

NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES
NOTICE OF PUBLIC HEARING

October 14, 2020
10:00 a.m. Central Time
Nebraska State Office Building – Lower Level A
301 Centennial Mall South, Lincoln, Nebraska
Phone call information: 888-820-1398; Participant code: 3213662#

The purpose of this hearing is to receive comments on the adoption and repeal of the following regulations:

The following chapter is proposed for ADOPTION:

Title 172 NAC 93 – *Licensure of Persons Performing Medical Radiography*

The proposed new chapter will move the relevant portions of the regulations currently found in 180 NAC 16, which is proposed for repeal. The adoption of this new chapter will update definitions; identify the educational qualifications to obtain a credential; outline the requirements for renewing and reinstating a credential and the continuing education requirements necessary to maintain the credential; and remove all duplicative statutory language and remove any repetitive regulatory language. Additionally, throughout the new proposed chapter, all citations making reference to statutes, 172 NAC 10, and 172 NAC 2, where applicable, were updated.

The following regulation is proposed for REPEAL in its entirety. The relevant portions of this chapter are included in the proposed adoption of 172 NAC 93.

Title 180 NAC 16 – *Licensure of Persons Performing Medical Radiography*

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

Due to the current public health crisis, the agency will enforce any Directed Health Measure Order on the size of gatherings that is in effect at the time of the hearing. In order to encourage participation in this public hearing, a phone conference line will be set up for any member of the public to call in and provide oral comments.

Interested persons may provide verbal comments by participating via phone conference line by calling 888-820-1398; Participant code: 3213662#.

Interested persons may provide written comments by mail, fax, or email, 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) 471-8417.

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; 180	Prepared by: Jesse Cushman
Chapter: 93; 16	Date prepared: 7-3-19
Subject: Licensure of Persons Performing Medical Radiography	Telephone: (402) 471-4915

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: **No Change**

Political Subdivision: **No Change**

Regulated Public: **No Change**

If indeterminable, explain why: Chapter is being moved from 180 NAC 16 to 172 NAC 93

TITLE 172 PROFESSIONAL AND OCCUPATIONAL LICENSURE

CHAPTER 93 LICENSURE OF PERSONS PERFORMING MEDICAL RADIOGRAPHY

001. SCOPE AND AUTHORITY. These regulations govern the licensure of medical radiographers, and limited radiographers under Nebraska Revised Statute (Neb. Rev. Stat.) §§ 38-1901 to 38-1920 of the Medical Radiography Practice Act, and the Uniform Credentialing Act.

002. DEFINITIONS. Definitions are set out in the Medical Radiography Practice Act, the Uniform Credentialing Act, 172 Nebraska Administrative Code (NAC) 10, and this chapter.

002.01 ABDOMEN. Organs contained within the peritoneum.

002.02 ANKLE AND FOOT. Those body parts from the distal phalanges of the foot to the distal one-third of the fibula and tibia.

002.03 APPROVED EDUCATIONAL PROGRAM. An educational program for medical radiographers, provided by any accredited community college, university or hospital-based program approved by the board that awards a certificate of completion or an academic degree to its graduates, consisting of 24 months of instruction in radiography which includes radiographic procedures, imaging equipment, image production and evaluation, film processing, radiation physics, radiation protection, radiation biology, radiographic pathology, and quality assurance activities.

002.04 CHEST. The lung fields including the cardiac shadow, as well as the ribs and sternum.

002.05 EXTREMITIES. Extremities refers to:

- (A) Upper extremities which are those body parts from the distal phalanges of the hand to the head of the humerus, including the clavicle and scapula; and
- (B) Lower extremities which are those body parts from the distal phalanges of the foot to the head of the femur and its articulation with the pelvic girdle, including the hip.

002.06 ROUTINE RADIOGRAPHIC PROCEDURES. Procedures accomplished to produce hard copy or plane images using a general radiographic unit. These procedures include examinations of structures of the chest, extremities, skull and sinus, spine, ankle and foot, and abdomen.

002.07 SKULL AND SINUS. The cranium, including facial bones, the paranasal sinuses and the mandible.

002.08 SPINE. Cervical, thoracic, and lumbar vertebrae and their articulations, as well as the pelvis, sacrum, and coccyx.

002.09 USE OF CONTRAST MEDIA. The administration of contrast media by invasive procedures such as insertion of the enema tip, catheter, establishment of an intravenous line, or direct injection.

003. LICENSE REQUIREMENTS. To obtain a license, an individual must submit a complete application provided by the Department and provide documentation demonstrating that the applicant meets the licensing requirements of Neb. Rev. Stat. §§ 38-1915 to 38-1918, 172 NAC 10, and this chapter.

003.01 MEDICAL RADIOGRAPHER. An individual applying to practice as a medical radiographer must:

- (A) Submit an official transcript, directly from the issuing institution, verifying completion of an approved educational program in radiography; and
- (B) Submit a score report, directly from the issuing institution, showing the individual has passed a Department-approved examination with a score of 75 or above.

003.02 TEMPORARY MEDICAL RADIOGRAPHER. An individual applying to practice as a temporary medical radiographer must submit official documentation from an approved educational program in radiography indicating that at least 12 months of the program have been completed.

003.03 LIMITED RADIOGRAPHER. An individual applying to practice as a limited radiographer must submit proof that the individual has passed the Examination for the Limited Scope of Practice in Radiography given by the American Registry of Radiologic Technologists (ARRT) as follows:

- (1) Achieve a passing score of 70 or above on the core section of the exam; and
- (2) Achieve a passing score of 65% or above on each of the following sections of the exam for which a license is sought:
 - (i) Chest;
 - (ii) Extremities;
 - (iii) Skull and sinus;
 - (iv) Spine;
 - (v) Ankle and foot; or
 - (vi) Bone density.

003.03(A) ABDOMINAL RADIOGRAPHY. A limited radiographer applying to practice abdominal radiography must:

- (i) Submit proof that the individual has passed the spine section of the Examination for the Limited Scope of Practice in Radiography given by the American Registry of Radiologic Technologists (ARRT).

003.03(B) ALTERNATIVE EXAMINATION. As an alternative to the Examination for the Limited Scope of Practice in Radiography given by the American Registry of Radiologic Technologists (ARRT), individuals applying to practice as a limited radiographer must take

and achieve a passing score of 70 or above on the core section and a passing score of 65 or above on each of the anatomical categories for which a license is sought on an examination approved by the Board of Medical Radiography.

