

AMENDMENTS TO LB181

(Amendments to Standing Committee amendments, AM812)

Introduced by Fredrickson, 20.

1           1. Strike original sections 9 and 10 and insert the following new  
2 sections:

3           Section 1. Sections 1 to 14 of this act shall be known and may be  
4 cited as the Behavior Analyst Practice Act.

5           Sec. 2. For purposes of the Behavior Analyst Practice Act, the  
6 definitions found in sections 3 to 8 of this act apply.

7           Sec. 3. Behavior technician means an individual who practices under  
8 the close, ongoing supervision of a licensed behavior analyst or a  
9 licensed assistant behavior analyst.

10          Sec. 4. Board means the Board of Behavior Analysts.

11          Sec. 5. Certifying entity means the Behavior Analyst Certification  
12 Board or another equivalent entity approved by the Board of Behavior  
13 Analysts which has programs to credential practitioners of applied  
14 behavior analysis that have substantially equivalent requirements as the  
15 programs offered by the Behavior Analyst Certification Board as  
16 determined by the Board of Behavior Analysts.

17          Sec. 6. Licensed assistant behavior analyst means an individual  
18 practicing under the close ongoing supervision of a licensed behavior  
19 analyst and who also meets the requirements specified in section 10 of  
20 this act and is issued a license as a licensed assistant behavior analyst  
21 under the Behavior Analyst Practice Act by the department.

22          Sec. 7. Licensed behavior analyst means an individual who meets the  
23 requirements specified in section 10 of this act and who is issued a  
24 license as a licensed behavior analyst under the Behavior Analyst  
25 Practice Act by the department.

26          Sec. 8. (1) Practice of applied behavior analysis means the design,

1 implementation, and evaluation of instructional and environmental  
2 modifications to produce socially significant improvements in human  
3 behavior.

4 (2) Practice of applied behavior analysis includes the empirical  
5 identification of functional relations between behavior and environmental  
6 factors, known as functional assessment and analysis.

7 (3) Applied behavior analysis interventions (a) are based on  
8 scientific research and direct and indirect observation and measurement  
9 of behavior and environment and (b) utilize contextual factors,  
10 motivating operations, antecedent stimuli, positive reinforcement, and  
11 other procedures to help individuals develop new behaviors, increase or  
12 decrease existing behaviors, and emit behaviors under specific  
13 environmental conditions.

14 (4) Practice of applied behavior analysis excludes (a) diagnosis of  
15 disorders, (b) psychological testing, (c) psychotherapy, (d) cognitive  
16 therapy, (e) psychoanalysis, (f) counseling, (g) functional movement  
17 analysis, (h) practice by persons required to be credentialed under the  
18 Audiology and Speech-Language Pathology Practice Act in the diagnosis or  
19 treatment of hearing, speech, communication, or swallowing disorders, or  
20 (i) practice by persons required to be credentialed under the  
21 Occupational Therapy Practice Act in the treatment of occupational  
22 performance dysfunction, such as activities of daily living and  
23 instrumental activities of daily living.

24 Sec. 9. The Behavior Analyst Practice Act shall not be construed as  
25 prohibiting the practice of any of the following:

26 (1) A licensed psychologist in the State of Nebraska and any person  
27 who delivers psychological services under the supervision of a licensed  
28 psychologist, if the applied behavior analysis services are provided  
29 within the scope of the licensed psychologist's education, training, and  
30 competence and the licensed psychologist does not represent that the  
31 psychologist is a licensed behavior analyst unless the psychologist is

1 licensed as a behavior analyst under the act;

2 (2) An individual licensed to practice any other profession in the  
3 State of Nebraska and any person who delivers services under the  
4 supervision of the licensed professional, if (a) applied behavior  
5 analysis is stated in the Uniform Credentialing Act as being in the scope  
6 of practice of the profession, (b) the applied behavior analysis services  
7 provided are within the scope of the licensed professional's education,  
8 training, and competence, and (c) the licensed professional does not  
9 represent that the professional is a licensed behavior analyst unless the  
10 professional is licensed as a behavior analyst under the act;

11 (3) A behavior technician who delivers applied behavior analysis  
12 services under the extended authority and direction of a licensed  
13 behavior analyst or a licensed assistant behavior analyst;

14 (4) A caregiver of a recipient of applied behavior analysis services  
15 who delivers those services to the recipient under the extended authority  
16 and direction of a licensed behavior analyst. A caregiver shall not  
17 represent that the caregiver is a professional behavior analyst;

