

HEALTH AND HUMAN SERVICES COMMITTEE OF THE NEBRASKA LEGISLATURE

Report as required by Neb. Rev. Stat. 84-948

Committee Members

Senator Brian Hardin, Chairperson, District 48
Senator John Fredrickson, Vice-Chairperson, District 20
Senator Merv Riepe, District 12
Senator Glen Meyer, District 17
Senator Dan Quick, District 35
Senator Ben Hansen, District 16
Senator Beau Ballard, District 21

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Occupational Board Reform Act

The Legislature passed the Occupational Board Reform Act in 2018 (Neb. Rev. Stat. §§ 84-901 to 84-920) with an operative date of July 1, 2019. The act requires that:

“Beginning in 2019, each standing committee of the Legislature shall annually review and analyze approximately twenty percent of the occupational regulations within the jurisdiction of the committee and prepare and submit an annual report electronically to the Clerk of the Legislature by December 15 of each year as provided in this section. Each committee shall complete this process for all occupational regulations within its jurisdiction within five years and every five years thereafter. Each report shall include the committee's recommendations regarding whether the occupational regulations should be terminated, continued, or modified.” (Neb. Rev. Stat. § 84-948)

Committee Findings

Neb. Rev. Stat. 84-948 requires the report to include the following with answers in bold:

(3) A committee's report shall include, but not be limited to, the following:

(a) The title of the regulated occupation and the name of the occupational board responsible for enforcement of the occupational regulations.

Nursing Home Administrator, Board of Nursing Home Administration

The Board of Nursing Home Administration provides recommendations to the Department of Health and Human Services regarding the issuance or denial of credentials, and provides recommendations to the Department of Health and Human Services regarding rules and regulations to carry out the Uniform Credentialing Act.

(b) The statutory citation or other authorization for the creation of the occupational regulations and occupational board;

Neb. Rev. Stat. 38-2401 to 38-2426

(c) The number of members of the occupational board and how the members are appointed;

9 members appointed by Board of Health, no legislative approval

(d) The qualifications for membership on the occupational board;

Pursuant to the Nebraska Revised Statutes, section 38-2417, The Board of Nursing Home Administration is made up of seven professional members and two public members. The professional members shall have held and maintained an active credential and be and have been actively engaged in the practice of his or her profession for a period of five years just preceding his or her appointment and shall maintain such credential and practice while serving as a board member. The professional members shall consist of: (a) Two members who hold active licenses and are currently employed in the management, operation, or ownership of proprietary homes for the aged or infirm or nursing homes that serve the aged or infirm in Nebraska; (b) two members who hold active licenses and are currently employed in the management or operation of a 2 nonprofit home for the aged or infirm or nursing home or hospital caring for chronically ill or infirm, aged patients; (c) one member who is a member of the faculty of a college or university located in the state who is actively engaged in a teaching program relating to business administration, social work, gerontology, or some other aspect of the administration of health care facilities; (d) one member who is a licensed physician and surgeon with a demonstrated interest in long-term care; and (e) one member who is a licensed registered nurse.

(e) The number of times the occupational board is required to meet during the year and the number of times it actually met;

• **Required FY 2025-2024:**

1

• **Held FY 2025-2024:**

4-5

• **Required FY 2024-2023:**

1

• **Held FY 2024-2023:**

4-5

• **Required FY 2023-2022:**

1

• **Held FY 2023-2022:**

4-5

• **Required FY 2022-2021:**

1

• **Held FY 2022-2021:**

4-5

• **Required FY 2021-2020:**

1

• **Held FY 2021-2020:**

4-5

The Nebraska Board of Nursing Home Administration generally holds 4 to 5 scheduled meetings per year. Over the past 5-year period (2021–2025), this amounts to an estimated 20 to 25 regular meetings, with each year's schedule typically including the fourth Monday in January and the third Mondays of March, June, September, and November.

(f) Annual budget information for the occupational board for the five most recently completed fiscal years;

The Nebraska Board of Nursing Home Administration is a cash-funded board supported by licensure and credentialing fees. Because the board shares operational resources with the Department of Health and Human Services (DHHS) Licensure Unit in Lincoln, exact line-item budgets and expenditures over the past 5 years are managed within DHHS agency reporting.

The most recent official legislative reports detail the operational appropriations allocated to the Board:

- **FY 2018-2019: \$10,374**
- **FY 2017-2018: \$6,661**
- **FY 2016-2017: \$41,413**
- **FY 2015-2016: \$34,437**
- **FY 2014-2015: \$36,791**
-

Beyond these allocations, the board may draw on interest from the Professional and Occupational Credentialing Cash Fund to carry out administrative tasks, stakeholder meetings, and licensing approvals.

