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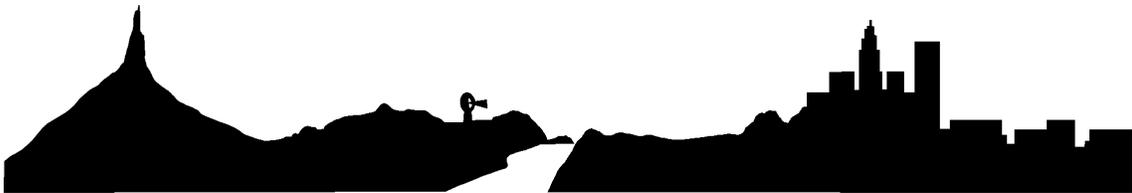
STATE OF NEBRASKA

TITLE 172 CHAPTER 180

Regulations Governing the Practice of

VETERINARY MEDICINE AND SURGERY

NEBRASKA HEALTH AND HUMAN SERVICES SYSTEM



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TITLE 172 PROFESSIONAL AND OCCUPATIONAL LICENSURE

CHAPTER 180 PRACTICE OF VETERINARY MEDICINE AND SURGERY

180-001 AUTHORITY: These regulations apply to licensure of veterinarians and veterinary technicians as defined by Neb. Rev. Stat. §§71-1,152.01 to 71-1,166 and the Uniform Licensing Law.

180-002 DEFINITIONS

Accredited school or college of veterinary medicine and surgery means a school or college which conforms to the standards required for accreditation by the American Veterinary Medical Association (AVMA) and is approved by the Department, upon recommendation of the Board.

Act means Neb. Rev. Stat. §§71-1,152.01 to 71-1,166, known as the Nebraska Veterinary Practice Act.

Approved continuing education means courses, clinics, forums, lectures, training programs or seminars that pertain to veterinary medicine and surgery or veterinary technology, and are approved by the Board.

Approved continuing competency means activities that ensure the maintenance of knowledge and skills necessary to competently practice veterinary medicine and surgery; the utilization of new techniques based on scientific and clinical advances; and the promotion of research to assure expansive and comprehensive services to the public. The activities must meet the criteria for approval established by the Board to be recognized for licensure renewal.

Approved program means a program in veterinary technology for the education of technicians, accredited by the American Veterinary Medical Association (AVMA), as approved by the Board.

Approved program that determines educational equivalence means a program to determine educational equivalence in veterinary medicine and surgery which issues certificates based on specific standards indicating that the holder of such a certificate has demonstrated knowledge and skill equivalent to that possessed by a graduate of an accredited college of veterinary medicine. Such programs include the American Veterinary Medical Association Education Commission for Foreign Veterinary Graduates (AVMA ECFVG), the American Association of Veterinary State Boards Program for the Assessment of Veterinary Education Equivalence (AAVSB PAVE); or another entity that maintains the same standards for determining educational equivalence as the AVMA ECFVG or the AAVSB PAVE.

Attest/Attestation means that the individual declares that all statements on the application/petition are true and complete.

Board means the Board of Veterinary Medicine and Surgery.

Completed application means an application with all of the information requested on the application filled in, the signature of the applicant verified, fees and all required documentation submitted.

Department means the Department of Health and Human Services Regulation and Licensure.

Direct supervision means that the supervisor is on the premises and is available to the veterinary technician or unlicensed assistant who is treating the animal and the animal has been examined by a veterinarian at such times as acceptable veterinary practice requires consistent with the particular delegated animal health care task.

Director means the Director of Regulation and Licensure or the Chief Medical Officer if one has been appointed pursuant to Neb. Rev. Stat. §81-3201, for performance of the duties set out in that statute.

Examination means the National Board Examination, the Clinical Competency Test, and the North American Veterinary Licensing Examination.

Hour means a period of 50 minutes of formal instruction, otherwise known as a "contact hour."

Immediate supervision means that the supervisor is on the premises and is in direct eyesight and hearing range of the animal and the veterinary technician or unlicensed assistant who is treating the animal and the animal has been examined by a veterinarian at such times as acceptable veterinary practice requires consistent with the particular delegated animal health care task.

Inactive status means the voluntary termination of the right or privilege to practice veterinary medicine and surgery. The licensee retains the right or privilege to represent himself/herself as having an inactive license.

Indirect supervision means that the supervisor is not on the premises but is easily accessible and has given written or oral instructions for treatment of the animal and the animal has been examined by a veterinarian at such times as acceptable veterinary practice requires consistent with the particular delegated animal health care task.

Lapsed status means the voluntary termination of the right or privilege to represent oneself as a licensed person and to practice veterinary medicine and surgery.

Licensed veterinarian means a person who is validly and currently licensed to practice veterinary medicine and surgery in this state.

Licensed veterinary technician means a veterinary technician who is validly and currently licensed as a veterinary technician in this state. Only a licensed veterinary technician may advertise or offer his/her services in a manner calculated to lead others to believe that s/he is a veterinary technician.

NAC means the Nebraska Administrative Code, the system for classifying State agency rules and regulations. These regulations are 172 NAC 180.

Official transcript means issued by and under the original seal of the educational institution.

Provider means an institution or individual that presents continuing education programs to licensees and may request approval from the Department of those programs.

Surgery means the treatment, through revision, destruction, incision, closure or other structural alteration of animal tissue.

Supervisor means a licensed veterinarian or licensed veterinary technician as required by statute or rule or regulation for the particular delegated task being performed by a veterinary technician or unlicensed assistant.

Unlicensed assistant means an individual who is not a veterinarian or a veterinary technician who is working in veterinary medicine.

Verified means sworn to before a Notary Public.

Veterinarian means a person who has received a doctor's degree in veterinary medicine from an accredited school of veterinary medicine or its equivalent.

180-003 REQUIREMENTS FOR ISSUANCE OF A LICENSE: Any person, except those listed in Neb. Rev. Stat. §71-1,155, who wishes to practice and/or represent himself/herself as a veterinarian must be licensed as a veterinarian. The criteria for issuance of a license and the documentation required by the Department and the Board are set forth below.

180-003.01 Licensure of a Veterinarian

180-003.01A Procedures for Licensure as a Veterinarian by Examination: An applicant for a license to practice veterinary medicine and surgery on the basis of an examination must:

1. Meet one of the following requirements regarding education:
 - a. Have graduated from an accredited school or college of veterinary medicine and surgery; or
 - b. Hold a certificate issued by an approved program that determines educational equivalence indicating that the applicant has demonstrated knowledge and skill equivalent to that possessed by a graduate of an accredited school or college of veterinary medicine and surgery.
2. Meet the following requirements regarding examination:
 - a. Pass the National Board Examination (NBE) with a converted score of at least 70 and the Clinical Competency Test (CCT) with a converted score of at least 70 within the last five years, which are

administered by the National Board of Veterinary Medical Examiners (NBVME); or

- b. Pass the North American Veterinary Licensing Examination (NAVLE) given by the NBVME with a converted score of at least 70 within the last five years;
3. Pass the Nebraska Jurisprudence Examination which relates to the statutes that govern veterinary medicine and surgery with an average score of at least 70;
 4. Have good moral character and have attained at least the age of 21 years; and
 5. Submit to the Department:
 - a. An application for a license to practice veterinary medicine and surgery which includes the following information. The application may be submitted on a form provided by the Department or on an alternate format. Only applications which are complete will be considered;
 - (1) Personal information: legal name, date of birth, Social Security Number, place of birth, mailing address, telephone number (optional), and permanent address;
 - (2) Education: name and location of high school completed and date completed, name and location of pre-veterinary college and date completed, name and location of veterinary college and date of graduation; if your veterinary college is not accredited, indicate that you are having official documentation of your Educational Equivalence Certificate forwarded to this office;
 - (3) Indicate whether you are applying by examination or reciprocity.
 - (4) Indicate that you have contacted the Veterinary Information Verification Agency (VIVA) to forward your NBE and CCT or your NAVLE scores to Nebraska.
 - (5) All applicants must respond to the following questions by answering yes or no. If the answer is yes to any question, explain the circumstances and outcome.
 - (a) Have you ever been convicted of a felony or misdemeanor?
 - (b) Have you ever been denied a license or the right to take an examination?

- (c) Has your veterinary license in any state ever been suspended, revoked, limited, placed on probation or disciplined in any manner?
 - (d) Have you ever voluntarily surrendered or limited in any way a license issued to you by a licensing or disciplinary authority?
 - (e) Have you ever been requested to appear before any licensing agency?
 - (f) Have you ever been notified of any charges or complaints filed against you by any licensing or disciplinary authority or criminal prosecution authority?
 - (g) Are you aware of any pending disciplinary actions against your license in any jurisdiction?
 - (h) Are you aware of any on-going investigations of a disciplinary complaint against your license in any jurisdiction?
 - (i) Have you ever been addicted to, dependent upon or chronically impaired by alcohol, narcotics, barbiturates, or other drugs which may cause physical and/or psychological dependence?
 - (j) During the past ten years, have you voluntarily entered or been involuntarily admitted to an institution or health care facility for treatment of a mental or emotional disorder/condition?
 - (k) During the last ten years, have you been diagnosed with or treated for bipolar disorder, schizophrenia, or any psychotic disorder?
 - (l) Have you ever been denied a Federal Drug Enforcement Administration (DEA) Registration or state controlled substances registration?
 - (m) Have you ever been called before any licensing agency or lawful authority concerned with DEA controlled substances?
 - (n) Have you ever surrendered your state or federal controlled substances registration?
 - (o) Have you ever had your state or federal controlled substances registration restricted in any way?
 - (p) Have you ever been notified of any malpractice claim against you?
 - (q) Has any action or proceeding of a civil nature ever been brought against you concerning care or treatment of an animal, regardless of whether or not such action or proceeding was ultimately withdrawn, dismissed, settled or resulted in a judgement?
- (6) Indicate whether or not you have ever been licensed as a veterinarian in another state, province or jurisdiction. List all states, provinces and jurisdictions where you have been or are currently licensed, and include license number and expiration date.

- (7) Notarized statement from the applicant that s/he is of good moral character and that the statements on the application are true and complete.
- b. An official transcript from an accredited school or college of veterinary medicine and surgery showing graduation from the school or college, or official documentation of a certificate issued by an approved program that determines educational equivalence;
 - c. Official documentation of the scores obtained on the NBE and the CCT; or the NAVLE;
 - d. A completed Nebraska Jurisprudence Examination;
 - e. The required licensure fee; and
 - f. A copy of birth certificate, marriage license, driver's license or other valid verification of age.

180-003.01B The Department will act within 150 days upon all completed applications for licensure.