18 (5) A behavior analyst who practices with animals, including applied  
19 animal behaviorists and animal trainers. Such a behavior analyst may use  
20 the title "behavior analyst" but may not represent that the behavior  
21 analyst is a licensed behavior analyst unless the behavior analyst is  
22 licensed under the act;

23 (6) A professional who provides general applied behavior analysis  
24 services to organizations, so long as those services are for the benefit  
25 of the organizations and do not involve direct services to individuals.  
26 Such a professional may use the title "behavior analyst" but may not  
27 represent that the professional is a licensed behavior analyst unless the  
28 professional is licensed under the act;

29 (7) A matriculated college or university student or postdoctoral  
30 fellow whose applied behavior analysis activity is part of a defined  
31 program of study, course, practicum, internship, or fellowship and is

1 directly supervised by a licensed behavior analyst licensed in Nebraska  
2 or a qualified faculty member of a college or university offering a  
3 program of study, course, practicum, internship or fellowship in applied  
4 behavior analysis. Such student or fellow shall not represent that the  
5 student or fellow is a professional behavior analyst and shall use a  
6 title that clearly indicates the trainee status, such as student, intern,  
7 or trainee;

8 (8) An unlicensed individual pursuing experience in applied behavior  
9 analysis consistent with the experience requirements of the certifying  
10 entity, if such experience is supervised in accordance with the  
11 requirements of the certifying entity;

12 (9) An individual who teaches behavior analysis or conducts  
13 behavior-analytic research, if such activities do not involve the direct  
14 delivery of applied behavior analysis services beyond the typical  
15 parameters of applied research. Such an individual may use the title  
16 "behavior analyst" but shall not represent that the individual is a  
17 licensed behavior analyst unless the individual is licensed under the  
18 act; and

19 (10) An individual employed by a school district performing the  
20 duties for which employed. Such an individual shall not represent that  
21 the individual is a licensed behavior analyst unless the individual is  
22 licensed under the act, shall not offer applied behavior analysis  
23 services to any person or entity other than the school which employs the  
24 individual, and shall not accept remuneration for providing applied  
25 behavior analysis services other than the remuneration received for the  
26 duties for which employed by the school employer.

27 Sec. 10. (1) Beginning one year after the operative date of this  
28 section, each applicant for licensure as a licensed behavior analyst or  
29 licensed assistant behavior analyst shall submit an application that  
30 includes evidence that the applicant meets the requirements of the  
31 Uniform Credentialing Act for a license as a licensed behavior analyst or

1 licensed assistant behavior analyst, as applicable.

2 (2) The board shall adopt rules and regulations to specify minimum  
3 standards required for a license as a licensed behavior analyst or a  
4 licensed assistant behavior analyst as provided in section 38-126. The  
5 board shall include certification by the certifying entity as a Board  
6 Certified Behavior Analyst® or a Board Certified Behavior Analyst-  
7 Doctoral® as part of the minimum standards for licensure as a licensed  
8 behavior analyst. The board shall include certification by the certifying  
9 entity as a Board Certified Assistant Behavior Analyst® as part of the  
10 minimum standards for licensure as a licensed assistant behavior analyst.

11 Sec. 11. (1) A behavior analyst or an assistant behavior analyst  
12 who is licensed in another jurisdiction or certified by the certifying  
13 entity to practice independently and who provides applied behavior  
14 analysis services in the State of Nebraska on a short-term basis may  
15 apply for a temporary license. An applicant for a temporary license shall  
16 submit evidence that the practice in Nebraska will be temporary as  
17 determined by the board according to rules and regulations adopted and  
18 promulgated pursuant to section 38-126. The department shall issue a  
19 temporary license under this subsection only if the department verifies  
20 the applicant's licensure or certification status with the relevant  
21 entity.

22 (2) An applicant for licensure as a licensed behavior analyst or as  
23 a licensed assistant behavior analyst under the Behavior Analyst Practice  
24 Act who is a military spouse may apply for a temporary license as  
25 provided in section 38-129.01.

26 Sec. 12. A behavior technician shall not represent that the  
27 technician is a professional behavior analyst and shall use a title that  
28 indicates the nonprofessional status, such as Registered Behavior  
29 Technician®, behavior technician, or tutor.

