



STATE *of* NEBRASKA  
OFFICE OF THE GOVERNOR  
LINCOLN

**EXECUTIVE ORDER NO. 21-12**  
**ADDITIONAL HEALTHCARE WORKFORCE CAPACITY**

**WHEREAS**, Nebraska hospitals, clinics, and other health care facilities are facing a shortage of health care professionals; and

**WHEREAS**, this shortage of health care professionals along with an increase in patients with various communicable diseases, injuries and illnesses is resulting in capacity issues at hospitals across the state; and

**WHEREAS**, it is imperative that the State of Nebraska protect hospital capacity, as reduced hospital capacity presents an imminent threat of injury and loss of life to the state's citizens; and

**WHEREAS**, retired and inactive health care professionals or health care professionals from other states may be needed to provide medical services during the public health threat; and

**WHEREAS**, continuing education or examination requirements may hinder patient care or service delivery during the emergency and are a barrier to reinstatement for retired and inactive health care providers and to professionals who are properly licensed in other states; and

**WHEREAS**, the issuance of initial licenses to doctors, nurses, and other health care professionals is often delayed by a requirement that test scores be received and license fees be paid prior to receiving full credentials; and

**WHEREAS**, health care professionals should not be kept from providing health care services because of delays in the federal background check process and should be allowed to begin work pending Federal Bureau of Investigation fingerprint criminal history checks so long as applicants have passed Department-conducted checks of state criminal history which would decrease the time required for critical staff to provide patient care during the emergency; and

**WHEREAS**, in the interest of protecting the citizens of Nebraska from the public health threat of a hospital capacity and workforce emergency, the Governor is authorized to take such action as is necessary to maintain public health, including suspension of any state statutes where strict compliance with the statute and state regulations will hinder necessary action in coping with this public health threat.

**NOW THEREFORE**, I, Pete Ricketts, Governor of the State of Nebraska, by virtue of the authority vested in me by the Constitution and laws of Nebraska, do hereby declare a hospital capacity emergency exists and hereby waive specific statutes and regulations arising from the Uniform Credentialing Act (UCA), the Emergency Medical Services Practice Act, the Medicine and Surgery Practice Act, the Nurse Practice Act, the Pharmacy

Practice Act, and the Respiratory Care Practice Act which are impairing the ability to access needed health care practitioners in Nebraska.

Pursuant to this declaration, I hereby order and direct the following:

1. The provisions of Neb. Rev. Stat. § 38-121 regarding credentialing, and its implementing regulations, are hereby temporarily suspended in order to permit individuals who are properly and lawfully licensed to engage in advanced practice nursing, emergency medical services, medicine and surgery, mental health practice, nursing, osteopathy, perfusion, pharmacy, psychology, respiratory care, and surgical assisting in a U.S. state or territory to work in Nebraska during the state of emergency so long as they are in good standing and free from disciplinary action in the states where they are licensed;
2. The provisions of Neb. Rev. Stats. § 38-147, § 38-1217, and § 38-2226, and their implementing regulations, are temporarily suspended to permit individuals formerly licensed in Nebraska who want to renew a credential after its expiration date or to change from inactive to active status to do so without being subject to continuing competency requirements. Such individuals may be temporarily reinstated to practice upon submission of a completed application to the Department;
3. The provisions of Neb. Rev. Stats. § 38-134 through § 38-136, § 38-142, § 38-145 through § 38-147, § 38-616, § 38-708, § 38-2026, § 38-2032, § 38-1217, § 38-2223, § 38-2318, § 38-2859, § 38-2873, § 38-3211, § 38-3212, § 38-1,116, §38-315, and §38-316 and their implementing regulations, are temporarily suspended, in part, in order to suspend continuing competency requirements for the following practice areas: medicine and surgery (MDs), advanced practice nursing, emergency medical services, mental health, drug and alcohol counselors, nursing, osteopathy, pharmacy, perfusion, psychology, respiratory care, and surgical assistance and to permit applications for initial licenses for physicians, nurses, and pharmacy-related professions to be processed electronically prior to receipt of the license fee by the Department;
4. The provisions of Neb. Rev. Stats. § 38-130, § 38-132, § 38-136, § 38-142 through § 38-147, § 38-151 through § 38-157, § 38-616, § 38-708, § 38-2026, § 38-2032, § 38-2061, § 38-1217, § 38-2223, § 38-2227, § 38-2318, § 38-2859, § 38-2873, § 38-3211, § 38-3212, § 38-3213, and § 38-1,116 and their implementing regulations, are temporarily suspended, in part, to permit applicants for an initial license to practice as registered nurses, licensed practical nurses, physical therapists, psychologists, emergency care providers licensed under the Emergency Medical Services Practice Act, or to practice a profession which is authorized to prescribe controlled substances to receive a license pending the completion of a national criminal history record information check, with submission of fingerprints to the Federal Bureau of Investigation, so long as the professional meets other requirements for licensure and has passed Department-conducted checks of the Nebraska Data Exchange Network for a criminal history in Nebraska;
5. The requirements of Neb. Rev. Stats. § 38-2026, § 38-2222, and § 38-2851, and their implementing regulations, are suspended, in part, to exempt applicants for licensure as physicians, nurses, and pharmacists from the requirement to submit test scores prior to licensure and permit them to be issued time-limited provisional licenses pending successful examination results or the duration of the emergency, whichever is shorter;
6. Neb. Rev. Stat. § 38-2050 and its implementing regulations are suspended in order to permit physicians to have any number of physician assistants under their supervision and without a written agreement with these physician assistants insofar as doctors determine necessary within their professional discretion;
7. The provisions of Title 175 Nebraska Administrative Code §7-006.03B1a and § 9-006.03B(1)(a) regarding training and orientation requirements for supplemental staff at hospitals and health clinics are

