

TITLE 172 PROFESSIONAL AND OCCUPATIONAL LICENSURE
CHAPTER 44 PRACTICE OF BODY ART

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TITLE 172 PROFESSIONAL AND OCCUPATIONAL LICENSURE

CHAPTER 44 PRACTICE OF BODY ART

44-001 SCOPE AND AUTHORITY: These regulations govern the practice of body art as defined by Neb. Rev. Stat. §§ 71-340 to 71-3,238 and the Uniform Licensing Law.

44-002 DEFINITIONS

Act means Neb. Rev. Stat. §§71-340 to 71-3,238, known as the Nebraska Cosmetology Act.

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

Body art means body piercing, branding, permanent color technology, and tattooing.

Body art facility means any room or space or any part thereof where body art is performed or where the business of body art is conducted.

Body piercing means puncturing the skin of a person by aid of needles or other instruments designed or used to puncture the skin for the purpose of inserting removable jewelry or other objects through the human body, except that body piercing does not include puncturing the external part of the human earlobe.

Branding means a permanent mark made on human tissue by burning with a hot iron or other instrument.

Board means the Board of Cosmetology Examiners.

Completed application means an application with all information requested on the application supplied, the signature of the applicant, fees, and all required documentation submitted.

Continuing Competency means to ensure:

1. The maintenance by a credentialed person of knowledge and skills necessary to competently practice body art;
2. The utilization of new techniques based on scientific and clinical advances; and
3. The promotion of research to assure expansive and comprehensive services to the public.

It is the competency required as a condition of licensure renewal, pursuant to Neb. Rev. Stat. § 71-161.09.

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

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.

Division means the Credentialing Division of the Department of Health and Human Services Regulation and Licensure.

Guest body artist means a person registered under the Nebraska Cosmetology Act to demonstrate body art products or procedures for the purpose of imparting professional knowledge and information to persons licensed in this state to perform body art or to persons owning or operating a licensed body art facility under the sponsorship of a licensed body art facility or a person licensed in this state to perform body art.

Inactive status means the voluntary termination of the right or privilege to practice as a body artist. The licensee retains the right or privilege to represent himself/herself as having an inactive license.

Jurisdiction means the District of Columbia and any state, territory, or possession of the United States of America.

NAC means the Nebraska Administrative Code, the system for classifying State agency rules and regulations. These regulations are 172 NAC 44.

Permanent color technology means the process by which the skin is marked or colored by insertion of nontoxic dyes or pigments into or under the subcutaneous portion of the skin upon the body of a live human being so as to form indelible marks for cosmetic purposes.

Person means any individual, firm, partnership, limited liability company, corporation, company, association, joint-stock association, or similar entity and includes any trustee, receiver, assignee, or personal representative thereof.

Practitioner means a person who performs any or all of the practices of cosmetology, nail technology, esthetics, or electrology for compensation or who performs any or all of the practices of body art.

Tattoo means the indelible decorative mark, figure, or design introduced by insertion of nontoxic dyes or pigments into or under the subcutaneous portion of the skin upon the body of a live human being.

Tattooing means the process by which the skin is marked or colored by insertion of nontoxic dyes or pigments into or under the subcutaneous portion of the skin upon the body of a live human being so as to form indelible marks for decorative or figurative purposes.

Verified means sworn to before a notary public or equivalent title.

44-003 BODY ARTIST LICENSE: Any person who engages in, or follows, or advertises, or holds oneself out as engaging in or following any of the practices of body art or acts as a practitioner must be licensed. Licensure is required before any person may engage in the full, unsupervised practice of body art, and no person may assume the title of body artist without first being licensed by the Department pursuant to the Nebraska Cosmetology Act. A separate license will be issued for each practice. The criteria for issuance of a license to practice body piercing, branding, permanent color technology, and/or tattooing and the documentation required by the Department and the Board are set forth below.

