

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 263

Introduced by Briese, 41.

Read first time January 11, 2021

Committee:

1 A BILL FOR AN ACT relating to professions and occupations; to amend
2 sections 84-933 and 84-934, Revised Statutes Cumulative Supplement,
3 2020; to define a term; to require occupational boards to issue an
4 occupational license or government certification based on
5 occupational licensure, government certification, private
6 certification, or work experience in another state or in the United
7 States Military; to provide for jurisprudential examinations and
8 appeals from denial of a license; to harmonize provisions; and to
9 repeal the original sections.
10 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 84-933, Revised Statutes Cumulative Supplement,
2 2020, is amended to read:

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

5 Sec. 2. Section 84-934, Revised Statutes Cumulative Supplement,
6 2020, is amended to read:

7 84-934 For purposes of the Occupational Board Reform Act, the
8 definitions in sections 84-935 to 84-944 and section 3 of this act apply.

9 Sec. 3. United States Military means any active duty or reserve
10 duty component of the armed forces of the United States, any state of the
11 United States, or any territory of the United States.

12 Sec. 4. (1) Subject to subsection (2) of this section and except
13 for an occupation regulated by the Supreme Court and except as provided
14 in an occupational licensing compact:

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

17 (i) The applicant holds an occupational license or government
18 certification in another state or in the United States Military in an
19 occupation with a similar scope of practice, as determined by the
20 occupational board;

21 (ii) The applicant has held the occupational license or government
22 certification for at least one year;

23 (iii) The board in the other state or in the United States Military
24 required the applicant to pass an examination or meet education,
25 training, or experience standards;

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

28 (v) No board in any state or in the United States Military has
29 revoked the applicant's occupational license or government certification
30 because of negligence or intentional misconduct related to the
31 applicant's work in the occupation;

1 (vi) The applicant did not surrender an occupational license or
2 government certification because of negligence or intentional misconduct
3 related to the applicant's work in the occupation in any state or in the
4 United States Military;

5 (vii) The applicant does not have a complaint, allegation, or
6 investigation pending before a board in any state or in the United States
7 Military that relates to unprofessional conduct or an alleged crime. If
8 such a complaint, allegation, or investigation is pending, the
9 occupational board shall not issue or deny an occupational license or
10 government certification to the applicant until the complaint,
11 allegation, or investigation is resolved or the applicant otherwise meets
12 the criteria for an occupational license or government certification to
13 the satisfaction of the occupational board; and

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

17 (b) If an applicant has work experience for an occupation in a state
18 or in the United States Military that does not use an occupational
19 license or government certification to regulate an occupation with a
20 similar scope of practice to an occupation for which this state requires
21 an occupational license or government certification to regulate such
22 occupation, as determined by the occupational board, the occupational
23 board shall issue an occupational license or government certification to
24 an individual upon application based on work experience in another state
25 or in the United States Military if:

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

27 (ii) No board in any state or in the United States Military has
28 revoked the applicant's occupational license or government certification
29 because of negligence or intentional misconduct related to the
30 applicant's work in the occupation;

31 (iii) The applicant did not surrender an occupational license or

1 government certification because of negligence or intentional misconduct
2 related to the applicant's work in the occupation in any state or in the
3 United States Military;

4 (iv) The applicant does not have a complaint, allegation, or
5 investigation pending before a board in any state or in the United States
6 Military that relates to unprofessional conduct or an alleged crime. If
7 such a complaint, allegation, or investigation is pending, the
8 occupational board shall not issue or deny an occupational license or
9 government certification to the applicant until the complaint,
10 allegation, or investigation is resolved or the applicant otherwise meets
11 the criteria for an occupational license or government certification to
12 the satisfaction of the occupational board; and

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

16 (c) If an applicant holds a private certification and has work
17 experience for an occupation in a state or in the United States Military
18 that does not use an occupational license or government certification to
19 regulate an occupation with a similar scope of practice to an occupation
20 for which this state requires an occupational license or government
21 certification to regulate such occupation, as determined by the
22 occupational board, the occupational board shall issue an occupational
23 license or government certification to an individual upon application
24 based on private certification and work experience in another state or in
25 the United States Military if:

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

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

28 (iii) The provider of the private certification holds the applicant
29 in good standing;

30 (iv) No board in any state or in the United States Military has
31 revoked the applicant's occupational license or government certification

1 because of negligence or intentional misconduct related to the
2 applicant's work in the occupation;

3 (v) The applicant did not surrender an occupational license or
4 government certification because of negligence or intentional misconduct
5 related to the applicant's work in the occupation in any state or in the
6 United States Military;

7 (vi) The applicant does not have a complaint, allegation, or
8 investigation pending before a board in any state or in the United States
9 Military that relates to unprofessional conduct or an alleged crime. If
10 such a complaint, allegation, or investigation is pending, the
11 occupational board shall not issue or deny an occupational license or
12 government certification to the applicant until the complaint,
13 allegation, or investigation is resolved or the applicant otherwise meets
14 the criteria for an occupational license or government certification to
15 the satisfaction of the occupational board; and

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

19 (2) Prior to issuance of an occupational license or government
20 certification under subsection (1) of this section, an occupational board
21 may require an applicant to pass a jurisprudential examination specific
22 to relevant state law that regulates the occupation if an occupational
23 license or government certification in this state requires a person to
24 pass a jurisprudential examination specific to relevant state statutes
25 and administrative rules and regulations that regulate the occupation.

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

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

1 (5)(a) An occupational license or government certification issued
2 pursuant to this section is valid only in this state and does not make
3 the individual eligible to work in another state or in the United States
4 Military under an interstate compact or reciprocity agreement unless
5 otherwise provided by law.

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

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

13 (d) Nothing in this section shall be construed to require a private
14 certification organization to grant or deny private certification to any
15 individual.

16 (e) This section provides a method of obtaining an occupational
17 license or government certification in addition to and not in conflict
18 with other methods under other provisions of law.

19 Sec. 5. Original sections 84-933 and 84-934, Revised Statutes
20 Cumulative Supplement, 2020, are repealed.