

TITLE 172 PROFESSIONAL AND OCCUPATIONAL LICENSURE

CHAPTER 168 ~~PRACTICE AS AN CERTIFICATION OF A REGISTERED~~
ENVIRONMENTAL HEALTH SPECIALIST

168-001 SCOPE AND AUTHORITY. ~~These regulations govern the credentialing of a registered environmental health specialist under Neb. Rev. Stat. §§ 38-1301 to 38-1315 and the Uniform Credentialing Act (UCA). These regulations apply to registration as an environmental health specialist as defined by Neb. Rev. Stat. §§ 71-3702 to 71-3715, the Uniform Licensing Law, 71-110, 71-139 to 71-161.20.~~

168-002 DEFINITIONS.

Accredited College or University means a post-secondary school accredited by a regional accrediting institution.

Act means Neb. Rev. Stat. §§ 38-1301 to 38-1315 known as the Environmental Health Specialists Practice Act.

Active addiction means current physical or psychological dependence on alcohol or a substance, which develops following the use of alcohol or a substance on a periodic or continuing basis.

Alcohol or substance abuse means a maladaptive pattern of alcohol or substance use leading to clinically significant impairment or distress as manifested by one or more of the following occurring at any time during the same 12-month period:

1. Recurrent alcohol or substance use resulting in a failure to fulfill major role obligations at work, school, or home;
2. Recurrent alcohol or substance use in situations in which it is physically hazardous;
3. Recurrent legal problems related to alcohol or substance use; or
4. Continued alcohol or substance use despite having persistent or recurrent social or interpersonal problems caused or exacerbated by the effects of the alcohol or substance use.

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

Attest or attestation means that the individual declares that all statements on the application are true and complete.

Board means the Board of ~~Registration-Registered~~ Environmental Health Specialists.

Certificate means an authorization issued by the Department that gives a person the right to use a protected title that only a person who has met specific requirements may use.

Certification Examination means the National Environmental Health Association's Registered Environmental Health Specialist/Registered Sanitarian Examination approved by the Board.

Complete application means an application that contains all of the information requested on the application, with attestation to its truth and completeness, and that is submitted with the required fees and all required documentation.

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

Confidential information means information protected as privileged under applicable law.

Consumer means a person receiving health or health-related services or environmental services and includes a patient, client, resident, customer, or person with a similar designation.

Continuing Education means the offering of instruction or information to ~~registrants~~ certificate holders for the purpose of maintaining skills necessary for the safe and competent practice as ~~an~~ a registered environmental health specialist. The continuing education may be offered under such names as "scientific school", "clinic", "forum", "lecture", "course of study" or "educational seminar.

Continuing Education Hour means ~~fifty~~ 50 minutes.

Conviction means a plea or verdict of guilty or a conviction following a plea of nolo contendere or non vult contendere made to a formal criminal charge, or a judicial finding of guilt irrespective of the pronouncement of judgment or the suspension thereof, and includes instances in which the imposition or the execution of sentence is suspended following a judicial finding of guilt and the defendant is placed on probation.

Credential means a license, certificate, or registration.

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

Department means the Division of Public Health of the Department of Health and Human Services.

Dependence means a maladaptive pattern of alcohol or substance use, leading to clinically significant impairment or distress, as manifested by three or more of the following occurring at any time in the same 12-month period:

1. Tolerance as defined by either of the following:
 - a. A need for markedly increased amounts of alcohol or the substance to achieve intoxication or desired effect; or
 - b. A markedly diminished effect with continued use of the same amount of alcohol or the substance;
2. Withdrawal as manifested by either of the following:
 - a. The characteristic withdrawal syndrome for alcohol or the substance as referred to in the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition, published by the American Psychiatric Association; or
 - b. Alcohol or the same substance or a closely related substance is taken to relieve or avoid withdrawal symptoms;

3. Alcohol or the substance is taken in larger amounts or over a longer period than was intended;
4. A persistent desire or unsuccessful efforts to cut down or control alcohol or substance use;
5. A great deal of time is spent in activities necessary to obtain alcohol or the substance, to use alcohol or the substance; or to recover from the effects of use of alcohol or the substance;
6. Important social, occupational, or recreational activities are given up or reduced because of alcohol or substance use; or
7. Alcohol or substance use continues despite knowledge of having had a persistent or recurrent physical or psychological problem that was likely to have been caused or exacerbated by alcohol or the substance.

~~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.~~

~~Director means the Director of Public Health of the Division of Public Health or his/her designee.~~

Environmental Health Specialist means a person who by education and experience in the physical, biological, and sanitary sciences is qualified to carry out educational, investigational, and technical duties in the field of environmental sanitation.

~~Inactive Registration means the voluntary termination of the right or privilege to practice as an environmental health specialist. The registrant retains the right or privilege to represent himself/herself as having an inactive registration.~~

Inactive credential means a credential which the credential holder has voluntarily placed on inactive status and by which action has terminated the right to practice or represent him/herself as having an active credential.

~~Lapsed Registration means the voluntary termination of the right or privilege to represent himself/herself as a registered person and to practice as an environmental health specialist.~~

Military service means full-time duty in the active military service of the United States, a National Guard call to active service for more than 30 consecutive days, or active service as a commissioned officer of the Public Health Service or the National Oceanic and Atmospheric Administration. Military service may also include any period during which a servicemember is absent from duty on account of sickness, wounds, leave, or other lawful cause. (From the Servicemembers Civil Relief Act, 50 U.S.C. App. 501 et seq., as it existed on January 1, 2007.)

NAC means the Nebraska Administrative Code, the system for classifying State agency rules and regulations. These regulations are 172 NAC 168.

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

Pattern of incompetent or negligent conduct means a continued course of incompetent or negligent conduct in performing the duties of the profession.

Profession means any profession or occupation named in subsection (1) or (2) of Neb. Rev. Stat. § 38-121.

Provider means an individual or sponsoring organization that presents continuing education programs to ~~registrants~~ certificate holders.

Provisional Environmental Health Specialist means a person who is qualified by education but does not have at least two full years of experience in the field of environmental sanitation and is certified in accordance with the Environmental Health Specialists Practice Act.

Registered Environmental Health Specialist means a person who has the educational requirements and has had experience in the field of environmental sanitation pursuant to Neb. Rev. Stat. § ~~38-1308 71-3703~~ and is ~~registered pursuant to 172 NAC 168-003~~ certified in accordance with the Environmental Health Specialists Practice Act.

~~Registration Examination means the National Environmental Health Association's Registered Environmental Health Specialist/Registered Sanitarian Examination approved by the Board.~~

Served in the regular armed forces has the same meaning as "military service" in these regulations.

Title or abbreviation means only a person who holds a valid current certificate for use in this state will have the right and privilege of using the title Registered Environmental Health Specialist and to use the abbreviation R.E.H.S. after his or her name.

~~Trainee means a person who is qualified by education but does not have at least one full year of experience in the field of environmental sanitation and is registered pursuant to 172 NAC 168-003.03.~~

~~Verified means sworn to before a Notary Public.~~

~~168-003 REQUIREMENTS FOR ISSUANCE OF REGISTRATION: Any person desiring to be registered as an environmental health specialist or trainee may make application to the Board on a form prescribed by the Board. The criteria for issuance of registrations and the documentation required by the Board are set forth below.~~

~~168-003.01 Registration Based On Experience: An applicant for a registration to practice as an environmental health specialist must:~~

~~168-003.01A— Have graduated with a baccalaureate degree from an accredited college or university and have met the following requirements:~~

- ~~1.— Satisfactorily completed at least forty-five quarter hours or thirty semester hours of academic work in the basic natural sciences;
Employed full time as an environmental health specialist for a period not less than one year;
Passed the registration examination with a score of 68%;
Be of good moral character; and
Submit to the Department:~~

- ~~a. An official transcript showing proof of a baccalaureate degree from an accredited college or university and at least forty five quarter hours or thirty semester hours of academic work in the basic natural sciences;~~
 - ~~b. Official documentation of passing the registration examination;~~
 - ~~c. A complete application, on a form provided by the Department or on an alternate format which includes the following information:
 - ~~(1) Complete name including middle or maiden name;~~
 - ~~(2) Mailing address including street, P.O. Box, route, city, state, and zip code;~~
 - ~~(3) Date of birth (month, day, and year);~~
 - ~~(4) Place of birth (city, state);~~
 - ~~(5) Telephone number including area code (optional);~~
 - ~~(6) Social Security Number;~~
 - ~~(7) Name of accredited college or university;~~
 - ~~(8) Date of graduation from college or university;~~
 - ~~(9) Location of employment as an environmental health specialist;~~
 - ~~(10) Dates of employment as an environmental health specialist;~~
 - ~~(11) Name and address of supervisor;~~
 - ~~(12) Answer the following question: Were you a full time employee? If yes, give the dates of employment. If no, how many hours per week did you work and give dates of employment.~~
 - ~~(13) If convicted of a felony or misdemeanor applicant must submit the following:
 - ~~(a) Official courts records relating to the conviction and disposition;~~
 - ~~and~~
 - ~~(b) Letter of explanation of conviction; —~~List state, license/registration number, date license/registration issued, and expiration date of license/registration for each state where you have been or are currently licensed/registered;~~
 - ~~- If any disciplinary action was taken against applicant's license/registration by another state, applicant must submit a letter of explanation of the disciplinary action; and~~
 - ~~- Attestation by the applicant:
 - ~~(a) That s/he has not practiced in Nebraska prior to the application for registration; or~~
 - ~~(b) To the actual number of days practiced in Nebraska prior to the application for registration.~~Sign and date the following statement: I hereby attest that the preceding information is correct to the best of my knowledge and I further attest that I am of good moral character;~~~~
 - ~~d. The required registration fee.~~
- ~~6. The Department will act within 150 days upon all completed applications for registration.~~
- ~~7. When an environmental health specialist registration will expire within 180 days after its initial issuance date, the Department will collect \$26, and the registration will be valid until the next subsequent renewal date.~~
- ~~8. Administrative Penalty/Other Action: An individual who practices prior to~~

~~issuance of a registration, is subject to assessment of an administrative penalty pursuant to 172 NAC 168-012, or such other action as provided in the statutes and regulations governing the license.~~

~~168-003.01B— Have graduated with a degree higher than a baccalaureate degree from an accredited college or university and have met the following requirements:~~

- ~~1.— Satisfactorily completed at least forty five quarter hours or thirty semester hours of academic work in the basic natural sciences;~~
 - ~~2.— Employed full time as an environmental health specialist for a period not less than six months;~~
 - ~~3.— Passed the registration examination with a score of 68%;~~
- ~~- Be of good moral character; and~~
 - ~~- Submit to the Department:~~
 - ~~a.— An official transcript showing proof of a degree higher than a baccalaureate degree from an accredited college or university and at least forty five quarter hours or thirty semester hours of academic work in the basic natural sciences;~~
 - ~~b.— Official documentation of passing the registration examination;~~
 - ~~c.— A complete application, on a form provided by the Department or on an alternate format which includes the following information:~~
 - ~~(1) — Complete name including middle or maiden name;~~
 - ~~(2) — Mailing address including street, P.O. Box, route, city, state, and zip code;~~
 - ~~— Date of birth (month, day, and year);~~
 - ~~— Place of birth (city, state);~~
 - ~~— Telephone number including area code (optional);~~
 - ~~— Social Security Number;~~
 - ~~— Name of accredited college or university;~~
 - ~~— Date of graduation from college or university;~~
 - ~~— Location of employment as an environmental health specialist;~~
 - ~~— Dates of employment as an environmental health specialist;~~
 - ~~— Name and address of supervisor;~~
 - ~~— Answer the following question: Were you a full time employee? If yes, give dates of employment;~~
 - ~~— If convicted of a felony or misdemeanor applicant must submit the following:~~
 - ~~(a) — Official courts records relating to the conviction and disposition; and~~
 - ~~(b) — Letter of explanation of conviction;—~~

- ~~(14) — List state, license/registration number, date license/registration issued, and expiration date of license/registration for each state where you have been or are currently licensed/registered;~~
- ~~(15) — If any disciplinary action was taken against applicant's license/registration by another state, applicant must submit a letter of explanation of the disciplinary action; and~~
- ~~(16) — Attestation by the applicant:
 - ~~(a) — That s/he has not practiced in Nebraska prior to the application for registration; or~~
 - ~~(b) — To the actual number of days practiced in Nebraska prior to the application for a registration.~~~~
- ~~(17) — Sign and date the following statement: I hereby attest that the preceding information is correct to the best of my knowledge and I further attest that I am of good moral character;~~