003.03(C) OUT-OF-STATE EXAMINATION. The individual must request that the Examination for the Limited Scope of Practice in Radiography scores be sent to the Department directly from the state board for which the examination was taken.

004. APPROVAL OF ALTERNATIVE EXAMINATIONS. To be approved as an alternative examination, the examination must be submitted to the Department for review by the Board of Medical Radiography and meet the requirements set out in Neb. Rev. Stat. § 38-1918.

005. RENEWAL, WAIVER OF CONTINUING EDUCATION, AND INACTIVE STATUS. An applicant for renewal must meet the requirements set out in 172 NAC 10. All medical radiography licenses expire on December 1 of even-numbered years.

006. CONTINUING COMPETENCY. On or before the expiration date, individuals holding an active credential must complete a minimum of 24 hours of continuing education during the preceding 24-month period.

006.01 CONTINUING EDUCATION PROGRAM REQUIREMENTS. To be accepted as continuing education for license renewal, continuing education programs must meet the following requirements:

006.01(A) GENERAL PROGRAM REQUIREMENTS. In addition to meeting the requirements of 172 NAC 93-006.01(H), the continuing education program must:

- (i) Be at least 50 to 60 minutes in duration per continuing education unit (CEU) given;
- (ii) Include topics or objectives related to medical radiography, including, mammography, magnetic resonance imaging (MRI), computed tomography (CT), cardiovascular technology, quality management, nuclear medicine, radiation therapy, ultrasound, and medical dosimetry; and
- (iii) Be open to all medical radiographers and limited radiographers;
 - (1) Participation may be restricted if a level of knowledge is required to understand the subject matter presented.

006.01(B) NATIONALLY RECOGNIZED ORGANIZATIONS. Programs must meet the quality standards established by nationally recognized organizations or associations of radiography, such as the American Registry of Radiologic Technologists (ARRT) or the American Society of Radiologic Technologists (ASRT):

- (i) Passing an advanced level examination in mammography, magnetic resonance imaging (MRI), computed tomography (CT), cardiovascular technology, quality management, nuclear medicine, radiation therapy or ultrasound during the biennial renewal period may be used to satisfy the 24-hour continuing education requirement.

006.01(C) RELATED TO THE PRACTICE OF MEDICAL RADIOGRAPHY. Learning experiences which are related to the practice of medical radiography, provided they are planned and conducted for individuals performing medical radiography.

006.01(D) ACADEMIC COURSES. Academic courses in an accredited post-secondary institution which are related to the specific knowledge and technical skills required for the practice of medical radiography.

006.01(E) TECHNICAL AND SCIENTIFIC KNOWLEDGE. Courses, lectures or offerings related to the technical and scientific knowledge for the practice of medical radiography which includes:

- (i) Radiation protection;
- (ii) Equipment maintenance and operation;
- (iii) Image production and evaluation;
- (iv) Patient care and management; and
- (v) Quality assurance activities.

006.01(F) CARDIOPULMONARY RESUSCITATION (CPR). A course in cardiopulmonary resuscitation (CPR) which results in certification by the American Heart Association or the American Red Cross. Such certification must be valid at the time of renewal:

- (i) Only 4 credit hours of this type of course may be counted within the biennial renewal period; and
- (ii) A copy of the current certification card will be documentation of completion.

006.01(G) HOME STUDY. If there is no testing mechanism or certificate of completion, the licensee must submit an abstract or summary of the material covered to the Department. The abstract or summary must only be written by the licensee and will be reviewed for approval by the Department. Only courses which have been assigned a specific number of continuing education credit hours by the home study provider will be approved.

006.01(H) OTHER CONTINUING EDUCATION PROGRAMS. Continuing education obtained to meet continuing competency requirements of a health care profession other than medical radiography licensed, certified, or registered by the Department may be acceptable if such continuing education has a rational connection to the practice of medical radiography; and no more than 4 hours of this type of continuing education may be counted within each year of the 24-month renewal period.

007. UNPROFESSIONAL CONDUCT. Unprofessional conduct is set out in Neb. Rev. Stat. § 38-179.

008. REINSTATEMENT. The individual must meet the requirements set out in 172 NAC 10.

009. FEES. Fees are set out in 172 NAC 2.

TITLE 180 - CONTROL OF RADIATION

CHAPTER 16 - (Repealed)

2004

STATE OF NEBRASKA

~~TITLE 180 CHAPTER 16~~

~~Licensure of Persons Performing~~

~~MEDICAL RADIOGRAPHY~~

~~NEBRASKA HEALTH AND HUMAN SERVICES SYSTEM~~



~~Department of Health and Human Services Regulation and Licensure~~

~~Credentialing Division~~

~~Nebraska State Office Building~~

~~301 Centennial Mall South Third Floor~~

~~P.O. Box 94986~~

~~Lincoln, NE 68509-4986~~

~~(402) 471-2118~~

~~Effective Date: October 3, 2004~~

TITLE 180 — CONTROL OF RADIATION

CHAPTER 16 — LICENSURE OF PERSONS PERFORMING MEDICAL RADIOGRAPHY

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Attachment 16-A Application for License to Practice Medical Radiography

NOTE: If you have any questions about 180 NAC 16 please contact:

Department of Health and Human Services Regulation and Licensure
Credentialing Division
P.O. Box 94986
Lincoln, NE 68509
(402)471-2118

EFFECTIVE DATE — NEBRASKA HEALTH AND HUMAN SERVICES
10-03-2004 — REGULATION AND LICENSURE — 180 NAC 16

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TITLE 180 _____ CONTROL OF RADIATION

CHAPTER 16 _____ LICENSURE OF PERSONS PERFORMING MEDICAL RADIOGRAPHY.

~~16-001 SCOPE AND AUTHORITY:~~ Moved to 172 NAC 93 section 001 as modified.

