirty days after completion, (d) be maintained at the location listed on the registration for a period of five years, (e) contain the name, address, and Drug Enforcement Administration number of the registrant, the date and time of day the inventory was completed, and the signature of the person responsible for taking the inventory, (f) list the exact count or measure of all controlled substances listed in Schedule I or II of section 28-405, (g) list an estimated count or measure of all controlled substances listed in Schedule III, IV, or V of section 28-405 unless the container holds more than one thousand tablets, capsules, or milliliters, in which case the inventory shall

list an exact count, and (h) be maintained in permanent, read-only format separating the inventory for controlled substances listed in Schedule I or II of section 28-405 from the inventory for controlled substances listed in Schedule III, IV, or V of section 28-405. A registrant whose inventory fails to comply with this subsection shall be guilty of a Class IV misdemeanor.

(3) All registration and reregistration fees shall be remitted to the department and credited to the Nebraska Pharmaceutical Fund for the express purpose of the enforcement responsibilities of the department in accordance with the provisions of the Uniform Controlled Substances Act. This section shall not apply to practitioners who prescribe or administer, as a part of their practice, controlled substances listed in Schedule II, III, IV, or V of section 28-405 unless such practitioner regularly engages in dispensing any such drug or drugs to his or her patients.

(4) Controlled substances shall be stored in accordance with the following:

(a) All controlled substances listed in Schedule I of section 28-405 must be stored in a locked cabinet; and

(b) All controlled substances listed in Schedule II, III, IV, or V of section 28-405 must be stored in a locked cabinet or distributed throughout the inventory of noncontrolled substances in a manner which will obstruct theft or diversion of the controlled substances.

Sec. 4. Section 33-151, Revised Statutes Supplement, 2002, is amended to read:

33-151. All money now in the state treasury to the credit of the state boards of medicine and surgery, chiropractic, respiratory care, dentistry, including fees from dental hygiene, medical nutrition therapy, athletic training, massage therapy, optometry, pharmacy, funeral directing and embalming, including fees received from funeral establishments and branch establishments, as defined in section 71-1301, as well as funeral directors and embalmers, podiatry, veterinary medicine, and mental health practice, the Board of Occupational Therapy Practice, the Board of Cosmetology Examiners, the Board of Barber Examiners, the Board of Nursing, the State Real Estate Commission, the Board of Engineers and Architects, the State Athletic Commissioner, the Nebraska Oil and Gas Conservation Commission pursuant to sections 57-906 and 57-911, and any other state board, bureau, division, fund, or commission not mentioned in this section, and all money collected by each of such boards, bureaus, divisions, or commissions during any biennium, if and when specifically appropriated by the Legislature for that purpose, are made immediately available for the use and benefit of such board, bureau, division, or commission. This section shall not be construed to apply to the fees inuring to the Nebraska Brand Inspection and Theft Prevention Fund.

Sec. 5. Section 46-602, Revised Statutes Supplement, 2002, is amended to read:

46-602. (1) Each water well completed in this state on or after July 1, 2001, excluding test holes and dewatering wells to be used for less than ninety days, shall be registered with the Department of Natural Resources as provided in this section within sixty days after completion of construction of the water well. The water well contractor as defined in section 46-1213 constructing the water well, or the owner of the water well if the owner constructed the water well, shall file the registration on a form made available by the department and shall also file with the department the information from the well log required pursuant to section 46-1241. The department shall, by January 1, 2002, provide water well contractors with the option of filing such registration forms electronically. No signature shall be required on forms filed electronically. The fee required by subsection (3) of section 46-1224 shall be the source of funds for any required fee to a contractor which provides the on-line services for such registration. Any discount in the amount paid the state by a credit card, charge card, or debit card company or a third-party merchant bank for such registration fees shall be deducted from the portion of the registration fee collected pursuant to section 46-1224.

(2) If the newly constructed water well is a replacement water well, the registration number of the water well it replaces, if applicable, and the date the original water well was or will be decommissioned shall be included on the registration form. For purposes of this section, replacement water well means a water well which (a) replaces an abandoned water well within three years after the last operation of the abandoned water well or replaces a water well that will not be used after construction of the new water well and the original water well will be abandoned within one year after such construction and (b) is constructed to provide water to the same tract of land served by the water well being replaced. No water well shall be registered as a replacement water well until the department has received a properly

completed notice of abandonment for the water well being replaced.

(3) For a series of two or more water wells completed and pumped into a common carrier as part of a single site plan for irrigation purposes, a registration form and a detailed site plan shall be filed for each water well. The registration form shall include the registration numbers of other water wells included in the series if such water wells are already registered.

(4) A series of water wells completed for purposes of installation of a ground heat exchanger for a structure for utilizing the geothermal properties of the ground shall be considered as one water well. One registration form and a detailed site plan shall be filed for each such series.

(5) One registration form shall be required along with a detailed site plan which shows the location of each such water well in the site and a log from each such water well for water wells constructed as part of a single site plan for (a) monitoring ground water, obtaining hydrogeologic information, or extracting contaminants from the ground, (b) water wells constructed as part of remedial action approved by the Department of Environmental Quality pursuant to section 66-1525, 66-1529.02, or 81-15,124, and (c) water well owners who have a permit issued pursuant to the Industrial Ground Water Regulatory Act and also have an underground injection control permit issued by the Department of Environmental Quality.

(6) The department shall be notified by the owner of any change in the ownership of a water well required to be registered under this section. Notification shall be in such form and include such evidence of ownership as the Director of Natural Resources by rule and regulation directs. The department shall use such notice to update the registration on file. The department shall not collect a fee for the filing of the notice.

(7) The water well contractor or pump installation contractor responsible therefor shall notify the department on a form provided by the department of any pump installation or any modifications to the construction of the water well or pump, after the initial registration of the well. A water well owner shall notify the department on a form provided by the department of any other changes or any inaccuracies in recorded water well information, including, but not limited to, changes in use. The department shall not collect a fee for the filing of the notice.

(8) Whenever a water well becomes an illegal water well as defined in section 46-656.07, the owner of the water well shall either correct the deficiency that causes the well to be an illegal water well or shall cause the proper decommissioning of the water well in accordance with rules and regulations adopted pursuant to the Water Well Standards and Contractors' Licensing Act. Upon proper decommissioning of any water well, written notice of abandonment shall be provided by the owner to the department within sixty days. The department shall not collect a fee for the filing of the notice.

(9) Except for water wells which are used solely for domestic purposes and were constructed before September 9, 1993, and for test holes and dewatering wells used for less than ninety days, each water well which was completed in this state before July 1, 2001, and which is not registered on that date shall be an illegal water well until it is registered with the Department of Natural Resources. Such registration shall be completed by a water well contractor or by the current owner of the water well, shall be on forms provided by the department, and shall provide as much of the information required by subsections (1) through (5) of this section for registration of a new water well as is possible at the time of registration.

Sec. 6. Section 46-606, Revised Statutes Supplement, 2002, is amended to read:

46-606. (1) The Director of Natural Resources shall collect in advance a registration fee of thirty dollars and the fee required by subsection (3) of section 46-1224 for each water well registered under section 46-602 except as provided in subsections (2) through (5) of this section.

(2) For water wells permitted pursuant to the Industrial Ground Water Regulatory Act, the director shall collect in advance a registration fee of thirty dollars and the fee required by subsection (3) of section 46-1224 for each of the first ten such water wells registered under section 46-602, and for each group of ten or fewer such water wells registered thereafter, the director shall collect in advance a registration fee of thirty dollars and the fee required by subsection (3) of section 46-1224.

(3) For a series of water wells completed for purposes of installation of a ground heat exchanger for a structure for utilizing the geothermal properties of the ground, the director shall collect in advance a fee of thirty dollars for each such series and the fee required by subsection (3) of section 46-1224.

(4) For water wells constructed as part of a single site plan for

monitoring ground water, obtaining hydrogeologic information, or extracting contaminants from the ground, the director shall collect in advance a registration fee of thirty dollars and the fee required by subsection (3) of section 46-1224 for each of the first five such water wells registered under section 46-602, and for each group of five or fewer such water wells registered thereafter, the director shall collect in advance a registration fee of thirty dollars and the fee required by subsection (3) of section 46-1224. However, if such water wells are a part of remedial action approved by the Department of Environmental Quality pursuant to section 66-1525, 66-1529.02, or 81-15,124, the fee set pursuant to this subsection shall be collected as if only one water well was being registered and the fee required by subsection (3) of section 46-1224 shall be collected.

(5) (a) For a series of two or more water wells completed and pumped into a common carrier as part of a single site plan for irrigation purposes, the director shall collect in advance a registration fee of thirty dollars and the fee required by subsection (3) of section 46-1224 for each of the first two such wells registered under section 46-602.

(b) Any additional water wells which are part of a series registered under this subsection shall not be subject to a new well registration fee.

(6) The director shall remit the fees collected to the State Treasurer for credit to the appropriate fund. From the registration fees required by subsections (1) through (5) of this section, the State Treasurer shall credit to the Department of Natural Resources Cash Fund one-half the amount determined by the Department of Natural Resources to be necessary to pay for the costs of notices filed pursuant to section 46-230, the costs of water resources update notices required by section 76-2,124, and the costs for making corrections to water well registration data authorized by subsections (6) and (7) of section 46-602 and shall credit the remainder of the registration fees required by subsections (1) through (5) of this section to the Water Well Decommissioning Fund. From the fees required by subsection (3) of section 46-1224, the State Treasurer shall credit to the Department of Natural Resources Cash Fund one-half the amount determined by the Department of Natural Resources to be necessary to pay for the costs of the notices filed pursuant to section 46-230, the costs of water resources update notices required by section 76-2,124, and the costs for making corrections to water well registration data authorized by subsections (6) and (7) of section 46-602 and shall credit the remainder of the fees required by subsection (3) of section 46-1224 to the Water Well Standards and Contractors' Licensing Fund. This subsection terminates on December 31, 2004.

Sec. 7. Section 46-1222, Revised Statutes Supplement, 2002, is amended to read:

46-1222. The board shall adopt and promulgate rules and regulations for the administration of its duties under the Water Well Standards and Contractors' Licensing Act, including examinations, water well registration fees, and continuing competency requirements, and credentialing fees established and collected as provided in section 71-162.

Sec. 8. Section 46-1224, Revised Statutes Supplement, 2002, is amended to read:

46-1224. (1) Except as otherwise provided in subsections (2) through ~~(6)~~ (4) of this section, the board shall set reasonable fees in an amount calculated to recover the costs incurred by the department and the board in administering and carrying out the purposes of the Water Well Standards and Contractors' Licensing Act. ~~Except as provided in subsection (4) of this section,~~ the Such fees shall be paid to the department and remitted to the State Treasurer for credit to the Water Well Standards and Contractors' Licensing Fund, which fund is hereby created. Such fund shall be used by the department and the board for the purpose of administering the Water Well Standards and Contractors' Licensing Act. Additionally, such fund shall be used to pay any required fee to a contractor which provides the on-line services for registration of water wells. Any discount in the amount paid the state by a credit card, charge card, or debit card company or a third-party merchant bank for such registration fees shall be deducted from the portion of the registration fee collected pursuant to this section. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(2) Fees for credentialing individuals under the Water Well Standards and Contractors' Licensing Act shall be established and collected as provided in section 71-162. ~~The board shall set an application fee of no more than twenty-five dollars regardless of the number of licenses or certificates for which the application is being made. An individual may apply for one or more licenses and one or more certificates under a single application.~~

Application fees paid shall be retained by the department whether such initial license or certificate is issued or denied.

~~(3) The board shall set a single license fee at not less than fifty dollars nor more than two hundred dollars annually and a certification fee at not less than twenty-five nor more than forty dollars annually. An individual who is licensed both as a pump installation contractor and a water well contractor shall pay a fee of not less than seventy-five dollars and not more than three hundred dollars. An individual who is certified as both a pump installation supervisor and water well drilling supervisor shall pay a fee of not less than thirty-five dollars and not more than fifty dollars.~~

~~(4)~~ (3) The board shall set a fee of not less than twenty-five dollars and not more than forty dollars for each water well which is required to be registered and which is designed and constructed to pump less than fifty gallons per minute and each monitoring and observation well and a fee of not less than forty dollars and not more than eighty dollars for each water well which is required to be registered and which is designed and constructed to pump fifty gallons per minute or more. For water wells permitted pursuant to the Industrial Ground Water Regulatory Act, the fee set pursuant to this subsection shall be collected for each of the first ten such water wells registered, and for each group of ten or fewer such water wells registered thereafter, the fee shall be collected as if only one water well was being registered. For a series of two or more water wells completed and pumped into a common carrier, as defined in section 46-601.01, as part of a single site plan for irrigation purposes, the fee set pursuant to this subsection shall be collected for each of the first two such water wells registered. For a series of water wells completed for purposes of installation of a ground heat exchanger for a structure for utilizing the geothermal properties of the ground, the fee set pursuant to this subsection shall be collected as if only one water well was being registered. For water wells constructed as part of a single site plan for monitoring ground water, obtaining hydrogeologic information, or extracting contaminants from the ground and for water wells constructed as part of remedial action approved by the Department of Environmental Quality pursuant to section 66-1525, 66-1529.02, or 81-15,124, the fee set pursuant to this subsection shall be collected for each of the first five such water wells registered, and for each group of five or fewer such water wells registered thereafter, the fee shall be collected as if only one water well was being registered. The fees shall be remitted to the Director of Natural Resources with the registration form required by section 46-602 and shall be in addition to the fee in section 46-606. The director shall remit the fee to the State Treasurer for credit to the Water Well Standards and Contractors' Licensing Fund.

~~(5) The late fee for a late application by a licensee shall be five hundred dollars, and the late fee for a late application by a certificate holder shall be two hundred dollars.~~

~~(6)~~ (4) The board shall set an application fee for a declaratory ruling or variance of not less than fifty dollars and not more than one hundred dollars.

Sec. 9. Section 46-1229, Revised Statutes Supplement, 2002, is amended to read:

46-1229. Any person desiring to engage in the construction of water wells, the installation of pumps and pumping equipment, or the decommissioning of water wells shall make initial application for a license to the department. Each such application shall include satisfactory evidence that the applicant is at least the age of majority and is of good moral character. The department shall charge an application fee ~~set by the board pursuant to section 46-1224~~ established as provided in section 71-162 for the filing of such application. The department shall not act upon any application until the application fee for such license has been paid. A license to engage in the construction or decommissioning of water wells or the installation of pumps and pumping equipment shall be issued to every applicant who demonstrates professional competence by successfully passing the examination prescribed in section 46-1223, pays the appropriate license fee, and otherwise complies with the Water Well Standards and Contractors' Licensing Act and all standards, rules, and regulations adopted and promulgated pursuant to such act. Applicants shall receive licenses for any category or combination of categories for which they have successfully passed the required examination. If the applicant is an individual, the application shall include the applicant's social security number.

Sec. 10. Section 46-1231, Revised Statutes Supplement, 2002, is amended to read:

46-1231. Each water well drilling supervisor, pump installation supervisor, natural resources ground water technician, and water well

monitoring technician shall make application for a certificate of competence in his or her respective trade. The application shall include the applicant's social security number. Such application shall be made to the department which shall charge an application fee ~~set by the board pursuant to section 46-1224~~ established as provided in section 71-162 for the filing of such application, and the department shall not act upon any application until the application fee for such certificate has been paid. A certificate shall be issued to every applicant who successfully passes the examination for such certificate, pays the appropriate certification fee, and otherwise complies with the Water Well Standards and Contractors' Licensing Act and all standards, rules, and regulations adopted and promulgated pursuant to such act. Any individual employed by a water well contractor or a pump installation contractor who is not deemed to qualify as a water well drilling supervisor or pump installation supervisor may make application for a certificate of competence in his or her respective trade in the same manner as the water well drilling supervisor or the pump installation supervisor.

Sec. 11. Section 46-1236, Reissue Revised Statutes of Nebraska, is amended to read:

46-1236. All licenses and certificates issued pursuant to the Water Well Standards and Contractors' Licensing Act shall expire on December 31 of the year for which issued. A license or certificate may be renewed on or before December 31 of each year upon payment of the annual fee established ~~pursuant to section 46-1224~~ as provided in section 71-162. If a licensee or certificate holder has not paid for the renewal of his or her license or certificate on or before December 1, he or she shall be notified by certified or registered mail on or before December 15 that the license or certificate will expire. A license or certificate not renewed on or before December 31 or the first working day thereafter shall expire and may not be renewed except as provided in this section. Any licensee or certificate holder who fails to renew his or her license before December 31 shall be given a second notice by certified or registered mail on or before January 15 advising him or her (1) of the failure to renew and (2) that the license or certificate has expired. The department shall suspend action for sixty days following the date of expiration and upon the receipt of the renewal fee, together with the late fee ~~set in section 46-1224~~ established as provided in section 71-162, within sixty days of expiration, shall renew the license or certificate. An expired license or certificate may not be renewed after the sixty-day period without passing the examination required in section 46-1223.

Sec. 12. Section 69-305, Revised Statutes Supplement, 2002, is amended to read:

69-305. The mail-order ophthalmic provider shall pay a fee equivalent to the annual fee for an initial or renewal permit to operate a pharmacy in Nebraska as established in and at the times provided for in ~~section 71-1,147.07 prior to January 1, 2002, and in the Health Care Facility Licensure Act. on and after January 1, 2002.~~ Such fees shall be remitted to the State Treasurer for credit ~~to the Nebraska Pharmaceutical Fund prior to January 1, 2002, and to the Department of Health and Human Services Regulation and Licensure Cash Fund. on and after January 1, 2002.~~

Sec. 13. Section 71-101, Revised Statutes Supplement, 2002, is amended to read:

71-101. Sections 71-101 to 71-1,107.30, 71-1,133 to 71-1,338, 71-1,343 to ~~71-1,350~~ 71-1,349, 71-1301 to 71-1354, and 71-2801 to 71-2823 and sections 15 and 24 to 29 of this act shall be known and may be cited as the Uniform Licensing Law.

For purposes of the Uniform Licensing Law, unless the context otherwise requires:

(1) Board or professional board means one of the boards appointed by the State Board of Health pursuant to sections 71-111 and 71-112;

(2) Licensed, when applied to any licensee in any of the professions named in section 71-102, means a person licensed under the Uniform Licensing Law;

(3) Profession or health profession means any of the several groups named in section 71-102;

(4) Department means the Department of Health and Human Services Regulation and Licensure;

(5) Whenever a particular gender is used, it is construed to include both the masculine and the feminine, and the singular number includes the plural when consistent with the intent of the Uniform Licensing Law;

(6) License, licensing, or licensure means permission to engage in a health profession which would otherwise be unlawful in this state in the absence of such permission and which is granted to individuals who meet prerequisite qualifications and allows them to perform prescribed health

professional tasks and use a particular title;

(7) Certificate, certify, or certification, with respect to professions, means a voluntary process by which a statutory, regulatory entity grants recognition to an individual who has met certain prerequisite qualifications specified by such regulatory entity and who may assume or use the word certified in the title or designation to perform prescribed health professional tasks. When appropriate, certificate means a document issued by the department which designates particular credentials for an individual;

(8) Lapse means the termination of the right or privilege to represent oneself as a licensed, certified, or registered person and to practice the profession when a license, certificate, or registration is required to do so;

(9) Credentialing means the totality of the process associated with obtaining state approval to provide health care services or human services or changing aspects of a current approval. Credentialing grants permission to use a protected title that signifies that a person is qualified to provide the services of a certain profession. Credential includes a license, certificate, or registration; and

(10) Dependence means a compulsive or chronic need for or an active addiction to alcohol or any controlled substance or narcotic drug.

Sec. 14. Section 71-110, Revised Statutes Supplement, 2002, is amended to read:

71-110. (1) The credential to practice a profession shall be renewed biennially without examination upon request of the credentialed person and upon documentation of continuing competency pursuant to sections 71-161.09 and 71-161.10. The biennial credential renewals provided for in this section shall be accomplished in such manner as the department, with the approval of the designated professional board, shall establish by rule and regulation. The biennial expiration date in the different professions shall be as follows:

- (a) January, pharmacy and psychology;
- (b) February, funeral directing and embalming;
- (c) March, dentistry and dental hygiene;
- (d) April, podiatry and veterinary medicine and surgery;
- (e) May, athletic training and acupuncture;
- (f) June, respiratory care;
- (g) August, chiropractic and optometry;
- (h) September, medical nutrition therapy, mental health practice including any associated certification, and osteopathic medicine;
- (i) October, medicine and surgery;
- (j) November, massage therapy and physical therapy; and
- (k) December, audiology and speech-language pathology.

The request for renewal need not be in any particular form and shall be accompanied by the ~~legal~~ renewal fee. Such fee shall be paid not later than the date of the expiration of such credential, except 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 the act existed on January 1, 2002, persons credentialed to practice the professions listed in this subsection shall not be required to pay the renewal fee.

(2) When a person credentialed pursuant to the Uniform Licensing Law desires to have his or her credential lapse upon expiration, he or she shall notify the department of such desire in writing. The department shall notify the credentialed person in writing of the acceptance or denial of the request to allow the credential to lapse. When the lapsed status becomes effective, the right to represent himself or herself as a credentialed person and to practice the profession in which a license is required shall terminate. To restore the credential from lapsed to active status, such person shall be required to meet the requirements for initial credentialing which are in effect at the time that he or she wishes to restore the credential.

(3) When a person credentialed pursuant to the Uniform Licensing Law desires to have his or her credential placed on inactive status upon its expiration, he or she shall notify the department of such desire in writing and pay a fee of ~~thirty-five dollars~~ the inactive status fee. The department shall notify the credentialed person in writing of the acceptance or denial of the request to allow the credential to be placed on inactive status. When the credential is placed on inactive status, the credentialed person shall not engage in the practice of such profession. A credential may remain on inactive status for an indefinite period of time. In order to move a credential from inactive to active status, a person shall ~~complete the continuing competency requirements~~ be required to meet the requirements for renewal which are in effect at the time he or she wishes to regain active status. ~~and pay the renewal fee then due.~~

(4) At least thirty days before the expiration of a credential, the



department shall notify each credentialed person by a letter addressed to him or her at his or her last place of residence as noted upon its records. Any credentialed person who fails to notify the department of his or her desire to let his or her credential lapse or be placed on inactive status upon its expiration or who fails to pay the renewal fee meet the requirements for renewal on or before the date of expiration of his or her credential shall be given a second notice in the same manner as the first notice advising him or her (a) of the failure to pay meet the requirements for renewal, (b) that the credential has expired, (c) that the department will suspend action for thirty days following the date of expiration person is subject to an administrative penalty under section 29 of this act if he or she practices after the expiration date and prior to renewal of the credential, (d) that upon the receipt of the renewal fee, together with an additional fee of twenty-five dollars, within that time and the required late fee within thirty days after the expiration date, no order of revocation will be entered, and (e) that upon the failure to receive the amount then due and twenty-five dollars in addition to the regular renewal fee comply with subdivision (d) of this subsection within such time, the credential will be revoked in the manner prescribed in section 71-149.

(5) Any credentialed person who fails to renew his or her desires to reinstate the credential not more than one year after the date of revocation for failure to meet the renewal requirements shall apply to the department for reinstatement. The credential may be reinstated upon the recommendation of the board for his or her profession and the payment receipt of evidence of meeting the renewal requirements and any additional fees and an additional paying the required late fee. of fifty dollars if an application for reinstatement is made more than thirty days after expiration and not more than one year from the date of revocation.

(6) Any credentialed person who applies for reinstatement desires to reinstate the credential more than one year after the date of revocation shall pay the renewal fee and an additional fee of seventy-five dollars and for failure to meet the renewal requirements shall petition the board to recommend reinstatement as prescribed in section 71-161.05. The credential may be reinstated upon the recommendation of the board for his or her profession and the receipt of evidence of meeting the renewal requirements and paying the required late fee.

Sec. 15. (1) The department may provide for the renewal of a credential to engage in business as an apprentice training salon; a cosmetic establishment; a cosmetology salon; an electrology establishment; an emergency medical service; an emergency medical training program; an esthetics salon; a funeral establishment or branch establishment; a massage therapy establishment; a massage therapy school; a nail technology salon; a nail technology school; a satellite cosmetology classroom; a school of cosmetology; a school of electrology; or a school of esthetics upon request of the credentialed entity as provided in this section. The credential renewals provided for in this section shall be accomplished in such manner as the department, with the approval of the appropriate professional board, shall establish by rule and regulation. The request for renewal need not be in any particular form and shall be accompanied by the renewal fee, if applicable. Such fee shall be paid not later than the date of the expiration of such credential.

(2) At least thirty days before the expiration of a credential, the department shall notify each credentialed entity by a letter addressed to the place of business as noted upon the department's records. Any credentialed entity which fails to pay the renewal fee on or before the date of expiration of the credential shall be given a second notice in the same manner as the first notice advising the entity (a) of the failure to pay the renewal fee, (b) that the credential has expired, (c) that the entity is subject to an administrative penalty under section 29 of this act if the entity engages in business after the expiration date and prior to renewal, reinstatement, or issuance of a credential, (d) that upon the receipt of the renewal fee and the required late fee within thirty days after the expiration date, no order of revocation will be entered, and (e) that upon the failure to receive the fees, the credential will be revoked in the manner prescribed in section 71-149.