44-003.01 Licensure to practice body piercing, branding, permanent color technology, and/or tattooing:

44-003.01A Requirements: An applicant for a license must:

1. Be at least 18 years of age;
2. Have a high school diploma or General Education Development Certificate (GED); and
3. Have completed at least 4 hours of training within 3 years immediately prior to making application for a license as a body artist. Such training must include:
 - a. At least 2 hours of Bloodborne Pathogens (disease) training, which includes sanitation, infection control and sterilization. An examination is required as a condition of training completion.
 - (1) The examination must include questions relating to the following:
 - (a) Sanitation;
 - (b) Safety (including emergency procedures);
 - (c) Infection control including cross contamination and barrier control; and
 - (d) Sterilization including use of an autoclave; and
 - b. A basic first aid class which teaches participants how to:
 - (1) Recognize emergency situations;
 - (2) Check the scene and call for help;
 - (3) Avoid bloodborne pathogen exposure;
 - (4) Care for wounds;
 - (5) Manage sudden illnesses; and
 - (6) Minimize shock.

The training may be obtained through any of the following:

1. Nationally accredited organization;
2. Local government sponsored;
3. Hospital sponsored;

4. College sponsored;
5. OSHA (Occupation and Safety Hazards Act) sponsored; or
6. Red Cross.

44-003.01B Application Process: The following must be submitted to the Department:

1. A photocopy of a birth certificate, baptismal certificate, or other equivalent document, which shows proof of attaining the age of 18 years;
2. A photocopy of a high school diploma, general educational development certificate, or equivalent document showing evidence of graduation;
3. Evidence of training as defined in 172 NAC 44-003.01A, item 3;
4. A complete application on Attachment A attached to these regulations and incorporated by this reference, and the applicant's social security number. Only applications which are complete will be considered;
5. If the applicant has been convicted of a felony or misdemeanor:
 - a. Official Court Record, which includes charges and disposition;
 - b. Copies of 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; and
6. Attestation by the applicant:
 - a. That s/he has not practiced in Nebraska after April 1, 2005 and prior to the application for a license; or
 - b. To the actual number of days practiced in Nebraska after April 1, 2005 and prior to the application for a license; and
7. The required licensure fee as prescribed in 172 NAC 37.

44-003.02 Pro-rated Fee: When a credential will expire within 180 days after its initial issuance date, the Department will collect \$25, the Licensee Assistance Program fee of \$1, and the credential will be valid until the next subsequent renewal date.

44-003.03 Administrative Penalty/Other Action: An individual who practices prior to issuance of a credential is subject to assessment of an Administrative Penalty pursuant to 172 NAC 44-012, or such other action as provided in the statutes and

regulations governing the credential.

44-003.04 Department Review: The Department will act within 150 days on all completed applications for licensure.

44-004 GUEST BODY ARTIST REGISTRATION: Registration is required before any person may act as a guest body artist, and no person will assume any title indicative of any of such areas of activity without first being registered. The criteria for issuance of registration and the documentation required by the Department and the Board are set forth below.

44-004.01 Guest Body Artist

44-004.01A Requirements: An applicant for registration as a guest body artist must:

1. Hold current licensure as a body artist in another jurisdiction or have the education or experience relating to the applicable category of continuing competency; and
2. Be under the sponsorship of a licensed Nebraska body art facility or licensed body artist.

44-004.01B Application Process: The following must be submitted to the Department:

1. Verification of sponsorship by a licensed body art facility or licensed body artist;
2. A complete application on Attachment C attached to these regulations and incorporated by this reference. Only applications which are complete will be considered;
3. The registration fee as prescribed in 172 NAC 37; and
4. For applicants licensed in another jurisdiction, a certification that the applicant is currently licensed on Attachment C1 attached to these regulations and incorporated by this reference or an alternate form which contains the same information. This may be submitted to the Department by the applicant or the certifying or licensing agency; or
5. For applicants not licensed in another jurisdiction, documentation of education and experience relating to the applicable category of continuing competency. This may be submitted to the Department by the applicant or the certifying or licensing agency.

44-004.01C Department Review: The Department will act within 150 days upon all completed applications.

44-005 EXPIRATION OF REGISTRATION AS A GUEST BODY ARTIST: Registration is granted for a set period of time and cannot be renewed. The registration will expire 2 years following the initial date of issuance.

44-006 PROCEDURES FOR RENEWAL OF A LICENSE: All body art licenses issued by the Department pursuant to the Act and these regulations expire on March 31st of odd-numbered years.

