

LEGISLATURE OF NEBRASKA
NINETY-NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 256

Introduced by Price, 26; Combs, 32

Read first time January 10, 2005

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to nursing; to amend sections 44-2803, 44-2824,
2 44-2827, 71-121.01, 71-168, 71-168.02, 71-1,103,
3 71-1,132.05, 71-1,132.07, 71-1,132.08, 71-1,132.11,
4 71-1,132.18, 71-1,143, 71-1,198, 71-1,339, 71-541,
5 71-1405, 71-1704, 71-1706, 71-1707, 71-1709.02, 71-1714,
6 71-1716, 71-1716.02, 71-1716.03, 71-1716.05, 71-1717,
7 71-1718.01, 71-1718.02, 71-1721, 71-1721.07 to
8 71-1726.02, 71-1729 to 71-1731, 71-1735, 71-1737,
9 71-1738, 71-1743, 71-1747, 71-1749, 71-1750, 71-1753 to
10 71-1755, 71-1757, 71-1913.01, 71-2610.01, 71-5191,
11 77-2704.09, 79-214, and 79-221, Reissue Revised Statutes
12 of Nebraska, and sections 18-1738, 28-401, 71-1,142,
13 83-4,157, and 83-4,159, Revised Statutes Supplement,
14 2004; to adopt the Clinical Nurse Specialist Practice Act
15 and the Advanced Practice Registered Nurse Licensure Act;
16 to rename the Advanced Practice Registered Nurse Act; to
17 eliminate a term relating to the Nurse Practice Act; to

1 change provisions relating to the Board of Nursing and
2 the Board of Advanced Practice Registered Nurses; to
3 change provisions relating to licensure of advanced
4 practice registered nurses; to provide for certification
5 of nurse practitioners; to name the Certified Registered
6 Nurse Anesthetist Act; to change provisions relating to
7 regulation of certified nurse midwives, certified
8 registered nurse anesthetists, and clinical nurse
9 specialists; to eliminate an advisory council; to
10 harmonize provisions; to provide an operative date; to
11 repeal the original sections; and to outright repeal
12 sections 71-1705 and 71-1736, Reissue Revised Statutes of
13 Nebraska.

14 Be it enacted by the people of the State of Nebraska,

1 Section 1. Sections 1 to 14 of this act shall be known
2 and may be cited as the Clinical Nurse Specialist Practice Act.

3 Sec. 2. For purposes of the Clinical Nurse Specialist
4 Practice Act:

5 (1) Approved certifying body means a national
6 certification organization which (a) is approved by the board, (b)
7 certifies qualified licensed registered nurses for advanced
8 practice, (c) has eligibility requirements related to education and
9 practice, and (d) offers an examination in an area of practice
10 which meets psychometric guidelines and tests approved by the
11 board;

12 (2) Board means the Board of Advanced Practice Registered
13 Nurses;

14 (3) Clinical nurse specialist means a registered nurse
15 who meets the requirements of section 3 of this act and who holds a
16 certificate issued under the Clinical Nurse Specialist Practice
17 Act; and

18 (4) Department means the Department of Health and Human
19 Services Regulation and Licensure.

20 Sec. 3. An applicant for certification as a clinical
21 nurse specialist shall be licensed as a registered nurse under the
22 Nurse Practice Act or have the authority based on the Nurse
23 Licensure Compact to practice as a registered nurse in Nebraska and
24 shall submit to the department the following:

25 (1) A completed application, including, but not limited
26 to, the applicant's social security number and such other
27 information as the department requires pursuant to rules and
28 regulations, accompanied by the fee established pursuant to section

1 14 of this act;

2 (2) Evidence that the applicant holds a master's degree
3 or a doctoral degree in a nursing clinical specialty area or has a
4 master's degree in nursing and has successfully completed a
5 graduate-level clinical nurse specialist education program; and

6 (3) Except as provided in section 5 of this act, evidence
7 of passage of a board-approved examination issued by an approved
8 certifying body or, when such examination is not available, an
9 alternative method of competency assessment by any means permitted
10 under section 8 of this act.

11 Sec. 4. The practice of a clinical nurse specialist
12 includes health promotion, health supervision, illness prevention,
13 and disease management, including assessing patients, synthesizing
14 and analyzing data, and applying advanced nursing practice. A
15 clinical nurse specialist conducts and applies research, advocates,
16 serves as an agent of change, engages in systems management, and
17 assesses and intervenes in complex health care problems within the
18 selected clinical specialty.

19 Sec. 5. (1) An applicant who meets the requirements for
20 certification in section 3 of this act shall be certified by the
21 department as a clinical nurse specialist, except that a person
22 practicing as a clinical nurse specialist pursuant to the Nurse
23 Practice Act on July 1, 2007, shall be certified as a clinical
24 nurse specialist under this section without complying with
25 subdivision (3) of section 3 of this act.

26 (2) A person certified as a clinical nurse specialist has
27 the right to use the title Clinical Nurse Specialist and the
28 abbreviation CNS.

1 Sec. 6. If an applicant for initial certification as a
2 clinical nurse specialist files an application for certification
3 within one hundred eighty days prior to the biennial renewal date,
4 the provisions of subsection (2) of section 71-162.04 apply.

5 Sec. 7. All certificates issued under the Clinical Nurse
6 Specialist Practice Act shall expire on October 31 of each
7 even-numbered year. Biennial certificate renewals shall be
8 accomplished as the department, with the approval of the board,
9 establishes by rule and regulation.

10 Sec. 8. (1) In the interest of public safety and of
11 ensuring that clinical nurse specialists have sufficient scientific
12 and practical knowledge to continue practicing, an applicant for
13 renewal of a certificate issued under the Clinical Nurse Specialist
14 Practice Act shall demonstrate continuing competency. Continuing
15 competency may be demonstrated by methods which include, but are
16 not limited to, continuing education, course work, continuing
17 practice, national certification or recertification offered by an
18 approved certifying body, a reentry program, satisfactory peer
19 review including patient outcomes, examination, or other continuing
20 competency activities listed in section 71-161.09.

21 (2) The department, with the concurrence of the board,
22 may waive any continuing competency requirement established under
23 subsection (1) of this section for any two-year period for which a
24 certificate holder submits documentation of circumstances
25 justifying such a waiver. The board shall define such justifying
26 circumstances in rules and regulations.

27 Sec. 9. A certificate issued under the Clinical Nurse
28 Specialist Practice Act may be denied, refused renewal, revoked,

1 suspended, or disciplined in any other manner for any violation of
2 the act, for physical or mental disability or incapacity, for gross
3 incompetence, or for any reason for which a license issued under
4 the Nurse Practice Act or the Advanced Practice Registered Nurse
5 Licensure Act may be denied, refused renewal, revoked, suspended,
6 or disciplined. The methods and procedures provided in the Nurse
7 Practice Act for opportunity for hearing, notice of hearing,
8 presentation of evidence, conduct of a hearing, reinstatement, and
9 related matters shall apply to disciplinary actions under this
10 section. A decision to deny, refuse renewal of, revoke, suspend,
11 or discipline a certificate as a clinical nurse specialist may be
12 appealed, and the appeal shall be in accordance with the
13 Administrative Procedure Act.

14 Sec. 10. (1) A certificate issued under the Clinical
15 Nurse Specialist Practice Act lapses if the certificate holder (a)
16 does not have a current license to practice as a registered nurse
17 or an advanced practice registered nurse or has had either license
18 to practice denied, refused renewal, suspended, or revoked or (b)
19 renews his or her license to practice as a registered nurse or an
20 advanced practice registered nurse but does not renew his or her
21 clinical nurse specialist's certificate.

22 (2) When a certificate issued under the act lapses, the
23 right of the person whose certificate has lapsed to represent
24 himself or herself as a clinical nurse specialist and to practice
25 the activities for which a certificate is required terminates. To
26 restore the certificate to active status, the person shall meet the
27 requirements for renewal which are in effect at the time that he or
28 she wishes to restore the certificate and shall pay the renewal fee

1 and the late fee established and collected as provided in section
2 71-162.

3 Sec. 11. Any person practicing as a clinical nurse
4 specialist who is not certified as such by the department and who
5 possesses a license to engage in any health profession for which a
6 license is issued by the department may have such license denied,
7 refused renewal, suspended, or revoked or have other disciplinary
8 action taken against him or her by the department pursuant to the
9 provisions of the Nurse Practice Act or the Uniform Licensing Law
10 relating to such profession, irrespective of any criminal
11 proceedings for practicing without a certificate.

12 Sec. 12. The Clinical Nurse Specialist Practice Act does
13 not prohibit the performance of the professional activities of a
14 clinical nurse specialist by a person not holding a certificate
15 issued under the act if performed:

16 (1) In an emergency situation;

17 (2) By a legally qualified person from another state
18 employed by the United States and performing official duties in
19 this state; or

20 (3) By a person enrolled in an approved clinical nurse
21 specialist program for the education of clinical nurse specialists
22 as part of that approved program.

23 Sec. 13. Any person committing any of the following acts
24 is guilty of a Class IV felony:

25 (1) Practicing as a clinical nurse specialist without a
26 certificate issued under the Clinical Nurse Specialist Practice Act
27 except as provided in section 12 of this act;

28 (2) Knowingly employing or offering to employ any person

1 as a clinical nurse specialist who does not hold a certificate
2 issued under the act;

3 (3) Fraudulently seeking, obtaining, or furnishing a
4 certificate as a clinical nurse specialist or aiding and abetting
5 such actions; or

6 (4) Holding himself or herself out as a clinical nurse
7 specialist or using the abbreviation CNS or any other designation
8 tending to imply that he or she is a clinical nurse specialist
9 holding a certificate issued under the act if he or she does not
10 hold such a certificate.

11 Sec. 14. The department shall establish and collect fees
12 for credentialing activities under the Clinical Nurse Specialist
13 Practice Act as provided in section 71-162.

14 Sec. 15. Section 18-1738, Revised Statutes Supplement,
15 2004, is amended to read:

16 18-1738. (1) The clerk of any city of the primary class,
17 first class, or second class or village shall, or the county clerk
18 or designated county official pursuant to section 23-186 or the
19 Department of Motor Vehicles may, take an application from a
20 handicapped or disabled person or temporarily handicapped or
21 disabled person or his or her parent, legal guardian, or foster
22 parent for a permit which will entitle the holder thereof or a
23 person driving a motor vehicle for the purpose of transporting such
24 holder to park in those spaces or access aisles provided for by
25 sections 18-1736 to 18-1741 when the holder of the permit will
26 enter or exit the motor vehicle while it is parked in such spaces
27 or access aisles. For purposes of this section, the handicapped or
28 disabled person or temporarily handicapped or disabled person shall

1 be considered the holder of the permit.

2 (2) For purposes of sections 18-1736 to 18-1741,
3 handicapped or disabled person shall mean any individual with a
4 severe visual or physical impairment which limits personal mobility
5 and results in an inability to travel unassisted more than two
6 hundred feet without the use of a wheelchair, crutch, walker, or
7 prosthetic, orthotic, or other assistant device, any individual
8 whose personal mobility is limited as a result of respiratory
9 problems, any individual who has a cardiac condition to the extent
10 that his or her functional limitations are classified in severity
11 as being Class III or Class IV, according to standards set by the
12 American Heart Association, and any individual who has permanently
13 lost all or substantially all the use of one or more limbs.
14 Temporarily handicapped or disabled person shall mean any
15 handicapped or disabled person whose personal mobility is expected
16 to be limited in such manner for no longer than one year.

17 (3) A person applying for a permit or for the renewal of
18 a permit shall complete an application, shall provide proof of
19 identity, and shall submit a completed medical form containing the
20 statutory criteria for qualification and signed by a physician, a
21 physician assistant, or an advanced practice registered nurse
22 practicing under and in accordance with his or her certification
23 act, certifying that the person who will be the holder meets the
24 definition of handicapped or disabled person or temporarily
25 handicapped or disabled person. No applicant shall be required to
26 provide his or her social security number. In the case of a
27 temporarily handicapped or disabled person, the certifying
28 physician, physician assistant, or advanced practice registered

1 nurse shall indicate the estimated date of recovery or that the
2 temporary handicap or disability will continue for a period of six
3 months, whichever is less. A person may hold only one permit under
4 this section and may hold either a permit under this section or a
5 permit under section 18-1738.01, but not both. The Department of
6 Motor Vehicles shall provide applications and medical forms to the
7 clerk or designated county official. The application form shall
8 contain information listing the legal uses of the permit and that
9 the permit is not transferable, is to be used by the party to whom
10 issued or for the motor vehicle for which it is issued, is not to
11 be altered or reproduced, and is to be used only when a handicapped
12 or disabled person or a temporarily handicapped or disabled person
13 will enter or exit the motor vehicle while it is parked in a
14 designated parking space or access aisle. The application form
15 shall provide space for the applicant to sign a statement that he
16 or she is aware of his or her rights, duties, and responsibilities
17 with regard to the use and possession of a handicapped or disabled
18 parking permit and the penalties provided by law for handicapped
19 parking infractions. The application form shall also indicate that
20 those convicted of handicapped parking infractions shall be subject
21 to suspension of the permit for six months. A copy of the completed
22 application form shall be given to each applicant. Before a permit
23 is issued, the department shall enter all information required in
24 the manner prescribed by section 18-1739. The clerk or designated
25 county official shall submit to the department the name, address,
26 and license number of all persons applying for a permit pursuant to
27 this section. An application for the renewal of a permit under
28 this section may be filed within thirty days prior to the

1 expiration of the permit. The existing permit shall be invalid
2 upon receipt of the new permit. Following the receipt of the
3 application and its processing, the Department of Motor Vehicles
4 shall deliver each individual renewed permit to the applicant in
5 person or by first-class United States mail, postage prepaid, as
6 circumstances permit, except that renewed permits shall not be
7 issued sooner than ten days prior to the date of expiration.

8 (4) The Department of Motor Vehicles, upon receipt from
9 the clerk or designated county official of a completed application
10 form and completed medical form from an applicant for a handicapped
11 parking permit under this section, shall verify that the applicant
12 qualifies for such permit and, if so, shall issue the same by
13 delivering the permit to the applicant in person or by first-class
14 United States mail, postage prepaid, as circumstances permit. Upon
15 issuing such permit, the department shall provide the basic issuing
16 data to the clerk or designated county official of the city or
17 county where the permitholder resides or, if different, to the
18 clerk or designated county official who originally accepted the
19 application.

20 Sec. 16. Section 28-401, Revised Statutes Supplement,
21 2004, is amended to read:

22 28-401. As used in the Uniform Controlled Substances
23 Act, unless the context otherwise requires:

24 (1) Administer shall mean to directly apply a controlled
25 substance by injection, inhalation, ingestion, or any other means
26 to the body of a patient or research subject;

27 (2) Agent shall mean an authorized person who acts on
28 behalf of or at the direction of another person but shall not

1 include a common or contract carrier, public warehouse keeper, or
2 employee of a carrier or warehouse keeper;

3 (3) Administration shall mean the Drug Enforcement
4 Administration, United States Department of Justice;

5 (4) Controlled substance shall mean a drug, biological,
6 substance, or immediate precursor in Schedules I to V of section
7 28-405. Controlled substance shall not include distilled spirits,
8 wine, malt beverages, tobacco, or any nonnarcotic substance if such
9 substance may, under the Federal Food, Drug, and Cosmetic Act, 21
10 U.S.C. 301 et seq., as such act existed on January 1, 2003, and the
11 law of this state, be lawfully sold over the counter without a
12 prescription;

13 (5) Counterfeit substance shall mean a controlled
14 substance which, or the container or labeling of which, without
15 authorization, bears the trademark, trade name, or other
16 identifying mark, imprint, number, or device, or any likeness
17 thereof, of a manufacturer, distributor, or dispenser other than
18 the person or persons who in fact manufactured, distributed, or
19 dispensed such substance and which thereby falsely purports or is
20 represented to be the product of, or to have been distributed by,
21 such other manufacturer, distributor, or dispenser;

22 (6) Department shall mean the Department of Health and
23 Human Services Regulation and Licensure;

24 (7) Division of Drug Control shall mean the personnel of
25 the Nebraska State Patrol who are assigned to enforce the Uniform
26 Controlled Substances Act;

27 (8) Dispense shall mean to deliver a controlled substance
28 to an ultimate user or a research subject pursuant to a medical

1 order issued by a practitioner authorized to prescribe, including
2 the packaging, labeling, or compounding necessary to prepare the
3 controlled substance for such delivery;

4 (9) Distribute shall mean to deliver other than by
5 administering or dispensing a controlled substance;

6 (10) Prescribe shall mean to issue a medical order;

7 (11) Drug shall mean (a) articles recognized in the
8 official United States Pharmacopoeia, official Homeopathic
9 Pharmacopoeia of the United States, official National Formulary, or
10 any supplement to any of them, (b) substances intended for use in
11 the diagnosis, cure, mitigation, treatment, or prevention of
12 disease in human beings or animals, and (c) substances intended for
13 use as a component of any article specified in subdivision (a) or
14 (b) of this subdivision, but shall not include devices or their
15 components, parts, or accessories;

16 (12) Deliver or delivery shall mean the actual,
17 constructive, or attempted transfer from one person to another of a
18 controlled substance, whether or not there is an agency
19 relationship;

