

## LEGISLATIVE BILL 1498

Approved by the Governor March 24, 1972

Introduced by Richard Lewis, 38th District; Glenn A. Goodrich, 20th District

AN ACT to amend section 71-1,137, Revised Statutes Supplement, 1969, and section 71-139, Revised Statutes Supplement, 1971, relating to public health; to provide for licensing of osteopaths as prescribed; to provide for prescription and administration of drugs and medicines by osteopaths as prescribed; and to repeal the original sections.

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

Section 1. That section 71-139, Revised Statutes Supplement, 1971, be amended to read as follows:

71-139. The Department of Health, without examination, except where a practical examination is required, may issue a license to practice any profession except pharmacy, podiatry, dentistry, and medicine and surgery, and osteopathic medicine and surgery, to a citizen of the United States 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 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 profession equal to those maintained in that profession by Nebraska; (2) that his license there was based upon a written examination and the grades given at such examination; (3) the date of his license; (4) that such licensee has been actively engaged in the practice under such license since it was issued; if not, he shall fix the time when he was out of practice; (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 profession; and (6) show 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 comes for at

least one year. An applicant for reciprocal registration coming from any state may be licensed by reciprocity; Provided, his 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, who meet the requirements of this section and who have passed a written examination which is equivalent to that required in section 71-1104 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 joint certificate of the Board of Examiners in Osteopathy and 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. 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 jointly certified by the Board of Examiners in Osteopathy and the Board of Examiners in Medicine and Surgery may be granted a special license as doctor of osteopathic medicine and surgery.

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. The applicant shall produce evidence satisfactory to the board that he 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 also produce evidence satisfactory to the board that he is a citizen of the United States, and shall submit a certificate of the proper licensing authority of the state, territory or the District of Columbia where he is licensed to practice such profession, that he is duly licensed, that his license has not been suspended or revoked, and that so far as the records of such authority are concerned he 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. 2. That section 71-1,137, Revised Statutes Supplement, 1969, be amended to read as follows:

71-1,137. For the purpose of this act, the following classes of persons shall be deemed to be engaged in the practice of osteopathy: (1) Persons publicly professing to be osteopaths or publicly professing to assume the duties incident to the practice of osteopathy; and (2) persons who are graduates of a college of osteopathy and who treat human ailments by that system of the healing art which was advocated and taught by the osteopathic college from which such person graduated at the time of his graduation as determined by the Department of Health after consultation with the Board of Examiners in Osteopathy. It is recognized that the scope of teaching and practice of osteopathy has changed and those graduating since January 1, 1963, from colleges of osteopathy accredited by the Department of Health on recommendation of the Board of Examiners in Osteopathy, who present to the Department of Health a certificate of ability in anatomy, physiology, chemistry, bacteriology, pathology, and hygiene, issued by the Nebraska Board in Basic Sciences, and who have had at least one year's internship or its equivalent at an institution approved for such postgraduate work by the Board of Examiners in Osteopathy shall be eligible to take the examination provided in section 71-1,104 upon making application therefor and paying the prescribed fee. If such person is successful in passing such examination, the practice of osteopathy by such person may include obstetrics, the use of drugs and medicines and minor surgical procedures in the diagnosis and treatment of human ailments; Provided, no license issued under this section shall authorize the person so licensed to perform surgical procedures except those usually performed by general practitioners, as determined by the Department of Health upon consultation with the Board of Examiners in Osteopathy and the Board of Examiners in Medicine and Surgery. Nothing in this section shall be construed to prohibit an osteopath licensed in accordance with this section from serving as an assistant in surgery more complex than that usually performed by general practitioners, as determined above, where such surgery is performed by an osteopath licensed pursuant to section 71-1,139.01 or by an osteopath or doctor of medicine licensed pursuant to section 71-1,104. In no event shall this section or section 71-1,139.01 be construed as authorizing an osteopath to engage in any procedure which he is not qualified by training to perform according to the standards prevailing in the State of Nebraska at the time. With respect to persons who have graduated from an accredited college of osteopathy between January 1, 1956, and January 1, 1963, the Department of Health upon the

joint approval of the application for license by the Board of Examiners in Osteopathy and the Board of Examiners in Medicine and Surgery, may issue a license to practice osteopathic medicine to any such graduate who meets all requirements for issue of such license except graduation from an accredited college of osteopathy after January 1, 1963, and whose application has been approved by the Board of Examiners in Osteopathy and the Board of Examiners in Medicine and Surgery.

Persons who are licensed to practice osteopathy who have demonstrated to the Board of Examiners in Medicine and Surgery that they have acquired adequate training and knowledge for such purpose and have been so authorized by such board may prescribe and administer drugs and medicines. The Board of Examiners in Medicine and Surgery shall provide procedures for determining an osteopath's qualifications to prescribe and administer drugs and medicines and for issuing appropriate evidence of authority to do so.

Sec. 3. That original section 71-1,137, Revised Statutes Supplement, 1969, and section 71-139, Revised Statutes Supplement, 1971, are repealed.