Sec. 16. Section 71-121.01, Revised Statutes Supplement, 2002, is amended to read:

71-121.01. The department shall be responsible for the general administration of the activities of each of the boards as defined in the Advanced Practice Registered Nurse Act, the Nebraska Cosmetology Act, the Nurse Practice Act, the Occupational Therapy Practice Act, and sections 71-4701 to 71-4719 and 71-6053 to 71-6068 ~~Chapter 71, articles 1, 3, 47, and 61,~~ and the boards covered by the scope of the Uniform Licensing Law and named

in section 71-102. The cost of operation and administration of the boards shall be paid from fees, gifts, grants, and other money credited to the Professional and Occupational Credentialing Cash Fund. ~~received by the boards.~~ The Director of Regulation and Licensure shall determine the proportionate share of this cost to be paid from the fees of the respective boards, except that no fees shall be paid for such purpose from ~~any~~ the fund without the prior approval of the boards concerned. The director's determinations shall become final when approved by the respective boards and the department and shall be valid for one fiscal year only.

Sec. 17. Section 71-122, Revised Statutes Supplement, 2002, is amended to read:

71-122. Each member of a professional board shall, in addition to necessary traveling and lodging expenses, receive a per diem for each day actually engaged in the discharge of his or her duties, including compensation for the time spent in traveling to and from the place of conducting the examination, and, with the exception of board members who are public members, for a reasonable number of days for the preparation of examination questions and the reading of the answer papers, in addition to the time actually spent in conducting the examination. Traveling and lodging expenses shall be on the same basis as provided in sections 81-1174 to 81-1177. The compensation per day shall not exceed thirty dollars and shall be determined by each board with the approval of the department, except that there shall not be paid for members' compensation and expenses a greater sum than is received in fees from the applicants ~~taking the examination~~ for credentials in any particular profession.

Sec. 18. Section 71-131, Revised Statutes Supplement, 2002, is amended to read:

71-131. (1) In the absence of any specific requirement or provision relating to any particular profession:

(a) The department may, upon the recommendation of the designated professional board, adopt and promulgate rules and regulations to specify the passing grade on licensure or certification examinations. In the absence of such rules and regulations, an examinee shall be required to obtain an average grade of seventy-five and shall be required to obtain a grade of sixty in each subject examined;

(b) A person who desires to take a licensure or certification examination but does not wish to receive a license or certification may take such examination by meeting the examination eligibility requirements and paying the cost of the examination; ~~and an administrative fee of twenty-five dollars; and~~

(c) An examinee who fails a licensure or certification examination may retake the entire examination or the part failed upon payment of the licensure or certification fee each time he or she is examined. The department shall withhold from the licensure or certification fee the cost of any national examination used ~~and the administrative fee authorized in section 71-163~~ when an examinee fails a licensure or certification examination and shall return to the examinee the remainder of the licensure or certification fee collected subject to section 28 of this act, except that:

(i) If the state-developed jurisprudence portion of the licensure or certification examination was failed, the examinee may retake that portion without charge; and

(ii) If any component of a national examination was failed, the examinee shall be charged the cost for purchasing such examination.

(2) In pharmacy, all applicants shall be required to attain a grade to be determined by the Board of Pharmacy in an examination in pharmacy and a grade of seventy-five in an examination in jurisprudence of pharmacy.

(3) In social work, the passing criterion for such examination shall be established and may be changed by the Board of Mental Health Practice by rule and regulation. The board may exempt an applicant from the written examination if he or she meets all the requirements for certification without examination pursuant to section 71-1,319 or rules and regulations adopted and promulgated by the department pursuant to section 71-139.

(4) In professional counseling, the passing criterion for such examination shall be established and may be changed by the Board of Mental Health Practice by rule and regulation. The board may exempt an applicant from the written examination if he or she meets all of the requirements for certification without examination pursuant to rules and regulations adopted and promulgated by the department pursuant to section 71-139.

(5) In marriage and family therapy, the passing criterion for such examination shall be established and may be changed by the Board of Mental Health Practice by rule and regulation. The board may exempt an applicant from the written examination if he or she meets all of the requirements for

certification without examination pursuant to section 71-1,329 or rules and regulations adopted and promulgated by the department pursuant to section 71-139.

(6) Applicants for licensure in medicine and surgery and osteopathic medicine and surgery shall pass the licensing examination. An applicant who fails to pass any part of the licensing examination within four attempts shall complete one additional year of postgraduate medical education at an accredited school or college of medicine or osteopathic medicine. All parts of the licensing examination shall be successfully completed within seven years, except that if the applicant has been enrolled in a combined doctorate of medicine and doctorate of philosophy degree program in an accredited school or college of medicine, all parts of the licensing examination shall be successfully completed within ten years. An applicant who fails to successfully complete the licensing examination within the time allowed shall retake that part of the examination which was not completed within the time allowed.

(7) In medical nutrition therapy, the passing criterion for such examination shall be established and may be changed by the Board of Medical Nutrition Therapy by rule and regulation. Such examination shall test for the essential clinical elements of the field of medical nutrition therapy. The board shall base all of its actions on broad categorical parameters derived from the essential elements of the field of medical nutrition therapy and shall not endorse nor restrict its assessment to any particular nutritional school of thought. The board may exempt an applicant from the written examination if he or she meets all of the requirements for licensure without examination pursuant to section 71-1,291 or rules and regulations adopted and promulgated by the department pursuant to section 71-139.

Sec. 19. Section 71-145, Reissue Revised Statutes of Nebraska, is amended to read:

71-145. ~~Any licensee, certificate holder, or registrant who is desirous of changing his or her residence to another state, territory, or the District of Columbia shall, upon application to the Department of Health and Human Services Regulation and Licensure and the payment of the legal fee, receive a certified statement that he or she is a duly licensed, certified, or registered practitioner in this state.~~ (1) Upon request and payment of the required fee, the department shall provide certification of a credential which shall include a certified statement that provides information regarding the basis on which a credential was issued, the date of issuance, and whether disciplinary action has been taken against the credential. The certification shall be issued under the name and seal of the department.

(2) Upon request and payment of the required fee, the department shall provide verification of a credential which shall include written confirmation as to whether a credential is valid at the time the request is made.

Sec. 20. Section 71-149, Revised Statutes Supplement, 2002, is amended to read:

71-149. (1) The department shall automatically revoke, without further notice or hearing, the credential of any person who fails, within thirty days after the expiration of such credential, to pay the required renewal fee, to submit documentation of continuing competency, or to pay ~~any additional fee as specified in section 71-110~~ the required late fee, and the department shall make proper record of such revocation.

(2) The department shall revoke, after notice and opportunity for hearing, the credential of any person who fails, within thirty days after expiration of such credential, to meet the applicable continuing competency requirement for renewal.

(3) Subsections (1) and (2) of this section shall not apply when the credentialed person has given notification to the department that he or she desires to have his or her credential lapse or be placed on inactive status upon expiration and, for placement on inactive status, has paid the inactive status fee.

Sec. 21. Section 71-157, Revised Statutes Supplement, 2002, is amended to read:

71-157. If the order issued pursuant to section 71-156 is adverse to the ~~licensee, certificate holder, or registrant~~ credential holder, the costs shall be charged to him or her as in ordinary civil actions in the district court, but if the state is the unsuccessful party, the costs shall be paid out of any money in the ~~Department of Health and Human Services Regulation and Licensure licensing cash funds~~ Professional and Occupational Credentialing Cash Fund available for that purpose. Witness fees and costs may be taxed according to the rules prevailing in the district court.

Sec. 22. Section 71-158, Revised Statutes Supplement, 2002, is

amended to read:

71-158. All costs accrued at the instance of the state when it is the successful party, which the Attorney General certifies cannot be collected from the defendant, shall be paid out of any available ~~licensing cash~~ funds in the Department of Health and Human Services Regulation and Licensure Professional and Occupational Credentialing Cash Fund.

Sec. 23. Section 71-162, Revised Statutes Supplement, 2002, is amended to read:

71-162. (1) It is the intent of the Legislature that the revenue to cover the cost of the credentialing system administered by the department is to be derived from General Funds, cash funds, federal funds, gifts, grants, or fees from individuals or entities seeking credentials. The credentialing system includes the totality of the credentialing infrastructure and the process of issuance and renewal of credentials, examinations, inspections, investigations, continuing competency, compliance assurance, and the credentialing review process for the following individuals and entities that provide health services and health-related services:

(a) Individuals in the practice of acupuncture; advanced practice nursing; asbestos abatement, inspection, project design, and training; athletic training; audiology; speech-language pathology; chiropractic; dentistry; dental hygiene; environmental health; hearing aid instrument dispensing and fitting; lead-based paint abatement, inspection, project design, and training; medical nutrition therapy; medical radiography; medication aide services; medicine and surgery; mental health practice; nursing; nurse aide services; nursing home administration; occupational therapy; optometry; osteopathic medicine; pharmacy; physical therapy; podiatry; psychology; radon detection, measurement, and mitigation; respiratory care; social work; swimming pool operation; veterinary medicine and surgery; water system operation; constructing or decommissioning water wells and installing water well pumps and pumping equipment; and wholesale drug distribution; and

(b) Individuals in the practice of and entities in the business of cosmetology; electrology; emergency medical services; esthetics; funeral directing and embalming; massage therapy; and nail technology.

(2) The department shall determine the cost of the credentialing system for such individuals and entities by calculating the total of the base costs, the variable costs, and any adjustments as provided in sections 24 to 26 of this act.

(3) When fees are to be established pursuant to section 27 of this act for individuals or entities other than individuals in the practice of constructing or decommissioning water wells and installing water well pumps and pumping equipment, the department, upon recommendation of the appropriate board if applicable, shall base the fees on the cost of the credentialing system and shall include usual and customary cost increases, a reasonable reserve, and the cost of any new or additional credentialing activities. For individuals in the practice of constructing or decommissioning water wells and installing water well pumps and pumping equipment, the Water Well Standards and Contractors' Licensing Board shall establish the fees as otherwise provided in this subsection. All such fees shall be collected as provided in section 71-163. The following fees shall be collected by the department and remitted to the State Treasurer:

(a) Not less than fifty dollars and not more than three hundred dollars for a license issued on the basis of an examination given by the department or organization specified by the department or for a license issued by reciprocity to practice audiology, athletic training, chiropractic, dental hygiene, dentistry, funeral directing and embalming, massage therapy, optometry, pharmacy, physical therapy, podiatry, respiratory care, speech-language pathology, veterinary medicine, or mental health practice, except that the fee for a provisional mental health practitioner license is as prescribed in subdivision (i) of this subsection;

(b) Not less than one hundred dollars and not more than six hundred dollars for a license issued on the basis of examination or by reciprocity to practice acupuncture or psychology;

(c) Not less than three hundred dollars and not more than seven hundred seventy-five dollars for a license issued on the basis of examination given by the department or organization specified by the department to practice medicine and surgery or osteopathic medicine, and not less than two hundred dollars and not more than five hundred dollars for a license issued by reciprocity to practice medicine and surgery or osteopathic medicine;

(d) For issuance or renewal of a certificate as a certified professional counselor or for certification by reciprocity, not less than twenty-five dollars and not more than five hundred dollars;

(e) For issuance or renewal of a certificate as a certified social worker or a certified master social worker, for issuance of a provisional certification as a master social worker, or for certification by reciprocity, not less than twenty-five dollars and not more than five hundred dollars;

(f) For issuance or renewal of a certificate as a certified marriage and family therapist or for certification by reciprocity, not less than twenty-five dollars and not more than five hundred dollars;

(g)(i) For a license to operate a massage therapy school, not less than one hundred dollars and not more than three hundred dollars, and for renewal of a license, not less than one hundred dollars and not more than four hundred dollars, and (ii) for a license to operate a massage therapy establishment, not less than one hundred dollars and not more than three hundred dollars, and for renewal of a license, not less than one hundred dollars and not more than four hundred dollars;

(h) For a license as a licensed medical nutrition therapist, not less than fifty dollars and not more than three hundred dollars. The fee for renewal of a license as a licensed medical nutrition therapist shall be not less than twenty dollars and not more than five hundred dollars. The fee for licensure by reciprocity shall be not less than fifty dollars and not more than three hundred dollars;

(i) For issuance of a provisional mental health practitioner license, not less than twenty-five dollars and not more than one hundred dollars;

(j) For the biennial renewal of a license to practice medicine and surgery, osteopathic medicine, psychology, or any of the professions enumerated in subdivision (a) of this subsection, not less than twenty dollars and not more than five hundred dollars;

(k) For a certified statement that a credentialed person is credentialed in this state, twenty-five dollars, and for verification that a credentialed person is credentialed in this state, five dollars; and

(l) For a duplicate original or reissued credential, ten dollars.

All money paid as credentialing and renewal fees shall be kept in a separate fund to be used for the benefit of the profession so paying such fees.

(2) The department, upon the recommendation of the appropriate professional board, shall adopt and promulgate rules and regulations to specify the fee to be charged for the cost of the licensure or certification examination, for licensure or certification, and for licensure or certification renewal in each profession enumerated in subsection (1) of this section. The fee for the licensure or certification examination shall not exceed the cost of such examination.

Sec. 24. Base costs of credentialing are the costs that are common to all professions and occupations listed in section 71-162 and include the following:

(1) Salaries and benefits for employees of the department who work with credentialing activities;

(2) Shared operating costs for credentialing activities that are not specific to a particular profession or occupation such as indirect costs, rent, and utilities;

(3) Costs related to compliance assurance, including investigative costs, contested case costs, and compliance monitoring;

(4) Costs of the Licensee Assistance Program under sections 71-172.01 and 71-172.02;

(5) Capital costs, including office equipment and computer hardware or software, which are not specific to a particular profession or occupation; and

(6) Other reasonable and necessary costs as determined by the department.

Sec. 25. Variable costs of credentialing are the costs that are unique to a specific profession or occupation listed in section 71-162 and include the following:

(1) Per diems which are paid to members of the appropriate board;

(2) Operating costs that are specific to a particular profession or occupation, including publications, conference registrations, and subscriptions;

(3) Costs for travel by members of the appropriate board and employees of the department related to a particular profession or occupation, including car rental, gas, and mileage charges but not salaries; and

(4) Other reasonable and necessary costs as determined by the appropriate board or the department.

Sec. 26. Adjustments to the cost of credentialing include, but are not limited to:

(1) Revenue from sources that include, but are not limited to:  
(a) Interest earned on the Professional and Occupational Credentialing Cash Fund, if any;  
(b) Certification and verification of credentials;  
(c) Late fees;  
(d) Administrative fees;  
(e) Reinstatement fees;  
(f) General Funds and federal funds;  
(g) Fees for miscellaneous services, such as production of photocopies, lists, labels, and diskettes;  
(h) Gifts; and  
(i) Grants; and  
(2) Transfers to other funds for costs related to the Nebraska Regulation of Health Professions Act and section 71-1,343.

Sec. 27. (1) The department, upon recommendation of the appropriate board if applicable, or the Water Well Standards and Contractors' Licensing Board as provided in section 71-162, shall adopt and promulgate rules and regulations to establish and collect the fees for the following credentials:

(a) Initial credentials, which include, but are not limited to:  
(i) Licensure, certification, or registration;  
(ii) Add-on or specialty credentials;  
(iii) Temporary, provisional, or training credentials; and  
(iv) Supervisory or collaborative relationship credentials;  
(b) Applications to renew licenses, certifications, and registrations;  
(c) Approval of continuing education courses and other methods of continuing competency; and  
(d) Inspections and reinspections.

(2) When a credential will expire within one hundred eighty days after its initial issuance date and the initial credentialing fee is twenty-five dollars or more, the department shall collect twenty-five dollars or one-fourth of the initial credentialing fee, whichever is greater, for the initial credential, and the credential shall be valid until the next subsequent renewal date.

Sec. 28. (1) The department shall retain a twenty-five-dollar administrative fee from each credentialing fee established under section 27 of this act for a denied credential or a withdrawn application, except that (a) if the credentialing fee is less than twenty-five dollars, the fee shall be forfeited and (b) an examination fee shall not be returned.

(2) The department shall collect fees for services as follows:  
(a) Ten dollars for a duplicate original or reissued credential;  
(b) Twenty-five dollars for certification of a credential pursuant to section 71-145;

(c) Five dollars for verification of a credential pursuant to section 71-145;

(d) A late fee of twenty-five dollars in addition to the renewal fee to renew a credential (i) within thirty days after the credential's expiration date for professions and occupations listed in section 71-162 other than individuals in the practice of constructing or decommissioning water wells and installing water well pumps and pumping equipment and (ii) within sixty days after the credential's expiration date for individuals in the practice of constructing or decommissioning water wells and installing water well pumps and pumping equipment;

(e) A late fee of thirty-five dollars in addition to the renewal fee to reinstate a credential for professions and occupations specified in section 71-102 or regulated under the Nebraska Cosmetology Act, the Occupational Therapy Practice Act, or sections 71-4701 to 71-4719 or 71-6053 to 71-6068 not more than one year after the date of revocation for failure to meet the renewal requirements;

(f) A late fee of seventy-five dollars in addition to the renewal fee to reinstate a credential for professions and occupations specified in section 71-102 or regulated under the Nebraska Cosmetology Act, the Occupational Therapy Practice Act, or sections 71-4701 to 71-4719 or 71-6053 to 71-6068 more than one year after the date of revocation for failure to meet the renewal requirements; and

(g) Twenty-five dollars for placing a credential on inactive status.

Sec. 29. (1) The department may assess an administrative penalty of ten dollars per day for each day that evidence exists of practice prior to issuance, renewal after expiration, or reinstatement of a credential of an individual or entity listed in section 71-162. The total penalty shall not exceed one thousand dollars.

(2) It shall be prima facie evidence of practice without being

credentialed when any of the following conditions exist:

- (a) The person admits to engaging in practice;
- (b) Staffing records or other reports from the employer of the person indicate that the person was engaged in practice;
- (c) Billing or payment records document the provision of service, care, or treatment by the person;
- (d) Service, care, or treatment records document the provision of service, care, or treatment by the person;
- (e) Appointment records indicate that the person was engaged in practice;
- (f) Water well registrations or other government records indicate that the person was engaged in practice; and
- (g) The person or entity opens a business or practice site and announces or advertises that the business or site is open to provide service, care, or treatment.

(3) When the department assesses an administrative penalty, the department shall provide written notice of the assessment to the person. The notice shall be delivered in the manner prescribed by the department and shall include notice of the opportunity for a hearing.

(4) The department shall, within thirty days after receipt, transmit an administrative penalty to the State Treasurer for credit to the permanent school fund. An administrative penalty assessed and unpaid under this section shall constitute a debt to the State of Nebraska which may be collected in the manner of a lien foreclosure or sued for and recovered in a proper form of action in the name of the state in the district court of the county in which the violator resides or owns property.

Sec. 30. Section 71-163, Reissue Revised Statutes of Nebraska, is amended to read:

71-163. (1) The Professional and Occupational Credentialing Cash Fund is created. Except as provided in section 71-172.02, the fund shall consist of all fees, gifts, grants, and other money, excluding fines and civil penalties, received or collected by the department under section 71-162 and sections 24 to 28 of this act.

(2) The department shall use the fund for the administration and enforcement of such laws regulating the individuals and entities listed in section 71-162 except for a percentage of the fees credited to the Nebraska Regulation of Health Professions Fund pursuant to section 71-6228.

(3) Any money in the Professional and Occupational Credentialing Cash Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(4) Any money in the separate fund authorized in section 71-162 as it existed prior to the operative date of this act and any money in the Acupuncturist Fund, the Athletic Trainer Fund, the Board of Registration for Environmental Health Specialists Fund, the Cosmetology Cash Fund, the Hearing Aid Fund, the Massage Therapy Fund, the Medical Nutrition Therapy Fund, the Mental Health Practice Fund, the Nebraska Pharmaceutical Fund, the Nurses' Licensing Cash Fund, the Nursing Home Administration Fund, the Occupational Therapy Licensing Cash Fund, the Psychologists Licensing Fund, and the Respiratory Care Practitioners Fund, on the operative date of this act, shall be transferred to the Professional and Occupational Credentialing Cash Fund. ~~Any applicant for a license, certificate, or registration who withdraws his or her application or whose application is rejected by the department shall be allowed the return of his or her fee, except for an administrative fee of twenty-five dollars to be retained by the department, unless the fee remitted is less than twenty-five dollars in which case such fee shall be forfeited.~~

Sec. 31. Section 71-172.01, Revised Statutes Supplement, 2002, is amended to read:

71-172.01. (1) The Department of Health and Human Services Regulation and Licensure may contract with the Department of Health and Human Services to provide a Licensee Assistance Program to ~~licensees, certificate holders, and registrants~~ credential holders regulated by the Department of Health and Human Services Regulation and Licensure. The program shall be limited to providing education, referral assistance, and monitoring of compliance with treatment of habitual intoxication or dependence and shall be limited to voluntary participation by ~~licensees, certificate holders, and registrants~~ credential holders.

(2)(a) Participation in the program shall be confidential, except that if any evaluation by the program determines that the intoxication or dependence may be of a nature which constitutes a danger to the public health and safety by the person's continued practice or if the person fails to comply with any term or condition of a treatment plan, the program shall report the

same to the Director of Regulation and Licensure.

(b) Participation in the program shall not preclude the investigation of alleged statutory violations which could result in disciplinary action against the person's ~~license, certificate, or registration credential~~ or criminal action against the person. Any report from any person or from the program to the ~~department~~ Department of Health and Human Services Regulation and Licensure indicating that a ~~licensee, certificate holder, or registrant~~ credential holder is suffering from habitual intoxication or dependence shall be treated as a complaint against such ~~license, certificate, or registration credential~~ and shall subject such ~~licensee, certificate holder, or registrant~~ credential holder to discipline under sections 71-150 to 71-155.

(3) No person who makes a report of intoxication or dependence to the program or from the program to the department shall be liable in damages to any person for slander, libel, defamation of character, breach of any privileged communication, or other criminal or civil action of any nature, whether direct or derivative, for making such report or providing information to the program or department in accordance with this section.

(4) Any person who contacts the department for information on or assistance in obtaining referral or treatment of himself or herself or any other person ~~licensed, certified, or registered~~ credentialed by the department for habitual intoxication or dependence shall be referred to the program. Such inquiries shall not be used by the department as the basis for investigation for disciplinary action, except that such limitation shall not apply to complaints or any other reports or inquiries made to the department concerning persons who may be suffering from habitual intoxication or dependence or when a complaint has been filed or an investigation or disciplinary or other administrative proceeding is in process.

Sec. 32. Section 71-172.02, Reissue Revised Statutes of Nebraska, is amended to read:

71-172.02. The Department of Health and Human Services Regulation and Licensure shall charge a fee of one dollar per year, in addition to any other fee, for each ~~license, certificate, or registration credential~~. Such fee shall be collected at the time of issuance or renewal and shall be remitted to the State Treasurer for credit to the Licensee Assistance Cash Fund, which fund is hereby created. Money in the fund shall be used to carry out section 71-172.01. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 33. Section 71-175, Revised Statutes Supplement, 2002, is amended to read:

71-175. Every applicant for an initial license to practice podiatry shall (1) present proof of graduation from a school of chiropody or podiatry approved by the department on recommendation of the Board of Podiatry, (2) present proof of completion of a minimum one-year postgraduate residency program approved by the Council on Podiatric Medical Education of the American Podiatric Medical Association, and (3) pass a written examination which consists of (a) parts I and II of the examination given by the National Board of Podiatric Medical Examiners and (b) the written examination prescribed by the Board of Podiatry. Every applicant for a license to practice podiatry shall be required to pay the required fee. ~~prescribed in section 71-162.~~

Sec. 34. Section 71-185, Revised Statutes Supplement, 2002, is amended to read:

71-185. Every applicant for a license to practice dentistry shall (1) present proof of graduation from an accredited school or college of dentistry and (2) pass an examination prescribed by the Board of Dentistry which shall be elementary and practical in character but sufficiently thorough to test the fitness of the candidate to practice dentistry. Such examination shall include questions on anatomy, physiology, chemistry, dental materials, materia medica, therapeutics, histology, pathology, oral surgery, operative and prosthetic dentistry, dental jurisprudence, and such other subjects as are usually found in the curriculum of a dental college. Demonstrations of the applicant's skill in clinical dentistry shall also be required.

The department shall accept, upon the recommendation of the board and in lieu of the examination, a certificate of examination issued by the National Board of Dental Examiners of the United States of America. Every applicant for a license upon the basis of such certificate shall be required to pay the fee ~~prescribed in section 71-162~~ for licenses issued in dentistry without examination based upon a certificate by examination held by the National Board of Dental Examiners of the United States of America.

Each Nebraska-licensed dentist and dental hygienist in active practice within the State of Nebraska shall, on or before March 1 of each



odd-numbered year, complete continuing competency activities as required by the Board of Dentistry pursuant to section 71-161.09 as a prerequisite for the licensee's next subsequent license renewal.

Sec. 35. Section 71-185.02, Revised Statutes Supplement, 2002, is amended to read:

71-185.02. The department upon recommendation of the Board of Dentistry shall issue a temporary license to any person who (1) has met the requirements for a license as set forth in section 71-185 and who is enrolled in an accredited school or college of dentistry for the purpose of completing a postgraduate or residency program in dentistry and (2) is licensed in another jurisdiction under conditions which the board finds equivalent to the requirements of the State of Nebraska for obtaining a license to practice dentistry.