20 (13) Marijuana shall mean all parts of the plant of the
21 genus cannabis, whether growing or not, the seeds thereof, and
22 every compound, manufacture, salt, derivative, mixture, or
23 preparation of such plant or its seeds, but shall not include the
24 mature stalks of such plant, hashish, tetrahydrocannabinols
25 extracted or isolated from the plant, fiber produced from such
26 stalks, oil or cake made from the seeds of such plant, any other
27 compound, manufacture, salt, derivative, mixture, or preparation of
28 such mature stalks, or the sterilized seed of such plant which is

1 incapable of germination. When the weight of marijuana is referred
2 to in the Uniform Controlled Substances Act, it shall mean its
3 weight at or about the time it is seized or otherwise comes into
4 the possession of law enforcement authorities, whether cured or
5 uncured at that time;

6 (14) Manufacture shall mean the production, preparation,
7 propagation, compounding, conversion, or processing of a controlled
8 substance, either directly or indirectly, by extraction from
9 substances of natural origin, independently by means of chemical
10 synthesis, or by a combination of extraction and chemical
11 synthesis, and shall include any packaging or repackaging of the
12 substance or labeling or relabeling of its container. Manufacture
13 shall not include the preparation or compounding of a controlled
14 substance by an individual for his or her own use, except for the
15 preparation or compounding of components or ingredients used for or
16 intended to be used for the manufacture of methamphetamine, or the
17 preparation, compounding, conversion, packaging, or labeling of a
18 controlled substance: (a) By a practitioner as an incident to his
19 or her prescribing, administering, or dispensing of a controlled
20 substance in the course of his or her professional practice; or (b)
21 by a practitioner, or by his or her authorized agent under his or
22 her supervision, for the purpose of, or as an incident to,
23 research, teaching, or chemical analysis and not for sale;

24 (15) Narcotic drug shall mean any of the following,
25 whether produced directly or indirectly by extraction from
26 substances of vegetable origin, independently by means of chemical
27 synthesis, or by a combination of extraction and chemical
28 synthesis: (a) Opium, opium poppy and poppy straw, coca leaves,

1 and opiates; (b) a compound, manufacture, salt, derivative, or
2 preparation of opium, coca leaves, or opiates; or (c) a substance
3 and any compound, manufacture, salt, derivative, or preparation
4 thereof which is chemically equivalent to or identical with any of
5 the substances referred to in subdivisions (a) and (b) of this
6 subdivision, except that the words narcotic drug as used in the
7 Uniform Controlled Substances Act shall not include decocainized
8 coca leaves or extracts of coca leaves, which extracts do not
9 contain cocaine or ecgonine, or isoquinoline alkaloids of opium;

10 (16) Opiate shall mean any substance having an
11 addiction-forming or addiction-sustaining liability similar to
12 morphine or being capable of conversion into a drug having such
13 addiction-forming or addiction-sustaining liability. Opiate shall
14 not include the dextrorotatory isomer of 3-methoxy-n
15 methylmorphinan and its salts. Opiate shall include its racemic
16 and levorotatory forms;

17 (17) Opium poppy shall mean the plant of the species
18 *Papaver somniferum* L., except the seeds thereof;

19 (18) Poppy straw shall mean all parts, except the seeds,
20 of the opium poppy after mowing;

21 (19) Person shall mean any corporation, association,
22 partnership, limited liability company, or one or more individuals;

23 (20) Practitioner shall mean a physician, a physician
24 assistant, a dentist, a veterinarian, a pharmacist, a podiatrist,
25 an optometrist, a certified nurse midwife, ~~advanced practice~~
26 ~~registered nurse~~, a certified registered nurse anesthetist, a nurse
27 practitioner, a scientific investigator, a pharmacy, a hospital, or
28 any other person licensed, registered, or otherwise permitted to

1 distribute, dispense, prescribe, conduct research with respect to,
2 or administer a controlled substance in the course of practice or
3 research in this state, including an emergency medical service as
4 defined in section 71-5175;

5 (21) Production shall include the manufacture, planting,
6 cultivation, or harvesting of a controlled substance;

7 (22) Immediate precursor shall mean a substance which is
8 the principal compound commonly used or produced primarily for use
9 and which is an immediate chemical intermediary used or likely to
10 be used in the manufacture of a controlled substance, the control
11 of which is necessary to prevent, curtail, or limit such
12 manufacture;

13 (23) State shall mean the State of Nebraska;

14 (24) Ultimate user shall mean a person who lawfully
15 possesses a controlled substance for his or her own use, for the
16 use of a member of his or her household, or for administration to
17 an animal owned by him or her or by a member of his or her
18 household;

19 (25) Hospital shall have the same meaning as in section
20 71-419;

21 (26) Cooperating individual shall mean any person, other
22 than a commissioned law enforcement officer, who acts on behalf of,
23 at the request of, or as agent for a law enforcement agency for the
24 purpose of gathering or obtaining evidence of offenses punishable
25 under the Uniform Controlled Substances Act;

26 (27) Hashish or concentrated cannabis shall mean: (a)
27 The separated resin, whether crude or purified, obtained from a
28 plant of the genus cannabis; or (b) any material, preparation,

1 mixture, compound, or other substance which contains ten percent or
2 more by weight of tetrahydrocannabinols;

3 (28) Exceptionally hazardous drug shall mean (a) a
4 narcotic drug, (b) thiophene analog of phencyclidine, (c)
5 phencyclidine, (d) amobarbital, (e) secobarbital, or (f)
6 pentobarbital;

7 (29) Imitation controlled substance shall mean a
8 substance which is not a controlled substance but which, by way of
9 express or implied representations and consideration of other
10 relevant factors including those specified in section 28-445, would
11 lead a reasonable person to believe the substance is a controlled
12 substance. A placebo or registered investigational drug
13 manufactured, distributed, possessed, or delivered in the ordinary
14 course of practice or research by a health care professional shall
15 not be deemed to be an imitation controlled substance;

16 (30) (a) Controlled substance analogue shall mean a
17 substance (i) the chemical structure of which is substantially
18 similar to the chemical structure of a Schedule I or Schedule II
19 controlled substance as provided in section 28-405 or (ii) which
20 has a stimulant, depressant, analgesic, or hallucinogenic effect on
21 the central nervous system that is substantially similar to or
22 greater than the stimulant, depressant, analgesic, or
23 hallucinogenic effect on the central nervous system of a Schedule I
24 or Schedule II controlled substance as provided in section 28-405.
25 A controlled substance analogue shall, to the extent intended for
26 human consumption, be treated as a controlled substance under
27 Schedule I of section 28-405 for purposes of the Uniform Controlled
28 Substances Act; and

1 (b) Controlled substance analogue shall not include (i) a
2 controlled substance, (ii) any substance generally recognized as
3 safe and effective within the meaning of the Federal Food, Drug,
4 and Cosmetic Act, 21 U.S.C. 301 et seq., as such act existed on
5 January 1, 2003, (iii) any substance for which there is an approved
6 new drug application, or (iv) with respect to a particular person,
7 any substance if an exemption is in effect for investigational use
8 for that person, under section 505 of the Federal Food, Drug, and
9 Cosmetic Act, 21 U.S.C. 355, as such section existed on January 1,
10 2003, to the extent conduct with respect to such substance is
11 pursuant to such exemption;

12 (31) Anabolic steroid shall mean any drug or hormonal
13 substance, chemically and pharmacologically related to testosterone
14 (other than estrogens, progestins, and corticosteroids), that
15 promotes muscle growth and includes any controlled substance in
16 Schedule III(d) of section 28-405. Anabolic steroid shall not
17 include any anabolic steroid which is expressly intended for
18 administration through implants to cattle or other nonhuman species
19 and has been approved by the Secretary of Health and Human Services
20 for such administration, but if any person prescribes, dispenses,
21 or distributes such a steroid for human use, such person shall be
22 considered to have prescribed, dispensed, or distributed an
23 anabolic steroid within the meaning of this subdivision;

24 (32) Chart order shall mean an order for a controlled
25 substance issued by a practitioner for a patient who is in the
26 hospital where the chart is stored or for a patient receiving
27 detoxification treatment or maintenance treatment pursuant to
28 section 28-412. Chart order shall not include a prescription;

1 (33) Medical order shall mean a prescription, a chart
2 order, or an order for pharmaceutical care issued by a
3 practitioner;

4 (34) Prescription shall mean an order for a controlled
5 substance issued by a practitioner. Prescription shall not include
6 a chart order;

7 (35) Registrant shall mean any person who has a
8 controlled substances registration issued by the state or the
9 administration;

10 (36) Reverse distributor shall mean a person whose
11 primary function is to act as an agent for a pharmacy, wholesaler,
12 manufacturer, or other entity by receiving, inventorying, and
13 managing the disposition of outdated, expired, or otherwise
14 nonsaleable controlled substances; and

15 (37) Signature shall mean the name, word, or mark of a
16 person written in his or her own hand with the intent to
17 authenticate a writing or other form of communication or a digital
18 signature which complies with section 86-611.

19 Sec. 17. Section 44-2803, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 44-2803. ~~(1)~~ Health care provider ~~shall mean (a) a~~
22 means: (1) A physician; ~~(b) a~~ (2) an advanced practice registered
23 nurse; (3) ~~anesthetist;~~ ~~(c)~~ an individual, partnership, limited
24 liability company, corporation, association, facility, institution,
25 or other entity authorized by law to provide professional medical
26 services by physicians or ~~nurse anesthetists~~ advanced practice
27 registered nurses; ~~(d)~~ (4) a hospital; or ~~(e)~~ (5) a personal
28 representative as defined in section 30-2209 who is successor or

1 assignee of any health care provider designated in subdivisions ~~(a)~~
2 (1) through ~~(d)~~ (4) of this ~~subsection~~ section.

3 ~~(2) Nurse anesthetist shall mean a person licensed in~~
4 ~~this state pursuant to the Nurse Practice Act when acting as an~~
5 ~~anesthetist on a contract basis or as an employee of a hospital.~~

6 Sec. 18. Section 44-2824, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 44-2824. (1) To be qualified under the Nebraska
9 Hospital-Medical Liability Act, a health care provider or such
10 health care provider's employer, employee, partner, or limited
11 liability company member shall:

12 (a) File with the director proof of financial
13 responsibility, pursuant to section 44-2827 or 44-2827.01, in the
14 amount of five hundred thousand dollars for each occurrence. In
15 the case of physicians or ~~nurse anesthetists~~ advanced practice
16 registered nurses and their employers, employees, partners, or
17 limited liability company members an aggregate liability amount of
18 one million dollars for all occurrences or claims made in any
19 policy year for each named insured shall be provided. In the case
20 of hospitals and their employees, an aggregate liability amount of
21 three million dollars for all occurrences or claims made in any
22 policy year or risk-loss trust year shall be provided. Such policy
23 may be written on either an occurrence or a claims-made basis. Any
24 risk-loss trust shall be established and maintained only on an
25 occurrence basis. Such qualification shall remain effective only
26 as long as insurance coverage or risk-loss trust coverage as
27 required remains effective; and

28 (b) Pay the surcharge and any special surcharge levied on

1 all health care providers pursuant to sections 44-2829 to 44-2831.

2 (2) Subject to the requirements in subsections (1) and
3 (4) of this section, the qualification of a health care provider
4 shall be either on an occurrence or claims-made basis and shall be
5 the same as the insurance coverage provided by the insured's
6 policy.

7 (3) The director shall have authority to permit
8 qualification of health care providers who have retired or ceased
9 doing business if such health care providers have primary insurance
10 coverage under subsection (1) of this section.

11 (4) A health care provider who is not qualified under the
12 act at the time of the alleged occurrence giving rise to a claim
13 shall not, for purposes of that claim, qualify under the act
14 notwithstanding subsequent filing of proof of financial
15 responsibility and payment of a required surcharge.

16 (5) Qualification of a health care provider under the
17 Nebraska Hospital-Medical Liability Act shall continue only as long
18 as the health care provider meets the requirements for
19 qualification. A health care provider who has once qualified under
20 the act and who fails to renew or continue his or her qualification
21 in the manner provided by law and by the rules and regulations of
22 the Department of Insurance shall cease to be qualified under the
23 act.

24 Sec. 19. Section 44-2827, Reissue Revised Statutes of
25 Nebraska, is amended to read:

26 44-2827. Financial responsibility of a health care
27 provider may be established only by filing with the director proof
28 that the health care provider is insured pursuant to sections

1 44-2837 to 44-2839 or by a policy of professional liability
2 insurance in a company authorized to do business in Nebraska. Such
3 insurance shall be in the amount of five hundred thousand dollars
4 per occurrence and, in cases involving physicians or ~~nurse~~
5 ~~anesthetists~~ advanced practice registered nurse, but not with
6 respect to hospitals, an aggregate liability of at least one
7 million dollars for all occurrences or claims made in any policy
8 year shall be provided. In the case of hospitals and their
9 employees, an aggregate liability amount of three million dollars
10 for all occurrences or claims made in any policy year shall be
11 provided. The filing shall state the premium charged for the
12 policy of insurance.

13 Sec. 20. Section 71-121.01, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 71-121.01. The department shall be responsible for the
16 general administration of the activities of each of the boards as
17 defined in the Advanced Practice Registered Nurse Licensure Act,
18 the Certified Registered Nurse Anesthetist Act, the Clinical Nurse
19 Specialist Practice Act, the Nebraska Certified Nurse Midwifery
20 Practice Act, the Nebraska Cosmetology Act, the Nurse Practice Act,
21 the Nurse Practitioner Act, the Occupational Therapy Practice Act,
22 and sections 71-4701 to 71-4719 and 71-6053 to 71-6068 and the
23 boards covered by the scope of the Uniform Licensing Law and named
24 in section 71-102. The cost of operation and administration of the
25 boards shall be paid from fees, gifts, grants, and other money
26 credited to the Professional and Occupational Credentialing Cash
27 Fund. The Director of Regulation and Licensure shall determine the
28 proportionate share of this cost to be paid from the fees of the

1 respective boards, except that no fees shall be paid for such
2 purpose from the fund without the prior approval of the boards
3 concerned. The director's determinations shall become final when
4 approved by the respective boards and the department and shall be
5 valid for one fiscal year only.

6 Sec. 21. Section 71-168, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 71-168. (1) The department shall enforce the Uniform
9 Licensing Law and for that purpose shall make necessary
10 investigations. Every credentialed person listed under subsection
11 (4) of this section and every member of a professional board shall
12 furnish the department such evidence as he or she may have relative
13 to any alleged violation which is being investigated.

14 (2) Every credentialed person listed under subsection (4)
15 of this section shall report to the department the name of every
16 person without a credential that he or she has reason to believe is
17 engaged in practicing any profession for which a credential is
18 required by the Uniform Licensing Law. The department may, along
19 with the Attorney General and other law enforcement agencies,
20 investigate such reports or other complaints of unauthorized
21 practice. The professional board may issue an order to cease and
22 desist the unauthorized practice of such profession as a measure to
23 obtain compliance with the applicable credentialing requirements by
24 the person prior to referral of the matter to the Attorney General
25 for action. Practice of such profession without a credential after
26 receiving a cease and desist order is a Class III felony.

27 (3) Any credentialed person listed under subsection (4)
28 of this section who is required to file a report of loss or theft

1 of a controlled substance to the federal Drug Enforcement
2 Administration shall provide a copy of such report to the
3 department.

4 (4) Every credentialed person regulated under the
5 Advanced Practice Registered Nurse Licensure Act, the Certified
6 Registered Nurse Anesthetist Act, the Clinical Nurse Specialist
7 Practice Act, the Emergency Medical Services Act, the Licensed
8 Practical Nurse-Certified Act, the Nebraska Certified Nurse
9 Midwifery Practice Act, the Nebraska Cosmetology Act, the Nurse
10 Practice Act, the Nurse Practitioner Act, the Occupational Therapy
11 Practice Act, the Uniform Controlled Substances Act, the Uniform
12 Licensing Law, the Wholesale Drug Distributor Licensing Act, or
13 sections 71-3702 to 71-3715, 71-4701 to 71-4719, or 71-6053 to
14 71-6068 shall, within thirty days of an occurrence described in
15 this subsection, report to the department in such manner and form
16 as the department may require by rule and regulation whenever he or
17 she:

18 (a) Has first-hand knowledge of facts giving him or her
19 reason to believe that any person in his or her profession has
20 committed acts indicative of gross incompetence, a pattern of
21 negligent conduct as defined in subdivision (5)(e) of section
22 71-147, or unprofessional conduct, may be practicing while his or
23 her ability to practice is impaired by alcohol, controlled
24 substances, narcotic drugs, or physical, mental, or emotional
25 disability, or has otherwise violated such regulatory provisions
26 governing the practice of the profession;

27 (b) Has first-hand knowledge of facts giving him or her
28 reason to believe that any person in another profession regulated

1 under such regulatory provisions has committed acts indicative of
2 gross incompetence or may be practicing while his or her ability to
3 practice is impaired by alcohol, controlled substances, narcotic
4 drugs, or physical, mental, or emotional disability. The
5 requirement to file a report under subdivision (a) or (b) of this
6 subsection shall not apply (i) to the spouse of the person, (ii) to
7 a practitioner who is providing treatment to such person in a
8 practitioner-patient relationship concerning information obtained
9 or discovered in the course of treatment unless the treating
10 practitioner determines that the condition of the person may be of
11 a nature which constitutes a danger to the public health and safety
12 by the person's continued practice, or (iii) when a credentialed
13 person who is chemically impaired enters the Licensee Assistance
14 Program authorized by section 71-172.01 except as provided in such
15 section; or

16 (c) Has been the subject of any of the following actions:

17 (i) Loss of privileges in a hospital or other health care
18 facility due to alleged incompetence, negligence, unethical or
19 unprofessional conduct, or physical, mental, or chemical impairment
20 or the voluntary limitation of privileges or resignation from staff
21 of any health care facility when that occurred while under formal
22 or informal investigation or evaluation by the facility or a
23 committee of the facility for issues of clinical competence,
24 unprofessional conduct, or physical, mental, or chemical
25 impairment;

26 (ii) Loss of employment due to alleged incompetence,
27 negligence, unethical or unprofessional conduct, or physical,
28 mental, or chemical impairment;

1 (iii) Adverse judgments, settlements, or awards arising
2 out of professional liability claims, including settlements made
3 prior to suit, or adverse action by an insurance company affecting
4 professional liability coverage. The department may define by rule
5 and regulation what constitutes a settlement that would be
6 reportable when a credentialed person refunds or reduces a fee or
7 makes no charge for reasons related to a patient or client
8 complaint other than costs;

9 (iv) Denial of a credential or other form of
10 authorization to practice by any state, territory, or jurisdiction,
11 including any military or federal jurisdiction, due to alleged
12 incompetence, negligence, unethical or unprofessional conduct, or
13 physical, mental, or chemical impairment;

14 (v) Disciplinary action against any credential or other
15 form of permit he or she holds taken by another state, territory,
16 or jurisdiction, including any federal or military jurisdiction,
17 the settlement of such action, or any voluntary surrender of or
18 limitation on any such credential or other form of permit;

19 (vi) Loss of membership in a professional organization
20 due to alleged incompetence, negligence, unethical or
21 unprofessional conduct, or physical, mental, or chemical
22 impairment; or

23 (vii) Conviction of any misdemeanor or felony in this or
24 any other state, territory, or jurisdiction, including any federal
25 or military jurisdiction.

