

LEGISLATIVE BILL 250

Approved by the Governor April 26, 1985

Introduced by Public Health & Welfare Committee,
Wesely, 26, Chairperson; Chronister, 18;
Hall, 7; Lynch, 13; Smith, 33; Withem, 14;
Peterson, 21

AN ACT relating to public health and welfare; to amend sections 71-161.10, 71-174.01, 71-179.01, 71-180.01, 71-180.03 to 71-180.05, 71-1,104, 71-1,136.01, and 71-2709, Reissue Revised Statutes of Nebraska, 1943, sections 71-131, 71-161.09, 71-185, 71-1,144.04, 71-1,162, 71-6108, and 71-6109, Revised Statutes Supplement, 1984, and section 71-139, Revised Statutes Supplement, 1984, as amended by section 11, Legislative Bill 129, Eighty-ninth Legislature, First Session, 1985; to change provisions relating to professional and occupational licenses; to provide for biennial licenses; to change provisions relating to examinations and continuing education; to provide requirements and authorize minimum standards for apprentices in massage; to harmonize provisions; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 71-131, Revised Statutes Supplement, 1984, be amended to read as follows:

71-131. (1) In the absence of any specific requirement or provision relating to any particular profession:

(a) The Department of Health may adopt and promulgate rules and regulations pertaining to the grading of examination papers;

(b) An examinee must obtain an average grade of seventy-five per cent;

(c) An examinee must obtain a grade of sixty per cent in each subject in which examined; and

(d) An examinee who fails to comply with subdivisions (b) and (c) of this subsection may take the entire examination over without charge at any time within fourteen months, except that in the case in which a national standardized examination is utilized by any examining board, which requires the payment of a fee to purchase such examination, the Department of Health shall require the applicant to pay the appropriate examination fee.

(2) In pharmacy all applicants shall be required to attain an average grade of seventy-five per cent and not to fail below a grade of sixty per cent in any one subject, except the examination in practical pharmacy in which a grade of seventy-five per cent must be attained a grade to be determined by the Board of Examiners in Pharmacy in an examination in pharmacy and a grade of seventy-five per cent in an examination in jurisprudence of pharmacy. When an applicant falls below sixty per cent in any two subjects, except the examination in practical pharmacy the designated grade in one of the two examinations, the applicant may take these two that examination over without charge at any time within fourteen months at any regular session of such board held for the purpose of giving examinations or at the first regular session of the board held for the purpose of giving examinations thereafter if not held within that time. If an applicant falls below sixty per cent in more than two subjects, except the examination in practical pharmacy, or if the applicant fails to attain an average grade of seventy-five per cent in all subjects and a grade of seventy-five per cent in the examination in practical pharmacy the designated grade in both the examination in pharmacy and the examination in jurisprudence of pharmacy, the applicant shall take the entire examination both examinations over, and may do this without charge at any time within fourteen months at any regular session of the board held for the purpose of giving examinations or at the first regular session of the board held for the purpose of giving examinations thereafter if not held within that time. Notwithstanding any provision of this section, whenever the Board of Examiners in Pharmacy utilizes a national standardized examination, which requires the payment of a fee to purchase such examination, the Department of Health shall require the applicant to pay the appropriate examination fee.

(3) In medicine and surgery the passing grade shall be determined by the department upon recommendation of the Board of Examiners in Medicine and Surgery. Fees for reexamination shall be determined by the department upon recommendation of the Board of Examiners in Medicine and Surgery.

(4) In psychology the passing grade shall be determined by the department upon recommendation of the Board of Examiners of Psychologists. Fees for reexamination shall be the same as the fee for the initial examination.

Sec. 2. The members of the Board of Examiners in Pharmacy need not be present at the examination given to applicants for licensure when a national standardized examination is utilized. Such board may delegate the administration of the examination to the Department of Health or to another person. A majority of the members of the board shall be present at any other written examination

given to applicants for licensure. A majority of the members of the board shall be present at any oral examination given. The oral examination questions shall be limited to the technical knowledge of the practice of pharmacy.

