

NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES
NOTICE OF PUBLIC HEARING

MARCH 20, 2019
10:00 A.M. Central Time
Nebraska State Office Building – Lower Level B
301 Centennial Mall South, Lincoln, Nebraska

The purpose of this hearing is to receive comments on the proposed adoption of Title 172, Chapter 10 of the Nebraska Administrative Code (NAC) – *Credentials Issued Under The Uniform Credentialing Act*. The proposed new regulations will govern credentials issued to individuals set out in Nebraska Revised Statute § 38-121. The proposed changes will create one uniform set of regulations for all professions and occupations governed by the Uniform Credentialing Act, thereby eliminating the need to duplicate language in each profession or occupation specific regulations. This new chapter of regulations will govern individuals who may be applying for a credential, renewing or reinstating a credential, and reinstatement.

Authority for these regulations is found in Neb. Rev. Stat. § 81-3117(7).

Interested persons may attend the hearing and provide verbal or written comments or mail, fax or email written comments, no later than the day of the hearing to: DHHS Legal Services, PO Box 95026, Lincoln, NE 68509-5026, (402) 742-2382 or dhhs.regulations@nebraska.gov, respectively.

A copy of the proposed changes is available online at <http://www.sos.ne.gov>, or by contacting DHHS at the mailing address or email above, or by phone at (402) 471-8223. The fiscal impact statement for these proposed changes may be obtained at the office of the Secretary of State, Regulations Division, 1201 N Street, Suite 120, Lincoln, NE 68508, or by calling (402) 471-2385.

Auxiliary aids or reasonable accommodations needed to participate in a hearing can be requested by calling (402) 471-8223. Individuals with hearing impairments may call DHHS at (402) 471-9570 (voice and TDD) or the Nebraska Relay System at 711 or (800) 833-7352 TDD at least 2 weeks prior to the hearing.

FISCAL IMPACT STATEMENT

Agency: Department of Health and Human Services	
Title: 172	Prepared by: Kris Chiles
Chapter: 10	Date prepared: 1/29/19
Subject: Credentials Issued Under The Uniform Credentialing Act	Telephone: 402-471-0185

Type of Fiscal Impact:

	State Agency	Political Sub.	Regulated Public
No Fiscal Impact	(<input checked="" type="checkbox"/>)	(<input checked="" type="checkbox"/>)	(<input checked="" type="checkbox"/>)
Increased Costs	(<input type="checkbox"/>)	(<input type="checkbox"/>)	(<input type="checkbox"/>)
Decreased Costs	(<input type="checkbox"/>)	(<input type="checkbox"/>)	(<input type="checkbox"/>)
Increased Revenue	(<input type="checkbox"/>)	(<input type="checkbox"/>)	(<input type="checkbox"/>)
Decreased Revenue	(<input type="checkbox"/>)	(<input type="checkbox"/>)	(<input type="checkbox"/>)
Indeterminable	(<input type="checkbox"/>)	(<input type="checkbox"/>)	(<input type="checkbox"/>)

Provide an Estimated Cost & Description of Impact:

State Agency:

Political Subdivision:

Regulated Public:

If indeterminable, explain why:

DRAFT
01-30-19

NEBRASKA DEPARTMENT OF
HEALTH AND HUMAN SERVICES

172 NAC 10

TITLE 172 PROFESSIONAL AND OCCUPATIONAL LICENSURE

CHAPTER 10 CREDENTIALS ISSUED UNDER THE UNIFORM CREDENTIALING ACT

001. SCOPE AND AUTHORITY. These regulations govern credentials issued to individuals set out in Nebraska Revised Statute (Neb. Rev. Stat.) § 38-121. Additional requirements are found in the statutes and regulations of the applicable profession or occupation.

002. DEFINITIONS. The following definitions apply to all regulations governing professional credentials.

002.01 ATTEST OR ATTESTATION. The individual declares that all statements on the application are true and complete.

002.02 COMPLETE APPLICATION. An application that contains all of the information requested on the application, with attestation to its truth and completeness, and submitted with all required fees and documentation.