26 (5) A report made to the department under this section
27 shall be confidential and treated in the same manner as complaints
28 and investigative files under subsection (7) of section 71-168.01.

1 Any person making a report to the department under this section
2 except those self-reporting shall be completely immune from
3 criminal or civil liability of any nature, whether direct or
4 derivative, for filing a report or for disclosure of documents,
5 records, or other information to the department under this section.
6 Persons who are members of committees established under sections
7 25-12,123, 71-2046 to 71-2048, and 71-7901 to 71-7903 or witnesses
8 before such committees shall not be required to report such
9 activities. Any person who is a witness before a committee
10 established under such sections shall not be excused from reporting
11 matters of first-hand knowledge that would otherwise be reportable
12 under this section only because he or she attended or testified
13 before such committee. Documents from original sources shall not
14 be construed as immune from discovery or use in actions under
15 subsection (4) of this section.

16 Sec. 22. Section 71-168.02, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 71-168.02. (1) A health care facility licensed under the
19 Health Care Facility Licensure Act or a peer review organization or
20 professional association of a health care profession regulated
21 under the Advanced Practice Registered Nurse Licensure Act, the
22 Certified Registered Nurse Anesthetist Act, the Clinical Nurse
23 Specialist Practice Act, the Emergency Medical Services Act, the
24 Licensed Practical Nurse-Certified Act, the Nebraska Certified
25 Nurse Midwifery Practice Act, the Nebraska Cosmetology Act, the
26 Nurse Practice Act, the Nurse Practitioner Act, the Occupational
27 Therapy Practice Act, the Uniform Controlled Substances Act, the
28 Uniform Licensing Law, the Wholesale Drug Distributor Licensing

1 Act, or sections 71-3702 to 71-3715, 71-4701 to 71-4719, or 71-6053
2 to 71-6068 shall report to the department, on a form and in the
3 manner specified by the department by rule and regulation, any
4 facts known to them, including, but not limited to, the identity of
5 the practitioner and patient, when the facility, organization, or
6 association:

7 (a) Has made payment due to adverse judgment, settlement,
8 or award of a professional liability claim against it or a
9 licensee, certificate holder, or registrant, including settlements
10 made prior to suit, arising out of the acts or omissions of the
11 licensee, certificate holder, or registrant; or

12 (b) Takes action adversely affecting the privileges or
13 membership of a licensee, certificate holder, or registrant in such
14 facility, organization, or association due to alleged incompetence,
15 professional negligence, unprofessional conduct, or physical,
16 mental, or chemical impairment.

17 The report shall be made within thirty days after the
18 date of the action or event.

19 (2) A report made to the department under this section
20 shall be confidential and treated in the same manner as complaints
21 and investigative files under subsection (7) of section 71-168.01.
22 The facility, organization, association, or person making such
23 report shall be completely immune from criminal or civil liability
24 of any nature, whether direct or derivative, for filing a report or
25 for disclosure of documents, records, or other information to the
26 department under this section. The reports and information shall
27 be subject to the investigatory and enforcement provisions of the
28 regulatory provisions listed in subsection (1) of this section.

1 Nothing in this subsection shall be construed to require production
2 of records protected by section 25-12,123, 71-2048, or 71-7903
3 except as otherwise provided in any of such sections.

4 (3) For purposes of this section, the department shall
5 accept reports made to it under the Nebraska Hospital-Medical
6 Liability Act or in accordance with national practitioner data bank
7 requirements of the federal Health Care Quality Improvement Act of
8 1986, as amended, and may require a supplemental report to the
9 extent such reports do not contain the information required by
10 rules and regulations of the department.

11 Sec. 23. Section 71-1,103, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 71-1,103. The following classes of persons shall not be
14 construed to be engaged in the unauthorized practice of medicine:

15 (1) Persons rendering gratuitous services in cases of
16 emergency;

17 (2) Persons administering ordinary household remedies;

18 (3) The members of any church practicing its religious
19 tenets, except that they shall not prescribe or administer drugs or
20 medicines, perform surgical or physical operations, nor assume the
21 title of or hold themselves out to be physicians or surgeons, and
22 such members shall not be exempt from the quarantine laws of this
23 state;

24 (4) Students of medicine and surgery who are studying in
25 an accredited school or college of medicine and who gratuitously
26 prescribe for and treat disease under the supervision of a licensed
27 physician;

28 (5) Physicians and surgeons of the United States Armed

1 Forces or Public Health Service or United States Department of
2 Veterans Affairs when acting in the line of such duty in this
3 state;

4 (6) Physicians and surgeons who are graduates of an
5 accredited school or college of medicine with the degree of Doctor
6 of Medicine and licensed in another state when incidentally called
7 into this state for consultation with a physician and surgeon
8 licensed in this state;

9 (7) Physicians and surgeons who are graduates of an
10 accredited school or college of medicine with the degree of Doctor
11 of Medicine and who reside in a state bordering this state and who
12 are duly licensed under the laws thereof to practice medicine and
13 surgery but who do not open an office or maintain or appoint a
14 place to meet patients or to receive calls within this state unless
15 they are performing services described in subdivision (7) of
16 section 71-1,102;

17 (8) Persons providing or instructing as to use of braces,
18 prosthetic appliances, crutches, contact lenses, and other lenses
19 and devices prescribed by a doctor of medicine licensed to practice
20 while working under the direction of such physician;

21 (9) Dentists practicing their profession when licensed
22 and practicing in accordance with sections 71-183 to 71-191;

23 (10) Optometrists practicing their profession when
24 licensed and practicing under and in accordance with sections
25 71-1,133 to 71-1,136;

26 (11) Osteopathic physicians practicing their profession
27 if licensed and practicing under and in accordance with sections
28 71-1,137 and 71-1,141;

1 (12) Chiropractors practicing their profession if
2 licensed and practicing under sections 71-177 to 71-182;

3 (13) Podiatrists practicing their profession when
4 licensed and practicing under and in accordance with sections
5 71-173 to 71-176;

6 (14) Psychologists practicing their profession when
7 licensed and practicing under and in accordance with sections
8 71-1,206.01 to 71-1,206.35;

9 (15) Advanced practice registered nurses ~~and certified~~
10 ~~registered nurse anesthetists~~ practicing in their profession
11 clinical specialty areas when licensed under the Advanced Practice
12 Registered Nurse Licensure Act and practicing under and in
13 accordance with ~~the Advanced Practice Registered Nurse Act~~ their
14 respective certification acts;

15 (16) Any person licensed or certified under the laws of
16 this state to practice a limited field of the healing art, not
17 specifically named in this section, when confining themselves
18 strictly to the field for which they are licensed or certified, not
19 assuming the title of physician, surgeon, or physician and surgeon,
20 and not professing or holding themselves out as qualified to
21 prescribe drugs in any form or to perform operative surgery;

22 (17) Physicians and surgeons who are duly licensed to
23 practice medicine and surgery in another state who have been
24 recommended by the secretary of the board of examiners in the state
25 of licensure and who have been granted temporary practice rights by
26 the Board of Medicine and Surgery, with the approval of the
27 department, for a period not to exceed three months in any
28 twelve-month period;

1 (18) Persons obtaining blood specimens while working
2 under an order of or protocols and procedures approved by a
3 physician, registered nurse, or other independent health care
4 practitioner licensed to practice by the state if the scope of
5 practice of that practitioner permits the practitioner to obtain
6 blood specimens; and

7 (19) Any other trained person employed by a licensed
8 health care facility or health care service defined in the Health
9 Care Facility Licensure Act or clinical laboratory certified
10 pursuant to the federal Clinical Laboratories Improvement Act of
11 1967, as amended, or Title XVIII or XIX of the federal Social
12 Security Act to withdraw human blood for scientific or medical
13 purposes.

14 Every act or practice falling within the practice of
15 medicine and surgery as defined not specially excepted in this
16 section shall constitute the practice of medicine and surgery and
17 may be performed in this state only by those licensed by law to
18 practice medicine in Nebraska.

19 Sec. 24. Section 71-1,132.05, Reissue Revised Statutes
20 of Nebraska, is amended to read:

21 71-1,132.05. For purposes of the Nurse Practice Act,
22 unless the context otherwise requires:

23 (1) Executive director means the executive director of
24 the Board of Nursing;

25 (2) Board means the Board of Nursing;

26 (3) License by endorsement means the granting of active
27 status and the authority to practice to an individual who has been
28 licensed in another jurisdiction;

1 (4) License by examination means the authority to
2 practice is based on an assessment of minimum competency by such
3 means as the board may determine;

4 (5) License, for purposes of discipline, includes the
5 multistate licensure privilege to practice granted by the Nurse
6 Licensure Compact. If the multistate licensure privilege is
7 restricted due to disciplinary action by the home state, the
8 department may, upon request by the individual, grant the authority
9 to practice in this state;

10 (6) Licensed practitioner means a person lawfully
11 authorized to prescribe medications or treatments;

12 (7) The practice of nursing means the performance for
13 compensation or gratuitously of any act expressing judgment or
14 skill based upon a systematized body of nursing knowledge. Such
15 acts include the identification of and intervention in actual or
16 potential health problems of individuals, families, or groups,
17 which acts are directed toward maintaining health status,
18 preventing illness, injury, or infirmity, improving health status,
19 and providing care supportive to or restorative of life and
20 well-being through nursing assessment and through the execution of
21 nursing care and of diagnostic or therapeutic regimens prescribed
22 by any person lawfully authorized to prescribe. Each nurse is
23 directly accountable and responsible to the consumer for the
24 quality of nursing care rendered. Licensed nurses may use the
25 services of unlicensed individuals to provide assistance with
26 personal care and activities of daily living;

27 (8) The practice of nursing by a registered nurse means
28 assuming responsibility and accountability for nursing actions

1 which include, but are not limited to:

2 (a) Assessing human responses to actual or potential
3 health conditions;

4 (b) Establishing nursing diagnoses;

5 (c) Establishing goals and outcomes to meet identified
6 health care needs;

7 (d) Establishing and maintaining a plan of care;

8 (e) Prescribing nursing interventions to implement the
9 plan of care;

10 (f) Implementing the plan of care;

11 (g) Teaching health care practices;

12 (h) Delegating, directing, or assigning nursing
13 interventions that may be performed by others and that do not
14 conflict with the act;

15 (i) Maintaining safe and effective nursing care rendered
16 directly or indirectly;

17 (j) Evaluating responses to interventions;

18 (k) Teaching theory and practice of nursing;

19 (l) Conducting, evaluating, and utilizing nursing
20 research;

21 (m) Administering, managing, and supervising the practice
22 of nursing; and

23 (n) Collaborating with other health professionals in the
24 management of health care;

25 (9) The practice of nursing by a licensed practical nurse
26 means the assumption of responsibilities and accountability for
27 nursing practice in accordance with knowledge and skills acquired
28 through an approved program of practical nursing. A licensed

1 practical nurse may function at the direction of a licensed
2 practitioner or a registered nurse. Such responsibilities and
3 performances of acts must utilize procedures leading to predictable
4 outcomes and must include, but not be limited to:

5 (a) Contributing to the assessment of the health status
6 of individuals and groups;

7 (b) Participating in the development and modification of
8 a plan of care;

9 (c) Implementing the appropriate aspects of the plan of
10 care;

11 (d) Maintaining safe and effective nursing care rendered
12 directly or indirectly;

13 (e) Participating in the evaluation of response to
14 interventions; and

15 (f) Assigning and directing nursing interventions that
16 may be performed by others and that do not conflict with the act;

17 (10) Department means the Department of Health and Human
18 Services Regulation and Licensure;

19 (11) Director means the Director of Regulation and
20 Licensure;

21 ~~(12) Clinical nurse specialist means a registered nurse~~
22 ~~licensed in Nebraska who holds a master's degree or a doctoral~~
23 ~~degree in a nursing clinical specialty area;~~

24 ~~(13)~~ Inactive status means the designation given to a
25 licensee who requests this status and pays the fee. A licensee on
26 inactive status is issued a card indicating inactive status but
27 shall not practice;

28 ~~(14)~~ (13) Lapsed status means the designation given to a

1 licensee who requests this status. A licensee on lapsed status
2 shall not practice;

3 ~~(15)~~ (14) Expiration date means the date on which the
4 license expires has passed. The licensee whose license has expired
5 shall not practice;

6 ~~(16)~~ (15) Suspended means the licensee's authority to
7 practice has been temporarily removed as a result of disciplinary
8 action;

9 ~~(17)~~ (16) Revoked means the licensee's authority to
10 practice has been removed as a result of disciplinary action. The
11 licensee may apply for reinstatement of his or her license two
12 years or more after the date of revocation;

13 ~~(18)~~ (17) Reinstatement means the return to active status
14 and the restoration of the authority to practice to a licensee who
15 was previously licensed in this state;

16 ~~(19)~~ (18) Verification means attesting to the current
17 status of an individual's license;

18 ~~(20)~~ (19) Certification means attesting to the current
19 status of an individual's license, any disciplinary action taken,
20 and the means by which the individual was licensed;

21 ~~(21)~~ (20) Probation means that the individual's authority
22 to practice is contingent on the licensee meeting specified
23 conditions imposed as a result of disciplinary action;

24 ~~(22)~~ (21) Limited license means that certain restrictions
25 have been imposed on the individual's authority to practice as a
26 result of disciplinary action;

27 ~~(23)~~ (22) Assignment means appointing or designating
28 another individual the responsibility for the performance of

1 nursing interventions;

2 ~~(24)~~ (23) Delegation means transferring to another
3 individual the authority, responsibility, and accountability to
4 perform nursing interventions; and

5 ~~(25)~~ (24) Direction means managing, guiding, and
6 supervising the nursing interventions performed by another
7 individual.

8 Sec. 25. Section 71-1,132.07, Reissue Revised Statutes
9 of Nebraska, is amended to read:

10 71-1,132.07. (1) The Board of Nursing is established.
11 The board shall consist of eight registered nurse members, two
12 licensed practical nurse members, and two consumer members, all of
13 whom shall be appointed by the State Board of Health. The
14 registered nurses on the Board of Nursing shall be from the
15 following areas: (a) One practical nurse educator; (b) one
16 associate degree or diploma nurse educator; (c) one baccalaureate
17 nurse educator; (d) two nursing service administrators; (e) two
18 staff nurses; and (f) one ~~clinical nurse specialist, advanced~~
19 ~~practice registered nurse, certified nurse~~
20 ~~practitioner anesthetist, or certified nurse midwife~~ advanced
21 practice registered nurse. The nursing service administrators, the
22 staff nurses, and the licensed practical nurses shall be equally
23 representative of acute care, long-term care, and community-based
24 care. All congressional districts shall be equally represented on
25 the board, and each member shall have been a bona fide resident of
26 the congressional district from which he or she is appointed for a
27 period of at least one year prior to the time of the appointment of
28 such member.

1 (2) The terms of office of all board members shall be
2 staggered terms of four years each as the State Board of Health
3 determines.

4 (3) At the expiration of the term of any member, the
5 State Board of Health may consult with appropriate nursing
6 organizations regarding candidates for appointment. Appointments
7 shall be made on or before December 1 of each year. In order to be
8 considered for reappointment, a candidate must currently meet all
9 criteria for initial appointment. Vacancies occurring on the Board
10 of Nursing shall be filled for the unexpired terms by appointments
11 made by the State Board of Health. No member shall serve more than
12 two consecutive terms on the Board of Nursing. Any board member
13 initially appointed for less than a full term shall be eligible to
14 serve for two additional consecutive full terms.