~~16-001.01~~ 180 NAC 16 establishes requirements for persons providing diagnostic radiographic services under the direction of licensed practitioners. It specifies the minimum standards of education and/or testing required of persons performing Medical Radiography. 180 NAC 16 also provides for the licensure of Medical Radiographers, Temporary Medical Radiographers, Limited Radiographers, and Provisional Limited Radiographers. The regulations are authorized by and implement the Nebraska Radiation Control Act, Neb. Rev. Stat. §§ 71-3501 to 71-3515.02 and 71-3517 and the Uniform Licensing Law, Neb. Rev. Stat. §§ 71-162 to 71-162.05. Moved to 172 NAC 93 section 001 as modified.

~~16-002 DEFINITIONS:~~ Moved to 172 NAC 93 section 002 as modified.

~~Act~~ means the Radiation Control Act. Neb. Rev. Stat. §§ 71-3501 to 71-3519, Reissue Revised Statutes of Nebraska, 1943. As amended.

~~Approved Educational Program~~ means an educational program for Medical Radiographers, provided by any accredited community college, university or hospital-based program that awards a certificate of completion or an academic degree to its graduates, which consists of twenty-four (24) months of instruction in radiography which includes, but is not limited to, radiographic procedures, imaging equipment, image production and evaluation, film processing, radiation physics, radiation protection, radiation biology, radiographic pathology, and quality assurance activities. Programs which meet the programmatic accreditation requirements or equivalent of the ARRT as qualification for registration in radiography will be approved by the Department. Moved to 172 NAC 93 section 002 as modified.

~~ARRT~~ means the American Registry of Radiologic Technologists.

~~Attest/Attestation~~ means that the individual declares that all statements on the application/petition are true and complete.

~~CEU~~ for the purpose of these regulations, means one hour of continuing education.

~~Completed Application~~ means an application with all of the information requested on the application filled in, the signature of the applicant verified, fees and all required documentation submitted.

Department means the Department of Health and Human Services Regulation and Licensure.

Director means the Director of Regulation and Licensure or the Chief Medical Officer if one has been appointed pursuant to Neb. Rev. Stat. § 81-3201, for performance of the duties set out in that statute.

Hour means a period of 50 to 60 minutes of formal instruction, otherwise known as a “contact hour.”

Interpretative Fluoroscopic Procedures, for the purpose of these regulations, means the use of radiation in continuous mode to provide information, data and film or hardcopy images for diagnostic review and interpretation by a licensed practitioner as the images are being produced.

Licensed Practitioner means a person licensed to practice medicine, dentistry, podiatry, chiropractic, osteopathic medicine and surgery, or as an osteopathic physician.

Licensure means the process by which the Department grants permission to persons meeting the requirements of the Radiation Control Act and the Department's rules and regulations to apply radiation to humans.

Medical Radiography means the application of radiation to humans for diagnostic purposes, including but not limited to: adjustment or manipulation of x-ray systems and accessories; including image receptors; positioning of patients; processing of films; and any other action that materially affects the radiation dose to patients.

NAC means the Nebraska Administrative Code, the system for classifying State agency rules and regulations. These regulations are 180 NAC 16.

Routine Radiographic Procedures, for the purpose of these regulations, means those procedures accomplished to produce hard copy or plane images using a general radiographic unit. These procedures include examinations of structures pursuant to 180 NAC 16-005.03, items 1. through 6. and exclude those examinations where images are obtained using mammography, angiography or nuclear medicine units. **Moved to 172 NAC 93 section 002 as modified.**

Rural Area means located within any county in Nebraska having a population of less than fifteen thousand inhabitants.

Student means a person who is enrolled and participating in an educational program in medical radiography and has completed at least 12 months of that educational program.

Use of Contrast Media for the purpose of these regulations, means the administration of contrast media by invasive procedures such as insertion of the enema tip, catheter, establishment of an intravenous line, or direct injection. **Moved to 172 NAC 93 section 002 as modified.**

16-003 GENERAL REQUIREMENTS

~~16-003.01~~ Documentation of current licensure must be maintained at each facility where an individual licensed by the Department performs Medical Radiography.

~~16-003.02~~ Non-exempt individuals must not perform Medical Radiography without a valid license.

16-004 EXEMPTIONS

~~16-004.01~~ Persons authorized pursuant to Neb. Rev. Stat. §§ 71-193.15 and 71-193.17 to practice as dental hygienists and dental auxiliaries who meet the requirements of Neb. Rev. Stat. § 71-193.13 are exempt from the requirements of 180 NAC 16.

~~16-004.02~~ Persons certified pursuant to Neb. Rev. Stat. § 71-176.01 who are employed exclusively in the office or clinic of a licensed podiatrist are exempt from the requirements of 180 NAC 16.

~~16-004.03~~ Licensed practitioners and certified physician assistants are exempt from the requirements of 180 NAC 16.

~~16-004.04~~ Students enrolled and participating in an educational program in medical radiography who, as a part of this educational program, apply radiation to humans while under the supervision of the Licensed Practitioners or Medical Radiographers associated with the educational program are exempt from the requirements of this 180 NAC 16.

16-005 CATEGORIES OF LICENSURE

~~16-005.01~~ Medical Radiographer: A Medical Radiographer is permitted to apply radiation to any part of the human anatomy for diagnostic purposes. The performance of radiographic procedures must be at the request of, and for interpretation by, a licensed practitioner. These radiographic procedures must not include interpretative fluoroscopic procedures.

~~16-005.02~~ Temporary Medical Radiographer: A Temporary Medical Radiographer is permitted to perform the duties of a Limited Radiographer licensed in the categories of 180 NAC 16-005.03, items 1. through 6. (Chest, Extremities, Skull and Sinus, Spine, Ankle and Foot, and Abdomen).

~~16-005.03~~ Limited Radiographer: A Limited Radiographer is permitted to apply radiation to limited regions of the human anatomy for diagnostic purposes. The performance of radiographic procedures must be at the request of, and for interpretation by, a licensed practitioner. These radiographic procedures must not include computed tomography, the use of contrast media, the use of fluoroscopic or mammographic equipment, and are limited to routine radiographic procedures. The Limited Radiographer may be licensed in one or more of the following categories:

- ~~1.~~ Limited Radiographer – Chest: A Limited Radiographer licensed to apply radiation to the chest will be permitted to perform radiography of the chest. Chest refers to the lung fields including the cardiac shadow, as well as the ribs and sternum.