002.03 ANOTHER JURISDICTION. Any jurisdiction other than the State of Nebraska.

002.04 MILITARY SERVICE. Full-time duty in the active military service of the United States, a National Guard call to active service for more than 30 consecutive days, or active service as a commissioned officer of the Public Health Service or the National Oceanic and Atmospheric Administration. Military service may also include any period during which a servicemember is absent from duty on account of sickness, wounds, leave, or other lawful cause. (From the Servicemembers Civil Relief Act, 50 U.S.C. App. 501 et seq., as it existed in 2016.)

002.05 OFFICIAL TRANSCRIPT. A transcript issued by an educational institution.

002.06 SERVED IN THE REGULAR ARMED FORCES. This term has the same meaning as "military service" in these regulations.

003. INITIAL CREDENTIAL. To obtain a credential, an individual must submit a complete application and provide documentation demonstrating that the applicant meets the credentialing requirements.

003.01 REQUIREMENTS AND DOCUMENTATION. All applicants must meet minimum requirements for credentialing and submit documentary proof of same

003.01(A) AGE AND GOOD CHARACTER. An applicant must be at least 19 years old, except as otherwise provided by statute, and of good character.

003.01(B) CITIZENSHIP OR LAWFUL PRESENCE. Applicants must submit documentation that he or she meets the requirements set out in Neb. Rev. Stats. § 38-129 and §§ 4-108 through 4-111.

003.01(C) EDUCATION. Applicants for a credential must provide:

- (i) Documentation that the applicant has completed the required course of study for the credential, if applicable; or
- (ii) Satisfactory evidence that the education, training, or service completed by an applicant while a member of the armed forces of the United States, active or reserve, the National Guard of any state, the military reserves of any state, or the naval militia of any state is substantially similar to the education required for the credential.

003.01(D) EXAMINATION. The applicant must provide documentation that he or she has completed the required examination for the credential, if applicable.

003.01(E) OTHER CREDENTIAL INFORMATION. If the applicant holds a credential to provide health services, health-related services, or environmental services in another jurisdiction, the applicant must provide the name of the jurisdiction, credential number, type of credential, date issued, and expiration date for each credential the applicant holds or has held.

003.01(F) DISCIPLINARY ACTION. If the applicant's credential in another jurisdiction has been disciplined, the applicant must provide a list of any disciplinary actions taken against the applicant's credential and a copy of the disciplinary action(s), including charges and disposition.

003.01(G) DENIAL. If the applicant was denied a credential in another jurisdiction, the applicant must submit an explanation of the basis for the denial and a copy of the denial documentation.

003.01(H) CONVICTION INFORMATION. If the applicant has ever been convicted of a felony or misdemeanor in Nebraska or in another jurisdiction, the applicant must submit:

- (i) A copy of the entire court record related to all misdemeanor and felony convictions;
- (ii) An explanation of the events leading to the conviction (what, when, where, why) and a summary of actions that the applicant has taken to address the behaviors or actions related to the conviction; and
- (iii) A letter from the applicant's probation officer addressing the terms and current status of the probation, if the applicant is currently on probation.

003.01(I) DRUG OR ALCOHOL RELATED CONVICTIONS. To aid in the evaluation of an applicant's drug or alcohol related conviction(s), an applicant may submit evaluation and discharge summaries where drug or alcohol treatment was obtained or required.

Evaluations and discharge summaries may be submitted by the provider directly to the department.

003.02 APPLICATION. All applicants must submit a complete application.

003.02(A) APPLICANT INFORMATION. The applicant must provide the following:

- (i) Legal name and any other names by which the applicant is known;
- (ii) Complete mailing address;
- (iii) Social security number (SSN) or Alien Registration Number (A#). Some applicants may have both a social security number (SSN) and an Alien Registration Number (A#) and if so, the applicant must report both; and
- (iv) Telephone number and e-mail address.

003.02(B) PRACTICE STATEMENT. A statement that the applicant has not practiced the profession or represented himself or herself as holding a credential in Nebraska before submitting the application; or if the applicant has, a statement of the number of days practiced and the name and location of practice.

003.03 MILITARY SPOUSE TEMPORARY CREDENTIAL. The department, with the recommendation of the appropriate board, will issue a temporary credential to a military spouse who complies with and meets the requirements of Neb. Rev. Stat. § 38-129.01 pending issuance of the applicable credential under the Uniform Credentialing Act. This does not apply to a credential to practice dentistry, including a temporary license issued under Neb. Rev. Stat. § 38-1123.