~~d. — The required registration fee.~~

~~168-003.01C — The Department will act within 150 days upon all completed applications for a registration.~~

~~168-003.01D — When an environmental health specialist registration will expire within 180 days after its initial issuance date, the Department will collect \$26, and the registration will be valid until the next subsequent renewal date.~~

~~168-003.01E — Administrative Penalty/Other Action: — An individual who practices prior to issuance of a registration, is subject to assessment of an administrative penalty pursuant to 172 NAC 168-012, or such other action as provided in the statutes and regulations governing the license.~~

~~168-003.02 Registration Based On A Registration Issued In Another Jurisdiction: — An applicant for a registration to practice as an environmental specialist on the basis of a registration in another jurisdiction must:~~

- ~~1. — Provide documentation that the standards regulating practice as an environmental health specialist in the other jurisdiction are equivalent to those maintained in Nebraska;~~
- ~~2. — Provide documentation that s/he meets the requirements pursuant to 172 NAC 168-003.01A or 172 NAC 168-003.01B.~~
- ~~3. — Submit to the Department:
 - ~~a. — A complete application form provided by the Department, pursuant to 172 NAC 168-003.01A, item 5c. Only applications which are complete will be considered; and~~
 - ~~b. — The required registration fee.~~~~
- ~~4. — If the registration was based on examination, the applicant must have the licensing agency submit:~~

- a. ~~A certification that the applicant is duly registered and the method by which the registration was granted, that his/her registration has never been suspended or revoked, and that so far as the record of the agency is concerned, the applicant is entitled to its endorsement on a form provided by the Department or on an alternate format which can be a form provided by the licensing agency in the other jurisdiction;~~
- b. ~~Nature of disciplinary actions, if any, taken against the applicant's registration;~~
- c. ~~Date of the applicant's registration;~~
- d. ~~Name of the examination on which registration was based;~~
- e. ~~Score attained on the examination; and~~
- f. ~~Documentation of the requirements for registration in the other jurisdiction which are currently in effect and which were in effect at the time the registration was issued; or~~

~~168.003.02A The Board reviews the documents submitted to determine if the applicant's registration issued by the other jurisdiction was based upon standards which are equal to those maintained in the practice as an environmental health specialist by Nebraska.~~

~~168.003.02B The Department will act within 150 days upon all completed applications for registrations.~~

~~168.003.02C When an environmental health specialist registration will expire within 180 days after its initial issuance date, the Department will collect \$26, and the registration will be valid until the next subsequent renewal date.~~

~~168.003.02D Administrative Penalty/Other Action: An individual who practices prior to issuance of a registration, is subject to assessment of an administrative penalty pursuant to 172 NAC 168-012, or such other action as provided in that statutes and regulations governing the license.~~

~~168.003.03 Trainee Registration Requirements: A trainee registration may be issued to an applicant who meets the educational qualifications pursuant to 172 NAC 168-003.01A or 168-003.01B but who does not meet the experience requirements. The applicant must submit to the Department:~~

1. ~~An official transcript showing proof of a baccalaureate degree or higher degree from an accredited college or university and at least forty five quarter hours or thirty semester hours of academic work in the basic natural sciences;~~
2. ~~A complete application, on a form provided by the Department or on an alternate format that includes the following information:~~
 - a. ~~Complete name including middle or maiden name;~~
 - b. ~~Mailing address including street, P.O. Box, route, city, state, and zip code;~~
 - c. ~~Date of birth (month, day, and year);~~
 - d. ~~Place of birth (city, state);~~
 - e. ~~Telephone number including area code (optional);~~
 - f. ~~Social Security Number;~~

- ~~g. Name of accredited college or university;~~
- ~~h. Date of graduation from college or university;~~
- ~~i. If convicted of a felony or misdemeanor applicant must submit the following:
 - ~~(1) Official courts records relating to the conviction and disposition;~~
 - ~~(2) Letter of explanation of conviction;~~~~
- ~~j. List state, license/registration number, date license/registration issued, and expiration date of license/registration for each state where you have been or are currently licensed/registered; if applicable~~
- ~~k. If any disciplinary action was taken against applicant's license/registration by another state, applicant must submit a letter of explanation of the disciplinary action; and~~
- ~~l. Attestation by the applicant:
 - ~~(1) That s/he has not practiced in Nebraska prior to the application for a license; or~~
 - ~~(2) To the actual number of days practiced in Nebraska prior to the application for a registration.~~~~
- ~~m. Sign and date the following statement: I hereby attest that the preceding information is correct to the best of my knowledge and I further attest that am of good moral character; and~~

~~3. The required trainee registration fee.~~

~~168-003.03A The trainee registration may be issued for up to a year. A trainee registration may not be renewed.~~

168-003 INITIAL CREDENTIAL

168-003.01 Qualifications: To receive a credential to practice as a registered environmental health specialist, an individual must meet the following qualifications:

1. Age and Good Character: Be at least 19 years old and of good character;
2. Citizenship/ Lawful Presence Information: For purposes of Neb. Rev. Stat. §§4-108 to 4-114, a citizen of the United States or qualified alien under the Federal Immigration and Nationality Act. For purposes of Neb. Rev. Stat. §38-129, a citizen of the United States, an alien lawfully admitted into the United States who is eligible for a credential under the Uniform Credentialing Act, or a nonimmigrant lawfully present in the United States who is eligible for a credential under the Uniform Credentialing Act.
3. Education:
 - a. Have a baccalaureate degree from an accredited college or university and satisfactorily completed at least 45 quarter hours or 30 semester hours of academic work in the basic natural sciences; or
 - b. Have a degree higher than a baccalaureate degree from an accredited college or university and satisfactorily completed

at least 45 quarter hours or 30 semester hours of academic work in the basic natural sciences.

4. Experience:
 - a. Employed full time as an environmental health specialist for a period of not less than two years with a baccalaureate degree; or
 - b. Employed full time as an environmental health specialist for a period of not less than one year with a degree higher than a baccalaureate degree; and
5. Examination:
 - a. Passed the certifying examination with a score of 68% or above.

168-003.01A Passed Certification Examination But Is Not Practicing. An applicant who has met the education, and examination requirements pursuant to 172 NAC 168-003.01, items 3 and 5, who passed the examination more than three years prior to the time of application for certification, and who is not practicing at the time of application for certification must present proof to the Department, within the three years immediately preceding the application for certification, that s/he has completed 24 hours of continuing education, pursuant to section 172 NAC 168-005.

168-003.01B Credentialed in Another Jurisdiction But Is Not Practicing. An applicant who has met the standards for certification pursuant to 172 NAC 168-003.01 based on a credential in another jurisdiction and who is not practicing at the time of application for certification must present proof to the Department, within the three years immediately preceding the application for certification, that s/he has completed 24 hours of continuing education, pursuant to section 172 NAC 168-005.

168-003.01C Provisional Credential: To receive a credential to practice as a provisional environmental health specialist, an individual must meet the following qualifications:

1. Age and Good Character: Be at least 19 years old and of good character;
2. Citizenship/Resident Information: Be a citizen of the United States, an alien lawfully admitted into the United States for permanent residence under the Immigration and Nationality Act (INA) and who is eligible for a credential under the Uniform Credentialing Act, or a nonimmigrant whose visa for entry, or application for visa for entry, is related to employment as a credential holder in the United States.
3. Education: Have a baccalaureate degree or higher from an accredited college or university and satisfactorily completed at least 45 quarter hours or 30 semester hours of academic work in the basic natural sciences.

168-003.01C1 The provisional credential will be valid for one year and may be renewed for two additional one-year periods. Certification as a provisional environmental health specialist must not exceed a three-year period.

168-003.02 Application: To apply for a credential to practice as a registered environmental health specialist or as a provisional environmental health specialist the individual must submit a complete application to the Department. A complete application includes all required documentation, the required fee, and a written application. The applicant may obtain an application from the Department or construct an application that must contain the following information:

1. Written Application:

a. Personal Information:

- (1) The legal name of the applicant, maiden name (if applicable), and any other names by which the applicant is known;
- (2) Date of birth (month, day, and year);
- (3) Place of birth (city and state or country if not born in the United States);
- (4) Mailing address (street, rural route, or post office address; and city, state, and zip code, or country information);
- (5) The applicant's:
 - (a) Social Security Number (SSN);
 - (b) Alien Registration Number ("A#"); or
 - (c) Form I-94 (Arrival-Departure Record) number.Certain applicants may have both a SSN and an A# or I-94 number, and if so, must report both.
- (6) The applicant's telephone number including area code (optional);
- (7) The applicant's e-mail address (optional);
- (8) The applicant's fax number (optional);

b. Practice Before Application: The applicant must state:

- (1) That s/he has not practiced as a registered environmental health specialist or a provisional environmental health specialist in Nebraska before submitting the application; or
- (2) If s/he has practiced as a registered environmental health specialist or provisional environmental health specialist in Nebraska before submitting the application, the actual number of days practiced in Nebraska before submitting the application for a credential and the name and location of practice; and

c. Attestation: The applicant must attest that:

- (1) S/he has read the application or has had the application read to him/her;
- (2) All statements on the application are true and complete;
- (3) S/he is of good character;
- (4) S/he has not committed any act that would be grounds for denial under 172 NAC 168-007 or if an act(s) was committed, provide an explanation of all such acts; and
- (5) S/he is:
 - (a) For purposes of Neb. Rev. Stat. §§4-108 to 4-114, a citizen of the United States or qualified alien under the Federal Immigration and Nationality Act; and
 - (b) For purposes of Neb. Rev. Stat. §38-129;

- (i) A citizen of the United States;
 - (ii) An alien lawfully admitted into the United States who is eligible for a credential under the Uniform Credentialing Act; or
 - (iii) A nonimmigrant lawfully present in the United States who is eligible for a credential under the Uniform Credentialing Act.
- 2. Documentation: The applicant must submit the following documentation with the application:
 - a. Evidence of age, such as:
 - (1) Driver's license;
 - (2) Birth certificate;
 - (3) Marriage license that provides date of birth;
 - (4) Transcript that provides date of birth;
 - (5) U.S. State identification card;
 - (6) Military identification; or
 - (7) Other similar documentation;
 - b. Evidence of good character, including:
 - (1) Other Credential Information: If the applicant holds a credential to provide health services, health-related services, or environmental services in Nebraska or in another jurisdiction, the applicant must submit the state, credential number, type of credential, date issued, and expiration date of each credential where the applicant has been or is currently credentialed. The applicant must have the licensing agency submit to the Department a certification of his/her credential;
 - (2) Disciplinary Action: A list of any disciplinary actions taken against the applicant's credential and a copy of the disciplinary action(s), including charges and disposition;
 - (3) Denial: If the applicant was denied a credential or denied the right to take an examination, an explanation of the basis for the denial;
 - (4) Conviction Information: If the applicant has been convicted of a felony or misdemeanor, the applicant must submit to the Department:
 - (a) A list of any misdemeanor or felony convictions;
 - (b) A copy of the court record, which includes charges and disposition;
 - (c) Explanation from the applicant of the events leading to the conviction (what, when, where, why) and a summary of actions the applicant has taken to address the behaviors/actions related to the convictions;
 - (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;
 - (e) A letter from the probation officer addressing probationary conditions and current status, if the

- applicant is currently on probation; and
- (f) Any other information as requested by the Board/Department;
- c. Evidence that the applicant is:
- (1) For purposes of Neb. Rev. Stat. §§4-108 to 4-114, a citizen of the United States or qualified alien under the Federal Immigration and Nationality Act; and
- (2) For purposes of Neb. Rev. Stat. §38-129, a citizen of the United States, an alien lawfully admitted into the United States who is eligible for a credential under the Uniform Credentialing Act, or a nonimmigrant lawfully present in the United States who is eligible for a credential under the Uniform Credentialing Act.
- d. Evidence of citizenship, lawful presence, and/or immigration status may include a copy of:
- (1) A U.S. Passport (unexpired or expired);
- (2) A birth certificate issued by a state, county, municipal authority or outlying possession of the United States bearing an official seal;
- (3) An American Indian Card (I-872);
- (4) A Certificate of Naturalization (N-550 or N-570);
- (5) A Certificate of Citizenship (N-560 or N-561);
- (6) Certification of Report of Birth (DS-1350);
- (7) A Consular Report of Birth Abroad of a Citizen of the United States of America (FS-240);
- (8) Certification of Birth Abroad (FS-545 or DS-1350);
- (9) A United States Citizen Identification Card (I-197 or I-179);
- (10) A Northern Mariana Card (I-873);
- (11) A Green Card, otherwise known as a Permanent Resident Card (Form I-551), both front and back of card;
- (12) An unexpired foreign passport with an unexpired Temporary I-551 stamp bearing the same name as the passport;
- (13) A document showing an Alien Registration Number ("A#"). An Employment Authorization Card/Document is not acceptable;
- or
- (14) A Form I-94 (Arrival-Departure Record);
- e. Documentation that the applicant:
- (1) Requested that the examination rating/grades be sent directly to the Department from the appropriate examination service or State Board Office;
- (2) Requested that an official college transcript be sent directly to the Department from the accredited college or university; and
- (3) Submitted any other documentation as requested by the Board/Department.
- f. Documentation of Licensure in another Jurisdiction, including:
- (1) Certification from the other jurisdiction(s) verifying licensure, including:
- (a) Date of initial licensure;
- (b) The name of the examination on which licensure

unless the applicant, within that 30-day period, requests a hearing in writing. The hearing will be conducted in accordance with the Administrative Procedure Act and 184 NAC 1, the Department's Rules of Practice and Procedure for Administrative Hearings.