- ~~2. Limited Radiographer – Extremities: A Limited Radiographer licensed to apply radiation to the extremities will be permitted to perform radiography of the extremities. The upper extremity refers to those body parts from the distal phalanges of the hand to the head of the humerus, including the clavicle and scapula. The lower extremity refers to those body parts from the distal phalanges of the foot to the head of the femur and its articulation with the pelvic girdle, including the hip.~~
- ~~3. Limited Radiographer – Skull and Sinus: A Limited Radiographer licensed to apply radiation to the skull and sinus will be permitted to perform radiography of the skull and sinuses. Skull refers to the cranium - including facial bones - the paranasal sinuses and the mandible.~~
- ~~4. Limited Radiographer – Spine: A Limited Radiographer licensed to apply radiation to the spine will be permitted to perform radiography of the spine. Spine refers to cervical, thoracic, and lumbar vertebrae and their articulations, as well as the pelvis, sacrum, and coccyx.~~
- ~~5. Limited Radiographer – Ankle and Foot: A Limited Radiographer licensed to apply radiation to the ankle and foot will be permitted to perform radiography of the ankle and foot. The ankle and foot refers to those body parts from the distal phalanges of the foot to the distal one third of the fibula and tibia.~~
- ~~6. Limited Radiographer – Abdomen: A Limited Radiographer licensed to apply radiation to the abdomen will be permitted to perform radiography of the abdomen. Abdomen refers to those organs contained within the peritoneum. The Department will authorize a limited radiographer to perform radiography of the abdomen if:
 - ~~a. The applicant has passed the Core and Spine sections of the Examination for the Limited Scope of Practice in Radiography given by the ARRT; and~~
 - ~~b. Upon finding by the Department that continued provision of service for a community would be in jeopardy if this applicant were not authorized to perform radiography of the abdomen;~~
 - ~~(1) An applicant whose practice site is located within a medical profession shortage area as determined by the Nebraska Rural Health Advisory Commission will be deemed authorized to perform radiography of the abdomen. No further documentation authorizing such practice will be provided by the Department.~~~~

~~16-005.04 Provisional Limited Radiographer: A Provisional Limited Radiographer will be permitted to perform the duties of a Limited Radiographer licensed in the categories of 180 NAC 16-005.03, items 1. through 6. (Chest, Extremities, Skull and Sinus, Spine, Ankle and Foot, and Abdomen). A Provisional Limited Radiographer must not radiograph children under the age of six months, except:~~

- ~~1. Upon a finding by the Department that continued provision of service for a community would be in jeopardy if this provision were to be enforced;~~

- ~~— a. — An applicant whose practice site is located within a medical profession shortage area as determined by the Nebraska Rural Health Advisory Commission will be deemed authorized to radiograph children under the age of six months. No further documentation authorizing such practice will be provided by the Department;~~
- ~~2. — For an employee of a hospital licensed in good standing by the Department and located in a rural area; or~~
- ~~3. — In a bona fide emergency situation, as determined by the licensed practitioner.~~

~~16-006 REQUIREMENTS FOR ISSUANCE OF LICENSE: — Any person, except those referred to in 180 NAC 16-004, who wishes to perform Medical Radiography and/or represent himself/herself as a Medical Radiographer, Temporary Medical Radiographer, Limited Radiographer, or Provisional Limited Radiographer must be licensed as such. The criteria for issuance of these licenses and the documentation required by the Department are set forth below.~~
~~Moved to 172 NAC 93 section 003 as modified.~~

~~16-006.01 Procedures for Licensure as a Medical Radiographer: — An applicant for a license to practice as a Medical Radiographer must:~~

- ~~1. — Complete an approved educational program in radiography;~~
- ~~2. — Pass the Examination in Radiography given by the ARRT with a score of at least 75; and~~
- ~~3. — Submit to the Department:~~
 - ~~— a. — A verified, complete application on a form provided by the Department, a copy of which is attached hereto as Attachment 16-A and incorporated in these regulations by this reference. Only applications which are complete will be considered;~~
 - ~~— b. — The following documentation:~~
 - ~~— (1) — Proof of registration in radiography with the ARRT (photocopy of ARRT card or ARRT certificate), meeting the requirements for licensure as a Medical Radiographer;~~
 - ~~— (a) — Such registration must not have any record of previous adverse action taken by the ARRT; or~~
 - ~~— (2) — A certificate of completion from an approved educational program in radiography indicating successful completion of the program; and~~
~~Moved to 172 NAC 93 section 003 as modified.~~
 - ~~— (3) — Official documentation of having passed a Department approved examination with a score of at least 75 which meets the requirements of 180 NAC 16-007. Moved to 172 NAC 93 section 003 as modified.~~
 - ~~— c. — The required licensure fee as prescribed in 180 NAC 16-012.~~
 - ~~— d. — If an applicant has performed medical radiography in another jurisdiction which regulated such practice either by licensure, certification or~~

registration, the applicant must submit from the regulatory agency where the applicant is currently regulated:

- (1) A certification that the applicant is duly licensed, certified or registered, that his/her license, certification or registration was based on an examination, that his/her license, certification or registration has never been suspended, revoked or otherwise disciplined, and that so far as the record of the agency is concerned, the applicant is entitled to its endorsement; and
- (2) The nature of disciplinary actions, if any, taken against the applicant's license, certification or registration.

~~16-006.02~~ As an alternative to the requirement of 180 NAC 16-006.01, item 2, persons seeking licensure as a Medical Radiographer must take and achieve a passing score of at least 75 on a Department approved examination which meets the requirements of 180 NAC 16-007.

~~16-006.03~~ The Department will act within 150 days upon all completed applications for licensure.

~~16-006.04~~ **Procedures for Licensure as a Temporary Medical Radiographer:** A student, as defined in 180 NAC 16-002.14, who applies for a license as a Temporary Medical Radiographer must: **Moved to 172 NAC 93 section 003 as modified.**

1. Have completed at least 12 months of an approved educational program in radiography; and
2. Submit to the Department:
 - a. A verified, complete application on a form provided by the Department, a copy of which is attached hereto as Attachment 16-A and incorporated in these regulations by this reference. Only applications which are complete will be considered;
 - b. **Official documentation from an approved educational program in radiography indicating that at least 12 months of the program have been completed; and Moved to 172 NAC 93 section 003 as modified.**
 - c. The required licensure fee as prescribed in 180 NAC 16-012.
3. The licensed Temporary Medical Radiographer will be permitted to perform the duties of a Limited Radiographer licensed in the categories of 180 NAC 16-005.03, items 1. through 6. (Chest, Extremities, Skull and Sinus, Spine, Ankle and Foot, and Abdomen).
4. The Temporary Medical Radiographer License will expire 18 months after the date of issuance and is not renewable.