004. RENEWAL. To renew a credential, a credential holder must, prior to the expiration date, submit a complete application for renewal, and demonstrate compliance with continuing competency requirements set out in Neb. Rev. Stats. §§ 38-145 and § 38-146.

004.01 RENEWAL INFORMATION. The credential holder must provide:

- (A) Legal name and any other names by which the credential holder is known;
- (B) Complete mailing address;
- (C) Social security number (SSN) or Alien Registration Number (A#). Some applicants may have both a social security number (SSN) and an Alien Registration Number (A#) and if so, the credential holder must report both; and
- (D) Telephone number and e-mail address.

004.02 DOCUMENTATION. The credential holder must submit the following documentation and information with the renewal application to the department:

- (A) CITIZENSHIP OR LAWFUL PRESENCE. Documentation that the credential holder meets the requirements set out in Neb. Rev. Stats. §38-129 and §§4-108 through 4-111.
- (B) CONVICTION INFORMATION. If the credential holder has been convicted of a felony or misdemeanor in Nebraska or another jurisdiction since his or her last renewal or during the time period since initial credentialing if such occurred within the previous two years, the credential holder must submit:

- (i) A copy of the entire court record related to all misdemeanor and felony convictions;
- (ii) An explanation of the events leading to the conviction (what, when, where, why) and a summary of actions that the credential holder has taken to address the behaviors or actions related to the conviction; and
- (iii) A letter from the credential holder's probation officer addressing the terms and current status of the probation, if the credential holder is currently on probation.
- (C) DRUG OR ALCOHOL RELATED CONVICTIONS. To aid in the evaluation of a credential holder's drug or alcohol related conviction(s), a credential holder may submit evaluation and discharge summaries where drug or alcohol treatment was obtained or required. Evaluations and discharge summaries may be submitted by the provider directly to the department.
- (D) OTHER CREDENTIAL INFORMATION. If the credential holder holds a credential in another jurisdiction and that credential has been disciplined, provide the name of the jurisdiction, credential number, a list of any disciplinary actions taken against the individual's credential, and a copy of the disciplinary action(s), including charges and disposition.
- (E) DENIAL. If the credential holder was denied a credential in another jurisdiction, provide an explanation of the basis for the denial and a copy of the denial documentation.

004.03 WAIVERS OF CONTINUING COMPETENCY REQUIREMENTS. Continuing competency requirements and renewal fees can be waived under certain circumstances.

004.03(A) MILITARY SERVICE. Credential holders actively engaged in military service are not required to pay the renewal fee or meet the continuing competency requirements. The department may conduct an audit of military status. Each credential holder selected for audit must produce documentation of active military services within 30 days.

004.03(B) FIRST CREDENTIALLED. The department waives continuing competency requirements for credential holders who were first credentialed within the 24-month period immediately prior to the renewal date.

004.04 INACTIVE STATUS. When a credential holder wants to have his or her credential placed on inactive status, the credential holder must comply with the requirements of Neb. Rev. Stat. § 38-142(3).

005. DISCIPLINARY ACTION AND UNPROFESSIONAL CONDUCT. A credential holder may be denied, refused renewal, or have other disciplinary measures taken against the credential for grounds specified in Neb. Rev. Stat. § 38-178, including for unprofessional conduct as set out in Neb. Rev. Stat. § 38-179.

006. VOLUNTARY SURRENDER OR LIMITATION. A credential holder may offer to voluntarily surrender or limit a credential issued by the department. The offer must be in writing and include:

- (A) The credential holder's legal name and any other names by which the credential holder is known;
- (B) The credential holder's complete mailing address;

- (C) The credential holder's telephone number and e-mail address;
- (D) The credential(s) and credential number(s) that would be surrendered or limited;
- (E) The desired time frame for offered surrender or limitation:
 - (i) Permanently;
 - (ii) Indefinitely; or
 - (iii) Definite period of time (specify):
- (F) The specific reason for offered surrender or limitation of the credential;
- (G) Any specific terms and conditions that the credential holder wishes to have the department consider and apply to the offer;
- (H) An attestation that all the information on the offer is true and complete; and
- (I) The credential holder's signature and date.