30 A behavior technician shall not design assessment or intervention  
31 plans or procedures but may deliver services as assigned by the

1 supervisor responsible for the technician's work as designated by the  
2 licensed behavior analyst.

3 Sec. 13. The board shall adopt a code of conduct for licensed  
4 behavior analysts and licensed assistant behavior analysts. The code of  
5 conduct shall be based on the Ethics Code for Behavior Analysts adopted  
6 by the certifying entity.

7 Sec. 14. The department shall establish and collect fees for  
8 initial licensure and renewal under the Behavior Analyst Practice Act as  
9 provided in sections 38-151 to 38-157.

10 Sec. 15. Section 38-101, Revised Statutes Cumulative Supplement,  
11 2022, is amended to read:

12 38-101 Sections 38-101 to 38-1,147 and the following practice acts  
13 shall be known and may be cited as the Uniform Credentialing Act:

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

- 1            ~~(18)~~ ~~(17)~~ The Licensed Practical Nurse-Certified Practice Act until  
2            November 1, 2017;
- 3            ~~(19)~~ ~~(18)~~ The Massage Therapy Practice Act;
- 4            ~~(20)~~ ~~(19)~~ The Medical Nutrition Therapy Practice Act;
- 5            ~~(21)~~ ~~(20)~~ The Medical Radiography Practice Act;
- 6            ~~(22)~~ ~~(21)~~ The Medicine and Surgery Practice Act;
- 7            ~~(23)~~ ~~(22)~~ The Mental Health Practice Act;
- 8            ~~(24)~~ ~~(23)~~ The Nurse Practice Act;
- 9            ~~(25)~~ ~~(24)~~ The Nurse Practitioner Practice Act;
- 10           ~~(26)~~ ~~(25)~~ The Nursing Home Administrator Practice Act;
- 11           ~~(27)~~ ~~(26)~~ The Occupational Therapy Practice Act;
- 12           ~~(28)~~ ~~(27)~~ The Optometry Practice Act;
- 13           ~~(29)~~ ~~(28)~~ The Perfusion Practice Act;
- 14           ~~(30)~~ ~~(29)~~ The Pharmacy Practice Act;
- 15           ~~(31)~~ ~~(30)~~ The Physical Therapy Practice Act;
- 16           ~~(32)~~ ~~(31)~~ The Podiatry Practice Act;
- 17           ~~(33)~~ ~~(32)~~ The Psychology Practice Act;
- 18           ~~(34)~~ ~~(33)~~ The Respiratory Care Practice Act;
- 19           ~~(35)~~ ~~(34)~~ The Surgical First Assistant Practice Act; and
- 20           ~~(36)~~ ~~(35)~~ The Veterinary Medicine and Surgery Practice Act.

21           If there is any conflict between any provision of sections 38-101 to  
22           38-1,147 and any provision of a practice act, the provision of the  
23           practice act shall prevail except as otherwise specifically provided in  
24           section 38-129.02.

25           Sec. 16. Section 38-121, Revised Statutes Cumulative Supplement,  
26           2022, is amended to read:

27           38-121 (1) No individual shall engage in the following practices  
28           unless such individual has obtained a credential under the Uniform  
29           Credentialing Act:

30           (a) Acupuncture;

31           (b) Advanced practice nursing;

- 1 (c) Alcohol and drug counseling;
- 2 (d) Asbestos abatement, inspection, project design, and training;
- 3 (e) Athletic training;
- 4 (f) Audiology;
- 5 (g) Speech-language pathology;
- 6 (h) Beginning one year after the operative date of this section,
- 7 behavior analysis;
- 8 (i) ~~(h)~~ Body art;
- 9 (j) ~~(i)~~ Chiropractic;
- 10 (k) ~~(j)~~ Cosmetology;
- 11 (l) ~~(k)~~ Dentistry;
- 12 (m) ~~(l)~~ Dental hygiene;
- 13 (n) ~~(m)~~ Electrology;
- 14 (o) ~~(n)~~ Emergency medical services;
- 15 (p) ~~(o)~~ Esthetics;
- 16 (q) ~~(p)~~ Funeral directing and embalming;
- 17 (r) ~~(q)~~ Genetic counseling;
- 18 (s) ~~(r)~~ Hearing instrument dispensing and fitting;
- 19 (t) ~~(s)~~ Lead-based paint abatement, inspection, project design, and
- 20 training;
- 21 (u) ~~(t)~~ Licensed practical nurse-certified until November 1, 2017;
- 22 (v) ~~(u)~~ Massage therapy;
- 23 (w) ~~(v)~~ Medical nutrition therapy;
- 24 (x) ~~(w)~~ Medical radiography;
- 25 (y) ~~(x)~~ Medicine and surgery;
- 26 (z) ~~(y)~~ Mental health practice;
- 27 (aa) ~~(z)~~ Nail technology;
- 28 (bb) ~~(aa)~~ Nursing;
- 29 (cc) ~~(bb)~~ Nursing home administration;
- 30 (dd) ~~(cc)~~ Occupational therapy;
- 31 (ee) ~~(dd)~~ Optometry;