15 (4) The State Board of Health shall have power to remove
16 from office at any time any member of the Board of Nursing, after a
17 public hearing pursuant to the Administrative Procedure Act, for
18 physical or mental incapacity to carry out the duties of a board
19 member, for continued neglect of duty, for incompetency, for acting
20 beyond the individual member's scope of authority, for malfeasance
21 in office, for any cause for which a license or certificate in the
22 member's profession involved may be suspended or revoked, for a
23 lack of licensure or certification in the member's profession, or
24 for other sufficient cause.

25 (5) All members of the board are immune from individual
26 civil liability while acting within the scope of their duties as
27 board members.

28 (6) If the entire board, an individual member, or a staff

1 member is sued, the Attorney General shall appoint an attorney to
2 represent the involved parties.

3 (7) The department shall adopt and promulgate rules and
4 regulations which establish definitions of conflicts of interest
5 for members of the board and which establish procedures in the case
6 such a conflict arises.

7 Sec. 26. Section 71-1,132.08, Reissue Revised Statutes
8 of Nebraska, is amended to read:

9 71-1,132.08. (1) Each licensed practical nurse educator
10 on the board shall (a) be a registered nurse currently licensed in
11 the state, (b) have graduated with a baccalaureate degree in
12 nursing or a related field of study, (c) have had a minimum of
13 three years' experience in administration, teaching, or
14 consultation in practical nurse education, and (d) be currently
15 employed as a practical nurse educator.

16 (2) Each associate degree or diploma nurse educator on
17 the board and the baccalaureate nurse educator on the board shall
18 (a) be a registered nurse currently licensed in the state, (b) have
19 graduated with a master's degree in nursing, (c) have had a minimum
20 of five years' experience in administration, teaching, or
21 consultation in nursing education, and (d) be currently employed in
22 the field being represented.

23 (3) Each staff nurse on the board shall (a) be a
24 registered nurse currently licensed in the state, (b) have had a
25 minimum of five years' experience in nursing, and (c) be currently
26 employed as a staff nurse in the provision of patient care
27 services.

28 (4) Each nursing service administrator on the board shall

1 (a) be a registered nurse currently licensed in the state, (b) have
 2 had a minimum of five years' experience in nursing service
 3 administration, and (c) be currently employed in such field.

4 (5) Each licensed practical nurse member shall (a) have
 5 completed at least four years of high school study, (b) be licensed
 6 as a licensed practical nurse in this state, (c) have obtained a
 7 certificate or diploma from a state-approved practical nursing
 8 program, (d) have been actively engaged in practical nursing for at
 9 least five years, and (e) be currently employed in the provision of
 10 patient care services as a licensed practical nurse in the state.

11 (6) Each consumer member shall (a) not have been involved
 12 in providing health care services in this state for at least three
 13 years prior to his or her appointment, (b) be of voting age, and
 14 (c) be a resident of the state.

15 (7) The ~~clinical nurse specialist,~~ advanced practice
 16 registered nurse, ~~certified nurse practitioner-anesthetist, or~~
 17 ~~certified nurse midwife~~ on the board shall (a) have a minimum of
 18 five years' experience as, in the role and (b) be currently
 19 employed in the role as, and (c) ~~the advanced practice registered~~
 20 ~~nurse, nurse practitioner-anesthetist, or nurse midwife must be~~
 21 ~~currently licensed or certified according to the Advanced Practice~~
 22 ~~Registered Nurse Act or the Nebraska Certified Nurse Midwifery~~
 23 ~~Practice Act~~ be licensed as an advanced practice registered nurse.

24 (8) For purposes of this section, current employment
 25 means having practiced no less than two thousand hours in the two
 26 years preceding appointment.

27 Sec. 27. Section 71-1,132.11, Reissue Revised Statutes
 28 of Nebraska, is amended to read:

1 71-1,132.11. The board may adopt, promulgate, and
2 revise, with the approval of the department, such rules and
3 regulations consistent with the Nurse Practice Act as may be
4 necessary to carry the act into effect. All such rules and
5 regulations shall be published and distributed. The board shall:

6 (1) Adopt reasonable and uniform standards for nursing
7 practice and nursing education;

8 (2) If requested, issue or decline to issue advisory
9 opinions defining acts which in the opinion of the board are or are
10 not permitted in the practice of nursing as defined in section
11 71-1,132.05. Such opinions shall be considered informational only
12 and are nonbinding. Practice-related information provided by the
13 board to registered nurses or licensed practical nurses licensed
14 under the act shall be made available by the board on request to
15 nurses practicing in this state under a license issued by a state
16 that is a party to the Nurse Licensure Compact;

17 (3) Establish rules and regulations for approving and
18 classifying programs preparing nurses, taking into consideration
19 administrative and organizational patterns, the curriculum,
20 students, student services, faculty, and instructional resources
21 and facilities, and provide surveys for each educational program as
22 determined by the board;

23 (4) Approve educational programs which meet the
24 requirements of the act;

25 (5) ~~Examine, license, and~~ examine, license, and applicants and issue and renew
26 the licenses of duly qualified applicants;

27 (6) Keep a record of all its proceedings and compile an
28 annual report for distribution;

1 (7) Establish continuing competency requirements.
2 Continuing education is sufficient to meet continuing competency
3 requirements. The requirements may also include, but not be limited
4 to, one or more of the continuing competency activities listed in
5 section 71-161.09 which a licensee may select as an alternative to
6 continuing education;

7 (8) Adopt rules and regulations establishing standards
8 for delegation of nursing activities, including training or
9 experience requirements, competency determination, and nursing
10 supervision;

11 (9) Make recommendations in accordance with section
12 71-168.01 regarding licensure and disciplinary dispositions for
13 individuals who have violated the act and upon the grounds provided
14 in the Uniform Licensing Law;

15 (10) Collect data regarding nursing;

16 (11) Provide consultation and conduct conferences,
17 forums, studies, and research on nursing practice and education;

18 (12) Join organizations that develop and regulate the
19 national nursing licensure examinations and exclusively promote the
20 improvement of the legal standards of the practice of nursing for
21 the protection of the public health, safety, and welfare;

22 (13) Appoint special purpose groups or ad hoc groups to
23 advise the board; and

24 (14) Administer the ~~provisions of the Advanced Practice~~
25 ~~Registered Nurse Act as it applies to certified registered nurse~~
26 ~~anesthetists, the Nebraska Certified Nurse Midwifery Practice Act,~~
27 ~~and the Nurse Licensure Compact.~~ In reporting information to the
28 coordinated licensure information system under Article VII of the

1 compact, the department may disclose personal identifying
2 information about a nurse, including his or her social security
3 number.

4 Sec. 28. Section 71-1,132.18, Reissue Revised Statutes
5 of Nebraska, is amended to read:

6 71-1,132.18. Any person who holds a license to practice
7 as a registered nurse in this state has the right to use the title
8 Registered Nurse and the abbreviation R.N. No other person shall
9 assume or use such title or abbreviation or any words, letters,
10 signs, or devices to indicate that the person using the same is
11 authorized to practice registered nursing. ~~No person shall use the
12 title Clinical Nurse Specialist unless he or she is a clinical
13 nurse specialist as defined in section 71-1,132.05.~~

14 Sec. 29. Section 71-1,142, Revised Statutes Supplement,
15 2004, is amended to read:

16 71-1,142. For purposes of sections 71-1,142 to 71-1,151
17 and elsewhere in the Uniform Licensing Law, unless the context
18 otherwise requires:

19 (1) Practice of pharmacy means (a) the interpretation,
20 evaluation, and implementation of a medical order, (b) the
21 dispensing of drugs and devices, (c) drug product selection, (d)
22 the administration of drugs or devices, (e) drug utilization
23 review, (f) patient counseling, (g) the provision of pharmaceutical
24 care, and (h) the responsibility for compounding and labeling of
25 dispensed or repackaged drugs and devices, proper and safe storage
26 of drugs and devices, and maintenance of proper records. The
27 active practice of pharmacy means the performance of the functions
28 set out in this subdivision by a pharmacist as his or her principal

1 or ordinary occupation;

2 (2) Administer means to directly apply a drug or device
3 by injection, inhalation, ingestion, or other means to the body of
4 a patient or research subject;

5 (3) Administration means the act of (a) administering,
6 (b) keeping a record of such activity, and (c) observing,
7 monitoring, reporting, and otherwise taking appropriate action
8 regarding desired effect, side effect, interaction, and
9 contraindication associated with administering the drug or device;

10 (4) Board means the Board of Pharmacy;

11 (5) Caregiver means any person acting as an agent on
12 behalf of a patient or any person aiding and assisting a patient;

13 (6) Chart order means an order for a drug or device
14 issued by a practitioner for a patient who is in the hospital where
15 the chart is stored or for a patient receiving detoxification
16 treatment or maintenance treatment pursuant to section 28-412.
17 Chart order does not include a prescription;

18 (7) Compounding means preparing, mixing, or assembling a
19 drug or device (a) as the result of a practitioner's medical order
20 or initiative occurring in the course of practice based upon the
21 relationship between the practitioner, patient, and pharmacist or
22 (b) for the purpose of, or incident to, research, teaching, or
23 chemical analysis and not for sale or dispensing. Compounding
24 includes preparing drugs or devices in anticipation of medical
25 orders based upon routine, regularly observed prescribing patterns;

26 (8) Delegated dispensing means the practice of pharmacy
27 by which one or more pharmacists have jointly agreed, on a
28 voluntary basis, to work in conjunction with one or more persons

1 pursuant to sections 71-1,147.42 to 71-1,147.64 under a protocol
2 which provides that such person may perform certain dispensing
3 functions authorized by the pharmacist or pharmacists under certain
4 specified conditions and limitations;

5 (9) Deliver or delivery means to actually,
6 constructively, or attempt to transfer a drug or device from one
7 person to another, whether or not for consideration;

8 (10) Department means the Department of Health and Human
9 Services Regulation and Licensure;

10 (11) Device means an instrument, apparatus, implement,
11 machine, contrivance, implant, in vitro reagent, or other similar
12 or related article, including any component, part, or accessory,
13 which is prescribed by a practitioner and dispensed by a pharmacist
14 or other person authorized by law to do so;

15 (12) Dialysis drug or device distributor means a
16 manufacturer or wholesaler who provides dialysis drugs, solutions,
17 supplies, or devices, to persons with chronic kidney failure for
18 self-administration at the person's home or specified address,
19 pursuant to a prescription;

20 (13) Dialysis drug or device distributor worker means a
21 person working for a dialysis drug or device distributor with a
22 delegated dispensing permit who has completed the approved training
23 and has demonstrated proficiency to perform the task or tasks of
24 assembling, labeling, or delivering drugs or devices pursuant to a
25 prescription;

26 (14) Dispense or dispensing means interpreting,
27 evaluating, and implementing a medical order, including preparing
28 and delivering a drug or device to a patient or caregiver in a

1 suitable container appropriately labeled for subsequent
2 administration to, or use by, a patient. Dispensing includes (a)
3 dispensing incident to practice, (b) dispensing pursuant to a
4 delegated dispensing permit, (c) dispensing pursuant to a medical
5 order, and (d) any transfer of a prescription drug or device to a
6 patient or caregiver other than by administering;

7 (15) Distribute means to deliver a drug or device, other
8 than by administering or dispensing;

9 (16) Facility means a health care facility as defined in
10 section 71-413;

11 (17) Hospital has the same meaning as in section 71-419;

12 (18) Person means an individual, corporation,
13 partnership, limited liability company, association, or other legal
14 entity;

15 (19) Labeling means the process of preparing and affixing
16 a label to any drug container or device container, exclusive of the
17 labeling by a manufacturer, packer, or distributor of a
18 nonprescription drug or commercially packaged legend drug or
19 device. Any such label shall include all information required by
20 federal and state law or regulation;

21 (20) Medical order means a prescription, a chart order,
22 or an order for pharmaceutical care issued by a practitioner;

23 (21) Pharmaceutical care means the provision of drug
24 therapy for the purpose of achieving therapeutic outcomes that
25 improve a patient's quality of life. Such outcomes include (a) the
26 cure of disease, (b) the elimination or reduction of a patient's
27 symptomatology, (c) the arrest or slowing of a disease process, or
28 (d) the prevention of a disease or symptomatology. Pharmaceutical

1 care includes the process through which the pharmacist works in
2 concert with the patient and his or her caregiver, physician, or
3 other professionals in designing, implementing, and monitoring a
4 therapeutic plan that will produce specific therapeutic outcomes
5 for the patient;

6 (22) Pharmacist means any person who is licensed by the
7 State of Nebraska to practice pharmacy;

8 (23) Pharmacy has the same meaning as in section 71-425;

9 (24) Drugs, medicines, and medicinal substances means (a)
10 articles recognized in the official United States Pharmacopoeia,
11 the Homeopathic Pharmacopoeia of the United States, the official
12 National Formulary, or any supplement to any of them, (b) articles
13 intended for use in the diagnosis, cure, mitigation, treatment, or
14 prevention of diseases in humans or animals, (c) articles, except
15 food, intended to affect the structure or any function of the body
16 of a human or an animal, (d) articles intended for use as a
17 component of any articles specified in subdivision (a), (b), or (c)
18 of this subdivision, except any device or its components, parts, or
19 accessories, and (e) prescription drugs or devices as defined in
20 subdivision (31) of this section;

21 (25) Patient counseling means the verbal communication by
22 a pharmacist, pharmacist intern, or practitioner, in a manner
23 reflecting dignity and the right of the patient to a reasonable
24 degree of privacy, of information to the patient or caregiver in
25 order to improve therapeutic outcomes by maximizing proper use of
26 prescription drugs and devices and also includes the duties set out
27 in section 71-1,147.35;

28 (26) Pharmacist in charge means a pharmacist who is

1 designated on a pharmacy license or designated by a hospital as
2 being responsible for the practice of pharmacy in the pharmacy for
3 which a pharmacy license is issued and who works within the
4 physical confines of such pharmacy for a majority of the hours per
5 week that the pharmacy is open for business averaged over a
6 twelve-month period or thirty hours per week, whichever is less;

7 (27) Pharmacist intern means a person who meets the
8 requirements of section 71-1,144;

9 (28) Pharmacy technician means an individual at least
10 eighteen years of age who is a high school graduate or officially
11 recognized by the State Department of Education as possessing the
12 equivalent degree of education, who has never been convicted of any
13 drug-related misdemeanor or felony, and who, under the written
14 control procedures and guidelines of an employing pharmacy, may
15 perform those functions which do not require professional judgment
16 and which are subject to verification to assist a pharmacist in the
17 practice of pharmacy;

18 (29) Practitioner means ~~an advanced practice registered~~
19 ~~nurse~~, a certified registered nurse anesthetist, a certified nurse
20 midwife, a dentist, an optometrist, a nurse practitioner, a
21 physician assistant, a physician, a podiatrist, or a veterinarian;

22 (30) Prescribe means to issue a medical order;

23 (31) Prescription drug or device or legend drug or device
24 means (a) a drug or device which is required under federal law to
25 be labeled with one of the following statements prior to being
26 dispensed or delivered: (i) Caution: Federal law prohibits
27 dispensing without prescription; (ii) Caution: Federal law
28 restricts this drug to use by or on the order of a licensed

1 veterinarian; or (iii) "Rx Only" or (b) a drug or device which is
2 required by any applicable federal or state law to be dispensed
3 pursuant only to a prescription or chart order or which is
4 restricted to use by practitioners only;

5 (32) Prescription means an order for a drug or device
6 issued by a practitioner for a specific patient, for emergency use,
7 or for use in immunizations. Prescription does not include a chart
8 order;

9 (33) Nonprescription drugs means nonnarcotic medicines or
10 drugs which may be sold without a medical order and which are
11 prepackaged for use by the consumer and labeled in accordance with
12 the requirements of the laws and regulations of this state and the
13 federal government;

14 (34) Public health clinic worker means a person in a
15 public health clinic with a delegated dispensing permit who has
16 completed the approved training and has demonstrated proficiency to
17 perform the task of dispensing authorized refills of oral
18 contraceptives pursuant to a written prescription;

19 (35) Public health clinic means the department, any
20 county, city-county, or multicounty health department, or any
21 private not-for-profit family planning clinic licensed as a health
22 clinic as defined in section 71-416;

23 (36) Signature means the name, word, or mark of a person
24 written in his or her own hand with the intent to authenticate a
25 writing or other form of communication or a digital signature which
26 complies with section 86-611;

27 (37) Supervision means the immediate personal guidance
28 and direction by the licensed pharmacist on duty in the facility of

1 the performance by a pharmacy technician of authorized activities
2 or functions subject to verification by such pharmacist, except
3 that when a pharmacy technician performs authorized activities or
4 functions to assist a pharmacist on duty in the facility when the
5 prescribed drugs or devices will be administered by a licensed
6 staff member or consultant or by a licensed physician assistant to
7 persons who are patients or residents of a facility, the activities
8 or functions of such pharmacy technician shall only be subject to
9 verification by a pharmacist on duty in the facility;

10 (38) Verification means the confirmation by a supervising
11 pharmacist of the accuracy and completeness of the acts, tasks, or
12 functions undertaken by a pharmacy technician to assist the
13 pharmacist in the practice of pharmacy;

14 (39) Written control procedures and guidelines means the
15 document prepared and signed by the pharmacist in charge and
16 approved by the board which specifies the manner in which basic
17 levels of competency of pharmacy technicians employed by the
18 pharmacy are determined, the manner in which supervision is
19 provided, the manner in which the functions of pharmacy technicians
20 are verified, the maximum ratio of pharmacy technicians to one
21 pharmacist used in the pharmacy, and guidelines governing the use
22 of pharmacy technicians and the functions which they may perform;
23 and

24 (40) Medical gas distributor means a person who dispenses
25 medical gases to a patient or ultimate user but does not include a
26 person who manufactures medical gases or a person who distributes,
27 transfers, delivers, dispenses, or sells medical gases to a person
28 other than a patient or ultimate user.