168-003.05 Withdrawn Applications: An applicant for a credential who withdraws his/her application or whose application is rejected by the Department prior to administration of the examination will be allowed the return of his/her fee, except for a \$25 administrative fee to be retained by the Department.

168-003.06 Practice Prior to Credential: An individual who practices prior to issuance of a credential is subject to assessment of an administrative penalty under 172 NAC 168-010 or such other action as provided in the statutes and regulations governing the credential.

168-003.07 Confidentiality: Social Security Numbers obtained under this section are not public information but may be shared by the Department for administrative purposes if necessary and only under appropriate circumstances to ensure against any unauthorized access to this information.

168-003.08 Address Information: Each credential holder must notify the Department of any change to the address of record.

168-003.09 Non-English Documents: Any documents written in a language other than English must be accompanied by a complete translation into the English language. The translation must be an original document and contain the notarized signature of the translator. An individual may not translate his/her own documents.

~~168-004 EXAMINATION PROCEDURES: Any person who meets the educational and experience requirements will be eligible for admission to the examination for a registration as an environmental health specialist.~~

- ~~1.— The National Environmental Health Association's approved proctor will administer the examination by appointment.~~
- ~~2.— The National Environmental Health Association will notify the applicant in writing of test results within four weeks after the administration of an examination.~~

168-004 EXAMINATION ELIGIBILITY:

168-004.01 To be eligible for admission to the National Environmental Health Association (NEHA) certifying examination, an applicant must have met the education and experience requirements pursuant to 172 NAC 168-003.01, items 3 and 4, and any additional requirements established by NEHA,

168-004.02 To schedule the certifying examination, the applicant must contact the National Environmental Health Association.

168-005 CONTINUING COMPETENCY REQUIREMENTS FOR REGISTRATION

168-005 CONTINUING COMPETENCY REQUIREMENTS: Each person holding an active

credential within the state must, on or before the date of expiration of the credential, comply with the continuing competency requirements for his/her profession, unless such requirements are waived in accordance with 172 NAC 168-006.03 and 168-006.04. Each credentialed individual is responsible for maintaining certificates or records of continuing competency activities.

168-005.01 General Requirements for Certification Registration: On or before December 31 of each even-numbered year ~~thereafter~~, each environmental health specialist ~~in~~ who has an active certificate practice within the State of Nebraska must:

1. Complete 24 hours of continuing education to renew a registration certificate during the preceding 24 month period.
- ~~2. Submit to the Department the renewal notice pursuant to 172 NAC 168-006 with an attestation of completion of 24 hours of continuing education during the preceeding 24 month period.~~
- ~~2. Be responsible for:~~
 - ~~a. Maintaining until the next renewal period documentation of attendance at, or participation in, continuing education programs/activities and the program outline and/or objectives; and~~
 - ~~b. Maintaining documentation of presentation of a continuing education program if the registrant is presenting a program.~~
2. Be responsible for maintaining until the next renewal period:
 - a. Documentation of attendance at, or participation in, continuing education programs/activities. Documentation must include:
 - (1) Signed certificate of attendance; and
 - (2) Program outline and/or objective; and/or
 - (3) Other requested documentation pursuant to 172 NAC 168-005.01C, item 3a.
 - b. If the certificate holder is presenting a program, documentation of the continuing education program. Documentation must include:
 - (1) Course outline;
 - (2) Course brochure; and
 - (3) Statement of instructor's qualifications to teach the course, unless the qualifications are included in the brochure;
3. ~~#When~~ applicable, submit an application for waiver of the continuing education requirement pursuant to 172 NAC 168-005.~~0302B~~ and 168-005.04.

168-005.01A Acceptable Continuing Education: The board does not pre-approve continuing education programs in advance, but will accept as continuing education for renewal, continuing education programs specified in 172 NAC 168-005. 01B. The Board retains final authority for acceptance of any educational program/activity submitted by the certificate holder to meet the continuing competency requirements. In order for ~~a~~ continuing education programs/activities to be accepted for renewal or reinstatement of a registration certification, the continuing education programs/activities must relate to environmental health and it may focus on research, documentation, management, or education and must be open to all certificate holders.

168-005.01B A continuing education activity, except formal self study will be acceptable when:

1. It constitutes a formally organized and planned program of learning which directly contributes to the professional competency of the registrant certificate holder;
2. The objectives of the continuing education activity relates to the practice of environmental health;
3. It has a date, location, course title, number of contact hours, signed certificate or record of attendance and is open to all ~~registrants~~ certificate holders; and
4. The instructor has specialized experience or training to meet the course objectives; ~~of the course~~; and
5. ~~One continuing education hour of credit will be awarded for each fifty minutes of attendance. Credit will not be awarded for breaks or meals.~~

168-005.01C Acceptable Programs/Activities ~~The Board does not pre-approve continuing education programs but will accept as continuing education for renewal of a registration or reinstatement of a registration the following continuing education activities:~~ The following is a list of acceptable continuing education programs/activities and the required documentation specified for each. One hour of continuing education credit will be awarded for each 50 minutes of attendance. Each program/activity must be at least 50 minutes in length. Credit will not be awarded for breaks or meals.

1. Programs at State and National association meetings ~~e.g., (for example,~~ a meeting of the Nebraska or other state environmental health associations and/or the National Environmental Health Association. ~~A registrant's d~~Documentation must include:
 - a. ~~e~~Certificate or record of attendance; and
 - b. ~~a p~~Program description outline and/or objectives;
2. Workshops, seminars, and/or conferences, including monitored videotapes and in-service programs where the content of the continuing education program/activity relates to environmental health. ~~that includes monitored videotapes, and inservice programs. A registrant's d~~Documentation must include:
 - a. ~~a~~Certificate or record of attendance; and
 - b. ~~a p~~Program description outline and/or objectives;
3. University or college sponsored courses where the content of the course relates to environmental health. A registrant credential holder must provide documentation of successfully completing the course. One semester hour is equivalent to 15 contact hours. One quarter hour is equivalent to 3.75 contact hours. ~~A registrant's d~~Documentation must include:
 - a. ~~a~~An official transcript; and
 - b. ~~a p~~Program description outline and/or objectives;
4. Formal self study where the content of the self study activity relates to environmental health whether the subject is research, documentation,

- education, or management, ~~e.g. (for example,~~ videotapes, internet courses, correspondence courses). ~~Licensees-Certificate holders~~ may complete a maximum of 12 hours of continuing education by self-study each ~~24-month~~ renewal period. The self-study program must have a testing mechanism. ~~A registrant's d~~Documentation must include:
- a. ~~a~~A certificate of completion; and
 - b. ~~a p~~Program ~~description-outline~~ and/or objectives;
5. Management courses that pertain to the practice of environmental health. An environmental health specialist may complete a maximum of six hours of continuing education utilizing management courses each ~~24-month~~ renewal period. ~~A registrant's d~~Documentation must include:
- a. ~~a~~A certificate of attendance; and
 - b. ~~a p~~Program ~~description-outline~~ and/or objectives;
6. Professional ~~development~~ courses that pertain to the practice of environmental health. ~~The course~~ must include quality improvement ~~and~~ communication, ~~and professional development~~. An environmental health specialist may complete a maximum of four hours of continuing education utilizing professional ~~development~~ courses each 24 month renewal period. ~~A registrant's d~~Documentation must include:
- a. ~~a~~A certificate of attendance; and
 - b. ~~a p~~Program ~~description-outline~~ and/or objectives;
7. Nationally recognized specialty certifications or registration: A ~~registrant-credential holder~~ will earn 24 contact hours of continuing education each ~~24-month~~ renewal period for successful completion of a nationally recognized specialty certification. These include Certified Food Safety Professional (CFSP), NEHA Registered Environmental Health Specialist/Registered Sanitarian (REHS/RS), Registered Hazardous Substances Professional (RHSP), and Registered Hazardous Substances Specialist (RHSS). ~~A registrant's d~~Documentation must include a copy of his/her current certification.
- ~~168-005.01D~~ 8. ~~Scientific Presentation: A certificate holder acting as an essayist or a lecturer to certified environmental health specialists, will be awarded~~ ~~One hour of continuing education credit will be awarded~~ for each ~~continuing education~~ hour of scientific presentation ~~by a registrant~~ at workshops, seminars, in-service training, conferences, or guest lectures which relate to ~~the practice of~~ environmental health. A ~~registrant-certificate holder~~ may receive continuing education credit for only the initial presentation during a renewal period. ~~Credit will not be given for subsequent presentations of the same program. A registrant may complete-with~~ a maximum of four hours of continuing education credit for presentations in a 24 month renewal period. ~~A registrant's d~~Documentation must include: ~~the presentation outline, course objectives, date, location, time, and type of audience.~~

- a. Program brochure that includes the certificate holder's name as presenter;
- b. Continuing competency course outline and/or objectives; and
- c. Statement of instructor's qualifications to teach the course unless the qualifications are included in the brochure.

168.005.01D Non-acceptable Continuing Education: Continuing education credit will not be awarded for programs where the content does not relate to environmental health, including but not limited to:

1. Stress management;
2. Environmental health on-the-job training; and
3. Environmental health orientation programs, including orientation to new policies, procedures, equipment, forms, responsibilities, services, etc.