~~16-006.05~~ The Department will act within 150 days upon all completed applications for licensure.

~~16-006.06 Procedures for Licensure as a Limited Radiographer: An applicant for a license to practice as a Limited Radiographer must:~~ Moved to 172 NAC 93 section 003 as modified.

1. ~~Pass the Examination for the Limited Scope of Practice in Radiography given by the ARRT as follows:~~

~~a. Achieve a passing score of 70% or above on the Core section of the exam; and~~

~~b. Achieve a passing score of 65% or above on each of the following sections of the exam for which licensure is sought:~~

~~(1) Chest;~~

~~(2) Extremities;~~

~~(3) Skull and Sinus;~~

~~(4) Spine; or~~

~~(5) Ankle and Foot.~~ Moved to 172 NAC 93 section 003 as modified.

2. ~~Submit to the Department:~~

~~a. A verified, complete application on a form provided by the Department, a copy of which is attached hereto as Attachment 16-A and incorporated in these regulations by this reference. Only applications which are complete will be considered;~~

~~b. If the Examination for the Limited Scope of Practice in Radiography given by the ARRT was taken in a state other than Nebraska, the applicant must request that the ARRT send the examination scores directly to the Department; and~~

~~c. The required licensure fee as prescribed in 180 NAC 16-012.~~

~~d. If an applicant has performed medical radiography in another jurisdiction which regulated such practice either by licensure, certification or registration, the applicant must submit from the regulatory agency where the applicant is currently regulated:~~ Moved to 172 NAC 93 section 003 as modified..

~~(1) A certification that the applicant is duly licensed, certified or registered, that his/her license, certification or registration was based on an examination, that his/her license, certification or registration has never been suspended, revoked or otherwise disciplined, and that so far as the record of the agency is concerned, the applicant is entitled to its endorsement; and~~

~~(2) The nature of disciplinary actions, if any, taken against the applicant's license, certification or registration.~~

3. ~~The Department will authorize a Limited Radiographer to perform radiography of the abdomen if:~~

~~a. The applicant has passed the Core and Spine sections of the Examination for the Limited Scope of Practice in Radiography given by the ARRT; and~~ Moved to 172 NAC 93 section 003 as modified.

~~b. Upon a finding by the Department that continued provision of service for a community would be in jeopardy if this applicant were not authorized to perform radiography of the abdomen;~~

~~(1) An applicant whose practice site is located within a medical profession shortage area as determined by the Nebraska Rural Health Advisory Commission will be deemed authorized to perform radiography of the abdomen. Moved to 172 NAC 93 section 003 as modified.~~

~~4. As an alternative to the requirement of 180 NAC 16-006.05, item 1, persons seeking licensure as a Limited Radiographer must take and achieve a passing score of at least 70% on the Core section and a passing score of at least 65% on each of the anatomical categories on a Department approved examination which meets the requirements of 180 NAC 16-007. Moved to 172 NAC 93 section 003 as modified.~~

~~5. No applicant for a license as a Limited Radiographer may take the examination for licensure, or for licensure for any specific anatomical region, more than three times without:~~

~~a. Waiting a period of one year after the last unsuccessful attempt of the examination; and~~

~~b. Submitting proof to the Department of completion of 12 hours of continuing education meeting the requirements of 180 NAC 16-009 for each subsequent attempt.~~

~~16-006.07 The Department will act within 150 days upon all completed applications for licensure.~~

16-006.08 Criteria for Licensure as a Provisional Limited Radiographer

~~1. A Provisional Limited Radiographer must have submitted to the Department of Health on or before January 1, 1996, the required licensure fee and verified documentation that s/he was performing medical radiography before and on June 2, 1995.~~

~~2. A Provisional Limited Radiographer must not concurrently hold a license in any other category of medical radiography.~~

~~3. All Provisional Limited Radiographer licenses will expire on January 1, 2005, and are not renewable after that date.~~

~~16-006.09 The Department will act within 150 days upon all completed applications for licensure.~~

16-007 DEPARTMENT APPROVAL OF ALTERNATIVE EXAMINATION

~~16-007.01 The Department will approve examinations which it determines: Moved to 172 NAC 93 section 004 as modified.~~

~~1. Are based upon national standards regarding:~~

- ~~— a. — Administration and procedures followed for examinations;~~
- ~~— b. — The method of grading and the passing grades; and~~
- ~~— c. — Security protection for questions and answers;~~
- ~~— d. — Educational and psychological testing as recommended by the American Psychological Association, the American Educational Research Association, and the National Council of Measurement in Education; and~~

~~2. — Are equivalent to:~~

- ~~— a. — The Examination in Radiography from the American Registry of Radiologic Technologists for Medical Radiographers; or~~
- ~~— b. — The Examination for the Limited Scope of Practice in Radiography from the American Registry of Radiologic Technologists for Limited Radiographers.~~

~~16-007.02~~ Department approved examinations for the Limited Radiographer will include, but are not limited to the following topics:

- ~~1. — Radiation protection;~~
- ~~2. — Equipment maintenance and operation;~~
- ~~3. — Image production and evaluation;~~
- ~~4. — Patient care and management; and~~
- ~~5. — The anatomy of, and positioning for, specific regions of the human anatomy. The anatomical regions will include at least one of the following anatomical categories:~~

- ~~— a. — Chest;~~
- ~~— b. — Extremities;~~
- ~~— c. — Skull and Sinus;~~
- ~~— d. — Spine; or~~
- ~~— e. — Ankle and Foot.~~

~~16-007.03~~ The Department will review the procedures to be followed for examination, the method of grading and security protection for questions and answers.

- ~~1. — The Department will establish the passing grades for such examinations which ensures appropriate knowledge base has been met.~~

~~16-007.04~~ Any costs incurred by the Department in determining the extent to which examinations meet the requirements of 180 NAC 16-007.04 must be paid by the individual or organization proposing the Department approve such examination.

