

FAQs Related to Executive Order 22-04

Criminal Background Checks

Q: How does EO 22-04 change the national criminal background check process?

A: Applicants in all professions that require a national criminal background check will continue to submit fingerprints to the Nebraska State Patrol. Applicants for licensure in professions recently added to Neb. Rev. Stat. 38-131 by passage of LB 752 (2022) (Audiologists, Speech-Language Pathologists, Licensed Independent Mental Health Practitioners, Occupational Therapists, and Occupational Therapy Assistants) will not be able to have the national criminal background check processed until the Federal Bureau of Investigation (FBI) approves Nebraska's statutory language. In the meantime for the professions that are new to the national criminal background check requirement, the Nebraska State Patrol will process a state criminal background check using fingerprints submitted by the applicant, and DHHS will continue to query the Nebraska Data Exchange Network (NDEN) to determine whether an applicant has a history of misdemeanor or felony convictions. Applicants for licensure as Audiologists, Speech-Language Pathologists, Occupational Therapists, Occupational Therapy Assistants, and Licensed Independent Mental Health Practitioners must pay a fee of \$15.50 for the state criminal background check. Applicants in all other professions that require a national criminal background check must pay the fee of \$45.25 for the national criminal background check.

Q: Which professions are required to submit fingerprints to the Nebraska State Patrol when applying for an initial license?

A: The following professions are required to submit fingerprints to the Nebraska State Patrol:

- Registered Nurse (RN)
- Licensed Practical Nurse (LPN)
- Physical Therapist (PT)
- Physical Therapy Assistant (PTA)
- Psychologist
- Advanced Emergency Medical Technician (AEMT)
- Emergency Medical Technician (EMT)
- Audiologist
- Speech-Language Pathologist (SLP)
- Licensed Independent Mental Health Practitioner (LIMHP)
- Occupational Therapist (OT)
- Occupational Therapy Assistant (OTA)
- Paramedic
- Professions Authorized to Prescribe Controlled Substances:
 - o Physician (MD)

- Osteopathic Physician (DO)
- Temporary Educational Permit (TEP)
- Temporary Visiting Faculty Permit (TVFP)
- Physician Assistant (PA)
- Dentist (DDS, DMD)
- Optometrist (OD)
- Podiatrist (DPM)
- Veterinarian (DVM)
- Advanced Practice Registered Nurse – Nurse Practitioner (APRN-NP)
- Advanced Practice Registered Nurse – Certified Nurse Midwife (APRN-CNM)
- Advanced Practice Registered Nurse – Certified Registered Nurse Anesthetist (APRN-CRNA)

Q: What is the state criminal background check?

A: For the professions that cannot currently be processed through FBI, the NSP will perform a state criminal background check using fingerprints submitted by the applicant. As part of the application review process, DHHS will continue to query the Nebraska Data Exchange Network (NDEN) for all professions to determine whether an applicant has a history of misdemeanor or felony convictions.

Q: How long will it take to process the state criminal background checks?

A: State criminal background checks performed by the Nebraska State Patrol are estimated to be processed within 7-10 business days. Querying NDEN is a standard part of DHHS application processing and will not add to application processing time.

Q: Will I be charged an additional fee for the state criminal background check?

A: Applicants for licensure as Audiologists, Speech-Language Pathologists, Occupational Therapists, Occupational Therapy Assistants, and Licensed Independent Mental Health Practitioners must pay a fee of \$15.50 for the state criminal background check. When a national criminal background check is available, applicants for licensure as Audiologists, Speech-Language Pathologists, Occupational Therapists, Occupational Therapy Assistants, and Licensed Independent Mental Health Practitioners will be notified by DHHS and may submit a second set of fingerprints and a fee of \$45.25 to the Nebraska State Patrol to have a national criminal background check processed to be eligible to participate in the respective licensure compact.

Q: How will EO 22-04 impact participation in a licensure compact for Audiologists, Speech-Language Pathologists, Occupational Therapists, Occupational Therapy Assistants, and Licensed Independent Mental Health Practitioners?

A: Licenses for these professions that are issued under EO 22-04 will not be eligible to participate in the respective licensure compact until a national criminal background check can be completed. DHHS will notify licensees when a national criminal background check is available.