

LEGISLATIVE BILL 473

Approved by the Governor March 26, 1987

Introduced by Health & Human Services Committee, Wesely,
26, Chairperson; Lynch, 13; Morehead, 30;
Schellpeper, 18; Beyer, 3

AN ACT relating to public health and welfare; to amend sections 44-2848, 71-101, 71-108, 71-110, 71-111, 71-112.03, 71-113, 71-114, 71-115.01, 71-116, 71-118, 71-125, 71-138, 71-147, 71-148, 71-149, 71-162, 71-195, 71-198, 71-1,107.23, 71-1,132.07, 71-1,132.14, 71-1,136.03, 71-1,147.09, 71-1,158, 71-1,175, 71-1,178, 71-1,183, 71-1,195.02, 71-1,256, 71-1,260, 71-1,263, 71-1,267, 71-1,271, 71-1,275, 71-1327, 71-1329, 71-1330, 71-1333, 71-2610, 71-2701, 71-2703, 71-2715, 71-2815, 71-2819, 71-3705, 71-3706, 71-4701, 71-4706 to 71-4708, 71-5504, 71-5519, 71-6108, and 71-6115, Reissue Revised Statutes of Nebraska, 1943, and section 28-405, Revised Statutes Supplement, 1986; to change the schedules of controlled substances; to modify intent provisions; to change provisions relating to the appointment and removal of board members; to redefine a term; to change provisions relating to records; to provide for rules and regulations; to change examination provisions; to change disciplinary action provisions; to provide for and change fees; to change provisions relating to supervisors; to provide for standards for pharmacists; to prohibit certain acts by animal technicians; to change provisions relating to social work and professional counseling; to change provisions relating to funeral establishments and funeral directors; to change provisions relating to expenses and compensation; to eliminate a requirement for examiners; to eliminate a fund; to eliminate certain provisions relating to veterinary medicine; to change internal references; to harmonize provisions; to repeal the original sections, and also sections 71-112.04 to 71-112.06, 71-115, 71-115.02 to 71-115.04, 71-1,156, 71-1,159, and 71-1,166, Reissue Revised Statutes of Nebraska, 1943;

and to declare an emergency.

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

Section 1. That section 28-405, Revised Statutes Supplement, 1986, be amended to read as follows:

28-405. The following are the schedules of controlled substances referred to in this article:

Schedule I

(a) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation: (1) Acetylmethadol; (2) allylprodine; (3) alphacetylmethadol; (4) alphameprodine; (5) alphasmethadol; (6) benzethidine; (7) betacetylmethadol; (8) betameprodine; (9) betamethadol; (10) betaprodine; (11) clonitazene; (12) dextromoramide; (13) difenoxin; (14) diampromide; (15) diethylthiambutene; (16) dimenoxadol; (17) dimepheptanol; (18) dimethylthiambutene; (19) dioxaphetyl butyrate; (20) dipipanone; (21) ethylmethylthiambutene; (22) etonitazene; (23) etoxeridine; (24) furethidine; (25) hydroxypethidine; (26) ketobemidone; (27) levomoramide; (28) levophenacylmorphan; (29) morpheridine; (30) noracymethadol; (31) norlevorphanol; (32) normethadone; (33) norpipanone; (34) phenadoxone; (35) phenampromide; (36) phenomorphan; (37) phenoperidine; (38) piritramide; (39) proheptazine; (40) properidine; (41) propiram; (42) racemoramide; (43) trimeperidine; (44) alpha-methylfentanyl, N-(1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl) propionanilide, 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine; (45) tilidine; (46) ~~alfentanil~~; (47) 3-Methylfentanyl, N-(3-methyl-1-(2-phenylethyl)-4-piperidyl)-N-phenylpropanamide, its optical and geometric isomers, salts, and salts of isomers; (48) (47) 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP), its optical isomers, salts, and salts of isomers; (49) (48) 1-(2-phenylethyl)-4-phenyl-4-acetyloxypiperidine (PEPAP), its optical isomers, salts, and salts of isomers; (50) (49) N-(1-(1-methyl-2-phenyl)ethyl-4-piperidyl)-N-phenylacetamide (acetyl-alpha-methylfentanyl), its optical isomers, salts, and salts of isomers; (51) (50) N-(1-(1-methyl-2-(2-thienyl)ethyl-4-piperidyl)-N-

phenylpropanamide (alpha-methylthiofentanyl), its optical isomers, salts, and salts of isomers; ~~{52}~~ (51)
 N-(1-benzyl-4-piperidyl)-N-phenylpropanamide (benzylfentanyl), its optical isomers, salts, and salts of isomers; ~~{53}~~ (52)
 N-(1-(2-hydroxy-2-phenyl)ethyl-4-piperidyl)-N-phenylpropanamide (beta-hydroxyfentanyl), its optical isomers, salts, and salts of isomers; ~~{54}~~ (53)
 N-(3-methyl-1-(2-hydroxy-2-phenyl)ethyl-4-piperidyl)-N-phenylpropanamide (beta-hydroxy-3-methylfentanyl), its optical and geometric isomers, salts, and salts of isomers; ~~{55}~~ (54)
 N-(3-methyl-1-(2-(2-thienyl)ethyl-4-piperidyl)-N-phenylpropanamide (3-methylthiofentanyl), its optical and geometric isomers, salts, and salts of isomers; ~~{56}~~ (55)
 N-(1-(2-thienyl)methyl-4-piperidyl)-N-phenylpropanamide (thenylfentanyl), its optical isomers, salts, and salts of isomers; ~~and {57}~~ (56)
 N-(1-(2-(2-thienyl)ethyl-4-piperidyl)-N-phenylpropanamide (thiofentanyl), its optical isomers, salts, and salts of isomers; ~~and~~ (57)
N-(1-(2-phenylethyl)-4-piperidyl)-N-(4-fluorophenyl)-propanamide (para-fluorofentanyl), its optical isomers, salts, and salts of isomers.

(b) Any of the following opium derivatives, their salts, isomers, and salts of isomers, unless specifically excepted, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation: (1) Acetorphine; (2) acetyldihydrocodeine; (3) benzylmorphine; (4) codeine methylbromide; (5) codeine-N-Oxide; (6) cyprenorphine; (7) desomorphine; (8) dihydromorphine; (9) drotebanol; (10) etorphine, except hydrochloride salt; (11) heroin; (12) hydromorphanol; (13) methyl-desorphine; (14) methyldihydromorphine; (15) morphine methylbromide; (16) morphine methylsulfonate; (17) morphine-N-Oxide; (18) myrophine; (19) nicocodeine; (20) nicomorphine; (21) normorphine; (22) pholcodine; and (23) thebacon.

(c) Any material, compound, mixture, or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers, and salts of isomers, unless specifically excepted, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation, and, for purposes of this subdivision only, isomer shall include the optical, position, and geometric isomers: (1) Bufotenine. Trade and other names shall include, but are not limited to:

3-(B-Dimethylaminoethyl)-5-hydroxyindole;
 3-(2-dimethylaminoethyl)-5-indolol; N,
 N-dimethylserotonin; 5-hydroxy-N, N-dimethyltryptamine;
 and mappine; (2) diethyltryptamine. Trade and other
 names shall include, but are not limited to: N,
 N-diethyltryptamine; and DET; (3) dimethyltryptamine.
 Trade and other names shall include, but are not limited
 to: DMT; (4) 4-bromo-2, 5-dimethoxyamphetamine. Trade
 and other names shall include, but are not limited to:
 4-bromo-2, 5-dimethoxy-a-methylphenethylamine; and
 4-bromo-2, 5-DMA; (5) 4-methoxyamphetamine. Trade and
 other names shall include, but are not limited to:
 4-methoxy-a-methyl-phenethylamine; and
 paramethoxyamphetamine, PMA; (6) 4-methyl-2,
 5-dimethoxyamphetamine. Trade and other names shall
 include, but are not limited to: 4-methyl-2,
 5-dimethoxy-a-methylphenethylamine; DOM; and STP; (7)
 5-methoxy-N-N, dimethyltryptamine; (8) ibogaine. Trade
 and other names shall include, but are not limited to:
 7-ethyl-6,6B,7,8,9,10,12,13-octahydro-2-methoxy-6,
 9-methano-5H-pyrido (1',2':1,2) azepino (5,4-b) indole;
 and tabernanthe iboga; (9) lysergic acid diethylamide;
 (10) marijuana; (11) mescaline; (12) peyote. Peyote
 shall mean all parts of the plant presently classified
 botanically as *Lophophora williamsii* Lemaire, whether
 growing or not, the seeds thereof, any extract from any
 part of such plant, and every compound, manufacture,
 salts, derivative, mixture, or preparation of such plant
 or its seeds or extracts; (13) psilocybin; (14)
 psilocyn; (15) tetrahydrocannabinols, including, but not
 limited to, synthetic equivalents of the substances
 contained in the plant or in the resinous extractives of
 cannabis, sp. or synthetic substances, derivatives, and
 their isomers with similar chemical structure and
 pharmacological activity such as the following: Delta 1
 cis or trans tetrahydrocannabinol and their optical
 isomers, excluding dronabinol in sesame oil and
 encapsulated in a soft gelatin capsule in a drug product
 approved by the Food and Drug Administration; Delta 6
 cis or trans tetrahydrocannabinol and their optical
 isomers; and Delta 3,4 cis or trans tetrahydrocannabinol
 and its optical isomers. Since nomenclature of these
 substances is not internationally standardized,
 compounds of these structures shall be included
 regardless of the numerical designation of atomic
 positions covered; (16) 3,4-methylenedioxy amphetamine;
 (17) 5-methoxy-3, 4-methylenedioxy amphetamine; (18)
 3,4,5-trimethoxy amphetamine; (19) N-ethyl-3-piperidyl
 benzilate; (20) N-methyl-3-peperidyl benzilate; (21)

thiophene analog of phencyclidine. Trade and other names shall include, but are not limited to: 1-(1-(2-thienyl)-cyclohexyl)-piperidine; 2-thienylanalog of phencyclidine; TPCP; and TCP; (22) 2,5-dimethoxyamphetamine. Trade and other names shall include, but are not limited to: 2,5-dimethoxy- α -methylphenethylamine; and 2,5-DMA; (23) hashish or concentrated cannabis; (24) Parahexyl. Trade and other names shall include, but are not limited to: 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo(b,d)pyran; and synhexyl; (25) Ethylamine analog of phencyclidine. Trade and other names shall include, but are not limited to: N-ethyl-1-phenylcyclohexylamine; (1-phenylcyclohexyl)ethylamine; N-(1-phenylcyclohexyl)ethylamine; cyclohexamine; and PCE; (26) Pyrrolidine analog of phencyclidine. Trade and other names shall include, but are not limited to: 1-(1-phenylcyclohexyl)-pyrrolidine; PCPy; and PHP; and (27) 3,4-methylenedioxyethamphetamine (MDMA), its optical, positional, and geometric isomers, salts, and salts of isomers.

(d) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation: (1) Mecloqualone; and (2) methaqualone.

(e) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers: (1) Fenethylamine; and (2) N-ethylamphetamine.