Any person who desires a temporary license shall make application to the department. Such application shall be accompanied by the required fee. ~~for licensure as specified in section 71-162.~~

The temporary license shall be issued for a period of one year and, upon application to the department, renewed annually without the licensee having to pay a renewal fee.

The temporary licensee shall be entitled to practice dentistry, including prescribing legend drugs and controlled substances, only under the auspices of the postgraduate or residency program in which he or she is enrolled.

Sec. 36. Section 71-185.03, Revised Statutes Supplement, 2002, is amended to read:

71-185.03. (1) The department upon recommendation of the Board of Dentistry shall issue a faculty license to any person who meets the requirements of subsection (4) or (5) of this section. A faculty licensee may practice dentistry only as a faculty member at a dental education institution in the State of Nebraska accredited by the Commission on Dental Accreditation of the American Dental Association, the Commission on Dental Accreditation of Canada, or similar organization as determined by the board and may teach dentistry, conduct research, and participate in an institutionally administered faculty practice only at such dental education institution. A faculty licensee eligible for licensure under subsection (5) of this section shall limit his or her practice to the clinical discipline in which he or she has received postgraduate education at an accredited dental education institution.

(2) Any person who desires a faculty license shall make a written application to the department. The application shall include information regarding the applicant's professional qualifications, experience, and licensure. The application shall be accompanied by a copy of the applicant's dental degree, any other degrees or certificates for postgraduate education of the applicant, the required licensure fee, ~~as provided in section 71-162,~~ and certification from the dean of an accredited dental education institution in the State of Nebraska that the applicant has a contract to be employed as a full-time faculty member at such institution.

(3) A faculty license shall expire at the same time and be subject to the same renewal requirements as a regular dental license, except that such license shall remain valid and may only be renewed if:

(a) The faculty licensee remains employed as a full-time faculty member of an accredited dental education institution in the State of Nebraska; and

(b) The faculty licensee demonstrates continuing clinical competency if required by the board.

(4) An individual who graduated from an accredited dental education institution shall be eligible for a faculty license if he or she:

(a) Has a license to practice dentistry in some other state in the United States;

(b) Has a contract to be employed as a full-time faculty member at an accredited dental education institution in the State of Nebraska;

(c) Passes a jurisprudence examination administered by the Board of Dentistry; and

(d) Agrees to demonstrate continuing clinical competency as a condition of renewal if required by the board.

(5) An individual who graduated from a nonaccredited dental education institution shall be eligible for a faculty license if he or she:

(a) Has completed at least two years of postgraduate education at an accredited dental education institution and received a certificate or degree from such institution;

(b) Has a contract to be employed as a full-time faculty member at an accredited dental education institution in the State of Nebraska;

(c) Passes a jurisprudence examination administered by the Board of Dentistry;

(d) Agrees to demonstrate continuing clinical competency as a condition of renewal if required by the board; and

(e) Has passed Part I and Part II of the National Board Dental Examinations or its equivalent as determined by the Board of Dentistry.

Sec. 37. Section 71-193.18, Revised Statutes Supplement, 2002, is amended to read:

71-193.18. (1) A licensed dental hygienist may monitor nitrous oxide analgesia under the indirect supervision of a licensed dentist.

(2) A licensed dental hygienist may be approved by the department, upon the recommendation of the Board of Dentistry, to administer local anesthesia under the indirect supervision of a licensed dentist. The department may, upon the recommendation of the board, prescribe by rule and regulation: The necessary education and preparation, which shall include, but not be limited to, instruction in the areas of head and neck anatomy, osteology, physiology, pharmacology, medical emergencies, and clinical techniques; the necessary clinical experience; and the necessary examination for purposes of determining the competence of licensed dental hygienists to administer local anesthesia.

Upon the recommendation of the board, the department may approve successful completion after July 1, 1994, of a course of instruction to determine competence to administer local anesthesia. The course of instruction must be at an institution accredited by a regional or professional accrediting organization which is recognized by the United States Department of Education and approved by the Department of Health and Human Services Regulation and Licensure. The course of instruction must be taught by a faculty member or members of the institution presenting the course. The department may approve for purposes of this subsection a course of instruction if such course includes:

(a) At least twelve clock hours of classroom lecture, including instruction in (i) medical history evaluation procedures, (ii) anatomy of the head, neck, and oral cavity as it relates to administering local anesthetic agents, (iii) pharmacology of local anesthetic agents, vasoconstrictor, and preservatives, including physiologic actions, types of anesthetics, and maximum dose per weight, (iv) systemic conditions which influence selection and administration of anesthetic agents, (v) signs and symptoms of reactions to local anesthetic agents, including monitoring of vital signs, (vi) management of reactions to or complications associated with the administration of local anesthetic agents, (vii) selection and preparation of the armamentaria for administering various local anesthetic agents, and (viii) methods of administering local anesthetic agents;

(b) At least twelve clock hours of clinical instruction during which time at least three injections of each of the anterior, middle and posterior superior alveolar, naso and greater palatine, inferior alveolar, lingual, mental, long buccal, and infiltration injections are administered; and

(c) Procedures, which shall include an examination, for purposes of determining whether the hygienist has acquired the necessary knowledge and proficiency to administer local anesthetic agents.

~~(3) No dental hygienist licensed in this state shall be approved to administer local anesthesia unless such person submits to the board a fee of not less than twenty dollars nor more than one hundred dollars as determined by the department upon the recommendation of the board.~~

Sec. 38. Section 71-193.31, Revised Statutes Supplement, 2002, is amended to read:

71-193.31. Permits issued by the board pursuant to sections 71-193.26, 71-193.27, and 71-193.29 shall be valid for four years. The department, upon the recommendation of the board, shall adopt and promulgate rules and regulations to define criteria for the reevaluation of credentials, facilities, equipment, dental hygienists, and dental assistants and procedures of a previously qualified dentist to renew his or her permit for each additional four-year period.

~~The department shall adopt and promulgate rules and regulations setting the fees for issuance of any of the permits specified in such sections at not less than fifty dollars nor more than two hundred dollars. A fee of not less than twenty-five dollars nor more than one hundred dollars shall be charged for renewal of any of such permits.~~

Sec. 39. Section 71-1,104, Revised Statutes Supplement, 2002, is amended to read:

71-1,104. (1) Each applicant for a license to practice medicine and surgery shall:

(a) (i) Present proof that he or she is a graduate of an accredited

school or college of medicine, (ii) if a foreign medical graduate, provide a copy of a permanent certificate issued by the Educational Commission on Foreign Medical Graduates that is currently effective and relates to such applicant or provide such credentials as are necessary to certify that such foreign medical graduate has successfully passed the Visa Qualifying Examination or its successor or equivalent examination required by the United States Department of Health and Human Services and the United States Immigration and Naturalization Service, or (iii) if a graduate of a foreign medical school who has successfully completed a program of American medical training designated as the Fifth Pathway and who additionally has successfully passed the Educational Commission on Foreign Medical Graduates examination but has not yet received the permanent certificate attesting to the same, provide such credentials as certify the same to the Department of Health and Human Services Regulation and Licensure;

(b) Present proof that he or she has served at least one year of graduate medical education approved by the Board of Medicine and Surgery or, if a foreign medical graduate, present proof that he or she has served at least three years of graduate medical education approved by the board;

(c) Pass a licensing examination designated by the board and the department covering appropriate medical subjects; and

(d) Present proof satisfactory to the board that he or she, within the three years immediately preceding the application for licensure, (i) has been in the active practice of the profession of medicine and surgery in some other state, a territory, the District of Columbia, or Canada for a period of one year, (ii) has had at least one year of graduate medical education as described in subdivision (1)(b) of this section, (iii) has completed continuing education in medicine and surgery approved by the board, (iv) has completed a refresher course in medicine and surgery approved by the board, or (v) has completed the special purposes examination approved by the board.

(2) The department, upon the recommendation of the board, may waive any requirement for more than one year of approved graduate medical education, as set forth in subdivision (1)(b) of this section, if the applicant has served at least one year of graduate medical education approved by such board and if the following conditions are met:

(a) The applicant meets all other qualifications for a license to practice medicine and surgery;

(b) The applicant submits satisfactory proof that the issuance of a license based on the waiver of the requirement of more than one year of approved graduate medical education will not jeopardize the health, safety, and welfare of the citizens of this state; and

(c) The applicant submits proof that he or she will enter into the practice of medicine in a health profession shortage area designated as such by the Nebraska Rural Health Advisory Commission immediately upon obtaining a license to practice medicine and surgery based upon a waiver of the requirement for more than one year of graduate medical education.

(3) A license issued on the basis of such a waiver shall be subject to the limitation that the licensee continue in practice in the health profession shortage area and such other limitations, if any, deemed appropriate under the circumstances by the Director of Regulation and Licensure, upon recommendation of the board, which may include, but shall not be limited to, supervision by a medical practitioner, training, education, and scope of practice. After two years of practice under a limited license issued on the basis of a waiver of the requirement of more than one year of graduate medical education, a licensee may apply to the department for removal of the limitations. The director, upon the recommendation of the board, may grant or deny such application or may continue the license with limitations. ~~The fee for a license to practice medicine and surgery based on a waiver of the requirement of more than one year of graduate medical education and the renewal of such license shall be the same as the fees prescribed in section 71-162.~~

(4) In addition to any other grounds for disciplinary action against the license contained in the Uniform Licensing Law, the department may take disciplinary action against a license granted on the basis of a waiver of the requirement of more than one year of graduate medical education for violation of the limitations on the license. The department, upon the recommendation of the board, shall adopt and promulgate rules and regulations for the purpose of implementing and administering this section.

Sec. 40. Section 71-1,107.10, Revised Statutes Supplement, 2002, is amended to read:

71-1,107.10. (1) The recipient of a temporary educational permit shall pay an annual registration fee. ~~of fifteen dollars or any additional amount deemed necessary by the department upon recommendation of the Board of~~

~~Medicine and Surgery to carry out sections 71-1,107.01 to 71-1,107.14.~~

(2) The recipient of a visiting faculty permit shall pay an annual registration fee of twenty-five dollars or any additional amount deemed necessary by the department upon recommendation of the board in order to carry out sections 71-1,107.01 to 71-1,107.14.

Sec. 41. Section 71-1,107.13, Revised Statutes Supplement, 2002, is amended to read:

71-1,107.13. A temporary educational permit may be issued to graduates of foreign schools or colleges of medicine or to individuals if the applicant, in addition to meeting the other requirements for the issuance of such permit, presents to the department a copy of a permanent certificate of the Educational Commission on Foreign Medical Graduates currently effective and relating to such applicant or, in lieu thereof, such credentials as are necessary to certify to successful passage of the Visa Qualifying Examination, or its successor or equivalent examination, required by the United States Department of Health and Human Services and the United States Immigration and Naturalization Service or, if a graduate of a foreign medical school who has successfully completed a program of American medical training designated as the Fifth Pathway and who additionally has successfully passed the Educational Commission on Foreign Medical Graduates examination but has not yet received a permanent certificate attesting to the same, and provides such credentials as are necessary to certify the same to the department, at such time as the department upon recommendation of the Board of Medicine and Surgery determines, and, if so directed by the department, passes an examination prescribed by the department upon recommendation of the board to measure his or her clinical competence to proceed to advanced training before advancing beyond the initial phase of the training program, and if such examination is required, pays a fee of one hundred dollars or such additional amount as is determined by the department upon recommendation of the board to cover the expense of such examination the required fee.

Sec. 42. Section 71-1,107.14, Revised Statutes Supplement, 2002, is amended to read:

71-1,107.14. A visiting faculty permit may be issued to graduates of foreign schools or colleges of medicine or to individuals if an accredited college or school of medicine in the State of Nebraska has requested that such permit be issued. It shall not be necessary for such applicant to provide a certificate of the Educational Commission on Foreign Medical Graduates as required in the case of temporary educational permits. If directed by the department an applicant for a visiting faculty permit may be required to pass an examination prescribed by the department upon recommendation of the Board of Medicine and Surgery to measure his or her clinical competence to practice medicine and if such examination is required the applicant shall pay a fee of one hundred dollars or such additional amount as shall be determined by the department upon recommendation of the board to cover expense of such examination the required fee.

Sec. 43. Section 71-1,107.26, Revised Statutes Supplement, 2002, is amended to read:

71-1,107.26. (1) A fee in an amount established by the board shall accompany the The biennial application to the board by a physician or group of physicians for certification to supervise a physician assistant shall be accompanied by the required fee.

(2) Upon approval by the board of an application for licensure of a physician assistant, the applicant shall be charged a fee in an amount established by the board, and a fee in an amount established by the board shall accompany pay the required fee, and each biennial application for renewal of the physician assistant license shall be accompanied by the required fee.

~~(3) All fees shall be expended for the benefit of the profession of medicine and surgery and shall be otherwise used as provided in section 71-162 and for the purpose of administering and enforcing sections 71-1,107.15 to 71-1,107.30.~~

Sec. 44. Section 71-1,132.13, Revised Statutes Supplement, 2002, is amended to read:

71-1,132.13. ~~(1)~~ An applicant for a license to practice as a registered nurse shall file with the department a written application for a license and submit satisfactory proof that the applicant ~~(a)~~ is of good moral character, ~~(b)~~ has completed four years of high school study or its equivalent as determined by the board, and ~~(c)~~ has completed the basic professional curriculum in and holds a diploma from an accredited program of registered nursing approved by the board. Graduates of foreign nursing programs shall pass the Canadian Nurses Association examination or hold a certificate from the Commission on Graduates of Foreign Nursing Schools. Such application

shall be made upon a form prescribed and approved by the department, verified by the applicant's oath, and accompanied by an application fee established by ~~rules and regulations of the department~~ and collected as provided in section 71-162. The application shall include the applicant's social security number.

~~(2) If an applicant for an initial license files an application for licensure within ninety days prior to the biennial renewal date of the license, the applicant may either:~~

~~(a) Request that the department delay the processing of the application and the issuance of the license until the biennial renewal date and pay only the fee for initial licensure; or~~

~~(b) Request that a license which will be valid until the next subsequent renewal date be issued immediately and pay the fee for initial licensure and an additional fee of one-fourth of the biennial fee.~~

Sec. 45. Section 71-1,132.20, Revised Statutes Supplement, 2002, is amended to read:

71-1,132.20. (1) The license of every registered nurse or licensed practical nurse shall be renewed biennially. The biennial expiration date is October 31 of every odd-numbered year for licensed practical nurses and October 31 of every even-numbered year for registered nurses. The biennial license renewals provided for in this section shall be accomplished in such manner as the department, with the approval of the board, shall establish by rule and regulation.

(2) On or before August 1 of each renewal year, the department shall mail an application for renewal of license to every person to whom such license was issued or renewed during the current renewal period. The applicant shall complete and return the application to the department with a renewal fee established by the department pursuant to section ~~71-1,132.49~~ and collected as provided in section 71-162 on or before October 31 following the mailing of such notice. Upon receipt of the application and fee, the department shall verify the accuracy of the application and issue to the applicant a certificate of renewal for the renewal period beginning November 1 following the mailing of such notice. The certificate of renewal shall render the holder thereof a legal practitioner of nursing for the period stated on the certificate of renewal.

(3) A licensed practical nurse or registered nurse who wishes to have his or her license lapse upon expiration shall give the department written notice to that effect. The department shall notify the licensee in writing of the acceptance or denial of the request to allow the license to lapse. When the lapsed status becomes effective, the right to practice nursing and to represent himself or herself as a licensed practical nurse or registered nurse shall terminate. To restore the license, the individual shall be required to (a) (i) present evidence of engaging in five hundred hours of the practice of nursing within the five years preceding restoration of the license if the license has been lapsed for two years or more or (ii) meet the renewal requirements in effect at the time he or she wishes to restore the license if the license has been lapsed for less than two years and (b) pay the renewal fee and an additional fee of fifty dollars late fees established as provided in section 71-162.

(4) A licensed practical nurse or registered nurse who wishes to have his or her license placed on inactive status upon expiration shall give the department written notice to that effect and pay the inactive status fee established as provided in section ~~71-1,132.49~~ 71-162. The department shall notify the licensee in writing of the acceptance or denial of the request to allow the license to be placed on inactive status. When the license is placed on inactive status, the licensee shall not engage in the practice of nursing in Nebraska. A license may remain on inactive status for an indefinite period of time. In order to move a license from inactive to active status, an individual shall (a) (i) present evidence of engaging in five hundred hours of the practice of nursing within the five years preceding restoration of the license if the license has been on inactive status for two years or more or (ii) meet the renewal requirements in effect at the time he or she wishes to regain active status if the license has been on inactive status for less than two years and (b) pay the renewal fee and reinstatement fee due at such time as specified in section ~~71-1,132.49~~ other fees established as provided in section 71-162.

(5) Any licensed practical nurse or registered nurse who fails to (a) notify the department that he or she wishes his or her license to lapse or to be placed on inactive status or (b) meet the renewal requirements, on or before the date of expiration of his or her license, shall be given a second notice in the same manner as the first notice advising him or her (i) of the failure to pay, (ii) that the license has expired, (iii) that the department will suspend action for thirty days following the date of expiration, (iv)

that upon the receipt of the renewal fee, together with an additional fee of ~~fifty dollars~~ the late fee established as provided in section 71-162, within that time, the license will be renewed, and (v) that upon the failure to receive the amount then due and ~~fifty dollars~~ in addition to the regular renewal fee such fee, the license will be placed on lapsed status.

(6) A fee ~~to be determined by rules and regulations pursuant to section 71-1,132.49~~ established as provided in section 71-162 shall be charged to any registered nurse or licensed practical nurse for the issuance of a certification of credentials to another state and to any educational institution or agency.

(7) (a) In order to insure that all nurses have sufficient scientific and practical knowledge to continue to practice nursing, a license to practice nursing shall not be renewed unless the nurse has completed continuing competency activities as required by the board in rules and regulations adopted and promulgated by the department.

(b) The department, with the concurrence of the board, may waive continuing competency requirements for any two-year licensing period when a licensee submits documentation that circumstances justify such waiver. Such circumstances shall be defined in rules and regulations.

Sec. 46. Section 71-1,132.21, Revised Statutes Supplement, 2002, is amended to read:

71-1,132.21. Any person practicing nursing prior to ~~receipt of a license or temporary permit or during the time his or her license has expired or lapsed or is suspended, revoked, or on inactive status~~ issuance, renewal after expiration, or reinstatement of a credential shall be considered an illegal practitioner and shall be subject to a fine of ten dollars for each day the person practiced without a license or temporary permit or on an expired, lapsed, suspended, revoked, or inactive license up to a maximum of one thousand dollars an administrative penalty as prescribed in section 29 of this act or other such penalties provided for violation of the Nurse Practice Act.

Sec. 47. Section 71-1,132.37, Revised Statutes Supplement, 2002, is amended to read:

71-1,132.37. ~~(1)~~ An applicant for a license to practice as a licensed practical nurse shall file with the department a written application for a license which shall include the applicant's social security number, pay the fee ~~as set by the department~~ established as provided in section 71-162, and submit satisfactory proof that the applicant:

~~(a)~~ (1) Is of good moral character;  
~~(b)~~ (2) Has completed four years of high school study or its equivalent as determined by the board; and  
~~(c)~~ (3) Has completed the basic curriculum in and holds a diploma from an approved program of nursing.

~~(2)~~ If an applicant for an initial license files an application for licensure within ninety days prior to the biennial renewal date of the license, the applicant may either:

~~(a)~~ Request that the department delay the processing of the application and the issuance of the license until the biennial renewal date and pay only the fee for initial licensure; or

~~(b)~~ Request that a license which will be valid until the next subsequent renewal date be issued immediately and pay the fee for initial licensure and an additional fee of one-fourth of the biennial fee.

Sec. 48. Section 71-1,132.48, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,132.48. The provisions of the Administrative Procedure Act shall apply to administrative proceedings required by ~~this section and sections 71-1,132.04 to 71-1,132.08, 71-1,132.11 to 71-1,132.16, 71-1,132.20, 71-1,132.27, 71-1,132.29, 71-1,132.35, and 71-1,132.37. , and 71-1,132.47.~~

Sec. 49. Section 71-1,132.53, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,132.53. The Department of Health and Human Services Regulation and Licensure shall:

(1) Conduct hearings upon charges of suspension or revocation of a license;

(2) Have power to issue subpoenas and compel the attendance of witnesses and administer oaths to persons giving testimony at hearings;

(3) Cause the prosecution of all persons violating the Nurse Practice Act and have power to incur the necessary expense; and

(4) Establish fees ~~at a level sufficient to provide for all expenses and salaries of the board pursuant to section 71-1,132.49~~ for credentialing activities under the Nurse Practice Act as provided in section 71-162.

Sec. 50. Section 71-1,135.02, Revised Statutes Supplement, 2002, is

amended to read:

71-1,135.02. (1) (a) No optometrist licensed in this state, except an optometrist who has been certified by the department prior to April 30, 1987, or by another state with substantially equivalent requirements for certification as determined by the department upon recommendation of the Board of Optometry to use topical ocular pharmaceutical agents for diagnostic purposes prior to April 30, 1987, shall use topical ocular pharmaceutical agents for diagnostic purposes authorized under subdivision (2) of section 71-1,133 unless such person ~~(a)~~ (i) submits to the board the required fee ~~of not less than twenty dollars nor more than one hundred dollars as determined by the department upon the recommendation of the board, together with~~ and evidence of satisfactory completion of a pharmacology course at an institution accredited by a regional or professional accrediting organization which is recognized by the United States Department of Education and approved by the Department of Health and Human Services Regulation and Licensure, ~~(b)~~ (ii) passes an examination approved by the department, and ~~(c)~~ (iii) has been certified by the department upon the recommendation of the board as qualified to use topical ocular pharmaceutical agents for diagnostic purposes.

(b) The department may approve for certification pursuant to subdivision (1) (a) (i) of this section a pharmacology course if such course includes:

(i) A study of ocular anesthetics, mydriatics, cycloplegics, ocular toxicity of pharmaceutical agents, ocular allergies of ocular agents, and pharmacologic effects of ocular drug substances;

(ii) The consideration of the mechanism of action of anesthetics, cycloplegics, and mydriatics in human beings and the uses of such substances in the diagnosis of occurring ocular disorders;

(iii) At least one hundred hours of classroom education, clinical training, and examination; and

(iv) The correlation of the utilization of pharmaceutical agents and optical instrumentation and procedures.

(c) The department may approve for certification pursuant to subdivision ~~(1)(b)~~ (1) (a) (ii) of this section an examination if such examination is:

~~(A)~~ (i) Based upon the competencies taught in a pharmacology course; and

~~(B)~~ (ii) Administered by an institution accredited by a regional or professional accrediting organization which is recognized by the United States Department of Education and approved by the Department of Health and Human Services Regulation and Licensure.

(2) (a) No optometrist licensed in this state on or after April 30, 1987, shall use topical ocular pharmaceutical agents for therapeutic purposes authorized under subdivision (3) of section 71-1,133 unless such person ~~(a)~~ (i) submits to the board the required fee ~~of not less than twenty dollars nor more than one hundred dollars as determined by the department upon the recommendation of the board, together with~~ and evidence of satisfactory completion of a minimum of one hundred hours since January 1, 1984, of which forty hours shall be classroom education and sixty hours shall be supervised clinical training as it applies to optometry with particular emphasis on the examination, diagnosis, and treatment of the eye, ocular adnexa, and visual system offered by a school or college approved by the department, ~~(b)~~ (ii) passes an examination approved by the department, ~~(c)~~ (iii) has been certified by the department upon the recommendation of the board to use topical ocular pharmaceutical agents for therapeutic purposes, and ~~(d)~~ (iv) has been certified by the department upon the recommendation of the board to use topical ocular pharmaceutical agents for diagnostic purposes.

(b) The department may approve for certification pursuant to subdivision (2) (a) (i) of this section a therapeutic course or courses of instruction, from an institution accredited by a regional or professional accrediting organization which is recognized by the United States Department of Education, that have been completed after January 1, 1984. Such course or courses shall include, but not be limited to:

(i) Review of general pharmacology and therapeutics;

(ii) Review of ocular therapeutic pharmacology;

(iii) Diagnosis and treatment of diseases of the eye, ocular adnexa, and visual system;

(iv) Diagnosis of corneal disease and trauma including corneal foreign bodies;

(v) Diagnosis and treatment of anterior segment eye diseases;

(vi) Clinical procedures related to the diagnosis and treatment of the eye, ocular adnexa, and visual system;

(vii) Ocular manifestations of systemic disease;

(viii) Review of systemic disease syndromes;  
 (ix) Ocular therapy including management of acute systemic emergencies; and

(x) Consultation criteria in ocular disease and trauma.

(3)(a) An optometrist who is licensed and certified to use pharmaceutical agents for therapeutic purposes on July 15, 1998, who graduated from an accredited school of optometry prior to January 1, 1996, shall complete the educational requirements relative to the treatment of glaucoma, as determined by the board, prior to January 1, 2000, and shall complete such educational requirements prior to treating glaucoma. Failure to complete such education prior to January 1, 2000, shall result in the revocation of the licensee's certification to use pharmaceutical agents for therapeutic purposes.

(b) An optometrist who applies for licensure on or after July 15, 1998, who graduated from an accredited school of optometry prior to January 1, 1996, shall complete the educational requirements relative to the treatment of glaucoma, as determined by the board, prior to being issued a license to practice optometry.

(c) An optometrist who graduated from an accredited school of optometry after January 1, 1996, shall be deemed to have met the educational requirements for certification to use pharmaceutical agents for therapeutic purposes which includes the treatment and management of glaucoma.