Sec. 3. That section 71-139, Revised Statutes Supplement, 1984, as amended by section 11, Legislative Bill 129, Eighty-ninth Legislature, First Session, 1985, be amended to read as follows:

71-139. The Department of Health, without examination, except when a practical examination is required, may issue a license to practice any profession except pharmacy, podiatry, dentistry, medicine and surgery, optometry, osteopathic medicine and surgery, osteopathic medicine, osteopathy, and audiology and speech-language pathology to a person who has been in the active practice of that profession in some other state, territory, or the District of Columbia, upon the certificate of the proper licensing authority of the state, territory, or the District of Columbia, certifying that the applicant is duly licensed, that his or her license has never been suspended or revoked, and that, so far as the records of such authority are concerned, the applicant is entitled to its endorsement. The applicant shall also present proof of the following things: (1) That the state, territory, or the District of Columbia from which the applicant comes shall have and maintain standards regulating his or her profession equal to those maintained in that profession by Nebraska; (2) that his or her license there was based upon a written examination and the grades given at such examination; (3) the date of his or her license; (4) that such licensee has been actively engaged in the practice under such license or in an accepted residency or graduate training program for at least one of the three years immediately preceding the application for license by reciprocity; (5) the affidavit of at least two practitioners in that state, territory, or the District of Columbia testifying to the applicant being of good moral character and standing in his or her profession; and (6) that the applicant has been in the active and continuous practice under license by examination in the state, territory, or the District of Columbia from whence he or she comes for at least one year. An applicant for reciprocal registration coming from any state may be licensed by reciprocity if his or her individual qualifications meet the Nebraska legal requirements.

Persons who graduate from colleges of osteopathy accredited by the Department of Health on recommendation of the Board of Examiners in Osteopathy since January 1, 1963, and prior to May 23, 1981, and after May 23, 1981, persons who graduate from colleges of osteopathy accredited by the Department of Health on recommendation

of the Board of Examiners in Medicine and Surgery who meet the requirements of this section and who have passed a written examination which is equivalent to that required in section 71-1,104 as determined by the Board of Examiners in Medicine and Surgery and who meet the requirements of section 71-1,137 for the practice of osteopathic medicine and surgery as evidenced by a certificate of the Board of Examiners in Medicine and Surgery may be granted a license to practice osteopathic medicine and surgery as defined in section 71-1,137 if such person has been actively engaged in the practice under such license or in an accepted residency or graduate training program for at least one of the three years immediately preceding the application for license by reciprocity. Graduates of an accredited school of osteopathy since January 1, 1963, who meet the requirements of this section and who meet the applicable requirements of section 71-1,139.01 as certified by the Board of Examiners in Medicine and Surgery may be granted a special license as doctor of osteopathic medicine and surgery.

The department may approve without examination any person who has been duly licensed to practice optometry in some other state or territory of the United States of America or in the District of Columbia under conditions and circumstances which the Board of Examiners in Optometry shall find to be comparable to the requirements of the State of Nebraska for obtaining a license to practice optometry if such person has been actively engaged in the practice under such license for at least one of the three years immediately preceding the application for license by reciprocity. The applicant shall produce evidence satisfactory to the board that he or she has had the required secondary and professional education and training. The applicant shall submit a certificate of the proper licensing authority of the state, territory, or the District of Columbia where he or she is licensed to practice such profession, that he or she is duly licensed, that his or her license has not been suspended or revoked, and that so far as the records of such authority are concerned he or she is entitled to its endorsement. If the applicant is found to meet the requirements provided in this section and is qualified to be licensed to practice the profession of optometry in the State of Nebraska, the board shall issue a license to practice optometry in the State of Nebraska to such applicant.

The Board of Examiners in Dentistry may approve without examination any person who has been duly licensed to practice dentistry in some other state or territory of the United States of America or in the District of Columbia under conditions and circumstances which the board shall find to be comparable to the requirements of the State of Nebraska for obtaining a license to practice dentistry if such person has been actively engaged in the practice under

such license or in an accepted residency or graduate training program for at least one of the three years immediately preceding the application for license by reciprocity. The applicant shall produce evidence satisfactory to the board that he or she has had the required secondary and professional education and training and is possessed of good character and morals as required by the laws of the State of Nebraska. The applicant shall submit a certificate of the proper licensing authority of the state, territory, or the District of Columbia where he or she is licensed to practice such profession, that he or she is duly licensed, that his or her license has not been suspended or revoked, and that so far as the records of such authority are concerned he or she is entitled to its endorsement. If the applicant is found by the board to meet the requirements provided in this section and is qualified to be licensed to practice the profession of dentistry in the State of Nebraska, the board shall certify such fact to the Department of Health, and the department upon receipt of such certification shall issue a license to practice dentistry in the State of Nebraska to such applicant.

