

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SIXTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 1187**

Introduced by La Grone, 49.

Read first time January 23, 2020

Committee:

1 A BILL FOR AN ACT relating to professions and occupations; to amend  
2 section 84-933, Revised Statutes Cumulative Supplement, 2018; to  
3 change provisions relating to the Occupational Board Reform Act; to  
4 require occupational boards to issue an occupational license or  
5 government certification based on occupational licensure, government  
6 certification, private certification, or work experience in another  
7 state; to provide for jurisprudential examinations and appeals from  
8 denial of a license; to harmonize provisions; and to repeal the  
9 original section.  
10 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 84-933, Revised Statutes Cumulative Supplement,  
2 2018, is amended to read:

3 84-933 Sections 84-933 to 84-948 and section 2 of this act shall be  
4 known and may be cited as the Occupational Board Reform Act.

5 Sec. 2. (1) Subject to subsection (2) of this section and except as  
6 provided in the Driver License Compact, the EMS Personnel Licensure  
7 Compact, the Interstate Compact on Licensure of Participants in Horse  
8 Racing with Pari-Mutuel Wagering, the Interstate Medical Licensure  
9 Compact, the Nurse Licensure Compact, the Physical Therapy Licensure  
10 Compact, or the Psychology Interjurisdictional Compact, and except for an  
11 occupation regulated by the Supreme Court:

12 (a) An occupational board shall issue an occupational license or  
13 government certification to an individual upon application if:

14 (i) The applicant holds an occupational license or government  
15 certification in another state in an occupation with a similar scope of  
16 practice, as determined by the occupational board;

17 (ii) The applicant has held the occupational license or government  
18 certification in the other state for at least one year;

19 (iii) The board in the other state required the applicant to pass an  
20 examination or meet education, training, or experience standards;

21 (iv) The applicant does not have a disqualifying criminal record as  
22 determined by the occupational board;

23 (v) No board in any state has revoked the applicant's occupational  
24 license or government certification because of negligence or intentional  
25 misconduct related to the applicant's work in the occupation;

26 (vi) The applicant did not surrender an occupational license or  
27 government certification because of negligence or intentional misconduct  
28 related to the applicant's work in the occupation in any state;

29 (vii) The applicant does not have a complaint, allegation, or  
30 investigation pending before a board in any state that relates to  
31 unprofessional conduct or an alleged crime. If the applicant has a

1 complaint, allegation, or investigation pending, the occupational board  
2 shall not issue or deny an occupational license or government  
3 certification to the applicant until the complaint, allegation, or  
4 investigation is resolved or the applicant otherwise meets the criteria  
5 for an occupational license or government certification to the  
6 satisfaction of the occupational board; and

7 (viii) The applicant has paid all applicable fees required for  
8 issuance of the occupational license or government certification in this  
9 state;

10 (b) If an applicant has work experience for an occupation in a state  
11 that does not use an occupational license or government certification to  
12 regulate an occupation with a similar scope of practice to an occupation  
13 for which this state requires an occupational license or government  
14 certification to regulate such occupation, as determined by the  
15 occupational board, the occupational board shall issue an occupational  
16 license or government certification to an individual upon application  
17 based on work experience in another state if:

18 (i) The applicant worked for at least three years in the occupation;

19 (ii) No board in any state has revoked the applicant's occupational  
20 license or government certification because of negligence or intentional  
21 misconduct related to the applicant's work in the occupation;

22 (iii) The applicant did not surrender an occupational license or  
23 government certification because of negligence or intentional misconduct  
24 related to the applicant's work in the occupation in any state;

25 (iv) The applicant does not have a complaint, allegation, or  
26 investigation pending before a board in any state that relates to  
27 unprofessional conduct or an alleged crime. If the applicant has a  
28 complaint, allegation, or investigation pending, the occupational board  
29 shall not issue or deny an occupational license or government  
30 certification to the applicant until the complaint, allegation, or  
31 investigation is resolved or the applicant otherwise meets the criteria

1 for an occupational license or government certification to the  
2 satisfaction of the occupational board; and

3 (v) The applicant has paid all applicable fees required for issuance  
4 of the occupational license or government certification in this state;  
5 and

6 (c) If an applicant holds a private certification and has work  
7 experience for an occupation in a state that does not use an occupational  
8 license or government certification to regulate an occupation with a  
9 similar scope of practice to an occupation for which this state requires  
10 an occupational license or government certification to regulate such  
11 occupation, as determined by the occupational board, the occupational  
12 board shall issue an occupational license or government certification to  
13 an individual upon application based on private certification and work  
14 experience in another state if:

15 (i) The applicant worked for at least two years in the occupation;

16 (ii) The applicant holds a private certification in the occupation;

17 (iii) The provider of the private certification holds the applicant  
18 in good standing;

19 (iv) No board in any state has revoked the applicant's occupational  
20 license or government certification because of negligence or intentional  
21 misconduct related to the applicant's work in the occupation;

22 (v) The applicant did not surrender an occupational license or  
23 government certification because of negligence or intentional misconduct  
24 related to the applicant's work in the occupation in any state;

25 (vi) The applicant does not have a complaint, allegation, or  
26 investigation pending before a board in any state that relates to  
27 unprofessional conduct or an alleged crime. If the applicant has a  
28 complaint, allegation, or investigation pending, the occupational board  
29 shall not issue or deny an occupational license or government  
30 certification to the applicant until the complaint, allegation, or  
31 investigation is resolved or the applicant otherwise meets the criteria

1 for an occupational license or government certification to the  
2 satisfaction of the occupational board; and

3 (vii) The applicant has paid all applicable fees required for  
4 issuance of the occupational license or government certification in this  
5 state.

6 (2) An occupational board may require an applicant to pass a  
7 jurisprudential examination specific to relevant state law that regulates  
8 the occupation if an occupational license or government certification in  
9 this state requires a person to pass a jurisprudential examination  
10 specific to relevant state statutes and administrative rules and  
11 regulations that regulate the occupation.

12 (3) An occupational board shall approve or deny an occupational  
13 license or government certification in writing within sixty days after  
14 receiving a complete application under subsection (1) of this section.

15 (4) An applicant may appeal the denial of an occupational license or  
16 government certification under this section. The appeal shall be in  
17 accordance with the Administrative Procedure Act.

18 (5)(a) An occupational license or government certification issued  
19 pursuant to this section is valid only in this state and does not make  
20 the individual eligible to work in another state under an interstate  
21 compact or reciprocity agreement unless otherwise provided by law.

22 (b) Nothing in this section shall be construed to prevent this state  
23 from entering into a licensing compact or reciprocity agreement with  
24 another state, foreign province, or foreign country.

25 (c) Nothing in this section shall be construed to prevent this state  
26 from recognizing an occupational credential issued by a private  
27 certification organization, foreign province, foreign country,  
28 international organization, or other entity.

29 (d) Nothing in this section shall be construed to require a private  
30 certification organization to grant or deny private certification to any  
31 individual.

1           Sec. 3.    Original section 84-933, Revised Statutes Cumulative  
2 Supplement, 2018, is repealed.