~~168.005.02 Waiver of Continuing Competency Requirements: The Department, on the recommendation of the Board, may waive the continuing competency requirements, in part or in total, for any two year licensing period when a registrant submits documentation that circumstances beyond his/her control prevented completion of such requirements.~~

~~168.005.02A Such circumstances must include situations in which:~~

- ~~1. The registrant holds a Nebraska registration but is not practicing his/her profession in Nebraska;~~
- ~~2. The registrant has served in the regular armed forces of the United States during part of the 24 months immediately preceding the registration renewal date;~~
- ~~3. The registrant has submitted proof that s/he was suffering from a serious or disabling illness or physical disability which prevented completion of the continuing competency requirements during the 24 months preceding the registration renewal date;~~
- ~~4. The registrant was first licensed within the 24 months immediately preceding the registration renewal date;~~
- ~~5. The registrant is a registered environmental health specialist in good standing with the Board who has completely retired from the active practice of environmental sanitation;~~
- ~~6. The registrant attended a college, university or other institution of higher education for a residence period of time in excess of eight months during any part of the twenty-four months immediately preceding the biennial certificate of registration renewal date;~~
- ~~7. Other circumstances beyond the registrant's control prevented completion of the continuing competency requirements.~~

~~168.005.02B Application for Waiver of Continuing Competency Requirements: Any registrant who seeks a waiver of continuing competency requirements, in part or in total, for any two year licensing 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 two year period. The registrant must submit:~~

- ~~1. A complete application for waiver of continuing competency requirements on a form provided by the Department and referred to as Attachment A or at the option of the applicant, s/he may apply by using an alternate format that s/he prefers. Only applications which are complete will be considered, and the application must be received by the Department on or before August 1 of the year the registration is to be renewed; and~~
- ~~2. Documentation of the circumstances beyond the registrant's control that prevented completion of continuing competency requirements pursuant to 172 NAC 168-005.02A must include the following:~~
 - ~~a. If the registrant holds a Nebraska registration but is not practicing in Nebraska, s/he must make an appropriate statement in the application;~~
 - ~~b. If the registrant has served in the regular armed forces of the United States during part of the 24 month immediately preceding the registration renewal date, s/he must make an appropriate statement in the application and submit official documentation stating the dates of such service.~~
 - ~~c. If the registrant has suffered from a serious or disabling illness or physical disability which prevented completion of the continuing competency requirements during the 24 months preceding the registration renewal date, s/he must make an appropriate statement in the application. The registrant must submit a statement from a treating physician(s) stating that the registrant was injured or ill, the duration of the illness or injury and of the recovery period, and that the registrant was unable to obtain continuing competency requirements during that period.~~
 - ~~d. If the registrant was first registered within 24 months immediately preceding the registration renewal date, s/he must make an appropriate statement in the application and list the date the registration was issued.~~

~~If the registrant is in good standing with the Board and has completely retired from the active practice of environmental sanitation, s/he must make an appropriate statement in the application.~~

~~If the registrant attended a college, university or other institution of higher education for a residence period of time in excess of eight months during any part of the twenty-four months immediately preceding the biennial certificate of registration renewal date, s/he must make an appropriate statement in the application and list the dates of his/her dates of attendance at the college or university. The registrant must submit a statement from the college or university~~

~~attesting to his/her dates of attendance.~~

~~If the registrant has other circumstances beyond his/her control that prevented him/her from obtaining the required continuing competency requirements, s/he must make an appropriate statement in the application and submit documentation verifying such circumstances.~~

~~168-005.02C 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.~~

~~168-005.02C1 When the Department determines to deny an application for waiver of continuing competency requirements, it will send to the applicant by certified mail to the last name and address of record in the Department, a notice setting forth the reason for the denial determination.~~

~~168-005.02C1a The applicant has 30 days from the date of receipt of the denial notice to make a written request to the Department for an appeal. The appeal will be conducted pursuant to Neb. Rev. Stat. §§ 84-901 to 84-920, Administrative Procedure Act and 184 NAC 1, Rules of Practice and Procedure for the Department.~~

~~168-005.02C1b The Department will issue at the conclusion of the appeal pursuant to 184 NAC 1, a final order setting forth the results of the appeal.~~

~~168-005.02C2 When the Department determines to grant a waiver of continuing competency requirements, the applicant will be notified within 30 days of receipt of the application.~~

~~168-005.03 Audit of Continuing Competency: The Board will select, either during or after renewal, in a random manner, a sample of the registrant's renewal applications for audit of continuing competency requirements. Each registrant will be responsible for maintaining in his/her own personal files such certificates or records of credit from continuing education activities received from continuing education providers. Registrants selected for audit will be required to produce documentation of his/her attendance at those continuing education activities including program outline and/or course objectives attested to on his/her renewal application.~~

~~168-005.03A The Department will send to each registrant selected a notice of audit.~~

~~168-005.03B When selected for audit, the registrant will provide satisfactory documentation of attendance at or participation in continuing education activities and the program outline and/or objectives.~~

~~168-005.03C The Board reserves the right to audit the continuing education activities of any licensee by notifying the licensee and requesting the licensee to produce within 30 days of mailing, documents verifying attendance at continuing education activities.~~

~~168-005.03D~~ Continuing education for which no documentation is produced will not be included in the calculation of the total number of continuing education hours.

~~168-005.03E~~ Failure to comply with the audit may be grounds for non-renewal or revocation of the license.

~~168-006~~ PROCEDURES FOR RENEWAL OF A REGISTRATION: All registrations issued by the Department pursuant to 172 NAC 168 will expire on December 31 of each even-numbered year.

~~168-006.01~~ Renewal Process: Any registrant who wishes to renew his/her registration must:

- ~~1.~~ Meet continuing competency requirements pursuant to 172 NAC 168-005;
- ~~2.~~ Pay the renewal fee pursuant to 172 NAC 168-011;
- ~~3.~~ Respond to the following questions:
 - ~~a.~~ Has your license/certificate/registration in any health care profession in another state been revoked, suspended, limited, or disciplined in any manner?
 - ~~b.~~ Have you been convicted of a misdemeanor or a felony?

~~These questions related to the time period since the last renewal of the registration or during the time period since initial registration in Nebraska if such occurred within the two years prior to the expiration date; and~~

- ~~4.~~ Cause to be submitted to the Department:
 - ~~a.~~ The renewal notice;
 - ~~b.~~ The renewal fee and other applicable fees; and
 - ~~c.~~ Attestation of completing 24 hours of continuing education earned within 24 months of the date of expiration or application for waiver of continuing competency requirements. 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 registration by another state, an official copy of the disciplinary action, including charges and disposition;
 - ~~e.~~ If the registration holder 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 registration holder 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
- ~~A letter from the probation officer addressing probationary conditions and current status, if the applicant is currently on~~

~~probation.~~

~~168-006.02 First Notice: At least thirty days before December 31 of each even-numbered year the Department will send a renewal notice by means of regular mail to each registrant at the registrant's last known residence as noted in the records of the Department. It is the responsibility of the registrant prior to the renewal period to notify the Department of any name and/or address changes.~~

~~168-006.02A The renewal notice will specify:~~

- ~~1. The name of the registrant;~~
- ~~2. The registrant's last known address of record;~~
- ~~3. The registration number;~~
- ~~4. The expiration date of the registration;~~
- ~~5. The renewal fee pursuant to 172 NAC 168-011; and~~
- ~~6. The number of continuing education hours required for renewal; and~~
- ~~7. The option to place the license on either inactive or lapsed status.~~

~~168-006.02B The registrant will apply for renewal by submitting to the Department:~~

- ~~1. The renewal notice;~~
- ~~2. The renewal fee and other applicable fees;~~
- ~~3. The registrant's Social Security Number;~~
- ~~4. Attestation of completing 24 hours of continuing education requirements earned within 24 months of the date of expiration or application for waiver of continuing competency requirements; and~~
- ~~5. Documentation relating to misdemeanor or felony conviction(s) or registration revocation, suspension, limitation, or disciplinary action (if applicable).~~

~~168-006.02C If the registrant wishes to place his/her registration on either inactive or lapsed status s/he must:~~

- ~~1. Request that his/her registration 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 registration be placed on lapsed status by submitting to the Department:
 - ~~a. The renewal notice with a check in the box marked lapsed.~~~~

~~168-006.02D The Department will notify the registrant in writing of the acceptance or denial of the request to allow the registration to be placed on lapsed or inactive status.~~

~~168-006.03 Second Notice: The Department will send to each registrant who fails to renew his/her registration or place the registration on inactive or lapsed status in response to the first notice, a second notice of renewal pursuant to the requirements of 172 NAC 168-006.02 that specify:~~

- ~~1. That the registrant failed to pay the renewal fee;~~
- ~~2. That the registration has expired;~~
- ~~3. That the licensee is subject to an administrative penalty pursuant to 172 NAC 168-012 if s/he practices after the expiration date;~~
- ~~4. That upon receipt of the renewal fee, together with the late fee of \$25 and documentation of continuing competency requirements within that time, no order of revocation will be entered; and~~
- ~~5. That upon failure to receive \$25 in addition to the regular renewal fee, and documentation of continuing education hours, the registration will be revoked pursuant to 172 NAC 168-007.~~

~~168-006.04 The registrant 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 registrant's Social Security Number;~~
- ~~4. Attestation by the licensee:
 - ~~(a) That s/he has not practiced in Nebraska since the expiration of his/her license; or~~
 - ~~(b) To the actual number of days practiced in Nebraska since the expiration of his/her license.~~~~
- ~~5. Attestation of completing 24 hours of continuing education earned within 24 months of the date of expiration or waiver of continuing competency requirements; and~~
- ~~Documentation relating to misdemeanor or felony conviction(s) or registration revocation, suspension, limitation or disciplinary action (if applicable).~~

~~168-006.05 If the registrant wishes to place his/her registration on either inactive or lapsed status s/he must:~~

- ~~1. Request that his/her registration 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 registration be placed on lapsed status by submitting to the Department:
 - ~~a. The renewal notice with a check in the box marked lapsed.~~~~

~~168-006.06 The Department will notify the registration holder in writing of the acceptance or denial of the request to allow the registration to be placed on lapsed or inactive status.~~

~~168-006.07~~ When any registration holder fails, within 30 days of expiration of a registration, to pay the renewal fee, to submit documentation of continuing competency requirements and/or to pay an additional fee of \$25 the Department will automatically revoke the registration without further notice or hearing and will make proper record of the revocation.

~~168-006.08~~ Failure to meet the continuing competency requirement for renewal within 30 days of expiration of his/her registration will constitute non-renewal of registration, unless a waiver of continuing competency requirements is granted or the registration is placed on inactive or lapsed status. When any registration holder fails, within 30 days of expiration of a registration, to meet the continuing competency requirements for renewal, and/or to pay an additional late fee of \$25, the Department will revoke the registration after notice and opportunity for hearing. Hearings held before the Department will be conducted pursuant to Neb. Rev. Stat. §§ 84-901 to 84-920, Administrative Procedure Act and 184 NAC 1, the Rules of Practice and Procedure for the Department.

~~168-006.09~~ When the registration holder has given notification to the Department that s/he desires to have the registration lapse or be placed on inactive status upon expiration, 172 NAC 168-006.07 and 168-006.08 will not apply.

~~168-006.10~~ The Department may refuse to renew registration for falsification of any information submitted for renewal of registration. The refusal must be made pursuant to Neb. Rev. Stat. §§ 71-149 to 71-155 and 184 NAC 1, the Rules of Practice and Procedure for the Department.

~~168-006.11~~ An individual who practices after expiration of his/her credential, is subject to assessment of an Administrative Penalty pursuant to 172 NAC 168-012, or such other action as provided in the statutes and regulations governing the credential.

168-006 RENEWAL: An individual who wants to renew his/her registered environmental health specialist credential must request renewal as specified in 172 NAC 168-006.02. All registered environmental health specialist credentials issued by the Department will expire on December 31 of each even numbered year. The provisional environmental health specialist credential will expire one year from the date of issuance but may be renewed for two one-year periods. The provisional credential may not exceed a three year period.

168-006.01 Renewal Notice: At least 30 days before the expiration of a credential, the Department will notify each credential holder at the last known address of record. The renewal notice will include:

1. The type of credential;
2. The credential number;
3. The expiration date;
4. Continuing competency requirements for renewal;
5. The amount of the renewal fee; and
6. Information on how to request renewal and how to place a credential on inactive status.

168-006.02 Renewal Procedures: The request for renewal may be submitted in person or by mail or internet, and must include all required documentation and the renewal fee, which must be paid no later than the expiration date. The applicant may obtain an application from

the Department or construct an application.