180-003.01C Procedures for Licensure As A Veterinarian By An Applicant Who Is Licensed As A Veterinarian In Another Jurisdiction:

180-003.01C1 May apply by examination if s/he has passed the NBE with a converted score of at least 70 and the CCT with a converted score of at least 70 within the last five years, or the NAVLE with a converted score of at least 70 within the last five years and must meet the requirements in 172 NAC 180-003.01A; or

180-003.01C2 Must apply by reciprocity if s/he has not passed the NBE with a converted score of at least 70 and the CCT with a converted score of at least 70 within the last five years, or the NAVLE with a converted score of at least 70 within the last five years and must meet the following requirements:

- 1. Meet one of the following requirements regarding education:
 - a. Have graduated from an accredited school or college of veterinary medicine and surgery; or
 - b. Hold a certificate issued by an approved program that determines educational equivalence indicating that the applicant has demonstrated knowledge and skill equivalent to that possessed by a graduate of an accredited school or college of veterinary medicine and surgery.
- 2. Pass one of the following examinations administered by the NBVME:

- a. The NBE with a converted score of at least 70; or
 - b. The NAVLE with a converted score of at least 70.
3. Pass the Nebraska Jurisprudence Examination which relates to the statutes that govern veterinary medicine and surgery with an average score of at least 70;
 4. Be duly licensed in another state or territory of the United States or the District of Columbia which maintains standards regulating the profession equal to those maintained in this State;
 5. Have been in the active and continuous practice of veterinary medicine and surgery in another state or territory of the United States or the District of Columbia for at least one year of the three years immediately preceding the date of application for Nebraska license; or, have been in an accepted residency or graduate training program for at least one year of the three years immediately preceding the date of application for Nebraska license;
 6. Have good moral character and have attained at least the age of 21 years; and
 7. Submit to the Department:
 - a. An application for a license to practice veterinary medicine and surgery which includes the following information. The application may be submitted on a form provided by the Department, or on an alternate format. Only applications which are complete will be considered.
 - (1) All information as listed in 172 NAC 180-003.01A item 5.a;
 - (2) Indicate the name and address of agency issuing initial license, date issued, initial license number and expiration date. Indicate the name of the written state examination you took and a statement of the topics covered by this examination;
 - (3) Indicate whether or not you have been in the active and continuous practice of veterinary medicine and surgery in another state or territory of the United States or the District of Columbia for at least one year of the three years immediately preceding the date of application for Nebraska license; or, have been in an accepted residency or graduate training program for at least one year of the three years immediately preceding the date of application for Nebraska license. Give name of facility, address and dates of locations where you have been actively engaged in the practice of veterinary

- medicine and surgery or were in an accepted residency or graduate training program;
- (4) Indicate that you have requested certification of your initial veterinary medicine and surgery license sent to Nebraska;
- b. An official transcript from an accredited school or college of veterinary medicine and surgery showing graduation from the school or college or official documentation of a certificate issued by an approved program that determines educational equivalence;
- c. Official documentation of the scores obtained on the NBE or the NAVLE;
- d. A completed Nebraska Jurisprudence Examination;
- e. The required licensure fee;
- f. A copy of birth certificate, marriage license, driver's license or other valid verification of age; and
- g. The following documentation from the licensing agency of the jurisdiction where the applicant was initially licensed:
- (1) A certification that the applicant is duly licensed, that his/her license was based on an examination, that his/her license has never been suspended, or revoked, or disciplined in any manner and that so far as the record of the agency is concerned, the applicant is entitled to its endorsement;
- (2) The nature of disciplinary actions, if any, taken against the applicant's license. -
- h. Documentation that the applicant has been actively engaged in the practice of veterinary medicine and surgery in another state or territory of the United States or the District of Columbia for at least one of the three years immediately preceding the date of application for Nebraska license; or, has been in an accepted residency or graduate training program for at least one of the three years immediately preceding the date of the application for Nebraska license.
8. The Board reviews the documents submitted to determine if the applicant's license issued by the other jurisdiction was based upon requirements which are comparable to those maintained in veterinary medicine and surgery in Nebraska and will recommend to the Department to issue or deny the license.

180-003.01D The Department will act within 150 days upon all completed applications for licensure.

180-003.01E When a license will expire within 180 days after its initial issuance date, the Department will collect one-fourth of the initial licensing fee, and the license will be valid until the next subsequent renewal date.

180-003.02 Licensure of a Veterinary Technician

180-003.02A All persons who are certified as approved animal technicians on the date of July 13, 2000 by the standards set under Neb. Rev. Stat. §§71-1,168 to 71-1,185 as such sections existed prior to such date will be licensed as veterinary technicians.

180-003.02B Procedures for licensure as a veterinary technician: An applicant for licensure as a veterinary technician must:

1. Have attained at least the age of 19;
2. Have good moral character; and
3. Meet the following requirements:
 - a. Have graduated from an AVMA accredited veterinary technician program and pass the Veterinary Technician National Examination (VTNE) with a score not less than the recommended passing score as determined by the examination service approved by the Board; or
 - b. Have at least five years or more full-time experience working with a veterinarian prior to July 13, 2000; be employed by a veterinarian on the date of July 13, 2000; and pass the VTNE no later than July 13, 2003, with a score not less than the recommended passing score as determined by the examination service approved by the Board.
2. Submit to the Department:
 - a. An application which includes the following information. The application may be on a form provided by the Department, or on an alternate format. Only applications which are complete will be considered;
 - (1) Personal information: legal name, date of birth, Social Security Number, place of birth, mailing address, telephone number (optional), and permanent address;
 - (2) Education: name and location of high school completed and date completed, name and location of approved veterinary technician program, if applicable, and date completed;

- (3) All applicants must respond to the following questions by answering yes or no. If the answer is yes to any question, explain the circumstances and outcome.
 - (a) Have you ever been convicted of a felony or misdemeanor?
 - (b) Have you ever been denied a certificate/license or the right to take an examination?
 - (c) Has your certificate/license in any state ever been suspended, revoked, limited, placed on probation or disciplined in any manner?
 - (d) Have you ever voluntarily surrendered or limited in any way a certificate/license issued to you by a licensing or disciplinary authority?
 - (e) Have you ever been requested to appear before any licensing agency?
 - (f) Have you ever been notified of any charges or complaints filed against you by any licensing or disciplinary authority or criminal prosecution authority?
 - (g) Are you aware of any pending disciplinary actions against your certificate/license in any jurisdiction?
 - (h) Are you aware of any on-going investigations of a disciplinary complaint against your certificate/license in any jurisdiction?
 - (i) Have you ever been addicted to, dependent upon or chronically impaired by alcohol, narcotics, barbiturates, or other drugs which may cause physical and/or psychological dependence?
 - (j) During the past ten years, have you voluntarily entered or been involuntarily admitted to an institution or health care facility for treatment of a mental or emotional disorder/condition?
 - (k) During the last ten years, have you been diagnosed with or treated for bipolar disorder, schizophrenia, or any psychotic disorder?
 - (l) Has any action or proceeding of a civil nature ever been brought against you concerning care or treatment of an animal, regardless of whether or not such action or proceeding was ultimately withdrawn, dismissed, settled or resulted in a judgement?_
- b. Notarized statement from the applicant that s/he is of good moral character and that the statements on the application are true and complete.
- c. If applying according to the requirements delineated in 172 NAC 180-003.02B item 1.a.:
 - (1) An official transcript from an accredited program in veterinary technology showing graduation from the program;

- (2) Official documentation of score obtained on the VTNE.
- d. If applying according to the requirements delineated in 172 NAC 180-003.02B item 1.b.:
 - (1) Affidavit from veterinarian verifying employment of applicant by the veterinarian in profession of veterinary medicine on July 13, 2000 and dates applicant worked with the veterinarian;
 - (2) Verification that applicant has at least five years or more full-time experience working with a veterinarian prior to July 13, 2000;
 - (3) Official documentation of score obtained on the VTNE.
- e. Evidence that s/he has attained the age of 19; and
- f. The required licensure fee.

180-003.02C The Department will act within 150 days upon all completed applications for licensure.

180-003.02D When a license will expire within 180 days after its initial issuance date, the Department will collect \$25, and the license will be valid until the next subsequent renewal date.

180-003.02E No person may practice veterinary technology in the state who is not a licensed veterinary technician. The Nebraska Veterinary Practice Act will not be construed to prohibit a person who is a regular student in a school of veterinary technology from performing duties or actions assigned by his/her instructors or from working under the direct supervision of a licensed veterinarian during a school vacation period.

180-004 STANDARDS OF SUPERVISION FOR DELEGATED HEALTH CARE TASKS

180-004.01 The following tasks may be performed only by a licensed veterinary technician under the direction, supervision and control of a veterinarian licensed to practice in Nebraska, provided the veterinarian makes a physical examination of the patient treated.

180-004.01A Immediate supervision:

- 1. Dental extraction not requiring sectioning of a tooth or the resectioning of bone;
- 2. Assist veterinarian in surgery by tissue handling and instrument handling.

180-004.01B Direct supervision:

- 1. Induction of anesthesia;
- 2. Euthanasia;

3. Blood or blood component collection, preparation and administration for blood transfusions;
4. Dental procedures limited to the following procedures only:
 - a. Removal of calculus, soft deposits, plaque, and stains;
 - b. Smoothing, filing, and polishing of teeth;
 - c. Flotation or dressing of equine teeth.

180-004.01C Indirect supervision:

1. Perform preliminary physical examination;
2. Obtain history regarding an animal patient;
3. Client education;
4. Administration and application of treatments, drugs, oxygen therapy, medications and immunological agents by parenteral and injectable routes (subcutaneous, intramuscular, intraperitoneal, and intravenous), except when in conflict with government regulations;
5. Initiation of parenteral fluid administration;
6. Intravenous catheterizations;
7. Radiography including settings, positioning, processing and safety procedures;
8. Electrocardiogram (EKG);
9. Collection of urine by expression, cystocentesis, or catheterization;
10. Collection and preparation of tissues, cellular, or microbiological samples by skin scraping, impressions, or other non-surgical methods, except when in conflict with government regulations;
11. Routine laboratory test procedures;
12. Supervision of the handling of biohazardous waste materials;
13. Application of bandages and wound management;
14. Patient vital sign monitoring.

180-004.02 The following tasks may be performed by unlicensed veterinary assistants under the direction, supervision and control of a veterinarian or veterinary technician licensed to practice in Nebraska, provided the veterinarian makes a physical examination of the patient treated.

180-004.02A Immediate Supervision:

1. Assist veterinarian in surgery by tissue handling and instrument handling.

180-004.02B Direct Supervision:

1. Assist with the following radiology procedures:
 - a. Patient positioning;
 - b. Operation of x-ray machine after obtaining training in radiation safety as required by 180 NAC 6-010.03 item 4.
2. Administer crystalloid fluid therapy through an established IV catheter;
3. Collection of blood specimens;

4. Patient vital sign monitoring.

180-004.02C Indirect supervision:

1. Collection of voided urine specimens;
2. Collection of fecal specimens;
3. Perform automated blood tests or commercial ELISA tests;
4. Obtain history regarding an animal patient;
5. Perform preliminary physical examination;
6. Client education;
7. Administration and application of treatment and drugs, medications and immunological agents by topical, oral, rectal, intramuscular and subcutaneous injectable routes, except when in conflict with government regulations.

180-004.03 Under conditions of emergency, a licensed veterinary technician or unlicensed veterinary assistant may render the following life-saving aid and treatment:

1. Application of tourniquets and/or pressure bandages to control hemorrhage;
2. Administration of pharmacological agents and parenteral fluids must only be performed after direct communication with a licensed veterinarian and the veterinarian is either present or enroute to the location of the distressed animal;
3. Resuscitative procedures;
4. Application of temporary splints or bandages to prevent further injury to bones or soft tissues;
5. Application of bandages, appropriate wound dressings and external supportive treatment in severe wound and burn cases;
6. External supportive treatment in heat prostration cases.

180-004.04 Licensed veterinary technicians or unlicensed veterinary assistants are not permitted to do any of the following:

1. Make a diagnosis or prognosis;
2. Prescribe any treatment, drugs, medications or appliances;
3. Perform surgery;
4. Administer Rabies vaccine.

180-005 EXAMINATION ELIGIBILITY

180-005.01 To be eligible to take the North American Veterinary Licensing Examination for Nebraska, an applicant must submit to the Department:

1. A written request to the Department requesting authorization to sit for the NAVLE stating date of specific testing window requested;
2. A completed application for licensure pursuant to 172 NAC 180-003.01A item 5.a;
3. Submit one of the following to the Department if enrolled in or a graduate of an accredited school or college of veterinary medicine and surgery:

- a. Official verification from an accredited school or college of veterinary medicine and surgery certifying that s/he is a student in good standing and will be within eight months of his/her expected graduation date from any date within the next testing window for the NAVLE; or
 - b. A certified final transcript from an accredited school or college of veterinary medicine and surgery showing graduation from the school or college.
4. Submit the following if a graduate of a veterinary school or college that is not accredited:
- a. Official verification of Certification by an approved program that determines educational equivalence; or official verification that applicant is enrolled in an approved program that determines educational equivalence, has successfully completed the English language proficiency requirement of that Program, and is in good standing with that Program; and
 - b. Official verification from a school or college of veterinary medicine and surgery certifying that s/he is a student in good standing and will be within eight months of his/her expected graduation date from any date within the next testing window for the NAVLE; or a certified final transcript from a school or college of veterinary medicine and surgery showing graduation from the school or college.
5. A completed Nebraska State Jurisprudence Examination;
6. A valid verification of age; and
7. The required licensure fee.