Sec. 51. Section 71-1,143.01, Revised Statutes Supplement, 2002, is amended to read:

71-1,143.01. (1) Every applicant for examination and registration as a pharmacist shall be not less than twenty-one years of age, of good moral character and temperate habits, a graduate of an accredited school or college of pharmacy, or an accredited department of pharmacy of a university, recognized by the board, except that an applicant who is a graduate of a school, college, or university department of pharmacy located outside of the United States and which is not accredited, shall be deemed to have satisfied the requirement of being a graduate of an accredited school, college, or department of pharmacy upon providing evidence satisfactory to the board, of graduation from such foreign school, college, or department of pharmacy and upon successfully passing an equivalency examination approved by the board.

(2) Every applicant shall file proof of sufficient internship experience in a pharmacy, under the supervision of a registered or licensed pharmacist, as may be required by the board, which shall comply with national requirements for internship as set forth by the National Association of Boards of Pharmacy; shall have satisfactorily completed at least five years of college of which at least three years shall have been in an accredited school or college of pharmacy, or in an accredited department of pharmacy of a university; and shall pass an examination satisfactory to the board.

(3) Proof of the qualifications for registration prescribed in this section shall be made to the satisfaction of the board, substantiated by proper affidavits, except that in all cases the actual time of attendance at an accredited school or college of pharmacy or an accredited department of pharmacy of a university is certified by the appropriate school, college, or university authority by the issuance of the degree granted to a graduate of such school, college, or department of pharmacy. Service and experience in a pharmacy under the supervision of a registered pharmacist, as required in this section, shall be predominantly related to the practice of pharmacy, and shall include the keeping of records and the making of reports required under state and federal statutes. The Department of Health and Human Services Regulation and Licensure, upon the recommendation of the board, shall adopt and promulgate rules and regulations as may be required to establish standards for internship which shall comply with national requirements to effect reciprocity with other states which have similar requirements for licensure. The required fee for pharmacy internship ~~shall be forty dollars and shall accompany the application, and shall be transmitted to the State Treasurer for deposit in the Nebraska Pharmaceutical Fund.~~

Sec. 52. Section 71-1,147.30, Revised Statutes Supplement, 2002, is amended to read:

71-1,147.30. The recipient of a temporary educational permit shall pay the required fee. ~~an annual registration fee of fifteen dollars or any additional amount deemed necessary by the department, upon recommendation of the board, and established by departmental rule and regulation to carry out the provisions of sections 71-1,147.17 to 71-1,147.32. In no case shall such fee exceed twenty-five dollars.~~

Sec. 53. Section 71-1,147.42, Revised Statutes Supplement, 2002, is amended to read:

71-1,147.42. If a complaint is filed against a delegated dispensing



permittee or any staff member, volunteer, or consultant in association with work performed under a delegated dispensing permit and if the complaint is found to be valid, the cost of investigating the complaint and any followup inspections shall be calculated by the board based upon the actual costs incurred and the cost shall be borne by the permittee being investigated. All costs collected by the department shall be remitted to the State Treasurer for credit to the Nebraska Pharmaceutical Professional and Occupational Credentialing Cash Fund. If the complaint is not found to be valid, the cost of the investigation shall be paid from the fund.

Sec. 54. Section 71-1,147.64, Revised Statutes Supplement, 2002, is amended to read:

71-1,147.64. (1) Before a delegated dispensing permit may be issued by the department, a pharmacy inspector of the board shall conduct an onsite inspection of the delegated dispensing site. A hospital applying for a delegated dispensing permit shall not be subject to an initial inspection or inspection fees pursuant to this subsection if the delegated dispensing site was inspected by the department pursuant to licensure under the Health Care Facility Licensure Act.

(2) Each permittee shall have the delegated dispensing site inspected at least once on an annual basis. Such inspection may be conducted by self-inspection or other compliance assurance modalities, when approved by the board, as authorized in the rules and regulations of the department. A hospital with a delegated dispensing permit shall not be subject to annual inspections or inspection fees pursuant to this subsection if the delegated dispensing site was inspected by the department pursuant to licensure under the Health Care Facility Licensure Act.

(3) Any applicant or permittee who fails to meet the requirements of the board or department to dispense drugs or devices pursuant to a delegated dispensing permit shall, prior to dispensing (a) have the delegated dispensing site reinspected by a pharmacy inspector of the board and (b) pay any reinspection fees.

(4) The department shall set inspection fees by rule and regulation not to exceed the fees established for pharmacy inspections required to obtain a pharmacy license under the Health Care Facility Licensure Act. The department shall remit inspection fees to the State Treasurer for credit to the Nebraska Pharmaceutical Professional and Occupational Credentialing Cash Fund.

Sec. 55. Section 71-1,158, Revised Statutes Supplement, 2002, is amended to read:

71-1,158. (1) Any person desiring a license to practice veterinary medicine and surgery in this state shall make written application to the board. The application shall include:

(a) Proof that the applicant is twenty-one years of age or more;

(b) Information indicating that the applicant is a person of good moral character;

(c) Proof that the applicant is a graduate of an accredited school of veterinary medicine or holds a certificate issued by an entity that determines educational equivalence approved by the department upon recommendation of the board indicating that the holder has demonstrated knowledge and skill equivalent to that possessed by a graduate of an accredited college of veterinary medicine; and

(d) Such other information and proof as the board may require by rule and regulation.

(2) The application shall be accompanied by a fee of not less than ~~seventy-five dollars nor more than two hundred dollars, the amount of such fee to be determined by a rule or regulation adopted and promulgated by the department with the approval of the board~~ the required fee.

(3) If the board determines that the applicant possesses the proper qualifications, the board shall admit the applicant to the next examination, or if the applicant is eligible for a license without examination under section 71-1,160, the board may forthwith recommend that he or she be issued a license. If an applicant is found not qualified to take the examination or for a license without examination, the board shall immediately notify the applicant in writing of such finding and the grounds therefor.

Sec. 56. Section 71-1,161, Revised Statutes Supplement, 2002, is amended to read:

71-1,161. The board may recommend to the department the issuance of a temporary license to practice veterinary medicine and surgery upon receipt of a fee of fifty dollars the required fee and the completed application to (1) any person who has a current license to practice veterinary medicine and surgery in another state, territory, or district of the United States or (2) any person who furnishes satisfactory proof required under subdivision (1)(c)

of section 71-1,158 and has passed an examination conducted by the National Board of Veterinary Examiners. Such temporary license shall be valid until the date on which the results of the next licensure examination are available to the department and it may not be renewed. The holder of a temporary license shall be entitled to practice veterinary medicine and surgery.

Sec. 57. Section 71-1,165, Revised Statutes Supplement, 2002, is amended to read:

71-1,165. (1) To be a veterinary technician in this state, an individual shall meet one of the following requirements:

(a) Be a graduate of an American Veterinary Medical Association approved veterinary technician program and receive a passing score on the national examination for such program as determined by the board;

(b) On July 13, 2000, be an approved animal technician certified under sections 71-1,168 to 71-1,185 as such sections existed prior to such date; or

(c) Have at least five years or more full-time experience working with a veterinarian, be employed by a veterinarian on July 13, 2000, and within three years after such date receive a passing score on the national examination described in subdivision (1)(a) of this section as determined by the board.

(2) A veterinary technician license shall be renewed biennially. Each licensed veterinary technician shall be required to complete continuing competency activities as required by the board pursuant to section 71-161.09 as a prerequisite for the licensee's next subsequent license renewal.

Sec. 58. Section 71-1,166, Revised Statutes Supplement, 2002, is amended to read:

71-1,166. ~~(1)~~ The department shall adopt and promulgate rules and regulations providing for ~~(a)~~ (1) licensure of veterinary technicians meeting the requirements of section 71-1,165 and ~~(b)~~ (2) standards for the level of supervision required for particular delegated animal health care tasks and which determine which tasks may be performed by a veterinary technician and by unlicensed assistants. The level of supervision may be immediate supervision, direct supervision, or indirect supervision as determined by the department based upon the complexity and requirements of the task.

~~(2) The department shall establish and collect the following fees:~~

~~(a) For an initial application for licensure as a veterinary technician, an amount not less than five dollars nor more than seventy-five dollars;~~

~~(b) For annual renewal of licensure as a veterinary technician, an amount not less than five dollars nor more than forty dollars; and~~

~~(c) For a duplicate original license, ten dollars.~~

Sec. 59. Section 71-1,194, Revised Statutes Supplement, 2002, is amended to read:

71-1,194. (1) A temporary license to practice audiology or speech-language pathology may be granted to persons who establish residence in Nebraska and (a) who meet all the requirements for a license except passage of the examination required by section 71-1,190, which temporary license shall be valid only until the date on which the results of the next licensure examination are available to the department and shall not be renewed, or (b) who meet all the requirements for a license except completion of the professional experience required by section 71-1,190, which temporary license shall be valid only until the sooner of completion of such professional experience or eighteen months and shall not be renewed.

(2) ~~The department shall establish and collect a fee of not less than ten dollars nor more than fifty dollars for issuance of the temporary license.~~ The department shall have the power to deny, revoke, limit, suspend, or otherwise discipline a temporary license to practice audiology or speech-language pathology upon the grounds and in accordance with the Uniform Licensing Law.

Sec. 60. Section 71-1,195.01, Revised Statutes Supplement, 2002, is amended to read:

71-1,195.01. (1) Upon application and payment of the registration fee, ~~of not less than twenty dollars nor more than one hundred dollars as determined by the department upon the recommendation of the board,~~ the department shall register to practice as a communication assistant any person who:

(a) Is a graduate of an accredited high school or its equivalent;

(b) Has successfully completed all required training pursuant to sections 71-1,195.04 and 71-1,195.05 and any inservice training required pursuant to section 71-1,195.09; and

(c) Has demonstrated ability to reliably maintain records and provide treatment under the supervision of a licensed audiologist or

speech-language pathologist.

(2) Such registration shall be valid for one year from the date of issuance. ~~The fee for renewal of such registration shall be the same as for the initial registration.~~

(3) The board shall, with the approval of the department, adopt and promulgate rules and regulations necessary to administer sections 71-1,195.01 to 71-1,195.09.

Sec. 61. Section 71-1,227, Revised Statutes Supplement, 2002, is amended to read:

71-1,227. As used in sections 71-1,227 to ~~71-1,237~~ 71-1,236, unless the context otherwise requires:

(1) Board shall mean the Board of Respiratory Care Practice;

(2) Medical director shall mean a licensed physician who has the qualifications as described in section 71-1,229;

(3) Respiratory care shall mean the health specialty responsible for the treatment, management, diagnostic testing, control, and care of patients with deficiencies and abnormalities associated with the cardiopulmonary system. Respiratory care shall not be limited to a hospital setting and shall include the therapeutic and diagnostic use of medical gases, administering apparatus, humidification and aerosols, ventilatory assistance and ventilatory control, postural drainage, chest physiotherapy and breathing exercises, respiratory rehabilitation, cardiopulmonary resuscitation, and maintenance of nasal or oral endotracheal tubes. It shall also include the administration of aerosol and inhalant medications to the cardiorespiratory system and specific testing techniques employed in respiratory care to assist in diagnosis, monitoring, treatment, and research. Such techniques shall include, but not be limited to, measurement of ventilatory volumes, pressures, and flows, measurement of physiologic partial pressures, pulmonary function testing, and hemodynamic and other related physiological monitoring of the cardiopulmonary system; and

(4) Respiratory care practitioner shall mean:

(a) Any person employed in the practice of respiratory care who has the knowledge and skill necessary to administer respiratory care to patients of all ages with varied cardiopulmonary diseases and to patients in need of critical care and who is capable of serving as a resource to the physician and other health professionals in relation to the technical aspects of respiratory care including effective and safe methods for administering respiratory care; and

(b) A person capable of supervising, directing, or teaching less skilled personnel in the provision of respiratory care services.

Sec. 62. Section 71-1,228, Revised Statutes Supplement, 2002, is amended to read:

71-1,228. No person shall engage in the practice of respiratory care unless he or she is licensed for such purpose pursuant to the Uniform Licensing Law. Licenses shall be renewed on June 1 of each even-numbered year. ~~The department, on the recommendation of the board, shall set the initial license fees and the biennial license renewal fees for respiratory care practitioners pursuant to section 71-162.~~

Sec. 63. Section 71-1,232, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,232. (1) The board may issue a temporary permit to practice respiratory care to any person who (a) meets all the requirements for a license as specified in subsection (1) of section 71-1,231 except passage of the licensure examination required by subsection (2) of such section, (b) makes application for such permit within six months after the date of graduation from an accredited respiratory care educational program, and (c) submits a fee of ~~not less than ten dollars nor more than fifty dollars as established by the department upon recommendation of the board~~ the required fee.

(2) A temporary permit (a) shall allow the person to practice only when supervised by a licensed respiratory care practitioner, (b) shall be valid for one year from the date of issuance, (c) shall become null and void upon passage of the licensure examination or the expiration of one year from the date of issuance, whichever comes first, and (d) may be extended for up to one year by approval of the board upon a showing of good cause by the permitholder. ~~The fee for such extension shall be the same as for the initial temporary permit.~~

(3) The Director of Regulation and Licensure may suspend a temporary permit for a violation of the Uniform Licensing Law.

(4) The board shall, with the approval of the department, adopt and promulgate rules and regulations relating to the issuance and administration of temporary permits to practice respiratory care prior to licensure.

Sec. 64. Section 71-1,235, Revised Statutes Supplement, 2002, is amended to read:

71-1,235. Sections 71-1,227 to ~~71-1,237~~ 71-1,236 shall not prohibit:

(1) The practice of respiratory care which is an integral part of the program of study by students enrolled in approved respiratory care education programs;

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

(3) The practice of respiratory care by nurses, physicians, physician assistants, physical therapists, or any other professional licensed under the Uniform Licensing Law when such practice is within the scope of practice for which that person is licensed;

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

(5) Techniques defined as pulmonary function testing and the administration of aerosol and inhalant medications to the cardiorespiratory system as it relates to pulmonary function technology administered by a registered pulmonary function technologist credentialed by the National Board for Respiratory Care or a certified pulmonary function technologist credentialed by the National Board for Respiratory Care.

Sec. 65. Section 71-1,238, Revised Statutes Supplement, 2002, is amended to read:

71-1,238. For purposes of sections 71-1,238 to ~~71-1,243~~ 71-1,242, unless the context otherwise requires:

(1) Athletic trainer means a person who is responsible for the prevention, emergency care, first aid, treatment, and rehabilitation of athletic injuries under guidelines established with a licensed physician and who is licensed to perform the functions set out in section 71-1,240. When athletic training is provided in a hospital outpatient department or clinic or an outpatient-based medical facility, the athletic trainer will perform the functions described in section 71-1,240 with a referral from a licensed physician for athletic training;

(2) Athletic training means the prevention, evaluation, emergency care, first aid, treatment, and rehabilitation of athletic injuries utilizing the treatments set out in section 71-1,240;

(3) Athletic injuries means the types of musculoskeletal injury or common illness and conditions which athletic trainers are educated to treat or refer, incurred by athletes, which prevent or limit participation in sports or recreation;

(4) Board means the Board of Athletic Training;

(5) Department means the Department of Health and Human Services Regulation and Licensure; and

(6) Practice site means the location where the athletic trainer practices athletic training.

Sec. 66. Section 71-1,239.01, Revised Statutes Supplement, 2002, is amended to read:

71-1,239.01. An individual who accompanies an athletic team or organization from another state or jurisdiction as the athletic trainer is exempt from the licensure requirements of sections 71-1,238 to ~~71-1,243~~ 71-1,242.

Sec. 67. Section 71-1,240, Revised Statutes Supplement, 2002, is amended to read:

71-1,240. (1) No person shall be authorized to perform the physical modalities set out in subsection (2) of this section on any person unless he or she first obtains a license as an athletic trainer or unless such person is licensed as a physician, osteopathic physician, chiropractor, nurse, physical therapist, or podiatrist. No person shall hold himself or herself out to be an athletic trainer unless licensed under sections 71-1,238 to ~~71-1,243~~ 71-1,242.

(2) Athletic trainers shall be authorized to use the following physical modalities in the treatment of athletic injuries under guidelines established with a licensed physician:

(a) Application of electrotherapy;

(b) Application of ultrasound;

(c) Use of medical diathermies;

(d) Application of infrared light; and

(e) Application of ultraviolet light.

(3) The application of heat, cold, air, water, or exercise shall not be restricted by sections 71-1,238 to ~~71-1,243~~ 71-1,242.

Sec. 68. Section 71-1,242, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,242. A license to practice athletic training may be issued to a person who:

(1) Submits an application and the required licensure fee ~~as provided in section 71-162~~ to the department before January 1, 1988;

(2) Meets one of the following criteria: (a) He or she is an athletic trainer on January 1, 1988, or (b) he or she has been an athletic trainer for five of the ten years immediately preceding January 1, 1988; and

(3) Satisfactorily completes the examination for licensure as an athletic trainer as provided in subsection (2) of section 71-1,241.

Sec. 69. Section 71-1,278, Revised Statutes Supplement, 2002, is amended to read:

71-1,278. (1) For purposes of sections 71-1,278 to ~~71-1,283~~ 71-1,282, unless the context otherwise requires:

(a) An approved massage therapy school shall be (i) one which is approved by the department upon the recommendation of the Board of Massage Therapy, (ii) one which requires for admission a diploma from an accredited high school or its equivalent, (iii) one which has attached to its staff a regularly licensed physician and employs one or more competent massage therapists as instructors, and (iv) one which has a minimum requirement of a continuous course of study and training of not less than one thousand hours distributed over a term of not less than nine months. Such study and training shall consist of one hundred hours of each of the following: Physiology; anatomy; massage; pathology; hydrotherapy; hygiene and practical demonstration; and health service management. The remaining three hundred hours shall be obtained in subject areas related to the clinical practice of massage therapy;

(b) Massage therapist shall mean a person licensed to practice massage therapy;

(c) Massage therapy shall mean the physical, mechanical, or electrical manipulation of soft tissue for the therapeutic purposes of enhancing muscle relaxation, reducing stress, improving circulation, or instilling a greater sense of well-being and may include the use of oil, salt glows, heat lamps, and hydrotherapy. Massage therapy shall not include diagnosis or treatment or use of procedures for which a license to practice medicine or surgery, chiropractic, or podiatry is required nor the use of microwave diathermy, shortwave diathermy, ultrasound, transcutaneous electrical nerve stimulation, electrical stimulation of over thirty-five volts, neurological hyperstimulation, or spinal and joint adjustments; and

(d) Massage therapy establishment shall mean any duly licensed place in which a massage therapist practices his or her profession of massage therapy.

(2) The department shall adopt and promulgate rules and regulations as it may deem necessary with reference to the conditions under which the practice of massage therapy shall be carried on and the precautions necessary to be employed to prevent the spread of infectious and contagious diseases. The department shall have the power to enforce sections 71-1,278 to ~~71-1,283~~ 71-1,282 and all necessary inspections in connection therewith.

Sec. 70. Section 71-1,281.01, Revised Statutes Supplement, 2002, is amended to read:

71-1,281.01. A temporary license to practice massage therapy may be granted to any person who meets all the requirements for a license except passage of the licensure examination required by section 71-1,281. A temporary licensee shall be supervised in his or her practice by a licensed massage therapist. A temporary license shall be valid only until the results of the next examination are available to the department. In the event a temporary licensee fails the examination required by such section, the temporary license shall be revoked, except that the department upon recommendation of the Board of Massage Therapy may extend the temporary license upon a showing of good cause why such license should be extended. A temporary license may not be extended beyond one year. A temporary license shall not be issued to any person failing the examination if such person did not hold a valid temporary license prior to his or her failure to pass the examination.

The department shall establish and collect a fee of not less than ~~ten dollars or more than fifty dollars for issuance or extension of a temporary license.~~ The department shall have the power to deny or revoke a temporary license to practice massage therapy upon the grounds and in accordance with the Uniform Licensing Law.

Sec. 71. Section 71-1,291, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,291. Upon payment of the required fee ~~provided in section 71-162~~ and the provision of evidence to the board of his or her professional education, training, experience, and qualifications to practice medical nutrition therapy, a license to practice as a medical nutrition therapist shall be issued without examination to any applicant who (1) applies to the department for a license by September 1, 1996, and (2)(a) satisfies the requirements of subdivision (1) of section 71-1,289, (b) satisfies the requirements of subdivisions (2)(b) and (2)(c) of section 71-1,289, (c) satisfies the requirements of subdivision (2)(b) of section 71-1,289 and has been practicing medical nutrition therapy with the general public for at least five years, or (d) satisfies the requirements of subdivision (3)(b) of section 71-1,289.

Any person who is a certified nutritionist on September 1, 1995, who applies to the department for a license on or before September 1, 1996, shall be issued a license to practice as a medical nutrition therapist without examination upon payment of the required fee. ~~provided in section 71-162.~~

Sec. 72. Section 71-1,294, Revised Statutes Supplement, 2002, is amended to read:

71-1,294. A medical nutrition therapist's license shall be renewed on September 1 of each odd-numbered year. ~~The department, on the recommendation of the board, shall set the initial license fee and the biennial license renewal fee for medical nutrition therapists pursuant to section 71-162.~~

Sec. 73. Section 71-1,314.01, Revised Statutes Supplement, 2002, is amended to read:

71-1,314.01. (1) A person who needs to obtain the required three thousand hours of supervised experience in mental health practice as specified in section 71-1,314 to qualify for a mental health practitioner license shall obtain a provisional mental health practitioner license. To qualify for a provisional mental health practitioner license, such person shall:

(a) Have a master's or doctorate degree that consists of course work and training which was primarily therapeutic mental health in content and included a practicum or internship and was from an approved educational program as specified in such section;

(b)(i) Apply within sixty days after September 13, 1997, if the three thousand hours of supervised experience were being earned on September 13, 1997; or

(ii) Apply at any time following September 13, 1997, but prior to earning the three thousand hours of supervised experience, if such experience was not being earned on September 13, 1997; and

(c) Pay the provisional mental health practitioner license fee. ~~specified in section 71-162.~~

(2) A provisional mental health practitioner license shall expire upon receipt of licensure as a mental health practitioner or five years after the date of issuance, whichever comes first.

(3) A person who holds a provisional mental health practitioner license shall inform all clients that he or she holds a provisional license and is practicing mental health under supervision and shall identify the supervisor. Failure to make such disclosure is a ground for discipline as set forth in section 71-147.

Sec. 74. Section 71-1,319.01, Revised Statutes Supplement, 2002, is amended to read:

71-1,319.01. (1) A person who needs to obtain the required three thousand hours of supervised experience in social work as specified in section 71-1,319 to qualify for certification as a master social worker shall obtain a provisional certification as a master social worker. To qualify for a provisional certification as a master social worker, such person shall:

(a) Have a doctorate or master's degree in social work from an approved educational program;

(b)(i) Apply within sixty days after September 13, 1997, if the three thousand hours of supervised experience were being earned on September 13, 1997; or

(ii) Apply at any time after September 13, 1997, but prior to earning the three thousand hours of supervised experience, if such experience was not being earned on September 13, 1997; and

(c) Pay the provisional certified master social worker fee ~~specified in section 71-162~~ required fee.

(2) A provisional master social worker certification shall expire upon receipt of certification as a master social worker or five years after the date of issuance, whichever comes first.

(3) A person who holds a provisional certification as a master social worker shall inform all clients that he or she holds a provisional certification and is practicing social work under supervision and shall identify the supervisor. Failure to make such disclosure is a ground for discipline as set forth in section 71-147.

Sec. 75. Section 71-1,320, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,320. Upon payment of the required fee ~~provided in section 71-162~~ and the provision of evidence to the board of his or her professional education, training, experience, and qualifications to practice certified social work, a certificate to practice as a certified social worker shall be issued to any applicant who applies to the department for a certificate and satisfies the educational requirements of ~~subdivision~~ subsection (2) of section 71-1,319. An applicant shall submit all materials, as the board or department may require, to determine his or her qualifications for a certificate to practice as a certified social worker and to determine his or her compliance with the requirements of this section. Failure to comply with these provisions shall be sufficient grounds to reject an application for a certificate to practice as a certified social worker under this section.

Sec. 76. Section 71-1,322, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,322. The certificates for certified social workers and certified master social workers shall be renewed on September 1 of each even-numbered year. ~~The department, on the recommendation of the board, shall set the initial certification fees and the biennial certification fees for certified social workers and certified master social workers pursuant to section 71-162.~~

Sec. 77. Section 71-1,327, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,327. A certificate as a professional counselor shall be renewed on September 1 of each even-numbered year. ~~The department, on the recommendation of the board, shall set the initial certification fees and the biennial certification renewal fees for certified professional counselors pursuant to section 71-162.~~

Sec. 78. Section 71-1,329, Revised Statutes Supplement, 2002, is amended to read:

71-1,329. (1) A person who applies to the department for certification as a marriage and family therapist within one year or less after September 1, 1994, shall be qualified for such certification if he or she:

(a) Meets the requirements of subsection (2) of this section; or

(b)(i)(A) Provides evidence to the board that he or she has a master's or doctoral degree in marriage and family therapy from an educational program approved by the board or from any program in marriage and family therapy in which the person was enrolled between January 1, 1975, and August 31, 1991; or

(B) Provides evidence to the board that he or she has a master's or doctoral degree in a field determined by the board to be related to marriage and family therapy, such as social work, psychology, sociology, human services, human development, family relations, or counseling, and has been actively engaged in the practice of marriage and family therapy for at least three thousand hours; and

(ii) Provides evidence to the board that he or she has been actually engaged in the practice of marriage and family therapy for at least twenty hours per week for at least three of the seven years prior to making such application.

