

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 431

Introduced by Halloran, 33.

Read first time January 13, 2023

Committee: Health and Human Services

1 A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend
2 section 38-131, Revised Statutes Cumulative Supplement, 2022; to
3 change provisions relating to criminal history record information
4 checks; to repeal the original section; and to declare an emergency.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 38-131, Revised Statutes Cumulative Supplement,
2 2022, is amended to read:

3 38-131 (1) An applicant for an initial license to practice as a
4 registered nurse, a licensed practical nurse, a physical therapist, a
5 physical therapy assistant, a psychologist, an advanced emergency medical
6 technician, an emergency medical technician, an audiologist, a speech-
7 language pathologist, a licensed independent mental health practitioner,
8 an occupational therapist, an occupational therapy assistant, or a
9 paramedic or to practice a profession which is authorized to prescribe
10 controlled substances shall be subject to a criminal background check. A
11 ~~criminal background check may also be required for initial licensure or~~
12 ~~reinstatement of a license governed by the Uniform Credentialing Act if a~~
13 ~~criminal background check is required by an interstate licensure compact.~~
14 Except as provided in subsection (3) of this section, such an the
15 applicant for an initial license shall submit with the application a full
16 set of fingerprints ~~which shall be forwarded~~ to the Nebraska State Patrol
17 ~~to be submitted to the Federal Bureau of Investigation~~ for a national
18 criminal history record information check. The applicant shall authorize
19 release of the results of the national criminal history record
20 information check by the Federal Bureau of Investigation to the
21 department. The applicant shall pay the actual cost of the fingerprinting
22 and criminal background check.

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

1 (3) ~~(2)~~ This section shall not apply to a dentist who is an
2 applicant for a dental locum tenens under section 38-1122, to a physician
3 or osteopathic physician who is an applicant for a physician locum tenens
4 under section 38-2036, or to a veterinarian who is an applicant for a
5 veterinarian locum tenens under section 38-3335.

6 (4) ~~(3)~~ An applicant for a temporary educational permit as defined
7 in section 38-2019 shall have ninety days from the issuance of the permit
8 to comply with subsection (1) of this section and shall have such ~~his or~~
9 ~~her~~ permit suspended after such ninety-day period if the criminal
10 background check is not complete or revoked if the criminal background
11 check reveals that the applicant was not qualified for the permit.

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

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

19 Sec. 2. Original section 38-131, Revised Statutes Cumulative
20 Supplement, 2022, is repealed.

21 Sec. 3. Since an emergency exists, this act takes effect when
22 passed and approved according to law.