44-006.01 Renewal Process: Any licensee who wishes to renew his/her license must:

1. Meet the continuing competency requirements as specified in 172 NAC 44-009;
2. Pay the renewal fee as prescribed in 172 NAC 37; and
3. Respond to the following questions:
 - a. Has your license 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 felony?These questions relate to the time period since the last renewal of the license or during the time period since initial licensure in Nebraska if such occurred within the two years prior to the license expiration date.
4. Cause to be submitted to the Department:
 - a. The renewal notice;
 - b. The renewal fee;
 - c. Attestation of completing the required continuing competency earned within 24 months of the date of expiration or waiver of continuing competency. 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 license by another state, an official copy of the disciplinary action, including charges and disposition; and
 - e. If the licensee 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 licensee 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 licensee is currently on probation.

44-006.02 First Notice: At least 30 days before the expiration date, the Department will send a renewal notice by means of regular mail to each licensee at the licensee's last place of residence as noted in the records of the Department. It is the responsibility of the licensee prior to the renewal period to notify the Department of any name and/or address changes.

44-006.02A The renewal notice must specify:

1. The name of the licensee;
2. The licensee's last known address of record;
3. The license number;
4. The expiration date of the license;

5. The renewal fee as prescribed in 172 NAC 37;
6. The continued competency required for renewal or waiver of continuing competency; and
7. The option to place the license on inactive status.

44-006.02B The licensee must apply for renewal by submitting to the Department:

1. The renewal notice;
2. The renewal fee;
3. The licensee's social security number;
4. Attestation of completing the required continuing competency earned within 24 months of the date of expiration or waiver of continuing competency; and
5. Documentation relating to misdemeanor or felony conviction(s) or licensure revocation, suspension, limitation or disciplinary action (if applicable).

44-006.02C If the licensee wishes to place his/her license on inactive status s/he must request that his/her license be placed on inactive status by submitting to the Department:

1. The renewal notice with a check in the box marked inactive; and
2. The fee of \$25.

44-006.02D The Department will notify the licensee in writing of the acceptance or denial of the request to allow the license to be placed on inactive status.

44-006.03 Second Notice: The Department will send to each licensee who fails to renew his/her license or place the license on inactive status in response to the first notice, a second notice of renewal in accordance with the requirements of 172 NAC 44-006.01 that specifies:

1. That the licensee failed to pay the renewal fee;
2. That the license has expired;
3. That the licensee is subject to an administrative penalty pursuant to 172 NAC 44-012 if s/he practices after the expiration date;
4. That upon receipt of the renewal fee, together with an additional late fee of \$25, and documentation of continuing competency or waiver of continuing competency 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 competency hours, the license will be revoked as specified in 172 NAC 44-008.

44-006.03A The licensee 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 licensee's social security number;
4. Attestation by the licensee:
 - (1) That s/he has not practiced in Nebraska since the expiration of his/her license; or
 - (2) To the actual number of days practiced in Nebraska since the expiration

of his/her license;

5. Attestation of completing the required continuing competency earned within 24 months of the date of expiration or application for waiver of continuing competency; and
6. Documentation relating to misdemeanor or felony conviction(s) or licensure revocation, suspension, limitation or disciplinary action (if applicable).

44-006.03B If the licensee wishes to place his/her license on inactive status s/he must request that his/her license be placed on inactive status by submitting to the Department:

1. The renewal notice with a check in the box marked inactive; and
2. The fee of \$25.

44-006.03C The Department will notify the licensee in writing of the acceptance or denial of the request to allow the license to be placed on inactive status.

44-006.04 When any licensee fails, within 30 days of expiration of a license, to pay the renewal fee, to submit proof of documentation of continuing competency, and/or to pay an additional late fee of \$25, the Department will automatically revoke the license without further notice or hearing and make proper record of the revocation.

44-006.05 Failure to meet the continuing competency requirement for renewal within 30 days of expiration of his/her license will constitute non-renewal of a license, unless a waiver of continuing competency is granted or the license is placed on inactive status. When any licensee fails, within 30 days of expiration of a license, to meet the continuing competency requirements for renewal and pay an additional late fee of \$25, the Department revokes the license after notice and opportunity for hearing. Hearings held before the Department will be conducted in accordance with Neb. Rev. Stat. §§ 84-901 to 84-920, Administrative Procedure Act and 184 NAC 1, Rules of Practice and Procedure of the Department.

44-006.06 When the licensee has given notification to the Department that s/he desires to have the license placed on inactive status upon expiration, 172 NAC 44-006.04 and 44-006.05 will not apply.