Sec. 4. That section 71-161.09, Revised Statutes Supplement, 1984, be amended to read as follows:

71-161.09. The board of examiners for any profession or occupation licensed by the Department of Health pursuant to the provisions of Chapter 71, with the approval of the Department of Health, may promulgate, by rules and regulations, standards of relicensure for each Nebraska-licensed practitioner of such profession or occupation in active practice within the State of Nebraska, which may include the requirement to attend a prescribed number of hours, ~~annually~~ biennially, of such approved scientific schools, clinics, forums, lectures, courses of study, or educational seminars, relating to the practice of such profession or occupation, and shall require, as may be set forth by such rules and regulations for the profession or occupation concerned, and approved by the department, such standards as a prerequisite for the licensee's next subsequent license renewal. The board of examiners and the Department of Health shall consult with the appropriate professional academies, professional societies, and professional associations in the development of such standards. The purpose of any such action by such board shall be to the end that the utilization and application of new techniques, scientific and clinical advances, and the achievements of research will assure expansive and comprehensive service to the public. The number of hours that may be required shall be prescribed by the board in such rules and regulations for any calendar year. Attendance must be at a scientific school, clinic, forum, lecture, course of study, or educational seminar approved by the board which may be held

either within or outside the state. In no instance may the board require a greater number of hours of approved scientific schools, clinics, forums, lectures, courses of study, or educational seminars than are available at approved scientific schools, clinics, forums, lectures, courses of study, or educational seminars held within the State of Nebraska.

Sec. 5. That section 71-161.10, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-161.10. Upon the establishment of such standards for relicensure by any board of examiners, by rule and regulation, and with the approval of the Department of Health, each licensed practitioner of such profession or occupation in active practice within the state shall, on or before the date of expiration of his or her license in the year the requirement applies, certify on an affidavit form provided by the board of examiners of the profession or occupation concerned that he or she has complied with section 71-161.09 during the preceding year two-year period. Such board shall, on or before the date of expiration of the license in the year the requirement applies, report all licensees who have complied with the educational requirements to the Director of the Bureau of Examining Boards of the Department of Health. Licensees who have not complied with such requirement shall not be issued a renewal license, unless exempt or unable to comply due to circumstances beyond their control. Procedures for denial of renewal of the license of such licensees shall be identical to those for nonpayment of renewal fees as provided in the statutes governing licensure of such profession or occupation, as well as procedures for reinstatement of the same. The department, on the recommendation of the board of examiners of the licensee's profession, may waive continuing education requirements, in part or in total, for any two-year licensing period when a licensee submits documentation that circumstances beyond his or her control prevented completion of such requirements. Such circumstances shall include situations in which: The following licensees shall be exempt from the requirements of this section-

(1) Any person holding The licensee holds a Nebraska license but who is not practicing his or her profession or occupation in Nebraska;

(2) Any licensee serving The licensee has served in the regular armed forces of the United States during any part of the twelve twenty-four months immediately preceding the annual license renewal date;

(3) Any licensee submitting The licensee has submitted proof that he or she was suffering from a serious or disabling illness or physical disability which prevented completion of the required number of continuing education hours his attendance at any approved and qualified scientific school, clinic, forum, lecture,

course of study or educational seminar within the State of Nebraska during the twelve twenty-four months immediately preceding the annual license renewal date; and

(4) Any licensee The licensee was first licensed within the twelve twenty-four months immediately preceding the annual license renewal date; and

(5) Any licensee meeting the existing statutory license renewal requirements for continuing education and recertification for his particular profession.

The department, with the consent of the interested board of examiners, may adopt and promulgate rules and regulations not inconsistent with this section pertaining to waiver of continuing education requirements.

Sec. 6. That section 71-174.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-174.01. Each Nebraska-licensed podiatrist in active practice within the State of Nebraska shall be required on or before April 1 of each even-numbered year, commencing in 1975 1986, to attend twelve twenty-four hours annually biennially of such approved scientific schools, clinics, forums, lectures, or podiatric educational seminars as may be announced and approved by the Board of Examiners in Podiatry, as a prerequisite for the licensee's next subsequent annual license renewal; PROVIDED, that if at least twelve twenty-four hours of such educational program are conducted biennially annually in the State of Nebraska.