16-008 PROCEDURES FOR RENEWAL OF A LICENSE: All licenses, except Temporary Medical Radiographer Licenses, issued by the Department under the Act and these regulations expire two years from the date of issuance. [Moved to 172 NAC 93 section 005 as modified.](#)

16-008.01 Renewal process: Any licensee who wishes to renew his/her license must:

- ~~1. — Meet the continuing competency requirements pursuant to 180 NAC 16-009;~~

- ~~2. Pay the renewal fee pursuant to 180 NAC 16-012;~~
- ~~3. Respond to the following questions:
 - ~~a. Has your license in any profession in another state been revoked, suspended, limited or disciplined in any manner?~~
 - ~~b. Have you been convicted of a misdemeanor or felony?~~These questions relate to the time period since the last renewal of the license or during the time period since initial licensure in Nebraska if such occurred within the two years prior to the license expiration date.~~
- ~~4. Cause to be submitted to the Department:
 - ~~a. The renewal notice;~~
 - ~~b. The renewal fee;~~
 - ~~c. Attestation of completing 24 hours of continuing education or continuing competency earned within 24 months of the date of expiration. Attestation to meeting continuing competency requirements satisfies the submission of the documentation requirement of Neb. Rev. Stat. § 71-110;~~
 - ~~d. If any disciplinary action was taken against the applicant's license by another state, an official copy of the disciplinary action, including charges and disposition;~~
 - ~~e. If the licensee has been convicted of a felony or misdemeanor:
 - ~~(1) Official Court Record, which includes charges and disposition;~~
 - ~~(2) Copies of arrest records;~~
 - ~~(3) A letter from the licensee explaining the nature of the conviction;~~
 - ~~(4) All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required; and~~
 - ~~(5) A letter from the probation officer addressing probationary conditions and current status, if the applicant is currently on probation.~~~~~~

~~16-008.02 First Notice: At least 30 days before the expiration date of the license, the Department will send a renewal notice by means of regular mail to each licensee at the licensee's last place of residence as noted in the records of the Department. It is the responsibility of the licensee prior to the renewal period to notify the Department of any name and/or address changes.~~

- ~~16-008.02A The renewal notice must specify:~~
- ~~1. The name of the licensee;~~
 - ~~2. The licensee's last known address of record;~~
 - ~~3. The license number;~~
 - ~~4. The expiration date of the license;~~
 - ~~5. The renewal fee pursuant to 180 NAC 16-012; and~~
 - ~~6. The number of continuing education hours or type of continued competency required for renewal.~~

~~16-008.02B~~ The licensee must apply for renewal by submitting to the Department:

- ~~1. The renewal notice;~~
- ~~2. The renewal fee;~~
- ~~3. The licensee's social security number;~~
- ~~4. Attestation of completing 24 hours of continuing education or continuing competency earned within 24 months of the date of expiration; and~~
- ~~5. Documentation relating to misdemeanor or felony conviction(s) or licensure revocation, suspension, limitation or disciplinary action (if applicable).~~

~~16-008.03~~ Second Notice: The Department will send to each licensee who fails to renew his/her license or place the license on inactive or lapsed status in response to the first notice, a second notice of renewal pursuant to 180 NAC 16-008.01 that specify:

- ~~1. That the licensee failed to pay the renewal fee;~~
- ~~2. That the license has expired;~~
- ~~3. That the licensee is subject to an administrative penalty pursuant to 180 NAC 16-013 if s/he practices after the expiration date;~~
- ~~4. That upon receipt of the renewal fee, together with an additional late fee of \$25, and documentation of continuing competency hours within that time, no order of revocation will be entered; and~~
- ~~5. That upon failure to receive \$25 in addition to the regular renewal fee, and documentation of continuing competency hours, the license will be revoked pursuant to 180 NAC 16-011.~~

~~16-008.03A~~ The licensee must apply for renewal by submitting to the Department:

- ~~1. The renewal notice;~~
- ~~2. The renewal fee and the additional late fee of \$25;~~
- ~~3. The licensee's social security number;~~
- ~~4. Attestation by the licensee:
 - ~~a. That s/he has not practiced in Nebraska since the expiration of his/her license; or~~
 - ~~b. To the actual number of days practiced in Nebraska since the expiration of his/her license;~~~~
- ~~5. Attestation of completing 24 hours of continuing education or continuing competency earned within 24 months of the date of expiration; and~~
- ~~6. Documentation relating to misdemeanor or felony conviction(s) or licensure revocation, suspension, limitation or disciplinary action (if applicable).~~

~~16-008.04~~ When any licensee fails, within 30 days of expiration of a license, to pay the renewal fee, to submit documentation of continuing competency, and/or to pay an additional late fee of \$25, the Department will automatically revoke the license without further notice or hearing and make proper record of the revocation.

~~16-008.05~~ Failure to meet the continuing competency requirement for renewal within 30 days of expiration of his/her license will constitute non-renewal of a license. When any licensee fails, within 30 days of expiration of a license, to meet the continuing competency requirements for renewal and pay an additional late fee of \$25, the Department revokes the license after notice and opportunity for hearing. Hearings held before the Department will be conducted pursuant to Neb. Rev. Stat. §§ 84-901 to 84-920, Administrative Procedure Act and 184 NAC 1, Rules of Practice and Procedure of the Department.

~~16-008.06~~ The Department may refuse to renew a license for falsification of any information submitted for renewal of a license. The refusal must be made pursuant to Neb. Rev. Stat. §§ 71-149 to 71-155 and 184 NAC 1, Rules of Practice and Procedure of the Department.

~~16-008.07~~ An individual who practices after expiration of his/her credential is subject to assessment of an Administrative Penalty pursuant to 180 NAC 16-013 or such other action as provided in the statutes and regulations governing the credential.

~~16-009 CONTINUING COMPETENCY~~ Moved to 172 NAC 93 section 006 as modified.

~~16-009.01~~ General Requirements for Medical Radiographers, Limited Radiographers and Provisional Limited Radiographers: On or before the expiration date of his/her license, each Medical Radiographer, Limited Radiographer and Provisional Limited Radiographer who is licensed in the State of Nebraska must as a condition for renewal of his/her license:

~~1. Complete an average of 24 hours of approvable continuing education during the preceding 24 month period;~~ Moved to 172 NAC 93 section 006 as modified.