(2) A person who applies to the department for certification as a marriage and family therapist more than one year after September 1, 1994, shall be qualified for such certification if he or she:

(a) Provides evidence to the board that he or she has a master's or doctoral degree in marriage and family therapy from a program approved by the board or a graduate degree in a field determined by the board to be related to marriage and family therapy and graduate-level course work determined by the board to be equivalent to a master's degree in marriage and family therapy;

(b) Provides evidence to the board that he or she has had at least three thousand hours of experience in marriage and family therapy under a qualified supervisor as defined in subsection (4) of this section following receipt of the graduate degree; and

(c) Completes an application which includes his or her social security number and passes an examination approved by the board.

(3) Upon payment of the required fee ~~provided in section 71-162~~ and the provision of evidence to the board of his or her professional education, training, experience, and qualifications to practice marriage and family

therapy, a certificate to practice as a certified marriage and family therapist shall be issued to any applicant who applies to the department for a certificate and satisfies the educational requirements of subsection (1) or (2) of this section. An applicant shall submit all materials as the board or department may require to determine his or her qualifications for a certificate to practice as a certified marriage and family therapist and to determine his or her compliance with the requirements of this section. Failure to comply with these provisions shall be sufficient grounds to reject an application for a certificate to practice as a certified marriage and family therapist under this section.

(4) For purposes of this section:

(a) Actively engaged in the practice of marriage and family therapy may include (i) services and activities provided under the direct supervision of a person with at least a master's degree in marriage and family therapy from a program approved by the board or (ii) services and activities that are classified by title or by description of duties and responsibilities as marriage and family therapy practice;

(b) Qualified supervisor shall mean a licensed mental health practitioner, a psychologist licensed to engage in the practice of psychology, or a licensed physician who meets supervisory standards established by rules and regulations of the board and the department; and

(c) Supervision shall mean face-to-face contact between an applicant and a qualified supervisor during which the applicant apprises the supervisor of the diagnosis and treatment of each client, the clients' cases are discussed, the supervisor provides the applicant with oversight and guidance in treating and dealing with clients, and the supervisor evaluates the applicant's performance. In order for a supervised period of time to be credited toward the time of supervision required by subdivision (2)(b) of this section, it shall consist of the following:

(i) A minimum of a ratio of two hours of supervision per fifteen hours of the applicant's contact with clients;

(ii) Focus on raw data from the applicant's clinical work which is made directly available to the supervisor through such means as written clinical materials, direct observation, and video and audio recordings;

(iii) A process which is distinguishable from personal psychotherapy or didactic instruction; and

(iv) A proportion of individual and group supervision as determined by the rules and regulations of the board.

Sec. 79. Section 71-1,331, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,331. The certificates for certified marriage and family therapists shall be renewed on September 1 of each even-numbered year. ~~The department, on the recommendation of the board, shall set the initial certification fees and the biennial certification fees for certified marriage and family therapists pursuant to section 71-162.~~

Sec. 80. Section 71-1,344, Revised Statutes Supplement, 2002, is amended to read:

71-1,344. For purposes of sections 71-1,344 to ~~71-1,350~~ 71-1,349 and elsewhere in the Uniform Licensing Law, unless the context otherwise requires:

(1) Acupuncture means the insertion, manipulation, and removal of acupuncture needles and the application of manual, mechanical, thermal, electrical, and electromagnetic treatment to such needles at specific points or meridians on the human body in an effort to promote, maintain, and restore health and for the treatment of disease, based on acupuncture theory. Acupuncture may include the recommendation of therapeutic exercises, dietary guidelines, and nutritional support to promote the effectiveness of the acupuncture treatment. Acupuncture does not include manipulation or mobilization of or adjustment to the spine, extraspinal manipulation, or the practice of medical nutrition therapy;

(2) Acupuncturist means a person engaged in the practice of acupuncture; and

(3) Board means the Board of Medicine and Surgery.

Sec. 81. Section 71-1,345, Revised Statutes Supplement, 2002, is amended to read:

71-1,345. Sections 71-1,344 to ~~71-1,350~~ 71-1,349 do not apply to:

(1) Any other health care practitioner credentialed under the Uniform Licensing Law practicing within the scope of his or her profession;

(2) A student practicing acupuncture under the supervision of a person licensed to practice acupuncture under the Uniform Licensing Law as part of a course of study approved by the department; or

(3) The practice of acupuncture by any person licensed or certified



to practice acupuncture in any other jurisdiction when practicing in an educational seminar sponsored by a state-approved acupuncture or professional organization if the practice is supervised directly by a person licensed to practice acupuncture under the Uniform Licensing Law.

Sec. 82. Section 71-388, Reissue Revised Statutes of Nebraska, is amended to read:

71-388. ~~(1)~~ Application for any type of licensure or registration shall be made on forms and in the manner prescribed by the department with the approval of the board. A complete application for examination shall be postmarked no later than fifteen days before the beginning of the examination for which application is being made. Applications received after such date shall be considered as applications for the next scheduled examination. No application for any type of licensure or registration shall be considered complete unless all information requested in the application has been supplied, all seals and signatures required have been obtained, all supporting and documentary evidence has been received by the department, and the application is accompanied by the appropriate fee established and collected as provided in section 71-162.

~~(2) If an applicant for an initial license or registration files an application for licensure or registration within ninety days prior to the biennial renewal date of such a license or registration, the applicant may either:~~

~~(a) Request that the department delay the processing of the application and the issuance of the license or registration until the biennial renewal date and pay only the fee for initial licensure or registration; or~~

~~(b) Request that a license or registration which will be valid until the next subsequent renewal date be issued immediately and pay the fee for initial licensure or registration and an additional fee of one-fourth of the biennial fee.~~

Sec. 83. Section 71-394.01, Reissue Revised Statutes of Nebraska, is amended to read:

71-394.01. Any person practicing any of the practices of electrology may apply to the department for the appropriate license without examination if:

(1) Such application is made prior to January 1, 1996;

(2) The applicant presents evidence that he or she (a) has been engaged in the practice of electrology in Nebraska for six months prior to September 9, 1995, or (b) has completed a board-approved apprenticeship, has passed all of the necessary board-approved examinations, and pays the required fee for such examinations; prescribed in section 71-382; and

(3) The required credentialing fee is submitted.

Sec. 84. Section 71-397, Revised Statutes Supplement, 2002, is amended to read:

71-397. (1) Each license issued under the Nebraska Cosmetology Act shall expire and be subject to renewal every two years. Each cosmetology and instructor's license shall expire and be subject to renewal on December 31 of each even-numbered year. Each esthetician's and esthetics instructor's license shall expire and be subject to renewal on September 30 of each even-numbered year. Each electrologist's and electrology instructor's license shall expire and be subject to renewal on July 31 of each odd-numbered year.

(2) Procedures for renewal, reinstatement, and assessment of late fees and administrative penalties shall be in accordance with section 71-110 and section 29 of this act. At least thirty days before the expiration of a license, the department shall notify the licensee by a letter addressed to the licensee at the last address contained in the department's records. Any licensee who fails to pay the renewal fee or file a complete application for renewal on or before the date of expiration of the license shall be given a second notice in the same manner, advising him or her that:

~~(a) The renewal fee has not been received or the application for renewal is incomplete;~~

~~(b) The license has expired;~~

~~(c) The department will suspend action for thirty days following the date of expiration;~~

~~(d) If the renewal fee and the additional late renewal fee of twenty-five dollars are or a complete application for renewal is received within such thirty-day period, no order of revocation will be entered;~~

~~(e) If the inactive renewal fee is received within such thirty-day period, the license will be placed on inactive status and no order of revocation will be entered; and~~

~~(f) Upon failure to receive the fee or complete application for renewal under either subdivision (d) or (e) of this subsection within such thirty-day period, an order of revocation will be entered.~~

(3) Any licensee who allows his or her license to expire by failure to renew according to this section may petition the department for reinstatement. Reinstatement may be granted upon the recommendation of the board and upon receipt by the department of a complete application for reinstatement accompanied by all regular renewal fees and the late renewal fee. If application for reinstatement is made more than thirty days after expiration and not more than one year from the date of revocation, the late renewal fee shall be fifty dollars. If application for reinstatement is made more than one year after revocation, the late renewal fee shall be seventy-five dollars. If an electrology instructor's license has been expired or has been on inactive status for five years or more, such electrology instructor shall retake and pass the electrology instructor's examination before such license is reinstated.

(4) No license may be renewed or reinstated unless the licensee provides evidence of compliance with the continuing competency activities as required by the board pursuant to section 71-377.

Sec. 85. Section 71-3,115, Revised Statutes Supplement, 2002, is amended to read:

71-3,115. A licensee who fails to complete continuing competency activities as required by the board pursuant to section 71-377 may request that his or her license be placed on inactive status upon its expiration. Such a request shall be granted upon payment of the ~~required~~ inactive status fee. No person shall practice in any manner under an inactive license. An inactive license may be restored to active status at such time as the licensee so petitions the department and presents evidence that he or she has completed continuing competency activities as required by the board.

Sec. 86. Section 71-3,125, Reissue Revised Statutes of Nebraska, is amended to read:

71-3,125. Each salon license issued under the Nebraska Cosmetology Act ~~and each salon license in effect upon July 17, 1986,~~ shall expire and be subject to renewal ~~on September 30, 1987,~~ and on September 30 of each odd-numbered year. ~~thereafter.~~ The procedure for renewing a salon license shall be ~~identical to that for renewing a cosmetologist license in accordance with section 15 of this act,~~ except that, in addition to all other requirements, no salon license may be renewed unless the salon has attained a rating of satisfactory on its most recent operation inspection. Any salon not able to meet such requirement shall have its license placed on inactive status until all deficiencies of operation have been corrected, and the salon shall not be open to the public during the time its license is inactive.

Sec. 87. Section 71-3,132, Reissue Revised Statutes of Nebraska, is amended to read:

71-3,132. Each cosmetic establishment license issued under the Nebraska Cosmetology Act ~~and each cosmetic establishment license in effect upon July 17, 1986,~~ shall expire and be subject to renewal ~~on September 30, 1987,~~ and on September 30 of each odd-numbered year. ~~thereafter.~~ The procedure for renewing a cosmetic establishment license shall be ~~identical to that for renewing a cosmetologist license in accordance with section 15 of this act,~~ except that, in addition to all other requirements, no cosmetic establishment license may be renewed unless the cosmetic establishment has attained a rating of satisfactory on its most recent operation inspection. Any cosmetic establishment not able to meet such requirement shall have its license placed on inactive status until all deficiencies of operation have been corrected, and the cosmetic establishment shall not be open to the public during the time its license is inactive.

Sec. 88. Section 71-3,147, Revised Statutes Supplement, 2002, is amended to read:

71-3,147. Each school license issued under the Nebraska Cosmetology Act shall expire and be subject to renewal on December 31 of each odd-numbered year. The procedure for renewing a school license shall be ~~identical to that for renewing a salon license in accordance with section 15 of this act,~~ except that, in addition to all other requirements, the school of cosmetology, school of esthetics, or school of electrology shall receive a satisfactory rating on an accreditation inspection conducted by the board and the department, in consultation with the State Department of Education, within the six months immediately prior to the date of license renewal.

Any school of cosmetology, school of esthetics, or school of electrology which has current accreditation from a national accrediting organization approved by the board shall be considered to satisfy the accreditation requirements outlined in this section, except that successful completion of an operation inspection shall be required. Each school of cosmetology, school of esthetics, or school of electrology, whether or not it is nationally accredited, shall satisfy all curriculum and sanitation

requirements outlined in the Nebraska Cosmetology Act to maintain its license.

Any school not able to meet the requirements for license renewal shall have its license placed on inactive status until all deficiencies have been corrected, and the school shall not operate in any manner during the time its license is inactive. If the deficiencies are not corrected within six months of the date of license renewal, the license may be revoked unless the board approves an extension of the time limit. The license of a school that has been revoked or lapsed for any reason shall not be reinstated. An original application for licensure shall be submitted and approved before such school may reopen.

Sec. 89. Section 71-3,155, Revised Statutes Supplement, 2002, is amended to read:

71-3,155. Each apprentice salon license issued under the Nebraska Cosmetology Act shall expire and be subject to renewal on December 31 of each odd-numbered year. The procedure and requirements for renewing an apprentice salon license shall be the same as those for a school of cosmetology or school of esthetics in accordance with section 15 of this act.

Sec. 90. Section 71-3,173, Reissue Revised Statutes of Nebraska, is amended to read:

71-3,173. (1) The hearing in any disciplinary action shall be before the director or a hearing officer appointed by the director.

(2) ~~In addition to~~ The department may impose the disciplinary actions cited in section 71-155. ~~the director may levy a fine against any practitioner found guilty of a violation, in an amount not to exceed ten times the initial fee of the license or registration held by the practitioner. All such fines shall be paid into the Cosmetology Cash Fund. In determining whether to levy a fine and the amount of the fine, the director shall take into consideration the seriousness of the violation and the extent to which the person derived financial gain as a result of the violation.~~

Sec. 91. Section 71-3,184, Revised Statutes Supplement, 2002, is amended to read:

71-3,184. ~~(1)~~ An application for any type of nail technology licensure or registration shall be made on forms and in the manner prescribed by the department with the approval of the board. No application for any type of licensure or registration shall be considered complete unless all information requested on the application form has been supplied, all seals and signatures required have been obtained, all supporting and documentary evidence has been received by the department, and the application is accompanied by the appropriate fee.

~~(2) If an applicant for an initial license or registration files an application for licensure or registration within ninety days prior to the biennial renewal date of such a license or registration, the applicant may either:~~

~~(a) Request that the department delay the processing of the application and the issuance of the license or registration until the biennial renewal date and pay only the fee for initial licensure or registration, or~~

~~(b) Request that a license or registration which will be valid until the next subsequent renewal date be issued immediately and pay the fee for initial licensure or registration and an additional fee of one-fourth of the biennial fee.~~

Sec. 92. Section 71-3,196, Revised Statutes Supplement, 2002, is amended to read:

71-3,196. (1) Each nail technician license or nail technology instructor license issued under the Nebraska Cosmetology Act shall expire and be subject to renewal every two years. All nail technician and nail technology instructor licenses shall expire and be subject to renewal on December 31 of each odd-numbered year.

(2) Procedures for renewal, reinstatement, and assessment of late fees and administrative penalties shall be in accordance with section 71-110 and section 29 of this act. ~~At least thirty days before the expiration date, the department shall notify each licensee by a letter addressed to the licensee at the last address contained in the department's records. Any licensee who fails to pay the renewal fee or file a complete application for renewal on or before the date of expiration of the license shall be given a second notice in the same manner, advising him or her that:~~

~~(a) The renewal fee has not been received or the application is incomplete,~~

~~(b) The license has expired,~~

~~(c) The department will suspend action for thirty days following the date of expiration,~~

~~(d) If the fees are or a complete application is received within such thirty-day period, no order of revocation will be entered,~~

(e) If the inactive renewal fee is received within such thirty-day period, the license will be placed on inactive status and no order of revocation will be entered; and

(f) Upon failure to receive the fee or complete application under either subdivision (d) or (e) of this subsection within such thirty-day period, an order of revocation will be entered.

(3) Any licensee who allows his or her license to expire by failure to renew according to this section may petition the department for reinstatement. Reinstatement may be granted upon the recommendation of the board and upon receipt by the department of a complete application for reinstatement accompanied by all regular renewal fees and the late renewal fee.

(4) No license may be renewed or reinstated unless the licensee completes continuing competency activities as required by the board pursuant to section 71-377.

Sec. 93. Section 71-3,205, Revised Statutes Supplement, 2002, is amended to read:

71-3,205. A nail technician or nail technology instructor who fails to complete continuing competency activities as required by the board pursuant to section 71-377 may request that his or her license be placed on inactive status upon its expiration. Such a request shall be granted upon payment of the required inactive status fee. No person shall practice in any manner under an inactive or revoked license. An inactive license may be restored to active status at such time as the licensee so petitions the department and presents evidence that he or she has completed continuing competency activities as required by the board.

Sec. 94. Section 71-3,214, Revised Statutes Supplement, 2002, is amended to read:

71-3,214. Each nail technology salon license issued under the Nebraska Cosmetology Act shall expire and be subject to renewal on September 30 of each odd-numbered year. The procedure for renewing a nail technology salon license shall be identical to that for renewing a nail technician license in accordance with section 15 of this act, except that in addition to all other requirements, no salon license may be renewed unless the nail technology salon has attained a rating of satisfactory on its most recent operation inspection. Any nail technology salon not able to meet such requirement shall have its license placed on inactive status until all deficiencies of operation have been corrected, and the nail technology salon shall not be open to the public during the time its license is inactive.

Sec. 95. Section 71-3,221, Revised Statutes Supplement, 2002, is amended to read:

71-3,221. Along with the application, an applicant for a license to operate a nail technology school shall submit:

(1) A detailed floor plan or blueprint of the proposed school building sufficient to show compliance with the relevant rules and regulations;

(2) A statement confirming application for minimal property damage, personal injury, and liability insurance coverage for the proposed school;

(3) A copy of the curriculum to be taught for all courses;

(4) A copy of the school rules and the student contract;

(5) A list of the names and credentials of all persons licensed or registered under the Nebraska Cosmetology Act to be employed by the school and the name and qualifications of the school manager;

(6) A completed nail technology education evaluation scale;

(7) A schedule of proposed hours of operation and class and course scheduling;

(8) Any additional information the department may require; and

(9) The required fee set pursuant to section 71-382.

A nail technology school's license shall be valid only for the location named in the application. When a school desires to change locations, it shall comply with section 71-3,229.

Sec. 96. Section 71-3,228, Revised Statutes Supplement, 2002, is amended to read:

71-3,228. Each nail technology school license issued under the Nebraska Cosmetology Act shall expire and be subject to renewal on December 31 of each odd-numbered year. The procedure for renewing a school license shall be identical to that for renewing a nail technology salon license in accordance with section 15 of this act, except that, in addition to all other requirements, the nail technology school shall receive a satisfactory rating on an accreditation inspection conducted by the board and the department, in consultation with the State Department of Education, within the six months immediately prior to the date of license renewal.

Any nail technology school not able to meet the requirements for license renewal shall have its license placed on inactive status until all deficiencies have been corrected, and the school shall not operate in any manner during the time its license is inactive. If the deficiencies are not corrected within six months after the date of license renewal, the license may be revoked unless the board approves an extension of the time limit. The license of a school that has been revoked or lapsed for any reason shall not be reinstated. An original application for licensure shall be submitted and approved before such school may reopen.

Sec. 97. Section 71-1304, Reissue Revised Statutes of Nebraska, is amended to read:

71-1304. (1) Before beginning an apprenticeship, an applicant shall register with the department on a form provided by the department for that purpose. ~~The fee for registration with the department as an apprentice shall be set by the department at not less than twenty dollars nor more than one hundred dollars.~~ The applicant shall show that he or she has completed thirty-nine of the sixty hours required in subdivision (1)(a) of section 71-1302. The applicant may complete the twelve-month apprenticeship in either a split apprenticeship or a full apprenticeship as provided in this section.

(2) A split apprenticeship shall be completed in the following manner: (a) Registration with the department to complete a six-month apprenticeship prior to attending an accredited school of mortuary science, which registration shall be valid for six months from the date of issuance and shall not be extended by the board. The apprenticeship shall be completed over a continuous six-month period; (b) successful completion of a full course of study in an accredited school of mortuary science; (c) successful passage of the national standardized examination; and (d) registration with the department to complete the final six-month apprenticeship, which registration shall be valid for six months from the date of issuance and shall not be extended by the board. The apprenticeship shall be completed over a continuous six-month period.

(3) A full apprenticeship shall be completed in the following manner: (a) Successful completion of a full course of study in an accredited school of mortuary science; (b) successful passage of the national standardized examination; and (c) registration with the department to complete a twelve-month apprenticeship. This registration shall be valid for twelve months from the date of issuance and shall not be extended by the board. The apprenticeship shall be completed over a continuous twelve-month period.

(4) The department may, on the recommendation of the board, adopt and promulgate rules and regulations for apprentices in funeral directing and embalming.

Sec. 98. Section 71-1327, Reissue Revised Statutes of Nebraska, is amended to read:

71-1327. (1) The application for an initial funeral establishment license shall be ~~accompanied by a fee established in rules and regulations of the department, which fee shall be not less than thirty dollars and not more than three hundred dollars.~~ An application for such license shall be in writing and verified on a form provided by the department. In order for a funeral establishment to be licensed, it shall employ as its manager a licensed funeral director and embalmer who shall be responsible for all transactions conducted in the funeral establishment, except that any person holding a valid license as a funeral director on December 31, 1993, may serve as a manager of a funeral establishment. The manager shall maintain and operate the funeral establishment in accordance with all laws, rules, and regulations relating thereto.

(2) A license to operate a funeral establishment may be granted by the department upon the recommendation of the board. If the applicant for a funeral establishment license proposes to operate more than one establishment, a separate application and fee shall be required for each location.

(3) A funeral establishment desiring to relocate shall make application therefor on a form provided by the department at least thirty days prior to the designated date of such change in location. The application for relocation shall be accompanied by a fee of ~~not less than fifteen dollars and not more than one hundred fifty dollars~~ the required fee.

(4) A funeral establishment desiring to change its manager shall make application on a form provided by the department at least fifteen days prior to the designated date of such change, except that in the case of death of a manager, the application shall be made immediately following such death. The application shall be accompanied by a fee of ~~not less than fifteen dollars and not more than one hundred fifty dollars~~ the required fee. No license shall be issued under this subsection by the department until the original license has been surrendered.

(5) A funeral establishment desiring to change its name shall request such change on a form provided by the department at least thirty days prior to the designated change in name. ~~The form shall be accompanied by a fee in the amount of ten dollars.~~

Sec. 99. Section 71-1327.01, Reissue Revised Statutes of Nebraska, is amended to read:

71-1327.01. (1) The application for an initial branch establishment license shall be ~~accompanied by a fee established in rules and regulations of the department, which fee shall be not less than thirty dollars and not more than three hundred dollars.~~ An application for such license shall be in writing on a form provided by the department.

(2) A license to operate a branch establishment may be granted by the department upon the recommendation of the board. If the applicant for a branch establishment license proposes to operate more than one branch establishment, a separate application and fee shall be required for each location.

(3) A branch establishment desiring to relocate shall make application therefor on a form provided by the department at least thirty days prior to the designated date of such change in location. The application for relocation shall be accompanied by a ~~fee of not less than fifteen dollars and not more than one hundred dollars~~ the required fee.

(4) A branch establishment desiring to change its manager shall make application on a form provided by the department at least fifteen days prior to the designated date of such change, except that in the case of death of the manager, the establishment shall make application immediately after such death. The application shall be accompanied by a ~~fee of not less than fifteen dollars and not more than one hundred dollars~~ the required fee. No license shall be issued by the department under this subsection until the original license has been surrendered.

(5) A branch establishment desiring to change its name shall request such change on a form provided by the department at least thirty days prior to the designated change in name. ~~The form shall be accompanied by a fee in the amount of ten dollars.~~

Sec. 100. Section 71-1331, Reissue Revised Statutes of Nebraska, is amended to read:

71-1331. (1) Every licensed funeral establishment and branch establishment shall pay biennially a fee for the renewal of its license. ~~The renewal fee payable by a licensed funeral establishment or branch establishment shall be established in rules and regulations of the department and shall be not less than ten dollars and not more than four hundred dollars.~~ All renewal fees shall become due and payable on February 1 of each even-numbered year. Renewals shall be processed in accordance with section 71-110. ~~except that the fee for late renewal shall not exceed twenty-five dollars.~~

(2) Any person, partnership, limited liability company, firm, corporation, association, or other organization which (a) without having complied with sections 71-1301 to ~~71-1306 and 71-1326~~ ~~to~~ 71-1354 and without having first obtained a license (i) engages directly or indirectly in the business of funeral directing and embalming, (ii) holds himself, herself, or itself out to the public as a funeral director and embalmer, or (iii) performs or attempts to perform any of the services of a funeral establishment or branch establishment or of a funeral director and embalmer relating to the disposition of dead human bodies or (b) continues to perform such services after the license has expired or has been revoked or suspended shall be guilty of a Class III misdemeanor and shall be dealt with in the same manner as outlined in section 71-167. Each day so engaged in such business shall constitute and be deemed a separate offense.

Sec. 101. Section 71-1722, Revised Statutes Supplement, 2002, is amended to read:

71-1722. Requirements for licensure as an advanced practice registered nurse shall be the following:

(1) A license as a registered nurse in the State of Nebraska;

(2) A completed application which includes the applicant's social security number;

(3) A licensure fee established and collected as provided in section 71-162;

(4) Evidence of having successfully completed an approved advanced practice registered nurse program;

(5) Evidence of having successfully completed thirty contact hours of education in pharmacotherapeutics;

(6) Submission of proof of having passed an examination pertaining to the specific advanced practice registered nurse role in nursing adopted or

approved by the boards with the approval of the department. Such examination may include any recognized national credentialing examination for advanced practice registered nurses conducted by an approved certifying body which administers an approved certification program; and

(7) If more than five years have elapsed since the completion of the advanced practice registered nurse program or since the applicant has practiced in the specific advanced practice registered nurse role, the applicant shall meet the requirements in subdivisions (1) through (6) of this section and provide evidence of continuing competency as required by the boards pursuant to section 71-1718.02.

