STATE *of* NEBRASKA

OFFICE OF THE GOVERNOR

LINCOLN

EXECUTIVE ORDER No. 20-10

CORONAVIRUS – ADDITIONAL HEALTHCARE WORKFORCE CAPACITY

WHEREAS, the Center for Disease Control and Prevention has determined that COVID-19 disease presents a serious public health threat;

WHEREAS, a state of emergency was declared in Nebraska on March 13, 2020, to control the spread of COVID-19;

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;

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;

WHEREAS, the submission of license renewals by licensed health care professionals and their processing by the Department of Health and Human Services (Department) will likely divert attention from vital service delivery tasks during the state of emergency;

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;

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 services during the emergency;

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WHEREAS, in the interest of protecting the citizens of Nebraska from the threat caused by COVID-19, 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 the public health threat caused by COVID-19,

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 specific statutes and regulations arising from the Uniform Credentialing Act, 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; and

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; and

3. The provisions of Neb. Rev. Stats. § 38-130, § 38-132, § 38-136, § 38-142, § 38-144 though § 38-147, § 38-151 though § 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, in order to defer continuing competency requirements and license renewal fees for the following practice areas: medicine and surgery (MDs), advanced practice nursing, emergency medical services, mental health, 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; and

4. The provisions of Neb. Rev. Stats. § 38-130, § 38-132, § 38-136, § 38-142 though § 38-147, § 38-151 though § 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 medical technicians,

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; and

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; and

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; and

7. This Executive Order shall become effective immediately and shall remain in effect until 30 days after the lifting of the COVID-19 state of emergency.

IN WITNESS THEREOF, I have hereunto set my hand and caused the Great Seal of the State of Nebraska to be affixed on this 27th day of March, 2020.

Pete Ricketts, Governor
State of Nebraska

Attest:

Robert B. Evnen,
Secretary of State
State of Nebraska