

LB 421
Health and Human Services Committee
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Good afternoon, Senator Campbell and members of the Health and Human Services Committee. My name is Dr. Joseph Acierno (J-O-S-E-P-H-A-C-I-E-R-N-O), Deputy Chief Medical Officer, Division of Public Health, Nebraska Department of Health and Human Services. I am testifying in a neutral capacity since we fully support the concept that licensing procedures should be clear and non-cumbersome for everyone, including persons who are currently serving in the military or are leaving military service. However, we have some technical concerns.

For example, requiring the State of Nebraska to authorize a person who has “an expired credential” to “practice temporarily in order to obtain a current credential” raises a public protection concern, particularly when there is no timeline stated as to how long the credential has been expired. Currently, the Uniform Credentialing Act (UCA) provides a quick pathway to re-activate an expired license without requiring the State to endorse someone’s practicing on an invalid license. This pathway is:

1. The license can be reinstated upon meeting the renewal requirements.
2. The renewal requirements for most professions and occupations consist of attesting to the acquisition of continuing competency which consist of continuing education and paying a fee.
3. The continuing competency requirement may be waived when the person has served in the regular armed forces of the United States during part of or all of the credentialing period, which for most professions is 24-month preceding the renewal date (38-146 (2)).

I believe this example clearly demonstrates that LB 421 is not needed.

I also want to point out some technical concerns with the language of LB 421:

1. The language of Section 1, subpart (vi), lines 20 through 23 on page 2 duplicates provisions that are found currently in the 33 Practice Acts for the various professions and occupations. These existing statutory provisions allow the Department to issue credentials based on credentials from other jurisdictions. The Department has sent to Senator McGill a listing of each of these statutes and we would be glad to provide that to the members of the Health and Human Services Committee.
2. The language of Section 1, subpart (vii), lines 24 and 25 on page 2 and lines 1 through 3 on page 3 reflects what we believe is ill-advised public policy since it places the State in a position of knowingly authorizing a person to practice a profession on an expired license. Current statutes allow for the issuance of **temporary licenses** in some professions under certain conditions. I will share with you some examples:
 - A person who has not practiced nursing for 500 hours during the five years preceding the date of application for a Nebraska license must take a refresher

course. Such person is issued a temporary license to complete the clinical portion of the course. Upon successful completion, the person is issued a full practice license.

- A person who has a license to practice psychology in another State, has met Nebraska's educational and experiential requirements, but needs to take the Nebraska-board developed examination can be issued a temporary license to practice up to one-year.
- A person who has not practiced medicine or maintained continuing competency for two-years preceding the date of application for a Nebraska license may be issued a **re-entry license**. This license, while not called a temporary is somewhat similar. It authorizes the person to work with supervised practice while regaining clinical skills; it is valid for one year; and it may be renewed for up to two additional years. This statute was just passed into law in 2011.

I believe these examples represent better public policy than that which is proposed by LB 421.

In closing, I would submit that Nebraska does not have a problem with licensing military people. This assertion is based on the following factors:

1. Nebraska statutes already accommodate military persons in that they can renew their licenses without paying a renewal fee or meeting continuing competency requirements.
2. Nebraska is one of the easiest and least expensive states in which to obtain a license as indicated by:

First, the number of persons who hold Nebraska licenses to practice medicine and surgery are distributed across the United States and across the world, with particular concentration in areas where military installations are located (show maps);

Second, between April and December 2012, Nebraska renewed 1,109 licenses to person who were in active military service, of which 999 were doctors and 109 were nurses; and

Third, new licenses are timely issued, on average, within one to two days following the date all the requirements are met.

Thanks for listening to my comments and I would be happy to respond to any questions.