- 1        ~~(ff)~~ ~~(ee)~~ Osteopathy;
- 2        ~~(gg)~~ ~~(ff)~~ Perfusion;
- 3        ~~(hh)~~ ~~(gg)~~ Pharmacy;
- 4        ~~(ii)~~ ~~(hh)~~ Physical therapy;
- 5        ~~(jj)~~ ~~(ii)~~ Podiatry;
- 6        ~~(kk)~~ ~~(jj)~~ Psychology;
- 7        ~~(ll)~~ ~~(kk)~~ Radon detection, measurement, and mitigation;
- 8        ~~(mm)~~ ~~(ll)~~ Respiratory care;
- 9        ~~(nn)~~ ~~(mm)~~ Surgical assisting; and
- 10       ~~(oo)~~ ~~(nn)~~ Veterinary medicine and surgery.

11       (2) No individual shall hold himself or herself out as any of the  
12 following until such individual has obtained a credential under the  
13 Uniform Credentialing Act for that purpose:

- 14       (a) Registered environmental health specialist;
- 15       (b) Certified marriage and family therapist;
- 16       (c) Certified professional counselor;
- 17       (d) Social worker; or
- 18       (e) Dialysis patient care technician.

19       (3) No business shall operate for the provision of any of the  
20 following services unless such business has obtained a credential under  
21 the Uniform Credentialing Act:

- 22       (a) Body art;
- 23       (b) Cosmetology;
- 24       (c) Emergency medical services;
- 25       (d) Esthetics;
- 26       (e) Funeral directing and embalming;
- 27       (f) Massage therapy; or
- 28       (g) Nail technology.

29       Sec. 17. Section 38-129.02, Revised Statutes Cumulative Supplement,  
30 2022, is amended to read:

31       38-129.02 (1) This section provides an additional method of issuing

1 a credential based on reciprocity and is supplemental to the methods of  
2 credentialing found in the various practice acts within the Uniform  
3 Credentialing Act. Any person required to be credentialed under any of  
4 the various practice acts who meets the requirements of this section  
5 shall be issued a credential subject to the provisions of this section.

6 (2) A person who has a credential that is current and valid in  
7 another state, a territory of the United States, or the District of  
8 Columbia may apply to the department for the equivalent credential under  
9 the Uniform Credentialing Act. The department, with the recommendation of  
10 the board with jurisdiction over the equivalent credential, shall  
11 determine the appropriate level of credential for which the applicant  
12 qualifies under this section. The department shall determine the  
13 documentation required to comply with subsection (3) of this section. The  
14 department shall issue the credential if the applicant meets the  
15 requirements of subsections (3) and (4) of this section and section  
16 38-129 and submits the appropriate fees for issuance of the credential,  
17 including fees for a criminal background check if required for the  
18 profession. A credential issued under this section shall not be valid for  
19 purposes of an interstate compact or for reciprocity provisions of any  
20 practice act under the Uniform Credentialing Act.

21 (3) The applicant shall provide documentation of the following:

22 (a) The credential held in the other state, territory, or District  
23 of Columbia, the level of such credential, and the profession for which  
24 credentialed;

25 (b) Such credential is valid and current and has been valid for at  
26 least one year;

27 (c) Educational requirements;

28 (d) The minimum work experience and clinical supervision  
29 requirements, if any, required for such credential and verification of  
30 the applicant's completion of such requirements;

31 (e) The passage of an examination for such credential if such

1 passage is required to obtain the credential in the other jurisdiction;

2 (f) Such credential is not and has not been subject to revocation or  
3 any other disciplinary action or voluntarily surrendered while the  
4 applicant was under investigation for unprofessional conduct or any other  
5 conduct which would be subject to section 38-178 if the conduct occurred  
6 in Nebraska;