Each licensed podiatrist in active practice within the State of Nebraska shall, on or before April 1 of each even-numbered year, certify on an affidavit form provided by the Board of Examiners in Podiatry that he or she has complied with this section during the preceding year two-year period. Such board of examiners shall, on or before April 1 of each even-numbered year, report all licensees who have complied with the educational requirements to the Director of the Bureau of Examining Boards of the Department of Health. Licensees who have not complied with such requirements shall not be issued a renewal license, unless exempt or unable to comply due to circumstances beyond their control. Procedures for denial of renewal of the license of such licensees shall be identical to those for nonpayment of renewal fees and as provided in sections 71-110 and 71-149. The department, on the recommendation of the Board of Examiners in Podiatry, may waive continuing education requirements, in part or in total, for any two-year licensing period when a licensee submits documentation that circumstances beyond his or her control prevented completion of such requirements. Such circumstances shall include situations in which: The following licensees shall be exempt from the requirements of this section-

(1) Any person holding The licensee holds a Nebraska license but who is not practicing podiatry in

Nebraska;

(2) Any licensee serving The licensee has served in the regular armed forces of the United States during any part of the twelve twenty-four months immediately preceding the annual license renewal date;

(3) Any licensee submitting The licensee has submitted proof that he or she was suffering from a serious or disabling illness or physical disability which prevented completion of the required number of continuing education hours his attendance at any qualified educational seminar within the State of Nebraska during the twelve twenty-four months immediately preceding any annual license renewal date; and

(4) Any licensee The licensee was first licensed within the twelve twenty-four months immediately preceding the renewal date provided in section 71-110.

The department, with the consent of the Board of Examiners in Podiatry, may adopt and promulgate rules and regulations not inconsistent with this section pertaining to waiver of continuing education requirements.

Sec. 7. That section 71-179.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-179.01. Each Nebraska-licensed chiropractor in active practice within the State of Nebraska shall be required, on or before June August 1, 1959 1986, and on or before June August 1 of every even-numbered year thereafter, to attend not less than two four days totaling at least fifteen thirty hours annually, biennially of such approved scientific schools, clinics, forums, lectures, or chiropractic educational seminars as may be approved by the Board of Examiners in Chiropractic as a prerequisite for his or her next subsequent annual license renewal; PROVIDED, that if at least one two such approved educational program programs consisting of at least two days each totaling at least fifteen thirty hours of class instruction is conducted annually biennially in the State of Nebraska.

Sec. 8. That section 71-180.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-180.01. Each even-numbered year at the time of one of its regular meetings, but not later than March 15, the Board of Examiners in Chiropractic shall prepare and prescribe minimum postgraduate standards for the following year two-year period that must be met by any school, clinic, forum, seminar, or convention giving such educational work as a prerequisite for consideration by the board for approval of postgraduate attendance credit.

Sec. 9. That section 71-180.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-180.03. Within ten days following an approved educational program conducted in the State of Nebraska by the Nebraska Chiropractic Physicians' Association, a list of those attending shall be certified

by the secretary of such association and forwarded to the secretary of the Board of Examiners in Chiropractic, who shall then, within thirty days, send a written notice that evidence of compliance with the provisions of section 71-179.01 has not been received to every person holding a license to practice chiropractic within this state and who did not attend the program conducted by the Nebraska Chiropractic Physicians' Association, such notice to be sent to the last-known address of such licensee, together with such proper blank forms for application for such license renewal. The licensee shall return the forms certified by the secretary or business manager of the approved school, clinic, forum, seminar, or convention attended by such licensee and the secretary of the board shall thereupon certify all licensees who have complied with the provisions of section 71-179.01 to the Director of the Bureau of Examining Boards of the Department of Health by June August 1 of the following even-numbered year.

Sec. 10. That section 71-180.04, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-180.04. Every person failing to renew his or her license within thirty days after the same is due and who is not exempted from attendance as provided in section 71-180.05 shall have his or her license to practice chiropractic in the State of Nebraska revoked in the manner provided by section 71-147, but the Board of Examiners in Chiropractic shall have the right, for good cause shown, to adopt and prescribe the type and character of the postgraduate study to be done by any such chiropractor in order to have his or her license restored upon the payment of an additional fee of twenty-five dollars for each delinquent year two-year period in addition to the regular renewal fee. Any fees so received shall be paid to the Department of Health and processed as provided in section 71-162.