44-006.07 The Department may refuse to renew a license for falsification of any information submitted for renewal of a license. The refusal will be made pursuant to Neb. Rev. Stat. §§ 71-149 to 71-155 and 184 NAC 1, Rules of Practice and Procedure of the Department.

44-006.08 An individual who practices after expiration of his/her credential is subject to assessment of an Administrative Penalty pursuant to 172 NAC 44-012, or such other action as provided in the statutes and regulations governing the credential.

44-007 EXEMPTION FROM CONTINUING COMPETENCY REQUIREMENTS

44-007.01 Grounds for Exemption: The Department, will exempt a licensee from the continuing competency requirements for any two-year licensing period when a licensee submits documentation that the licensee meets the requirements for exemption.

44-007.01A Circumstances and documentation will include:

1. Any licensee submitting proof that s/he was suffering from a serious or disabling illness or disability that prevented him/her from completing the continuing competency requirements is exempt for the biennium (24 months) if, by the renewal date, s/he is able to practice effectively and to attend continuing competency programs.
 - a. The licensee must submit a statement from a physician stating that the licensee was injured or ill, the duration of the illness or injury, and the recovery period, and that the licensee was unable to attend continuing competency activities during that period.
2. Any licensee submitting proof of service in the regular armed forces of the United States during any part of the immediately preceding biennium (24 months) is exempt for that biennium.
 - a. The licensee must submit official documentation stating dates of service.
3. Any person receiving an initial license in Nebraska during the second year of the biennium (24 months) is exempt from the continuing competency requirement for that biennium only.

44-007.01B Application: Any licensee who seeks an exemption from continuing competency must apply to the Department to be exempt from continuing competency. This application must be made on the renewal form and it must be received by Credentialing Division on or before March 31st of odd-numbered years.

44-007.01C The Department will grant or deny an application for exemption from completion of the continuing competency requirements.

1. When the Department determines to deny an application for exemption of completion of continuing competency requirements, it will send to the applicant's last name and address of record in the Department, a notice setting forth the reasons for the denial determination.
 - a. The applicant has 15 days from the date of the denial notice to make a written request to the Department for an appeal. The appeal will be conducted in accordance with 184 NAC 1, Rules of Practice and Procedure for the Department.
2. When the Department determines to grant an exemption from completion of continuing competency, the applicant is issued a renewed license if all other requirements are met.

44-007.01D Failure to submit required documentation of approved continuing

competency will constitute grounds for non-renewal of licensure, unless an exemption from continuing competency is granted. Such non-renewal will result in revocation of licensure.

44-007.01E Falsification of any information submitted for renewal of licensure may require the Department to refuse to renew a license. Such refusal will be made pursuant to Neb. Rev. Stat. §§ 71-149 to 71-155 and in accordance with 184 NAC 1 Rules of Practice and Procedure of the Department.

44-008 CREDENTIAL REVOCATION FOR FAILURE TO MEET RENEWAL REQUIREMENTS: The Department may revoke a credential when the credential holder fails to meet the renewal requirements.

44-008.01 Revocation for Nonpayment of Renewal Fee or Late Fee, or Failure to Submit Documentation of Continuing Competency within Thirty Days of Expiration of the Credential

44-008.01A When a credential holder fails to pay the required renewal fee, to submit documentation of continuing competency, and/or to pay a late fee of \$25 and fails to request that his/her credential be placed on inactive status within 30 days of its expiration, the Department automatically revokes the credential without further notice or hearing.

44-008.01A1 A post revocation notice will be sent which specifies that:

1. The credential holder was given a first and final notice of renewal requirements and the respective dates for these notices;
2. The credential holder failed to renew the credential or to request that his/her credential be placed on inactive status;
3. The Department has revoked the credential; and
4. The credential holder has a right to request reinstatement of the credential.

44-008.02 Revocation for Failure to Meet Continuing Competency Requirements

44-008.02B When a credential holder fails within 30 days of the expiration of his/her credential to meet the continuing competency requirement, the Department revokes his/her credential after notice and opportunity for a hearing.