~~2. Submit to the Department:~~

- ~~a. For Medical Radiographers who maintain registration with the ARRT, attestation of current registration in Radiography with the ARRT; or~~
- ~~b. For Medical Radiographers who do not maintain registration with the ARRT, Limited Radiographers and Provisional Limited Radiographers, an attestation of completing 24 hours of continuing education or continuing competency earned within 24 months of the date of expiration.~~

~~3. Be responsible for:~~

~~a. Maintaining in his/her personal files such certificates or records of credit from approved continuing education activities attended and must submit such certificates or records to the Department upon request.~~

~~(1) One hour of attendance equals one hour of credit.~~

~~(2) A licensee must attend the complete continuing education offering in order to report it for credit.~~

~~(a) Partial credit may not be claimed by the licensee.~~

~~(3) Maintaining documentation of presentation of an approved continuing education program. Credit will not be given for subsequent presentations of the same program.~~

~~16-009.02~~ When any licensee meets the renewal requirement of payment of the renewal fee and meets the continuing competency requirement, the Department will renew such license.

~~16-009.03~~ Criteria for Approvable Continuing Education Programs

~~16-009.03A~~ In addition to meeting the specifications for type of program pursuant to 180 NAC 16-009.04 to be an approvable program for license renewal, a continuing education program must also meet the following criteria:

- ~~1.~~ The program must be at least 50 to 60 minutes in duration; Moved to 172 NAC 93 section 006 as modified.
- ~~2.~~ The programs topic and/or objectives must relate to Medical Radiography, which includes but is not limited to mammography, MRI, computed tomography, cardiovascular technology, quality management, nuclear medicine, radiation therapy, ultrasound and medical dosimetry, pursuant to 180 NAC 16-009.04; and Moved to 172 NAC 93 section 006 as modified.
- ~~3.~~ Programs must be open to all Medical Radiographers, Limited Radiographers, and Provisional Limited Radiographers licensed in Nebraska. Moved to 172 NAC 93 section 006 as modified.
 - ~~a.~~ Participation in such programs may be restricted if there is a legitimate reason such as a required knowledge base.

~~16-009.04~~ Acceptable Continuing Education Programs

~~16-009.04A~~ The Department will accept as continuing education for licensure renewal:

- ~~1.~~ Programs which meet the quality standards established by nationally recognized organizations or associations of radiography, such as the ARRT or the American Society of Radiologic Technologists (ASRT);
 - ~~a.~~ Passing an advanced level examination in mammography, MRI, computed tomography, cardiovascular technology, quality management, nuclear medicine, radiation therapy or ultrasound during the biennial renewal period may be used to satisfy the 24-hour continuing education requirement. Moved to 172 NAC 93 section 006 as modified.
- ~~2.~~ Learning experiences provided they are planned and conducted for individuals performing Medical Radiography which are related to the practice of Medical Radiography; Moved to 172 NAC 93 section 006 as modified.
- ~~3.~~ Academic courses in an accredited post-secondary institution which are related to the specific knowledge and/or technical skills required for the practice of Medical Radiography; Moved to 172 NAC 93 section 006 as modified.

4. Courses, lectures or offerings related to the technical and scientific knowledge for the practice of Medical Radiography which includes but is not limited to:
- a. Radiation protection;
 - b. Equipment maintenance and operation;
 - c. Image production and evaluation;
 - d. Patient care and management; and
 - e. Quality assurance activities. Moved to 172 NAC 93 section 006 as modified.
5. A course in cardiopulmonary resuscitation (CPR) which results in certification by the American Heart Association or the American Red Cross. Such certification must be valid at the time of renewal.
- a. Only four credit hours of this type of course may be counted within the biennial renewal period; and
 - b. A copy of the current certification card will be deemed adequate in meeting the documentation a licensee must provide in the event of an audit of continuing education by the Department pursuant to 180 NAC 16-009.05. Moved to 172 NAC 93 section 006 as modified.
6. Home study with testing mechanism. If there is no testing mechanism or certificate of completion, the licensee must submit an abstract or resume of the material covered to the Department. Said abstract or resume must be written by only the licensee and will be reviewed for approval by the Department. Moved to 172 NAC 93 section 006 as modified.
- a. The only home study courses allowed will be those courses which have been assigned a specific number of continuing education credit hours by the home study provider. Moved to 172 NAC 93 section 006 as modified.
7. Continuing Education obtained to meet continuing competency requirements of a health care profession other than medical radiography licensed, certified, or registered by the Department may be acceptable if such continuing education has a rational connection to the practice of medical radiography and meets the requirements of 180 NAC 16-009.04A, item 4. Moved to section 006 as modified.
- a. No more than four hours of this type of continuing education may be counted within each year of the 24 month renewal period. Moved to 172 NAC 93 section 006 as modified.

16-009.05 Audit of Continuing Education: The Department may biennially select, in a random manner, a sample of the license renewal applications for audit of continuing education credits. Each licensee must be responsible for maintaining in his/her personal files such certificates or records of credit from approvable continuing education activities. Licensees selected for audit must be required to produce documentation of his/her attendance at those continuing education activities listed on his/her renewal application.

- ~~1. The Department will send to each licensee selected for audit notification of audit.~~
- ~~2. When selected for audit, the licensee must provide satisfactory documentation of attendance at or participation in the approvable continuing education activities attested to on the renewal notice.
 - ~~a. Satisfactory documentation includes but is not limited to certificates of attendance or written verification of attendance from the provider of the course which contain the information pursuant to 180 NAC 16-009.01, item 2.b.(1) through (5).~~~~
- ~~3. Failure to comply with the audit may be grounds for non-renewal of the license.~~

16-010 DURATION AND RENEWAL OF LICENSURE

- ~~16-010.01 A license as a Medical Radiographer will be valid for a period of two years. The license will be renewable every two years pursuant to 180 NAC 16-008.~~
- ~~16-010.02 A license as a Temporary Medical Radiographer will be valid for a period of 18 months and cannot be renewed.~~
- ~~16-010.03 A license as a Limited Radiographer will be valid for a period of two years. The license will be renewable every two years pursuant to 180 NAC 16-008.~~
- ~~16-010.04 A license as a Provisional Limited Radiographer will be valid for a period of two years. The license will be renewable every two years pursuant to 180 NAC 16-008. All Provisional Limited Radiographer licenses will expire on January 1, 2005, and are not renewable after that date.
 - ~~1. A Provisional Limited Radiographer must not concurrently hold a license in any other category of medical radiography.~~~~

