

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 885

Introduced by Cavanaugh, M., 6.

Read first time January 07, 2022

Committee:

- 1 A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend
- 2 section 38-129, Revised Statutes Cumulative Supplement, 2020, and
- 3 section 38-101, Revised Statutes Supplement, 2021; to require
- 4 implicit bias training for certain applicants and credential holders
- 5 under the Uniform Credentialing Act; to define a term; to harmonize
- 6 provisions; and to repeal the original sections.
- 7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 38-101, Revised Statutes Supplement, 2021, is
2 amended to read:

3 38-101 Sections 38-101 to 38-1,146 and section 3 of this act and the
4 following practice acts shall be known and may be cited as the Uniform
5 Credentialing Act:

- 6 (1) The Advanced Practice Registered Nurse Practice Act;
- 7 (2) The Alcohol and Drug Counseling Practice Act;
- 8 (3) The Athletic Training Practice Act;
- 9 (4) The Audiology and Speech-Language Pathology Practice Act;
- 10 (5) The Certified Nurse Midwifery Practice Act;
- 11 (6) The Certified Registered Nurse Anesthetist Practice Act;
- 12 (7) The Chiropractic Practice Act;
- 13 (8) The Clinical Nurse Specialist Practice Act;
- 14 (9) The Cosmetology, Electrology, Esthetics, Nail Technology, and
15 Body Art Practice Act;
- 16 (10) The Dentistry Practice Act;
- 17 (11) The Dialysis Patient Care Technician Registration Act;
- 18 (12) The Emergency Medical Services Practice Act;
- 19 (13) The Environmental Health Specialists Practice Act;
- 20 (14) The Funeral Directing and Embalming Practice Act;
- 21 (15) The Genetic Counseling Practice Act;
- 22 (16) The Hearing Instrument Specialists Practice Act;
- 23 (17) The Licensed Practical Nurse-Certified Practice Act until
24 November 1, 2017;
- 25 (18) The Massage Therapy Practice Act;
- 26 (19) The Medical Nutrition Therapy Practice Act;
- 27 (20) The Medical Radiography Practice Act;
- 28 (21) The Medicine and Surgery Practice Act;
- 29 (22) The Mental Health Practice Act;
- 30 (23) The Nurse Practice Act;
- 31 (24) The Nurse Practitioner Practice Act;

- 1 (25) The Nursing Home Administrator Practice Act;
- 2 (26) The Occupational Therapy Practice Act;
- 3 (27) The Optometry Practice Act;
- 4 (28) The Perfusion Practice Act;
- 5 (29) The Pharmacy Practice Act;
- 6 (30) The Physical Therapy Practice Act;
- 7 (31) The Podiatry Practice Act;
- 8 (32) The Psychology Practice Act;
- 9 (33) The Respiratory Care Practice Act;
- 10 (34) The Surgical First Assistant Practice Act; and
- 11 (35) The Veterinary Medicine and Surgery Practice Act.

12 If there is any conflict between any provision of sections 38-101 to
13 38-1,146 and any provision of a practice act, the provision of the
14 practice act shall prevail except as otherwise specifically provided in
15 section 38-129.02.

16 Sec. 2. Section 38-129, Revised Statutes Cumulative Supplement,
17 2020, is amended to read:

18 38-129 (1) No individual shall be issued a credential under the
19 Uniform Credentialing Act until the individual ~~he or she~~ has furnished
20 satisfactory evidence to the department that the individual:

21 (a) Is ~~he or she is~~ of good character;

22 (b) Has ~~and has~~ attained the age of nineteen years except as
23 otherwise specifically provided by statute, rule, or regulation; and -

24 (c) Beginning October 1, 2023, for applicants for a credential
25 listed in section 3 of this act, has completed implicit bias training as
26 defined in section 3 of this act.

27 (2) A credential may only be issued to (a) a citizen of the United
28 States, (b) an alien lawfully admitted into the United States who is
29 eligible for a credential under the Uniform Credentialing Act, (c) a
30 nonimmigrant lawfully present in the United States who is eligible for a
31 credential under the Uniform Credentialing Act, or (d) a person who

1 submits (i) an unexpired employment authorization document issued by the
2 United States Department of Homeland Security, Form I-766, and (ii)
3 documentation issued by the United States Department of Homeland
4 Security, the United States Citizenship and Immigration Services, or any
5 other federal agency, such as one of the types of Form I-797 used by the
6 United States Citizenship and Immigration Services, demonstrating that
7 such person is described in section 202(c)(2)(B)(i) through (x) of the
8 federal REAL ID Act of 2005, Public Law 109-13. Such credential shall be
9 valid only for the period of time during which such person's employment
10 authorization document is valid.

11 Sec. 3. (1) Beginning with the first license renewal period which
12 begins on or after October 1, 2023, every person engaged in the practice
13 of medicine and surgery, advanced practice nursing, alcohol and drug
14 counseling, athletic training, audiology, speech-language pathology,
15 chiropractic, dentistry, dental hygiene, emergency medical services,
16 genetic counseling, hearing instrument dispensing and fitting, massage
17 therapy, medical nutrition therapy, medical radiography, mental health
18 practice, nurse midwifery, nursing, occupational therapy, optometry,
19 osteopathy, perfusion, pharmacy, physical therapy, podiatry, psychology,
20 respiratory care, or surgical assisting shall annually complete implicit
21 bias training.

22 (2) For purposes of this section implicit bias training means a
23 program approved by the department that is designed to expose unconscious
24 prejudices or partialities, to provide tools to adjust automatic patterns
25 of thinking, to eliminate discriminatory behaviors, and to create
26 awareness of implicit bias.

27 Sec. 4. Original section 38-129, Revised Statutes Cumulative
28 Supplement, 2020, and section 38-101, Revised Statutes Supplement, 2021,
29 are repealed.