STATE *of* NEBRASKA

OFFICE OF THE GOVERNOR

LINCOLN

EXECUTIVE ORDER NO. 20-37
CORONAVIRUS—CREDENTIALING THE COVID-19 WORKFORCE-- EXTENSION

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

WHEREAS, this state of emergency has created increased need for, and imposed significant demands upon, emergency medical technicians; direct patient care staff in hospitals and residential and long-term care facilities; and behavioral health workers;

WHEREAS, these individuals need state licenses, credentials, certifications, or registrations (hereinafter collectively known as credentials) in order to work and must meet specific requirements in order obtain and maintain their credentials;

WHEREAS, the COVID-19 state of emergency has made it difficult to meet some credentialing requirements, including, but not limited to, requirements for in-person education, training, and testing;

WHEREAS, on June 17, 2020, Executive Order 20-27 was issued and provided for certain waivers and deferrals for specific health professionals through December 31, 2020; and

WHEREAS, Neb. Rev. Stat. § 38-146(2) authorizes the Department of Health and Human Services (DHHS) to waive continuing competency requirements for credential holders under the Uniform Credentialing Act (UCA) upon the credential holder's request when "circumstances beyond his or her control have prevented completion of such requirements."

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, hereby issue this waiver of state statutes and applicable regulations to ensure that health care professionals directly responding to the COVID-19 state of emergency can obtain and retain the necessary credentials.

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

1. Sections 2 to 4 of this Executive Order apply to the following professions regulated by the UCA: advanced practice nursing, alcohol and drug counseling, audiology, speech-

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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;

2. 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 30 days after the lifting of the COVID-19 state of emergency, 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;

3. 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 30 days after the lifting of the COVID-19 state of emergency, solely in order to permit education, training, and testing to continue using electronic or remote technology whenever possible;

4. 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 30 days after the lifting of the COVID-19 state of emergency, solely in order to permit supervisors to provide remote supervision if the supervisor determines this is appropriate;

5. 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 30 days after the lifting of the COVID-19 state of emergency, 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;

6. 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 30 days after the lifting of the COVID-19 state of emergency, solely in order to permit client-contact hours to be obtained through telehealth, including by telephone;

7. 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;

8. The provisions of the Medication Aide Act and its implementing regulations requiring that credentials be renewed periodically are temporarily deferred until 30 days after the lifting of the COVID-19 state of emergency, in order to permit medication aides to maintain their credentials during the emergency;

9. 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;

10. DHHS shall afford credential holders under the UCA the opportunity to request waivers of continuing competency as part of the renewal process as provided for in Neb. Rev. Stat. § 38-146(2);

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

12. Executive Order No. 20-27 is hereby rescinded; and

13. 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 7th day of December, 2020.

Attest:

Pete Ricketts, Governor
State of Nebraska

Robert B. Evnen, Secretary of State
State of Nebraska