Schedule II

(a) Any of the following substances except those narcotic drugs listed in other schedules whether produced directly or indirectly by extraction from substances of vegetable origin, independently by means of chemical synthesis, or by combination of extraction and chemical synthesis:

(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate, excluding apomorphine, buprenorphine, nalbuphine, nalmeferne, naloxone, and naltrexone and their salts, but including

the following: (i) Raw opium; (ii) opium extracts; (iii) opium fluid extracts; (iv) powdered opium; (v) granulated opium; (vi) tincture of opium; (vii) codeine; (viii) ethylmorphine; (ix) etorphine hydrochloride; (x) hydrocodone; (xi) hydromorphone; (xii) metopon; (xiii) morphine; (xiv) oxycodone; (xv) oxymorphone; and (xvi) thebaine;

(2) Any salt, compound, derivative, or preparation thereof which is chemically equivalent to or identical with any of the substances referred to in subdivision (1) of this subdivision, except that these substances shall not include the isoquinoline alkaloids of opium;

(3) Opium poppy and poppy straw;

(4) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, derivative, or preparation thereof which is chemically equivalent to or identical with any of these substances, including cocaine and its salts, optical isomers, and salts of optical isomers, except that the substances shall not include decocainized coca leaves or extractions which do not contain cocaine or ecgonine; and

(5) Concentrate of poppy straw, the crude extract of poppy straw in either liquid, solid, or powder form which contains the phenanthrine alkaloids of the opium poppy.

(b) Unless specifically excepted or unless in another schedule any of the following opiates, including their isomers, esters, ethers, salts, and salts of their isomers, esters, and ethers whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation, dextrorphan and levopropoxyphene excepted: (1) Alphaprodine; (2) anileridine; (3) bezitramide; (4) diphenoxylate; (5) fentanyl; (6) isomethadone; (7) levomethorphan; (8) levorphanol; (9) metazocine; (10) methadone; (11) methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane; (12) moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenyl-propane-carboxylic acid; (13) pethidine or meperidine; (14) pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine; (15) pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate; (16) pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid; (17) phenazocine; (18) piminodine; (19) racemethorphan; (20) racemorphan; (21) dihydrocodeine; (22) bulk

dextropropoxyphene in nondosage forms; and (23) sufentanil; and (24) alfentanil.

(c) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system: (1) Amphetamine, its salts, optical isomers, and salts of its optical isomers; (2) phenmetrazine and its salts; (3) methamphetamine, its salts, isomers, and salts of its isomers; and (4) methylphenidate.

(d) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system, including their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designations: (1) Amobarbital; (2) secobarbital; (3) pentobarbital; and (4) phencyclidine.

(e) Hallucinogenic substances known as dronabinol, synthetic, in sesame oil and encapsulated in a soft gelatin capsule in a Food and Drug Administration approved drug product. Some other names for dronabinol are (6aR-trans)-6a,7,8,10a-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo(b,d)pyran-1-ol or (-)-delta-9-(trans)-tetrahydrocannabinol.

(f) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances: (1) Immediate precursor to amphetamine and methamphetamine: Phenylacetone. Trade and other names shall include, but are not limited to: Phenyl-2-propanone; P2P; benzyl methyl ketone; and methyl benzyl ketone; or (2) immediate precursors to phencyclidine, PCP: (i) 1-phenylcyclohexylamine; or (ii) 1-piperidinocyclohexanecarbonitrile, PCC.

Schedule III

(a) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system, including their salts, isomers, whether optical, position, or geometric, and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation: (1) Benzphetamine; (2) chlorphentermine; (3) chlortermine; and (4) phendimetrazine.

(b) Any material, compound, mixture, or preparation which contains any quantity of the following

substances having a potential for abuse associated with a depressant effect on the central nervous system: (1) Any substance which contains any quantity of a derivative of barbituric acid or any salt of a derivative of barbituric acid, except those substances which are specifically listed in other schedules of this section; (2) chlorhexadol; (3) glutethimide; (4) lysergic acid; (5) lysergic acid amide; (6) methyprylon; (7) sulfondiethylmethane; (8) sulfonethylmethane; (9) sulfonmethane; (10) nalorphine; (11) any compound, mixture, or preparation containing amobarbital, secobarbital, pentobarbital, or any salt thereof and one or more other active medicinal ingredients which are not listed in any schedule; and (12) any suppository dosage form containing amobarbital, secobarbital, pentobarbital, or any salt of any of these drugs and approved by the Food and Drug Administration for marketing only as a suppository; and (13) tiletamine and zolazepam or any salt thereof. Trade or other names for a tiletamine-zolazepam combination product shall include, but not be limited to: telazol. Trade or other names for tiletamine shall include, but not be limited to: 2-(ethylamino)-2-(2-thienyl)-cyclohexanone. Trade or other names for zolazepam shall include, but not be limited to: 4-(2-fluorophenyl)-6,8-dihydro-1,3,8-trimethylpyrazolo-(3,4-e)(1,4)-diazepin-7(1H)-one, and flupyrazapon.

(c) Any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or any salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

(1) Not more than one and eight-tenths grams of codeine per one hundred milliliters or not more than ninety milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;

(2) Not more than one and eight-tenths grams of codeine per one hundred milliliters or not more than ninety milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(3) Not more than three hundred milligrams of dihydrocodeinone per one hundred milliliters or not more than fifteen milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium;

(4) Not more than three hundred milligrams of dihydrocodeinone per one hundred milliliters or not more than fifteen milligrams per dosage unit, with one or

more active, nonnarcotic ingredients in recognized therapeutic amounts;

(5) Not more than one and eight-tenths grams of dihydrocodeine per one hundred milliliters or not more than ninety milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(6) Not more than three hundred milligrams of ethylmorphine per one hundred milliliters or not more than fifteen milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(7) Not more than five hundred milligrams of opium per one hundred milliliters or per one hundred grams, or not more than twenty-five milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts; and

(8) Not more than fifty milligrams of morphine per one hundred milliliters or per one hundred grams with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

Schedule IV

(a) Any material, compound, mixture, or preparation which contains any quantity of the following substances, including their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation: (1) Barbital; (2) chloral betaine; (3) chloral hydrate; (4) chlordiazepoxide, but not including librax (chlordiazepoxide hydrochloride and clindinium bromide) or menrium (chlordiazepoxide and water soluble esterified estrogens); (5) clonazepam; (6) clorazepate; (7) diazepam; (8) ethchlorvynol; (9) ethinamate; (10) flurazepam; (11) mebutamate; (12) meprobamate; (13) methohexital; (14) methylphenobarbital; (15) oxazepam; (16) paraldehyde; (17) petrichloral; (18) phenobarbital; (19) prazepam; (20) alprazolam; (21) bromazepam; (22) camazepam; (23) clobazam; (24) clotiazepam; (25) cloxazolam; (26) delorazepam; (27) estazolam; (28) ethyl loflazepate; (29) fludiazepam; (30) flunitrazepam; (31) halazepam; (32) haloxazolam; (33) ketazolam; (34) loprazolam; (35) lorazepam; (36) lormetazepam; (37) medazepam; (38) nimetazepam; (39) nitrazepam; (40) nordiazepam; (41) oxazolam; (42) pinazepam; (43) temazepam; (44) tetrazepam; and (45) triazolam; (46) midazolam; and (47) quazepam.

(b) Any material, compound, mixture, or preparation which contains any quantity of the following

substance, including its salts, isomers, whether optical, position, or geometric, and salts of such isomers, whenever the existence of such salts, isomers, and salts of isomers is possible: Fenfluramine.

(c) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including their salts, isomers, whether optical, position, or geometric, and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation: (1) Diethylpropion; (2) phentermine; (3) pemoline, including organometallic complexes and chelates thereof; (4) mazindol; (5) pipradrol; and (6) SPA, ((-)-1-dimethylamino-1,2-diphenylethane).

(d) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below: (1) Dextropropoxyphene (Alpha-(+)-4-dimethylamino-1,2-diphenyl-3-methyl-2-propionoxybutane); and (2) not more than one milligram of difenoxin and not less than twenty-five micrograms of atropine sulfate per dosage unit.

(e) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substance, including its salts: Pentazocine.

Schedule V

(a) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any of the following narcotic drug and its salts: (1) Buprenorphine.

(b) Any compound, mixture, or preparation containing any of the following limited quantities of narcotic drugs or salts calculated as the free anhydrous base or alkaloid, which shall include one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone:

(1) Not more than two hundred milligrams of codeine per one hundred milliliters or per one hundred grams;

(2) Not more than one hundred milligrams of

dihydrocodeine per one hundred milliliters or per one hundred grams;

(3) Not more than one hundred milligrams of ethylmorphine per one hundred milliliters or per one hundred grams;

(4) Not more than two and five-tenths milligrams of diphenoxylate and not less than twenty-five micrograms of atrophine sulfate per dosage unit;

(5) Not more than one hundred milligrams of opium per one hundred milliliters or per one hundred grams; and

(6) Not more than five-tenths milligram of difenoxim and not less than twenty-five micrograms of atropine sulfate per dosage unit.

Sec. 2. That section 44-2848, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

44-2848. (1) There is hereby created a Commission on Medical Qualifications. The Commission on Medical Qualifications shall be a subcommittee of the Board of Examiners in Medicine and Surgery, shall be responsible to the board, and shall refer all actions and recommendations to the board and to the Director of Health. The members of the commission shall not be considered to be members of the Board of Examiners in Medicine and Surgery unless they have been specifically appointed thereto pursuant to sections 71-111 to 71-124.01. Notwithstanding any other provision of sections ~~44-2801 to 44-2855~~ the Nebraska Hospital-Medical Liability Act, the authority of the Board of Examiners in Medicine and Surgery and of the Department of Health as set forth in sections 71-101 to 71-172, and 71-1,102 to 71-1,107-14, and 85-179-04 to 85-179-18, 71-1,107.30 shall not be construed as being abridged, modified, or repealed unless specifically amended or repealed by specific provisions of ~~sections 44-2801 to 44-2855~~ the Nebraska Hospital-Medical Liability Act.

(2) The Commission on Medical Qualifications shall consist of:

(a) Two medical doctors engaged in the active practice of medicine in Nebraska who have actively practiced medicine in this state for at least ten years, to be designated by the Board of Examiners in Medicine and Surgery;

(b) Two members of the Nebraska Medical Association engaged in the active practice of medicine in Nebraska, who have actively practiced medicine in

this state for at least ten years, to and who shall be designated by the Nebraska Medical Association; and

(c) One member who shall be engaged in the active practice of medicine in Nebraska and who has actively practiced medicine in this state for at least ten years, to and who shall be selected by the Governor.

Sec. 3. That section 71-101, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-101. Sections 71-101 to 71-1,107.30, 71-1,133 to ~~71-1,162~~, ~~71-1,186~~ to 71-1,277, 71-1325 to ~~71-1355~~ 71-1354, and 71-2801 to 71-2822 shall be known and may be cited as the Uniform Licensing Law.

For the purpose purposes of the Uniform Licensing Law, unless the context otherwise requires:

(1) Board of examiners or board shall mean one of the boards appointed by the department to give examinations to applicants for licenses State Board of Health;

(2) Licensed, when applied to any licensee in any of the professions named in section 71-102, shall mean a person licensed under the Uniform Licensing Law;

(3) Profession or health profession shall mean and refer to any of the several groups named in section 71-102;

(4) Department shall mean the Department of Health;

(5) Whenever the masculine gender is used, it shall be construed to include the feminine, and the singular number shall include the plural when consistent with the intent of the Uniform Licensing Law;

(6) License, licensing, or licensure shall mean permission to engage in a health profession which would otherwise be unlawful in this state in the absence of such permission and which is granted to individuals who meet prerequisite qualifications and allows them to perform prescribed health professional tasks and use a particular title; and

(7) Certificate, certify, or certification, with respect to professions, shall mean a voluntary process by which a statutory, regulatory entity grants recognition to an individual who has met certain prerequisite qualifications specified by such regulatory entity and who may assume or use certified in the title or designation to perform prescribed health professional tasks. When appropriate, certificate shall also mean a document issued by the department which designates particular credentials for an individual.