1 Sec. 30. Section 71-1,143, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 71-1,143. As authorized by the Uniform Licensing Law,
4 the practice of pharmacy may be engaged in by a pharmacist, a
5 pharmacist intern, or a practitioner with a pharmacy license. The
6 practice of pharmacy shall not be construed to include:

7 (1) Persons who sell, offer, or expose for sale
8 completely denatured alcohol or concentrated lye, insecticides, and
9 fungicides in original packages;

10 (2) Practitioners, other than veterinarians, certified
11 nurse midwives, certified registered nurse anesthetists, and nurse
12 practitioners, and advanced practice registered nurses, who
13 dispense drugs or devices as an incident to the practice of their
14 profession, except that if such practitioner regularly engages in
15 dispensing such drugs or devices to his or her patients for which
16 such patients are charged, such practitioner shall obtain a
17 pharmacy license;

18 (3) Persons who sell, offer, or expose for sale
19 nonprescription drugs or proprietary medicines, the sale of which
20 is not in itself a violation of the Nebraska Liquor Control Act;

21 (4) Medical representatives, detail persons, or persons
22 known by some name of like import, but only to the extent of
23 permitting the relating of pharmaceutical information to health
24 care professionals;

25 (5) Licensed veterinarians practicing within the scope of
26 their profession;

27 (6) ~~Advanced practice registered nurses~~ Certified nurse
28 midwives, certified registered nurse anesthetists, and nurse

1 practitioners who dispense sample medications which are provided by
2 the manufacturer and are dispensed at no charge to the patient;

3 (7) Hospitals engaged in the compounding and dispensing
4 of drugs and devices pursuant to chart orders for persons
5 registered as patients and within the confines of the hospital,
6 except that if a hospital engages in such compounding and
7 dispensing for persons not registered as patients and within the
8 confines of the hospital, such hospital shall obtain a pharmacy
9 license or delegated dispensing permit;

10 (8) Optometrists who prescribe or dispense eyeglasses or
11 contact lenses to their own patients;

12 (9) Registered nurses employed by a hospital who
13 administer pursuant to a chart order, or procure for such purpose,
14 single doses of drugs or devices from original drug or device
15 containers or properly labeled prepackaged drug or device
16 containers to persons registered as patients and within the
17 confines of the hospital;

18 (10) Persons employed by a facility where dispensed drugs
19 and devices are delivered from a pharmacy for pickup by a patient
20 or caregiver and no dispensing or storage of drugs or devices
21 occurs; and

22 (11) Persons who sell or purchase medical products,
23 compounds, vaccines, or serums used in the prevention or cure of
24 animal diseases and maintenance of animal health if such medical
25 products, compounds, vaccines, or serums are not sold or purchased
26 under a direct, specific, written medical order of a licensed
27 veterinarian.

28 Sec. 31. Section 71-1,198, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 71-1,198. For purposes of sections 71-1,198 to 71-1,205,
3 unless the context otherwise requires:

4 (1) Law enforcement agency means any governmental agency
5 charged by law with carrying out any of the regulatory provisions
6 or any person authorized by law to make arrests within the State of
7 Nebraska;

8 (2) Practitioner means any person required to be
9 licensed, certified, or registered under the regulatory provisions,
10 whether or not such person is so licensed, certified, or
11 registered; and

12 (3) Regulatory provisions means the Advanced Practice
13 Registered Nurse Licensure Act, the Certified Registered Nurse
14 Anesthetist Act, the Clinical Nurse Specialist Practice Act, the
15 Emergency Medical Services Act, the Licensed Practical
16 Nurse-Certified Act, the Nebraska Certified Nurse Midwifery
17 Practice Act, the Nebraska Cosmetology Act, the Nurse Practice Act,
18 the Nurse Practitioner Act, the Occupational Therapy Practice Act,
19 the Uniform Controlled Substances Act, the Uniform Licensing Law,
20 the Wholesale Drug Distributor Licensing Act, or sections 71-3702
21 to 71-3715, 71-4701 to 71-4719, or 71-6053 to 71-6068.

22 Sec. 32. Section 71-1,339, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 71-1,339. ~~Beginning July 17, 1995, the~~ The clerk of any
25 county or district court in this state shall report to the
26 Department of Health and Human Services Regulation and Licensure
27 the conviction of any person licensed, certified, or registered by
28 the department under the Advanced Practice Registered Nurse

1 Licensure Act, the Certified Registered Nurse Anesthetist Act, the
2 Clinical Nurse Specialist Practice Act, the Emergency Medical
3 Services Act, the Licensed Practical Nurse-Certified Act, the
4 Nebraska Certified Nurse Midwifery Practice Act, the Nebraska
5 Cosmetology Act, the Nurse Practice Act, the Nurse Practitioner
6 Act, the Occupational Therapy Practice Act, the Uniform Controlled
7 Substances Act, the Uniform Licensing Law, the Wholesale Drug
8 Distributor Licensing Act, or sections 71-3702 to 71-3715, 71-4701
9 to 71-4719, or 71-6053 to 71-6068 of any felony or of any
10 misdemeanor involving the use, sale, distribution, administration,
11 or dispensing of a controlled substance, alcohol or chemical
12 impairment, or substance abuse and shall also report a judgment
13 against any such licensee, certificate holder, or registrant
14 arising out of a claim of professional liability. The Attorney
15 General or city or county prosecutor prosecuting any such criminal
16 action and plaintiff in any such civil action shall provide the
17 court with information concerning the licensure, certification, or
18 registration of the defendant or party. Notice to the department
19 shall be filed within thirty days after the date of conviction or
20 judgment in a manner agreed to by the Director of Regulation and
21 Licensure and the State Court Administrator.

22 Sec. 33. Section 71-541, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 71-541. A physician, an advanced practice registered
25 nurse practicing under and in accordance with his or her applicable
26 certification act, a physician assistant, a pharmacist, a licensed
27 health care facility, a public immunization clinic, a local or
28 district health department, the Department of Health and Human

1 Services, the Department of Health and Human Services Regulation
2 and Licensure, and the Department of Health and Human Services
3 Finance and Support may share immunization information which is not
4 restricted under section 71-540. The unrestricted immunization
5 information shared may include, but is not limited to, the
6 patient's name, date of birth, dates and vaccine types
7 administered, and any immunization information obtained from other
8 sources.

9 Sec. 34. Section 71-1405, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 71-1405. (1) Within thirty days after the date of the
12 birth of any child born in this state with visible congenital
13 deformities, the physician, certified nurse midwife, or ~~person~~
14 ~~acting as midwife, who is~~ other person in attendance upon such
15 birth, shall prepare and file with the Department of Health and
16 Human Services Finance and Support, a statement setting forth such
17 visible congenital deformity. The form of such statement shall be
18 prepared by the Director of Finance and Support and shall be a part
19 of the birth report furnished by the department.

20 (2) For purposes of this section, congenital deformities
21 include a cleft lip, cleft palate, hernia, congenital cataract, or
22 disability resulting from congenital or acquired heart disease, or
23 any congenital abnormality or orthopedic condition that can be
24 cured or materially improved. The orthopedic condition or
25 deformity includes any deformity or disease of childhood generally
26 recognized by the medical profession, and it includes deformities
27 resulting from burns.

28 Sec. 35. Sections 35 to 45 of this act shall be known

1 and may be cited as the Advanced Practice Registered Nurse
 2 Licensure Act.

3 Sec. 36. The Legislature finds and declares that:

4 (1) Because of the geographic maldistribution of health
 5 care services in Nebraska, it is necessary to utilize the skills
 6 and proficiency of existing health professionals more efficiently;

7 (2) It is necessary to encourage the more effective
 8 utilization of the skills of registered nurses by enabling them to
 9 perform advanced roles in nursing; and

10 (3) The Advanced Practice Registered Nurse Licensure Act
 11 is established to encourage registered nurses to perform advanced
 12 roles in nursing.

13 Sec. 37. For purposes of the Advanced Practice
 14 Registered Nurse Licensure Act and except as provided in section
 15 71-1708, the definitions found in section 71-1,132.05 shall apply.

16 Sec. 38. Section 71-1718.01, Reissue Revised Statutes of
 17 Nebraska, is amended to read:

18 ~~71-1718.01.~~ (1) The Board of Advanced Practice
 19 Registered Nurses is established. The purpose of the board is to
 20 (a) provide for the health, safety, and welfare of the citizens,
 21 (b) ensure that licensees serving the public meet minimum standards
 22 of proficiency and competency, and (c) control the profession in
 23 the interest of consumer protection. ~~The Board of Advanced~~
 24 ~~Practice Registered Nurses is the direct and only successor to the~~
 25 ~~Board of Advanced Registered Nurse Practitioners.~~

26 (2) (a) Until the operative date of this act, the
 27 board shall consist of (a) (i) five advanced practice registered
 28 nurses representing different advanced practice registered nurse

1 specialties for which a license has been issued, ~~(b)~~ (ii) five
2 physicians licensed under the Uniform Licensing Law to practice
3 medicine in Nebraska, at least three of whom shall have a current
4 collaborating relationship with an advanced practice registered
5 nurse, ~~(e)~~ (iii) three consumer members, and ~~(d)~~ (iv) one licensed
6 pharmacist.

7 (b) On and after the operative date of this act, the
8 board shall consist of the following persons:

9 (i) Two nurse practitioners holding certificates under
10 the Nurse Practitioner Act, two certified nurse midwives holding
11 certificates under the Nebraska Certified Nurse Midwifery Practice
12 Act, two certified registered nurse anesthetists holding
13 certificates under the Certified Registered Nurse Anesthetist Act,
14 and two clinical nurse specialists holding certificates under the
15 Clinical Nurse Specialist Practice Act. Of the initial
16 appointments under this subdivision, (A) two shall be for one-year
17 terms, two for two-year terms, and four for three-year terms and
18 the terms of the successors shall each be three years and (B) the
19 clinical nurse specialist appointees may for their initial terms be
20 clinical nurse specialists practicing pursuant to the Nurse
21 Practice Act as the act existed immediately before the operative
22 date of this act and their successors shall be certified under the
23 Clinical Nurse Specialist Practice Act;

24 (ii) Four physicians, each of whom has a professional
25 relationship with an advanced practice registered nurse as follows:
26 One physician shall have a professional relationship with a nurse
27 practitioner, one with a certified nurse midwife, one with a
28 certified registered nurse anesthetist, and one with a clinical

1 nurse specialist. Of the initial appointments under this
2 subdivision, one shall be for a one-year term, one for a two-year
3 term, and two for three-year terms and the terms of the successors
4 shall each be three years;

5 (iii) Two consumer members. One consumer member shall be
6 appointed for an initial term of two years and one for a term of
7 three years. The terms of their successors shall each be three
8 years; and

9 (iv) One pharmacist. The terms of the initial pharmacist
10 member and of his or her successors shall be three years.

11 (c) Members serving on the board immediately preceding
12 the operative date of this act shall serve until the members
13 designated under subdivision (2)(b) of this section are appointed
14 and qualified.

15 (3) The members of the board shall be appointed by the
16 State Board of Health. Members shall be appointed for terms of
17 four years except as otherwise provided in subdivisions (2)(b) and
18 (c) of this section. At the expiration of the term of any member,
19 the State Board of Health may consult with appropriate professional
20 organizations regarding candidates for appointment to the Board of
21 Advanced Practice Registered Nurses. Upon expiration of terms,
22 appointments or reappointments shall be made on or before December
23 1 of each year. Vacancies on the Board of Advanced Practice
24 Registered Nurses shall be filled for the unexpired term by
25 appointments made by the State Board of Health. No member shall
26 serve more than two consecutive terms on the Board of Advanced
27 Practice Registered Nurses.

28 (4) The State Board of Health has power to remove from

1 office any member of the Board of Advanced Practice Registered
 2 Nurses, after a public hearing pursuant to the Administrative
 3 Procedure Act, for physical or mental incapacity to carry out the
 4 duties of a board member, for continued neglect of duty, for
 5 incompetence, for acting beyond the individual member's scope of
 6 authority, for malfeasance in office, for any cause for which a
 7 license or certificate in the member's profession involved may be
 8 suspended or revoked, for a lack of licensure or certification in
 9 the member's profession, or for other sufficient cause.

10 (5) Each member of the Board of Advanced Practice
 11 Registered Nurses shall receive a per diem of thirty dollars per
 12 day for each day the member is actually engaged in the discharge of
 13 his or her official duties and shall be reimbursed for travel,
 14 lodging, and other necessary expenses incurred as a member of the
 15 board pursuant to sections 81-1174 to 81-1177.

16 (6) The department shall adopt and promulgate rules and
 17 regulations which define conflicts of interest for members of the
 18 Board of Advanced Practice Registered Nurses and which establish
 19 procedures in case such a conflict arises.

20 Sec. 39. Section 71-1718.02, Reissue Revised Statutes of
 21 Nebraska, is amended to read:

22 ~~71-1718.02.~~ The Board of Advanced Practice Registered
 23 Nurses shall:

24 (1) Establish standards for integrated practice
 25 agreements between ~~advanced practice registered nurses and~~
 26 ~~collaborating physicians~~ collaborating physicians and certified
 27 nurse midwives, and nurse practitioners;

28 (2) Monitor the scope of practice by ~~advanced practice~~

1 registered nurses and advise the Board of Nursing in matters
2 pertaining to the scope of practice of advanced practice registered
3 nurses certified nurse midwives, certified registered nurse
4 anesthetists, clinical nurse specialists, and nurse practitioners;
5 and

6 (3) Administer and enforce the Advanced Practice
7 Registered Nurse Licensure Act in order to (a) provide for the
8 health, safety, and welfare of the citizens, (b) ensure that
9 advanced practice registered nurses serving the public meet minimum
10 standards of proficiency and competency, (c) control the profession
11 in the interest of consumer protection, (d) regulate the scope of
12 advanced practice nursing, (e) recommend disciplinary actions as
13 provided in this section, and (f) enforce licensure requirements;

14 (4) Issue and renew licenses and recommend disciplinary
15 action relating to licenses of advanced practice registered nurses
16 and certificates of certified nurse midwives, certified registered
17 nurse anesthetists, clinical nurse specialists, and nurse
18 practitioners;

19 (5) Engage in other activities not inconsistent with the
20 Advanced Practice Registered Nurse Licensure Act, the Certified
21 Registered Nurse Anesthetist Act, the Clinical Nurse Specialist
22 Practice Act, the Nebraska Certified Nurse Midwifery Practice Act,
23 and the Nurse Practitioner Act; and

24 (6) Approve rules and regulations with the Board of
25 Nursing to implement the Advanced Practice Registered Nurse
26 Licensure Act, the Certified Registered Nurse Anesthetist Act, the
27 Clinical Nurse Specialist Practice Act, the Nebraska Certified
28 Nurse Midwifery Practice Act, and the Nurse Practitioner Act, for

1 adoption and promulgation by the department. Such rules and
 2 regulations shall include: (a) Approved certification
 3 organizations and approved certification programs; (b) continuing
 4 competency requirements. The requirements may include, but not be
 5 limited to, continuing education, continuing practice, national
 6 recertification, a reentry program, peer review including patient
 7 outcomes, ~~supervised practice~~, examination, or other continuing
 8 competency activities listed in section 71-161.09; (c) grounds for
 9 discipline; (d) ~~licensure~~, license issuance, renewal, and ~~license~~
 10 reinstatement ~~requirements~~ of licenses and certificates; (e) fees;
 11 (f) professional liability insurance; and (g) conflict of interest
 12 for board members.

13 Sec. 40. The board shall issue a license as an advanced
 14 practice registered nurse to a registered nurse who meets the
 15 requirements of subsection (1) or (3) of section 41 of this act.
 16 The board may issue a license as an advanced practice registered
 17 nurse to a registered nurse pursuant to subsection (2) of section
 18 41 of this act.

19 Sec. 41. (1) An applicant for initial licensure as an
 20 advanced practice registered nurse shall:

21 (a) Be licensed as a registered nurse under the Nurse
 22 Practice Act or have authority based on the Nurse Licensure Compact
 23 to practice as a registered nurse in Nebraska;

24 (b) Be a graduate of or have completed a graduate-level
 25 advanced practice registered nurse program in a clinical specialty
 26 area of certified registered nurse anesthetist, clinical nurse
 27 specialist, certified nurse midwife, or nurse practitioner, which
 28 program is accredited by a national accrediting body;

1 (c) Be certified as a certified registered nurse
2 anesthetist, a clinical nurse specialist, a certified nurse
3 midwife, or a nurse practitioner, by an approved certifying body or
4 an alternative method of competency assessment approved by the
5 board, pursuant to the Certified Registered Nurse Anesthetist Act,
6 the Clinical Nurse Specialist Practice Act, the Nebraska Certified
7 Nurse Midwifery Practice Act, or the Nurse Practitioner Act, as
8 appropriate to the applicant's educational preparation;

9 (d) Submit a completed written application which includes
10 the applicant's social security number and appropriate fees
11 established and collected as provided in section 71-162;

12 (e) Provide evidence as required by rules and regulations
13 approved by the board and adopted and promulgated by the
14 department; and

15 (f) Have committed no acts or omissions which are grounds
16 for disciplinary action in another jurisdiction or, if such acts
17 have been committed and would be grounds for discipline under the
18 Nurse Practice Act, the board has found after investigation that
19 sufficient restitution has been made.