007. REINSTATEMENT. This section applies to an individual previously credentialed in Nebraska who wishes to return to practice in Nebraska.

007.01 ELIGIBILITY. An individual may apply for reinstatement as follows:

- (A) An individual whose credential has expired, been placed on inactive status, voluntarily surrendered for an indefinite period of time, or suspended or limited for disciplinary reasons, may apply for reinstatement at any time.
- (B) An individual whose credential has been voluntarily surrendered for a definite period of time may apply for reinstatement after that period of time has elapsed.
- (C) An individual whose credential has been revoked may apply for reinstatement only after a period of two years has elapsed from the date of revocation.

007.02 INELIGIBILITY. An individual whose credential has been permanently voluntarily surrendered is not eligible to have his or her credential reinstated and may not apply for a new credential to practice the same profession or occupation.

007.03 APPLICATION AND DOCUMENTATION. To reinstate a credential, an individual must submit a complete application, have met the continuing competency requirements, and meet the requirements set out in Neb. Rev. Stats. § 38-129 and §§ 4-108 through 4-111.

007.03(A) INFORMATION. The individual must submit the following information:

- (i) Legal name and any other names by which the individual is known;
- (ii) Complete mailing address;
- (iii) Social security number (SSN) or Alien Registration Number (A#). Some individuals may have both a social security number and an Alien Registration Number and if so, the individual must report both;
- (iv) Telephone number and e-mail address;
- (v) Whether the individual holds a credential(s) in another jurisdiction(s) to provide health services, health-related services or environmental services; and
- (vi) If making application following voluntary surrender or disciplinary action, information relating to what actions the individual has taken to address the reasons that caused the action.

007.03(B) DOCUMENTATION. The individual must submit the following documentation and information with the reinstatement application to the department:

- (i) CITIZENSHIP OR LAWFUL PRESENCE. Documentation that the individual meets the requirements set out in Neb. Rev. Stats. § 38-129 and §§ 4-108 through 4-111.
- (ii) OTHER CREDENTIAL INFORMATION. If the individual holds a credential to provide health services, health-related services, or environmental services in another jurisdiction, provide the name of the jurisdiction, credential number, type of credential, date issued, and expiration date for each credential the applicant holds or has held;
- (iii) DISCIPLINARY ACTION. If the credential has been disciplined, a list of any disciplinary actions taken against the individual's credential and a copy of the disciplinary action(s), including charges and disposition;
- (iv) DENIAL. If the individual was denied a credential, an explanation of the basis for the denial and a copy of the denial documentation;
- (v) CONVICTION INFORMATION. If the individual has been convicted of a felony or misdemeanor in Nebraska or another jurisdiction since the credential was last renewed or since the effective date of the disciplinary action was taken by the department, the individual must submit:
 - (1) A copy of the entire court record related to all misdemeanor and felony convictions;
 - (2) An explanation of the events leading to the conviction (what, when, where, why) and a summary of actions that the applicant has taken to address the behaviors or actions related to the conviction;
 - (3) A letter from the individual's probation officer addressing the terms and current status of the probation, if the individual is currently on probation;
- (vi) DRUG OR ALCOHOL RELATED CONVICTIONS. To aid in the evaluation of an individual's drug or alcohol related conviction(s), an individual may submit evaluation and discharge summaries where drug or alcohol treatment was obtained or required. Evaluations and discharge summaries may be submitted by the provider directly to the department.

008. NON-ENGLISH DOCUMENTS. Any documents written in a language other than English must include a complete translation into the English language. The translation must be an original document and contain the notarized or equivalent signature of the translator. An individual may not translate his or her own documents.

09. WITHDRAWN APPLICATIONS. An applicant for an initial credential, a renewal of a credential, or a reinstatement of a credential may request to withdraw the application. A request to withdraw will be granted when:

- (A) The application is incomplete; or
- (B) The request for withdrawal is received within five business days after the receipt of a completed application.

10. FEES. Fees referred to in these regulations are set out in 172 NAC 2, unless otherwise specified by rules and regulations under the applicable profession. Fees are non-refundable.