Sec. 4. That section 71-108, Reissue Revised

Statutes of Nebraska, 1943, be amended to read as follows:

71-108. The name, date and place of birth, location or post office address, school and date of graduation, date of examination and ratings or grades received, and the date of a license or certificate if one is issued of all applicants for examination in the several professions regulated by the Uniform Licensing Law shall be entered in a book kept in the office of the department to be known as the registry record. A separate registry record shall be kept for each profession, the names of applicants in that profession shall be given consecutive numbers, and all other records relating to that application or the license or certificate granted thereunder shall be given the same number. A list shall also be kept of those granted licenses or certificates in the several professions. Applications for a license or certificate shall be upon forms prepared by the department, and the completed applications shall be kept as a part of the permanent files of the department. All applications based on licenses or certificates granted in other states shall be received upon forms prepared by the department and entered in the registry records as nearly as may be in the same form as are those applying for examinations. In addition, the date of a license or certificate and the length of time of practice in the other state shall be given and entered. The data in any or all of such records may be maintained in computer files, placed upon microfilm, or stored in a similar form. All such records, in whatever form, shall be available for public inspection, as defined by rules and regulations of the department. Investigational records, reports, and files of any kind shall not be a public record until such time as formal charges are filed by the department, the Attorney General, or the appropriate county attorney in the manner outlined in the Uniform Licensing Law and may be withheld from disclosure thereafter under section 84-712.05.

Sec. 5. That section 71-110, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-110. (1) The different licenses to practice a profession or certificates shall be renewed biennially, except as provided in sections 71-1,237, 71-1,263, and 71-1,275, upon request of the licensee or certificate holder without examination. The biennial license or certificate renewals provided for in this section shall be accomplished in such manner as the

department, with the approval of the board, shall establish by rule and regulation. The biennial expiration date in the different professions shall be as follows: January, pharmacy and psychology; February, embalming and funeral directing; March, dentistry and dental hygiene; April, podiatry and veterinary medicine and surgery; May, ~~social work~~ and athletic training; June, ~~professional counseling~~ and respiratory care; August, chiropractic and optometry; September, osteopathy; October, medicine and surgery and social work; November, physical therapy; and December, audiology and speech-language pathology and professional counseling. The request for renewal need not be in any particular form and shall be accompanied by the legal fee. Such fee shall be paid not later than the date of the expiration of such license or certificate, except that while actively engaged in the military service of the United States, as defined in the Soldiers' and Sailors' Civil Relief Act of 1940 as amended, persons licensed or certified to practice the professions above named shall not be required to pay the renewal license or certificate fee.

(2) At least thirty days before the expiration of a license or certificate, as set forth in subsection (1) of this section, the department shall notify each licensee or certificate holder by a letter addressed to him or her at his or her last place of residence as noted upon its records. Any licensee or certificate holder who fails to pay the renewal fee on or before the date of expiration of his or her license or certificate shall be given a second notice in the same manner advising him or her (a) of the failure to pay, (b) that the license or certificate 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 renewal fee, together with an additional fee of ten dollars, within that time, no order of revocation will be entered, and (e) that upon the failure to receive the amount then due and ten 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 or certificate holder who allows a license or certificate 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 of examiners for his or her profession and the payment of the regular and additional renewal fees then due.

Sec. 6. That section 71-111, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-111. For the purpose of giving examinations to applicants for license to practice the professions for which a license is required by the Uniform Licensing Law or for the purposes purpose of certification, the Department State Board of Health shall appoint a board of examiners for each of the professions under the Uniform Licensing Law except osteopathy.

Sec. 7. That section 71-112.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-112.03. The purpose of the Beard of Examiners in Medicine and Surgery each board of examiners is to: (1) Provide for the health, safety, and welfare of the citizens; (2) insure that physicians licensees or certificate holders serving the public meet minimum standards of proficiency and competency; and (3) control the field of medicine and surgery their profession in the interest of consumer protection.

Sec. 8. That section 71-113, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-113. (1) Each board of examiners shall consist of four members, including one layperson, except that (a) in audiology and speech-language pathology the board shall consist of five members, including one layperson, (b) in dentistry the board shall consist of eight members, including one layperson, (c) in medicine and surgery the board shall consist of seven members, including one layperson, (d) in pharmacy the board shall consist of five members, including one lay member, and (e) in psychology the board shall consist of six members, including one layperson. Notwithstanding any other provision of law, the Department of Health shall appoint one lay member to each board of examiners set forth in this subsection in accordance with section 71-114-

(2) Membership on the Board of Examiners in Audiology and Speech-Language Pathology shall consist of two members who are audiologists, two members who are speech-language pathologists, and one layperson. All professional members shall be qualified to be licensed in accordance with the Uniform Licensing Law. The professional members appointed to the initial board shall be licensed not later than six months after being appointed to the board. If for any reason a

professional member cannot be licensed within such time period; a new professional member shall be appointed.

(3) Membership in on the Board of Examiners in Social Work shall consist of two certified master social workers, one certified social worker, and one layperson. One of the professional examiners shall also be a member of a racial or cultural minority. Each professional examiner first appointed to the board pursuant to this section shall be a person who is and has been actively engaged in the practice of social work for at least two years immediately preceding his or her appointment to the board and shall be certified not later than six months after being appointed to the board. If for any reason a professional examiner cannot be certified within such a time period; a new professional examiner shall be appointed.

(4) Membership on the Board of Examiners in Athletic Training shall consist of three athletic trainers and one layperson. Each professional member first appointed to the board pursuant to this section shall be a person who is and has been actively engaged in the practice of athletic training for at least two years immediately preceding his or her appointment to the board and shall be licensed not later than six months after being appointed to the board. If for any reason an athletic trainer examiner cannot be licensed within such a time period; a new examiner shall be appointed.

(5) Membership in on the Board of Examiners in Professional Counseling shall consist of two certified professional counselors, one registered counselor, and one layperson. Each counselor examiner first appointed to the board pursuant to this section shall be a person who is and has been actively engaged in the practice of professional counseling for at least two years immediately preceding his or her appointment to the board and shall be certified or registered not later than six months after being appointed to the board. If for any reason a counselor examiner cannot be certified or registered within such a time period; a new counselor examiner shall be appointed.

(6) Membership on the Board of Examiners in Respiratory Care Practice shall consist of two respiratory care practitioners, one physician, and one layperson. Each respiratory care practitioner examiner first appointed to the board pursuant to this section shall be a person who is and has been actively engaged in the practice of respiratory care for at least two years immediately preceding his or her appointment to

the board and shall be licensed not later than six months after being appointed to the board. If for any reason a respiratory care practitioner examiner cannot be licensed within such a time period, a new examiner shall be appointed.

(7) Two of the six professional members of the Board of Examiners in Medicine and Surgery shall be officials or members of the instructional staff of an accredited medical school in this state.

(8) Two of the seven professional members of the Board of Examiners in Dentistry shall be officials or members of the instructional staff of an accredited school or college of dentistry in this state.

Sec. 9. That section 71-114, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-114. (1) Except as provided in subsection subsections (4) and (6) of this section, every professional examiner member of a board of examiners shall be and have been actively engaged in the practice of his or her profession in the State of Nebraska, under a license or certificate issued in this state, for a period of five years just preceding his or her appointment, except for the members of boards of examiners for professions coming within the scope of the Uniform Licensing Law for the first time and for a period of five years thereafter. Examiners Members appointed during such period shall be required to meet the minimum qualifications for licensure in the profession in this state and shall, insofar as possible, meet the requirements as to years of practice in this state otherwise provided by this section.

(2) A lay member of a board of examiners shall be of the age of legal majority and shall have been a resident of the State of Nebraska for at least five years immediately prior to appointment to the board. Such a lay member shall never serve in a capacity to judge professional competence and shall be a representative of consumer viewpoints.

(3) Each member of the Board of Examiners in Audiology and Speech-Language Pathology shall have been a resident of the State of Nebraska for at least one year immediately prior to appointment and shall also have been engaged in rendering services to the public in audiology or speech-language pathology for at least three years immediately prior to appointment.

(4) The requirement of five years of experience shall apply to members of the Board of Examiners of Psychologists, except that up to two of the

five years may have been served in teaching or research.

(5) All professional members of boards of examiners appointed to an initial board shall be licensed within six months after being appointed to the board or within six months after the date by which members of the profession must be licensed, whichever is later. If for any reason a professional member is not licensed within such time period, a new professional member shall be appointed.

(6) Each professional member of a board of examiners first appointed to the Boards of Examiners in Social Work, Athletic Training, Professional Counseling, and Respiratory Care Practice, respectively, shall be a person who is and has been actively engaged in the practice of social work, athletic training, professional counseling, or respiratory care, respectively, for at least two years immediately preceding his or her appointment to the board and shall be licensed, certified, or registered, as appropriate, within six months after being appointed or within six months after members of the profession must be licensed, certified, or registered, whichever is later. If for any reason a professional member cannot be licensed, certified, or registered, as appropriate, within such time period, a new professional member shall be appointed.

Sec. 10. That section 71-115.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-115.01. The Department of Health department shall adopt and promulgate rules and regulations which establish definitions of conflicts of interest for members of the Board of Examiners in Medicine and Surgery boards of examiners specified in section 71-112 and which establish procedures in the case such a conflict arises.

Sec. 11. That section 71-116, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-116. (1) The members of each board of examiners shall be residents of the State of Nebraska and shall be appointed for a term of five years. No member shall be appointed for or serve for more than two consecutive full five-year terms.

(2) The members of the Board of Examiners in Dentistry shall be appointed as follows: As of December 1, 1971, one member shall be appointed for a term of five years and one member shall be appointed for a term of three years; as of December 1, 1972, one member shall be appointed for a term of three years; as of December

1, 1973, one member shall be appointed for a term of three years; as of December 1 of each year thereafter, two members shall be appointed for a term of five years; as of December 1, 1979, one member who is a duly licensed dental hygienist and complies with ~~sections~~ section 71-114 and ~~71-115~~ shall be appointed for a term of five years; and as of December 1, 1984, one lay member shall be appointed for a term of five years. The dental hygienist member shall have full voting rights, except in matters pertaining to the initial or continuing licensure or competency of a duly licensed practitioner of dentistry. Thereafter successors with like qualifications shall be appointed for five-year terms. ~~No member shall be appointed for or serve for more than two consecutive full five-year terms.~~

(3) The members of the Board of Examiners in Medicine and Surgery shall be appointed as follows: Within thirty days after May 25, 1943, five members shall be appointed, one of whom shall hold office until December 1, 1944, one until December 1, 1945, one until December 1, 1946, one until December 1, 1947, and one until December 1, 1948; upon the expiration of such terms, successors shall be appointed for terms of five years each. Within thirty days after October 19, 1963, a sixth member, who shall be a person eligible for appointment to the Board of Examiners in Osteopathy who also has a license to practice medicine and surgery in the State of Nebraska, shall be appointed for a term expiring on December 1, 1968. As of December 1, 1984, one lay member shall be appointed for a term of five years. Thereafter successors with like qualifications shall be appointed for five-year terms. Upon the expiration of the five-year term of such sixth member of the board after April 19, 1986, his or her eligible successor shall be a person who has a license to practice osteopathic medicine in the State of Nebraska.