1. Application: The applicant on his/her application:
 - a. Must provide the following information:
 - (1) The legal name of the applicant, maiden name (if applicable), and any other names by which the applicant is known;
 - (2) Mailing address (street, rural route, or post office address; and city, state, and zip code, or country information);
 - (3) The applicant's:
 - (a) Social Security Number (SSN);
 - (b) Alien Registration Number (A#); or
 - (c) Form I-94 (Arrival-Departure Record) number.Certain applicants may have both a SSN and an A# or I-94 number, and if so, must report both.
 - b. May provide the following information about him/herself:
 - (1) The applicant's telephone number including area code;
 - (2) The applicant's e-mail address; and
 - (3) The applicant's fax number;
 - c. Must attest that s/he:
 - (1) Is of good character;
 - (2) Has met the continuing competency requirements specified in 172 NAC 168-005 or has requested a waiver if s/he meets the requirements of 172 NAC 168-006.03 and/or 168-006.04; and
 - (3) Has not, since the last renewal of the credential, committed any act which would be grounds for action against a credential as specified in 172 NAC 168-007.01, or if an act(s) was committed, provide an explanation of all such acts; and
 - (4) For purposes of Neb. Rev. Stat. §§4-108 to 4-114, a citizen of the United States or qualified alien under the Federal Immigration and Nationality Act; and
 - (5) For purposes of Neb. Rev. Stat. §38-129, a citizen of the United States, an alien lawfully admitted into the United States who is eligible for a credential under the Uniform Credentialing Act, or a nonimmigrant lawfully present in the United States who is eligible for a credential under the Uniform Credentialing Act.
2. Documentation: The applicant must submit the following documentation with the application:
 - a. Alien or Non-Immigrant: Evidence of lawful presence, and/or immigration status may include a copy of:
 - (1) A Green Card otherwise known as a Permanent Resident Card (Form I-551), both front and back of the card;
 - (2) An unexpired foreign passport with an unexpired Temporary I-551 stamp bearing the same name as the passport;
 - (3) A document showing an Alien Registration Number ("A#"). An Employment Authorization Card/Document is not acceptable;
or
 - (4) A Form I-94 (Arrival-Departure Record);
 - b. Other Credential Information: If the applicant holds a credential to

- provide health services, health-related services, or environmental services in Nebraska or in another jurisdiction, the applicant must submit the state, credential number, type of credential, date issued, and expiration date of each credential where the applicant has been or is currently credentialed;
- c. Disciplinary Action: A list of any disciplinary actions taken against the applicant's credential and a copy of the disciplinary action(s), including charges and disposition;
 - d. Denial: If the applicant was denied a credential or denied the right to take a credentialing examination, an explanation of the basis for the denial;
 - e. Conviction Information: If the applicant has been convicted of a felony or misdemeanor, since his/her last renewal or during the time period since initial credentialing if such occurred within the previous two years, the applicant must submit to the Department:
 - (1) A list of any misdemeanor or felony convictions;
 - (2) A copy of the court record, which includes charges and disposition;
 - (3) Explanation from the applicant of the events leading to the conviction (what, when, where, why) and a summary of actions the applicant has taken to address the behaviors/actions related to the convictions;
 - (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;
 - (5) A letter from the probation officer addressing probationary conditions and current status, if the applicant is currently on probation; and
 - (6) Any other information as requested by the Board/Department;
5. The renewal fee according to 172 NAC 2.

168-006.03 Waivers for Military Service: A credential holder who has served in the regular armed forces of the United States during part of the credentialing period immediately preceding the renewal date, or is actively engaged in military service as defined in 172 NAC 168-002, is not required to pay the renewal fee or to meet the continuing competency requirements if acceptable documentation is submitted to the Department. The individual must document his/her military service by submitting to the Department:

- 1. Military identification proving that s/he is in active service;
- 2. Military orders; or
- 3. A letter from his/her Commanding Officer indicating that s/he is on active duty.

Upon receipt of acceptable documentation, the Department will waive the fee and the continuing competency requirements and renew the credential. The credential will remain active until the next renewal period.

168-006.04 Waiver of Continuing Competency Requirements: The Department waives continuing competency requirements for individuals who were first credentialed within the 24-

month period immediately preceding the renewal date.

168-006.04A The Department may waive continuing competency requirements, in whole or in part, upon submission by a credential holder of documentation that circumstances beyond his/her control have prevented completion of these requirements. These circumstances may include proof that the credential holder was suffering from a serious or disabling illness or physical disability which prevented completion of the required number of continuing education hours during the 24 months immediately preceding the certificate renewal date.

168-006.05 Audit of Continuing Competency Requirements: The Department or the Board may biennially select, in a random manner, a sample of the renewal applications for audit of continuing competency requirements. Each credential holder selected for audit must produce documentation of the continuing competency activities.

168-006.05A The Department will notify each selected credential holder by mail. Failure to notify the Department of a current mailing address will not absolve the credential holder from the requirement for audit.

168-006.05B Within 30 days, each selected credential holder must respond by submitting documentation that s/he has met the requirements for continuing competency. An extension beyond 30 days for submission of the documentation may be granted at the discretion of the Department. Documentation submitted by the credential holder will not be returned.

168-006.05C Acceptable documentation that the credential holder has met the continuing competency requirements include documentation as outlined in 172 NAC 168-005.01B. For purposes of these regulations proof of attendance or certificate of completion includes but is not limited to:

1. Copies of certificates of attendance or participation in a continuing education activity; and
2. Course outlines and/or objectives; or
3. Letters documenting attendance from providers; or
4. Copies of transcripts from educational institutions.

168-006.05D The Department will review the submitted documentation to determine if the credential holder has met the requirements for continuing competency activities for renewal of the credential. Only documented activities/hours that meet the continuing competency requirements will be counted toward the total requirements for renewal.

168-006.05E The Department will notify the credential holder upon satisfactory completion of the audit.

168-006.05F The credential of any person who fails to comply with the conditions of the audit will expire 30 days after notice and an opportunity for a hearing.

168-006.05G The Board reserves the right to audit continuing competency

requirements of any credential holder by notifying the credential holder and requesting that s/he produce the required documentation of attendance at or participation in acceptable continuing competency programs within 30 days of mailing.

168-006.06 Department Review: The Department will act within 150 days upon all completed applications for renewal.

168-006.06A False Information: The Department may refuse to renew a credential for falsification of any information submitted for renewal of a credential. The refusal will be made according to 184 NAC 1, the Department's Rules of Practice and Procedure for Administrative Hearings.

168-006.07 Address Information: Each credential holder must notify the Department of any change to the address of record.

168-006.08 Expiration of a Credential: A credential expires if a credential holder fails to:

1. Notify the Department that s/he wants to place his/her credential on inactive status upon its expiration;
2. Meet the requirements for renewal on or before the date of expiration of his/her credential; or
3. Otherwise fails to renew his/her credential.

168-006.08A Failure to Renew: A credential automatically expires without further notice or opportunity for hearing if a credential holder fails by the expiration date of the credential to either:

1. Submit documentation of continuing competency; or
2. Pay the required renewal fee.

168-006.08B Failure to Meet Continuing Competency Requirements: The Department will refuse to renew a credential, after notice and opportunity for hearing, if a credential holder fails to meet the continuing competency requirements for renewal by the expiration date of the credential.

168-006.08C Right to Practice: When an individual's credential expires, the right to represent him/herself as a credential holder and to practice as an environmental health specialist terminates.

168-006.08D Practice After Expiration: An individual who practices after expiration of his/her credential is subject to assessment of an administrative penalty under 172 NAC 168-010 or such other action as provided in the statutes and regulations governing the credential.

168-006.08E Reinstatement of an Expired Credential: If a credential holder wants to resume the practice as an environmental health specialist after failing to renew his/her credential by the expiration date, s/he must apply to the Department for reinstatement as specified in 172 NAC 168-009.

168-006.09 Inactive Status: When an individual wants to have his/her credential placed on inactive status, s/he must notify the Department in writing. There is no fee to have a credential placed on inactive status and continuing competency is not required.

168-006.09A Request for Inactive Status: When the Department has received notification that an individual wants to have his/her credential placed on inactive status, the Department will notify the credential holder in writing of the acceptance or denial of the request.

168-006.09B Placement on Inactive Status: When an individual's credential is placed on inactive status, the credential holder must not engage in the practice as an environmental health specialist but may represent him/herself as having an inactive credential.

168-006.09C Return to Active Status: A credential may remain on inactive status for an indefinite period of time. An individual who wants to have his/her credential returned to active status must apply to the Department for reinstatement and meet the requirements specified in 172 NAC 168-009.

168-007 REGISTRATION REVOCATION FOR FAILURE TO MEET RENEWAL REQUIREMENTS: The Department may revoke a registration when the registrant fails to meet the renewal requirements.

168-007.01 Revocation for Nonpayment of Renewal Fee

~~168-007.01A—When a registrant fails to pay the required renewal fee, to submit documentation of continuing competency requirements, and/or to pay an additional fee of \$25 and fails to request that his/her registration be placed on either inactive or lapsed status within 30 days of its expiration, the Department will automatically revoke the registration without further notice or hearing.~~

~~168-007.01A1 The revocation notice specifies:~~

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

168-007.02 Revocation for Failure to Meet Continuing Competency Requirements

~~168-007.02A—When a registrant fails within 30 days of the expiration of his/her registration to meet the continuing competency requirement for registration renewal, the Department revokes his/her registration after notice and opportunity for a hearing.~~

~~168-007.02A1—The revocation notice for failure to meet continuing competency requirements specifies:~~

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

168-007 DISCIPLINARY ACTIONS

168-007.01 Grounds for Action Against a Credential: A credential to practice a profession may have disciplinary actions taken against it on any of the following grounds:

1. Misrepresentation of material facts in procuring or attempting to procure a credential;
2. Immoral or dishonorable conduct evidencing unfitness to practice the profession in this state;
3. Abuse of, dependence on, or active addiction to alcohol, any controlled substance, or any mind-altering substance;
4. Failure to comply with a treatment program or an aftercare program, including, but not limited to, a program entered into under the Licensee Assistance Program established pursuant to Neb. Rev. Stat. § 38-175;
5. Conviction of:
 - a. A misdemeanor or felony under Nebraska law or federal law, or
 - b. A crime in any jurisdiction which, if committed within this state, would have constituted a misdemeanor or felony under Nebraska law and which has a rational connection with the fitness or capacity of the applicant or credential holder to practice the profession;
6. Practice of the profession:
 - a. Fraudulently;
 - b. Beyond its authorized scope;
 - c. With gross incompetence or gross negligence; or
 - d. In a pattern of incompetent or negligent conduct;
7. Practice of the profession while the ability to practice is impaired by alcohol, controlled substances, drugs, mind-altering substances, physical disability, mental disability, or emotional disability;
8. Physical or mental incapacity to practice the profession as evidenced by a legal judgment or a determination by other lawful means;
9. Illness, deterioration, or disability that impairs the ability to practice the profession;
10. Permitting, aiding, or abetting the practice of a profession or the performance of activities requiring a credential by a person not credentialed to do so;
11. Having had his/her credential denied, refused renewal, limited, suspended, revoked, or disciplined in any manner similar to 172 NAC 168-007.05 by another state or jurisdiction based upon acts by the applicant or credential holder similar to acts described in this part;
12. Use of untruthful, deceptive, or misleading statements in advertisements;
13. Conviction of fraudulent or misleading advertising or conviction of a violation

- of the Uniform Deceptive Trade Practices Act;
- 14. Distribution of intoxicating liquors, controlled substances, or drugs for any other than lawful purposes;
- 15. Violations of the Uniform Credentialing Act or the rules and regulations relating to the particular profession;
- 16. Unlawful invasion of the field of practice of any profession regulated by the Uniform Credentialing Act which the credential holder is not credentialed to practice;
- 17. Violation of the Uniform Controlled Substances Act or any rules and regulations adopted pursuant to the act;
- 18. Failure to file a report required by Neb. Rev. Stat. §§ 38-1,124 or 38-1,125;
- 19. Failure to maintain the requirements necessary to obtain a credential;
- 20. Violation of an order issued by the Department;
- 21. Violation of an assurance of compliance entered into under Neb. Rev. Stat. § 38-1,108;
- 22. Failure to pay an administrative penalty;
- 23. Unprofessional conduct as defined in 172 NAC 168-007.02; and/or
- 24. Violation of the Automated Medication Systems Act.