20 (2) (a) Except as provided in subdivisions (b) through (d)
21 of this subsection, the board may issue a license by endorsement
22 under this section to an applicant who holds a license from another
23 jurisdiction if the licensure requirements of such other
24 jurisdiction meet or exceed the requirements for licensure as an
25 advanced practice registered nurse under the Advanced Practice
26 Registered Nurse Licensure Act.

27 (b) The board may issue a license as an advanced practice
28 registered nurse by endorsement to an applicant who holds a

1 credential equivalent to a nurse practitioner issued by another
2 jurisdiction if such applicant holds a certificate or degree
3 described in subdivision (3) of section 71-1717.

4 (c) The board may issue a license as an advanced practice
5 registered nurse by endorsement to an applicant who holds a
6 credential equivalent to a certified registered nurse anesthetist
7 issued by another jurisdiction if such applicant meets the
8 requirements of subdivision (4) of section 71-1730 as such
9 subdivision existed on December 31, 1998.

10 (d) The board may issue a license as an advanced practice
11 registered nurse by endorsement to an applicant who holds a
12 credential equivalent to a certified nurse midwife issued by
13 another jurisdiction if such applicant meets the requirements of
14 subsection (1) of section 71-1755 as such subsection existed
15 immediately before the operative date of this act.

16 (e) An applicant under this subsection shall submit a
17 completed application which includes the applicant's social
18 security number, fees established and collected as provided in
19 section 71-162, and other evidence as required by rules and
20 regulations approved by the board and adopted and promulgated by
21 the department.

22 (3) A person licensed as an advanced practice registered
23 nurse, certified as a certified registered nurse anesthetist or a
24 certified nurse midwife, or practicing as a clinical nurse
25 specialist in this state on the operative date of this act shall be
26 issued a license as an advanced practice registered nurse on such
27 date.

28 (4) A person licensed as an advanced practice registered

1 nurse in this state may use the title advanced practice registered
2 nurse and the abbreviation APRN.

3 Sec. 42. (1) The license of each person licensed under
4 the Advanced Practice Registered Nurse Licensure Act shall be
5 renewed at the same time and in the same manner as renewal of his
6 or her certificate described in subdivision (c) of this subsection.
7 Renewal of such a license shall require that the applicant have (a)
8 a license as a registered nurse issued by the state or have the
9 authority based on the Nurse Licensure Compact to practice as a
10 registered nurse in Nebraska, (b) documentation of continuing
11 competency, either by reference, peer review, examination, or one
12 or more of the continuing competency activities listed in section
13 71-161.09, as established by the board in rules and regulations
14 approved by the board and adopted and promulgated by the
15 department, and (c) a certificate issued under the Certified
16 Registered Nurse Anesthetist Act, the Clinical Nurse Specialist
17 Practice Act, the Nebraska Certified Nurse Midwifery Practice Act,
18 or the Nurse Practitioner Act.

19 (2) The department shall establish and collect fees for
20 renewal as provided in section 71-162.

21 Sec. 43. A license issued under the Advanced Practice
22 Registered Nurse Licensure Act may be denied, refused renewal,
23 revoked, suspended, or disciplined in any other manner for any
24 violation of the act, for physical or mental disability or
25 incapacity, for gross incompetence, or for any reason for which a
26 license issued under the Nurse Practice Act may be denied, refused
27 renewal, revoked, suspended, or disciplined. The methods and
28 procedures provided in the Nurse Practice Act for opportunity for

1 hearing, notice of hearing, presentation of evidence, conduct of a
2 hearing, reinstatement, and related matters shall apply to
3 disciplinary actions under this section. A decision to deny,
4 refuse renewal of, revoke, suspend, or discipline a license as an
5 advanced practice registered nurse may be appealed, and the appeal
6 shall be in accordance with the Administrative Procedure Act.

7 Sec. 44. (1) An advanced practice registered nurse's
8 license lapses if he or she (a) does not have a current license to
9 practice as a registered nurse or has had his or her license to
10 practice as a registered nurse denied, refused renewal, suspended,
11 or revoked or (b) renews his or her license to practice as a
12 registered nurse but does not renew his or her advanced practice
13 registered nurse's license.

14 (2) When an advanced practice registered nurse's license
15 lapses, the right of the person whose license has lapsed to
16 represent himself or herself as an advanced practice registered
17 nurse and to practice the activities for which a license is
18 required terminates. To restore the license to active status, the
19 person shall meet the requirements for renewal which are in effect
20 at the time that he or she wishes to restore the license and shall
21 pay the renewal fee and the late fee established and collected as
22 provided in section 71-162.

23 Sec. 45. Any person practicing as an advanced practice
24 registered nurse who does not hold a license as such issued by the
25 department and who possesses a license to engage in any health
26 profession for which a license is issued by the department may have
27 such other license denied, refused renewal, suspended, or revoked
28 or have other disciplinary action taken against him or her by the

1 department pursuant to the provisions of the Nurse Practice Act or
 2 the Uniform Licensing Law relating to such profession, irrespective
 3 of any criminal proceedings for practicing without a license as an
 4 advanced practice registered nurse.

5 Sec. 46. Section 71-1704, Reissue Revised Statutes of
 6 Nebraska, is amended to read:

7 71-1704. Sections 71-1704 to ~~71-1737~~ 71-1726.02 shall be
 8 known and may be cited as the Advanced Practice Registered Nurse
 9 Practitioner Act.

10 Sec. 47. Section 71-1706, Reissue Revised Statutes of
 11 Nebraska, is amended to read:

12 71-1706. For purposes of the Advanced Practice
 13 Registered Nurse Practitioner Act, unless the context otherwise
 14 requires, and except as provided in section 71-1729, the
 15 definitions provided in sections 71-1707 to 71-1717 shall apply.

16 Sec. 48. Section 71-1707, Reissue Revised Statutes of
 17 Nebraska, is amended to read:

18 71-1707. Advanced practice registered nurse Nurse
 19 practitioner means a registered nurse who meets the requirements
 20 established in section 71-1722 and who holds a current license as
 21 an advanced practice registered nurse issued by the department
 22 certificate issued under the Nurse Practitioner Act.

23 Sec. 49. Section 71-1709.02, Reissue Revised Statutes of
 24 Nebraska, is amended to read:

25 71-1709.02. Consultation means a process whereby ~~an~~
 26 advanced practice registered nurse a nurse practitioner seeks the
 27 advice or opinion of a physician or another health care
 28 practitioner.

1 Sec. 50. Section 71-1714, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 71-1714. Preceptorship means the clinical practice
4 component of an educational program for the preparation of ~~advanced~~
5 ~~practice registered nurses~~ nurse practitioners.

6 Sec. 51. Section 71-1716, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 71-1716. Collaboration means a process and relationship
9 in which ~~an advanced practice registered nurse~~ a nurse
10 practitioner, together with other health professionals, delivers
11 health care within the scope of authority of the various clinical
12 specialty practices.

13 Sec. 52. Section 71-1716.02, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 71-1716.02. Approved certification program means a
16 certification process for ~~advanced practice registered nurses~~ nurse
17 practitioners utilized by an approved certifying body that (1)
18 requires evidence of completion of a formal program of study in ~~an~~
19 ~~advanced practice registered~~ the nurse practitioner clinical
20 specialty, (2) requires successful completion of a nationally
21 recognized certification examination developed by the approved
22 certifying body, (3) provides an ongoing recertification program,
23 and (4) is approved by the board.

24 Sec. 53. Section 71-1716.03, Reissue Revised Statutes of
25 Nebraska, is amended to read:

26 71-1716.03. Integrated practice agreement means a
27 written agreement between ~~an advanced practice registered nurse~~ a
28 nurse practitioner and a collaborating physician in which the

1 ~~advanced practice registered~~ nurse practitioner and the
2 collaborating physician provide for the delivery of health care
3 through an integrated practice. The integrated practice agreement
4 shall provide that the ~~advanced practice registered~~ nurse
5 practitioner and the collaborating physician will practice
6 collaboratively within the framework of their respective scopes of
7 practice. Each provider shall be responsible for his or her
8 individual decisions in managing the health care of patients.
9 Integrated practice includes consultation, collaboration, and
10 referral.

11 The ~~advanced practice registered~~ nurse practitioner and
12 the collaborating physician shall have joint responsibility for
13 patient care, based upon the scope of practice of each
14 practitioner. The collaborating physician shall be responsible for
15 supervision of the ~~advanced practice registered~~ nurse practitioner
16 to ensure the quality of health care provided to patients.

17 For purposes of this section:

18 (1) Collaborating physician means a physician or
19 osteopathic physician licensed in Nebraska and practicing in the
20 same geographic area and practice specialty, related specialty, or
21 field of practice as the ~~advanced practice registered~~ nurse
22 practitioner; and

23 (2) Supervision means the ready availability of the
24 collaborating physician for consultation and direction of the
25 activities of the ~~advanced practice registered~~ nurse practitioner
26 within the ~~advanced practice registered nurse's~~ nurse
27 practitioner's defined scope of practice.

28 Sec. 54. Section 71-1716.05, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 71-1716.05. Referral means a process whereby ~~the~~
3 ~~advanced practice registered nurse~~ a nurse practitioner directs the
4 patient to a physician or other health care practitioner for
5 management of a particular problem or aspect of the patient's care.

6 Sec. 55. Section 71-1717, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 71-1717. Approved ~~advanced practice registered nurse~~
9 practitioner program means a program which:

10 (1) Is a minimum of one full-time academic year or nine
11 months in length and includes both a didactic component and a
12 preceptorship of five hundred contact hours;

13 (2) Includes, but is not limited to, instruction in
14 biological, behavioral, and health sciences relevant to practice as
15 ~~an advanced practice registered nurse~~ a nurse practitioner in a
16 specific clinical area; and

17 (3) ~~Except for~~ For the specialities of women's health and
18 neonatal, grants a post-master certificate, master's degree, or
19 doctoral degree for all applicants who graduated on or after the
20 operative date of this act, and for all other specialties, grants a
21 post-master certificate, master's degree, or doctoral degree for
22 all applicants who graduated on or after July 19, 1996. ~~and~~
23 ~~granted a master's or doctoral degree, post-master certificate, or~~
24 ~~diploma for all applicants who graduated prior to July 19, 1996. A~~
25 ~~post-master certificate, a master's degree, or a doctoral degree is~~
26 ~~not required for programs in the speciality of women's health or~~
27 ~~neonatal.~~

28 Sec. 56. Section 71-1721, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 71-1721. ~~An advanced practice registered nurse~~ A nurse
3 practitioner may provide health care services within specialty
4 areas. ~~An advanced practice registered nurse~~ A nurse practitioner
5 shall function by establishing collaborative, consultative, and
6 referral networks as appropriate with other health care
7 professionals. Patients who require care beyond the scope of
8 practice of ~~an advanced practice registered nurse~~ a nurse
9 practitioner shall be referred to an appropriate health care
10 provider. ~~Advanced practice registered nurse~~ Nurse practitioner
11 practice means health promotion, health supervision, illness
12 prevention and diagnosis, treatment, and management of common
13 health problems and chronic conditions, including:

14 (1) Assessing patients, ordering diagnostic tests and
15 therapeutic treatments, synthesizing and analyzing data, and
16 applying advanced nursing principles;

17 (2) Dispensing, incident to practice only, sample
18 medications which are provided by the manufacturer and are provided
19 at no charge to the patient; and

20 (3) Prescribing therapeutic measures and medications,
21 except controlled substances listed in Schedule II of section
22 28-405 not otherwise provided for in this section, related to
23 health conditions within the scope of practice. ~~An advanced~~
24 ~~practice registered nurse~~ A nurse practitioner may prescribe
25 controlled substances listed in Schedule II of section 28-405 used
26 for pain control for a maximum seventy-two-hour supply if any
27 subsequent renewal of such prescription is by a licensed physician.

28 Sec. 57. Section 71-1721.07, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 71-1721.07. The department shall, after consultation
3 with the ~~boards~~ board, adopt and promulgate rules and regulations
4 to carry out the ~~Advanced Practice Registered Nurse Practitioner~~
5 Act.

6 Sec. 58. Section 71-1722, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 71-1722. Requirements for licensure as an advanced
9 ~~practice registered nurse certification~~ as a nurse practitioner
10 shall be the following:

11 (1) A license as a registered nurse in the State of
12 Nebraska or the authority based upon the Nurse Licensure Compact to
13 practice as a registered nurse in Nebraska;

14 (2) A completed application which includes the
15 applicant's social security number;

16 (3) A ~~licensure~~ certification fee established and
17 collected as provided in section 71-162;

18 (4) Evidence of having successfully completed ~~an approved~~
19 ~~advanced practice registered nurse program~~ a graduate-level program
20 in the clinical specialty area of nurse practitioner practice,
21 which program is accredited by a national accrediting body;

22 (5) Evidence of having successfully completed thirty
23 contact hours of education in pharmacotherapeutics;

24 (6) Submission of proof of having passed an examination
25 pertaining to the specific ~~advanced practice registered nurse~~
26 practitioner role in nursing adopted or approved by the ~~boards~~
27 board with the approval of the department. Such examination may
28 include any recognized national credentialing examination for

1 ~~advanced practice registered nurses~~ nurse practitioners conducted
 2 by an approved certifying body which administers an approved
 3 certification program; and

4 (7) If more than five years have elapsed since the
 5 completion of the ~~advanced practice registered nurse practitioner~~
 6 program or since the applicant has practiced in the specific
 7 ~~advanced practice registered nurse practitioner~~ role, the applicant
 8 shall meet the requirements in subdivisions (1) through (6) of this
 9 section and provide evidence of continuing competency as required
 10 by the ~~boards~~ board pursuant to section ~~71-1718.02~~ 39 of this act.

11 Sec. 59. Section 71-1723, Reissue Revised Statutes of
 12 Nebraska, is amended to read:

13 71-1723. Anyone fulfilling the requirements listed in
 14 section 71-1722 shall be issued a ~~license as an advanced practice~~
 15 ~~registered nurse certificate as a nurse practitioner~~ by the
 16 department.

17 Sec. 60. Section 71-1723.01, Reissue Revised Statutes of
 18 Nebraska, is amended to read:

19 71-1723.01. A person licensed as an advanced ~~registered~~
 20 ~~nurse practitioner practice registered nurse~~ in this state on ~~April~~
 21 ~~14, 2000,~~ the operative date of this act shall be ~~deemed to be~~
 22 ~~licensed~~ issued a license as an advanced practice registered nurse
 23 under the Advanced Practice Registered Nurse Licensure Act and a
 24 certificate as a nurse practitioner under the Nurse Practitioner
 25 Act on such date. A person ~~licensed to practice as an advanced~~
 26 ~~practice registered nurse in this state may use the title advanced~~
 27 ~~practice registered nurse and the abbreviation APRN~~ certified as a
 28 nurse practitioner in this state may use the title nurse

1 practitioner and the abbreviation NP.

2 Sec. 61. Section 71-1723.02, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 71-1723.02. (1) ~~An advanced practice registered nurse A~~
5 nurse practitioner (a) who has a master's degree or doctorate
6 degree in nursing and has completed an approved ~~advanced practice~~
7 ~~registered nurse practitioner~~ program, (b) who can demonstrate
8 separate course work in pharmacotherapeutics, advanced health
9 assessment, and pathophysiology or psychopathology, and (c) who has
10 completed a minimum of two thousand hours of practice under the
11 supervision of a physician shall (i) submit to the department an
12 integrated practice agreement with a collaborating physician and
13 (ii) furnish proof of professional liability insurance required
14 under section 71-1723.04 prior to commencing practice.

15 (2) ~~An advanced practice registered nurse who intends to~~
16 ~~practice the clinical specialty of neonatal or women's health and~~
17 ~~who does not meet the education and training requirements of~~
18 ~~subsection (1) of this section or an advanced practice registered~~
19 ~~nurse A nurse practitioner~~ who needs to obtain the two thousand
20 hours of supervised practice required under subdivision (1)(c) of
21 this section shall (a) submit to the department one or more
22 integrated practice agreements with a collaborating physician, (b)
23 furnish proof of jointly approved protocols with a collaborating
24 physician which shall guide the ~~advanced practice registered~~
25 ~~nurse's~~ nurse practitioner's practice, and (c) furnish proof of
26 professional liability insurance required under section 71-1723.04.

27 (3) If, after a diligent effort to obtain an integrated
28 practice agreement, ~~an advanced practice registered nurse~~ a nurse

1 practitioner is unable to obtain an integrated practice agreement
 2 with one physician, the ~~Board of Advanced Practice Registered~~
 3 ~~Nurses~~ board may waive the requirement of an integrated practice
 4 agreement upon a showing that the applicant (a) meets the
 5 requirements of subsection (1) of this section, (b) has made a
 6 diligent effort to obtain an integrated practice agreement, and (c)
 7 will practice in a geographic area where there is a shortage of
 8 health care services.

9 Sec. 62. Section 71-1723.03, Reissue Revised Statutes of
 10 Nebraska, is amended to read:

11 71-1723.03. Nothing in the ~~Advanced Practice Registered~~
 12 ~~Nurse Practitioner~~ Act shall prohibit an ~~advanced practice~~
 13 ~~registered nurse~~ a nurse practitioner from consulting or
 14 collaborating with and referring patients to health care providers
 15 not included in the ~~advanced practice registered nurse's~~ nurse
 16 practitioner's integrated practice agreement.