Sec. 11. That section 71-180.05, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-180.05. The following licensees shall be exempt from the requirements of sections 71-179.01 and 71-180.01 to 71-180.04. The department, on the recommendation of the Board of Examiners in Chiropractic, may waive continuing education requirements, in part or in total, for any two-year licensing period when a licensee submits documentation that circumstances beyond his or her control prevented completion of such requirements. Such circumstances shall include situations in which:

(1) Any person holding The licensee holds a Nebraska license but who is not practicing chiropractic in Nebraska;

(2) Any person serving The licensee has served in the regular armed forces of the United States during any

part of the twelve twenty-four months immediately preceding the annual license renewal date;

(3) Any person certified by a Doctor of Chiropractic, Doctor of Osteopathy, or Doctor of Medicine as The licensee has submitted proof that he or she was suffering from serious or disabling illness or physical disability that prevents completion of the required number of continuing education hours him from attending any qualifying seminar within the state during the twelve twenty-four months immediately preceding any annual licensing renewal date; and

(4) Any licensee The licensee was first licensed within the twelve twenty-four months immediately preceding the renewal date as provided by section 71-110.

The department, with the consent of the Board of Examiners in Chiropractic, may adopt and promulgate rules and regulations not inconsistent with this section pertaining to waiver of continuing education requirements.

Sec. 12. That section 71-185, Revised Statutes Supplement, 1984, be amended to read as follows:

71-185. Every applicant for a license to practice dentistry shall (1) furnish proof of having completed a four-year course in an accredited high school, or its equivalent as that term is herein defined, ; (2) present proof of graduation from an accredited school or college of dentistry, ; and (3) pass an examination prescribed by the Board of Examiners in Dentistry, which shall be elementary and practical in character, but sufficiently thorough to test the fitness of the candidate to practice dentistry. Such examination shall include questions on anatomy, physiology, chemistry, dental materials, materia medica, therapeutics, histology, pathology, oral surgery, operative and prosthetic dentistry, dental jurisprudence, and such other subjects as are usually found in the curriculum of a dental college. Demonstrations of the applicant's skill in clinical dentistry shall also be required. The passing grade shall be determined by the department upon the recommendation of the Board of Examiners in Dentistry.

The Department of Health shall accept, upon the recommendation of the Board of Examiners in Dentistry and in lieu of the examination herein provided, a certificate of examination issued by the National Board of Dental Examiners of the United States of America. Every applicant for a license upon the basis of such certificate shall be required to pay the fee prescribed in section 71-162 for licenses issued in dentistry without examination based upon a certificate by examination held by the National Board of Dental Examiners of the United States of America.

Commencing in 1985, standards for relicensure for each Nebraska-licensed dentist and dental hygienist in active practice within the State of Nebraska shall require that such dentist or dental hygienist biennially annual

complete ~~fifteen~~ thirty hours of continuing education as prescribed in sections 71-161.09 and 71-161.10 by no later than March 1, 1987, and an additional thirty hours by no later than March 1 of each odd-numbered year thereafter.

Sec. 13. That section 71-1,104, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,104. Each applicant for a license to practice medicine and surgery shall (1) present proof that he or she is a graduate of an accredited school or college of medicine or, if a foreign medical graduate, provide a copy of a permanent certificate issued by the Educational Commission on Foreign Medical Graduates that is currently effective and relates to such applicant, or provide such credentials as are necessary to certify that such a foreign medical graduate has successfully passed the Visa Qualifying Examination, or its successor or equivalent examination, required by the United States Department of Health and Human Services ~~7 Education and Welfare~~ and the United States Immigration and Naturalization Service, or, if a graduate of a foreign medical school who has successfully completed a program of American medical training designated as the Fifth Pathway and who additionally has successfully passed the Educational Commission on Foreign Medical Graduates examination, but has not yet received the permanent certificate attesting to the same, provide such credentials as certify the same to the Department of Health, ~~7~~ (2) unless waived by the Board of Examiners in Medicine and Surgery with the approval of the Department of Health present proof that he or she has served at least one year of graduate medical education approved by the Board of Examiners in Medicine and Surgery, ~~except that the Board of Examiners in Medicine and Surgery shall not waive such requirement in the case of~~ or, if a foreign medical graduate, present proof that he or she has served at least three years of graduate medical education approved by the Board of Examiners in Medicine and Surgery, ~~7~~ and (3) pass an examination prescribed and conducted by the Board of Examiners in Medicine and Surgery, and approved by the Department of Health covering appropriate medical subjects.