(4) The members of the Board of Examiners in Audiology and Speech-Language Pathology shall consist of two audiologists, two speech-language pathologists, and one lay member and shall be appointed as follows: Within sixty days after July 22, 1978, four members shall be appointed, two of whom shall hold office until December 1, 1979, and two until December 1, 1980. As of December 1, 1984, one lay member shall be appointed for a term of five years. Upon the expiration of such terms the successors shall be appointed for terms of five years each. ~~No member shall be appointed for or serve for more than two consecutive five-year terms.~~

(5) As of December 1, 1983, the The Board of

Examiners in Pharmacy shall be composed of five members, including four actively practicing pharmacists, one of whom practices within the confines of a hospital, and a lay member who is interested in the health of the people of Nebraska, and is of the age of majority. The members of the Board of Examiners in Pharmacy shall be appointed as follows: As of December 1, 1983, the hospital pharmacist member shall be appointed for a term of five years and the lay member shall be appointed for a term of three years. Upon the expiration of such terms and the terms of existing members, all the successors shall be appointed for terms of five years each.

(6) The members of the Board of Examiners of Psychologists appointed as successors to the members serving on February 25, 1984, shall be appointed for terms of five years. The terms of members serving on February 25, 1984, are hereby extended to December 1 of the year in which they would otherwise expire.

(7) The term of each examiner member provided for in this section shall commence on the first day of December following the expiration of the term of the member whom such person succeeds and shall be rotated in such a manner that no more than one examiner shall retire during any year in which a term expires unless the number of members on a board makes it impractical to do so.

(8) Except as otherwise specifically provided, the members of boards for professions coming under the scope of the Uniform Licensing Law for the first time shall be appointed within thirty days after the effective or operative date, whichever is later, of the act providing for licensing or certification of the profession, the terms of the initial board members to be as follows: One member shall hold office until December 1 of the third year, one until December 1 of the fourth year, and two, including the lay member, until December 1 of the fifth year following the year in which the act providing for licensing or certification of the profession became effective.

Sec. 12. That section 71-118, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-118. The Department State Board of Health shall have power to remove from office at any time any member of a board of examiners, after a public hearing pursuant to the provisions of Chapter 84, article 9, for physical or mental incapacity to carry out the duties of a board member, for continued neglect of duty, for

incompetency, for acting beyond the individual member's scope of authority, for malfeasance in office, for any cause for which a professional license or certificate in the profession involved may be suspended or revoked under the provisions of section 71-147, 71-148, or 71-1,101, or for a lack of licensure or certification in the profession involved.

Sec. 13. That section 71-125, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-125. Any person desiring to take the examination for a license or certificate to practice a profession shall make application to the department at least thirty days prior to examination on a form provided by the department and sworn to by the applicant. Such application shall be accompanied by the examination fee and such documents and affidavits as are necessary to show the eligibility of the candidates to take such examination. All applications shall be in accordance with the rules and regulations of the department. Applicants graduating from accredited professional schools less than thirty days preceding the date set for their examination may file their application, accompanied by a statement from one authorized to speak, that the applicant has completed and successfully passed any examinations and in due time will receive a diploma. Upon the payment of the applicable fee, the application may thereupon be received, but before ~~taking the examination; the applicant~~ an applicant can be licensed, he or she shall file a photostatic copy of his or her diploma or official transcript which shows that he or she has graduated.

Sec. 14. That section 71-138, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-138. (1) All question and answer papers or sheets or photostatic or other copies of such question and answer papers or sheets, connected with any examination for a license or certificate, shall be filed with the department and preserved for two years as a part of its records or, whenever national standardized examinations governed by security considerations are utilized, they shall be available from the developing testing service for a period of two years, during which time such answer papers or sheets shall be open to inspection by an applicant, by the dean of his or her college or training school, or by any other proper representative of such college or training school as

determined by rules and regulations which the department may adopt and promulgate. Any national standardized machine graded or computer scored machine-graded or computer-scored examination questions or answers which are protected by security agreements, copyright provisions, or departmental or state contractual agreements for use shall not be required to be on file with the department, but shall be available for a period of two years, upon demand, from any testing service utilized, at the discretion of the department or upon order of a court of competent jurisdiction.

(2) The department may adopt and promulgate rules and regulations to provide for the review of procedures, for the development, and administration of examinations and to protect the security of the content of examination questions and answers, in the examination review. The department shall not enter into an agreement to adopt an examination from a national testing service without first obtaining from that service detailed documentation of the process of examination development and maintenance.

Sec. 15. That section 71-147, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-147. A license or certificate to practice a profession may be denied, refused renewal, limited, revoked, or suspended, or have other disciplinary measures taken against it in accordance with section 71-155 when the applicant, licensee, or certificate holder is guilty of any of the following acts or offenses: (1) Fraud, forgery, or misrepresentation of material facts, in procuring or attempting to procure a license or certificate; (2) grossly immoral or dishonorable conduct evidencing unfitness or lack of proficiency sufficient to meet the standards required for practice of the profession in this state; (3) habitual intoxication or dependency on or addiction to the use of alcohol or habituation or dependency on or addiction to the use of any kind of controlled substance or narcotic drug; (4) conviction of a felony under state law, federal law, or the law of another jurisdiction and which, if committed within this state, would have constituted a felony under state law and which has a rational connection with the applicant's, licensee's, or certificate holder's fitness or capacity to practice the profession; (5) practice of the profession (a) fraudulently, (b) beyond its authorized scope, (c) with manifest incapacity, or (d) with gross incompetence or gross negligence; (6) practice of the profession while

the ability to practice is impaired by alcohol, controlled substances, narcotic drugs, physical disability, mental disability, or emotional disability; (7) physical or mental incapacity to practice the profession as evidenced by a legal adjudication or a determination thereof by other lawful means; (8) permitting, aiding, or abetting the practice of a profession or the performance of activities requiring a license or certificate by a person not licensed or certified to do so; (9) the denial, refusal of renewal, limitation, suspension, or revocation of a license or the taking of other disciplinary measures in accordance with section 71-155 against such individual by another state or jurisdiction to practice the particular profession involved, based upon acts by the applicant, licensee, or certificate holder similar to acts described in this section, a certified copy of the record of denial, refusal of renewal, limitation, suspension, or revocation of a license or the taking of other disciplinary measures against it of the state or jurisdiction taking such action being conclusive evidence thereof; (10) unprofessional conduct, which term includes all acts specified in section 71-148 and such other acts as may be defined in rules and regulations adopted and promulgated by the board of examiners in the profession of the applicant, licensee, or certificate holder with the approval of the department; (11) use of untruthful or improbable statements or flamboyant, exaggerated, or extravagant claims, concerning such licensee's or certificate holder's professional excellence or abilities, in advertisements; (12) conviction of fraudulent or misleading advertising or conviction of a violation of the Uniform Deceptive Trade Practices Act; (13) distribution of intoxicating liquors, controlled substances, or drugs for any other than lawful purposes; (14) willful or repeated violations of the Uniform Licensing Law or the rules and regulations of the department relating to the licensee's or certificate holder's profession, sanitation, quarantine, or school inspection; (15) unlawful invasion of the field of practice of any profession mentioned in the Uniform Licensing Law which the licensee or certificate holder is not licensed or certified to practice; ~~or~~ (16) failure to comply with sections 71-604 and 71-605 relating to the signing of birth and death certificates; or (17) acts or offenses for which disciplinary measures may be taken against a registration for controlled substances under sections 28-401 to 28-445. A license

or certificate to practice a profession may also be refused renewal or revoked when the licensee or certificate holder is guilty of practicing such profession while his or her license or certificate to do so is suspended or is guilty of practicing such profession in contravention of any limitation placed upon his or her license or certificate.

This section shall not apply to revocation for nonpayment of renewal fees as set out in section 71-110.

Sec. 16. That section 71-148, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-148. For the purpose of section 71-147, unprofessional conduct shall include any of the following acts: (1) Solicitation of professional patronage by agents or persons, popularly known as cappers or steerers, or profiting by the acts of those representing themselves to be agents of the licensee or certificate holder; (2) receipt of fees on the assurance that a manifestly incurable disease can be permanently cured; (3) division of fees, or agreeing to split or divide the fees, received for professional services with any person for bringing or referring a patient; (4) obtaining any fee for professional services by fraud, deceit, or misrepresentation including, but not limited to, falsification of third-party claim documents; (5) cheating on or attempting to subvert the licensing or certification examination; (6) assisting in the care or treatment of a patient without the consent of such patient or his or her legal representative; (7) the use of any letters, words, or term or terms, either as a prefix, affix, or suffix, on stationery, in advertisements, or otherwise, indicating that such person is entitled to practice a system or mode of healing for which he or she is not licensed or certified; (8) performing, procuring, or aiding and abetting in the performance or procurement of a criminal abortion; (9) willful betrayal of a professional secret; (10) making use of any advertising statements of a character tending to deceive or mislead the public; (11) advertising professional superiority or the performance of professional services in a superior manner; (12) advertising to guarantee any professional service or to perform any operations, painlessly; (13) the performance by a physician of an abortion, as defined in subdivision (1) of section 28-326, under circumstances when he or she will not be available for a period of at least forty-eight hours for postoperative care unless such postoperative care is delegated to and accepted by

another physician; (14) performing an abortion upon a minor without having satisfied the notice requirements of section 28-347; and (15) failure of a professional counselor to abide by section 71-1,272.

Sec. 17. That section 71-149, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-149. The Director of Health shall have jurisdiction of proceedings to deny the application of an applicant or refuse renewal of, limit, revoke, suspend, or, in accordance with section 71-155, take other disciplinary measures against the license of any licensee or certificate of any certificate holder practicing under the Uniform Licensing Law. When any licensee or certificate holder ~~shall fail~~ fails to pay renewal fees, as provided in section 71-110, within thirty days after they become due as provided in such section, the license or certificate of such person shall be automatically revoked at the expiration of thirty days after the same became due, without further notice or hearing, and the director shall make proper record of such revocation. For any other cause than the nonpayment of renewal fees, a petition for the refusal of renewal, limitation, revocation, or suspension of or, in accordance with section 71-155, the taking of other disciplinary measures against a license or certificate ~~may shall~~ be filed: (1) By the Attorney General in all cases; (2) by the county attorney of the county in which the licensee resides or has practiced; or (3) in medicine and surgery, by the Commission on Medical Qualifications or any similar commission with reference to other professions as defined in section 71-102. The petition shall be filed in the office of the Director of the Bureau of Examining Boards of the department or with some other person designated by its director.