17 Sec. 63. Section 71-1723.04, Reissue Revised Statutes of
 18 Nebraska, is amended to read:

19 71-1723.04. (1) ~~Advanced practice registered nurses~~
 20 Nurse practitioners shall maintain in effect professional liability
 21 insurance with such coverage and limits as may be established by
 22 the board.

23 (2) If an ~~advanced practice registered nurse~~ a nurse
 24 practitioner renders services in a hospital or other health care
 25 facility, he or she shall be subject to the rules and regulations
 26 of that facility. Such rules and regulations may include, but need
 27 not be limited to, reasonable requirements that the ~~advanced~~
 28 ~~practice registered~~ nurse practitioner and all collaborating

1 licensed practitioners maintain professional liability insurance
 2 with such coverage and limits as may be established by the hospital
 3 or other health care facility upon the recommendation of the
 4 medical staff.

5 Sec. 64. Section 71-1724, Reissue Revised Statutes of
 6 Nebraska, is amended to read:

7 71-1724. Renewal of a license as an advanced practice
 8 ~~registered nurse~~ certificate as a nurse practitioner shall be at
 9 the same time and in the same manner as renewal of a license as a
 10 registered nurse and shall require:

11 (1) A license as a registered nurse in the State of
 12 Nebraska or the authority based on the Nurse Licensure Compact to
 13 practice as a registered nurse in Nebraska;

14 (2) Documentation of continuing competency upon
 15 completion of continuing competency activities established by the
 16 ~~boards~~ board pursuant to section ~~71-1718.02~~ 39 of this act;

17 (3) Documentation of a minimum of two thousand eighty
 18 hours of practice as an ~~advanced practice registered nurse~~ nurse
 19 practitioner within the five years immediately preceding renewal.
 20 These practice hours shall fulfill the requirements of the practice
 21 hours required for registered nurse renewal. Practice hours as an
 22 advanced practice registered nurse prior to the operative date of
 23 this act shall be used to fulfill the requirements of this section;

24 (4) Proof of current certification in the specific
 25 ~~advanced practice nurse practitioner~~ nurse practitioner clinical specialty area by an
 26 approved certification program; and

27 (5) Payment of a biennial ~~license~~ renewal fee established
 28 and collected as provided in section 71-162.

1 Sec. 65. Section 71-1724.01, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 71-1724.01. The department may grant a temporary permit
4 as an ~~advanced practice registered nurse~~ nurse practitioner upon
5 application:

6 (1) To graduates of an approved ~~advanced practice~~
7 ~~registered nurse practitioner~~ program pending results of the first
8 credentialing examination following graduation;

9 (2) For one hundred twenty days to ~~advanced practice~~
10 ~~registered nurses~~ a nurse practitioner lawfully authorized to
11 practice in another state pending completion of the application for
12 a Nebraska ~~license~~ certificate; and

13 (3) To applicants for purposes of a reentry program or
14 supervised practice as part of continuing competency activities
15 established by the ~~boards~~ board pursuant to section ~~71-1718.02~~ 39
16 of this act.

17 Sec. 66. Section 71-1724.02, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 71-1724.02. Continuing competency requirements
20 established by the ~~boards~~ board pursuant to section ~~71-1718.02~~ 39
21 of this act shall apply to:

22 (1) A ~~licensee~~ nurse practitioner seeking to renew ~~an~~
23 ~~advanced practice registered nurse license~~ his or her certificate;

24 (2) A ~~licensee~~ nurse practitioner seeking to reinstate
25 his or her certificate from lapsed status; ~~an advanced practice~~
26 ~~registered nurse license~~;

27 (3) An applicant for licensure as an ~~advanced practice~~
28 ~~registered nurse~~ certification as a nurse practitioner who has been

1 authorized by another state to practice in an advanced role; and

2 (4) An applicant for licensure as an advanced practice
3 ~~registered nurse~~ certification as a nurse practitioner who has not
4 practiced in that role during the five years immediately preceding
5 application.

6 Sec. 67. Section 71-1725, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 71-1725. A license ~~to practice as an advanced practice~~
9 ~~registered nurse~~ certificate to practice as a nurse practitioner
10 may be denied, refused renewal, revoked, suspended, or disciplined
11 in any other manner for any violation of the Advanced Practice
12 Registered Nurse Licensure Act or the Nurse Practitioner Act, for
13 physical or mental disability or incapacity, for gross
14 incompetence, or for any reason for which a license to practice as
15 a registered nurse or an advanced practice registered nurse could
16 be denied, revoked, or suspended. The methods and procedures for
17 notice of hearing, opportunity for hearing, presentation of
18 evidence, conduct of hearing, reinstatement of ~~license~~ certificate,
19 and related matters in such instance shall be the same as those
20 pertaining to the denial, revocation, or suspension of a license to
21 practice as a registered nurse. Any decision to deny, refuse
22 renewal of, revoke, or suspend a ~~license~~ certificate to practice as
23 ~~an advanced practice registered nurse~~ a nurse practitioner may be
24 appealed. The appeal shall be in accordance with the
25 Administrative Procedure Act.

26 Sec. 68. Section 71-1725.01, Reissue Revised Statutes of
27 Nebraska, is amended to read:

28 71-1725.01. (1) ~~An advanced practice registered nurse's~~

1 ~~license~~ A nurse practitioner's certificate lapses if he or she (a)
 2 does not have a current license to practice as a registered nurse
 3 or an advanced practice registered nurse or has had his or her
 4 license to practice as a registered nurse or an advanced practice
 5 registered nurse denied, refused renewal, suspended, or revoked or
 6 (b) renews his or her license to practice as a registered nurse or
 7 an advanced practice registered nurse but does not renew his or her
 8 license to practice as an advanced practice registered nurse
 9 practitioner's certificate.

10 (2) When a ~~license to practice as an advanced practice~~
 11 ~~registered nurse practitioner's certificate~~ lapses, the right of
 12 the person whose ~~license certificate~~ has lapsed to represent
 13 himself or herself as a ~~licensee nurse practitioner~~ and to practice
 14 the activities for which a ~~license certificate~~ is required
 15 terminates. To restore the ~~license certificate~~ to active status,
 16 the person shall meet the requirements for renewal which are in
 17 effect at the time that he or she wishes to restore the ~~license~~
 18 ~~certificate~~ and shall pay the renewal fee and the late fee
 19 established and collected as provided in section 71-162.

20 Sec. 69. Section 71-1726, Reissue Revised Statutes of
 21 Nebraska, is amended to read:

22 71-1726. Any person practicing as ~~an advanced practice~~
 23 ~~registered nurse~~ a nurse practitioner who is not ~~currently licensed~~
 24 certified as such by the department and who possesses a ~~current~~
 25 license to engage in any health profession for which a license is
 26 issued by the department may have such license denied, refused
 27 renewal, suspended, or revoked or have other disciplinary action
 28 taken against him or her by the department pursuant to the

1 provisions of ~~Chapter 71, article 1,~~ the Nurse Practice Act or the
 2 Uniform Licensing Law relating to such profession, irrespective of
 3 any criminal proceedings for practicing without a ~~license~~
 4 certificate.

5 Sec. 70. Section 71-1726.01, Reissue Revised Statutes of
 6 Nebraska, is amended to read:

7 71-1726.01. The ~~Advanced Practice Registered Nurse~~
 8 Practitioner Act does not prohibit the performance of activities of
 9 ~~an advanced practice registered nurse~~ a nurse practitioner by an
 10 unlicensed person if performed:

11 (1) In an emergency situation;

12 (2) By a legally qualified person from another state
 13 employed by the United States Government and performing official
 14 duties in this state;

15 (3) By a person enrolled in an approved ~~advanced practice~~
 16 ~~registered nurse practitioner~~ program for the preparation of
 17 ~~advanced practice registered nurses~~ nurse practitioners as part of
 18 that approved program; and

19 (4) By a person holding a temporary permit pursuant to
 20 section 71-1724.01.

21 Sec. 71. Section 71-1726.02, Reissue Revised Statutes of
 22 Nebraska, is amended to read:

23 71-1726.02. Any person, corporation, association, or
 24 other entity engaging in any of the following activities is guilty
 25 of a Class IV felony:

26 (1) Practicing as ~~an advanced practice registered nurse~~ a
 27 nurse practitioner without being issued a ~~license~~ certificate as
 28 such by the department;

1 (2) Employing or offering to employ any person as an
2 ~~advanced practice registered nurse~~ a nurse practitioner, knowing
3 that such person is not ~~licensed~~ certified as such by the
4 department;

5 (3) Fraudulently seeking, obtaining, or furnishing a
6 ~~license as an advanced practice registered nurse~~ certificate as a
7 nurse practitioner or aiding and abetting such activities; or

8 (4) Using in connection with his or her name the title
9 ~~advanced practice registered nurse practitioner~~, the abbreviation
10 ~~APRN NP~~, or any other designation tending to imply that he or she
11 is an ~~advanced practice registered nurse~~ licensed a nurse
12 practitioner certified by the department when such person is not an
13 ~~advanced practice registered nurse~~ certified as a nurse
14 practitioner.

15 Sec. 72. This section and sections 71-1729 to 71-1737
16 and sections 74 to 76 of this act shall be known and may be cited
17 as the Certified Registered Nurse Anesthetist Act.

18 Sec. 73. Section 71-1729, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 71-1729. For purposes of ~~sections 71-1729 to 71-1737~~ the
21 Certified Registered Nurse Anesthetist Act, unless the context
22 otherwise requires:

23 (1) Board means the Board of Advanced Practice Registered
24 Nurses;

25 (2) Certified registered nurse anesthetist ~~or nurse~~
26 ~~practitioner anesthetist~~ means a currently licensed registered
27 nurse holding a current certificate as a nurse practitioner in the
28 specific expanded role of the practice of anesthesia issued under

1 the act;

2 ~~(2)~~ (3) Department means the Department of Health and
3 Human Services Regulation and Licensure;

4 (4) Licensed practitioner means any physician or
5 osteopathic physician licensed to prescribe, diagnose, and treat as
6 prescribed in sections 71-1,102 and 71-1,137; and

7 ~~(3)~~ (5) Practice of anesthesia means (a) the performance
8 of or the assistance in any act involving the determination,
9 preparation, administration, or monitoring of any drug used to
10 render an individual insensible to pain for procedures requiring
11 the presence of persons educated in the administration of
12 anesthetics or (b) the performance of any act commonly the
13 responsibility of educated anesthesia personnel. Practice of
14 anesthesia includes the use of those techniques which are deemed
15 necessary for adequacy in performance of anesthesia administration.
16 Nothing in ~~sections 71-1729 to 71-1737 shall be intended to~~
17 ~~prohibit~~ the Certified Registered Nurse Anesthetist Act prohibits
18 routine administration of a drug by a duly licensed registered
19 nurse, licensed practical nurse, or other duly authorized person
20 for the alleviation of pain or ~~intended to prohibit~~ prohibits the
21 practice of anesthesia by students enrolled in an accredited school
22 of nurse anesthesia when the services performed are a part of the
23 course of study and are under the supervision of a licensed
24 practitioner or ~~nurse practitioner-anesthetist~~ certified registered
25 nurse anesthetist.

26 Sec. 74. A certificate issued under the Certified
27 Registered Nurse Anesthetist Act may be denied, refused renewal,
28 revoked, suspended, or disciplined in any other manner for any

1 violation of the act, for physical or mental disability or
2 incapacity, for gross incompetence, or for any reason for which a
3 license issued under the Nurse Practice Act or the Advanced
4 Practice Registered Nurse Licensure Act may be denied, refused
5 renewal, revoked, suspended, or disciplined. The methods and
6 procedures provided in the Nurse Practice Act for opportunity for
7 hearing, notice of hearing, presentation of evidence, conduct of a
8 hearing, reinstatement, and related matters shall apply to
9 disciplinary actions under this section. A decision to deny,
10 refuse renewal of, revoke, suspend, or discipline a certificate as
11 a certified registered nurse anesthetist may be appealed, and the
12 appeal shall be in accordance with the Administrative Procedure
13 Act.

14 Sec. 75. (1) A certified registered nurse anesthetist's
15 certificate lapses if he or she (a) does not have a license to
16 practice as a registered nurse or an advanced practice registered
17 nurse or has had such license denied, refused renewal, suspended,
18 or revoked or (b) renews his or her license to practice as a
19 registered nurse or an advanced practice registered nurse but does
20 not renew his or her certified registered nurse anesthetist's
21 certificate.

22 (2) When a certified registered nurse anesthetist's
23 certificate lapses, the right of the person whose certificate has
24 lapsed to represent himself or herself as a certified registered
25 nurse anesthetist and to practice the activities for which a
26 certificate is required terminates. To restore the certificate to
27 active status, the person shall meet the requirements for renewal
28 which are in effect at the time that he or she wishes to restore

1 the certificate and shall pay the renewal fee and the late fee
2 established and collected as provided in section 71-162.

3 Sec. 76. Any person practicing as a certified registered
4 nurse anesthetist who does not hold a certificate as such issued by
5 the department and who possesses a license to engage in any health
6 profession for which a license is issued by the department may have
7 such license denied, refused renewal, suspended, or revoked or have
8 other disciplinary action taken against him or her by the
9 department pursuant to the provisions of the Nurse Practice Act or
10 the Uniform Licensing Law relating to such profession, irrespective
11 of any criminal proceedings for practicing without a certificate.

12 Sec. 77. Section 71-1730, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 71-1730. In order to obtain a certificate from the
15 department as a certified registered nurse anesthetist an applicant
16 shall:

17 (1) Hold a license as a registered nurse in the State of
18 Nebraska or have the authority based on the Nurse Licensure Compact
19 to practice as a registered nurse in Nebraska;

20 (2) Submit a completed application verified by oath which
21 includes the applicant's social security number;

22 (3) Pay the required fee established and collected as
23 provided in section 71-162;

24 (4) Submit evidence of successful completion of a course
25 of study in anesthesia in a school of nurse anesthesia accredited
26 or approved by or under the auspices of the department or the
27 Council on Accreditation of Nurse Anesthesia and Educational
28 Programs; and

1 (5) Take and successfully pass a certifying examination
2 approved by the department after prior approval of such examination
3 by the ~~Board of Nursing and Board of Medicine and Surgery~~ board.
4 Such examination may include (a) the National Qualifying
5 Examination for Certified Registered Nurse Anesthetists or (b) any
6 other approved recognized national qualifying examination for nurse
7 anesthetists.

8 If more than five years have elapsed since the applicant
9 completed the nurse anesthetist program or since the applicant has
10 practiced as a nurse anesthetist, he or she shall meet the
11 requirements of subdivisions (1) through (5) of this section and
12 shall provide evidence of continuing competency as determined by
13 the ~~Board of Nursing and Board of Medicine and Surgery~~ board,
14 including, but not limited to, a reentry program, supervised
15 practice, examination, or one or more of the continuing competency
16 activities listed in section 71-161.09.

17 Sec. 78. Section 71-1731, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 71-1731. The department, with the prior approval of the
20 ~~Board of Nursing and Board of Medicine and Surgery~~ board, may grant
21 a temporary certification in the practice of anesthesia for a
22 period of not to exceed one year and under such conditions as the
23 ~~boards~~ board with the approval of the department ~~determine~~
24 determines for graduates of an accredited school of nurse
25 anesthesia. The permit may be issued upon application by the
26 graduate for the first certifying examination following his or her
27 graduation and shall be valid pending the results of such
28 examination. Temporary certification may also be granted for a

1 period not to exceed one year to registered nurse anesthetists
2 currently licensed in another state pending completion of the
3 application for Nebraska certification. A temporary permit issued
4 pursuant to this section may be extended at the discretion of the
5 ~~boards~~ board with the approval of the department.

6 Sec. 79. Section 71-1735, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 71-1735. ~~(1)~~ The procedure for biennial certification
9 renewal as a certified registered nurse anesthetist shall be at the
10 same time and in the same manner as renewal of a license as a
11 registered nurse and shall require:

12 ~~(a)~~ (1) A license as a registered nurse in the State of
13 Nebraska or the authority based on the Nurse Licensure Compact to
14 practice as a registered nurse in Nebraska;

15 ~~(b)~~ (2) Documentation of continuing competency as
16 required by the ~~Board of Nursing and the Board of Medicine and~~
17 ~~Surgery~~ board in rules and regulations approved by the ~~boards~~ board
18 and adopted and promulgated by the department. Continuing
19 education is sufficient to meet continuing competency requirements.
20 The requirements may also include, but not be limited to, one or
21 more of the continuing competency activities listed in section
22 71-161.09 which a person may select as an alternative to continuing
23 education; and

24 ~~(c)~~ (3) Payment of the required fee established and
25 collected as provided in section 71-162.

26 ~~(2)~~ Violations of the Advanced Practice Registered Nurse
27 Act shall be dealt with in the manner prescribed in sections
28 71-1725, 71-1726, and 71-1737.