180-005.02 Applications for authorization to sit for the NAVLE are due to the Department no later than 60 days prior to the first date of each testing window.

180-006 PROCEDURES FOR RENEWAL OF A LICENSE: All licenses to practice veterinary medicine and surgery issued by the Department under the Act and these regulations expire on April 1 of each even-numbered year. Beginning April 1, 2004 all licenses to practice as a veterinary technician issued by the Department under the Act and these regulations expire on April 1 of each even-numbered year.

180-006.01 Renewal Process: Any licensee who wishes to renew his/her license must:

1. Meet the continuing competency requirements pursuant to 172 NAC 180-008;_
2. Pay the renewal fee pursuant to 172 NAC 180-013;
3. Respond to the following questions:
 - a. Has your license in any profession in another state been revoked, suspended, limited or disciplined in any manner?
 - b. Have you been convicted of a misdemeanor or felony?

These questions relate to the time period since the last renewal of the license or during the time period since initial licensure in Nebraska if such occurred within the two years prior to the license expiration date.

4. Cause to be submitted to the Department:
 - a. The renewal notice;
 - b. The renewal fee;
 - c. Attestation of completing the continuing competency requirement pursuant to 172 NAC 180-008 earned within 24 months of the date of expiration or application for waiver of continuing competency;
Attestation to meeting continuing competency requirements satisfies the submission of the documentation requirement of Neb. Rev. Stat. §71-110;
 - d. If any disciplinary action was taken against the applicant's license by another state, an official copy of the disciplinary action, including charges and disposition;
 - e. If the licensee has been convicted of a felony or misdemeanor:
 - (1) Official Court Record, which includes charges and disposition;
 - (2) Copies of arrest records;
 - (3) A letter from the licensee explaining the nature of the conviction;
 - (4) All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required; and
 - (5) A letter from the probation officer addressing probationary conditions and current status, if the applicant is currently on probation.

180-006.02 First Notice: At least 30 days before April 1 of each even-numbered year, the Department will send a renewal notice by means of regular mail to each licensee at the licensee's last place of residence as noted in the records of the Department. It is the responsibility of the licensee prior to the renewal period to notify the Department of any name and/or address changes.

180-006.02A The renewal notice must specify:

1. The name of the licensee;
2. The licensee's last known address of record;
3. The license number;
4. The expiration date of the license;
5. The renewal fee as prescribed in 172 NAC 180-013;
6. The type of continuing competency required for renewal; and
7. The option to place the license on either inactive or lapsed status.

180-006.02B The licensee must apply for renewal by submitting to the Department:

1. The renewal notice;
2. The renewal fee;
3. The licensee's social security number;

4. Attestation of completing the continuing competency requirement pursuant to 172 NAC 180-008 within 24 months of the date of expiration or application for waiver of continuing competency; and
5. Documentation relating to misdemeanor or felony conviction(s) or licensure revocation, suspension, limitation or disciplinary action (if applicable).

180-006.02C If the licensee wishes to place his/her license on inactive or lapsed status s/he must:

1. Request that his/her license be placed on inactive status by submitting to the Department:
 - a. The renewal notice with a check in the box marked inactive; and
 - b. The fee of \$25; or
2. Request that his/her license be placed on lapsed status by submitting to the Department:
 - a. The renewal notice with a check in the box marked lapsed.

180-006.02D The Department will notify the licensee in writing of the acceptance or denial of the request to allow the license to be placed on lapsed or inactive status.

180-006.03 Second Notice: The Department will send to each licensee who fails to renew his/her license or place the license on inactive or lapsed status in response to the first notice, a second notice of renewal pursuant to 172 NAC 180-006.01 that specify:

1. That the licensee failed to pay the renewal fee;
2. That the license has expired;
3. That the licensee is subject to an administrative penalty pursuant to 172 NAC 180-014 if s/he practices after the expiration date;
4. That upon receipt of the renewal fee, together with an additional late fee of \$25, and documentation of completing the continuing competency requirement within that time, no order of revocation will be entered; and
5. That upon failure to receive \$25 in addition to the regular fee, and documentation of continuing competency, the license will be revoked pursuant to 172 NAC 180-007.

180-006.03A The licensee must apply for renewal by submitting to the Department:

1. The renewal notice;
2. The renewal fee and the additional late fee of \$25;
3. The licensee's social security number;
4. Attestation by the licensee:
 - (1) That s/he has not practiced in Nebraska since the expiration of his/her license; or
 - (2) To the actual number of days practiced in Nebraska since the expiration of his/her license.

5. Attestation of completing the continuing competency requirement earned within 24 months of the date of expiration or application for waiver of continuing competency; and
6. Documentation relating to misdemeanor or felony conviction(s) or licensure revocation, suspension, limitation or disciplinary action (if applicable).

180-006.03B If the licensee wishes to place his/her license on either inactive or lapsed status s/he must:

1. Request that his/her license be placed on inactive status by submitting to the Department:
 - a. The renewal notice with a check in the box marked inactive; and
 - b. The fee of \$25; or
2. Request that his/her license be placed on lapsed status by submitting to the Department:
 - a. The renewal notice with a check in the box marked lapsed.

180-006.03C The Department will notify the licensee in writing of the acceptance or denial of the request to allow the license to be placed on lapsed or inactive status.

180-006.04 When any licensee fails, within 30 days of expiration of a license, to pay the renewal fee, to submit documentation of continuing competency, and/or to pay an additional late fee of \$25, the Department will automatically revoke the license without further notice hearing and make proper record of the revocation.

180-006.05 Failure to meet the continuing competency requirement for renewal within 30 days of expiration of his/her license will constitute non-renewal of a license, unless a waiver of continuing competency is granted or the license is placed on inactive or lapsed status. When any licensee fails within 30 days of expiration of a license, to meet the continuing competency requirements for renewal, and pay an additional late fee of \$25, the Department revokes the license after notice and opportunity for hearing. Hearings held before the Department will be conducted in accordance with Neb. Rev. Stat. §§ 84-901 to 84-920, Administrative Procedure Act and 184 NAC 1, Rules of Practice and Procedure of the Department.

180-006.06 When the licensee has given notification to the Department that s/he desires to have the license lapse or be placed on inactive status upon expiration, 172 NAC 180-006.04 and 180-006.05 will not apply.

180-006.07 The Department may refuse to renew a license for falsification of any information submitted for renewal of a license. The refusal must be made pursuant to Neb. Rev. Stat. §§71-149 to 71-155 and 184 NAC 1 Rules of Practice and Procedure of the Department.

180-006.08 An individual who practices after expiration of his/her credential is subject to assessment of an Administrative Penalty pursuant to 172 NAC 180-014, or such other action as provided in the statutes and regulations governing the credential.

180-007 LICENSURE REVOCATION FOR FAILURE TO MEET RENEWAL REQUIREMENTS:
The Department revokes a license within 30 days of its expiration when the licensee fails to meet the renewal requirements.

180-007.01 Revocation for Non-payment of Renewal Fee

180-007.01A When a licensee fails to pay the required renewal fee or fails to request that his/her license be placed on either inactive or lapsed status within 30 days of its expiration, the Department automatically revokes the license without further notice or a hearing.

180-007.01A1 The revocation notice specifies that the:

1. Licensee was given first and second notice of renewal requirements and the respective dates for these notices;
2. Licensee failed to renew the license or to request that his/her license be placed on inactive or lapsed status;
3. Department has revoked the license;
4. Licensee has a right to appeal the revocation; and
5. Licensee has a right to reinstatement of the license.

180-007.02 Revocation for Failure to Meet Continuing Competency Requirements

180-007.02A When a licensee fails within 30 days of the expiration of his/her license to meet the continuing competency requirement for licensure renewal, the Department revokes his/her license after notice and opportunity for a hearing.

007.02A1 The revocation notice for failure to meet the continuing competency requirement specifies that the:

1. Licensee was given first and second notice of failure to meet the continuing education requirement and the respective dates of each notice;
2. Licensee either failed to renew the license or to have his/her license placed on inactive or lapsed status;
3. Department will revoke the license within 30 days of the date of the notice unless the licensee requests in writing a hearing;
4. Licensee has a right to appeal the revocation; and
5. Licensee has a right to reinstatement of the license.

180-008 CONTINUING COMPETENCY

180-008.01 General Requirements for Licensee: As a condition for renewal of license, each veterinarian and veterinary technician who is licensed in the State of Nebraska must complete one or a combination of the following continuing competency requirements within the renewal period immediately preceding the license renewal date.

180-008.01A Initial Board Certification or Re-Certification by an AVMA-recognized veterinary specialty organization, obtained during the renewal period immediately preceding the license renewal date, meets the entire requirement for continuing competency for that renewal period.

180-008.01B Professional Certification, as approved in advance by the Board, obtained during the renewal period immediately preceding the license renewal date. Professional certification meets the requirement for continuing competency according to the number of hours of classwork, study time, or other time required to be completed by the practitioner in order to obtain the certification, to be determined in advance by the Board. The following is the number of hours for professional certification that are required to meet the entire requirement for continuing competency for that renewal period:

1. Veterinarians – 32 hours of approved professional certification.
2. Veterinary Technicians – beginning April 1, 2006 and for all subsequent renewals – 16 hours of approved professional certification.

180-008.01C Refresher Courses, as approved in advance by the Board, meet the requirement for continuing competency according to the number of hours attended. The following is the number of hours of refresher courses that are required to meet the entire requirement for continuing competency for that renewal period:

1. Veterinarians – 32 hours of approved refresher courses.
2. Veterinary Technicians – beginning April 1, 2006 and for all subsequent renewals – 16 hours of approved refresher courses.

180-008.01D Inservice Training, as approved in advance by the Board, meets the requirement for continuing competency according to the number of hours attended. The following is the number of hours of inservice training that are required to meet the entire requirement for continuing competency for that renewal period:

1. Veterinarians – 32 hours of approved inservice training.
2. Veterinary Technicians – beginning April 1, 2006 and for all subsequent renewals – 16 hours of approved inservice training.

180-008.01E Clinical Rotations, as approved in advance by the Board, meet the requirement for continuing competency according to the number of hours attended. The following is the number of hours of clinical rotations that are required to meet the entire requirement for continuing competency for that renewal period:

1. Veterinarians – 32 hours of approved clinical rotations.
2. Veterinary Technicians – beginning April 1, 2006 and for all subsequent renewals – 16 hours of approved clinical rotations.

180-008.01F Combinations of approved continuing competency meet the requirement for continuing competency according to the number of hours attended. The following is the total number of hours of continuing competency that are required to meet the entire requirement for continuing competency for that renewal period:

1. Veterinarians – 32 hours total of a combination of approved continuing competency activities.
2. Veterinary Technicians – beginning April 1, 2006 and for all subsequent renewals – 16 hours total of a combination of approved continuing competency activities.

180-008.01G Continuing Education meets the requirement for continuing competency according to the number of hours attended. The following is the number of hours of approved continuing education that are required to meet the entire requirement for continuing competency for that renewal period:

1. Veterinarians - 32 hours of approved continuing education.
2. Veterinary Technicians - beginning April 1, 2006 and for all subsequent renewals - 16 hours of approved continuing education.

