

LEGISLATURE OF NEBRASKA  
ONE HUNDRED EIGHTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 291**

Introduced by Cavanaugh, M., 6.

Read first time January 11, 2023

Committee:

1 A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend  
2 sections 38-101 and 38-129, Revised Statutes Cumulative Supplement,  
3 2022; to require implicit bias or diversity, equity, and inclusion  
4 training for certain applicants and credential holders under the  
5 Uniform Credentialing Act; to define a term; to harmonize  
6 provisions; and to repeal the original sections.

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

1 Section 1. Section 38-101, Revised Statutes Cumulative Supplement,  
2 2022, is amended to read:

3 38-101 Sections 38-101 to 38-1,147 and section 3 of this act and the  
4 following practice acts shall be known and may be cited as the Uniform  
5 Credentialing Act:

- 6 (1) The Advanced Practice Registered Nurse Practice Act;
- 7 (2) The Alcohol and Drug Counseling Practice Act;
- 8 (3) The Athletic Training Practice Act;
- 9 (4) The Audiology and Speech-Language Pathology Practice Act;
- 10 (5) The Certified Nurse Midwifery Practice Act;
- 11 (6) The Certified Registered Nurse Anesthetist Practice Act;
- 12 (7) The Chiropractic Practice Act;
- 13 (8) The Clinical Nurse Specialist Practice Act;
- 14 (9) The Cosmetology, Electrology, Esthetics, Nail Technology, and  
15 Body Art Practice Act;
- 16 (10) The Dentistry Practice Act;
- 17 (11) The Dialysis Patient Care Technician Registration Act;
- 18 (12) The Emergency Medical Services Practice Act;
- 19 (13) The Environmental Health Specialists Practice Act;
- 20 (14) The Funeral Directing and Embalming Practice Act;
- 21 (15) The Genetic Counseling Practice Act;
- 22 (16) The Hearing Instrument Specialists Practice Act;
- 23 (17) The Licensed Practical Nurse-Certified Practice Act until  
24 November 1, 2017;
- 25 (18) The Massage Therapy Practice Act;
- 26 (19) The Medical Nutrition Therapy Practice Act;
- 27 (20) The Medical Radiography Practice Act;
- 28 (21) The Medicine and Surgery Practice Act;
- 29 (22) The Mental Health Practice Act;
- 30 (23) The Nurse Practice Act;
- 31 (24) The Nurse Practitioner Practice Act;

- 1 (25) The Nursing Home Administrator Practice Act;
- 2 (26) The Occupational Therapy Practice Act;
- 3 (27) The Optometry Practice Act;
- 4 (28) The Perfusion Practice Act;
- 5 (29) The Pharmacy Practice Act;
- 6 (30) The Physical Therapy Practice Act;
- 7 (31) The Podiatry Practice Act;
- 8 (32) The Psychology Practice Act;
- 9 (33) The Respiratory Care Practice Act;
- 10 (34) The Surgical First Assistant Practice Act; and
- 11 (35) The Veterinary Medicine and Surgery Practice Act.

12 If there is any conflict between any provision of sections 38-101 to  
13 38-1,147 and section 3 of this act and any provision of a practice act,  
14 the provision of the practice act shall prevail except as otherwise  
15 specifically provided in section 38-129.02.

16 Sec. 2. Section 38-129, Revised Statutes Cumulative Supplement,  
17 2022, is amended to read:

18 38-129 (1) No individual shall be issued a credential under the  
19 Uniform Credentialing Act until the individual ~~he or she~~ has furnished  
20 satisfactory evidence to the department that the individual:

21 (a) Is ~~he or she is~~ of good character;

22 (b) Has ~~and has~~ attained the age of nineteen years except as  
23 otherwise specifically provided by statute, rule, or regulation; and -

24 (c) Except as provided in subsection (2) of section 3 of this act,  
25 beginning October 1, 2024, has completed implicit bias or diversity,  
26 equity, and inclusion training as defined in section 3 of this act.

27 (2) A credential may only be issued to (a) a citizen of the United  
28 States, (b) an alien lawfully admitted into the United States who is  
29 eligible for a credential under the Uniform Credentialing Act, (c) a  
30 nonimmigrant lawfully present in the United States who is eligible for a  
31 credential under the Uniform Credentialing Act, or (d) a person who

1 submits (i) an unexpired employment authorization document issued by the  
2 United States Department of Homeland Security, Form I-766, and (ii)  
3 documentation issued by the United States Department of Homeland  
4 Security, the United States Citizenship and Immigration Services, or any  
5 other federal agency, such as one of the types of Form I-797 used by the  
6 United States Citizenship and Immigration Services, demonstrating that  
7 such person is described in section 202(c)(2)(B)(i) through (x) of the  
8 federal REAL ID Act of 2005, Public Law 109-13. Such credential shall be  
9 valid only for the period of time during which such person's employment  
10 authorization document is valid.

11 Sec. 3. (1) Except as provided in subsection (2) of this section,  
12 beginning with the first credential renewal period which begins on or  
13 after October 1, 2024, every person holding a credential under the  
14 Uniform Credentialing Act shall annually complete implicit bias or  
15 diversity, equity, and inclusion training.

16 (2) This section and subdivision (1)(c) of section 38-129 do not  
17 apply to persons credentialed to engage in the practice of asbestos  
18 abatement, inspection, project design, and training; athletic training;  
19 body art; cosmetology; electrology; esthetics; funeral directing and  
20 embalming; hearing instrument dispensing and fitting; lead-based paint  
21 abatement, inspection, project design, and training; nail technology;  
22 radon detection, measurement, and mitigation; or veterinary medicine and  
23 surgery or to a registered environmental health specialist.

24 (3)(a) For purposes of this section, implicit bias or diversity,  
25 equity, and inclusion training means a program designed to increase  
26 awareness of prejudices or partialities, provide tools that facilitate  
27 positive interpersonal and intergroup interaction, reduce prejudice and  
28 discrimination, and afford all individuals the opportunity to interact  
29 fully and effectively in medical settings, thereby reducing inequitable  
30 health treatments and outcomes.

31 (b) The department may approve implicit bias training or diversity,

1 equity, and inclusion training provided by a national or state medical  
2 association to qualify as implicit bias training under this section.

3       Sec. 4.   Original sections 38-101 and 38-129, Revised Statutes  
4 Cumulative Supplement, 2022, are repealed.