7 (g) Such credential has not been subject to disciplinary action. If  
8 another jurisdiction has taken disciplinary action against the applicant  
9 on any credential the applicant has held, the appropriate board under the  
10 Uniform Credentialing Act shall determine if the cause for the  
11 disciplinary action was corrected and the matter resolved. If the matter  
12 has not been resolved, the applicant is not eligible for a credential  
13 under this section until the matter is resolved; and

14 (h) Receipt of a passing score on a credentialing examination  
15 specific to the laws of Nebraska if required by the appropriate board  
16 under the Uniform Credentialing Act.

17 (4) An applicant who obtains a credential upon compliance with  
18 subsections (2) and (3) of this section shall establish residency in  
19 Nebraska within one hundred eighty days after the issuance of the  
20 credential and shall provide proof of residency in a manner and within  
21 the time period required by the department. The department shall  
22 automatically revoke the credential of any credential holder who fails to  
23 comply with this subsection.

24 (5) In addition to failure to submit the required documentation in  
25 subsection (3) of this section, an applicant shall not be eligible for a  
26 credential under this section if:

27 (a) The applicant had a credential revoked, subject to any other  
28 disciplinary action, or voluntarily surrendered due to an investigation  
29 in any jurisdiction for unprofessional conduct or any other conduct which  
30 would be subject to section 38-178 if the conduct occurred in Nebraska;

31 (b) The applicant has a complaint, allegation, or investigation

1 pending before any jurisdiction that relates to unprofessional conduct or  
2 any other conduct which would be subject to section 38-178 if the conduct  
3 occurred in Nebraska. If the matter has not been resolved, the applicant  
4 is not eligible for a credential under this section until the matter is  
5 resolved; or

6 (c) The person has a disqualifying criminal history as determined by  
7 the appropriate board pursuant to the Uniform Credentialing Act and rules  
8 and regulations adopted and promulgated under the act.

9 (6) A person who holds a credential under this section shall be  
10 subject to the Uniform Credentialing Act and other laws of this state  
11 relating to the person's practice under the credential and shall be  
12 subject to the jurisdiction of the appropriate board.

13 (7) This section applies to credentials for:

14 (a) Professions governed by the Advanced Practice Registered Nurse  
15 Practice Act, the Behavior Analyst Practice Act, the Certified Nurse  
16 Midwifery Practice Act, the Certified Registered Nurse Anesthetist  
17 Practice Act, the Clinical Nurse Specialist Practice Act, the Dentistry  
18 Practice Act, the Dialysis Patient Care Technician Registration Act, the  
19 Emergency Medical Services Practice Act, the Medical Nutrition Therapy  
20 Practice Act, the Medical Radiography Practice Act, the Nurse  
21 Practitioner Practice Act, the Optometry Practice Act, the Perfusion  
22 Practice Act, the Pharmacy Practice Act, the Psychology Practice Act, and  
23 the Surgical First Assistant Practice Act; and

24 (b) Physician assistants and acupuncturists credentialed pursuant to  
25 the Medicine and Surgery Practice Act.

26 Sec. 18. Section 38-131, Revised Statutes Cumulative Supplement,  
27 2022, is amended to read:

28 38-131 (1) An applicant for an initial license to practice as a  
29 registered nurse, a licensed practical nurse, a physical therapist, a  
30 physical therapy assistant, a psychologist, an advanced emergency medical  
31 technician, an emergency medical technician, an audiologist, a speech-

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

17 (2) This section shall not apply to a dentist who is an applicant  
18 for a dental locum tenens under section 38-1122, to a physician or  
19 osteopathic physician who is an applicant for a physician locum tenens  
20 under section 38-2036, or to a veterinarian who is an applicant for a  
21 veterinarian locum tenens under section 38-3335.

22 (3) An applicant for a temporary educational permit as defined in  
23 section 38-2019 shall have ninety days from the issuance of the permit to  
24 comply with subsection (1) of this section and shall have his or her  
25 permit suspended after such ninety-day period if the criminal background  
26 check is not complete or revoked if the criminal background check reveals  
27 that the applicant was not qualified for the permit.