180-008.01G1 Types of continuing education programs acceptable for continuing competency credit include, but are not limited to:

1. State, National, and District meetings, i.e., a meeting of the Nebraska Veterinary Medical Association (NVMA) or a veterinary association in any other state, the Nebraska Veterinary Technician Association (NVTA), or a veterinary technician association in any other state, the Nebraska Academy of Veterinary Medicine (NAVMA), the American Veterinary Medical Association (AVMA), the American Association of Bovine Practitioners (AABP), the American Association of Equine Practitioners (AAEP), the American Association of Swine Practitioners (AASP), the American Association of Laboratory Animal Practitioners (AALAP), the American Animal Hospital Association (AAHA), or any satellite organization related to any of the associations listed above:
 - a. One hour credit for each hour of attendance, and only the portion of such meeting which meets the definition of continuing education can be approved for credit.
2. Formal education courses which relate directly to the practice of veterinary medicine and surgery or veterinary technology:
 - a. One hour credit for each hour of attendance.
3. Veterinary and veterinary technology continuing education courses sponsored by accredited colleges of veterinary medicine and surgery or veterinary technology:

- a. One hour credit for each hour of attendance.
4. Home study courses with a testing mechanism that is scored by the provider or their designee. Licensee will be given credit for home study courses for a maximum of $\frac{1}{4}$ of the total number of hours required for each renewal period.
 - a. One hour credit for each hour of study; no more than $\frac{1}{4}$ of the total number of hours required for each renewal period.
5. Programs approved by the AAVSB Registry of Approved Continuing Education (RACE) which are related to the practice of veterinary medicine and surgery or veterinary technology.
 - a. One hour credit for each hour of attendance.
6. Practice management programs. Licensee will be given credit for practice management programs for a maximum of $\frac{1}{4}$ of the total number of hours required for each renewal period.
 - a. One hour credit for each hour of attendance; no more than $\frac{1}{4}$ of the total number of hours required for each renewal period.
7. A presenter may receive credit for only the initial presentation during a renewal period. Credit will not be given for subsequent presentations of the same program.

180-008.02 As A Condition For Renewal Of License, The Licensee Must:

180-008.02A Submit to the Department an attestation that s/he has met the continuing competency requirement for the renewal period immediately preceding the license renewal date.

180-008.02B Maintain in his/her personal files the certificates or records of credit from acceptable continuing competency activities attended.

180-008.03 Criteria for Acceptable Continuing Competency Activities:

180-008.03A In addition to meeting the specifications for type of program 172 NAC 180-008.01, to be acceptable for license renewal, a continuing competency activity must also meet the following criteria:

1. The activity must be at least one hour in duration;
2. The topic and/or objectives must relate directly to the practice of veterinary medicine and surgery or veterinary technology;
3. The presenter of the activity must be qualified by education, experience or training; and
4. Activities must be open to all veterinarians or veterinary technicians licensed in Nebraska.

180-008.04 Approval of Continuing Competency Activities: Either a provider or a licensee may apply for approval of a continuing competency activity. The approval is granted by the Department and means that the activity has been determined by the Board to meet the criteria for acceptable continuing competency. Approval prior to the renewal date is optional for continuing education, but is provided by the Board as a service to providers and/or licensees who wish to determine if a program meets the criteria for acceptable continuing education. Approval prior to completion of the activity is required for continuing competency activities other than continuing education.

180-008.04A A provider or licensee may submit information about the continuing competency activity to the Board on an application provided by the Department or on an alternate format. Only applications which are complete will be considered.

180-008.04A1 The following information must be included in the application:

1. A description of activity content and/or objectives;
2. A general description of the qualifications of each presenter;
3. The number of hours for which approval is requested, if applicable;
4. The name, address, and telephone number of the provider's program planner;
5. A description of the process the provider uses to verify attendance by the licensee;
6. A sample copy of the documentation the provider issues to the licensee as proof of attendance at the activity; and
 - a. Certificates verifying attendance at approved activities must contain at least the following information:
 - (1) Name of the activity;
 - (2) Name of the provider;
 - (3) Name of the licensee who attended the course;
 - (4) Number of credit hours earned (actually attended) by the licensee, if applicable; and
 - (5) Date(s) the course was attended by the licensee.
7. Location of program.

180-008.04A2 The provider may submit additional documents or information as considered relevant to the application and in compliance with the provisions of 172 NAC 180.

180-008.04A3 The provider must submit a complete application to the Department at least 45 days prior to the date on which the program is to be given to gain approval before the activity is presented.

180-008.04A4 Once a provider is granted approval for a continuing competency activity, reapproval is not required for each subsequent occasion on which the activity is administered so long as the program is not changed or the laws and

regulations governing continuing competency are not changed. If any portion of the activity is changed, reapplication must be made in accordance with 172 NAC 180-008 if continued approval is desired.

180-008.04A5 After being granted written approval of the application, the provider is entitled to state upon any publication which advertises or announces the program, the following statement: "This program is approved for ___ hours of continuing competency by the Nebraska Department of Health and Human Services Regulation and Licensure."

180-008.04A6 Post-Program Approval Applications for approval of a continuing education program may be made after the program has occurred. Types of continuing competency other than continuing education must be approved in advance of completion of the activity.

180-008.04B Denial of Continuing Competency Activities.

180-008.04B1 The Department will, upon the recommendation of the Board, deny an application for approval of a continuing competency activity or will suspend or revoke approval of a continuing competency activity on any of the following grounds:

1. Fraud or misrepresentation of information in an application;
2. The program fails to meet the criteria for acceptable continuing competency set forth in 172 NAC 180-008.01 and 180-008.03.

180-008.04B2 An application for approval of continuing competency activities may be approved or denied. Should an application for a continuing competency activity be denied, the applicant will be sent a notice setting forth the reasons for the determination to the last address of record in the Department.

180-008.04B2a Denial of an application will become final 15 days after the mailing of the notice unless the provider, within such 15 day period, will give written notice to the Department of a desire for hearing. The hearing will be conducted in accordance with the Administrative Procedure Act and 184 NAC 1 of the Rules of Practice and Procedure for the Department.

180-008.05 Waiver of Continuing Competency: The Department, on the recommendation of the Board, may waive the continuing competency requirements, in whole or in part, for any renewal period or for the period of time when a licensee submits documentation that circumstances beyond his/her control prevented the completion of the requirements.

180-008.05A The circumstances include situations in which the licensee:

1. Holds a Nebraska license but is not practicing veterinary medicine and surgery or as a veterinary technician in Nebraska; or
2. Has been in the service of the regular armed forces of the United States during any part of the 24 months immediately preceding the license renewal date; or

3. Has been suffering from a serious or disabling illness or physical disability which prevented completion of the required continuing competency during the 24 months immediately preceding the license renewal date; or
4. Has been first licensed within 24 months immediately preceding the renewal date.

180-008.05B Application for Waiver of Continuing Competency: Any licensee who seeks a waiver of continuing competency, in part or in total, for any renewal period must apply to the Department. The Department, on the recommendation of the Board, may waive continuing competency requirements in part or in total for any renewal period. The licensee must submit:

1. A verified, complete application for waiver of continuing competency on a form provided by the Department or on an alternate format which includes the following information. Only applications which are complete will be considered, and the application must be received by the Department on or before April 1 of the year the license is subject to renewal.
 - a. Name of licensee;
 - b. License number;
 - c. State and county where the person signing the affidavit is located;
 - d. Number of continuing competency hours, requested to be waived;
 - e. Reason for requesting a waiver; and
 - f. A signed statement from the applicant that the statements on the application are true and complete.
2. Documentation of the circumstances beyond the licensee's control which prevented completion of continuing competency requirements must include the following:
 - a. If the licensee holds a Nebraska license but has not resided or practiced in Nebraska during any part of the preceding 24 months, s/he must indicate this waiver option on the application.
 - b. If the licensee has served in the regular armed forces of the United States during part of the 24 months immediately preceding the license renewal date, s/he must indicate this waiver option and submit official documentation stating the dates of the service.
 - c. If the licensee has suffered from a serious or disabling illness or physical disability which prevented completion of the required number of hours of continuing competency during the 24 months immediately preceding the license renewal date, s/he must indicate this waiver option and submit a statement from a treating physician(s) stating that the licensee was injured or ill, the duration of the illness or injury and of the recovery period, and that the licensee was unable to attend continuing competency activities during that period.

- d. If the licensee was first licensed within the 24 months immediately preceding the license renewal date, s/he must indicate this waiver option and list the date the license was issued.

180-008.05C The Department, on recommendation of the Board, may grant or deny, in part or in total, an application for waiver of continuing competency requirements, upon proof that circumstances beyond the applicant's control prevented completion of the requirements.

180-008.05C1 When the Department determines to deny an application for waiver of continuing competency requirements, it will send to the applicant by United States mail to the last name and address of record in the Department, a notice setting forth the reason for the denial determination.

1. The applicant has 30 days from the date of the denial notice to make a written request to the Department for an appeal. The appeal must be conducted in accordance with the Administrative Procedure Act and 184 NAC 1 of the Rules of Practice and Procedure for the Department.
2. The Department will issue at the conclusion of the appeal under 184 NAC 1, a final order setting forth the results of the appeal.

180-008.05C2 When the Department determines to grant a waiver of continuing competency, the applicant will be notified within 30 days of receipt of the application.

180-008.06 Audit of Continuing Competency: The Board may biennially select, in a random manner, a sample of the license renewal applications for audit of continuing competency credits. Each licensee is responsible for maintaining in his/her personal files the certificates or records of credit from acceptable continuing competency activities. Licensees selected for audit are required to produce documentation of meeting the continuing competency requirement for that renewal period.

180-008.06A The Department will send to each licensee selected for audit a notice of audit.

180-008.06B When selected for audit, the licensee must provide satisfactory documentation of meeting the continuing competency requirement for the renewal period.

180-008.06C Failure to comply with the audit may be grounds for non-renewal of the license.

180-009 GROUND ON WHICH THE DEPARTMENT MAY DENY, REFUSE RENEWAL OF OR DISCIPLINE A LICENSE:

180-009.01 The Department will deny an application for a license when the applicant fails to meet the requirements for licensure pursuant to 172 NAC 180-003 or is found to be in violation of any of the provisions of 172 NAC 180-009.03.

180-009.02 The Department will refuse renewal of a license if the licensee fails to meet the requirements pursuant to 172 NAC 180-006, 180-008 or 180-009.03.

180-009.03 The Department may deny, refuse renewal of, limit, suspend, or revoke licenses for any of the following grounds:

1. Fraud, forgery, or misrepresentation of material facts, in procuring or attempting to procure a license.
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 dependence or failure to comply with a treatment program or an aftercare program entered into under the Licensee Assistance Program established pursuant to Neb. Rev. Stat. § 71-172.01.
4. Conviction of a misdemeanor or felony under state law, federal law, or the law of another jurisdiction and which, if committed within this state, would have constituted a misdemeanor or felony under state law and which has a rational connection with the applicant's, or licensee's fitness or capacity to practice the profession.
5. Practice of the profession (a) fraudulently, (b) beyond its authorized scope, (c) with manifest incapacity, (d) with gross incompetence or gross negligence, or (e) in a pattern of negligent conduct. Pattern of negligent conduct means a continued course of negligent conduct in performing the duties of the profession.
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. Having had his/her license, certificate, or registration denied, refused renewal, limited, suspended, or revoked or having had the license, certificate, or registration disciplined in any other manner in accordance with Neb. Rev. Stat. §71-155 by another state or jurisdiction to practice the particular profession involved, based upon acts by the applicant or licensee similar to acts described in 172 NAC 180-009. A certified copy of the record of denial, refusal of renewal, limitation, suspension, or revocation of a license, certificate, or registration or the

taking of other disciplinary measures against it by another state or jurisdiction shall be conclusive evidence.

10. Unprofessional conduct, which term includes all acts specified in Neb. Rev. Stat. § 71-148 and such other acts as may be defined in rules and regulations adopted and promulgated by the Board with the approval of the Department.
11. Use of untruthful or improbable statements, or flamboyant, exaggerated, or extravagant claims concerning the licensee'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 172 NAC 180.
15. Unlawful invasion of the field of practice of any profession mentioned in the Uniform Licensing Law which the licensee is not licensed to practice.
16. Practicing the profession of veterinary medicine and surgery or as a veterinary technician while his/her license is suspended or in contravention of any limitation placed upon his/her license.
17. Physical or mental illness or physical or mental deterioration or disability which would render the applicant or licensee unqualified to practice his/her profession or occupation.
18. Refusal of an applicant for a license or a licensee to submit to a physical or mental examination request by the Board, pursuant to Neb. Rev. Stat. §§ 71-161.12 to 71-161.16 to determine his/her qualifications to practice or to continue in the practice of the profession or occupation for which application was made or for which s/he is licensed.
19. Violation of the Uniform Controlled Substances Act or any rules and regulations adopted pursuant to the act.
20. Failure to file a report required by Neb. Rev. Stat. § 71-168.