Sec. 102. Section 71-1723, Revised Statutes Supplement, 2002, is amended to read:

71-1723. ~~(1)~~ Anyone fulfilling the requirements listed in section 71-1722 shall be issued a license as an advanced practice registered nurse by the department.

~~(2) If an applicant for an initial license files an application for licensure within ninety days prior to the biennial renewal date of the license, the applicant may either:~~

~~(a) Request that the department delay the processing of the application and the issuance of the license until the biennial renewal date and pay only the fee for initial licensure; or~~

~~(b) Request that a license which will be valid until the next subsequent renewal date be issued immediately and pay the fee for initial licensure and an additional fee of one-fourth of the biennial fee.~~

Sec. 103. Section 71-1724, Revised Statutes Supplement, 2002, is amended to read:

71-1724. Renewal of a license as an advanced practice registered nurse shall be at the same time and in the same manner as renewal of a license as a registered nurse and shall require:

(1) A license as a registered nurse in the State of Nebraska;

(2) Documentation of continuing competency upon completion of continuing competency activities established by the boards pursuant to section 71-1718.02;

(3) Documentation of a minimum of two thousand eighty hours of practice as an advanced practice registered nurse within the five years immediately preceding renewal. These practice hours shall fulfill the requirements of the practice hours required for registered nurse renewal;

(4) Proof of current certification in the specific advanced practice clinical specialty area by an approved certification program; and

(5) Payment of a biennial license renewal fee established and collected as provided in section 71-162.

Sec. 104. Section 71-1725.01, Revised Statutes Supplement, 2002, is amended to read:

71-1725.01. (1) An advanced practice registered nurse's license lapses if he or she (a) does not have a current license to practice as a registered nurse or has had his or her license to practice as a registered nurse denied, refused renewal, suspended, or revoked or (b) renews his or her license to practice as a registered nurse but does not renew his or her license to practice as an advanced practice registered nurse.

(2) When a license to practice as an advanced practice registered nurse lapses, the right of the person whose license has lapsed to represent himself or herself as a licensee and to practice the activities for which a license is required terminates. To restore the license to active status, the person shall meet the requirements for renewal which are in effect at the time that he or she wishes to restore the license and shall pay the renewal fee and an additional the late fee established and collected as provided in section 71-162.

Sec. 105. Section 71-1730, Revised Statutes Supplement, 2002, is amended to read:

71-1730. In order to obtain a certificate from the department as a certified registered nurse anesthetist an applicant shall:

(1) Hold a license as a registered nurse in the State of Nebraska;

(2) Submit a completed application verified by oath which includes the applicant's social security number;

(3) Pay a ~~licensure fee not in excess of fifty dollars~~ the required fee established and collected as provided in section 71-162;

(4) Submit evidence of successful completion of a course of study in anesthesia in a school of nurse anesthesia accredited or approved by or under the auspices of the department or the Council on Accreditation of Nurse Anesthesia and Educational Programs; and

(5) Take and successfully pass a certifying examination approved by the department after prior approval of such examination by the Board of

Nursing and Board of Medicine and Surgery. Such examination may include (a) the National Qualifying Examination for Certified Registered Nurse Anesthetists or (b) any other approved recognized national qualifying examination for nurse anesthetists.

If more than five years have elapsed since the applicant completed the nurse anesthetist program or since the applicant has practiced as a nurse anesthetist, he or she shall meet the requirements of subdivisions (1) through (5) of this section and shall provide evidence of continuing competency as determined by the Board of Nursing and Board of Medicine and Surgery, ~~determine~~, including, but not limited to, a reentry program, supervised practice, examination, or one or more of the continuing competency activities listed in section 71-161.09.

Sec. 106. Section 71-1735, Revised Statutes Supplement, 2002, is amended to read:

71-1735. (1) The procedure for biennial certification renewal as a certified registered nurse anesthetist shall be at the same time and in the same manner as renewal of a license as a registered nurse and shall require:

(a) A license as a registered nurse in the State of Nebraska;

(b) Documentation of continuing competency as required by the Board of Nursing and the Board of Medicine and Surgery in rules and regulations approved by the boards and adopted and promulgated by the department. Continuing education is sufficient to meet continuing competency requirements. The requirements may also include, but not be limited to, one or more of the continuing competency activities listed in section 71-161.09 which a person may select as an alternative to continuing education; and

(c) ~~Payment of a biennial certification renewal fee not in excess of thirty dollars~~ the required fee established and collected as provided in section 71-162.

(2) Violations of the Advanced Practice Registered Nurse Act shall be dealt with in the manner prescribed in sections 71-1725, 71-1726, and 71-1737.

~~(3) All fees received pursuant to sections 71-1729 to 71-1737 shall be processed in the same manner as fees received pursuant to the Nurse Practice Act.~~

Sec. 107. Section 71-1755, Revised Statutes Supplement, 2002, is amended to read:

71-1755. (1) An applicant for certification as a nurse midwife shall submit to the boards a written application, which includes the applicant's social security number, and such evidence as the boards shall require showing that the applicant is currently licensed as a registered nurse by the state, has successfully completed an approved certified nurse midwifery education program, and has passed a nationally recognized nurse midwifery examination adopted by the boards.

(2) The department may, with the approval of the boards, grant temporary certification as a nurse midwife upon application (a) to graduates of an approved nurse midwifery program pending results of the first certifying examination following graduation and (b) for one hundred twenty days to nurse midwives currently licensed in another state pending completion of the application for Nebraska certification. A temporary permit issued pursuant to this section may be extended for up to one year with the approval of the boards.

(3) The boards shall adopt an examination to be used pursuant to subsection (1) of this section.

(4) If more than five years have elapsed since the completion of the nurse midwifery program or since the applicant has practiced as a nurse midwife, the applicant shall meet the requirements in subsection (1) of this section and provide evidence of continuing competency, as may be determined by the boards, either by means of a reentry program, references, supervised practice, examination, or one or more of the continuing competency activities listed in section 71-161.09.

~~(5) If an applicant for an initial certificate files an application for certification within ninety days prior to the biennial renewal date of the certificate, the applicant may either:~~

~~(a) Request that the department delay the processing of the application and the issuance of the certificate until the biennial renewal date and pay only the fee for the initial certification; or~~

~~(b) Request that a certificate which will be valid until the next subsequent renewal date be issued immediately and pay the fee for initial certification and an additional fee of one-fourth of the biennial fee.~~

Sec. 108. Section 71-1757, Revised Statutes Supplement, 2002, is amended to read:

71-1757. (1) The certificate of each person certified under the



Nebraska Certified Nurse Midwifery Practice Act shall be renewed at the same time and in the same manner as renewal of a license for a registered nurse. ~~7~~ ~~except that no additional fee shall be charged for late renewal.~~ Renewal of such a certificate shall require that (a) the applicant have a license as a registered nurse issued by the state and (b) documentation of continuing competency, either by reference, peer review, examination, or one or more of the continuing competency activities listed in section 71-161.09, as established by the boards in rules and regulations approved by the boards and adopted and promulgated by the department.

(2) The department shall establish and collect fees as follows:

~~(a) Application for certification, not in excess of fifty dollars,~~  
and

~~(b) Certificate renewal, not in excess of twenty dollars annually or forty dollars biennially.~~

~~(3) The department may also establish and collect fees for:~~

~~(a) Reexamination;~~  
~~(b) Applications for temporary permits; and~~  
~~(c) Applications for reinstatement after revocation, suspension, or expiration of certification provided in section 71-162.~~

Sec. 109. Section 71-1777, Revised Statutes Supplement, 2002, is amended to read:

71-1777. In order to obtain a certificate as a licensed practical nurse-certified, an individual shall meet the following requirements:

(1) Have a current license to practice as a licensed practical nurse in Nebraska;

(2) Have successfully completed an approved certification course within one year before application for certification;

(3) Have satisfactorily passed an examination approved by the board;

(4) Have filed an application with the department; and

(5) Have paid the applicable required fee.

Sec. 110. Section 71-1778, Revised Statutes Supplement, 2002, is amended to read:

71-1778. Except as otherwise provided in this section, a certificate to practice as a licensed practical nurse-certified shall be issued by the department to be valid for two years. An initial certificate shall expire at the same time as the applicant's license to practice as a licensed practical nurse. ~~If an applicant for an initial certificate files an application for certification within ninety days prior to the biennial renewal date of the certificate, the applicant may either (1) request that the department delay the processing of the application and the issuance of the certificate until the biennial renewal date and pay only the fee for the initial certification or (2) request that a certificate which will be valid until the next subsequent renewal date be issued immediately and pay the fee for initial certification and an additional fee of one-fourth of the biennial fee.~~ The application for the license shall include the applicant's social security number.

Sec. 111. Section 71-1787, Revised Statutes Supplement, 2002, is amended to read:

71-1787. The department shall ~~set~~ establish and collect the fees to be paid for credentialing activities under the Licensed Practical Nurse-Certified Act as provided in section 71-162. ~~follows:~~

~~(1) For an initial certificate to practice as a licensed practical nurse-certified, not less than twenty dollars and not more than two hundred dollars;~~

~~(2) For renewal of a certificate to practice as a licensed practical nurse-certified, not less than twenty dollars and not more than seventy-five dollars;~~

~~(3) For approval of a certification course to be offered by an approved school of nursing, not less than one hundred fifty dollars and not more than three hundred dollars; and~~

~~(4) For approval of a certification course to be offered by a person other than an approved school of nursing, not less than two hundred dollars and not more than one thousand dollars.~~

Sec. 112. Section 71-2803.01, Revised Statutes Supplement, 2002, is amended to read:

71-2803.01. (1) The board may issue a temporary license or certificate to practice as a physical therapist or physical therapist assistant to a person who:

(a) Meets all the requirements for a license or certificate except passage of the examination required by sections 71-2801 to 71-2823;

(b) Submits an application and a fee of ~~not less than ten dollars~~ ~~nor more than fifty dollars~~ as established by the department upon

~~recommendation of the board the required fee;~~

(c) Has registered to take the first examination to be given following the issuance date of the temporary license or certificate; and

(d) Has not been previously issued a license or certificate.

(2) A temporary license or certificate shall:

(a) Allow the holder to practice only when supervised by a licensed physical therapist; and

(b) Become null and void upon the department's notification that the temporary license holder or temporary certificate holder has either passed or failed the examination.

The board may approve an extension of a temporary license for up to six months upon showing of good cause by the license holder or certificate holder. ~~The fee for such extension shall be the same as for the initial temporary license or certificate.~~

(3) The department may deny, revoke, limit, suspend, or otherwise discipline a temporary license or temporary certificate to practice physical therapy upon the grounds and in accordance with the Uniform Licensing Law.

Sec. 113. Section 71-2819, Revised Statutes Supplement, 2002, is amended to read:

71-2819. (1) The department shall establish and collect fees for credentialing activities as provided in section 71-162. ~~the following fees:~~

~~(a) For an initial application by a physical therapist for approval to supervise a physical therapist assistant, an amount not less than twenty-five nor more than three hundred dollars;~~

~~(b) For annual renewal of the approval to supervise a physical therapist assistant, an amount not less than ten nor more than two hundred fifty dollars;~~

~~(c) For an initial application for certification as a physical therapist assistant, an amount not less than seventy-five nor more than three hundred dollars;~~

~~(d) For biennial renewal of certification as a physical therapist assistant, an amount not less than twenty nor more than five hundred dollars; and~~

~~(e) For a duplicate original certificate, ten dollars.~~

~~(2) Any applicant whose application is rejected shall be allowed the return of his or her fee, except for an administrative charge set by the department of at least twenty-five dollars to be retained by the department.~~

~~(3) The department, upon the recommendation of the board, shall determine the exact fee to be charged based on administrative costs incurred by the board.~~

~~(4) All fees received shall be expended (a) for the benefit of the profession of physical therapy, (b) as provided in section 71-162, and (c) for the purpose of administering and enforcing sections 71-2801 to 71-2823.~~

Sec. 114. Section 71-3508.03, Revised Statutes Supplement, 2002, is amended to read:

71-3508.03. (1) The department shall establish by rule and regulation annual fees for the radioactive materials licenses, for inspections of radioactive materials, for the registration and inspection of radiation-generating equipment and other sources of radiation, and for radon measurement and mitigation business licenses and inspections of radon mitigation systems installations under the Radiation Control Act. The annual fee for registration and inspection of X-ray radiation generating equipment used to diagnose conditions in humans or animals shall not exceed seventy dollars per X-ray machine. The department shall also establish by rule and regulation additional fees for environmental surveillance activities performed by the department to assess the radiological impact of activities conducted by licensees and registrants. Such activities shall not duplicate surveillance programs approved by the federal Nuclear Regulatory Commission and conducted by entities licensed by such commission. No fee shall exceed the actual cost to the department for administering the act. The fees collected shall be remitted to the State Treasurer for credit to the Department of Health and Human Services Regulation and Licensure Cash Fund and shall be used solely for the purpose of defraying the direct and indirect costs of administering the act. The department shall collect such fees.

(2) The department may, upon application by an interested person or on its own initiative, grant such exemptions from the requirements of this section as it determines are in the public interest. Applications for exemption under this subsection may include, but shall not be limited to, the use of licensed materials for educational or noncommercial displays or scientific collections.

(3) When a registrant or licensee fails to pay the applicable fee, the department may suspend or revoke the registration or license or may issue

an appropriate order.

(4) The department shall establish and collect fees for licenses for individuals engaged in radon detection, measurement, and mitigation as provided in section 71-162.

Sec. 115. Section 71-3515.02, Revised Statutes Supplement, 2002, is amended to read:

71-3515.02. (1) The educational program for medical radiographers shall consist of twenty-four months of instruction in radiography approved by the department which includes, but is not limited to, radiographic procedures, imaging equipment, image production and evaluation, film processing, radiation physics, radiation protection, radiation biology, radiographic pathology, and quality assurance activities. The department shall recognize equivalent courses of instruction successfully completed by individuals who are applying for licensure as medical radiographers by the department when determining if the requirements of section 71-3515.01 have been met.

(2) The examination for limited radiographers shall include, but not be limited to:

(a) Radiation protection, equipment maintenance and operation, image production and evaluation, and patient care and management; and

(b) The anatomy of, and positioning for, specific regions of the human anatomy. The anatomical regions shall include at least one of the following:

- (i) Chest;
- (ii) Extremities;
- (iii) Skull and sinus;
- (iv) Spine; or
- (v) Ankle and foot.

(3) The department shall adopt and promulgate rules and regulations regarding the examinations required in subdivisions (1)(a)(ii) and (2)(a) of section 71-3515.01. Such rules and regulations shall provide for (a) the administration of examinations based upon national standards, such as the Examination in Radiography from the American Registry of Radiologic Technologists for medical radiographers, the Examination for the Limited Scope of Practice in Radiography from the American Registry of Radiologic Technologists for limited radiographers, or equivalent examinations that, as determined by the department, meet the standards for educational and psychological testing as recommended by the American Psychological Association, the American Educational Research Association, and the National Council on Measurement in Education, (b) procedures to be followed for examinations, (c) the method of grading and the passing grades for such examinations, (d) security protection for questions and answers, and (e) for medical radiographers, the contents of such examination based on the course requirements for medical radiographers prescribed in subsection (1) of this section. Any costs incurred in determining the extent to which examinations meet the examining standards of this subsection shall be paid by the individual or organization proposing the use of such examination.

(4) Any person employed in medical radiography before and on June 2, 1995, who is not otherwise licensed may apply for a license as a provisional limited radiographer before January 1, 1996. A person licensed as a provisional limited radiographer may perform the duties of a limited radiographer licensed in all anatomical regions listed in subdivision (2)(b) of this section and the anatomical region of Abdomen. A provisional limited radiographer shall not radiograph children under the age of six months, except (a) upon a finding by the department that continued provision of service for a community would be in jeopardy if this provision is enforced, (b) for an employee of a hospital licensed and in good standing under ~~Chapter 71~~ the Health Care Facility Licensure Act and located in a rural area as defined in section 71-5653, or (c) in a bona fide emergency situation. No examination shall be required of individuals applying for a license as a provisional limited radiographer. All provisional limited radiographer licenses expire January 1, 2005. A license as a provisional limited radiographer is subject to discipline for violations of the Radiation Control Act and rules and regulations adopted pursuant to the act, including, but not limited to, revocation for nonpayment of fees or failure to meet continuing competency requirements as required by the department pursuant to section 71-3507.

(5) No applicant for a license as a limited radiographer may take the examination for licensure, or for licensure for any specific anatomical region, more than three times without first waiting a period of one year after the last unsuccessful attempt of the examination and submitting proof to the department of completion of continuing competency activities as required by the department pursuant to section 71-3507 for each subsequent attempt.

(6) ~~The department shall adopt and promulgate rules and regulations~~

~~establishing~~ establish and collect fees as provided in section 71-162 for the implementation of this section and section 71-3515.01, including an examination fee, initial and renewal licensure fees for licenses for persons performing medical radiography, and a fee for approval of courses of instruction. ~~In determining such fees, the department shall obtain sufficient funds from the fees to pay the direct and indirect costs of administering such sections. No fee shall exceed the actual cost to the department for examination and licensure. The fees shall be collected and remitted by the department to the State Treasurer for credit to the Department of Health and Human Services Regulation and Licensure Cash Fund and shall be used solely for the purpose of defraying the direct and indirect costs of administering such sections.~~

Sec. 116. Section 71-3702, Reissue Revised Statutes of Nebraska, is amended to read:

71-3702. For purposes of sections 71-3702 to 71-3715, unless the context otherwise requires:

(1) Board shall mean the Board of Registration for Environmental Health Specialists;

(2) Environmental health specialist shall mean a person who by education and experience in the physical, biological, and sanitary sciences is qualified to carry out educational, investigational, and technical duties in the field of environmental sanitation;

(3) Registered environmental health specialist shall mean a person who has the educational requirements and has had experience in the field of environmental sanitation required by ~~subsection (1) of~~ section 71-3703 and is registered in accordance with sections 71-3702 to 71-3715;

(4) Trainee shall mean a person who is qualified by education but does not have at least one full year of experience in the field of environmental sanitation and is registered in accordance with sections 71-3702 to 71-3715;

(5) Certificate of registration shall mean a document issued as evidence of registration and qualification to practice as an environmental health specialist or trainee under sections 71-3702 to 71-3715, bearing the designation Registered Environmental Health Specialist or Trainee, and showing the name of the person, date of issue, serial number, seal, and signatures of the members of the board authorized to grant such certificates; and

(6) Department shall mean the Department of Health and Human Services Regulation and Licensure.

Sec. 117. Section 71-3703, Revised Statutes Supplement, 2002, is amended to read:

71-3703. ~~(1)~~ Any person desiring to be registered as an environmental health specialist may make application to the board on a form prescribed by the board. The application shall include the applicant's social security number. The board shall accept such application when submitted if accompanied by the required fees established and collected as provided in section 71-162. A person shall be eligible for registration under sections 71-3702 to 71-3715 if he or she has graduated with a baccalaureate or higher degree from an accredited college or university, has satisfactorily completed at least forty-five quarter hours or thirty semester hours of academic work in the basic natural sciences, has been employed full time as an environmental health specialist for a period not less than one year, and has passed an examination given and conducted by the board under section 71-3705, except that a person holding a degree higher than a baccalaureate degree who has satisfactorily completed at least forty-five quarter hours or thirty semester hours of academic work in the basic natural sciences may qualify when employed as an environmental health specialist for a period of not less than six months.

~~(2) If an applicant for an initial registration files an application for registration within ninety days prior to the biennial renewal date of such registration, the applicant may either:~~

~~(a) Request that the department delay the processing of the application and the issuance of the registration until the biennial renewal date and pay only the fee for initial registration; or~~

~~(b) Request that a registration which will be valid until the next subsequent renewal date be issued immediately and pay the fee for initial registration and an additional fee of one-fourth of the biennial fee.~~

Sec. 118. Section 71-3704, Reissue Revised Statutes of Nebraska, is amended to read:

71-3704. ~~(1)~~ Any person meeting the educational qualifications of ~~subsection (1) of~~ section 71-3703 but who does not meet the experience requirements of such ~~subsection~~ section may make application to the board on a form prescribed by the board for registration as a trainee. The board shall

accept such application when submitted if accompanied by the required fees.

~~(2) If an applicant for an initial registration files an application for registration within ninety days prior to the biennial renewal date of such registration, the applicant may either:~~

~~(a) Request that the department delay the processing of the application and the issuance of the registration until the biennial renewal date and pay only the fee for initial registration; or~~

~~(b) Request that a registration which will be valid until the next subsequent renewal date be issued immediately and pay the fee for initial registration and an additional fee of one-fourth of the biennial fee.~~

Sec. 119. Section 71-3705, Reissue Revised Statutes of Nebraska, is amended to read:

71-3705. (1) Only a person who meets the educational and experience requirements in ~~subsection (1)~~ of section 71-3703 shall be eligible for admission to examination for registration as an environmental health specialist.

(2) Examinations for registration as an environmental health specialist under sections 71-3702 to 71-3715 shall be administered not less than once each calendar year and at such times and places in this state as may be specified from time to time by the board. Such examinations may be written, oral, or both and shall include applicable subjects in the field of sanitary science and such other subjects pertinent to the qualifications of environmental health specialists as the board may prescribe. The examination papers shall not disclose the name of the applicant but shall be identified by a number assigned by the secretary of the board. The preparation of the examination shall be the responsibility of the board, but the board may use material prepared by recognized examination agencies.

(3) The department may adopt and promulgate rules and regulations to provide for the review of procedures for the development and administration of examinations and to protect the security of the content of examination questions and answers. The department shall not enter into an agreement to adopt an examination from a national testing service without first obtaining from that service detailed documentation of the process of examination development and maintenance.

(4) A person shall not be registered if he or she fails to meet the minimum grade requirements for examination specified by the board. If an applicant fails to meet such minimum grade requirements in his or her first examination, he or she may be reexamined after a lapse of not less than sixty days at such a place as designated by the board by resubmitting his or her application along with ~~such~~ the required examination fee. ~~as may be set by the board.~~

(5) The examination papers and records pertaining thereto shall be filed with the secretary of the board and retained for at least one year.

Sec. 120. Section 71-3708, Revised Statutes Supplement, 2002, is amended to read:

71-3708. (1) The members of the board shall organize as soon as appointed and, annually thereafter in the month of April, shall elect from their number a chairperson, a vice-chairperson, and a secretary. The secretary shall continue in office at the pleasure of the board.

(2) The board shall make such rules as are necessary to carry out sections 71-3702 to 71-3715.

(3) The board shall hold at least one meeting each year to review and evaluate applications for registration as environmental health specialists or trainees, conduct examinations, review and approve all bills, prepare and approve reports, and transact all other business as may be necessary to carry out sections 71-3702 to 71-3715. Only board members shall be entitled to vote at board meetings.

(4) The board shall issue certificates of registration to applicants who have been found qualified as environmental health specialists or trainees, to which certificate the official seal of the board has been affixed.

(5) Four members of the board shall constitute a quorum, and special meetings of the board shall be called by the secretary upon written request of any two members of the board or upon a written request signed by ten registered environmental health specialists.

(6) All board meetings shall be open to any registered environmental health specialist.

~~(7) The secretary of the board shall transmit any and all funds received by the board to the Department of Health and Human Services Regulation and Licensure. Such funds shall be remitted to the State Treasurer for credit to the Board of Registration for Environmental Health Specialists Fund, which fund is hereby created. All expenses of the board shall be paid from the fund and no part of the General Fund shall be expended for this~~

purpose. Any money in the Board of Registration for Environmental Health Specialists Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

~~(8) Funds collected under sections 71-3702 to 71-3715 shall be used to pay expenses. All expenses certified by the board as properly and necessarily incurred in the discharge of duties, including authorized compensation and clerical help, and any expenses incident to the administration of such sections relating to other states shall be paid out of such funds. Any surplus at the end of the fiscal year or biennium shall be retained by the board for future expenditures.~~

~~(9) The board shall receive all registration renewal funds above the necessary operating expenses incurred by the Department of Health and Human Services Regulation and Licensure for annual renewal of registration.~~

Sec. 121. Section 71-3710, Revised Statutes Supplement, 2002, is amended to read:

71-3710. (1) The board shall prescribe and provide an application form for the use of all applicants. Applicants for registration as environmental health specialists shall submit a fee of ten dollars and applicants for registration as trainees shall submit a fee of five dollars at the time of making application for registration. Such fees shall not be refundable. The board may also assess an additional fee for the cost of the examination when necessary fees for credentialing activities as provided in section 71-162.

A registered environmental health specialist may renew his or her registration by paying the board a biennial renewal fee of not less than thirty dollars nor more than three hundred fifty dollars as the board shall direct renewal fee as provided in section 71-162. Such fee shall be due and payable on or before January 1, 1987, and on or before January 1 of each odd-numbered year for which a renewal registration is issued. All registrations shall expire on December 31 of each even-numbered year. Procedures for renewal and for assessment of additional fees for late renewal or reinstatement shall be in accordance with section 71-110.

In no case shall registration for a trainee exceed a two-year period.

