

Health and Human Services Committee
LB 859
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Jenifer Roberts-Johnson, Deputy Director
Division of Public Health
Department of Health and Human Services

Good afternoon Senator Campbell and members of the Health and Human Services Committee. My name is Jenifer Roberts-Johnson (J-E-N-I-F-E-R R-O-B-E-R-T-S-(hyphen)-J-O-H-N-S-O-N). I am the Deputy Director of the Public Health Division of the Department of the Health and Human Services. I would like to thank Senator Campbell for introducing LB 859 for the Department.

LB 859 will modify the Uniform Credentialing Act to change provisions relating to cease and desist orders to bring Nebraska into compliance with a recent U.S. Supreme Court decision.

In February 2015, the U.S. Supreme Court decided *North Carolina State Bd. Of Dental Examiners v. FTC* relating to an action by a state regulatory board. The Court ruled that a cease and desist letter sent by the North Carolina Board of Dental Examiners to unlicensed individuals practicing dentistry violated federal antitrust law because the Board was not “actively supervised” by the State. Current Nebraska law also authorizes Nebraska professional licensing boards to issue cease and desist orders without “active supervision” by the Department of Health and Human Services. This legislative proposal would amend statutes in the Uniform Credentialing Act (Neb. Rev. Stat. 38-140) related to cease and desist orders from Nebraska licensing boards to prevent violations of federal antitrust law.

LB 859 provides that the Department will issue a cease and desist order with the recommendation of the appropriate board. The Department has met with the Nebraska Medical Association and the Attorney General’s office on this legislative proposal. They are in agreement with this change in the Uniform Credentialing Act.

I appreciate this opportunity to testify before you today. I believe this bill will help DHHS continue our mission of helping people live better lives. I am happy to answer any questions you may have.