180-009.04 If the Department proposes to deny, refuse renewal of, limit, revoke, or suspend the license of any licensee, the applicant or licensee must be given an opportunity for a hearing before the Department and will have the right to present evidence on his/her own behalf. Hearings before the Department will be conducted in accordance with the Administrative Procedure Act and 184 NAC 1, Rules of Practice and Procedure of the Department.

180-010 RE-CREDENTIALING: This section applies to individuals previously issued a Nebraska credential who have lost the legal authority to practice in total or in part and who seek the authority to return to practice in Nebraska with a valid Nebraska credential.

180-010.01 Eligibility

180-010.01A An individual whose credential has been previously:

1. Placed on lapsed status;
2. Placed on inactive status;
3. Revoked for failure to meet the renewal requirements;
4. Suspended or limited for disciplinary reasons; or
5. Voluntarily surrendered or voluntarily limited for an indefinite period of time;

may request, at any time, to be re-credentialed and re-authorized to practice under the credential, in accord with these regulations.

180-010.01B An individual whose credential has been revoked for disciplinary reasons may apply for reinstatement only after a period of two years has elapsed from the date of revocation.

180-010.01C An individual who practices prior to re-credentialing, is subject to:

1. Assessment of an Administrative Penalty pursuant to 172 NAC 180-014; and
2. Limitation or other sanction on the credential, or denial of the request to be re-credentialed and re-authorized to practice under the credential, and referral for prosecution for uncredentialed practice, as provided in the statutes and regulations governing the credential.

180-010.02 Requirements for Restoration from Lapsed Status: A person whose credential has been placed on lapsed status may have their credential restored from lapsed to active status by the Department upon proof to the Department that they meet the requirements pursuant to 172 NAC 180-003.

180-010.02A If the Department has evidence that an applicant has practiced while his/her credential was lapsed, the Department may:

1. Assess an Administrative Penalty pursuant to 172 NAC 180-014;
2. Initiate disciplinary action against the lapsed credential;
3. Deny the request to restore the credential from lapsed to active status; or
4. Restore the credential to active status and impose limitation(s) or other sanctions on the credential.

180-010.02B If the Department has evidence that an applicant has committed any other violation of the statutes and regulations governing the credential, the Department may:

1. Deny the request to restore the credential from lapsed to active status; or

2. Restore the credential to active status and impose limitations(s) or other sanctions on the credential.

180-010.02C The Department will act within 150 days on all completed applications.

180-010.02D The applicant will be provided with notice and the opportunity for hearing in accord with the Department's rules of Practice and Procedure and Neb. Rev. Stat. §§ 84-901 to 84-920 before any of the actions pursuant to 172 NAC 180-010.02A and 180-010.02B are final.

180-010.03 Requirements to Move a Credential from Inactive Status to Active Status: A person whose credential has been placed on inactive status may have his/her credential moved from inactive to active status upon proof to the Department that they meet the following requirements:

1. Meet renewal requirements, including:
 - a. The continuing competency requirements;
 - b. Paying the renewal fee and any other applicable fees.
2. Attest:
 - a. That s/he has not practiced in Nebraska since s/he last held an active credential; or
 - b. To the actual number of days practiced if the applicant has practiced in Nebraska since s/he last held an active credential.

180-010.04 Procedures for Moving from Inactive to Active Status: To move a credential from inactive status to active status, the applicant must submit the following to the Department:

1. A written application which contains the following information about the applicant:
 - a. Name;
 - b. Address;
 - c. Social security number; and
 - d. If the applicant holds a professional credential in another state, a list of the state(s) and type of credential;
 - e. List your professional practice activities since your credential was placed on inactive status;
 - f. Answer the following questions either yes or no; if you answer yes explain the circumstances and outcome. These questions pertain to the time period since your credential was active.
 - (1) Has any state or territory of the U.S. taken any of the following actions against your credential?
Denied Suspended Revoked Limited
 - (2) Has any licensing or disciplinary authority taken any of the following actions against your credential?
Limited Suspended Restricted Revoked
 - (3) Has any licensing or disciplinary authority placed

- your credential on probation?
- (4) Have you voluntarily surrendered a credential issued to you by a licensing or disciplinary authority?
 - (5) Have you voluntarily limited in any way a credential issued to you by a licensing or disciplinary authority?
 - (6) Have you been requested to appear before any licensing agency?
 - (7) Have you been notified of any charges or complaints filed against you by any licensing or disciplinary authority or criminal prosecution authority?
 - (8) Are you aware of any pending disciplinary actions against your credential in any jurisdiction?
 - (9) Are you aware of any on-going investigations of a disciplinary complaint against your credential in any jurisdiction?
 - (10) Have you been addicted to, dependent upon or chronically impaired by alcohol, narcotics, barbiturates, or other drugs which may cause physical and/or psychological dependence?
 - (11) Have you voluntarily entered or been involuntarily admitted to an institution or health care facility for treatment of a mental or emotional disorder/condition?
 - (12) Have you been diagnosed with or treated for bipolar disorder, schizophrenia, or any psychotic disorder?
 - (13) Have you been convicted of a felony?
 - (14) Have you been convicted of a misdemeanor?
 - (15) Have you been denied a Federal Drug Enforcement Administration (DEA) Registration or state controlled substances registration?
 - (16) Have you been called before any licensing agency or lawful authority concerned with DEA controlled substances?
 - (17) Have you surrendered your state or federal controlled substances registration?
 - (18) Have you had your state or federal controlled substances registration restricted in any way?
 - (19) Have you been notified of any malpractice claim against you?
 - (20) Has any action or proceeding of a civil nature been brought against you concerning care or treatment of an animal, regardless of whether or not such action or proceeding was ultimately withdrawn, dismissed, settled or resulted in a judgement?

g. A statement describing all:

- (1) Felony or misdemeanor convictions during the time period since the credential was active;
 - (a) If the applicant has been convicted of a felony or misdemeanor, provide copies of:
 - [1] Official Court Record, which includes charges and disposition;
 - [2] Arrest records;
 - [3] A letter from the applicant explaining the nature of the

- conviction;
 - [4] All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required; and
 - [5] A letter from the probation officer addressing probationary conditions and current status, if the applicant is currently on probation.
- (2) Revocations, suspensions, or other disciplinary actions against any professional credential held by the applicant during the time period since the credential was active;
- (a) If any disciplinary action was taken against the applicant's credential by another state, submit an official copy of the disciplinary action, including charges and disposition; and
- (3) Disciplinary charges pending against any professional credential held by the applicant.
- h. Attestation that the continuing competency requirements for renewal have been met;
2. The renewal fee and any other applicable fees;
3. Attestation by applicant:
- a. That s/he has not practiced in Nebraska since s/he last held an active credential; or
 - b. To the actual number of days practiced if the applicant has practiced in Nebraska since s/he last held an active credential.

180-010.04A If an applicant has practiced while his/her credential was inactive, the Department may:

1. Assess an Administrative Penalty pursuant to 172 NAC 180-014;
2. Initial disciplinary action against the credential;
3. Deny the request to move the credential from inactive to active status; or
4. Move the credential to active status and impose limitation(s) or other sanctions on the credential.

180-010.04B If an applicant has committed any other violation of the statutes and regulations governing the credential, the Department may:

1. Initiate disciplinary action against the credential;
2. Deny the request to move the credential from inactive to active status; or
3. Move the credential to active status and impose limitation(s) or other sanctions on the credential.

180-010.04C In either event pursuant to 180-010.04A or 180-010.04B, a notice and

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the opportunity for hearing will be given to the applicant.

180-010.04D The Department will act within 150 days on all completed applications.

180-010.05 Requirements for Reinstatement Within One Year Following Revocation for Failure to Meet the Renewal Requirements: An applicant for reinstatement who applies not more than one year following revocation for failure to meet the renewal requirements must:

1. Meet the renewal requirements, including:
 - a. The continuing competency requirements;
 - b. Paying the renewal fee, the late fee of \$35 and any other applicable fees.
2. Attest:
 - a. That s/he has not practiced in Nebraska since s/he last held an active credential; or
 - b. To the actual number of days practiced if the applicant has practiced in Nebraska since s/he last held an active credential.

180-010.06 Procedures for Reinstatement Within One Year Following Revocation for Failure to Meet the Renewal Requirements: To reinstate a credential not more than one year following revocation for failure to meet renewal requirements, the applicant must submit the following to the Department:

1. A written application which contains the following information about the applicant:
 - a. Name;
 - b. Address;
 - c. Social security number; and
 - d. If the applicant holds a professional credential in another state, a list of the state(s) and type of credential;
 - e. List your professional practice activities since your credential was revoked.
 - f. Answer the following questions either yes or no; if you answer yes explain the circumstances and outcome. These questions pertain to the time period since your credential was active.
 - (1) Has any state or territory of the U.S. taken any of the following actions against your credential?
Denied Suspended Revoked Limited
 - (2) Has any licensing or disciplinary authority taken any of the following actions against your credential?
Limited Suspended Restricted Revoked
 - (3) Has any licensing or disciplinary authority placed your credential on probation?
 - (4) Have you voluntarily surrendered a credential issued to you by a licensing or disciplinary authority?
 - (5) Have you voluntarily limited in any way a credential issued to you by a licensing or disciplinary authority?
 - (6) Have you been requested to appear before any licensing agency?
 - (7) Have you been notified of any charges or complaints filed against you by any licensing or disciplinary authority or criminal prosecution authority?

- (8) Are you aware of any pending disciplinary actions against your credential in any jurisdiction?
- (9) Are you aware of any on-going investigations of a disciplinary complaint against your credential in any jurisdiction?
- (10) Have you been addicted to, dependent upon or chronically impaired by alcohol, narcotics, barbiturates, or other drugs which may cause physical and/or psychological dependence?
- (11) Have you voluntarily entered or been involuntarily admitted to an institution or health care facility for treatment of a mental or emotional disorder/condition?
- (12) Have you been diagnosed with or treated for bipolar disorder, schizophrenia, or any psychotic disorder?
- (13) Have you been convicted of a felony?
- (14) Have you been convicted of a misdemeanor?
- (15) Have you been denied a Federal Drug Enforcement Administration (DEA) Registration or state controlled substances registration?
- (16) Have you been called before any licensing agency or lawful authority concerned with DEA controlled substances?
- (17) Have you surrendered your state or federal controlled substances registration?
- (18) Have you had your state or federal controlled substances registration restricted in any way?
- (19) Have you been notified of any malpractice claim against you?
- (20) Has any action or proceeding of a civil nature been brought against you concerning care or treatment of an animal, regardless of whether or not such action or proceeding was ultimately withdrawn, dismissed, settled or resulted in a judgement?

g. A statement describing all:

- (1) Felony or misdemeanor convictions during the time period since the credential was active;
 - (a) If the applicant has been convicted of a felony or misdemeanor, provide copies of :
 - [1] Official Court Record, which includes charges and disposition;
 - [2] Arrest records;
 - [3] A letter from the applicant explaining the nature of the conviction;
 - [4] All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required; and
 - [5] A letter from the probation officer addressing probationary conditions and current status, if the applicant is currently on probation.
- (2) Revocations, suspensions, or other disciplinary actions against any

professional credential held by the applicant during the time period since the credential was revoked;

- (a) If any disciplinary action was taken against the applicant's credential by another state, submit an official copy of the disciplinary action, including charges and disposition; and
 - (3) Disciplinary charges pending against any professional credential held by the applicant.
- h. Attestation that the continuing competency requirements for renewal have been met;
2. The renewal fee, the late fee of \$35 and any other applicable fees.
3. Attestation by the applicant:
- a. That s/he has not practiced in Nebraska since s/he last held an active credential; or
 - b. To the actual number of days practiced if the applicant has practiced in Nebraska since s/he last held an active credential.
- (1) If an applicant has practiced after his/her credential was revoked the Department may assess an Administrative Penalty pursuant to 172 NAC 180-014 in which case a notice and opportunity for hearing will be sent to the applicant.
 - (2) If an applicant has practiced after his/her credential was revoked, or has committed any other violation of the statutes and regulations governing the credential, other action may be taken as provided in 172 NAC 180-010.06B.