Sec. 14. That section 71-1,136.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,136.01. Each Nebraska-licensed optometrist in active practice within the State of Nebraska shall be required on or before August 1 of each even-numbered year, commencing in ~~1966~~ 1986, to attend ~~sixteen~~ thirty-two hours, ~~annually~~ biennially, of such approved scientific schools, clinics, forums, lectures, or optometric educational seminars, as may be announced and approved by the Board of Examiners in Optometry, as a prerequisite for the licensee's next subsequent annual license renewal; ~~PROVIDED, that if~~ at least sixteen

thirty-two hours of such educational program is are conducted annually biennially in the State of Nebraska.

Each licensed optometrist in active practice within the State of Nebraska shall, on or before August 1 of each even-numbered year, certify on forms provided by the Board of Examiners in Optometry, that he or she has complied with sections 71-1,133 to 71-1,136 and this section during the preceding year two-year period. Such board of examiners shall, on or before August 1 of each even-numbered year, report all licensees who have complied with the educational requirements to the Director of the Bureau of Examining Boards of the Department of Health. Licensees who have not complied with such requirements shall not be issued a renewal license, unless exempt or excused for good cause shown. The department, on the recommendation of the Board of Examiners in Optometry, may waive continuing education requirements, in part or in total, for any two-year licensing period when a licensee submits documentation that circumstances beyond his or her control prevented completion of such requirements. Such circumstances shall include situations in which: The following licensees shall be exempt from the requirements of this section:

(1) Any person holding The licensee holds a Nebraska license but who is not practicing optometry in Nebraska;

(2) Any licensee serving The licensee has served in the regular armed forces of the United States during any part of the twelve twenty-four months immediately preceding the annual license renewal date;

(3) Any licensee submitting The licensee has submitted proof that he or she was suffering from a serious or disabling illness or physical disability which prevented completion of the required number of continuing education hours his attendance at any qualified educational seminar within the State of Nebraska during the twelve twenty-four months immediately preceding any annual license renewal date; and

(4) Any licensee The licensee was first licensed within the twelve twenty-four months immediately preceding the renewal date provided in section 71-110.

The department, with the consent of the Board of Examiners in Optometry, may adopt and promulgate rules and regulations not inconsistent with this section pertaining to waiver of continuing education requirements.

Sec. 15. That section 71-1,144.04, Revised Statutes Supplement, 1984, be amended to read as follows:

71-1,144.04. (1) Each pharmacist shall provide a listing of continuing education activities participated in or attended, the amount of credit received for each activity, and the date, location, and name of the approved provider which sponsored the activity on a separate form or portion of the license renewal application as may be

designed by the department. Each pharmacist shall be responsible for maintaining in his or her personal files such certificates or records of credit from continuing education activities received from approved providers.

The board shall biennially select, in a random manner, a representative sample of the license renewal applications for audit of continuing education credits. The names, addresses, and a copy of the section of the application form which lists continuing education credits shall be forwarded to the committee which shall cause the pharmacist to submit certificates or other records of attendance which were received from the approved provider for review by the committee.

(2) The following licensees shall be exempted from the requirements of subsection (1) of this section. The department, on the recommendation of the Board of Examiners in Pharmacy, may waive continuing education requirements, in part or in total, for any two-year licensing period when a licensee submits documentation that circumstances beyond his or her control prevented completion of such requirements. Such circumstances shall include situations in which:

(a) Any person holding The licensee holds a Nebraska license but who does not reside or practice pharmacy in Nebraska;

(b) Any licensee serving The licensee has served in the regular armed forces of the United States during any part of the twelve twenty-four months immediately preceding the annual license renewal date;

(c) Any licensee submitting The licensee has submitted proof that he or she was suffering from a serious or disabling illness or physical disability which prevented attendance at continuing education activities within the State of Nebraska completion of the required number of continuing education hours during the twelve twenty-four months preceding the annual license renewal date; thereby preventing accumulation of the prescribed amount of continuing education credit;

(d) Any The licensee has been initially licensed by the board within the twelve twenty-four months immediately preceding the annual license renewal date; and

(e) Any The licensee successfully completing has successfully completed two or more semester hours of formal credit instruction biennially offered by an accredited school or college of pharmacy which contributes to meeting the requirements of an advanced degree in pharmacy.

The department, with the consent of the Board of Examiners in Pharmacy, may adopt and promulgate rules and regulations not inconsistent with this section pertaining to waiver of continuing education requirements.