(2) Each registered environmental health specialist or trainee in active practice in the state shall, on or before December 31 of each even-numbered year, complete continuing competency activities as required by the board and adopted and promulgated by the department in rules and regulations as a prerequisite for the registrant's next subsequent biennial registration renewal. Continuing education is sufficient to meet continuing competency requirements. The requirements may also include, but not be limited to, one or more of the continuing competency activities listed in section 71-161.09 which a registrant may select as an alternative to continuing education.

Each registered environmental health specialist and trainee in active practice within the State of Nebraska shall, on or before December 31 of each even-numbered year, certify to the department that he or she has complied with this subsection during the preceding two-year period. Any registrant who has not complied with such requirements shall not be issued a renewal registration except if he or she is exempt as provided in subsection (3) of this section. Procedures for nonrenewal of the registration of such registrants shall be identical to those for nonpayment of renewal fees as provided in sections 71-110 and 71-149. In cases other than nonrenewal, the procedures in sections 71-149 and 71-150 for refusal to renew shall apply. ~~Additional fees for late renewal shall be assessed in accordance with section 71-110.~~

(3) A registrant shall be exempt from the requirements of subsection (2) of this section if he or she:

(a) Holds a Nebraska certificate of registration but is not practicing as a registered environmental health specialist or registered trainee in Nebraska;

(b) Serves in the regular armed forces of the United States during any part of the twenty-four months immediately preceding the biennial certificate of registration renewal date;

(c) Attends a college, university, or other institution of higher education for a residence period of time in excess of eight months during any part of the twenty-four months immediately preceding the biennial certificate of registration renewal date;

(d) Submits proof that he or she was suffering from a serious or disabling illness or physical disability during the twenty-four months immediately preceding the biennial certificate of registration renewal date

which prevented his or her completion of continuing competency requirements established by the board;

(e) Had first registered within the twenty-four months immediately preceding the biennial certificate of registration renewal date; or

(f) Is a registered environmental health specialist in good standing with the board who has completely retired from the active practice of environmental sanitation.

Sec. 122. Section 71-3712, Reissue Revised Statutes of Nebraska, is amended to read:

71-3712. The procedures and requirements for a reciprocal registration with other states shall be in accordance with sections 71-139 to ~~71-145~~ 71-144.

Sec. 123. Section 71-4305, Revised Statutes Supplement, 2002, is amended to read:

71-4305. (1) The Department of Health and Human Services Regulation and Licensure shall make at least one inspection every year of each swimming pool to determine that such swimming pool complies with the minimum sanitary and safety requirements.

(2) The owner and operator of any swimming pool shall submit such operation and analytical records as may be requested at any time by the ~~Department of Health and Human Services Regulation and Licensure~~ department to determine the sanitary and safety condition of the swimming pool.

(3) The ~~Department of Health and Human Services Regulation and Licensure~~ department shall adopt and promulgate rules and regulations which classify swimming pools on the basis of criteria deemed appropriate by the department. The department shall charge engineering firms, swimming pool owners, and operators, and other appropriate parties fees established by rules and regulations for the review of plans and specifications of a swimming pool, the issuance of a license or permit, ~~the provision of swimming pool operator testing services,~~ the inspection of a swimming pool, and any other services rendered at a rate which defrays no more than the actual cost of the services provided. All fees shall be paid as a condition of annual renewal of licensure or of continuance of licensure. All fees collected under this ~~section~~ subsection shall be remitted to the State Treasurer for credit to the Department of Health and Human Services Regulation and Licensure Cash Fund. The ~~Department of Health and Human Services Regulation and Licensure~~ department shall not charge a municipal corporation an inspection fee for an inspection of a swimming pool owned by such municipal corporation.

(4) The department shall establish and collect fees for certificates of competency for swimming pool operators as provided in section 71-162.

Sec. 124. Section 71-4706, Revised Statutes Supplement, 2002, is amended to read:

71-4706. (1) Application for a license under sections 71-4701 to 71-4719 shall be made to the department on forms prescribed by the department and shall be accompanied by the fee ~~specified in section 71-4714.01~~ established as provided in section 71-162. If the applicant is an individual, the application shall include the applicant's social security number. The department shall, without discrimination, issue a license to any person who passes an examination provided for in section 71-4707. The license shall be effective until December 31 of the next even-numbered year.

(2) ~~If an applicant for an initial license files an application for licensure within ninety days prior to the biennial renewal date of the license, the applicant may either:~~

(a) ~~Request that the department delay the processing of the application and the issuance of the license until the biennial renewal date and pay only the fee for initial licensure, or~~

(b) ~~Request that a license which will be valid until the next subsequent renewal date be issued immediately and pay the fee for initial licensure and an additional fee of one-fourth of the biennial fee.~~

(3) ~~Whenever the board determines that another state or jurisdiction has requirements equivalent to those in effect pursuant to sections 71-4701 to 71-4719 and that such state or jurisdiction has a program equivalent to the program for determining whether applicants pursuant to such sections are qualified to fit and sell hearing aids, the department may issue licenses to applicants who hold current, unsuspended, and unrevoked certificates or licenses to fit and sell hearing aids in such other state or jurisdiction. No such applicants for licensure shall be required to submit to or undergo a qualifying examination if his or her certificate or license is based upon a written examination equivalent to the Nebraska examination.~~

Sec. 125. Section 71-4708, Revised Statutes Supplement, 2002, is amended to read:

71-4708. (1) The department upon recommendation of the board shall

issue a temporary license to any person who has met the requirements for licensure pursuant to subsection (1) of section 71-4707. Previous experience or a waiting period shall not be required to obtain a temporary license.

(2) Any person who desires a temporary license shall make application to the department. Such application shall include the applicant's social security number and shall be accompanied by the required fee, ~~provided for in section 71-4714.01~~. The temporary license shall be issued for a period of one year. A person holding a valid license shall be responsible for the supervision and training of such applicant and shall maintain adequate personal contact with him or her.

(3) If a person who holds a temporary license under this section has not successfully passed the licensing examination within twelve months of the date of issuance of the temporary license, the temporary license may be renewed or reissued for a twelve-month period upon payment of the required fee, ~~specified in section 71-4714.01~~. In no case may a temporary license be renewed or reissued more than once. A renewal or reissuance may take place any time after the expiration of the first twelve-month period.

(4) The department shall have the power to deny, revoke, limit, suspend, or otherwise discipline a temporary license upon the grounds and in accordance with the Uniform Licensing Law.

Sec. 126. Section 71-4711, Revised Statutes Supplement, 2002, is amended to read:

71-4711. Licenses issued pursuant to sections 71-4701 to 71-4719 shall be subject to biennial renewal and shall expire December 31 of each even-numbered year in accordance with section 71-110. Procedures for renewal ~~and for assessment of additional fees for late renewal~~ shall be in accordance with sections 71-110 and 71-161.10.

Sec. 127. Section 71-4714.01, Reissue Revised Statutes of Nebraska, is amended to read:

71-4714.01. ~~(1)~~ The fees for credentialing activities under sections 71-4701 to 71-4719 shall be established and collected as provided in section 71-162. ~~department, upon the recommendation of the board, shall determine the fees to be charged based on the administrative costs incurred by the board and subject to the following:~~

~~(a) Not less than fifty dollars and not more than seven hundred dollars for a license issued on the basis of an examination given by this state or on the basis of a license granted by another state or territory to practice as a hearing aid instrument dispenser and fitter;~~

~~(b) Not less than fifty dollars and not more than seven hundred fifty dollars for a biennial renewal of a license to practice as a hearing aid instrument dispenser and fitter;~~

~~(c) Not less than fifty dollars and not more than seven hundred dollars for a temporary license as a hearing aid instrument dispenser and fitter;~~

~~(d) Not less than fifty dollars and not more than seven hundred dollars for renewal of a temporary license;~~

~~(e) For a certified statement that a licensee is licensed in this state, a fee of twenty-five dollars, and for verification that a licensee is licensed in this state, a fee of five dollars; and~~

~~(f) For a duplicate or reissued original license or certificate, ten dollars.~~

~~(2) Any applicant whose application is rejected by the department or withdrawn by the applicant shall be allowed the return of his or her fee except for an administrative fee of twenty-five dollars to be retained by the department.~~

Sec. 128. Section 71-5172, Revised Statutes Supplement, 2002, is amended to read:

71-5172. Sections 71-5172 to 71-51,100 and section 129 of this act shall be known and may be cited as the Emergency Medical Services Act.

Sec. 129. The department shall establish and collect fees for credentialing activities under the Emergency Medical Services Act as provided in section 71-162.

Sec. 130. Section 71-5306, Revised Statutes Supplement, 2002, is amended to read:

71-5306. (1) To carry out the provisions and purposes of the Nebraska Safe Drinking Water Act, the director may:

(a) Enter into agreements, contracts, or cooperative arrangements, under such terms as are deemed appropriate, with other state, federal, or interstate agencies or with municipalities, educational institutions, local health departments, or other organizations, entities, or individuals;

(b) Require all laboratory analyses to be performed at the Department of Health and Human Services Regulation and Licensure Laboratory,



or at any other certified laboratory which has entered into an agreement with the Department of Health and Human Services Regulation and Licensure therefor, and establish and collect fees for making laboratory analyses of water samples pursuant to sections 71-2619 to 71-2621, except that subsection (6) of section 71-2619 shall not apply for purposes of the Nebraska Safe Drinking Water Act. Inspection fees for making other laboratory agreements shall be established and collected pursuant to sections 71-2619 to 71-2621;

(c) Certify laboratories performing tests on water that is intended for human consumption. The director may establish, through rules and regulations, standards for certification. Such standards may include requirements for staffing, equipment, procedures, and methodology for conducting laboratory tests, quality assurance and quality control procedures, and communication of test results. Such standards shall be consistent with requirements for performing laboratory tests established by the federal Environmental Protection Agency to the extent such requirements are consistent with state law. The director may accept accreditation by a recognized independent accreditation body, public agency, or federal program which has standards that are at least as stringent as those established pursuant to this section. The director may adopt and promulgate rules and regulations which list accreditation bodies, public agencies, and federal programs that may be accepted as evidence that a laboratory meets the standards for certification. Inspection fees for certifying other laboratories shall be established and collected to defray the cost of the inspections;

(d) Receive financial and technical assistance from an agency of the federal government or from any other public or private agency;

(e) Enter the premises of a public water system at any time for the purpose of conducting monitoring, making inspections, or collecting water samples for analysis;

(f) Delegate those responsibilities and duties as deemed appropriate for the purpose of administering the requirements of the Nebraska Safe Drinking Water Act, including entering into agreements with designated agents which shall perform specifically delegated responsibilities and possess specifically delegated powers;

(g) Require the owner and operator of a public water system to establish and maintain records, make reports, and provide information as the Department of Health and Human Services Regulation and Licensure may reasonably require by regulation to enable it to determine whether such owner or operator has acted or is acting in compliance with the Nebraska Safe Drinking Water Act and rules and regulations adopted pursuant thereto. The department or its designated agent shall have access at all times to such records and reports; and

(h) Assess by regulation a fee for any review of plans and specifications pertaining to a public water system governed by section 71-5305 and a fee for any issuance or reissuance of a certificate of competency issued pursuant to sections ~~71-5307 to 71-5309~~ in order to defray no more than the actual cost of the services provided.

(2) All such fees collected by the Department of Health and Human Services Regulation and Licensure shall be remitted to the State Treasurer for credit to the Safe Drinking Water Act Cash Fund, which is hereby created. Such fund shall be used by the department for the purpose of administering the Nebraska Safe Drinking Water Act. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 131. Section 71-5308, Revised Statutes Supplement, 2002, is amended to read:

71-5308. (1) Application for a certificate of competency to act as a certified operator of a public water system shall be made upon forms prepared by the director and shall contain such information as the director, by rule and regulation, deems necessary. If the applicant is an individual, the application shall include the applicant's social security number. The department shall establish and collect fees for certificates of competency as provided in section 71-162.

(2) Certificates of competency to act as certified operators of public water systems shall be issued by the department for the calendar years applied for and shall expire at midnight on December 31 of the third year. Certificates of competency may be renewed triennially upon application and completion of continuing competency requirements established by the department in rules and regulations. The requirements may include, but not be limited to, one or more of the continuing competency activities listed in section 71-161.09. The department shall notify each certificate holder at least ninety days before the expiration of the certificate by a letter addressed to him or her at his or her last place of residence as noted upon its records.

(3) The department shall, within thirty days after receipt of an application, make an investigation and, if found in compliance with regulations adopted pursuant to section 71-5309, shall issue a certificate of competency, valid until midnight of December 31 of the third year.

Sec. 132. Section 71-6053, Revised Statutes Supplement, 2002, is amended to read:

71-6053. For the purpose of sections 71-6053 to 71-6068, unless the context otherwise requires:

(1) Accredited institution means a postsecondary educational institution approved by the board;

(2) Active license means a license issued by the board to an administrator who meets the continuing competency requirements and who submits the fee required by section 71-6061 required fee;

(3) Administrator or nursing home administrator means any individual who meets the education and training requirements of section 71-6054 and is responsible for planning, organizing, directing, and controlling the operation of a home for the aged or infirm, a nursing home, or an integrated system or who in fact performs such functions, whether or not such functions are shared by one or more other persons. Notwithstanding this subdivision or any other provision of law, the administrator of an intermediate care facility for the mentally retarded may be either a licensed nursing home administrator or a qualified mental retardation professional;

(4) Administrator-in-training means a person who is undergoing training to become a nursing home administrator and is directly supervised in a home for the aged or infirm or nursing home by a certified preceptor;

(5) Board means the Board of Examiners in Nursing Home Administration;

(6) Certified preceptor means a person who is currently licensed by the State of Nebraska as a nursing home administrator, has three years of experience as a nursing home administrator, has practiced within the last two years in a home for the aged or infirm or a nursing home, and is approved by the board to supervise an administrator-in-training or a person in a mentoring program;

(7) Core educational requirements means courses necessary for licensure as a nursing home administrator and includes courses in patient care and services, social services, financial management, administration, and rules, regulations, and standards relating to the operation of a health care facility;

(8) Degree or advanced degree means a baccalaureate, master's, or doctorate degree from an accredited institution and which includes studies in the core educational requirements;

(9) Degree or advanced degree in health care means a baccalaureate, master's, or doctorate degree from an accredited institution in health care, health care administration, or services;

(10) Department means the Department of Health and Human Services Regulation and Licensure;

(11) Home for the aged or infirm or nursing home means any institution or facility licensed as a nursing facility or a skilled nursing facility by the department pursuant to the Health Care Facility Licensure Act, whether proprietary or nonprofit, including, but not limited to, homes for the aged or infirm owned or administered by the federal or state government or an agency or political subdivision thereof;

(12) Integrated system means a health and human services organization offering different levels of licensed care or treatment on the same premises;

(13) Internship means that aspect of the educational program of the associate degree in long-term care administration which allows for practical experience in a home for the aged or infirm or nursing home and occurs under the supervision of a certified preceptor;

(14) License means permission to engage in nursing home administration which would otherwise be unlawful in this state in the absence of such permission and which is granted to individuals who meet prerequisites and qualifications that allow them to perform nursing home administration tasks and use the title nursing home administrator;

(15) Nursing degree means a degree or diploma in nursing from an accredited program of nursing approved by the Board of Nursing;

(16) Previous work experience means at least two years working full time in a nursing home or home for the aged or infirm or previous work experience in health care administration; and

(17) Previous work experience in health care administration means at least two years working full time as an administrator or director of nursing of a hospital with a long-term care unit or assisted-living facility or

director of nursing in a nursing home or home for the aged or infirm.

Sec. 133. Section 71-6054, Revised Statutes Supplement, 2002, is amended to read:

71-6054. (1) (a) The board shall issue a license to an applicant who submits (i) satisfactory evidence of completion of (A) an associate degree which includes the core educational requirements and an administrator-in-training program under a certified preceptor, (B) a degree or an advanced degree and a mentoring program under a certified preceptor, (C) a nursing degree, previous work experience in health care administration, and a mentoring program under a certified preceptor, (D) a degree or an advanced degree in health care and previous work experience in health care administration, or (E) an associate degree which includes the core educational requirements, previous work experience, and a mentoring program under a certified preceptor, (ii) evidence of successful passage of the National Association of Boards of Examiners for Nursing Home Administration written examination, and (iii) his or her social security number. The board shall license administrators in accordance with sections 71-6053 to 71-6068 and standards, rules, and regulations adopted and promulgated by the board pursuant to such sections. The license shall not be transferable or assignable. Each administrator shall be full time and responsible for the operation of only one licensed facility or one integrated system, except that an administrator may oversee the operations of more than one licensed facility if such facilities are located within ten miles of each other and the combined number of licensed beds in such facilities does not exceed sixty-five. An administrator overseeing the operations of an integrated system is subject to disciplinary action against his or her license for any regulatory violations within such integrated system.

(b) Notwithstanding the provisions of sections 71-6053 to 71-6068, the board shall issue a license as a nursing home administrator to an applicant who will function as the administrator of a facility caring primarily for persons with head injuries and associated disorders who submits satisfactory evidence that he or she (i) has at least two years of experience working with persons with head injuries or severe physical disabilities, at least one of which was spent in an administrative capacity, (ii) is (A) a psychologist with at least a master's degree in psychology from an accredited college or university and has specialized training or one year of experience working with persons with traumatic head injury or severe physical disability, (B) a physician licensed under the Uniform Licensing Law to practice medicine and surgery or psychiatry and has specialized training or one year of experience working with persons with traumatic head injury or severe physical disability, (C) an educator with at least a master's degree in education from an accredited college or university and has specialized training or one year of experience working with persons with traumatic head injury or severe physical disability, or (D) a certified social worker, a certified master social worker, or a licensed mental health practitioner certified or licensed under the Uniform Licensing Law and has at least three years of social work or mental health practice experience and specialized training or one or more years of experience working with persons who have experienced traumatic head injury or are severely physically disabled, and (iii) is of good moral character. The applicant shall also provide his or her social security number.

A license issued pursuant to this subdivision shall be issued without examination and without the requirement of completion of an administrator-in-training or mentoring program. Such license may be renewed without the completion of any continuing competency requirements.

(2) ~~If an applicant for an initial license files an application for licensure within ninety days prior to the biennial renewal date of the license, the applicant may either:~~

~~(a) Request that the department delay the processing of the application and the issuance of the license until the biennial renewal date and pay only the fee for initial licensure; or~~

~~(b) Request that a license which will be valid until the next subsequent renewal date be issued immediately and pay the fee for initial licensure and an additional fee of one-fourth of the biennial fee.~~

~~(3) Licenses may be denied, suspended, limited, refused renewal, or revoked by the department for due cause which shall include: (a) Fraud in procuring a license; (b) immoral, unprofessional, or dishonorable conduct; (c) habitual intoxication or addiction to the use of drugs; (d) distribution of intoxicating liquors or drugs for other than lawful purposes; (e) conviction of a felony; (f) physical or mental incapacity to perform professional duties; (g) violation of any provision of sections 71-6053 to 71-6068 or standards, rules, and regulations adopted and promulgated thereunder or of any law or~~

standards, rules, and regulations adopted and promulgated by the department relating to the proper administration and management of a home for the aged or infirm or nursing home; (h) commission of any of the acts or offenses set forth in sections 71-147 and 71-148; and (i) failure to pay the required fees. Except in cases of failure to pay the required fees, no license shall be denied, suspended, limited, refused renewal, or revoked except after due notice and opportunity for a hearing. Disciplinary actions and proceedings shall be conducted as specified in the Uniform Licensing Law. Any denial, suspension, limitation, refusal of renewal, or revocation of such license may be appealed, and the appeal shall be in accordance with the Administrative Procedure Act. A person whose license has been revoked, suspended, or limited may petition the board for reinstatement in the manner provided by sections 71-161.04 to 71-161.06.

Sec. 134. Section 71-6055, Revised Statutes Supplement, 2002, is amended to read:

71-6055. (1) Except as provided in subdivisions (1)(a)(i)(D) and (1)(b) of section 71-6054, in order for a person to become licensed as a nursing home administrator, he or she shall complete an administrator-in-training program or a mentoring program. The administrator-in-training program shall occur in a home for the aged or infirm or nursing home under the direct supervision of a certified preceptor, and it may be gained as an internship which is part of an approved associate degree. A mentoring program shall occur in a home for the aged or infirm or nursing home under the supervision of a certified preceptor. The certified preceptor in a mentoring program need not be at such facility during the period of such supervision but shall be available to assist with questions or problems as needed. A mentoring program may be gained as an internship which is part of a degree or advanced degree. ~~or part of a degree or advanced degree in health care.~~ A person in a mentoring program may apply for a provisional license as provided in section 71-6063.

(2) An applicant may begin his or her administrator-in-training or mentoring program upon application to the board with the required fee, ~~provided for in section 71-6061,~~ evidence that he or she has completed at least fifty percent of the core educational requirements, and evidence of an agreement between the certified preceptor and the applicant for at least six hundred forty hours of training and experience, to be gained in not less than four months. Such training shall occur in a Nebraska-licensed home for the aged or infirm or nursing home under a certified preceptor.

(3) The certified preceptor shall submit a report to the department by the fifth day of each month for the duration of the administrator-in-training or mentoring program, describing the nature and extent of training completed to date. At the conclusion of the program, the certified preceptor shall report to the department whether the applicant has successfully completed the board's approved course for such program. With the concurrence of the certified preceptor, the applicant may remain in such program until successfully completed or may reapply to enter another administrator-in-training or mentoring program.

(4)(a) The administrator-in-training or mentoring program shall occur under the supervision of a certified preceptor. An applicant to become a certified preceptor shall (i) be currently licensed as a nursing home administrator in the State of Nebraska, (ii) have three years of experience as a nursing home administrator in the five years immediately preceding certification, and (iii) complete a preceptor training course approved by the board.

(b)(i) All preceptor certificates shall expire on December 31 of every fourth year beginning December 31, 2000. The procedures for renewal shall be in the same manner as section 71-6061. Each certified preceptor shall, in the period since his or her certificate was issued or last renewed, complete at least twelve hours of preceptor training approved by the board. Each certified preceptor shall submit evidence, on forms provided by the department, that he or she has satisfied the requirements of this subsection before his or her certificate is renewed. Such evidence shall be submitted at the time application for renewal of a certificate is made. Before acting on the application for renewal the board shall review the performance of the applicant. Such review may include consideration of survey and complaint information, student evaluations, and any other related information deemed relevant by the board. The board may deny the application for renewal upon a finding that the applicant's performance has been unsatisfactory based on such review.

(ii) When any certificate holder fails, within thirty days of the expiration of a certificate, to submit the twelve hours of preceptor training, the department shall revoke such certificate after notice and opportunity for

hearing. In order for a preceptor certification to be reinstated, the applicant must meet the requirements of this subsection.

Sec. 135. Section 71-6060, Revised Statutes Supplement, 2002, is amended to read:

71-6060. (1) Except as provided in subdivision (1)(b) of section 71-6054, each administrator holding an active license shall, on or before December 31 of each even-numbered year, complete continuing competency activities as required by the board pursuant to section 71-6067 as a prerequisite for the Nebraska licensee's next subsequent biennial license renewal. Each licensee shall document as required by the department that he or she has complied with the requirements set forth in this section during the preceding two-year period. Each licensee shall be responsible for maintaining in his or her personal files records of compliance with the continuing competency requirements. Licensees who have not complied with such requirements shall not be issued a renewal license unless exempt for any of the following reasons:

(a) The licensee served in the regular armed forces of the United States during any part of the twenty-four months immediately preceding the Nebraska license renewal date;

(b) The licensee submits proof that he or she was suffering from a serious or disabling illness or physical disability which prevented his or her compliance with the continuing competency requirements preceding the Nebraska license renewal date;

(c) The licensee was first licensed within the twenty-four months immediately preceding the Nebraska license renewal date; or

(d) The licensee did not reside in Nebraska during the twenty-four months immediately preceding the Nebraska license renewal date.

(2) An individual licensed pursuant to sections 71-6053 to 71-6068 may request to have his or her license placed on inactive status upon its expiration. The request shall be submitted to the department in writing, along with payment of a fee set pursuant to section 71-6061 the inactive status fee. The department shall notify the licensee in writing of the acceptance or denial of such request. If placed on inactive status, the license may remain in such status for an indefinite period of time. An inactive license may be placed on active status upon completion by the licensee of all continuing competency requirements in effect at the time of such request and payment of the license renewal fee then due.

(3) Providers of continuing competency activities or licensees may submit courses for review and approval by the board. Each provider or licensee applying for approval of continuing competency activities shall pay an application fee set pursuant to section 71-6061 established and collected as provided in section 71-162 for each program, seminar, or course submitted for review. Such fee shall be retained by the board and disposed of in the manner specified in section 71-6061.