The Department will forward the application to the Board for its recommendation pursuant to Neb. Rev. Stat. § 71-110 (5).

180-010.06A The Board's recommendation to the Department may be to:

- 1. Reinstate the credential;
- 2. Reinstate the credential with terms, conditions or restrictions; or
- 3. Deny the reinstatement.

180-010.06B Upon receipt of the Board's recommendation, the Department will, within 150 days, send to the applicant a written notice of the Department's response. The Department may:

- 1. Reinstate the credential. An Administrative Penalty may be assessed pursuant to 172 NAC 180-014 if warranted;
- 2. If the Department determines that the applicant has committed acts or offenses prohibited by Neb Rev. Stat. §§ 71-147 or 71-148, the Department may:

- a. Reinstate the credential with terms, conditions or restrictions. In such case the applicant will be provided notice and the opportunity for hearing before the Department pursuant to the Department's Rules of Practice and Procedure and Neb. Rev. Stat. §§ 84-901 to 84-920. An Administrative Penalty may be assessed pursuant to 172 NAC 180-014 if warranted; or
- b. Deny the reinstatement. In such case the applicant will be provided notice and the opportunity for hearing before the Department pursuant to the Department's Rules of Practice and Procedure and Neb. Rev. Stat. §§ 84-901 to 84-920.

180-010.07 Requirements for Reinstatement More Than One Year Following Revocation for Failure to Meet the Renewal Requirements: An applicant for reinstatement who applies more than one year after revocation for failure to meet the renewal requirements must:

1. Petition the Board for reinstatement as prescribed in Neb. Rev. Stat. § 71-161.05. The petition for reinstatement must be accompanied by:
 - a. Verified recommendations from at least two credentialed practitioners of the same profession as the petitioner each having personal knowledge of the activities of the petitioner since the credential was revoked; and
 - b. Verified recommendations from at least two citizens each having personal knowledge of the activities of the petitioner since the credential was revoked.
2. Meet the renewal requirements, including:
 - a. The continuing competency requirements; and
 - b. Paying the renewal fee, the late fee of \$75 and any other applicable fees.
3. Attest:
 - a. That s/he has not practiced in Nebraska since s/he last held an active credential; or
 - b. To the actual number of days practiced if the applicant has practiced in Nebraska since s/he last held an active credential.

180-010.08 Procedures for Reinstatement More Than One Year Following Revocation for Failure to Meet Renewal Requirements: An applicant for reinstatement more than one year following revocation for failure to meet renewal requirements must submit to the Board:

1. A petition for reinstatement:
 - a. Stating the reason the petitioner believes his/her credential should be reinstated;
 - b. Accompanied by verified recommendations from at least two credentialed practitioners of the same profession as the petitioner each having personal knowledge of the activities of the petitioner since the credential was revoked; and verified recommendations from at least two citizens each

having personal knowledge of the activities of the petitioner since the credential was revoked.

c. Containing the following information about the applicant:

- (1) Name;
- (2) Address;
- (3) Social security number; and
- (4) If the petitioner holds a professional credential in another state, a list of the state(s) and type of credential;
- (5) List your professional practice activities since your license was revoked.
- (6) Answer the following questions either yes or no; if you answer yes explain the circumstances and outcome. These questions pertain to the time period since your credential was active.
 - (a) Has any state or territory of the U.S. taken any of the following actions against your credential?
Denied Suspended Revoked Limited
 - (b) Has any licensing or disciplinary authority taken any of the following actions against your credential?
Limited Suspended Restricted Revoked
 - (c) Has any licensing or disciplinary authority placed your credential on probation?
 - (d) Have you voluntarily surrendered a credential issued to you by a licensing or disciplinary authority?
 - (e) Have you voluntarily limited in any way a credential issued to you by a licensing or disciplinary authority?
 - (f) Have you been requested to appear before any licensing agency?
 - (g) Have you been notified of any charges or complaints filed against you by any licensing or disciplinary authority or criminal prosecution authority?
 - (h) Are you aware of any pending disciplinary actions against your credential in any jurisdiction?
 - (i) Are you aware of any on-going investigations of a disciplinary complaint against your credential in any jurisdiction?
 - (j) Have you been addicted to, dependent upon or chronically impaired by alcohol, narcotics, barbiturates, or other drugs which may cause physical and/or psychological dependence?
 - (k) Have you voluntarily entered or been involuntarily admitted to an institution or health care facility for treatment of a mental or emotional disorder/condition?
 - (l) Have you been diagnosed with or treated for bipolar disorder, schizophrenia, or any psychotic disorder?
 - (m) Have you been convicted of a felony?
 - (n) Have you been convicted of a misdemeanor?
 - (o) Have you been denied a Federal Drug Enforcement Administration (DEA) Registration or state controlled

- substances registration?
- (p) Have you been called before any licensing agency or lawful authority concerned with DEA controlled substances?
 - (q) Have you surrendered your state or federal controlled substances registration?
 - (r) Have you had your state or federal controlled substances registration restricted in any way?
 - (s) Have you been notified of any malpractice claim against you?
 - (t) Has any action or proceeding of a civil nature been brought against you concerning care or treatment of an animal, regardless of whether or not such action or proceeding was ultimately withdrawn, dismissed, settled or resulted in a judgement?
- (7) A statement describing all:
- (a) Felony or misdemeanor convictions during the time period since the credential was active;
 - [1] If the applicant has been convicted of a felony or misdemeanor, provide copies of:
 - [a] Official Court Record, which includes charges and disposition;
 - [b] Arrest records;
 - [c] A letter from the applicant explaining the nature of the conviction;
 - [d] All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required; and
 - [e] A letter from the probation officer addressing probationary conditions and current status, if the applicant is currently on probation.
 - (b) Revocations, suspensions, or other disciplinary actions against any health care professional credential held by the applicant during the time period since the credential was revoked; and
 - [1] If any disciplinary action was taken against the applicant's credential by another state, submit an official copy of the disciplinary action, including charges and disposition; and
 - (c) Disciplinary charges pending against any professional credential held by the petitioner.
- (8) Attestation that the continuing competency requirements for renewal have been met.

2. The renewal fee, the late fee of \$75 and any other applicable fees.
3. Attestation by the petitioner:
 - a. That s/he has not practiced in Nebraska since s/he last held an active credential; or
 - b. To the actual number of days practiced if the applicant has practiced in Nebraska since s/he last held an active credential.
 - (1) If a petitioner has practiced after his/her credential was revoked the Department may assess an Administrative Penalty pursuant to 172 NAC 180-014 in which case a notice and opportunity for hearing will be sent to the petitioner.
 - (2) If a petitioner has practiced after his/her credential was revoked, or has committed any other violation of the statutes and regulations governing the credential, other action may be taken as provided in 172 NAC 180-010.08F.

180-010.08A The petition to recommend reinstatement will be considered at the next meeting of the Board that is held, but not earlier than 30 days after the petition is filed.

180-010.08B Any petition to recommend reinstatement of a credential will be conclusively acted upon by the Board within 180 days after the filing of a properly prepared petition and the necessary accompanying documents with the Board.

180-010.08C If the Board recommends reinstatement of the credential, no public hearing need be held on the petition.

180-010.08D Prior to any recommendation by the Board against reinstatement of the credential, an opportunity for a formal public hearing on the petition must be granted by the Board, if formally requested by the petitioner.

180-010.08D1 The petitioner's request for a formal hearing must be submitted within 30 days of the Board's notification of an opportunity for a formal public hearing.

180-010.08E If the petitioner formally requests a formal public hearing or if the Board otherwise holds such a hearing, the petitioner will be given at least 30 days prior notice by sending to the petitioner a copy of the notice of hearing by certified or registered mail at his/her last known residence or business post office address as shown by the files or records of the Department or as otherwise known. Notice may be given to the petitioner by personal service. The hearing will be conducted pursuant to 172 NAC 1.

180-010.08F The Board will review the petition to recommend reinstatement and the record of any hearing held, and submits its recommendation regarding reinstatement and the record on which such recommendation is made to the Department within 180 days of receipt of the petition to recommend reinstatement.

180-010.08F1 If the Board recommends reinstatement of the credential, the Department may:

1. Accept the Board's recommendation and grant reinstatement of the credential.
2. If the Department determines that the Board's recommendation is: in excess of statutory authority; made upon unlawful procedure; unsupported by competent, material, and substantial evidence; or arbitrary or capricious, the department may not accept the Board's recommendation and either:
 - a. Deny reinstatement of the credential; or
 - b. Grant reinstatement with terms, conditions, or restrictions.

180-010.08F2 If the Board recommends denial of reinstatement, the Board will send to the petitioner a written notice of the Board's recommendation. The petitioner may appeal the Board's decision to the District Court of Lancaster County pursuant to Neb. Rev. Stat. §§ 84-901 to 84-920.

180-010.08F3 If the Board recommends reinstatement with terms, conditions, or restrictions, the Department may:

1. Accept the Board's recommendation and grant reinstatement with terms, conditions, or restrictions; or
2. Not accept the Board's recommendation and either:
 - a. Deny reinstatement of the credential; or
 - b. Grant reinstatement of the credential.

180-010.08F4 The Department will, within 150 days of receipt of the Board's recommendation, send to the petitioner a written notice of the Department's reinstatement with or without terms, conditions, or restrictions or denial of reinstatement of the credential.

180-010.08F5 The petitioner may appeal the Department's decision to the District Court of Lancaster County pursuant to Neb. Rev. Stat. §§ 84-901 to 84-920.

180-010.09 Requirements to Reinstate a Credential Following Suspension, Limitation, or Revocation for Disciplinary Reasons: An applicant for reinstatement following suspension, limitation, or revocation for disciplinary reasons must meet the following requirements:

1. Petition the Board for reinstatement;
 - a. The petition for reinstatement must be accompanied by verified recommendations from at least two credentialed practitioners of the same profession as the petitioner each having personal knowledge of the activities of the petitioner since the credential was suspended, limited, or revoked; and
 - b. Verified recommendations from at least two citizens each having personal knowledge of the activities of the petitioner since the credential was suspended, limited, or revoked.

2. Pay the reinstatement fee of \$75, and other profession-specific requirements if expressly set by laws;
3. If the credential was revoked or suspended, attest:
 - a. That s/he has not practiced in Nebraska since s/he last held an active credential; or
 - b. To the actual number of days practiced if the petitioner has practiced in Nebraska since s/he last held an active credential.

180-010.10 Procedures for Reinstatement Following Suspension, Limitation, or Revocation for Disciplinary Reasons: An applicant for reinstatement following suspension, limitation, or revocation for disciplinary reasons must submit to the Board:

1. A petition for reinstatement:
 - a. Stating the reason the petitioner believes his/her credential should be reinstated;
 - b. Accompanied by verified recommendations from at least two credentialed practitioners of the same profession as the petitioner each having personal knowledge of the activities of the petitioner since the credential was suspended, limited, or revoked; and verified recommendations from at least two citizens each having personal knowledge of the activities of the petitioner since the credential was suspended, limited, or revoked.
 - c. Containing the following information about the petitioner:
 - (1) Name;
 - (2) Address;
 - (3) Social security number; and
 - (4) If the petitioner holds a professional credential in another state, a list of the state(s) and type of credential;
 - (5) List your professional activities since your credential was suspended, limited or revoked;
 - (6) Answer the following questions either yes or no; if you answer yes explain the circumstances and outcome. These questions pertain to the time period since your credential was active.
 - (a) Has any state or territory of the U.S. taken any of the following actions against your credential?
Denied Suspended Revoked Limited
 - (b) Has any licensing or disciplinary authority taken any of the following actions against your credential?
Limited Suspended Restricted Revoked
 - (c) Has any licensing or disciplinary authority placed your credential on probation?
 - (d) Have you voluntarily surrendered a credential issued to you by a licensing or disciplinary authority?
 - (e) Have you voluntarily limited in any way a credential issued to you by a licensing or disciplinary authority?
 - (f) Have you been requested to appear before any licensing agency?