168-007.02 Unprofessional Conduct: Unprofessional conduct means any departure from or failure to conform to the standards of acceptable and prevailing practice of a profession or the ethics of the profession, regardless of whether a person, consumer, or entity is injured, but does not include a single act of ordinary negligence. Unprofessional conduct also means conduct that is likely to deceive or defraud the public or is detrimental to the public interest. Unprofessional conduct includes but is not limited to:

- 1. Division of fees, or agreeing to split or divide the fees, received for professional services with any person for bringing or referring a consumer other than:
 - a. With a partner or employee of the applicant or credential holder or his/her office or clinic;
 - b. With a landlord of the applicant or credential holder pursuant to a written agreement that provides for payment of rent based on gross receipts; or
 - c. With a former partner or employee of the applicant or credential holder based on a retirement plan or separation agreement;
- 2. Obtaining any fee for professional services by fraud, deceit, or misrepresentation, including, but not limited to, falsification of third-party claim documents;
- 3. Cheating on or attempting to subvert the credentialing examination;
- 4. Assisting in the care or treatment of a consumer without the consent of the consumer or his/her legal representative;
- 5. Use of any letters, words, or terms, either as a prefix, affix, or suffix, on stationery, in advertisements, or otherwise, indicating that the person is entitled to practice a profession for which s/he is not credentialed;
- 6. Knowingly disclosing confidential information except as otherwise permitted by law;
- 7. Commission of any act of sexual abuse, misconduct, or exploitation related to the practice of the profession of the applicant or credential holder;
- 8. Failure to keep and maintain adequate records of treatment or service;

9. Failure to comply with any federal, state, or municipal law, ordinance, rule, or regulation that pertains to the applicable profession;
10. Disruptive behavior, whether verbal or physical, which interferes with consumer care or could reasonably be expected to interfere with the care;
11. Competence: An environmental health specialist must not provide services for which s/he is not trained or experienced.
12. Confidentiality: Releasing confidential information without the prior written consent of a client, except in those unusual circumstances in which a failure to do so would result in clear danger to the public or an identifiable individual, or where otherwise required or allowed by law;
13. Professional Relationships: Safeguarding the welfare of the public and maintaining professional relationships with clients. Commission of any of the following acts constitutes unprofessional conduct:
 - a. Exploiting a client for financial gain or sexual favors;
 - b. Performing or agreeing to perform environmental health services that have been requested when the services are known to be contraindicated or unjustified;
 - c. Performing or agreeing to perform procedures that are outside of the environmental health specialist's scope of practice;
 - d. Verbally or physically abusing clients;
 - e. Falsification or unauthorized destruction of client records;
 - f. Delegating to other personnel, who are not trained or qualified, those services for which the skills and expertise of a registered environmental health specialist are required;
 - g. Encouraging or promoting the practice of environmental health by untrained or unqualified persons;
 - h. Filing a false report or record in the practice of environmental health; This includes but is not limited to collection or billing of a fee or other similar activity to obtain payment;
 - i. Providing services or promoting the sale of devices, appliances, or products to a person who cannot reasonably be expected to benefit from the services, devices, appliances, or products;
14. Engaging in sexual misconduct. Specifically with regard to clients, the unprofessional conduct includes engaging in sexual harassment of clients. Sexual harassment includes, but is not limited to, making unwelcome sexual advances, requesting sexual favors, and engaging in other verbal or physical conduct of a sexual nature which results in:
 - a. Providing or denying service to a client;
 - b. Creating an intimidating, hostile, or offensive environment for the client; and/or
 - c. Providing favorable reports or modifying reports for sexual favors;
15. Failure to follow policies or procedures implemented in the practice to safeguard the public;
16. Failure to exercise appropriate supervision over persons who are authorized to practice only under the supervision of a registered environmental health specialist;
17. Failure to report suspected cases of child abuse or vulnerable adult abuse pursuant to Neb. Rev. Stat. §§ 28-717 and 28-384; and/or
18. Failure of a certificate holder, who is the subject of a disciplinary

investigation, to furnish the Board or its investigator with requested information or requested documents.

168-007.03 Temporary Suspension or Limitation

168-007.03A The Department may temporarily suspend or temporarily limit any credential issued by the Department without notice or a hearing if the Director determines that there is reasonable cause to believe that grounds exist under 172 NAC 168-007.01 for the revocation, suspension, or limitation of the credential and that the credential holder's continuation in practice or operation would constitute an imminent danger to the public health and safety. Simultaneously with the action, the Department will institute proceedings for a hearing on the grounds for revocation, suspension, or limitation of the credential. The hearing will be held no later than 15 days from the date of the temporary suspension or temporary limitation of the credential.

168-007.03B A continuance of the hearing will be granted by the Department upon the written request of the credential holder, and the continuance must not exceed 30 days unless waived by the credential holder. A temporary suspension or temporary limitation order by the Director will take effect when served upon the credential holder.

168-007.03C A temporary suspension or temporary limitation of a credential under 172 NAC 168-007.03 will not be in effect for more than 90 days unless waived by the credential holder. If a decision is not reached within 90 days, the credential will be reinstated unless and until the Department reaches a decision to revoke, suspend, or limit the credential or otherwise discipline the credential holder.

168-007.04 Department Action: The Department will follow the procedures delineated in the Uniform Credentialing Act to notify credential holders of any disciplinary action to be imposed and the time and place of the hearing.

168-007.05 Sanctions: Upon the completion of any hearing held regarding discipline of a credential, the Director may dismiss the action or impose the following sanctions:

1. Censure;
2. Probation;
3. Limitation;
4. Civil Penalty;
5. Suspension; or
6. Revocation.

168-007.05A Additional Terms and Conditions of Discipline: If any discipline is imposed pursuant to 172 NAC 168-007.05, the Director may, in addition to any other terms and conditions of that discipline:

1. Require the credential holder to obtain additional professional training and to pass an examination upon the completion of the training. The examination may be written or oral or both and may be a practical or clinical examination or both or any or all of the combinations of

- written, oral, practical, and clinical, at the option of the Director;
2. Require the credential holder to submit to a complete diagnostic examination by one or more physicians or other qualified professionals appointed by the Director. If the Director requires the credential holder to submit to an examination, the Director will receive and consider any other report of a complete diagnostic examination given by one or more physicians or other qualified professionals of the credential holder's choice if the credential holder chooses to make available the report or reports by his/her physician or physicians or other qualified professionals; and
 3. Limit the extent, scope, or type of practice of the credential holder.

168-008 GROUNDS ON WHICH THE DEPARTMENT MAY DENY, REFUSE RENEWAL OF, OR DISCIPLINE A REGISTRATION

168-008.01 The Department may deny an application for a registration when the applicant fails to meet the requirements for registration pursuant to 172 NAC 168-003.

168-008.02 The Department may refuse renewal of a registration if the registration holder fails to meet the requirements pursuant to 172 NAC 168-006.

168-008.03 The Department may deny, refuse renewal of, limit, suspend, or revoke registrations for any of the following grounds:

1. ~~Fraud, forgery, or misrepresentation of material facts, in procuring or attempting to procure a license, certificate, or registration.~~
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 registrant'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, certificate, or registration by a person not licensed, certified, or registered 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 pursuant to Neb. Rev. Stat. § 71-155 by another state or jurisdiction to practice as an environmental health specialist, based upon acts by the applicant, licensee, certificate holder, or registrant similar to acts pursuant to 172 NAC 168-008. 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 will be conclusive evidence.~~
- ~~10. Unprofessional conduct, which term includes all acts pursuant to Neb. Rev. Stat. § 71-148 and the other acts which include, but are not limited to:~~
- ~~a. Competence: An environmental health specialist must not provide services for which s/he is not trained or experienced. Unprofessional conduct in the practice of environmental health includes but is not limited to:~~
- ~~(1) Committing any act which endangers public safety or welfare; or~~
- ~~(2) Performing or agreeing to perform procedures when the procedures are known to be a departure from standard or acceptable and prevailing practice in environmental health.~~
- ~~b. Confidentiality: Without the prior written consent of a client, an environmental health specialist holds in confidence information obtained from a client, except in those unusual circumstances in which to do so would result in clear danger to the public, or where otherwise required by law.~~
- ~~c. Professional Relationships: An environmental health specialist must safeguard the welfare of the public and maintain professional relationships with clients. Commission of any of the following acts or behavior must constitute unprofessional conduct:~~
- ~~(1) Exploiting a client for financial gain or sexual favors;~~
- ~~(2) Performing or agreeing to perform environmental health services that have been requested when the services are known to be contraindicated or unjustified;~~
- ~~(3) Performing or agreeing to perform procedures that have been requested when the procedures are known to be outside of the environmental health specialist's scope of practice;~~
- ~~(4) Verbally or physically abusing clients;~~
- ~~(5) Falsification or unauthorized destruction of client records;~~
- ~~(6) Delegating to other personnel those services for which the skills and expertise of an environmental health specialist are required;~~

- ~~(7) Encouraging or promoting the practice of environmental health by untrained or unqualified persons;~~
- ~~(8) Filing a false report or record in the practice of environmental health including, but not limited to, collecting a fee;~~
- ~~(9) Providing services or promoting the sale of devices, appliances, or products to a person who cannot reasonably be expected to benefit from the services, devices, appliances, or products.~~
- ~~(10) Individuals must not provide services except in a professional relationship, and must not discriminate in the provision of services to individuals on the basis of sex, race, religion, national origin, sexual orientation, or general health.~~
- ~~d. Sexual Misconduct: An environmental health specialist must under no circumstances engage in sexual misconduct. Specifically with regard to clients, the unprofessional conduct includes engaging in sexual harassment of clients. Sexual harassment includes, but is not limited to, making unwelcome sexual advances, requesting sexual favors, and engaging in other verbal or physical conduct of a sexual nature which results in:
 - ~~(1) Providing or denying service to a client;~~
 - ~~(2) Creating an intimidating, hostile, or offensive environment for the client; Providing favorable reports for sexual favors.~~~~
- ~~e. Other unprofessional conduct includes but is not limited to:
 - ~~(1) Obtaining any fee for professional services by fraud, deceit or misrepresentation;~~
 - ~~- The violation of an assurance of compliance entered into pursuant to Neb. Rev. Stat. § 71-171.02 of the Uniform Licensing Law;~~
 - ~~- Failure to follow policies or procedures implemented in the practice situation to safeguard the public;~~
~~Failure to exercise appropriate supervision over persons who are authorized to practice only under the supervision of an environmental health specialist~~
 - ~~- Failure to report suspected cases of child abuse or vulnerable adult abuse pursuant to Neb. Rev. Stat. §§ 28-717 and 28-384.~~~~
- ~~11. Use of untruthful or improbable statements or flamboyant, exaggerated, or extravagant claims, concerning such licensee's, certificate holder's, or registrant'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 the rules and regulations of the Department relating to the licensee's, certificate holder's, or registrant's profession.~~
- ~~15. Unlawful invasion of the field of practice of any profession mentioned in the Uniform Licensing Law which the licensee, certificate holder, or registrant is not licensed, certified, or registered to practice.~~
- ~~16. A registration to practice environmental health may also be refused renewal or revoked when the registrant is guilty of practicing environmental health while his/her registration to do so is suspended or is guilty of practicing environmental health in contravention of any limitation placed upon his/her registration.~~
- ~~17. When the applicant is found to be not qualified to practice the particular profession or occupation for which s/he is applying, or registered because of physical or mental illness or physical or mental deterioration or disability.~~

~~Refusal of an applicant for a registration or of a registrant 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 registered.~~

- ~~19. Failure to file a report pursuant to the mandatory reporting law Neb. Rev. Stat. § 71-168.~~

~~168-008.04 If the Department proposes to deny, refuse renewal of, limit, revoke, or suspend the registration of any registrant, the applicant or registrant must be given an opportunity for a hearing before the Department and must have the right to present evidence on his/her own behalf. Hearings before the Department will be conducted pursuant to Neb. Rev. Stat. §§ 84-901 to 84-920, Administrative Procedure Act and 184 NAC-1, the Rules of Practice and Procedure for the Department.~~

168-008 VOLUNTARY SURRENDER OR LIMITATION: A credential holder may offer to voluntarily surrender or limit a credential issued by the Department. The credential holder must make the offer in writing on a form provided by the Department or constructed by the credential holder, which must include the following information:

1. Personal Information:
 - a. First, middle and last name;
 - b. Mailing address (street, rural route, or post office address), city, state, and zip code;
 - c. Telephone number; and
 - d. Fax number.
2. Information Regarding the Credential Being Offered for Surrender or Limitation:
 - a. List credential(s) and credential number(s) that would be surrendered or limited;
 - b. Indicate the desired time frame for offered surrender or limitation:
 - (1) Permanently;

- (2) Indefinitely; or
 - (3) Definite period of time (specify):
 - c. Specify reason for offered surrender or limit of credential; and
 - d. Specify any terms and conditions that the credential holder wishes to have the Department consider and apply to the offer.
- 3. Attestation: The credential holder must:
 - a. Attest that all the information on the offer is true and complete; and
 - b. Provide credential holder's signature and date.