Sec. 136. Section 71-6061, Revised Statutes Supplement, 2002, is amended to read:

71-6061. ~~(1)~~ Every administrator shall be licensed by the board. All licenses, except provisional and inactive licenses, shall be renewed in each even-numbered year. ~~upon the payment of the renewal fee.~~ Procedures for renewal and for assessment of additional fees for late renewal shall be in accordance with section 71-110. ~~All fees collected under this section shall be payable to the department and shall then be remitted to the State Treasurer for credit to the Board of Examiners in Nursing Home Administration Fund, which fund is created. The fund shall be used and expended by the department to pay the compensation and travel expenses of members of the board and employees of the department and other expenses necessary for the board and the department to administer sections 71-6053 to 71-6068.~~

~~(2)~~ The fees to be paid by the applicants and licensees shall be established and collected as provided in section 71-162. ~~by the department in rules and regulations in an amount to cover the expenses necessary to administer sections 71-6053 to 71-6068. The fees shall be within a range as follows:~~

<del>(a)</del> Initial licensure	\$100.00 - 350.00
<del>(b)</del> Reciprocal licensure	\$100.00 - 350.00
<del>(c)</del> Provisional licensure	\$ 50.00 - 200.00
<del>(d)</del> Preceptor certification	\$ 25.00 - 100.00
<del>(e)</del> Administrator in training	\$ 50.00 - 100.00
certification	
<del>(f)</del> License renewal	\$100.00 - 500.00
<del>(g)</del> License reinstatement	\$ 10.00 - 25.00
<del>(h)</del> Continuing education course approval	\$ 10.00 - 50.00
<del>(i)</del> Licensee certification	\$ 5.00 - 25.00

<del>(j)</del> Duplicate original license	\$ 5.00 - 10.00
<del>(k)</del> Mentoring certification	\$ 25.00 - 100.00
<del>(l)</del> Inactive status application	\$ 35.00 - 50.00

Sec. 137. Section 71-6063, Revised Statutes Supplement, 2002, is amended to read:

71-6063. (1) If there is a vacancy in the position of licensed administrator of a home for the aged or infirm or nursing home, the owner, governing body, or other appropriate authority of the home for the aged or infirm or nursing home may select a person to apply for a provisional license in nursing home administration to serve as the administrator of such facility. Such license, if issued, shall be valid for no more than one hundred eighty calendar days and may be issued to an individual not otherwise qualified for licensure as a nursing home administrator in order to maintain the daily operations of the facility and may not be renewed. The board may grant an extension not to exceed ninety days if the person seeking the provisional license is in a mentoring program.

(2) The board may issue a provisional license to an individual who has applied for a mentoring program. Such provisional license will allow the applicant to serve as administrator in the specified facility for one hundred eighty calendar days and may not be renewed. The board may grant an extension not to exceed ninety days if the person seeking the provisional license is in a mentoring program.

(3) An applicant for a provisional license under this section shall: (a) Be at least twenty-one years of age; (b) be employed on a full-time basis of not less than forty hours per week to perform the duties of the nursing home administrator; and (c) have no history of unprofessional conduct or denial or disciplinary action against a nursing home administrator license or a license to practice any other profession by any lawful licensing authority for reasons outlined in subsection ~~(3)~~ (2) of section 71-6054.

Sec. 138. Section 71-6101, Reissue Revised Statutes of Nebraska, is amended to read:

71-6101. Sections 71-6101 to ~~71-6116~~ 71-6115 shall be known and may be cited as the Occupational Therapy Practice Act.

Sec. 139. Section 71-6106, Revised Statutes Supplement, 2002, is amended to read:

71-6106. (1) An applicant applying for a license as an occupational therapist shall file a written application, which shall include the applicant's social security number, in the manner and on forms provided by the department, showing to the satisfaction of the department that he or she:

(a) Has successfully completed the academic requirements of an educational program in occupational therapy recognized by the department and accredited by a nationally recognized medical association or nationally recognized occupational therapy association;

(b) Has successfully completed a period of supervised fieldwork experience at an educational institution approved by the department and where the applicant's academic work was completed or which is part of a training program approved by such educational institution. A minimum of six months of supervised fieldwork experience shall be required for an occupational therapist; and

(c) Has passed an examination as provided in section 71-6108.

(2) Residency in this state shall not be a requirement of licensure. A corporation, partnership, limited liability company, or association shall not be licensed as an occupational therapist pursuant to the Occupational Therapy Practice Act.

~~(2) If an applicant for an initial license files an application for licensure within ninety days prior to the biennial renewal date of the license, the applicant may either:~~

~~(a) Request that the department delay the processing of the application and the issuance of the license until the biennial renewal date and pay only the fee for initial licensure; or~~

~~(b) Request that a license which will be valid until the next subsequent renewal date be issued immediately and pay the fee for initial licensure and an additional fee of one-fourth of the biennial fee.~~

Sec. 140. Section 71-6107, Reissue Revised Statutes of Nebraska, is amended to read:

71-6107. (1) An applicant applying for a license as an occupational therapy assistant shall file a written application in the manner and on forms provided by the department, showing to the satisfaction of the department that he or she:

(a) Has successfully completed the academic requirements of an educational program in occupational therapy recognized by the department and accredited by a nationally recognized medical association or nationally

recognized occupational therapy association;

(b) Has successfully completed a period of supervised fieldwork experience at an educational institution approved by the department and where the applicant's academic work was completed or which is part of a training program approved by such educational institution. A minimum of two months of supervised fieldwork experience shall be required for an occupational therapy assistant; and

(c) Has passed an examination as provided in section 71-6108.

(2) Residency in this state shall not be a requirement of licensure as an occupational therapy assistant. A corporation, partnership, limited liability company, or association shall not be licensed pursuant to the Occupational Therapy Practice Act.

~~(2) If an applicant for an initial license files an application for licensure within ninety days prior to the biennial renewal date of the license, the applicant may either:~~

~~(a) Request that the department delay the processing of the application and the issuance of the license until the biennial renewal date and pay only the fee for initial licensure; or~~

~~(b) Request that a license which will be valid until the next subsequent renewal date be issued immediately and pay the fee for initial licensure and an additional fee of one-fourth of the biennial fee.~~

Sec. 141. Section 71-6110, Reissue Revised Statutes of Nebraska, is amended to read:

71-6110. The department shall issue a license to any person who meets the requirements of the Occupational Therapy Practice Act. ~~upon payment of the license fee required in section 71-6114.~~

Sec. 142. Section 71-6113, Revised Statutes Supplement, 2002, is amended to read:

71-6113. (1) (a) Licenses issued under the Occupational Therapy Practice Act shall be subject to biennial renewal and shall expire August 1 of each even-numbered year unless renewed in the manner provided by section 71-110 upon completion of the continuing competency activities as required under subsection (2) of this section and upon payment of the renewal fee ~~prescribed in section 71-6114~~ established as provided in section 71-162.

(b) A licensee whose license is revoked for nonpayment of the biennial renewal fee as provided in section 71-110 may be reinstated upon the recommendation of the board and the payment of the ~~reinstatement and renewal fees prescribed in section 71-6114 and an additional fee as prescribed in subsection (5) or (6) of section 71-110~~ required fees established as provided in section 71-162, except that no reinstatement of a license may be granted more than five years after its expiration.

(2) (a) Each Nebraska-licensed occupational therapist in active practice within the State of Nebraska shall, on or before ~~August 1, 2002, and on or before~~ August 1 of each even-numbered year, ~~thereafter,~~ complete continuing competency activities as required by the board pursuant to section 71-6115 as a prerequisite to renewal of his or her license.

(b) Each Nebraska-licensed occupational therapy assistant in active practice within the State of Nebraska shall, on or before ~~August 1, 2002, and on or before~~ August 1 of each even-numbered year, ~~thereafter,~~ complete continuing competency activities as required by the board pursuant to section 71-6115 as a prerequisite to renewal of his or her license.

(3) Every occupational therapist and occupational therapy assistant shall provide documentation of completing such continuing competency activities as required by the board.

The board shall biennially select, in a random manner, a representative sample of the license renewal applications for audit of compliance with continuing competency requirements.

(4) The department, on the recommendation of the board, may waive continuing competency requirements, in part or in total, for any two-year licensing period when a licensee submits documentation that circumstances beyond his or her control prevented completion of such requirements. Such circumstances shall include situations in which:

(a) The licensee holds a Nebraska license but does not reside or practice in Nebraska;

(b) The licensee has served in the regular armed forces of the United States during part of the twenty-four months immediately preceding the license renewal date;

(c) The licensee has submitted proof that he or she was suffering from a serious or disabling illness or physical disability which prevented completion of the required continuing competency activities during the twenty-four months preceding the license renewal date;

(d) The licensee has been initially licensed by the board within the

twenty-four months immediately preceding the license renewal date; and

(e) The licensee has successfully completed two or more semester hours of formal credit instruction biennially offered by an accredited school or college which contributes to meeting the requirements of an advanced degree in a postgraduate program relating to occupational therapy.

Sec. 143. Section 71-6114, Reissue Revised Statutes of Nebraska, is amended to read:

71-6114. ~~(1)~~ The department shall establish and collect fees for credentialing activities under the Occupational Therapy Practice Act as provided in section 71-162. the following fees:

~~(a) For initial licensure, an amount not less than one hundred and not more than four hundred dollars;~~

~~(b) For renewal of license, an amount not less than one hundred and not more than five hundred dollars;~~

~~(c) For reinstatement of license, ten dollars;~~

~~(d) For a temporary permit, an amount not less than twenty-five dollars and not more than one hundred dollars;~~

~~(e) For a certified statement that a licensee is licensed in this state, a fee of twenty-five dollars, and for verification that a licensee is licensed in this state, a fee of five dollars; and~~

~~(f) For a duplicate license, ten dollars.~~

~~(2) Any applicant whose application is rejected by the department or withdrawn by the applicant shall be allowed the return of his or her fee except for an administrative fee of twenty-five dollars to be retained by the department.~~

Sec. 144. Section 71-6303, Revised Statutes Supplement, 2002, is amended to read:

71-6303. (1) The department shall administer the Asbestos Control Act.

(2) The department shall adopt and promulgate rules and regulations necessary to carry out the act. The department shall adopt state standards governing asbestos projects and may adopt or incorporate part or all of any federal standards in the state standards so long as state standards are no less stringent than federal standards.

(3) The department shall prescribe fees based upon the following schedule:

(a) For a business entity license or license renewal, not less than two thousand dollars or more than five thousand dollars;

~~(b) For certification or recertification of a worker, not less than thirty-five dollars or more than one hundred dollars;~~

~~(c) For certification or recertification of a supervisor, not less than seventy dollars or more than two hundred dollars;~~

~~(d) For certification or recertification of an inspector, not less than seventy dollars or more than two hundred dollars;~~

~~(e) For certification or recertification of a management planner, not less than one hundred dollars or more than three hundred dollars, which fee shall include certification or recertification as an inspector;~~

~~(f) For certification or recertification of a project designer, not less than seventy dollars or more than two hundred dollars;~~

~~(g) For certification or recertification of a project monitor, not less than one hundred dollars or more than three hundred dollars;~~

~~(h) For waiver on an emergency basis of a business entity license, not less than two thousand dollars or more than five thousand dollars;~~

~~(i) (c) For waiver of a license for a business entity not primarily engaged in asbestos projects, not less than two thousand dollars or more than five thousand dollars;~~

~~(j) (d) For approval of an initial training course, not less than one thousand dollars or more than two thousand five hundred dollars, which fee shall include one onsite inspection if the inspection is required by the department;~~

~~(k) (e) For approval of a review course or a four-hour course on Nebraska law, rules, and regulations, not less than five hundred dollars or more than one thousand dollars, which fee shall include one onsite inspection if the inspection is required by the department;~~

~~(l) (f) For an onsite inspection of an asbestos project other than an initial inspection, not less than one hundred fifty dollars or more than two hundred fifty dollars. Such fees shall not be assessed for more than three onsite inspections per year during the period an actual asbestos project is in progress; and~~

~~(m) (g) For a project review of each asbestos project of a licensed business entity which is equal to or greater than two hundred sixty linear feet or any combination which is equal to or greater than one hundred sixty~~



square feet and linear feet, including any initial onsite inspection, not less than two hundred dollars or more than five hundred dollars.

Any such applicant whose application is rejected shall be allowed the return of the application fee, except that an administrative charge of three hundred dollars for a license and one hundred dollars for approval of a training course shall be retained by the department.

All fees shall be based on the costs of administering the Asbestos Control Act. In addition to the fees prescribed in this section, the department may charge and receive the actual costs for board, room, and travel by employees in excess of three hundred dollars, which costs shall not exceed the amounts allowable in sections 81-1174 to 81-1177. All such fees collected by the department shall be remitted to the State Treasurer for credit to the Department of Health and Human Services Regulation and Licensure Cash Fund. Money credited to the fund pursuant to this section shall be used by the department for the purpose of administering the act.

(4) At least once a year during the continuation of an asbestos project, the department shall conduct an onsite inspection of each licensed business entity's procedures for performing asbestos projects.

(5) The department may enter into agreements or contracts with public agencies to conduct any inspections required under the act.

(6) The department shall adopt and promulgate rules and regulations defining work practices for asbestos projects. The department may provide for alternatives to specific work practices when the health, safety, and welfare of all classes of asbestos occupations and the general public are adequately protected.

(7) The department may apply for and receive funds from the federal government and any other public or private entity for the purposes of administering the act.

(8) The department shall establish and collect fees for issuance and renewal of certificates as provided in section 71-162 for persons certified under section 71-6310. The department shall adopt and promulgate rules and regulations to establish continuing competency requirements for persons certified under the act. Continuing education is sufficient to meet continuing competency requirements. The requirements may also include, but not be limited to, one or more of the continuing competency activities listed in section 71-161.09 which a certified person may select as an alternative to continuing education.

Sec. 145. Section 71-6321, Revised Statutes Supplement, 2002, is amended to read:

71-6321. (1) The department shall administer the Residential Lead-Based Paint Professions Certification Act.

(2) The department shall adopt and promulgate rules and regulations necessary to carry out such act. The department shall adopt state standards governing abatement projects and may adopt or incorporate part or all of any federal standards in such state standards so long as state standards are no less stringent than federal standards.

(3) The department shall prescribe fees based upon the following schedule:

(a) For an annual firm certificate or certificate renewal, not less than two hundred dollars or more than five hundred dollars;

~~(b) For certification or recertification of a certified abatement worker, not less than thirty-five dollars or more than one hundred dollars;~~

~~(c) For certification or recertification of a certified supervisor, not less than seventy dollars or more than two hundred dollars;~~

~~(d) For certification or recertification of a certified inspector, not less than seventy dollars or more than two hundred dollars;~~

~~(e) For certification or recertification of a certified risk assessor, not less than seventy dollars or more than two hundred dollars;~~

~~(f) For certification or recertification of a certified visual lead-hazard advisor, not less than thirty-five dollars or more than one hundred dollars;~~

~~(g) For certification or recertification of a certified project designer, not less than seventy dollars or more than two hundred dollars;~~

~~(h) For accreditation of a training program, not less than one thousand dollars or more than two thousand five hundred dollars, which fee shall include one onsite inspection if such inspection is required by the department;~~

~~(i) (c) For accreditation of a review course or a course on Nebraska law, rules, and regulations, not less than five hundred dollars or more than one thousand dollars, which fee shall include one onsite inspection if such inspection is required by the department;~~

~~(j) (d) For onsite inspections other than initial inspections, not~~

less than one hundred fifty dollars or more than two hundred fifty dollars. Such fees shall not be assessed for more than three onsite inspections per year during the period an actual abatement project is in progress; and

~~(\*)~~ (e) For a project review of each abatement project of a certified firm, not less than two hundred dollars or more than five hundred dollars.

Any such applicant whose application is rejected shall be allowed the return of the application fee, except that an administrative charge of one hundred dollars for a firm certificate and for accreditation of a training program shall be retained by the department.

All fees shall be based on the costs of administering the act. In addition to the fees prescribed in this section, the department may charge and receive the actual costs for board, room, and travel by employees in excess of three hundred dollars, which costs shall not exceed the amounts allowable in sections 81-1174 to 81-1177. All such fees collected by the department shall be remitted to the State Treasurer for credit to the Department of Health and Human Services Regulation and Licensure Cash Fund. Money credited to the fund pursuant to this section shall be used by the department for the purpose of administering the act.

(4) At least once a year during the continuation of an abatement project the department shall conduct an onsite inspection of each certified firm's procedures for performing abatement projects.

(5) The department may enter into agreements or contracts with public agencies to conduct any inspections required under the act if such agencies have the appropriate certification or accreditation as described in the act.

(6) The department shall adopt and promulgate rules and regulations defining work practices for abatement projects, for the certification of lead-based paint professions, for the accreditation of training programs, for the accreditation of training program providers, for the dissemination of prerenovation information to homeowners and occupants, for the facilitation of compliance with federal lead-based paint hazard control grant programs, and for the implementation of lead-based paint compliance monitoring and enforcement activities. The department may provide for alternatives to specific work practices when the health, safety, and welfare of all classes of lead-based paint professions and the general public are adequately protected.

(7) The department may apply for and receive funds from the federal government and any other public or private entity for the purposes of administering the act. Any funds applied for, received, or used by the department or any political subdivision from the federal government or any public entity may be used only to abate lead-based paint hazards and for the administration of lead-based paint programs which address health and environmental hazards caused by lead-based paint.

(8) The department shall establish and collect certification fees and recertification fees as provided in section 71-162 for individuals certified under section 71-6326. The department shall adopt and promulgate rules and regulations to establish continuing competency requirements for persons certified under the act. Continuing education is sufficient to meet continuing competency requirements. The requirements may also include, but not be limited to, one or more of the continuing competency activities listed in section 71-161.09 which a certified person may select as an alternative to continuing education.

Sec. 146. Section 71-6328.01, Revised Statutes Supplement, 2002, is amended to read:

71-6328.01. Any individual or firm who or which has been issued a certificate or accreditation for training in another state which (1) has a certification or accreditation program approved by the federal Environmental Protection Agency, (2) has accreditation, certification, education, and experience requirements substantially equal to or greater than those adopted by this state, and (3) grants equal certification and accreditation privileges to individuals and firms certified or accredited and residing in this state may be issued an equivalent certificate or accreditation in Nebraska upon terms and conditions determined by the department. The terms and conditions may reduce the time period established under subsection (3) of section 71-6326 and the fee requirements. ~~of section 71-6321.~~

Sec. 147. Section 71-6734, Revised Statutes Supplement, 2002, is amended to read:

71-6734. The department shall ~~set~~ establish and collect fees for credentialing activities under the Medication Aide Act as provided in section 71-162. ~~registration and renewal of registration as set forth in sections 71-6726 and 71-6728 in an amount not to exceed twenty dollars, for testing as set forth in subsection (4) of section 71-6725 in an amount not to exceed~~

~~twenty dollars, and for competency assessment as set forth in subsection (3) of such section when conducted by the department in an amount not to exceed five dollars. The fees shall be used to carry out the purposes of the Medication Aide Act. The fees received pursuant to the act shall be remitted to the State Treasurer for credit to the Department of Health and Human Services Regulation and Licensure Cash Fund. The fees are nonrefundable. Such fund shall be used by the department for the purpose of administering the act as provided in this section.~~

Sec. 148. Section 71-7417, Revised Statutes Supplement, 2002, is amended to read:

71-7417. (1) No person shall act as a wholesale drug distributor without first obtaining a wholesale drug distributor license from the department. If the applicant is an individual, the application shall include the applicant's social security number. The department shall issue a license upon the recommendation of the board that the applicant meets the requirements for licensure stated in the Wholesale Drug Distributor Licensing Act and upon payment of a fee of not less than two hundred dollars and not more than six hundred dollars established and collected as provided in section 71-162.

(2) A separate wholesale drug distributor license shall be required for each facility located within this state and directly or indirectly owned or operated by the same business entity or parent entity.

(3) An agent or employee of a licensed wholesale drug distributor need not be licensed under the act and may lawfully possess drug samples when such agent or employee is acting in the usual course of his or her business or employment.

(4) No license is required for any person who (a) engages in a wholesale transaction relating to the manufacture, distribution, sale, transfer, or delivery of medical gases the gross dollar value of which does not exceed five percent of the total retail sales of medical gases by such person during the immediately preceding calendar year and (b) has either a pharmacy permit or license or a drug dispensing permit or delegated dispensing permit.

(5) The issuance of a license pursuant to the act shall not change or affect tax liability to the State of Nebraska of any wholesale drug distributor.

Sec. 149. Section 71-7418, Revised Statutes Supplement, 2002, is amended to read:

71-7418. ~~(1)~~ The department upon the recommendation of the board may grant a temporary wholesale drug distributor license to an applicant for a wholesale drug distributor license. If the applicant is an individual, the application for a temporary license shall include the applicant's social security number. The temporary license shall remain valid for ninety days or until the department upon the recommendation of the board finds that the applicant meets or fails to meet the requirements for a wholesale drug distributor license, whichever occurs first, except that a temporary license may be renewed for a period of ninety days consecutive to expiration of the initial ninety-day period. The department shall adopt and promulgate rules and regulations prescribing renewal procedures.

~~(2) The department on the recommendation of the board shall issue a temporary wholesale drug distributor license to any wholesale drug distributor who can show proof that such distributor was distributing drugs in Nebraska prior to April 18, 1992. Such temporary license shall be valid for ninety days after April 18, 1992, and may be renewed for an additional ninety days consecutive to expiration of the initial ninety-day period. The fee for such temporary license shall be not less than fifty dollars and not more than one hundred dollars.~~

Sec. 150. Section 71-7420, Revised Statutes Supplement, 2002, is amended to read:

71-7420. A wholesale drug distributor license shall expire on July 1 of each year and may be renewed. The license shall not be transferable. The annual renewal fee shall be not less than one hundred dollars and not more than three hundred dollars established and collected as provided in section 71-162. The department shall mail an application for renewal to each licensee not later than June 1 of each year. If an application for renewal is received from the licensee after July 1, the department may impose a penalty equal to the renewal fee late fee as provided in section 71-162 and the department shall refuse to issue the license until such penalty late fee is paid in addition to the renewal fee. Failure to receive an application for renewal shall not relieve the licensee from the penalty late fee imposed by this section.

~~Fees collected under the Wholesale Drug Distributor Licensing Act shall be remitted to the State Treasurer for credit to the Nebraska~~

**Pharmaceutical Fund.**

Sec. 151. Section 71-7421, Reissue Revised Statutes of Nebraska, is amended to read:

71-7421. The department shall automatically revoke a wholesale drug distributor license within thirty days after its expiration without further notice of hearing if the licensee fails to pay the renewal fee and shall make a record of the revocation. A wholesale drug distributor whose license has been revoked for nonpayment of the renewal fee may have the license reinstated by the department upon recommendation of the board and payment of the renewal fee and ~~penalty stated in section 71-7420~~ late fee established and collected as provided in section 71-162 if application for reinstatement is made within one year of revocation. A licensee whose license has been revoked for nonpayment of the renewal fee for longer than one year must reapply for licensure.

Sec. 152. This act becomes operative on July 1, 2004.

Sec. 153. Original sections 46-1236, 71-145, 71-163, 71-172.02, 71-1,132.48, 71-1,132.53, 71-1,232, 71-1,242, 71-1,291, 71-1,320, 71-1,322, 71-1,327, 71-1,331, 71-388, 71-394.01, 71-3,125, 71-3,132, 71-3,173, 71-1304, 71-1327, 71-1327.01, 71-1331, 71-3702, 71-3704, 71-3705, 71-3712, 71-4714.01, 71-6101, 71-6107, 71-6110, 71-6114, and 71-7421, Reissue Revised Statutes of Nebraska, and sections 11-201, 28-406, 28-410, 33-151, 46-602, 46-606, 46-1222, 46-1224, 46-1229, 46-1231, 69-305, 71-101, 71-110, 71-121.01, 71-122, 71-131, 71-149, 71-157, 71-158, 71-162, 71-172.01, 71-175, 71-185, 71-185.02, 71-185.03, 71-193.18, 71-193.31, 71-1,104, 71-1,107.10, 71-1,107.13, 71-1,107.14, 71-1,107.26, 71-1,132.13, 71-1,132.20, 71-1,132.21, 71-1,132.37, 71-1,135.02, 71-1,143.01, 71-1,147.30, 71-1,147.42, 71-1,147.64, 71-1,158, 71-1,161, 71-1,165, 71-1,166, 71-1,194, 71-1,195.01, 71-1,227, 71-1,228, 71-1,235, 71-1,238, 71-1,239.01, 71-1,240, 71-1,278, 71-1,281.01, 71-1,294, 71-1,314.01, 71-1,319.01, 71-1,329, 71-1,344, 71-1,345, 71-397, 71-3,115, 71-3,147, 71-3,155, 71-3,184, 71-3,196, 71-3,205, 71-3,214, 71-3,221, 71-3,228, 71-1722, 71-1723, 71-1724, 71-1725.01, 71-1730, 71-1735, 71-1755, 71-1757, 71-1777, 71-1778, 71-1787, 71-2803.01, 71-2819, 71-3508.03, 71-3515.02, 71-3703, 71-3708, 71-3710, 71-4305, 71-4706, 71-4708, 71-4711, 71-5172, 71-5306, 71-5308, 71-6053, 71-6054, 71-6055, 71-6060, 71-6061, 71-6063, 71-6106, 71-6113, 71-6303, 71-6321, 71-6328.01, 71-6734, 71-7417, 71-7418, and 71-7420, Revised Statutes Supplement, 2002, are repealed.

Sec. 154. The following sections are outright repealed: Sections 71-109, 71-1,132.22, 71-1,132.47, 71-1,132.49, 71-1,132.50, 71-383, 71-384, 71-1336, 71-1760, 71-1786, 71-4718, and 71-6116, Reissue Revised Statutes of Nebraska, and sections 71-1,136.02, 71-1,150, 71-1,206.13, 71-1,237, 71-1,243, 71-1,283, 71-1,288, 71-1,334, 71-1,350, 71-381, 71-382, and 71-1727, Revised Statutes Supplement, 2002.