44-008.02B1 The revocation notice for failure to meet continuing competency requirements specifies that:

1. The credential holder was given a first and second notice of failure to meet the continuing competency requirement and the respective dates of each notice;
2. The credential holder failed to meet continuing competency renewal requirements or to have his/her credential timely placed on inactive status;
3. The credential has been revoked for failure to meet continuing competency requirements within thirty days after expiration of the credential and that the revocation will become final unless a request

- for hearing is filed by the credential holder with the Department within 30 days of date of receipt of the notice; and
4. The credential holder has a right to request reinstatement of the credential after revocation.-

44-009 CONTINUING COMPETENCY REQUIREMENTS FOR LICENSEES

44-009.01 General Requirements: Licensees are required on or before March 31st of each odd-numbered year to complete at least 2 hours of Bloodborne Pathogens (disease) training which includes sanitation, infection control and sterilization; and requires an examination as a condition of training completion. The examination must include questions relating to the following:

1. Sanitation;
2. Safety (including emergency procedures);
3. Infection control including cross contamination and barrier control; and
4. Sterilization including use of an autoclave.

44-009.01A The training may be obtained through any of the following:

1. Nationally accredited organization;
2. Local government sponsored;
3. Hospital sponsored;
4. College sponsored;
5. OSHA (Occupation and Safety Hazards Act) sponsored; or
6. Red Cross.

44-009.02 Licensee Responsibilities: The licensee is responsible for maintaining a record of attendance and documentation of attendance at continuing competency programs for 3 years.

44-009.02A Evidence of Program Completion: Presentation of the Certificate of Attendance constitutes evidence that the person complied with all requirements of the program and did complete the program.

44-010 SANCTIONS RELATING TO CONTINUING COMPETENCY

44-010.01 Exemptions: The Department may deny an application for exemption from continuing competency requirements or revoke an exemption on any of the following grounds:

1. Failure to meet the requirements of 172 NAC 44-007; or
2. Fraud or misrepresentation on an application.

44-010.02 False Information: Licensees who submit attestations of continuing competency or applications for exemption of continuing competency which contain false information violate Neb. Rev. Stat. §§ 71-147 and 71-148, and are subject to disciplinary action.

44-010.03 Failure to Meet Continuing Competency Requirements: The Department will revoke the license of any licensee who has failed to satisfy the continuing competency requirements of Neb. Rev. Stat. §§ 71-3,107 through 71-3,117 or these regulations, unless such licensee has been granted a waiver. The Department will provide notices to the licensee of failure to meet continuing competency requirements in accordance with the procedures set forth in Neb. Rev. Stat. §71-110. Upon the failure of the licensee to respond to such notices, the Department will issue an order of revocation. Revocation is final, unless within 30 days after the mailing of the order, the licensee provides written notice to the Department of a desire for hearing. Hearings will be conducted in accordance with Neb. Rev. Stat. § 84-901 to 84-920, and 184 NAC 1, the Rules of Practice and Procedure of the Department.

44-011 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.

44-011.01 Eligibility

44-011.01A An individual whose credential has been previously:

1. Placed on inactive status;
2. Revoked for failure to meet the renewal requirements;
3. Suspended or limited for disciplinary reasons; or
4. 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, in accord with these regulations.

44-011.01B 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.

44-011.01C An individual who practices prior to re-credentialing is subject to:

1. Assessment of an Administrative Penalty pursuant to 172 NAC 44-012; and
2. 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.

44-011.02 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 s/he meets the following requirements:

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

44-011.03 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;
 - d. If the applicant holds a professional credential in another state, a list of the state(s) and type of credential; and
 - 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
 - (3) Disciplinary charges pending against any professional credential held
by the applicant.
 - f. Verification that the continuing competency requirements for renewal have been met;
 2. The renewal fee and any other applicable fees; and
 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.

44-011.03A If an applicant has practiced while his/her credential was inactive, the Department may:

1. Assess an Administrative Penalty pursuant to 172 NAC 44-012;
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.

44-011.03B 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.

44-011.03C In either event pursuant to 172 NAC 44-011.03A or 44-011.03B, a notice and the opportunity for hearing will be given to the applicant.

44-011.03D The Department will act within 150 days on all completed applications.

44-011.04 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.

44-011.05 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:
 - a. Name;
 - b. Address;
 - c. Social security number;
 - d. If the applicant holds a professional credential in another state, a list of the state(s) and type of credential; and
 - 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 revoked;
 - [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
 - (3) 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, 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 44-012 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 as provided in 172 NAC 44-011.05B.