168-008.01 The Department may accept an offer of voluntary surrender or limitation of a credential based on:

- 1. An offer made by the credential holder on his/her own volition;
- 2. An offer made with the agreement of the Attorney General or the legal counsel of the Department to resolve a pending disciplinary matter;
- 3. A decision by the Attorney General to negotiate a voluntary surrender or limitation in lieu of filing a petition for disciplinary action; or
- 4. A decision by the legal counsel of the Department to negotiate a voluntary surrender or limitation in response to a notice of disciplinary action.

168-008.02 The Department may reject an offer of voluntary surrender of a credential under circumstances which include, but are not limited to, when the credential:

- 1. Is under investigation;
- 2. Has a disciplinary action pending but a disposition has not been rendered; or
- 3. Has had a disciplinary action taken against it.

168-008.03 When the Department either accepts or rejects an offer of voluntary surrender or limitation, the Director will issue the decision in a written order. The order will be issued within 30 days after receipt of the offer of voluntary surrender or limitation and will specify:

- 1. Whether the Department accepts or rejects the offer of voluntary surrender; and
- 2. The terms and conditions under which the voluntary surrender is accepted or the basis for the rejection of an offer of voluntary surrender. The terms and conditions governing the acceptance of voluntary surrender will include, but not be limited to:
 - a. Duration of the surrender;
 - b. Whether the credential holder may apply to have the credential reinstated; and
 - c. Any terms and conditions for reinstatement.

168-008.04 A limitation may be placed on the right of the credential holder to practice a profession or operate a business to the extent, for the time, and under the conditions as imposed by the Director.

168-008.05 Violation of any of the terms and conditions of a voluntary surrender or limitation by the credential holder will be due cause for the refusal of renewal of the credential, for the suspension or revocation of the credential, or for refusal to restore the credential.

168-008.06 Reinstatement following voluntary surrender is set out in 172 NAC 168-009.

~~168-009 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.~~

~~168-009.01 Eligibility~~

~~168-009.01A~~ 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 pursuant to these regulations.~~

~~168-009.01B~~ 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.

~~168-009.01C~~ An individual who practices prior to re-credentialing, is subject to:

- ~~1. Assessment of an Administrative Penalty pursuant to 172 NAC 168-012 and
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.~~

~~168-009.02 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 168-003.

~~168-009.02A~~ 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 168-012;~~
 - ~~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.~~

~~168-009.02B~~ 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. Initiate disciplinary action against the lapsed credential;~~
- ~~2. Deny the request to restore the credential from lapsed to active status;
or~~
- ~~3. Restore the credential to active status and impose limitation(s) or other sanctions on the credential.~~

~~168-009.02C The Department will act within 150 days on all completed applications.~~

~~168-009.02D The applicant will be provided with notice and the opportunity for hearing pursuant to 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 168-009.02A and 168-009.02B are final.~~

~~168-009.03 Requirements to Move a Credential from Inactive 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; and~~
 - ~~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.~~~~

~~168-009.04 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. 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.~~
- ~~(b) — Revocations, suspensions, or other disciplinary actions against any professional credential held by the applicant during the time period since the credential was active;~~
 - ~~[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 applicant.~~
- ~~f. — 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.~~

~~168-009.04A~~ If an applicant has practiced while his/her credential was inactive, the Department may:

- ~~1. — Assess an Administrative Penalty pursuant to 172 NAC 168-012;~~
- ~~2. — Initiate 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.~~

~~168-009.04B~~ 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.~~

~~168-009.04C~~ In either event pursuant to 168-009.04A or 168-009.04B, a notice and the opportunity for hearing will be given to the applicant.

~~168-009.04D~~ The Department will act within 150 days on all completed

applications.

~~168-009.05 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 renewal requirements must:~~

- ~~1. Meet the renewal requirements, including:
 - ~~a. The continuing competency requirements; and~~
 - ~~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.~~~~

~~168-009.06 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:
 - ~~(1) Name;~~
 - ~~(2) Address;~~
 - ~~(3) Social Security Number; and~~
 - ~~(4) If the applicant holds a professional credential in another state, a list of the state(s) and type of credential;~~
 - ~~(5) 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 professional credential held by the applicant during the time period since the credential was revoked;
 - ~~[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 applicant.~~

~~(6) Attestation that the continuing competency requirements for renewal have been met;~~

~~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 168-012 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 pursuant to 172 NAC 168-009.06B below.~~

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

~~168-009.06A The Board's recommendation to the Department may be to:~~

~~1. Reinstatement;~~

~~2. Reinstatement with terms, conditions or restrictions; or~~

~~3. Deny reinstatement.~~

~~168-009.06B 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. Reinstatement. An Administrative Penalty may be assessed pursuant to 172 NAC 168-012 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. Reinstatement 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 168-012 if warranted; or~~

~~b. Deny 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.~~

~~168-009.07 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 pursuant to 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 petitioner has practiced in Nebraska since s/he last held an active credential.~~~~

~~168-009.08 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 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) A statement describing all:
 - ~~(a) Felony or misdemeanor convictions during the time period since the credential was active;
 - ~~[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 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~~
- ~~(6) — 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 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 168-012 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 pursuant to 172 NAC 168-009.08F.~~

~~168-009.08A — 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.~~

~~168-009.08B — 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.~~

~~168-009.08C — If the Board recommends reinstatement of the credential, no public hearing need be held on the petition.~~

~~168-009.08D~~ 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.

~~168-009.08D1~~ 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.

~~168-009.08E~~ 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.

~~168-009.08F~~ 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.

~~168-009.08F1~~ 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.~~~~

~~168-009.08F2~~ 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.

~~168-009.08F3~~ 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.~~~~

~~168-009.08F4~~ 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.~~

~~168-009.08F5 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.~~

~~168-009.09 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~~
- ~~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.~~

~~168-009.10 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) 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;~~
 - ~~(6) — 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 168-012 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 pursuant to 172 NAC 168-009.10G.~~

~~168-009.10A — 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.~~

~~168-009.10B— 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.~~

~~168-009.10C— 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.~~

~~168-009.10D— If the Board recommends reinstatement of the credential, no public hearing need be held on the petition.~~

~~168-009.10E— Prior to any recommendation by the Board against reinstatement of the credential, an opportunity for a formal public hearing on the petition will be granted by the Board, if formally requested by the petitioner.~~

~~168-009.10E1— 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.~~

~~168-009.10E2— 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.~~

~~168-009.10F— 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-~~

~~168-009.10G— 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.~~

~~168-009.10G1— 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 pursuant to 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.~~
- ~~168-009.10G2 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 pursuant to 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.~~

~~168-009.10G3 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.~~

~~168-009.11 Procedures for Restoration of Credentials Voluntarily Surrendered or Limited for an Indefinite Period of Time~~

~~168-009.11A 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.~~

~~168-009.11A1 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. 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
 - (b) Disciplinary charges pending against any professional credential held by the applicant.
 - f. Any continuing competency activities.
 - g. Attest:
 - (1) That s/he has not practiced in Nebraska prior to the voluntary surrender of his/her credential; or
 - (2) To the actual number of days practiced if the applicant has practiced in Nebraska prior to the voluntary surrender of his/her credential.~~

~~168-009.11A2 If an applicant has practiced while his/her credential was voluntarily~~

~~surrendered, the Department may:~~

- ~~1. Assess an Administrative Penalty pursuant to 172 NAC 168-012;~~
- ~~2. Initiate disciplinary action against the credential;~~
- ~~3. Deny the request to restore the credential; or~~
~~Restore the credential to active status and impose limitation(s) or other sanctions on the credential.~~

~~168-009.11A3 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.~~

~~168-009.11A4 In either event pursuant to 168-009.11A2 or 168-009.11A3, a notice and the opportunity for hearing will be given to the applicant.~~

~~168-009.11A5 The Department will act within 150 days on all completed applications.~~

~~168-009.12 Procedures for Restoration of Credentials Voluntarily Surrendered or Limited for a Specific and Definite Period of Time~~

~~168-009.12A 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.~~

~~168-009.12B 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 168-012.~~

~~168-009.13 Credentials Voluntarily Surrendered or Limited Permanently~~

~~168-009.13A Credentials that are voluntarily surrendered or limited permanently pursuant to Neb. Rev. Stat. § 71-161.11 will not be restored.~~

168-009 REINSTATEMENT: This section applies to individuals previously credentialed in Nebraska who seek the authority to return to practice in Nebraska with a valid Nebraska credential. Individuals may apply for reinstatement as follows:

1. An individual whose credential has expired, been placed on inactive status, voluntarily surrendered for an indefinite period of time, or suspended or limited for disciplinary reasons, may apply for reinstatement at any time.
2. An individual whose credential has been voluntarily surrendered for a definite period of time may apply for reinstatement after that period of time has elapsed.
3. An individual whose credential has been revoked may apply for reinstatement only

after a period of two years has elapsed from the date of revocation.

4. An individual whose credential has been permanently voluntarily surrendered may not apply for reinstatement.

The voluntary surrender of a credential may be unrelated to disciplinary matters, or may be done to resolve a pending disciplinary matter, in lieu of disciplinary action, or in response to a notice of disciplinary action.

168-009.01 Reinstatement From Expired or Inactive Status or Following Voluntary Surrender Unrelated to a Disciplinary Matter: The applicant must submit to the Department a written application on a form provided by the Department or constructed by the applicant.

1. Application: The applicant on his/her application:
- a. Must provide the following information:
 - (1) The legal name of the applicant, maiden name (if applicable), and any other names by which the applicant is known;
 - (2) Mailing address (street, rural route, or post office address; and city, state, and zip code or country information);
 - (3) The applicant's:
 - a. Social Security Number (SSN); or
 - b. Alien Registration Number (A#); or
 - c. Form I-94 (Arrival-Departure Record) number. Certain applicants may have both a SSN and an A# or I-94 number, and if so, must report both.
 - (4) If the applicant holds a professional credential in another state, a list of the state(s) and type of credential;
 - b. If the applicant is an alien or non-immigrant, s/he must submit evidence of lawful presence which may include a copy of:
 - (1) A Green Card, otherwise known as a Permanent Resident Card (Form I-551), both front and back of card;
 - (2) An unexpired foreign passport with an unexpired Temporary I-551 stamp bearing the same name as the passport;
 - (3) A document showing an Alien Registration Number ("A#"). An Employment Authorization Card/Document is not acceptable
or - (4) A Form I-94 (Arrival-Departure Record);
 - c. May provide the following information about him/herself:
 - (1) Telephone number including area code;
 - (2) E-mail address;
 - (3) Fax number; and
 - d. Must attest that s/he:
 - (1) Is of good character;
 - (2) Has met the continuing competency requirements specified in 172 NAC 168-005 within the 24 months immediately preceding submission of the application (or other requirements as specified by the practice act);
 - (3) Has not practiced in Nebraska since s/he last held an active credential, or if the applicant has practiced in Nebraska since

s/he last held an active credential, the actual number of days practiced;

- (4) Has not committed any act which would be grounds for action against a credential as specified in 172 NAC 168-007 since the last renewal or issuance of the credential (whichever is later), or if an act(s) was committed, provide an explanation of all such acts; and
- (5) For purposes of Neb. Rev. Stat. §§4-108 to 4-114, a citizen of the United States or qualified alien under the Federal Immigration and Nationality Act; and
- (6) For purposes of Neb. Rev. Stat. §38-129:
 - (a) A citizen of the United States;
 - (b) An alien lawfully admitted into the United States who is eligible for a credential under the Uniform Credentialing Act; or
 - (c) A nonimmigrant lawfully present in the United States who is eligible for a credential under the Uniform Credentialing Act.

- 2. Fee(s): The following fee(s):
 - a. If the credential is expired or inactive, the reinstatement and renewal fees; or
 - b. If the credential was voluntarily surrendered, the renewal fee.

168-009.01A If an applicant has practiced while his/her credential was expired, inactive, or voluntarily surrendered, the Department may, with the recommendation of the Board, take one or more of the following actions:

- 1. Deny the application to reinstate the credential;
- 2. Reinstate the credential to active status and impose limitation(s) or other disciplinary actions on the credential; and/or
- 3. Reinstate the credential.