Sec. 18. That section 71-162, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-162. (1) The following fees shall be collected by the department and turned in to the state treasury as is now provided by law:

(a) Not less than fifty dollars nor more than three hundred dollars for a license issued on the basis of an examination given by the appropriate state or national board of examiners or on the basis of a license granted by another state or territory to practice dental hygiene, athletic training, respiratory care, embalming, physical therapy, dentistry, podiatry, optometry, pharmacy, chiropractic, audiology, speech-language

pathology, or funeral directing and for a license to practice psychology issued on the basis of such an examination or foreign license, one hundred dollars plus actual costs incurred in issuing the license, as determined by the department, except that the total fee shall not exceed four hundred dollars;

(b) Not less than twenty dollars nor more than four hundred dollars for the biennial renewal of a license to practice medicine and surgery, osteopathy, or any of the professions enumerated in subdivision (a) of this subsection;

(c) For a license to practice medicine and surgery and osteopathy issued upon the basis of an examination given by the board of examiners, three hundred dollars, and this may be adjusted by the department upon recommendation of the Board of Examiners in Medicine and Surgery to cover necessary expenses;

(d) For a license to practice medicine and surgery and osteopathy issued without examination based on a license granted in another state, territory, or the District of Columbia, two hundred dollars, and this may be adjusted by the department upon recommendation of the Board of Examiners in Medicine and Surgery to cover necessary expenses;

(e) For a certificate as a certified professional counselor, not to exceed two hundred fifty dollars nor less than one hundred twenty-five dollars. The fee for a certificate as a registered counselor shall not exceed one hundred dollars nor be less than twenty-five dollars. The fee for renewal of a certificate as a certified professional counselor shall not exceed one hundred seventy-five dollars nor be less than one hundred dollars. The fee for renewal of a certificate as a registered counselor shall not exceed seventy-five dollars nor be less than twenty dollars. The fee for certification by reciprocity shall not exceed two hundred fifty dollars nor be less than one hundred twenty-five dollars;

(f) For a certificate as a certified master social worker, not to exceed two hundred twenty-five dollars nor less than one hundred dollars. The fee for a certificate as a certified social worker shall not exceed one hundred seventy-five dollars nor be less than one hundred dollars. The fee for renewal of a certificate as a certified master social worker shall not exceed one hundred seventy-five dollars nor be less than one hundred dollars. The fee for renewal of a certificate as a certified social worker shall not exceed one hundred fifty dollars nor be less than

seventy-five dollars. The fee for certification by reciprocity shall not exceed two hundred dollars nor be less than one hundred dollars;

(g) For a certified statement that a licensee or certificate holder is licensed or certified in this state, five dollars, and for verification that a licensee or certificate holder is licensed or certified in this state, two dollars; and

(h) For a duplicate original license or certificate, five dollars, except that for a duplicate license to practice psychology the fee shall be ten dollars.

All money paid as license, certificate, and renewal fees shall be kept in a separate fund to be used for the benefit of the profession so paying such fees.

(2) The department, upon the recommendation of the appropriate examining board, shall determine the exact fee to be charged for a license or license renewal or certificate or certificate renewal in each profession enumerated in subdivisions (1)(a), (b), (e), and (f) of this section based on the administrative costs incurred by the board. Such board may provide differing rates for licenses issued on the basis of an examination and licenses issued on the basis of a license from another state or territory.

Sec. 19. That section 71-195, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-195. (1) An applicant for a license as an embalmer shall file with the department an application, upon a form prepared by the department, presenting satisfactory proof that the applicant is of good moral character and has earned the equivalent of sixty semester hours of college credit, which shall include the equivalent of (a) six semester hours of English, (b) six semester hours of accounting, (c) eight semester hours of chemistry, (d) twelve semester hours of a biological science, and (e) six semester hours of psychology or counseling.

(2) The applicant for a license as an embalmer shall also present proof to the department that he or she has completed the following training in embalming:

(a) A full course of instruction in an embalming college of the type referred to in section 71-196 and approved by the board;

(b) Twelve months of service as a student embalmer under the instruction and supervision of a regularly licensed embalmer practicing in the State of Nebraska; and

(c) Has embalmed arterially twenty-five bodies under the direction of such licensed embalmer. Supervision shall require direct oversight or the easy availability of the supervising embalmer.

(3) When the applicant has satisfied the department that he or she either has the qualifications mentioned in subdivision (2)(a) of this section or has completed all but the final semester of a full course of instruction in an embalming college of the type referred to in section 71-196 which is approved by the board, the applicant shall be eligible to take an a written examination prescribed approved by the board, consisting of questions on the subjects of embalming, anatomy, chemistry, pathology, bacteriology, hygiene, and such other subjects as may be recommended by the board and approved by the department. The board may adopt a national standardized examination to constitute all or part of such examination. The applicant shall pass such examination before beginning his or her twelve-month or final six-month service as a student embalmer under the instruction and supervision of an embalmer licensed and practicing in Nebraska. When the applicant has satisfied the department that he or she has the qualifications mentioned in subsection (2) of this section and also the qualifications set out in the Uniform Licensing Law relating to applicants for examination in general, the applicant may present himself or herself before the board of examiners for a written jurisprudence and vital statistics examination and for examination upon such other subjects as may be recommended by the board and approved by the department. The passing score for the examinations required under this section shall be set by rules and regulations adopted and promulgated by the department upon recommendation of the board.

Sec. 20. That section 71-198, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-198. Before beginning his or her twelve-month or each six-month service as a student embalmer, an applicant shall register with the department on a form provided by the department for that purpose. The fee for registration with the department as a student embalmer shall be set by the department at not less than twenty dollars nor more than one hundred dollars based on administrative costs. The applicant shall have completed thirty-nine of the required sixty hours required in subsection (1) of section 71-195. The applicant may complete the twelve-month service as a

student embalmer in the following manner:

(1) By registering with the department and serving six months of his or her service as a student embalmer, then attending embalming college as required in section 71-195, and after successfully completing the written examination of embalming required by such section, by completing the final six months of the required service as a student embalmer. Both six-month service periods as a student embalmer shall be under the instruction and supervision of an embalmer licensed and practicing in the State of Nebraska; or

(2) By completing embalming college, and successfully passing the written examination on the subject of embalming as required in section 71-195, then registering with the department as a student embalmer and serving twelve months of service as a student embalmer under the instruction and supervision of an embalmer licensed and practicing in the State of Nebraska.

The applicant shall present himself or herself to the board of examiners for a written examination in the subjects of jurisprudence, vital statistics forms completion, and such other subjects as may be recommended by the board and approved by the department, within thirty-six months of the date of registration as a student embalmer if the applicant elects to complete his or her twelve-month service as prescribed in subdivision (1) of this section and twenty-four months if the applicant elects to complete his or her twelve-month service as prescribed in subdivision (2) of this section.

The department may, on the recommendation of the board, adopt and promulgate rules and regulations to provide additional guidelines for student embalmers in embalming and to further regulate the registration and training of such students.

Sec. 21. That section 71-1,107.23, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,107.23. The board, with the concurrence of the department, may limit, deny, suspend, or revoke the certificate of approval to supervise a physician assistant held by any physician when it finds that sections 71-1,107.15 to 71-1,107.30 or any of the rules and regulations adopted and promulgated by the board thereunder are not being complied with. In cases of failure to pay the required fees, denial shall be automatic. Any limitation, denial, suspension, or revocation shall be subject to review pursuant to

Chapter 84, article 9.

If the supervision of a physician assistant is terminated by the physician or physician assistant, the physician shall notify the department of such termination. A physician who thereafter assumes a responsibility for such supervision shall obtain a certificate of approval to supervise a physician assistant from the department prior to the use of the physician assistant in the practice of medicine.

Sec. 22. That section 71-1,132.07, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,132.07. (1) There is hereby established a board, to be known as the Board of Nursing, which shall consist of seven registered nurse members, two practical nurse members, and one nonvoting consumer member, all of whom shall be appointed by the Governor. The present members of the board shall serve as members of ~~said~~ the board until the expiration of their respective terms or until their successors have been appointed. The registered nurses on the board shall be from the following areas: (a) One practical nurse educator; (b) one associate degree nurse educator; (c) one diploma nurse educator; (d) one baccalaureate nurse educator; (e) two nursing service administrators; and (f) one staff nurse. All congressional districts shall be equally represented by the voting members on the board, and each member shall have been a bona fide resident of the congressional district from which he or she is appointed for a period of at least one year prior to the time of the appointment of such member.

(2) The initial term of office for members of the board shall be as follows: (a) One registered nurse shall be appointed for one year; (b) one registered nurse shall be appointed for two years; (c) two registered nurses shall be appointed for four years; (d) one licensed practical nurse shall be appointed for two years; and (e) one licensed practical nurse shall be appointed for four years. On expiration of the terms of the initial board members, the term of all board members shall be four years. ~~On November 17 1975; and thereafter at~~

(3) At the expiration of the term of any member, the Governor may consult with appropriate professional nursing organizations regarding candidates for appointment. Appointments shall be made on or before December 1 of each year. Vacancies occurring on the board shall be filled for the unexpired terms by appointments made by the Governor. No individual shall

serve more than two consecutive terms on the board. The Governor may remove any member from the board as provided in Article IV, section ~~12~~ 10, of the Constitution of the State of Nebraska.

(4) The department shall adopt and promulgate rules and regulations which establish definitions of conflicts of interest for members of the board and which establish procedures in the case such a conflict arises.

Sec. 23. That section 71-1,132.14, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,132.14. The applicant shall be required to pass a written examination in such subjects as the board may determine. The department, based upon dates provided by the board, shall give public notice of the time and place of all examinations required by this act. Such notice shall be given not later than thirty days prior to the date of examination. The department shall have a registered nurse representative at all such examinations who shall be responsible for the details of the examination. Upon the applicant's passing such examination, the department, upon the recommendation of the board, shall issue to the applicant a license to practice nursing as a registered nurse or as a licensed practical nurse. The department may adopt and promulgate rules and regulations to provide for the review of procedures for the development and administration of examinations and to protect the security of the content of examination questions and answers. The department shall not enter into an agreement to adopt an examination from a national testing service without first obtaining from that service detailed documentation of the process of examination development and maintenance.

Sec. 24. That section 71-1,136.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,136.03. The Board of Examiners in Optometry, with the approval of the Department of Health, may adopt and promulgate such rules and regulations as may be reasonable and proper for the purpose of administering such provisions of sections ~~71-112-04~~, 71-134.01, and 71-1,133 to 71-1,136.02, as properly fall within the jurisdiction of the board.

Sec. 25. That section 71-1,147.09, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,147.09. The Department of Health, upon the recommendation of the board, is hereby authorized to

adopt and promulgate rules and regulations:

(1) For the enforcement of sections 71-1,142, 71-1,143, and 71-1,147 to 71-1,147.14;

(2) To establish minimum requirements regarding adequate facilities for the safe storage of narcotic drugs and other drugs requiring refrigeration or other special storage;

(3) For equipment, facilities, and utilities for the prescription department;

(4) To establish minimum standards governing sanitation, orderliness, cleanliness, library requirements, ventilation, and prescription and other record keeping;

(5) To establish minimum standards governing the definition and application of computers or other electronic record systems in pharmacy;

(6) To establish minimum standards for the practice of nuclear pharmacy; and

(7) To establish minimum standards for the dispensing of drugs or medicinal substances in unit-dose or unit-of-use containers; and

(8) To establish minimum standards for compounding and dispensing sterile parenteral products.

The minimum standards and requirements for the practice of pharmacy and for public or private hospital pharmacies licensed by the Department of Health shall be consistent with and no more or less stringent than the minimum requirements and standards established by the department under sections 71-2017 to 71-2029.

Sec. 26. That section 71-1,158, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,158. Any person desiring a license to practice veterinary medicine and surgery in this state shall make written application to the board. The application shall show that the applicant is twenty-one years of age or more, a graduate of an accredited veterinary school, and a person of good moral character, and such other information and proof as the board may require by rule and regulation. The application shall be accompanied by a fee of not less than ~~fifty~~ seventy-five dollars nor more than ~~seventy-five~~ two hundred dollars, the amount of such fee to be determined by a rule or regulation adopted and promulgated by the department with the approval of the board.

If the board determines that the applicant possesses the proper qualifications, ~~it~~ the board shall admit the applicant to the next examination, or if the applicant is eligible for a license without examination

under the provisions of section 71-1,160, the board may forthwith recommend that he or she be issued a license. If an applicant is found not qualified to take the examination or for a license without examination, the board shall immediately notify the applicant in writing of such finding and the grounds therefor. An applicant found unqualified may require request a hearing on the question of his or her qualification under the procedure set forth in section 71-1,165. Any applicant who is found not qualified shall be allowed the return of his or her application fee, less the state's share of fifteen per cent contributed to the General Fund.