temporarily suspended insofar as such training and orientation is not immediately necessary for the job responsibilities to be performed by the staff;

8. The provisions of Neb. Rev. Stat. § 71-6039(c) and its implementing regulations which require certain training for nurse aides are temporarily suspended in order to permit to expand the available workforce;

9. The provisions of Neb. Rev. Stat. § 71-6725(4) and its implementing regulations which require certain training for medication aides are temporarily suspended to help address staffing needs during the emergency;

10. The provisions of Neb. Rev. Stat. § 71-6039.01(3) and its implementing regulations regarding training for dining assistants are temporarily suspended as long as training complies with CMS regulations and requirements;

11. Sections 12 to 14 of this Executive Order apply to the following professions regulated by the UCA: advanced practice nursing, alcohol and drug counseling, audiology, speech language pathology, chiropractic, dentistry, dental hygiene, emergency medical services, hearing instrument dispensing and fitting, massage therapy, medical nutrition therapy, medical radiography, medicine and surgery, mental health practice, nursing, nursing home administration, occupational therapy, osteopathy, perfusion, pharmacy, physical therapy, psychology, respiratory care, surgical assisting, or holding themselves out as social workers, or dialysis patient care technicians;

12. The provisions of the UCA and its implementing regulations requiring that persons seeking credentialing successfully complete an examination prior to obtaining credentials are temporarily suspended solely in order to permit persons to obtain a provisional credential, which shall remain active pending examination results or until December 31, 2021, whichever is sooner, provided the person has completed all other requirements for licensure, including, but not limited to, completion of the required education or training program, and registers for the examination, but is unable to take the examination in the near future due to the lack of approved online testing or the limited availability of in-person testing slots;

13. The provisions of the UCA and its implementing regulations requiring that credential holders or students seeking credentials complete courses or training, or take examinations, in person are temporarily deferred until December 31, 2021, solely in order to permit education, training, and testing to continue using electronic or remote technology whenever possible;

14. The provisions of the UCA and its implementing regulations requiring that persons seeking credentials complete work or training with an onsite supervisor, with face-to face or direct supervision, or under any type of practice agreement are temporarily deferred until December 31, 2021, solely in order to permit supervisors to provide remote supervision if the supervisor determines this is appropriate;

15. The provisions of the UCA and its implementing regulations requiring that persons seeking credentialing as emergency medical technicians or advanced emergency management technicians obtain in person field experience hours are temporarily deferred until December 31, 2021, solely in order to permit students to be issued credentials where all other course requirements have been completed, and the instructor verifies that in person field experience is not an option;

16. The provisions of the Mental Health Practice Act and its implementing regulations requiring that persons seeking credentials under the Act obtain direct client-contact hours are temporarily deferred until December 31, 2021, solely in order to permit client-contact hours to be obtained through telehealth, including by telephone;



17. The provisions of the UCA and its implementing regulations requiring that persons seeking to obtain or renew credentials as advanced practice registered nurses or pharmacy technicians complete a national certification are temporarily deferred until the next renewal period;

18. The provisions of the Medication Aide Act and its implementing regulations requiring that credentials be renewed periodically are temporarily deferred until December 31, 2021, in order to permit medication aides to maintain their credentials during the emergency;

19. The provisions of the Medication Aide Act and its implementing regulations regarding registration of medication aides are temporarily deferred for medication aides registered in other states until 30 days after the lifting of the state of emergency solely in order to permit individuals who are properly and lawfully credentialed to provide medications in a U.S. state or territory to work in Nebraska during the state of emergency so long as they are in good standing and free from disciplinary action in the states where they are credentialed;

20. DHHS shall establish and publish guidance regarding the renewal and issuance of credentials consistent with the requirements of this Executive Order; and

21. This Executive Order shall become effective immediately and shall remain in effect until December 31, 2021.

**IN WITNESS THEREOF**, I have hereunto set my hand and caused the Great Seal of the State of Nebraska to be affixed on this 26<sup>th</sup> day of August, 2021.



Attest:

Pete Ricketts, Governor  
State of Nebraska

Robert B. Evnen, Secretary of State  
State of Nebraska