28 Sec. 19. Section 38-167, Revised Statutes Cumulative Supplement,  
29 2022, is amended to read:

30 38-167 (1) Boards shall be designated as follows:

31 (a) Board of Advanced Practice Registered Nurses;

- 1 (b) Board of Alcohol and Drug Counseling;
- 2 (c) Board of Athletic Training;
- 3 (d) Board of Audiology and Speech-Language Pathology;
- 4 (e) Board of Behavior Analysts;
- 5 (f) ~~(e)~~ Board of Chiropractic;
- 6 (g) ~~(f)~~ Board of Cosmetology, Electrology, Esthetics, Nail  
7 Technology, and Body Art;
- 8 (h) ~~(g)~~ Board of Dentistry;
- 9 (i) ~~(h)~~ Board of Emergency Medical Services;
- 10 (j) ~~(i)~~ Board of Registered Environmental Health Specialists;
- 11 (k) ~~(j)~~ Board of Funeral Directing and Embalming;
- 12 (l) ~~(k)~~ Board of Hearing Instrument Specialists;
- 13 (m) ~~(l)~~ Board of Massage Therapy;
- 14 (n) ~~(m)~~ Board of Medical Nutrition Therapy;
- 15 (o) ~~(n)~~ Board of Medical Radiography;
- 16 (p) ~~(o)~~ Board of Medicine and Surgery;
- 17 (q) ~~(p)~~ Board of Mental Health Practice;
- 18 (r) ~~(q)~~ Board of Nursing;
- 19 (s) ~~(r)~~ Board of Nursing Home Administration;
- 20 (t) ~~(s)~~ Board of Occupational Therapy Practice;
- 21 (u) ~~(t)~~ Board of Optometry;
- 22 (v) ~~(u)~~ Board of Pharmacy;
- 23 (w) ~~(v)~~ Board of Physical Therapy;
- 24 (x) ~~(w)~~ Board of Podiatry;
- 25 (y) ~~(x)~~ Board of Psychology;
- 26 (z) ~~(y)~~ Board of Respiratory Care Practice; and
- 27 (aa) ~~(z)~~ Board of Veterinary Medicine and Surgery.

28 (2) Any change made by the Legislature of the names of boards listed  
29 in this section shall not change the membership of such boards or affect  
30 the validity of any action taken by or the status of any action pending  
31 before any of such boards. Any such board newly named by the Legislature

1 shall be the direct and only successor to the board as previously named.

2 Sec. 20. Section 38-186, Revised Statutes Cumulative Supplement,  
3 2022, is amended to read:

4 38-186 (1) A petition shall be filed by the Attorney General in  
5 order for the director to discipline a credential obtained under the  
6 Uniform Credentialing Act to:

7 (a) Practice or represent oneself as being certified under any of  
8 the practice acts enumerated in section 38-101 other than subdivision  
9 (21) subdivisions (1) through (19) and (21) through (35) of section  
10 38-101; or

11 (b) Operate as a business for the provision of services in body art;  
12 cosmetology; emergency medical services; esthetics; funeral directing and  
13 embalming; massage therapy; and nail technology in accordance with  
14 subsection (3) of section 38-121.

15 (2) The petition shall be filed in the office of the director. The  
16 department may withhold a petition for discipline or a final decision  
17 from public access for a period of five days from the date of filing the  
18 petition or the date the decision is entered or until service is made,  
19 whichever is earliest.

20 (3) The proceeding shall be summary in its nature and triable as an  
21 equity action and shall be heard by the director or by a hearing officer  
22 designated by the director under rules and regulations of the department.  
23 Affidavits may be received in evidence in the discretion of the director  
24 or hearing officer. The department shall have the power to administer  
25 oaths, to subpoena witnesses and compel their attendance, and to issue  
26 subpoenas duces tecum and require the production of books, accounts, and  
27 documents in the same manner and to the same extent as the district  
28 courts of the state. Depositions may be used by either party.

29 Sec. 29. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14,  
30 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, 27, 28, and 30 of this act  
31 become operative three calendar months after the adjournment of this

1 legislative session. The other sections of this act become operative on  
2 their effective date.

3       Sec. 30. Original sections 38-2852, 38-2867.01, and 71-475, Reissue  
4 Revised Statutes of Nebraska, and sections 38-101, 38-121, 38-129.02,  
5 38-131, 38-167, 38-186, 38-2801, 71-2461.01, and 71-2479, Revised  
6 Statutes Cumulative Supplement, 2022, are repealed.

7       2. Renumber the remaining sections and correct internal references  
8 accordingly.