Sec. 27. That section 71-1,175, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,175. Notwithstanding any other provision of law, an approved animal technician may perform veterinary medical assistance when he or she renders such assistance under the supervision of a licensed veterinarian approved by the board, except that no approved animal technician shall perform animal diagnosis, injection of rabies vaccine, the prescribing of treatment, or any surgical procedures. A satellite office staffed by an approved veterinary technician ~~is~~ shall be prohibited.

Sec. 28. That section 71-1,178, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,178. (1) The board shall formulate guidelines for the consideration of applications by a licensed ~~veterinarian or veterinarians~~ or license-exempt veterinarians to supervise approved animal technicians. Any application made by a veterinarian ~~or veterinarians~~ shall include all of the following:

(a) The qualifications, including related experience, of the approved animal technician intended to be employed;

(b) The professional background of the veterinarian; and or veterinarians; and

(c) A description by the veterinarian of his or her; ~~or veterinarians of their~~; practice and the way in which the approved technician ~~or technicians~~ will be utilized.

(2) The board shall approve an application by a licensed veterinarian to supervise an approved animal technician when the board is satisfied that (a) the proposed technician is a graduate of an approved program as determined by the board, (b) the proposed technician is fully qualified to perform veterinary medical

assistance under the responsible supervision of a licensed veterinarian, and (c) animal health shall will be adequately protected by the arrangement proposed in the application.

(3) If the supervision of an animal technician is terminated by the veterinarian or animal technician, the veterinarian shall notify the department of such termination. A veterinarian who thereafter assumes the responsibility for such supervision shall obtain a certificate of approval to supervise an animal technician from the department prior to the use of the animal technician in the practice of veterinary medicine.

Sec. 29. That section 71-1,183, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,183. (1) A fee of five dollars shall accompany the annual application to the board by a veterinarian or group of veterinarians for authorization to supervise an approved animal technician.

(2) Upon approval by the board of an application for certification of an approved animal technician, the animal technician applicant shall be charged a fee of five dollars, and a fee of five dollars shall accompany each yearly application for renewal of the approved animal technician certificate.

(3) All fees received shall be expended in the administration of sections 71-1,168 to 71-1,185 for approved animal technicians, and otherwise used as provided in subsection (4) of section 71-1,156-

Sec. 30. That section 71-1,195.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,195.02. The Department of Health department shall adopt and promulgate guidelines for the approval of an application by a licensed audiologist or speech-language pathologist to supervise communication aides. If the applicant meets such guidelines, he or she shall be approved as a supervising audiologist or speech-language pathologist. The department, whenever necessary for the protection of the public health and safety, may require such information from the licensed audiologist or speech-language pathologist as is necessary to determine if the communication aide will be properly utilized and supervised.

If the supervision of a communication aide is terminated by an audiologist or speech-language pathologist or by a communication aide, the audiologist or speech-language pathologist shall notify the

department of such termination. An audiologist or speech-language pathologist who thereafter assumes the responsibility for such supervision shall obtain a certificate of approval to supervise a communication aide from the department prior to the use of the communication aide in the practice of audiology or speech-language pathology.

Sec. 31. That section 71-1,256, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,256. After May October 1, 1987, no person may represent himself or herself as a social worker unless he or she is certified to practice social work pursuant to sections 71-1,244 to 71-1,264, except that nothing in such sections shall be construed to prevent:

(1) Qualified members of other professions, including, but not limited to, licensed physicians, registered or licensed practical nurses, attorneys, marriage and family therapists, psychologists, psychotherapists, vocational guidance counselors, school psychologists, members of the clergy, court employees, or other persons licensed or certified under Chapter 71, article 1, from doing work consistent with the scope of practice of their respective professions, except that such qualified members shall not hold themselves out to the public by title as being engaged in the practice of social work; or

(2) The activities and services of a student or intern in social work practice who is pursuing a course of study in an approved educational program if the activities and services constitute a part of his or her supervised course of study or experience for certification and are performed under the supervision of a certified master social worker and the person is identified by an appropriate title as a social work student or intern.

Sec. 32. That section 71-1,260, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,260. (1) Upon payment of the fee provided in section 71-162 and the provision of evidence to the board of his or her professional education, training, experience, and qualifications to practice certified master social work, a certificate to practice as a certified master social worker shall be issued without examination to any applicant who (a) applies to the department for a certificate by May October 1, 1987, (b) satisfies the board that he or she has had at least

three thousand hours of experience in the practice of social work, in addition to the master's or doctorate degree, and (c) satisfies the educational requirements established in subsection (1) of section 71-1,258.

(2) Upon payment of the fee provided in section 71-162 and the provision of evidence to the board of his or her professional education, training, experience, and qualifications to practice certified social work, a certificate to practice as a certified social worker shall be issued to any applicant who (a) applies to the department for a certificate by May October 1, 1987, and satisfies the educational requirements of subsection (2) of section 71-1,258 on July 17, 1986, or (b) provides evidence to the board that he or she has been actually engaged in the practice of social work at least twenty hours per week for at least three of the seven years prior to July 17, 1986. For purposes of this subsection, actual engagement in the practice of social work may include (i) services and activities provided under the direct supervision of a person with at least a master's degree in social work from an approved educational program, (ii) services and activities for which a baccalaureate degree in social work or in a related field of study is required, or (iii) services and activities which are classified by title or description of duties and responsibilities as social work practice. An applicant shall submit all materials, as the board or department may require, to determine his or her qualifications for a certificate to practice as a certified social worker and to determine his or her compliance with the requirements of this subsection. Failure to comply with these provisions shall be sufficient grounds to reject an application for a certificate to practice as a certified social worker under subdivision (2)(b) of this section.

Sec. 33. That section 71-1,263, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,263. The initial certificates for certified social workers and certified master social workers shall be renewed on May October 1, 1988, and shall thereafter be renewed on May October 1 of each even-numbered year. The department, on the recommendation of the board, shall set the initial certification fees and the biennial certification fees for certified social workers and certified master social workers pursuant to section 71-162. The department, on the recommendation of the board, shall determine the continuing education requirements for the period May

October 1, 1987, to May October 1, 1988.

Sec. 34. That section 71-1,267, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,267. After ~~June~~ December 1, 1987, no person shall engage in the practice of professional counseling unless he or she is certified or registered for such purpose pursuant to the Uniform Licensing Law, except that nothing in the Uniform Licensing Law shall prevent:

(1) Qualified members of other professions who are licensed, certified, or registered under Chapter 7 or under Chapter 71, articles 1, 13, 17, and 28, from doing work consistent with the scope of practice of their respective professions;

(2) Any person employed by an agency, bureau, or division of the federal government, state government, or any other political subdivision, including agencies formed under the Interlocal Cooperation Act, from discharging his or her official duties, except that if such person engages in the practice of professional counseling in this state outside the scope of such official duty, he or she shall be certified or registered; or

(3) Members of the clergy from engaging in the practice of counseling within the scope of their duties, counselor educators in counselor education programs which are approved by the board, and students who are pursuing a course of study in a program approved by the board if such study is performed under supervision of a certified professional counselor or a counselor educator.

Sec. 35. That section 71-1,271, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,271. Upon payment of the fee provided in section 71-162 and the provision of evidence to the board of his or her professional education, training, experience, and qualifications to practice certified professional counseling, a certificate to practice as a certified professional counselor shall be issued without examination to any applicant who (1) applies to the department for a certificate by ~~June~~ December 1, 1987, and (2) satisfies the requirements established in subdivisions (1)(a) and (1)(b) of section 71-1,269.

Sec. 36. That section 71-1,275, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,275. Notwithstanding any other provision

in the Uniform Licensing Law, the initial certificate or registration shall be valid for two years and shall expire on June December 1, 1989. Commencing on June December 1, 1989, a certificate or registration shall be renewed on June December 1 of each odd-numbered year. The department, on the recommendation of the board, shall set the initial certification and registration fees and the biennial certification and registration renewal fees for certified professional counselors and registered counselors pursuant to section 71-162.

Sec. 37. That section 71-1327, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1327. (1) An application for a funeral director's license shall be in writing and verified on a form provided by the department. The applicant must be of the age of majority and of good moral character. The applicant for either a funeral establishment or funeral director's license shall not operate an establishment or direct a funeral unless first licensed to do so by the department. The license shall be issued following successful completion of an examination prepared by the Board of Examiners in Embalming and Funeral Directing.

(2) The application for a an initial funeral establishment license shall be accompanied by a fee of thirty dollars. An application for such license shall be in writing and verified on a form provided by the department. The applicant for a funeral establishment license shall be a licensed funeral director. He or she shall be named on the license as manager of the funeral establishment and shall be responsible for all transactions conducted therein. The licensee shall maintain and operate the funeral establishment in accordance with all laws, rules, and regulations relating thereto.

(2) (3) A license to operate a funeral establishment may be granted by the department upon the recommendation of the board. Should the applicant for a funeral establishment license propose to operate more than one establishment, a separate application and fee shall be presented for each separate location.

(3) (4) A funeral establishment desiring to transfer location of operation shall make application therefor on a form provided by the department at least thirty days prior to the designated date of such change in location. The application for transfer shall be accompanied by a fee of fifteen dollars.

(4) A funeral establishment desiring to change its manager shall make application on a form provided by

the department at least fifteen days prior to the designated date of such change. The application shall be accompanied by a fee of fifteen dollars. No license shall be issued by the department until the original license has been surrendered.

Sec. 38. That section 71-1329, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1329. Upon The department shall make or cause to be made such inspections as it may prescribe pursuant to rules and regulations with the approval of the Board of Examiners in Embalming and Funeral Directing. Inspections shall be a condition of licensure and shall be made upon receipt of an application for a funeral establishment license, the Department of Health and Board of Examiners in Embalming and Funeral Directing shall cause an inspection to be made, agreeable to the rules and regulations as established by the department upon the recommendation of the board. The department may subpoena witnesses, administer oaths, and take testimony. Upon proper notice and hearings by the department, the board shall report its findings to the Director of Health, with its recommendation that such application for license shall be granted or refused as the case may be. In no instance shall the recommendation of the board be delayed for more than ninety days following receipt of the application for license, or more than thirty days following the closing of a hearing on such application.

Sec. 39. That section 71-1330, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1330. (1) An application for a funeral director's license shall be in writing and verified on a form provided by the department and shall present satisfactory proof that the applicant is of the age of majority and of good moral character and has completed a two-year course in an accredited college or university consisting of sixty semester hours.

(2) The applicant for a license as a funeral director shall also present proof to the department that he or she (a) has completed a full course of instruction in an accredited college of mortuary science approved by the Board of Examiners in Embalming and Funeral Directing and has assisted in conducting not less than twenty-five funerals under the supervision of a funeral director licensed in the State of Nebraska or (b) has been a licensed funeral director for at least one year in any other state maintaining standards which are equal

to or exceed those of Nebraska.