(g) For the immediately preceding five calendar years, or for the period of time less than five years for which the information is practically available, the number of government certifications, occupational licenses, and registrations the occupational board has issued, revoke, denied, or assessed penalties against, listed anonymously and separately per type of credential, and the reasons for such revocations, denials, other penalties.

Over a recent five-year reporting period, the Nebraska Board of Nursing Home Administrators issued 689 total related licenses and credentials.

This comprehensive total included:

- **207 standard Nursing Home Administrator licenses**
- **238 Provisional Nursing Home Administrator licenses**
- **119 Mentoring trainee approvals**
- **54 Administrator-in-Training registrations**
- **37 licenses for administrators overseeing more than one nursing home**
- **33 preceptor credentials**

No revocations were reported in the past 5 years.

(h) A review of the basic assumptions underlying the creation of the occupational regulations;

The regulations in Title 172, Chapter 106, appear to be consistent with the underlying statutory authority.

(i) A statement from the occupational board on the effectiveness of the occupational regulations

The Chair of the Board of Nursing Home Administration stated “Regulations are necessary to ensure consistent quality outcomes for Nebraska’s most vulnerable. As such the application of regulations can be up to the discretion of the inspection process. The Nursing Home Administrator Board allows oversight into the specific application or failure to provide the proper application of said regulations. This important committee works with Nursing Home Administrators and the Regulatory leadership to assure compliance with Federal and State of Nebraska regulations.”

(j) A comparison of whether and how other states regulate the occupation;

Every state, including Nebraska, requires nursing home administrators (NHAs) to be licensed. State standards—often tracked by the [NCSL Health Workforce Legislation Database](#)—typically mandate completing an Administrator in Training (AIT) program, holding a degree in healthcare administration, and passing the [NAB State Licensure Requirements](#).

State-level oversight ensures that every nursing facility operates only under the supervision of a licensed individual. While specific regulations vary, states generally dictate:

- **Licensing Requirements:** Applicants must pass both national and state-specific examinations and meet character or suitability standards.
- **Facility Oversight Limits:** States place limits on a single administrator’s capacity. For instance, in Nebraska, an administrator can oversee up to three facilities if the combined total does not exceed 200 beds, and the travel time between facilities is under two hours.
- **Continuing Education:** Administrators are required to complete ongoing continuing education hours to maintain active licensure.

(4) Subject to subsection)5) of this section, each committee shall also analyze, and include in its report, whether the occupational regulations meet the policies stated in section 84-946 considering the following recommended courses of action for meeting such policies:

The regulations in Title 172, Chapter 106, appear to be consistent with the underlying statutory authority.

- (a) If the need is to protect consumers against fraud, the likely recommendation will be to strengthen powers under the Uniform Deceptive Trade Practices Act or require disclosures that will reduce misleading attributes of the specific goods or services:

N/A

- (b) If the need is to protect consumers unclean facilities or to promote general health and safety, the likely recommendation will be to require periodic inspections of such facilities;

N/A

- (c) If the need is protect consumers against potential damages from failure by providers to complete a contract fully or up to standards, the likely recommendation will be to require that providers be bonded:

N/A

- (d) If the need is to protect a person who is not party to a contract between the provider and consumer, the likely recommendation will be to require that the provider have insurance;

N/A

- (e) If the need is to protect consumers against potential damages by transient providers, the likely recommendation will be to require that providers register their businesses with the Secretary of State;

N/A

- (f) If the need is to protect consumers against a shortfall or imbalance of knowledge about the goods or services relative to the providers' knowledge, the likely recommendation will be to enact government certification; and

N/A

- (g) If the need is to address a systematic information shortfall such that a reasonable consumer is unable to distinguish between the quality of providers, there is an absence of institutions that provide adequate guidance to the consumer, and the consumer's inability to distinguish between providers and the lack of adequate guidance allows for undue risk of present, significant, and substantiated harms, the likely recommendation will be to enact an occupational license.

N/A

(5) If a lawful occupation is subject to the Nebraska Regulation of Health Professions Act, the analysis under subsection (4) of this section shall be made using the least restrictive method of regulation as set out in section 71-6222.

N/A

(6) In developing recommendations under this section, the committee shall review any report issued to the Legislature pursuant to the Nebraska Regulation of Health Professions Act, if applicable, and consider any findings or recommendations of such report related to the occupational regulations under review.

N/A

(7) If the committee finds that it is necessary to change occupational regulations, the committee shall recommend the least restrictive regulation consistent with the public interest and the policies in this section and section 84-946.

NA

Conclusion

The licenses, certifications, and registrations overseen by DHHS and the Board of Nursing Home Administration are intended to protect the health, safety, and welfare of Nebraskans. As a whole, regulation of genetic counselors is appropriate and balanced and does not need modification at this time.