Sec. 16. That section 71-1,162, Revised Statutes Supplement, 1984, be amended to read as follows:

71-1,162. (1) All licenses shall expire ~~annually~~ on April 1 of each even-numbered year, but may be renewed ~~annually~~ by registration with the Department of Health and payment of the ~~annual~~ renewal fee which shall be in an amount between ten and fifty dollars. The board of examiners shall establish such fee which shall be based on the administrative costs of renewal. The , Provided, that the board shall receive at least five dollars and the department at least five dollars, less the state's share of fifteen per cent contributed to the General Fund.

(2) At least thirty days before the expiration of his or her license, as set forth in subsection (1) of this section, the department shall notify each licensee by a letter addressed to him or her at his or her last place of residence as noted upon its records, that his or her license will expire on April 1 and provide him or her with a form for reregistration. The department shall issue a new certificate of registration to all persons registering under ~~the provisions of~~ this act. Any licensee, who fails to pay the renewal fee, on or before the date of expiration of his or her license, shall be given a second notice in the same manner advising him or her (a) of his or her failure to pay, (b) that his or her license on that account has expired, (c) that the department will suspend action for thirty days following the date of expiration, (d) that upon the receipt of the ~~annual~~ renewal fee, together with an additional fee of five dollars, within that time, no order of revocation will be entered, and (e) that upon failure to receive the amount then due and five dollars in addition to the regular renewal fee, as provided by subsection (1) of this section, an order of revocation will be entered.

(3) Any licensee who allows his or her license to lapse by failing to renew the same, as provided in subsections (1) and (2) of this section, may be reinstated upon the recommendation of the board and the payment of the regular and additional renewal fees then due.

(4) The department may waive the payment of the registration renewal fee of a licensed veterinarian during the period when he or she is on active duty with any branch of the armed services of the United States, not to exceed the longer of three years or the duration of a national emergency.

(5) Each Nebraska-licensed veterinarian in active practice within the State of Nebraska shall be required on or before April 1 of each even-numbered year, commencing in ~~1971~~ 1986, to attend sixteen thirty-two hours, ~~annually~~, of such approved scientific schools, clinics, forums, lectures, or veterinary educational seminars, as may be announced and approved by the Board of Examiners in Veterinary Medicine and Surgery, as a prerequisite for the licensee's next subsequent ~~annual~~ license renewal, PROVIDED, that if at least sixteen thirty-two hours of such educational program is are

conducted annually biennially in the State of Nebraska.

Each licensed veterinarian in active practice within the State of Nebraska shall, on or before April 1 of each even-numbered year, certify on forms provided by the Board of Examiners in Veterinary Medicine and Surgery that he or she has complied with sections 71-1,153 to 71-1,167 and this section subsection during the preceding year two-year period. Such board shall, on or before April 1 of each even-numbered year, report all licensees who have complied with the educational requirements to the Director of the Bureau of Examining Boards of the Department of Health. Licensees who have not complied with such requirements shall not be issued a renewal license; unless exempt or excused for good cause shown. The department, on the recommendation of the Board of Examiners in Veterinary Medicine and Surgery, may waive continuing education requirements, in part or in total, for any two-year licensing period when a licensee submits documentation that circumstances beyond his or her control prevented completion of such requirements. Such circumstances shall include situations in which: The following licensees shall be exempt from the requirements of this subsection-

(a) Any person holding The licensee holds a Nebraska license but who is not practicing veterinary medicine in Nebraska;

(b) Any licensee serving The licensee has served in the regular armed forces of the United States during any part of the twelve twenty-four months immediately preceding the annual license renewal date;

(c) Any licensee submitting The licensee has submitted proof that he or she was suffering from a serious or disabling illness or physical disability which prevented completion of the required number of continuing education hours his or her attendance at any qualified educational seminar within the State of Nebraska during the twelve twenty-four months immediately preceding any annual license renewal date; and

(d) Any licensee The licensee was first licensed within the twelve twenty-four months immediately preceding the renewal date provided in this section.

The department, with the consent of the Board of Examiners in Veterinary Medicine and Surgery, may adopt and promulgate rules and regulations not inconsistent with this section pertaining to waiver of continuing education requirements.