(3) When the applicant has satisfied the department that he or she has the qualifications mentioned in subdivision (2)(a) of this section or has completed all but the final semester of a full course of instruction in an accredited college of mortuary science, the applicant shall be eligible to take an examination approved by the board. The board may adopt a national standardized examination to constitute all or part of such examination. When the applicant has satisfied the department that he or she has met all qualifications, the applicant may present himself or herself before the board of examiners for a written jurisprudence and vital statistics examination and for examination upon such other subjects as may be recommended by the board and approved by the department. The passing score for examinations shall be set in rules and regulations adopted and promulgated by the department upon recommendation of the board. An examination for a funeral director's license shall be written and shall consist of questions on the subject of mortuary management, sanitary science, mortuary jurisprudence and any subject matter relevant thereto. A grade of seventy-five per cent or more on this written examination shall constitute a passing grade. Each applicant for a funeral director's license must furnish proof satisfactory to the Board of Examiners in Embalming and Funeral Directing as follows-

(1) That he or she has completed a two-year course in an accredited college or university consisting of sixty semester hours, one school year in an accredited college of mortuary science, or holds a Nebraska embalmers license and that he or she has assisted in conducting not less than twenty-five funerals under the supervision of a funeral director licensed in the State of Nebraska or that he or she has been a licensed funeral director for at least one year in any other state maintaining standards which are equal to or exceed those of Nebraska; and

(2) That any funeral establishment that he shall maintain or operate at any time shall be constructed, equipped, and maintained in accordance with all laws, rules and regulations relating thereto-

Sec. 40. That section 71-1333, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1333. The Department of Health department may deny, revoke, or suspend an application for, a license or a currently existing license following proper

hearing by the department; ~~should if~~ the applicant or licensee ~~be is~~ found guilty of any of the following acts or omissions: (1) Conviction of any crime involving moral turpitude; or (2) unprofessional conduct, which is hereby defined to include (a) misrepresentation or fraud in the conduct of the business or profession of a funeral director, (b) false or misleading advertising, (c) solicitation of dead human bodies by the licensee, ~~or~~ his ~~or her~~ agents, assistants, or employees, either prior to or following death, (d) engaging generally in the business of recommending, promotion, selling, or issuing burial contracts, burial certificates, or burial insurance policies, (e) the purchasing of funeral or embalming engagements, or the payment of a commission either directly or indirectly, or offer of payment of such commission, to any agent, assistant, or employee, for the purpose of securing business, (f) gross immorality, (g) aiding or abetting an unlicensed person or persons to practice funeral directing or embalming, (h) using indecent, profane, or obscene language in the presence of a dead human body or within the immediate presence or hearing of the family, relatives, or friends of the deceased prior to the burial of the deceased, (i) soliciting or accepting any remuneration, commission, bonus, or rebate in consideration of the recommending or causing a dead human body to be placed in any crematory, mausoleum, or cemetery, (j) using any casket or part thereof which has previously been used as a receptacle for, or in connection with, the shipment, burial, or other disposition of a dead human body without first identifying such item as used, (k) violations of any state law, municipal ordinance, or any regulation of the department or other body having regulatory powers, relating to the handling, custody, care, or transportation of dead human bodies, (l) fraud or misrepresentation in obtaining a license, (m) refusal to surrender promptly the custody of a dead human body upon request of a person or persons lawfully entitled to the custody thereof, (n) taking undue advantage of a patron or patrons, or being found guilty of fraud, or misrepresentation in the selling of merchandise or service to patrons, ~~or~~ (o) a finding by the board that the applicant or licensee has at any time engaged in the business of funeral directing without a license in violation of any prior or existing law of the State of Nebraska, ~~or~~ (p) such applicant or licensee contracting with or performing any service for an individual, firm, or corporation engaged in the pre-need solicitation or sale of funeral merchandise such as, but

not limited to vaults, easels, markers and related merchandise or service.

Sec. 41. That section 71-2610, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-2610. The State Board of Health shall advise the department regarding:

- (1) Rules and regulations for the government of the Department of Health, including those required pursuant to ~~sections~~ section 71-115.01, ~~to 71-115-03~~;
- (2) The policies of the Department of Health;
- (3) Health needs for the state;
- (4) An educational health program throughout the state; and
- (5) Plans of organization or reorganization of the Department of Health.

All funds rendered available by law, including funds already collected for such purposes, may be used by the department in administering and effecting such purposes.

Sec. 42. That section 71-2701, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-2701. (1) For the purpose of sections 71-2701 to 71-2719 and section 44 of this act:

(a) Persons who shall be deemed to be practicing massage are those who publicly profess to be masseurs and masseuses or who publicly profess to assume the duties incident to the practice of massage;

(b) Practice of massage is defined to be the art of body massage, either by hand or with any mechanical or electrical apparatus, for the purpose of body massaging, reducing, or contouring, and the use of oil rubs, salt glows, hot and cold packs, and cabinet baths; and

(c) Massage establishment shall mean any shop, establishment, or place of business wherein in which all or any one or more of the named subjects, as defined in subdivision (b) of this subsection, ~~(1) of this section~~, are practiced.

(2) The Department of Health shall prescribe such rules as it may deem necessary with reference to the conditions under which the practice of massage shall be carried on, and the precautions necessary to be employed, to prevent the spread of infectious and contagious diseases. The department shall have the power to enforce the provisions of sections 71-2701 to 71-2719 and section 44 of this act and all necessary inspections in connection therewith.

Sec. 43. That section 71-2703, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-2703. A board to be known as the Board of Examiners in Massage, is hereby established under the supervision of the Director of Health. The board shall ~~to~~ consist of three members to be appointed by the Governor. Each member shall be a practicing masseur or masseuse, who has been practicing massage in this state for at least three years prior to his or her appointment. The Nebraska Association of Massage, or its managing board may submit each year to the Governor a list of five persons of recognized ability, who have the qualifications prescribed for the Board of Examiners in Massage. The Nebraska Association of Masseurs may recommend persons to be appointed to such board. Each member of ~~said the~~ board shall be a practicing masseur or masseuse in this state for at least three years prior to his or her appointment. The members of the first board appointed shall serve for five years, four years, and three years, respectively, as appointed and the members appointed thereafter shall serve for five years. The Governor may remove a member for cause. Each board of examiners shall organize annually and select a chairperson, a vice-chairperson, and a secretary from its own membership. A majority of the board shall constitute a quorum. Each member of the board shall receive ~~ten dollars per day~~ a per diem not to exceed thirty dollars as compensation for his or her services only on the days when the board is meeting, and shall be reimbursed for the necessary travel expenses incurred in the discharge of duty as provided in sections 84-306.01 to 84-306.05 for state employees, not to exceed ~~one~~ two thousand dollars per annum. The Board of Examiners in Massage may select one of its members to attend the annual meeting of the convention of the National Organization of Masseurs. The member selected shall receive his or her necessary traveling and hotel expenses in connection with attending such meeting if there are funds available in the fund as provided by section 71-2714. No funds or state money shall be drawn upon to pay the expenses of the administration of sections 71-2701 to 71-2719, and section 44 of this act except money collected as fees. The board shall conduct examinations of applicants for licenses to practice as registered masseurs or masseuses and to determine their educational fitness not less than once each year, or oftener if the board deems it necessary. The examination of applicants for licenses as masseurs shall

include both practical demonstration and a written and oral test, and shall embrace the subjects usually taught in a school of massage and approved by the board.

Sec. 44. The Department of Health shall adopt and promulgate rules and regulations which establish definitions of conflicts of interest for members of the Board of Examiners in Massage and which establish procedures in the case such a conflict arises.

Sec. 45. That section 71-2715, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-2715. At least thirty days before the expiration of his each license as set forth in section 71-2713, the Department of Health 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. Any licensee, who fails to pay the renewal fee on or before the date of ~~the~~ expiration of his or her license, shall be given a second notice in the same manner advising him or her (1) ~~of the~~ of his failure to pay, (2) that ~~his the~~ license on that account has expired, (3) that the department will suspend action for thirty days following the date of expiration, (4) that upon the receipt of the ~~annual~~ renewal fee, together with an additional fee of five ten dollars, within that time, no order of revocation will be entered, and (5) that upon the failure to receive the amount then due and five ten dollars in addition to the regular renewal fee as provided in section 71-2713, an order of revocation will be entered.

Sec. 46. That section 71-2815, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-2815. (1) The department, with the concurrence of the board, shall approve an application by a licensed physical therapist to supervise a physical therapist assistant when the proposed assistant is a graduate of an approved program. All physical therapist assistant applicants shall also successfully pass the written and practical examinations adopted by the board, with the concurrence of the department.

(2) The board shall grant any practicing physical therapist a certificate of approval to supervise not more than two physical therapist assistants. The department may certify as a physical therapist assistant, and furnish a certificate to any person not qualified under subsection (1) of this section, if such person can furnish written evidence to the board that he or she has been employed in the State

of Nebraska for three years within the last five years under the supervision of a physical therapist licensed in Nebraska and such person possesses knowledge and training or a combination of knowledge and training equivalent to that obtained in an approved school. The board may certify persons as physical therapist assistants under this section for eighteen months only after August 24, 1979.

(3) If the supervision of a physical therapist assistant is terminated by a physical therapist or by a physical therapist assistant, the physical therapist shall notify the department of such termination. A physical therapist who thereafter assumes the responsibility for such supervision shall obtain a certificate of approval to supervise a physical therapist assistant from the department prior to the use of the physical therapist assistant in the practice of physical therapy.

Sec. 47. That section 71-2819, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-2819. (1) The department shall establish and collect the following fees:

(a) For an initial application by a physical therapist for approval to supervise a physical therapist assistant, an amount not less than twenty-five nor more than one hundred dollars;

(b) For annual renewal of the approval to supervise a physical therapist assistant, an amount not less than ten nor more than seventy-five dollars;

(c) For an initial application for certification as a physical therapist assistant, an amount not less than seventy-five nor more than one hundred fifty dollars;

(d) For annual renewal of certification as a physical therapist assistant, an amount not less than ten nor more than seventy-five dollars; and

(e) For a duplicate original certificate, five dollars. A fee of twenty-five dollars shall accompany the annual application to the board by a physical therapist or group of physical therapists for authorization to supervise a physical therapist assistant.

(2) Any applicant whose application is rejected shall be allowed the return of his or her fee, except for an administrative charge set by the department of at least ten dollars to be retained by the department. Upon approval by the board of an application for certification of a physical therapist

assistant; the applicant physical therapist assistant shall be charged a fee of twenty-five dollars; and a fee of ten dollars shall accompany each yearly application for renewal of the physical therapist assistant certificate.

(3) The department, upon the recommendation of the board, shall determine the exact fee to be charged based on administrative costs incurred by the board, in the event the physical therapist who has been granted a certificate of approval to supervise a physical therapist assistant terminates such role; reapplication shall be made by the physical therapist assuming the responsibility for the supervision of the physical therapist assistant. Such reapplication shall be made prior to the actual use of the physical therapist assistant in the practice of physical therapy.

(4) All fees received shall be expended (a) for the benefit of the profession of physical therapy, (b) as provided in section 71-162, and (c) for the purpose of administering and enforcing sections 71-2808 to 71-2822.

Sec. 48. That section 71-3705, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-3705. (1) Only persons who meet the educational and experience requirements in subdivision (1) of section 71-3703; shall be eligible for admission to examination for registration as a sanitarian.

(2) Examinations for registration as a sanitarian under sections 71-3701 to 71-3715 shall be administered not less than once each calendar year and at such times and places in this state as may be specified from time to time by the board. Such examinations may be written, oral, or both; and shall include applicable subjects in the field of sanitary science and such other subjects pertinent to the qualifications of sanitarians as the board may prescribe. The examination papers shall not disclose the name of the applicant, but shall be identified by a number assigned by the secretary of the board. The preparation of the examination shall be the responsibility of the board, but the board may use material prepared by recognized examination agencies.

(3) The department may adopt and promulgate rules and regulations to provide for the review of procedures for the development and administration of examinations and to protect the security of the content of examination questions and answers. The department shall not enter into an agreement to adopt an

examination from a national testing service without first obtaining from that service detailed documentation of the process of examination development and maintenance.