- (g) Have you been notified of any charges or complaints filed against you by any licensing or disciplinary authority or criminal prosecution authority?
 - (h) Are you aware of any pending disciplinary actions against your credential in any jurisdiction?
 - (i) Are you aware of any on-going investigations of a disciplinary complaint against your credential in any jurisdiction?
 - (j) Have you been addicted to, dependent upon or chronically impaired by alcohol, narcotics, barbiturates, or other drugs which may cause physical and/or psychological dependence?
 - (k) Have you voluntarily entered or been involuntarily admitted to an institution or health care facility for treatment of a mental or emotional disorder/condition?
 - (l) Have you been diagnosed with or treated for bipolar disorder; schizophrenia, or any psychotic disorder?
 - (m) Have you been convicted of a felony?
 - (n) Have you been convicted of a misdemeanor?
 - (o) Have you been denied a Federal Drug Enforcement Administration (DEA) Registration or state controlled substances registration?
 - (p) Have you been called before any licensing agency or lawful authority concerned with DEA controlled substances?
 - (q) Have you surrendered your state or federal controlled substances registration?
 - (r) Have you had your state or federal controlled substances registration restricted in any way?
 - (s) Have you been notified of any malpractice claim against you?
 - (t) Has any action or proceeding of a civil nature been brought against you concerning care or treatment of an animal, regardless of whether or not such action or proceeding was ultimately withdrawn, dismissed, settled or resulted in a judgement?
- (7) A statement describing all:
- (a) Felony or misdemeanor convictions during the time period since the credential was suspended, limited, or revoked;
 - [1] If the petitioner has been convicted of a felony or misdemeanor, provide copies of:
 - [a] Official Court Record, which includes charges and disposition;
 - [b] Arrest records;
 - [c] A letter from the petitioner explaining the nature of the conviction;
 - [d] All addiction/mental health evaluations and proof

of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required; and

[e] A letter from the probation officer addressing probationary conditions and current status, if the petitioner is currently on probation.

(b) Revocations, suspensions, or other disciplinary actions against any professional credential held by the petitioner during the time period since the credential was suspended, limited, or revoked;

[1] If any disciplinary action was taken against the petitioner's credential by another state, submit an official copy of the disciplinary action, including charges and disposition; and

(c) Disciplinary charges pending against any professional credential held by the petitioner;

(8) Any continuing competency activities.

2. The reinstatement fee of \$75;

3. Attestation by the petitioner, if the credential was revoked or suspended:

a. That s/he has not practiced in Nebraska since s/he last held an active credential; or

b. To the actual number of days practiced if the petitioner has practiced in Nebraska since s/he last held an active credential.

(1) If a petitioner has practiced after his/her credential was revoked the Department may assess an Administrative Penalty pursuant to 172 NAC 180-014 in which case a separate notice and opportunity for hearing will be sent to the petitioner.

(2) If a petitioner has practiced after his/her credential was revoked, or has committed any other violation of the statutes and regulations governing the credential, other action may be taken as provided in 172 NAC 180-010.10G.

180-010.10A The Board will make a recommendation to the Director regarding reinstatement following disciplinary action. In determining whether reinstatement should be recommended, the Board may:

1. Request the Department investigate all activities of the petitioner since the disciplinary action was taken against him/her, including activities prohibited by Neb. Rev. Stat. §§71-147 and 71-148;

2. Require the petitioner to submit to a complete diagnostic examination by one or more physicians appointed by the Board, the petitioner being free also to consult a physician or physicians of his/her own choice for a complete diagnostic examination and make available a report or reports thereof to the

- Board;
3. Require the petitioner to pass a written, oral, or practical examination or any combination of such examinations; or
 4. Require the petitioner to complete additional education.

180-010.10B The petition to recommend reinstatement will be considered at the next meeting of the Board that is held, but not earlier than 30 days after the petition is filed.

180-010.10C Any petition to recommend reinstatement of a credential will be conclusively acted upon by the Board within 180 days after the filing of a properly prepared petition and the necessary accompanying documents with the Board.

180-010.10D If the Board recommends reinstatement of the credential, no public hearing need be held on the petition.

180-010.10E Prior to any recommendation by the Board against reinstatement of the credential, an opportunity for a formal public hearing on the petition must be granted by the Board, if formally requested by the petitioner.

180-010.10E1 The petitioner's request for a formal hearing must be submitted within 30 days of the Board's notification of an opportunity for a formal public hearing.

180-010.10E2 If the petitioner had a hearing or an opportunity for a hearing on a prior petition to recommend reinstatement filed pursuant to Neb. Rev. Stat. § 71-161.04 within a period of two years immediately preceding the filing of the current petition, the Board may grant or deny, without a hearing, the current petition to recommend reinstatement filed pursuant to Neb. Rev. Stat. § 71-161.04.

180-010.10F If the petitioner formally requests a formal public hearing or if the Board otherwise holds such a hearing, the petitioner will be given at least 30 days prior notice by sending to the petitioner a copy of the notice of hearing by certified or registered mail at his/her last known residence or business post office address as shown by the files or records of the Department or as otherwise known. Notice may be given to the petitioner by personal service. The hearing will be conducted pursuant to 172 NAC 1.

180-010.10G The Board reviews the petition to recommend reinstatement, any examination or investigatory information and the record of hearing, if one was held. The Board will submit its recommendation to the Director within 180 days of receipt of the petition to recommend reinstatement.

180-010.10G1 If the Board recommends reinstatement of the credential:

1. The Board will send its recommendation to the petitioner by certified mail along with notification that the petitioner must file an application for reinstatement with the Director.
2. The petitioner must submit, to the Department, an application for

reinstatement by the Director within 30 days of receipt of the Board's recommendation.

- a. The application must include:
 - (1) Name of the petitioner; and
 - (2) Signed statement that the petitioner requests the Director to issue the credential in accordance with the Board's recommendation for reinstatement.
3. Upon receipt of the application for reinstatement from the petitioner, the Department will submit the following to the Director:
 - a. The application;
 - b. The written recommendation of the Board, including any finding of fact or order of the Board;
 - c. The petition submitted to the Board;
 - d. The record of hearing, if any;
 - e. Any pleadings, motions, requests, preliminary or intermediate rulings and orders, and similar correspondence to or from the Board and the petitioner.
4. The Director will issue a decision regarding reinstatement within 150 days of receipt of the petitioner's application for reinstatement. The Director's decision will be based upon a review of the record of the proceedings before the Board. The Director will not hold a second hearing. The Director may affirm, reverse or modify the Board's recommendation. A decision by the Director to reverse or modify the Board's recommendation will be based on finding that the Board's recommendation is: in excess of statutory authority, made upon unlawful procedure, unsupported by competent, material, and substantial evidence in view of the entire record, or arbitrary or capricious.
 - a. When the Director affirms, modifies or reverses the Board's recommendation for reinstatement, the Director will enter an Order setting forth the decision regarding reinstatement of the petitioner's credential. The order will be sent by certified mail to the petitioner;
 - b. If the petitioner does not accept the Director's decision, s/he may appeal such decision to the District Court of Lancaster County pursuant to Neb. Rev. Stat. §§ 84-901 to 84-920.

180-010.10G2 If the Board recommends reinstatement of the credential with terms, conditions, or restrictions:

1. The Board will send its recommendation to the petitioner by certified mail along with notification that the petitioner must file an application for reinstatement with the Director.
2. The petitioner must submit, to the Department, an application for

reinstatement by the Director within 30 days of receipt of the Board's recommendation.

a. The application must include:

- (1) Name of the petitioner; and
- (2) Signed statement that the petitioner requests the Director to issue the credential in accordance with the Board's recommendation for reinstatement.

3. Upon receipt of the application for reinstatement from the petitioner, the Department will submit the following to the Director:

- a. The application;
- b. The written recommendation of the Board, including any finding of fact or order of the Board;
- c. The petition submitted to the Board;
- d. The record of hearing, if any;
- e. Any pleadings, motions, requests, preliminary or intermediate rulings and orders, and similar correspondence to or from the Board and the petitioner.

4. The Director will issue a decision regarding reinstatement within 150 days of receipt of the petitioner's application for reinstatement. The Director's decision will be based upon a review of the record of the proceedings before the Board. The Director will not hold a second hearing. The Director may affirm, reverse or modify the Board's recommendation. A decision by the Director to reverse or modify the Board's recommendation will be based on finding that the Board's recommendation is: in excess of statutory authority, made upon unlawful procedure, unsupported by competent, material, and substantial evidence in view of the entire record, or arbitrary or capricious.

- a. When the Director affirms, modifies or reverses the Board's recommendation for reinstatement, the Director will enter an Order setting forth the decision regarding reinstatement of the petitioner's credential. The order will be sent by certified mail to the petitioner;
- b. If the petitioner does not accept the Director's decision, s/he may appeal such decision to the District Court of Lancaster County pursuant to Neb. Rev. Stat. §§ 84-901 to 84-920.

180-010.10G3 If the Board denies reinstatement, the Board will send to the petitioner a written notice of the Board's recommendation to deny reinstatement. The petitioner may appeal the Board's decision to the District Court of Lancaster County pursuant to Neb. Rev. Stat. §§ 84-901 to 84-920.

180-010.11 Procedures for Restoration of Credentials Voluntarily Surrendered or Limited for an Indefinite Period of Time.

180-010.11A Credentials voluntarily surrendered or limited for an indefinite period of time pursuant to Neb. Rev. Stat. §71-161.11 may be restored at the discretion of the Department.

180-010.11A1 An applicant for restoration of a credential that was voluntarily surrendered or limited for an indefinite period of time must submit to the Department:

1. A written application which contains the following information about the applicant:
 - a. Name;
 - b. Address;
 - c. Social security number; and
 - d. If the applicant holds a professional credential in another state, a list of the state(s) and type of credential;
 - e. Answer the following questions either yes or no; if you answer yes explain the circumstances and outcome. These questions pertain to the time period since your credential was active.
 - (1) Has any state or territory of the U.S. taken any of the following actions against your credential?
Denied Suspended Revoked Limited
 - (2) Has any licensing or disciplinary authority taken any of the following actions against your credential?
Limited Suspended Restricted Revoked
 - (3) Has any licensing or disciplinary authority placed your credential on probation?
 - (4) Have you voluntarily surrendered a credential issued to you by a licensing or disciplinary authority?
 - (5) Have you voluntarily limited in any way a credential issued to you by a licensing or disciplinary authority?
 - (6) Have you been requested to appear before any licensing agency?
 - (7) Have you been notified of any charges or complaints filed against you by any licensing or disciplinary authority or criminal prosecution authority?
 - (8) Are you aware of any pending disciplinary actions against your credential in any jurisdiction?
 - (9) Are you aware of any on-going investigations of a disciplinary complaint against your credential in any jurisdiction?
 - (10) Have you been addicted to, dependent upon or chronically impaired by alcohol, narcotics, barbiturates, or other drugs which may cause physical and/or psychological dependence?
 - (11) Have you voluntarily entered or been involuntarily admitted to an institution or health care facility for

- disorder/condition?
- treatment of a mental or emotional
- (12) Have you been diagnosed with or treated for bipolar disorder, schizophrenia, or any psychotic disorder?
 - (13) Have you been convicted of a felony?
 - (14) Have you been convicted of a misdemeanor?
 - (15) Have you been denied a Federal Drug Enforcement Administration (DEA) Registration or state controlled substances registration?
 - (16) Have you been called before any licensing agency or lawful authority concerned with DEA controlled substances?
 - (17) Have you surrendered your state or federal controlled substances registration?
 - (18) Have you had your state or federal controlled substances registration restricted in any way?
 - (19) Have you been notified of any malpractice claim against you?
 - (20) Has any action or proceeding of a civil nature been brought against you concerning care or treatment of an animal, regardless of whether or not such action or proceeding was ultimately withdrawn, dismissed, settled or resulted in a judgement?
- f. A statement describing all:
- (1) Felony or misdemeanor convictions during the time period since the credential was active;
 - (a) If the applicant has been convicted of a felony or misdemeanor, provide copies of:
 - [1] Official Court Record, which includes charges and disposition;
 - [2] Arrest records;
 - [3] A letter from the applicant explaining the nature of the conviction;
 - [4] All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required; and
 - [5] A letter from the probation officer addressing probationary conditions and current status, if the applicant is currently on probation.
 - (2) Revocations, suspensions, or other disciplinary actions

against any professional credential held by the applicant during the time period since the credential was active;

(a) If any disciplinary action was taken against the applicant's credential by another state, submit an official copy of the disciplinary action, including charges and disposition; and

(3) Disciplinary charges pending against any professional credential held by the applicant.

g. Any continuing competency activities.

h. Attest:

(1) That s/he has not practiced in Nebraska prior to the voluntary surrender of her/his credential; or

(2) To the actual number of days practiced if the applicant has practiced in Nebraska prior to the voluntary surrender of her/his credential.