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

44-011.05A The Board's recommendation to the Department may be to:

1. Reinstate the credential;
2. Reinstate the credential with terms, conditions, or restrictions; or
3. Deny reinstatement.

44-011.05B 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 of the credential. An Administrative Penalty may be assessed pursuant to 172 NAC 44-012 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 of the credential 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 44-012 if warranted; or
 - b. Denial of 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.

44-011.06 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.

44-011.07 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;
 - (4) If the petitioner holds a professional credential in another state, a list of the state(s) and type of credential; and
 - (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 by the petitioner.
 - (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; and
 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 44-012 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 44-001.08F.

44-011.07A 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.

44-011.07B 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.

44-011.07C If the Board recommends reinstatement of the credential, no public hearing need be held on the petition.

44-011.07D 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.

44-011.07D1 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.

44-011.07E 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.

44-011.07F 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.

44-011.07F1 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.

44-011.07F2 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.

44-011.07F3 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.

44-011.07F4 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.

44-011.07F5 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.

44-011.08 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 other profession-specific requirements if expressly set by law; 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.

44-011.09 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;
 - (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;
 - (c) Disciplinary charges pending against any professional credential held by the petitioner; and
 - (6) Any continuing competency activities.
2. The reinstatement fee of \$75; and
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 44-012 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 44-011.09G.

44-011.09A 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.

44-011.09B 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.

44-011.09C 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.

44-011.09D If the Board recommends reinstatement of the credential, no public hearing need be held on the petition.

44-011.09E 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.

44-011.09E1 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.

44-011.09E2 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.

44-011.09F 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.

44-011.09G 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.

44-011.09G1 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 in accordance with 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; and
 - 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; and
- 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.

44-011.09G2 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 in accordance with 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; and
 - 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; and

- 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.

44-011.09G3 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.

44-011.10 Procedures for Restoration of Credentials Voluntarily Surrendered or Limited for an Indefinite Period of Time

44-011.10A 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.

44-011.10A1 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;
 - 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
- (3) Disciplinary charges pending against any professional credential held by the applicant.
- f. Any continuing competency activities; and
 - g. Attestation:
 - (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.

44-011.10A2 If an applicant has practiced while his/her credential was voluntarily surrendered, the Department may:

1. Assess an Administrative Penalty pursuant to 172 NAC 44-012;
2. Initiate disciplinary action against the credential;
3. Deny the request to restore the credential; or
4. Restore the credential to active status and impose limitation(s) or other sanctions on the credential.

44-011.10A3 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.

44-011.10A4 In either event pursuant to 172 NAC 44-011.10A2 or 44-011.10A3, a notice and the opportunity for hearing will be given to the applicant.

44-011.10A5 The Department will act within 150 days on all completed applications.

44-011.11 Procedures for Restoration of Credentials Voluntarily Surrendered or Limited for a Specific and Definite Period of Time

44-011.11A 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.

44-011.11B 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 44-012.

44-011.12 Credentials Voluntarily Surrendered or Limited Permanently

44-011.12A Credentials that are voluntarily surrendered or limited permanently pursuant to Neb. Rev. Stat. § 71-161.11 will not be restored.

44-012 ADMINISTRATIVE PENALTY: The Department may assess an administrative penalty when evidence exists that a person or entity practices without a credential. Practice without a credential for the purpose of this regulation means practice:

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

44-012.01 Evidence of Practice: The Department will consider any of the following conditions as prima facie evidence of practice without a 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, or treatment records document the provision of service, care, or treatment by the person;
5. Appointment records indicate that the person was engaged in practice; or
6. The person 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.

44-012.02 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 credential. To assess the penalty, the Department will:

1. Provide written notice of the assessment to the person. The notice will 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
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.

44-012.03 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.

44-013 CONSENT: No person may perform body art on or to any person under 18 years of age without prior written consent of the parent or court-appointed guardian of such person. The person giving consent must be present during the procedure.

44-014 ORDINANCES GOVERNING BODY ART: The licensure of persons performing body art or operating a body art facility under the Nebraska Cosmetology Act must not be construed to restrict or prohibit a governing body of a county, city, or village from providing further requirements for performing body art or operating a body art facility within its jurisdiction under ordinances at least as stringent as, or more stringent than, the regulations of the Nebraska Cosmetology Act.

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