(4) A person shall not be registered if he or she fails to meet the minimum grade requirements for examination specified by the board. If an applicant fails to meet such minimum grade requirements in his or her first examination, he or she may be reexamined after a lapse of not less than sixty days at such a place as designated by the board by resubmitting his or her application along with such examination fee as may be set by the board.

(4) (5) The examination papers and records pertaining thereto shall be filed with the secretary of the board and retained for at least one year.

Sec. 49. That section 71-3706, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-3706. The Board of Registration for Sanitarians shall consist of five members appointed by the Governor. Each member shall have been engaged in environmental health for at least ten years and shall have had responsible charge of work for at least five years at the time of his or her appointment. Each member shall be a registered sanitarian. Each member of the board shall receive as compensation not more than twenty-five dollars per day for each day actually spent in traveling to and from and while attending sessions of the board and its committees, and each member shall also receive the necessary expenses incident to the performance of his or her duties as provided by sections 84-306.01 to 84-306.05 for state employees and subject to section 71-3708.01.

The Department of Health shall adopt and promulgate rules and regulations which establish definitions of conflicts of interest for members of the board and which establish procedures in the case such a conflict arises.

Sec. 50. That section 71-4701, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-4701. As used in sections 71-4701 to 71-4719 and sections 51 and 54 of this act, unless the context otherwise requires:

(1) Department shall mean the Department of Health;

(2) License shall mean a license issued by the state under sections 71-4701 to 71-4719 and sections 51

and 54 of this act to hearing aid instrument dispensers and fitters;

(3) Temporary permit shall mean a permit issued while the applicant is in training to become a licensed hearing aid instrument dispenser and fitter;

(4) Board shall mean the Board of Hearing Aid Instrument Dispensers and Fitters;

(5) Hearing aid shall mean any wearable instrument or device designed for or offered for the purpose of aiding or compensating for impaired human hearing and any parts, attachments, or accessories, including earmold, but excluding batteries and cords. A hearing aid shall also be known as a hearing instrument;

(6) Practice of fitting hearing aids shall mean the measurement of human hearing by means of an audiometer or by other means approved by the board solely for the purpose of making selections, adaptations, or sale of hearing aids. The term also includes the making of impressions for earmolds. A dispenser, at the request of a physician or a member of related professions, may make audiograms for the professional's use in consultation with the hard-of-hearing; and

(7) Sell, sale, or dispense shall mean any transfer of title or of the right to use by lease, bailment, or any other contract, excluding (a) wholesale transactions with distributors or dispensers and (b) distribution of hearing aids by nonprofit service organizations at no cost to the recipient for the hearing aid.

Sec. 51. The department shall adopt and promulgate rules and regulations which establish definitions of conflicts of interest for members of the board and which establish procedures in the case such a conflict arises.

Sec. 52. That section 71-4706, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-4706. (1) Application for a license under sections 71-4701 to 71-4719 and sections 51 and 54 of this act shall be made to the department on forms prescribed by the department and shall be accompanied by a fee of ~~thirty~~ to fifty to two hundred dollars as determined by the board. The department shall, without discrimination, issue a license to any person who passes an examination provided for in section 71-4707. The license shall be effective until December 31 of the year in which issued.

(2) Whenever the board determines that another

state or jurisdiction has requirements equivalent to or higher than those in effect pursuant to sections 71-4701 to 71-4719 and sections 51 and 54 of this act and that such state or jurisdiction has a program equivalent to or stricter than the program for determining whether applicants pursuant to sections 71-4701 to 71-4719 and sections 51 and 54 of this act are qualified to fit and sell hearing aids, the department may issue certificates of endorsement to applicants who hold current, unsuspended, and unrevoked certificates or licenses to fit and sell hearing aids in such other state or jurisdiction. No such applicants for certificate of endorsement shall be required to submit to or undergo a qualifying examination, but shall be required to pay fees pursuant to sections 71-4706 and 71-4711. The holder of a certificate of endorsement shall be registered in the same manner as licensees. The fee for an initial certificate of endorsement shall be the same as the fee for an initial license. Fees, grounds for renewal, and procedures for the suspension and revocation of certificates of endorsement shall be the same as for renewal, suspension, and revocation of a license.

Sec. 53. That section 71-4707, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-4707. (1) Any person may obtain a license by successfully passing a qualifying examination if the applicant:

- (a) Is at least twenty-one years of age;
- (b) Is of good moral character;
- (c) Has an education equivalent to a four-year course in an accredited high school; and
- (d) Is free of contagious or infectious disease.

(2) Each applicant for license by examination shall appear at a time and place and before such persons as the department may designate to be examined by means of written and practical tests in order to demonstrate that he or she is qualified to practice the fitting and sale of hearing aids. The applicant shall pay an examination fee of ~~thirty to fifty~~ to two hundred dollars as determined by the board. The examination shall not be conducted in such a manner that college training is required in order to pass. Nothing in this examination shall imply that the applicant ~~shall possess~~ is required to possess the degree of medical competence normally expected of physicians.

(3) The department shall give examinations as

determined by the board, except that a minimum of two examinations shall be offered each calendar year.

Sec. 54. The department may adopt and promulgate rules and regulations to provide for the review of procedures for the development and administration of examinations and to protect the security of the content of examination questions and answers. The department shall not enter into an agreement to adopt an examination from a national testing service without first obtaining from that service detailed documentation of the process of examination development and maintenance.

Sec. 55. That section 71-4708, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-4708. (1) An applicant who fulfills the requirements regarding age, character, education, and health as set forth in subsection (1) of section 71-4707, may obtain a temporary permit upon application to the department. Previous experience or a waiting period shall not be required to obtain a temporary permit.

(2) Upon receiving an application as provided under this section and accompanied by a fee of ~~thirty to fifty to two hundred~~ dollars as determined by the board, the department shall issue a temporary permit which shall entitle the applicant to engage in the fitting and sale of hearing aids for a period of one year. A person holding a valid license shall be responsible for the supervision and training of such applicant and shall maintain adequate personal contact with him or her.

(3) If a person who holds a temporary permit under this section has not successfully passed the licensing examination within twelve months of the date of issuance of the temporary permit, the temporary permit may be renewed or reissued once upon payment of a fee of ~~thirty to fifty to two hundred~~ dollars as determined by the board.

Sec. 56. That section 71-5504, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-5504. The board shall be composed of the Director of Health or his or her designee and eleven members appointed by the Department State Board of Health, six of whom shall be approved licensed physicians experienced in advanced emergency medical care with no more than two from any one of the six emergency medical services regions of the state, one of whom shall be a registered nurse experienced in advanced

emergency medical care, one of whom shall be a ~~physician's~~ physician assistant experienced in advanced emergency medical care, one of whom shall be a consumer, one of whom shall be a certified advanced emergency medical technician-I, a certified advanced emergency medical technician-II, or a certified emergency medical technician-paramedic currently certified in Nebraska, and one of whom shall be the supervisor of an approved service program.

Sec. 57. That section 71-5519, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-5519. Sections 71-5501 to 71-5523 and sections 58 to 60 of this act shall be known and may be cited as the Emergency Medical Technician-Paramedic Act.

Sec. 58. The State Board of Health shall have power to remove from office at any time any member of the board, after a public hearing pursuant to Chapter 84, article 9, for physical or mental incapacity to carry out the duties of a board member, for continued neglect of duty, for incompetency, for acting beyond the individual member's scope of authority, for malfeasance in office, for any cause for which a professional license or certificate in the profession involved may be suspended or revoked, or for a lack of licensure or certification in the profession involved.

Sec. 59. The department may adopt and promulgate rules and regulations to provide for the review of procedures for the development and administration of examinations and to protect the security of the content of examination questions and answers. The department shall not enter into an agreement to adopt an examination from a national testing service without first obtaining from that service detailed documentation of the process of examination development and maintenance.

Sec. 60. The department shall adopt and promulgate rules and regulations which establish definitions of conflicts of interest for members of the board and which establish procedures in the case such a conflict arises.

Sec. 61. That section 71-6108, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-6108. (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.

(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.

(3) The department may adopt and promulgate rules and regulations to provide for the review of procedures for the development and administration of examinations and to protect the security of the content of examination questions and answers. The department shall not enter into an agreement to adopt an examination from a national testing service without first obtaining from that service detailed documentation of the process of examination development and maintenance.

Sec. 62. That section 71-6115, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-6115. (1) There is hereby established the Board of Occupational Therapy Practice. The board shall consist of at least four members appointed by the State Board of Health, all of whom shall be residents of this state. Any statewide association of occupational therapists may submit a list of names of qualified persons from which the State Board of Health may choose members of the Board of Occupational Therapy Practice. Three of the persons appointed shall have been engaged in rendering services to the public, teaching, or research in occupational therapy for at least five years immediately preceding their appointments. Two of the persons appointed shall be occupational therapists and one shall be either an occupational therapist or an occupational therapy assistant and all shall be holders of valid licenses issued under the Occupational Therapy Practice Act during their terms, ~~7~~ except that the members of the initial board shall meet the requirements for licensure pursuant to sections 71-6106 and 71-6107 not later than January 1, 1985. The fourth member shall be a member of the public with an interest in the rights of the consumers of health services. The members of the

board shall be appointed not later than sixty days after July 10, 1984. The members of the board shall serve five-year terms, except that the initial members of the board shall serve as follows: The member of the public shall serve one year and the remaining members shall serve terms of two, three, and four years as the State Board of Health shall designate. The term of each member shall commence on December 1 following the expiration of the preceding term. No person shall serve more than two full consecutive terms on the board. The State Board of Health shall fill any vacancy for an unexpired term in the same manner as the initial appointment. The members shall not receive compensation but shall be reimbursed for their actual expenses incurred while in the performance of their duties in the same manner as state employees pursuant to sections 84-306.01 to 84-306.05. The board shall annually elect a chairperson and such other officers as it deems necessary and shall meet at least once per year or more as the department and board shall determine. Members of the board may be removed from office on the grounds and in the manner provided by section 71-118.

(2) The department shall adopt and promulgate rules and regulations necessary to administer the Occupational Therapy Practice Act. The rules and regulations shall include (a) including definitions of unprofessional conduct and (b) definitions of conflicts of interest for members of the board and procedures in the case such a conflict arises.

Sec. 63. That original sections 44-2848, 71-101, 71-108, 71-110, 71-111, 71-112.03, 71-113, 71-114, 71-115.01, 71-116, 71-118, 71-125, 71-138, 71-147, 71-148, 71-149, 71-162, 71-195, 71-198, 71-1,107.23, 71-1,132.07, 71-1,132.14, 71-1,136.03, 71-1,147.09, 71-1,158, 71-1,175, 71-1,178, 71-1,183, 71-1,195.02, 71-1,256, 71-1,260, 71-1,263, 71-1,267, 71-1,271, 71-1,275, 71-1327, 71-1329, 71-1330, 71-1333, 71-2610, 71-2701, 71-2703, 71-2715, 71-2815, 71-2819, 71-3705, 71-3706, 71-4701, 71-4706 to 71-4708, 71-5504, 71-5519, 71-6108, and 71-6115, Reissue Revised Statutes of Nebraska, 1943, and section 28-405, Revised Statutes Supplement, 1986, and also sections 71-112.04 to 71-112.06, 71-115, 71-115.02 to 71-115.04, 71-1,156, 71-1,159, and 71-1,166, Reissue Revised Statutes of Nebraska, 1943, are repealed.

Sec. 64. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.