16-011 SUSPENSION AND REVOCATION OF LICENSURE

- ~~16-011.01 The Department may act to suspend or revoke an individual license for any one or a combination of the following causes:
 - ~~1. Knowingly causing a material misstatement or misrepresentation to be made in the application for a license or renewal of such license if such misstatement would impair the Department's ability to evaluate the applicant's qualifications or compliance with renewal requirements;~~
 - ~~2. Willfully aiding another person in violating the Act or these regulations;~~
 - ~~3. Violating the statute or regulations pertaining to the Act;~~
 - ~~4. Performing procedures in Medical Radiography beyond the scope of practice pursuant to 180 NAC 16-005;~~
 - ~~5. Failure to comply with the continuing competency requirements applicable to the specific classification of licensure; and~~
 - ~~6. Nonpayment of renewal fees.~~~~

~~16-011.02~~ Disciplinary actions will be carried out pursuant to the requirements of 180 NAC 17.

16-012 SCHEDULE OF FEES: The following fees have been set by the Department: Moved to section 009 as modified.

- ~~1. Examination Fee: By an applicant to take the Examination for the Limited Scope of Practice in Radiography given by the ARRT, the fee of \$70.~~
- ~~2. Initial Medical Radiographer License Fee: By an applicant for a license to practice as a Medical Radiographer, the fee of \$40 and the Licensee Assistance Program fee of \$2.~~
- ~~3. Initial Temporary Medical Radiographer License Fee: By an applicant for a license to practice as a Temporary Medical Radiographer, the fee of \$15 and the Licensee Assistance Program fee of \$2.~~
- ~~4. Initial Limited Radiographer License Fee: By an applicant for a license to practice as a Limited Radiographer, the fee of \$40 and the Licensee Assistance Program fee of \$2.~~
- ~~5. Initial Provisional Limited Radiographer License Fee: By an applicant for a license to practice as a Provisional Limited Radiographer, the fee of \$40 and the Licensee Assistance Program fee of \$2.~~
- ~~6. License Renewal Fee: By an applicant for a renewal on a biennial basis of a license to practice as a Medical Radiographer, a Limited Radiographer, or a Provisional Limited Radiographer, the fee of \$40 and the Licensee Assistance Program fee of \$2.~~
- ~~7. Renewal Late Fee: By an applicant for renewal on a biennial basis of a license to practice as a Medical Radiographer, a Limited Radiographer, or a Provisional Limited Radiographer, who fails to pay the renewal fee on or before the expiration date of his/her license, the fee of \$25 as a late fee in addition to the renewal fee.~~
- ~~8. Certification of License Fee: For issuance of a certification of a license, the fee of \$25. The certification includes information regarding:
 - ~~a. The basis on which a license was issued;~~
 - ~~b. The date of issuance;~~
 - ~~c. Whether disciplinary action has been taken against the license; and~~
 - ~~d. The current status of the license.~~~~
- ~~9. Verification of License Fee: For issuance of a verification of a license, the fee of \$5. The verification includes written confirmation as to whether a license was valid at the time the request was made.~~
- ~~10. Duplicate License Fee: For a duplicate original license document or a reissued license, the fee of \$10.~~
- ~~11. Administrative Fee: For a denied license or a withdrawn application, an administrative fee of \$25 will be retained by the Department, except if the fee is less~~

~~than \$25, the fee will be forfeited and an examination fee will not be returned.~~

~~16-013 ADMINISTRATIVE PENALTY: The Department may assess an administrative penalty when evidence exists that a person or entity practices without a credential. Practice without a credential for the purpose of this regulation means practice:~~

- ~~1. Prior to the issuance of a credential;~~
- ~~2. Following the expiration of a credential; or~~
- ~~3. Prior to the reinstatement of a credential.~~

~~16-013.01 Evidence of Practice: The Department will consider any of the following conditions as prima facie evidence of practice without a credential:~~

- ~~1. The person admits to engaging in practice;~~
- ~~2. Staffing records or other reports from the employer of the person indicate that the person was engaged in practice;~~
- ~~3. Billing or payment records document the provision of service, care, or treatment by the person;~~
- ~~4. Service, care, treatment records document the provision of service, care, or treatment by the person;~~
- ~~5. Appointment records indicate that the person was engaged in practice;~~
- ~~6. Other government records indicate that the person was engaged in practice; and~~
- ~~7. The person or entity opens a business or practice site and announces or advertises that the business or site is open to provide service, care, or treatment.~~

~~For purposes of this regulation prima facie evidence means a fact presumed to be true unless disproved by some evidence to the contrary.~~

~~16-013.02 Penalty: The Department may assess an administrative penalty in the amount of \$10 per day, not to exceed a total of \$1,000 for practice without a credential. To assess such penalty, the Department will:~~

- ~~1. Provide written notice of the assessment to the person. The notice will specify:
 - ~~a. The total amount of the administrative penalty;~~
 - ~~b. The evidence on which the administrative penalty is based;~~
 - ~~c. That the person may request, in writing, a hearing to contest the assessment of an administrative penalty;~~
 - ~~d. That the Department will within 30 days following receipt of payment of the administrative penalty, transmit the penalty to the State Treasurer for credit to the Permanent School Fund; and~~
 - ~~e. That an unpaid administrative penalty constitutes a debt to the State of Nebraska which may be collected in the manner of a lien foreclosure or sued for and recovered in a proper form of action in the name of the state in the District Court of the county in which the violator resides or owns property.~~~~

2. ~~Send by certified mail, a written notice of the administrative penalty to the last known address of the person to whom the penalty is assessed.~~

~~16-013.03 Administrative Hearing: When a person contests the administrative penalty and requests a hearing, the Department will hold a hearing pursuant to Neb. Rev. Stat. §§ 84-901 to 84-920 and the Department's rules and regulations adopted pursuant to these statutes.~~

~~Approved by the Attorney General on August 31, 2004
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~~EFFECTIVE DATE~~ ~~NEBRASKA HEALTH AND HUMAN SERVICES~~
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