168-009.01B If an applicant has committed any other violation of the statutes and regulations governing the credential, the Department may:

- 1. Deny the application for reinstatement of the credential;
- 2. Reinstate the credential to active status and impose limitation(s) or other disciplinary actions on the credential; and/or
- 3. Reinstate the credential.

168-009.01C The Department will act within 150 days on all completed applications.

168-009.01D The Department's decision may be appealed to the Director by any party to the decision. The appeal must be in accordance with the Administrative Procedure Act.

168-009.02 Reinstatement from Non-Disciplinary Revocation or Lapsed Status: An individual whose credential was placed on non-disciplinary revocation or lapsed status before December 1, 2008 may apply for reinstatement as provided in 168-009.01.

168-009.03 Reinstatement Following Suspension, Limitation, Revocation, or Voluntary Surrender to Resolve a Pending Disciplinary Matter, In Lieu of Discipline, or In Response to a Notice of Disciplinary Action: An individual whose credential was suspended or limited may apply for reinstatement at any time. An individual whose credential has been revoked may apply for reinstatement after a period of two years has elapsed from the date of revocation. An individual whose credential was voluntarily surrendered may apply for reinstatement according to the order entered by the Director.

The applicant must submit to the Board a written application on a form provided by the Department or constructed by the applicant.

1. Application: The applicant on his/her application:
 - a. Must provide the following information:
 - (1) The legal name of the applicant, maiden name (if applicable), and any other names by which the applicant is known;
 - (2) Mailing address (street, rural route, or post office address; and city, state, and zip code or country information);
 - (3) The applicant's:
 - (a) Social Security Number (SSN); or
 - (b) Alien Registration Number (A#); or
 - (c) Form I-94 (Arrival-Departure Record) number.Certain applicants may have both a SSN and an A# or I-94 number, and if so, must report both.
 - (4) If the applicant holds a professional credential in another state, a list of the state(s) and type of credential;
 - (5) A statement of the reason the applicant believes his/her credential should be reinstated;
 - b. If the applicant is an alien or non-immigrant, s/he must submit evidence of lawful presence and/or immigration status which may include a copy of:
 - (1) A Green Card, otherwise known as a Permanent Resident Card (Form I-551), both front and back of card;
 - (2) An unexpired foreign passport with an unexpired Temporary I-551 stamp bearing the same name as the passport;
 - (3) A document showing an Alien Registration Number ("A#"). An Employment Authorization Card/Document is not acceptable;
or
 - (4) A Form I-94 (Arrival-Departure Record);
 - c. May provide the following information about him/herself:
 - (1) Telephone number including area code;
 - (2) E-mail address;
 - (3) Fax number; and
 - d. Must attest that s/he:
 - (1) Is of good character;
 - (2) Has met the continuing competency requirements specified in 172 NAC 168-005 within the 24 months immediately preceding submission of the application (or other requirements as specified by the practice act);
 - (3) Has not practiced in Nebraska since s/he last held an active

- credential, or if the applicant has practiced in Nebraska since s/he last held an active credential, the actual number of days practiced; and
- (4) Has not committed any act which would be grounds for action against a credential as specified in 172 NAC 168-007 since the last renewal or issuance of the credential (whichever is later), or if an act(s) was committed, provide an explanation of all such acts; and
 - (5) For purposes of Neb. Rev. Stat. §§4-108 to 4-114, a citizen of the United States or qualified alien under the Federal Immigration and Nationality Act; and
 - (6) For purposes of Neb. Rev. Stat. §38-129:
 - (a) A citizen of the United States;
 - (b) An alien lawfully admitted into the United States who is eligible for a credential under the Uniform Credentialing Act; or
 - (c) A nonimmigrant lawfully present in the United States who is eligible for a credential under the Uniform Credentialing Act.

2. Fee: The renewal fee.

168-009.03A The Board will make a recommendation regarding reinstatement following suspension, limitation, revocation, or voluntary surrender within 180 days of receipt of the application.

168-009.03B The Department, with the recommendation of the Board, may:

1. Conduct an investigation to determine if the applicant has committed acts or offenses prohibited by Neb. Rev. Stat. § 38-178;
2. Require the applicant to submit to a complete diagnostic examination, at the expense of the applicant, by one or more physician(s) or other professionals appointed by the Board. The applicant may also consult a physician(s) or other professionals of his/her own choice for a complete diagnostic examination and make available a report(s) of the examination(s) to the Department and to the Board;
3. Require the applicant to pass a written, oral, or practical examination or any combination of examinations at the expense of the applicant;
4. Require the applicant to successfully complete additional education at the expense of the applicant;
5. Require the applicant to successfully pass an inspection of his/her practice site; or
6. Take any combination of these actions.

168-009.03C On the basis of the written application, materials submitted by the applicant and the information obtained under 172 NAC 168-009.03B, the Board may:

1. Deny the application for reinstatement; or
2. Recommend to the Department;

- a. Full reinstatement of the credential;
- b. Modification of the suspension or limitation; or
- c. Reinstatement subject to limitations or subject to probation with terms and conditions.

If the applicant has practiced while his/her credential was suspended, limited, revoked, or voluntarily surrendered, the Department may assess an administrative penalty pursuant to 172 NAC 168-010, in which case a separate notice of opportunity for hearing will be sent to the applicant.

168-009.03D An affirmative vote of a majority of the full membership of the Board as authorized by statute is required to recommend reinstatement of a credential with or without terms, conditions, or restrictions.

168-009.03E Full Reinstatement If the Board recommends full reinstatement of the credential, modification of the suspension or limitation, or reinstatement of the credential subject to limitations or subject to probation with terms and conditions, the Board's recommendation will be sent to the applicant by certified mail. The following information will be forwarded to the Director for a decision:

1. The written recommendation of the Board, including any finding of fact or order of the Board;
2. The application for reinstatement;
3. The record of hearing, if any; and
4. Any pleadings, motions, requests, preliminary or intermediate rulings and orders, and similar correspondence to or from the Board and the applicant.

168-009.03F Denial, Modification, Limitation, or Probation: If the Board's initial decision is to deny the application for reinstatement, recommend modification of the suspension or limitation, or reinstate the credential subject to limitation or probation with terms and conditions, notification of the Board's decision will be mailed to the applicant by certified mail.

1. The initial decision or recommendation of the Board will become final 30 days after the decision or recommendation is mailed to the applicant unless the applicant requests a hearing within that 30-day period.
 - a. If the applicant requests a hearing before the Board, the Department will mail a notice of the date, time, and location of the hearing. The notice will be sent by certified mail at least 30 days before the hearing.
 - b. Following the hearing, the Board may deny the reinstatement or recommend full reinstatement of the credential, or recommend modification of the suspension or limitation, or recommend reinstatement of the credential subject to limitations or probation with terms and conditions.

2. If the applicant has been afforded a hearing or an opportunity for a

hearing on an application for reinstatement within two years before filing the current application, the Department may grant or deny the application without another hearing before the Board.

168-009.03G Denial Decision: If the Board's final decision is denial of the application for reinstatement, the applicant will be notified by certified mail. The applicant may appeal the Board's denial to District Court in accordance with the Administrative Procedure Act.

168-009.03H Board Recommendation: If the Board's final recommendation is full reinstatement of the credential, modification of the suspension or limitation, or reinstatement of the credential subject to limitations or probation with terms and conditions, the Board's recommendation will be sent to the applicant by certified mail. The following information will be forwarded to the Director for a decision:

1. The written recommendation of the Board, including any finding of fact or order of the Board;
2. The application for reinstatement;
3. The record of hearing, if any; and
4. Any pleadings, motions, requests, preliminary or intermediate rulings and orders, and similar correspondence to or from the Board and the applicant.

168-009.03I Director's Review: The Director, upon receipt of the Board's recommendation for full reinstatement, modification, or probation, will review the application and other documents and make a decision within 150 days of receipt of the Board's recommendation and accompanying documents. The Director will enter an order setting forth the decision. The Director may:

1. Affirm the recommendation of the Board and grant reinstatement; or
2. Reverse or modify the recommendation if the Board's recommendation is:
 - a. In excess of statutory authority;
 - b. Made upon unlawful procedure;
 - c. Unsupported by competent, material, and substantial evidence in view of the entire record; or
 - d. Arbitrary and capricious.

The order regarding reinstatement of the applicant's credential will be sent to the applicant by certified mail. The Director's decision may be appealed to District Court by any party to the decision. The appeal must be in accordance with the Administrative Procedure Act.

168-010 RESERVED

168-01012 ADMINISTRATIVE PENALTY: The Department may assess an administrative penalty when evidence exists that a person or entity practices without a ~~registration credential~~. Practice without a ~~registration credential~~ for the purpose of this regulation means practice:

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

168-01012.01 Evidence of Practice: The Department will consider any of the following conditions as prima facie evidence of practice without a ~~registration 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 that 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.

168-01012.02 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 ~~registration certificate~~. To assess such penalty, the Department will:

1. Provide written notice of the assessment to the person. The notice must 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; ~~and~~
 - f. ~~Failure to pay an administrative penalty may result in disciplinary action.~~
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.

~~168-01012.03~~ 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.

168-011 FEES: Fees referred to in these regulations are set out in 172 NAC 2, unless otherwise specified.

168-012 METHOD OF IDENTIFICATION: Every person credentialed as a registered environmental health specialist must be able to identify himself/herself to the consumer by either showing the certification card issued by the Department or a photographic identification issued by his/her employer. All signs, announcements, stationery, and advertisements of registered environmental health specialists shall identify the profession.

These amended rules and regulations replace Title 172 NAC 168 Regulations Governing the Practice of Environmental Health Specialists, effective October 30, 2004

~~168-011 SCHEDULE OF FEES. The following fees have been set by the Department.~~

- ~~1. Initial Registration Fee: By an applicant for a registration to practice as an environmental health specialist, the fee of \$50 and the Licensee Assistance Program Fee of \$1 for each year remaining during the current biennial renewal period.~~
- ~~2. Trainee Registration Fee: By an applicant for a registration to practice as an environmental health specialist trainee, the fee of \$50.~~
- ~~3. Proration of Initial License Fee: For issuance of a credential that will expire within 180 days after its initial issuance date, a fee of \$25 and the Licensee Assistance Program fee of \$1.~~
- ~~4. Registration Renewal Fee: By an applicant for renewal on a biennial basis of a registration to practice as an environmental health specialist, the fee of \$100 and the Licensee Assistance Program Fee of \$2.~~
- ~~5. Inactive License Status Fee: By an applicant to have his/her environmental health specialist registration, placed on inactive status, the fee of \$25.~~
- ~~6. Renewal Late Fee: By an applicant for a renewal on a biennial basis of an environmental health specialist registration, who fails to pay the renewal fee on or before the expiration date of his/her license, the fee of \$25 as a late fee in addition to the renewal fee.~~
- ~~7. Certification of Registration Fee: For issuance of a certification of an environmental health specialist registration, the fee of \$25. The certification includes information regarding:
 - ~~a. The basis on which a credential was issued;~~
 - ~~b. The date of issuance;~~
 - ~~c. Whether disciplinary action has been taken against the credential; and~~
 - ~~d. The current status of the credential.~~~~

- ~~8. Verification of Registration Fee: For issuance of an environmental health specialist registration, the fee of \$5. The verification includes written confirmation as to whether a credential was valid at the time the request was made.~~
- ~~9. Duplicate Registration Fee: For a duplicate of original of an environmental health specialist registration or reissued registration, the fee of \$10.~~
- ~~10. Administrative Fee: For a denied environmental health specialist registration, or a withdrawn application the administrative fee of twenty five dollars \$25 will be retained by the Department, except if the credentialing fee is less than \$25, the fee will be forfeited and an examination fee will not be returned.~~
- ~~11. Reinstatement Late Fee: For reinstatement of an environmental health specialist registration, for failure to meet renewal requirements:
 - ~~a. Within one year, the fee of \$35 in addition to the renewal fee.~~
 - ~~b. After one year of revocation, the fee of \$75 in addition to the renewal fee.~~~~
- ~~12. Reinstatement Fee: For reinstatement of a environmental health specialist registration following suspension, limitation, or revocation for disciplinary reasons, the fee of \$75.~~

~~These amended rules and regulations replace Title 172 NAC 168 Regulations Governing the Practice of Environmental Health Specialists, effective October 30, 2004~~