Sec. 17. That section 71-2709, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-2709. An apprenticeship of one year, served under a licensed masseur or masseuse who is a graduate of an approved school of massage, plus an extension course leading to the issuance of a diploma from an approved school of massage shall be considered the equivalent of the six hundred hour hours student residence course prescribed

in subdivision (4) of section 71-2708. An apprentice shall have the privilege of renewing his or her license, as such, for one time. It shall be unlawful for any establishment to employ at any time more than one apprentice for every licensed masseur or masseuse. No ~~PROVIDED~~ that no registered masseur or masseuse shall receive any money or thing of value from such registered apprentice for such assistance. Before becoming an apprentice under a registered masseur or masseuse in this state, the applicant shall have the date of his or her entrance registered with the Department of Health. The applicant shall furnish satisfactory evidence that he or she is of good moral character, and shall make application on forms furnished by the department.

The Department of Health, after consultation with the Board of Examiners in Massage, shall by rule and regulation adopt and promulgate minimum standards governing apprentice training in massage, including, but not limited to: The terms of the apprenticeship between the supervising masseur or masseuse and the apprentice; the extent of the supervision of the apprentice; the nature of the training, guidance, and evaluation of the apprentice to be provided; and the records to be maintained and the reports to be submitted by both. No apprentice may practice massage unless he or she is in a licensed massage establishment and practicing under the supervision of a licensed masseur or masseuse. An apprentice in massage shall be considered to be under supervision whenever the supervising masseur or masseuse authorizes the specific service or procedure to be performed by the apprentice and is physically present on the premises wherever and whenever such service or procedure is performed by the apprentice.

Sec. 18. That section 71-6108, Revised Statutes Supplement, 1984, be amended to read as follows:

71-6108. (1) Any person applying for licensure under the Occupational Therapy Practice Act shall, in addition to demonstrating his or her eligibility in accordance with the education and fieldwork requirements of sections 71-6106 and 71-6107, make an application for examination at least thirty days prior to the date of examination upon a form and in such manner as the department shall prescribe. Such application shall be accompanied by the fee prescribed by section 71-6114 and such fee shall not be refunded. A person who fails an examination may submit an application for reexamination. The fee for reexamination shall be the same as that for examination.

(2) (1) Each applicant for licensure pursuant to the Occupational Therapy Practice Act shall be examined by a written examination which tests his or her knowledge of the basic and clinical sciences relating to occupational therapy and occupational therapy theory and practice

including, but not limited to, professional skills and judgment in the utilization of occupational therapy techniques and methods and such other subjects as the board may deem useful to determine the applicant's fitness to practice. The board shall approve the examination and establish standards for acceptable performance. The board may choose a nationally standardized occupational therapist and occupational therapy assistant entry level examination.

{3} (2) Applicants for licensure shall be examined at a time and place and under such supervision as the board may determine. The board shall notify all applicants by mail of the time and place of the examination.

Sec. 19. That section 71-6109, Revised Statutes Supplement, 1984, be amended to read as follows:

71-6109. (1) The department shall grant a license as an occupational therapist or occupational therapy assistant to any applicant who has actively practiced in the respective field for at least one of the five years immediately prior to July 10, 1984, and who is certified as a registered occupational therapist or who is a certified occupational therapy assistant in accordance with guidelines established by a national association upon payment of not less than thirty nor more than fifty dollars as the department shall determine.

{2} The department shall grant a license without examination to any foreign-trained applicant who has completed educational and supervised fieldwork requirements approved by the department as substantially equivalent to those contained in sections 71-6106 and 71-6107, upon payment of a fee of not less than thirty nor more than fifty dollars as the department shall determine.

{3} (2) The department may waive the examination requirements in the Occupational Therapy Practice Act and grant a license to any applicant who presents proof of current licensure as an occupational therapist or occupational therapy assistant in another state, the District of Columbia, or territory of the United States which requires standards for licensure considered by the department to be substantially equivalent to the requirements for licensure of the Occupational Therapy Practice Act.

Sec. 20. That original sections 71-161.10, 71-174.01, 71-179.01, 71-180.01, 71-180.03 to 71-180.05, 71-1,104, 71-1,136.01, and 71-2709, Reissue Revised Statutes of Nebraska, 1943, sections 71-131, 71-161.09, 71-185, 71-1,144.04, 71-1,162, 71-6108, and 71-6109, Revised Statutes Supplement, 1984, and section 71-139, Revised Statutes Supplement, 1984, as amended by section 11, Legislative Bill 129, Eighty-ninth Legislature, First Session, 1985, are repealed.