180-010.11A2 If an applicant has practiced while his/her credential was voluntarily surrendered, the Department may:

1. Assess an Administrative Penalty pursuant to 172 NAC 180-014;
2. Initiate disciplinary action against the credential;
3. Deny the request to restore the credential; or
4. Restore the credential to active status and impose limitation(s) or other sanctions on the credential.

180-010.11A3 If an applicant has committed any other violation of the statutes and regulations governing the credential while his/her credential was voluntarily surrendered or limited, the Department may:

1. Initiate disciplinary action against the credential;
2. Deny the request for restoration of the credential; or
3. Restore the credential to active status and impose limitation(s) or other sanctions on the credential.

180-010.11A4 In either event pursuant to 172 NAC 180-010.11A2 or 180-010.11A3, a notice and the opportunity for hearing will be given to the applicant.

180-010.11A5 The Department will act within 150 days on all completed applications.

180-010.12 Procedures for Restoration of Credentials Voluntarily Surrendered or Limited for a Specific and Definite Period of Time.

180-010.12A Credentials voluntarily surrendered or limited for a specific and definite period of time as agreed to between the holder and Department pursuant to Neb. Rev.

Stat. § 71-161.11, will be automatically restored at the expiration of that period of time.

180-010.12B If an individual has practiced while his/her credential was voluntarily surrendered for a specific and definite period of time, the Department may assess an Administrative Penalty pursuant to 172 NAC 180-014.

180-010.13 Credentials Voluntarily Surrendered or Limited Permanently.

180-010.13A Credentials that are voluntarily surrendered or limited permanently pursuant to Neb. Rev. Stat. § 71-161.11 will not be restored.

180-011 UNPROFESSIONAL CONDUCT: In addition to the unlawful or unprofessional acts listed in Neb. Rev. Stat. §§ 71-147 71-148, the following conduct will be considered unprofessional acts as defined by the Board [Neb. Rev. Stat. §71-147(10)]:

1. Conduct by a veterinarian, or a veterinary technician, that is likely to deceive, defraud, or harm the public;
2. Making a false or misleading statement regarding his/her skill as a veterinarian, or as a veterinary technician, or the efficacy or value of the medicine, device, treatment, or remedy prescribed by him/her or used at his/her direction in the practice of veterinary medicine and surgery or, in his/her practice as a veterinary technician.
3. Gross negligence in the practice of veterinary medicine and surgery, or in the practice as a veterinary technician.
4. Practice or other behavior that demonstrates a willful rendering of substandard care, either individually or as a part of a third-party reimbursement agreement or other agreement;
5. The use of any false, fraudulent, deceptive or misleading statement in any document pertaining to the practice of veterinary medicine and surgery, or practice as a veterinary technician.
6. Commission of any act of sexual abuse, misconduct, or exploitation related to the person's practice of veterinary medicine and surgery or practice as a veterinary technician;-
7. Prescribing, selling, administering, or distributing, any drug legally classified as a controlled substance, other than with proper registration to prescribe controlled substances;
8. Diagnosing, treating, prescribing for or in any way providing medical care as described in Neb. Rev. Stat. §71-1,154(3)(a) for a human.
9. Conviction of any state or federal law or regulation relating to a drug legally classified as a controlled substance;
10. Conviction of any state or federal law or regulation relating to a drug legally classified as prohibited for use in food animals by the United States Drug Enforcement Agency;

11. Failure to report to the Department the relocation of any or all of his/her office(s) or place(s) of practice, in or out of the jurisdiction, within 90 days of such relocation;
12. Failure to furnish the Board, its investigators or representatives, information legally requested by the Board;
13. Willful or repeated violation of any provision(s) of Neb. Rev. Stat. §71-1,152.01 to 71-1,166 or any Rules and Regulations promulgated thereto;
14. To advertise in a manner that deceives, misleads, or defrauds the public. The following advertising practices will be considered to be deceptive:
 - a. To advertise or promote any veterinary service as free or below the advertiser's or promoter's own cost without revealing in the advertising or promotion the minimum expenditure the consumer must incur in order to receive the service. If the consumer need not incur any expense to obtain the service, then the advertising or promotion must state that there is no minimum purchase required;
 - b. To place in any advertisement a name which is different than the name that appears on the veterinarian's or veterinary technician's license;
 - c. To fail to inform the patient of any time schedule within which a fee is to be effective, if the fee applies to a particular service for a given time;
 - d. To fail to charge the same fee for a service as that which is advertised;
 - e. To advertise that in exchange for a particular fee, a manifestly incurable disease can be permanently cured;
 - f. To advertise or promote any veterinary service without plainly revealing in advertising or promotion the name(s) of all veterinary licensees practicing at the outlet(s) as described in Neb. Rev. Stat. §71-107;
 - g. To advertise or promote any veterinary service with statements that cannot be verified, substantiated or measured; and
 - h. To advertise or promote any veterinary service in violation of Neb. Rev. Stat. §§ 87-301 to 87-306, the Uniform Deceptive Trade Practices Act.
15. Failure to properly supervise licensed veterinary technicians or unlicensed assistants.
16. Failure to report to the Department the name of every person without a license or certification that s/he has reason to believe is engaging in the practice of any profession for which a license or certificate is required under the Uniform Licensing Law [Neb. Rev. Stat. §71-168];
17. Receiving or giving fees for professional services to any person in exchange for referring patients;

18. Failure to maintain treatment records for 3 years after the veterinarian's most recent contact with the client and/or patient.
19. Failure to comply with Neb. Rev. Stat. §§71-8401 to 71-8407 regarding access to medical records.
20. Noncompliance with the regulations 172 NAC 180-011 is considered unprofessional conduct as described in Neb. Rev. Stat. §71-147(10) and any licensee or person as defined herein in violation hereof will be subject to revocation of license or to other penalties as described in Neb. Rev. Stat. §§71-147 to 71-162.

180-012 Reserved

180-013 SCHEDULE OF FEES: The following fees have been set by the Department.

180-013.01 Initial Veterinary License Fee: By an applicant for a license to practice veterinary medicine and surgery, the fee of \$125 and the Licensee Assistance Program fee of \$1 for each year remaining during the current biennial renewal period.

180-013.02 Initial Veterinary License by Reciprocity Fee: By an applicant for a license, granted on the basis of a license granted by another state or territory, to practice veterinary medicine and surgery, the fee of \$125 and the Licensee Assistance Program fee of \$1 for each year remaining during the current biennial renewal period.

180-013.03 Proration of Initial Veterinary License Fee: For issuance of a license that will expire within 180 days after its initial issuance date, a fee of \$31.25 and the Licensee Assistance Program fee of \$1.

180-013.04 Initial Veterinary Technician License Fee: By an applicant for a license to practice as a veterinary technician, the fee of \$65 and the Licensee Assistance Program fee of \$1 for each year remaining during the current biennial renewal period.

180-013.05 Proration of Initial Veterinary Technician License Fee: For issuance of a license that will expire within 180 days after its initial issuance date, a fee of \$25.

180-013.06 Initial Temporary Veterinary License Fee: By an applicant for a temporary license to practice veterinary medicine and surgery, the fee of \$50.

180-013.07 Veterinary License Renewal Fee: By an applicant for renewal on a biennial basis of a license to practice veterinary medicine and surgery, the fee of \$100 and the Licensee Assistance Program fee of \$2.

180-013.08 Veterinary Technician Renewal Fee: By an applicant for renewal on a biennial basis of a license to practice as a veterinary technician, the fee of \$50 and the Licensee Assistance Program fee of \$2.

180-013.09 Inactive License Status Fee: By an applicant to have his/her license placed on inactive status, the fee of \$25.

180-013.10 Renewal Late Fee: By an applicant for renewal on a biennial basis of a license, who fails to pay the renewal fee on or before the expiration date of his/her license who fails to pay the renewal on or before the expiration date of his/her license, the fee of \$25 as a late fee in addition to the renewal fee.

180-013.11 Certification of License Fee: For issuance of a certification of a license, the fee of \$25. The certification includes information regarding:

1. The basis on which a license was issued;
2. The date of issuance;
3. Whether disciplinary action has been taken against the license; and
4. The current status of the license.

180-013.12 Verification of License Fee: For issuance of a verification of a license, the fee of \$5. The verification includes written confirmation as to whether a license was valid at the time the request was made.

180-013.13 Duplicate License Fee: For a duplicate of original license document or reissued license, the fee of \$10.

180-013.14 Administrative Fee: For a denied license or withdrawn application, the administrative fee of \$25 will be retained by the Department, except if the licensing fee is less than \$25, the fee will be forfeited and an examination fee will not be returned.

180-013.15 Reinstatement Late Fee: For reinstatement of a license: For failure to meet renewal requirements:

1. Within one year the fee of \$35 in addition to the renewal fee.
2. After one year of revocation, the fee of \$75 in addition to the renewal fee.

180-013.16 Reinstatement Fee: For reinstatement following suspension, limitation or revocation for disciplinary reasons, the fee of \$75.

180-014 ADMINISTRATIVE PENALTY: The Department may assess an administrative penalty when evidence exists that a person or entity practices without a credential. Practice without a credential for the purpose of this regulation means practice:

1. Prior to the issuance of a credential;
2. Following the expiration of a credential; or
3. Prior to the reinstatement of a credential.

180-014.01 Evidence of Practice: The Department will consider any of the following conditions as prima facie evidence of practice without a credential:

1. The person admits to engaging in practice;
2. Staffing records or other reports from the employer of the person indicate that the person was engaged in practice;
3. Billing or payment records document the provision of service, care, or treatment by the person;
4. Service, care, treatment records document the provision of service, care, or

treatment by the person;

5. Appointment records indicate that the person was engaged in practice;
6. Other government records indicate that the person was engaged in practice; and
7. The person or entity opens a business or practice site and announces or advertises that the business or site is open to provide service, care, or treatment.

For purposes of this regulation prima facie evidence means a fact presumed to be true unless disproved by some evidence to the contrary.

180-014.02 Penalty: The Department may assess an administrative penalty in the amount of \$10 per day, not to exceed a total of \$1,000 for practice without a credential. To assess such penalty, the Department will:

1. Provide written notice of the assessment to the person. The notice will specify:
 - a. The total amount of the administrative penalty;
 - b. The evidence on which the administrative penalty is based;
 - c. That the person may request, in writing, a hearing to contest the assessment of an administrative penalty;
 - d. That the Department will within 30 days following receipt of payment of the administrative penalty, transmit the penalty to the State Treasurer for credit to the Permanent School Fund; and
 - e. That an unpaid administrative penalty constitutes a debt to the State of Nebraska which may be collected in the manner of a lien foreclosure or sued for and recovered in a proper form of action in the name of the state in the District Court of the county in which the violator resides or owns property.
2. Send by certified mail, a written notice of the administrative penalty to the last known address of the person to whom the penalty is assessed.

180-014.03 Administrative Hearing: When a person contests the administrative penalty and requests a hearing, the Department will hold a hearing pursuant to Neb. Rev. Stat. §§84-901 to 84-920 and the Department's rules and regulations adopted pursuant to these statutes.

Approved by the Attorney General on December 13, 2004

Approved by the Governor on January 10, 2005

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