



STATE *of* NEBRASKA
OFFICE OF THE GOVERNOR
LINCOLN

EXECUTIVE ORDER NO. 21-15

FURTHER HEALTH CARE WORKFORCE CAPACITY

WHEREAS, a hospital capacity emergency was declared in Nebraska on August 26, 2021, to address the availability of hospital beds and health care professionals during the latest surge of COVID-19; and

WHEREAS, an executive order was issued that same day to waive specific provisions of 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 and their implementing regulations which impair the ability of Nebraska residents to access needed health care practitioners; and

WHEREAS, the experiences of Nebraska health care providers and health care facilities in treating patients with COVID-19 and other diseases, injuries, illnesses, and conditions in the period since Executive Order 21-12 was issued have shown that additional steps are required to address the shortage of health care professionals in Nebraska; and

WHEREAS, additional physical therapists, occupational therapists, nursing home administrators, audiologists and speech-language pathologists, assisted living administrators, medical radiographers, alcohol and drug counselors, and medical nutrition therapists are needed to assist in treating Nebraska residents with COVID-19 or other diseases, injuries, illnesses, and conditions; 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 suspending any state statutes and regulations when strict compliance with such statutes and regulations would hinder necessary action in coping with the public health threat caused by the hospital capacity and workforce emergency.

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 waive the following statutes and regulations to

ensure that Nebraskans retain access to needed health care professionals. These waivers are in addition to and supplement the waivers already granted in Executive Order 21-12.

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

- 1.) The provisions of Neb. Rev. Stat. § 38- 121(c) regarding the practice of alcohol and drug counseling, § 38- 121(f) regarding the practice of audiology, § 38- 121(g) regarding the practice of speech-language pathology, § 38- 121(v) regarding the practice of medical nutrition therapy, § 38- 121(w) regarding the practice of medical radiography, § 38- 121(bb) regarding the practice of nursing home administration, § 38- 121(cc) regarding the practice of occupational therapy, and § 38- 121(hh) regarding the practice of physical therapy and their implementing regulations are temporarily suspended in order to permit individuals who are properly and lawfully licensed to engage in these professions 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. Stat. § 38-147 and their implementing regulations are temporarily suspended to permit individuals who were formerly licensed in Nebraska to practice in physical therapy, occupational therapy, nursing home administration, audiology and speech-language pathology, medical radiography, alcohol and drug counseling, and medical nutrition therapy and who want to renew a credential after its expiration date or change from inactive to active status to do so without being subject to continuing competency requirements. Such individuals may be temporarily reinstated upon submission of a completed application to the Department of Health and Human Services (Department);
- 3.) The provisions of Neb. Rev. Stat. § 38-134 through § 38-136, § 38-142, and § 38-145 though § 38-147 regarding credentialing generally, § 38-516 through § 38-517 regarding the practice of audiology, § 38-2521 through § 38-2522 regarding the practice of occupational therapy, and § 38-2923 regarding the practice of physical therapy, and their implementing regulations are temporarily suspended, in part, in order to suspend continuing competency requirements for the practice areas of physical therapy, occupational therapy, nursing home administration, audiology and speech-language pathology, medical radiography, and medical nutrition therapy, and to permit applications for initial licenses for these practice areas to be processed electronically prior to receipt of the license fee by the Department;
- 4.) The provisions of the Neb. Rev. Stat. § 38-130, § 38-132, § 38-136, § 38-142 though § 38-147, and § 38-151 though § 38-157 and their implementing regulations regarding credentialing generally and the provisions of the Audiology and Speech-Language Pathology Interstate Compact, codified in Neb. Rev. Stat. § 38-4101, are temporarily suspended, in part, to permit applicants for an initial license to practice as audiologists and speech-language pathologists 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. Stat. § 38-515 regarding the practice of audiology and speech-language pathology, § 38-1813 regarding the practice of medical nutrition therapy, § 38-1915 and § 38-1916 regarding the practice of medical radiography, and § 38-2518, § 38-2520, and § 38-2921

regarding the practice of physical therapy and their implementing regulations are suspended, in part, to exempt applicants for licensure in physical therapy, occupational therapy, nursing home administration, audiology and speech-language pathology, medical radiography, alcohol and drug counseling, and medical nutrition therapy 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 emergency, whichever is shorter;

- 6.) Neb. Rev. Stat. § 38-2866.01 and its implementing regulations are suspended in order to permit pharmacists to have any number of pharmacist interns and pharmacy technicians under their supervision insofar as they determine it necessary within their professional discretion when administering vaccinations;
- 7.) Neb. Rev. Stat. § 71-5908, 174 NAC 4-006.01(7), 174 NAC 4-006.02A, and 174 NAC 4-006.02E are suspended in order to permit assisted living administrators to have additional time in order to complete initial and ongoing training requirements;
- 8.) The Department shall establish and publish guidance regarding the renewal and issuance of credentials consistent with the requirements of this Executive Order; and
- 9.) 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 13th day of October, 2021.



Pete Ricketts, Governor
State of Nebraska

Attest:

Robert B. Evnen, Secretary of State
State of Nebraska