1 Sec. 80. Section 71-1737, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 71-1737. Notwithstanding the provisions of any other
4 statute, any person, corporation, association, or other entity who
5 engages in any of the following activities shall be guilty of a
6 Class IV felony:

7 (1) Engaging in the practice of anesthesia as a certified
8 registered nurse anesthetist without being issued a certificate as
9 such by the department, with the approval of the ~~Board of Nursing~~
10 ~~and the Board of Medicine and Surgery~~ board;

11 (2) Knowingly employing or offering to employ any person
12 as a certified registered nurse anesthetist when knowing that such
13 person is not certified as such by the department with the approval
14 of the ~~boards~~ board;

15 (3) Fraudulently seeking, obtaining, or furnishing a
16 certificate as a certified registered nurse anesthetist or aiding
17 and abetting such activities; or

18 (4) Using in connection with his or her name the title
19 certified registered nurse anesthetist, the abbreviation C.R.N.A.,
20 or any other designation tending to imply that he or she is a
21 certified registered nurse anesthetist, certified by the department
22 with the approval of the ~~boards~~ board pursuant to ~~sections 71-1729~~
23 ~~to 71-1737~~ the Certified Registered Nurse Anesthetist Act, when
24 such person is not actually a certified registered nurse
25 anesthetist.

26 Sec. 81. Section 71-1738, Reissue Revised Statutes of
27 Nebraska, is amended to read:

28 71-1738. Sections 71-1738 to 71-1765 and section 90 of

1 this act shall be known and may be cited as the Nebraska Certified
2 Nurse Midwifery Practice Act.

3 Sec. 82. Section 71-1743, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 71-1743. ~~Boards~~ Board shall mean ~~both~~ the Board of
6 ~~Nursing and the Board of Medicine and Surgery~~ Advanced Practice
7 Registered Nurses.

8 Sec. 83. Section 71-1747, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 71-1747. Collaboration shall mean a process and
11 relationship in which a certified nurse midwife works together,
12 ~~under the terms of a practice agreement, with a licensed~~
13 ~~practitioner, and may include work~~ with other health professionals,
14 to deliver health care within the scope of practice of certified
15 nurse midwifery as provided in the Nebraska Certified Nurse
16 Midwifery Practice Act. The collaborative relationship between the
17 physician and the nurse midwife shall be subject to the ~~joint~~
18 control and regulation of the ~~boards~~ board.

19 Sec. 84. Section 71-1749, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 71-1749. Approved certified nurse midwifery education
22 program shall mean a certified nurse midwifery education program
23 approved by the ~~boards~~ board. The ~~boards~~ board may allow such
24 program to be accredited by the American College of Nurse-Midwives.

25 Sec. 85. Section 71-1750, Reissue Revised Statutes of
26 Nebraska, is amended to read:

27 71-1750. Practice agreement shall mean the written
28 agreement authored and signed by the certified nurse midwife and

1 the licensed practitioner with whom he or she is associated which:

2 (1) Identifies the settings within which the certified
3 nurse midwife is authorized to practice;

4 (2) Names the collaborating licensed practitioner or, if
5 more than one licensed practitioner is a party to such practice
6 agreement, names all of the collaborating licensed practitioners;

7 (3) Defines or describes the medical functions to be
8 performed by the certified nurse midwife, which are not
9 inconsistent with the Nebraska Certified Nurse Midwifery Practice
10 Act, as agreed to by the nurse midwife and the collaborating
11 licensed practitioner; and

12 (4) Contains such other information as required by the
13 ~~boards~~ board.

14 Sec. 86. Section 71-1753, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 71-1753. (1) The specific medical functions to be
17 performed by a certified nurse midwife within the scope of
18 permitted practice defined by section 71-1752 shall be described in
19 the practice agreement which shall be reviewed and approved by the
20 ~~boards~~ board. ~~A quorum shall be required of each board in order to~~
21 ~~transact any business.~~ ~~For purposes of the Nebraska Certified~~
22 ~~Nurse Midwifery Practice Act, a majority vote of each respective~~
23 ~~board shall be required for taking any action and any action shall~~
24 ~~require the concurrence of both boards.~~ A copy of the agreement
25 shall be maintained on file with the ~~boards~~ board as a condition of
26 lawful practice under the ~~act~~ Nebraska Certified Nurse Midwifery
27 Practice Act.

28 (2) A certified nurse midwife shall perform the functions

1 detailed in the practice agreement only under the supervision of
2 the licensed practitioner responsible for the medical care of the
3 patients described in the practice agreement. If the collaborating
4 licensed practitioner named in the practice agreement becomes
5 temporarily unavailable, the certified nurse midwife may perform
6 the authorized medical functions only under the supervision of
7 another licensed practitioner designated as a temporary substitute
8 for that purpose by the collaborating licensed practitioner.

9 (3) A certified nurse midwife may perform authorized
10 medical functions only in the following settings:

11 (a) In a licensed or certified health care facility as an
12 employee or as a person granted privileges by the facility;

13 (b) In the primary office of a licensed practitioner or
14 in any setting authorized by the collaborating licensed
15 practitioner, except that a certified nurse midwife shall not
16 attend a home delivery; or

17 (c) Within an organized public health agency.

18 (4) The department shall, after consultations with the
19 ~~boards~~ board, adopt and promulgate rules and regulations to carry
20 out the Nebraska Certified Nurse Midwifery Practice Act.

21 Sec. 87. Section 71-1754, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 71-1754. If a certified nurse midwife intends to alter
24 his or her practice status by reason of a change in the setting,
25 supervision by a different licensed practitioner, modification of
26 the authorized medical functions, or for any other reason, he or
27 she shall submit a new or amended practice agreement to the ~~boards~~
28 board for approval before any change may be permitted.

1 Sec. 88. Section 71-1755, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 71-1755. (1) An applicant for certification as a nurse
4 midwife shall submit to the ~~boards~~ board a written application,
5 which includes the applicant's social security number, and such
6 evidence as the ~~boards~~ board shall require showing that the
7 applicant is currently licensed as a registered nurse by the state
8 or has the authority based on the Nurse Licensure Compact to
9 practice as a registered nurse in Nebraska, has successfully
10 completed an approved certified nurse midwifery education program,
11 and has passed a nationally recognized nurse midwifery examination
12 adopted by the ~~boards~~ board.

13 (2) The department may, with the approval of the ~~boards~~
14 board, grant temporary certification as a nurse midwife upon
15 application (a) to graduates of an approved nurse midwifery program
16 pending results of the first certifying examination following
17 graduation and (b) for one hundred twenty days to nurse midwives
18 currently licensed in another state pending completion of the
19 application for Nebraska certification. A temporary permit issued
20 pursuant to this section may be extended for up to one year with
21 the approval of the ~~boards~~ board.

22 (3) The ~~boards~~ board shall adopt an examination to be
23 used pursuant to subsection (1) of this section.

24 (4) If more than five years have elapsed since the
25 completion of the nurse midwifery program or since the applicant
26 has practiced as a nurse midwife, the applicant shall meet the
27 requirements in subsection (1) of this section and provide evidence
28 of continuing competency, as may be determined by the ~~boards~~ board,

1 either by means of a reentry program, references, supervised
2 practice, examination, or one or more of the continuing competency
3 activities listed in section 71-161.09.

4 Sec. 89. Section 71-1757, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 71-1757. (1) The certificate of each person certified
7 under the Nebraska Certified Nurse Midwifery Practice Act shall be
8 renewed at the same time and in the same manner as renewal of a
9 license for a registered nurse. Renewal of such a certificate
10 shall require that ~~(a)~~ the applicant have (a) a license as a
11 registered nurse issued by the state or the authority based on the
12 Nurse Licensure Compact to practice as a registered nurse in
13 Nebraska and (b) documentation of continuing competency, either by
14 reference, peer review, examination, or one or more of the
15 continuing competency activities listed in section 71-161.09, as
16 established by the ~~boards~~ board in rules and regulations approved
17 by the ~~boards~~ board and adopted and promulgated by the department.

18 (2) The department shall establish and collect fees for
19 renewal as provided in section 71-162.

20 Sec. 90. (1) A certified nurse midwife's certificate
21 lapses if he or she (a) does not have a current license to practice
22 as a registered nurse or an advanced practice registered nurse or
23 has had his or her license to practice as a registered nurse or an
24 advanced practice registered nurse denied, refused renewal,
25 suspended, or revoked or (b) renews such licenses to practice but
26 does not renew his or her certified nurse midwife's certificate.

27 (2) When a certificate to practice as a certified nurse
28 midwife lapses, the right of the person whose certificate has

1 lapsed to represent himself or herself as a certified nurse midwife
2 and to practice the activities for which a certificate is required
3 terminates. To restore the certificate to active status, the
4 person shall meet the requirements for renewal which are in effect
5 at the time that he or she wishes to restore the certificate and
6 shall pay the renewal fee and the late fee established and
7 collected as provided in section 71-162.

8 Sec. 91. Section 71-1913.01, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 71-1913.01. (1) Each program shall require the parent or
11 guardian of each child enrolled in such program to present within
12 thirty days after enrollment and periodically thereafter (a) proof
13 that the child is protected by age-appropriate immunization against
14 measles, mumps, rubella, poliomyelitis, diphtheria, pertussis,
15 tetanus, and haemophilus influenzae type B and such other diseases
16 as the Department of Health and Human Services may from time to
17 time specify based on then current medical and scientific
18 knowledge, (b) certification by a physician, an advanced practice
19 registered nurse practicing under and in accordance with his or her
20 respective certification act, or a physician assistant that
21 immunization is not appropriate for a stated medical reason, or (c)
22 a written statement that the parent or guardian does not wish to
23 have such child so immunized and the reasons therefor. The program
24 shall exclude a child from attendance until such proof,
25 certification, or written statement is provided. At the time the
26 parent or guardian is notified that such information is required,
27 he or she shall be notified in writing of his or her right to
28 submit a certification or written statement pursuant to subdivision

1 (b) or (c) of this subsection.

2 (2) Each program shall keep the written record of
3 immunization, the certification, or the written statement of the
4 parent or guardian. Such record, certification, or statement shall
5 be kept by the program as part of the child's file, shall be
6 available onsite to the Department of Health and Human Services and
7 the Department of Health and Human Services Regulation and
8 Licensure, and shall be filed with the Department of Health and
9 Human Services for review and inspection. Each program shall
10 report to the Department of Health and Human Services by November 1
11 of each year the status of immunization for children enrolled as of
12 September 30 of that year, and children who have reached
13 kindergarten age and who are enrolled in public or private school
14 need not be included in the report.

15 Sec. 92. Section 71-2610.01, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 71-2610.01. The State Board of Health shall:

18 (1) Adopt and promulgate rules and regulations for the
19 government of the professions and occupations licensed, certified,
20 registered, or issued permits by the Department of Health and Human
21 Services Regulation and Licensure, including rules and regulations
22 necessary to implement laws enforced by the department. These
23 professions and occupations are those subject to the Advanced
24 Practice Registered Nurse Licensure Act, the Asbestos Control Act,
25 the Certified Registered Nurse Anesthetist Act, the Clinical Nurse
26 Specialist Practice Act, the Licensed Practical Nurse-Certified
27 Act, the Nebraska Certified Nurse Midwifery Practice Act, the
28 Nebraska Cosmetology Act, the Nurse Practice Act, the Nurse

1 Practitioner Act, the Occupational Therapy Practice Act, the
2 Radiation Control Act, the Residential Lead-Based Paint Professions
3 Certification Act, the Uniform Controlled Substances Act, the
4 Uniform Licensing Law, the Wholesale Drug Distributor Licensing
5 Act, or sections 71-102, 71-3702 to 71-3715, 71-4701 to 71-4719,
6 and 71-6053 to 71-6068;

7 (2) Serve in an advisory capacity for other rules and
8 regulations adopted and promulgated by the department, including
9 those for health care facilities and environmental health services;

10 (3) Carry out its powers and duties under the Nebraska
11 Regulation of Health Professions Act;

12 (4) Appoint and remove for cause members of
13 health-related professional boards as provided in sections 71-111,
14 71-112, and 71-118;

15 (5) At the discretion of the board, help mediate issues
16 related to the regulation of health care professions except issues
17 related to the discipline of health care professionals; and

18 (6) Have the authority to participate in the periodic
19 review of the regulation of health care professions.

20 All funds rendered available by law may be used by the
21 board in administering and effecting such purposes.

22 Sec. 93. Section 71-5191, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 71-5191. The following are exempt from the licensing and
25 certification requirements of the Emergency Medical Services Act:

26 (1) The occasional use of a vehicle or aircraft not
27 designated as an ambulance and not ordinarily used in transporting
28 patients or operating emergency care, rescue, or resuscitation

1 services;

2 (2) Vehicles or aircraft rendering services as an
3 ambulance in case of a major catastrophe or emergency when licensed
4 ambulances based in the localities of the catastrophe or emergency
5 are incapable of rendering the services required;

6 (3) Ambulances from another state which are operated from
7 a location or headquarters outside of this state in order to
8 transport patients across state lines, but no such ambulance shall
9 be used to pick up patients within this state for transportation to
10 locations within this state except in case of an emergency;

11 (4) Ambulances or emergency vehicles owned and operated
12 by an agency of the United States Government and the personnel of
13 such agency;

14 (5) Except for the provisions of section 71-5194,
15 physicians, physician assistants, registered nurses, licensed
16 practical nurses, or advanced practice registered nurses, ~~or nurse~~
17 ~~practitioners~~ who hold current Nebraska licenses and are
18 exclusively engaged in the practice of their respective
19 professions; and

20 (6) Persons authorized to perform out-of-hospital
21 emergency care in other states when incidentally working in
22 Nebraska in response to an emergency situation.

23 Sec. 94. Section 77-2704.09, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 77-2704.09. (1) Sales and use taxes shall not be imposed
26 on the gross receipts from the sale, lease, or rental of and the
27 storage, use, or other consumption in this state of insulin and the
28 following when sold for a patient's use under a prescription and

1 which are of the type eligible for coverage under the medical
2 assistance program established pursuant to sections 68-1018 to
3 68-1025: Drugs, not including over-the-counter drugs; durable
4 medical equipment; home medical supplies; prosthetic devices;
5 oxygen; oxygen equipment; and mobility enhancing equipment.

6 (2) For purposes of this section:

7 (a) Drug means a compound, substance, preparation, and
8 component of a compound, substance, or preparation, other than food
9 and food ingredients, dietary supplements, or alcoholic beverages:

10 (i) Recognized in the official United States
11 Pharmacopoeia, official Homeopathic Pharmacopoeia of the United
12 States, or official National Formulary, and any supplement to any
13 of them;

14 (ii) Intended for use in the diagnosis, cure, mitigation,
15 treatment, or prevention of disease; or

16 (iii) Intended to affect the structure or any function of
17 the body;

18 (b) Durable medical equipment means equipment which can
19 withstand repeated use, is primarily and customarily used to serve
20 a medical purpose, generally is not useful to a person in the
21 absence of illness or injury, is appropriate for use in the home,
22 and is not worn in or on the body. Durable medical equipment
23 includes repair and replacement parts for such equipment;

24 (c) Home medical supplies means supplies primarily and
25 customarily used to serve a medical purpose which are appropriate
26 for use in the home and are generally not useful to a person in the
27 absence of illness or injury;

28 (d) Mobility enhancing equipment means equipment which is

1 primarily and customarily used to provide or increase the ability
2 to move from one place to another, which is not generally used by
3 persons with normal mobility, and which is appropriate for use
4 either in a home or a motor vehicle. Mobility enhancing equipment
5 includes repair and replacement parts for such equipment. Mobility
6 enhancing equipment does not include any motor vehicle or equipment
7 on a motor vehicle normally provided by a motor vehicle
8 manufacturer;

9 (e) Over-the-counter drug means a drug that contains a
10 label that identifies the product as a drug as required by 21
11 C.F.R. 201.66, as such regulation existed on January 1, 2003. The
12 over-the-counter drug label includes a drug facts panel or a
13 statement of the active ingredients with a list of those
14 ingredients contained in the compound, substance, or preparation;

15 (f) Oxygen equipment means oxygen cylinders, cylinder
16 transport devices including sheaths and carts, cylinder studs and
17 support devices, regulators, flowmeters, tank wrenches, oxygen
18 concentrators, liquid oxygen base dispensers, liquid oxygen
19 portable dispensers, oxygen tubing, nasal cannulas, face masks,
20 oxygen humidifiers, and oxygen fittings and accessories;

21 (g) Prescription means an order, formula, or recipe
22 issued in any form of oral, written, electronic, or other means of
23 transmission by a duly licensed practitioner authorized under the
24 ~~Advanced Practice Registered~~ Certified Registered Nurse Anesthetist
25 Act, the Nebraska Certified Nurse Midwifery Practice Act, or the
26 Nurse Practitioner Act, Chapter 71, article 1, or sections 71-4701
27 to 71-4719; and

28 (h) Prosthetic devices means a replacement, corrective,

1 or supportive device worn on or in the body to artificially replace
2 a missing portion of the body, prevent or correct physical
3 deformity or malfunction, or support a weak or deformed portion of
4 the body, and includes any supplies used with such device and
5 repair and replacement parts.

6 Sec. 95. Section 79-214, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 79-214. (1) Except as provided in subsection (2) of this
9 section, the school board of any school district shall not admit
10 any child into the kindergarten or beginner grade of any school of
11 such school district unless such child has reached the age of five
12 years or will reach such age on or before October 15 of the current
13 year.

14 (2) The board may admit a child who will reach the age of
15 five between October 16 and February 1 of the current school year
16 if the parent or guardian requests such entrance and provides an
17 affidavit stating that (a) the child attended kindergarten in
18 another jurisdiction in the current school year, (b) the family
19 anticipates relocation to another jurisdiction that would allow
20 admission within the current year, or (c) the child has
21 demonstrated through recognized assessment procedures approved by
22 the board that he or she is capable of carrying the work of
23 kindergarten or the beginner grade.

24 (3) The board shall comply with the requirements of
25 subsection (2) of section 43-2007 and shall require evidence of a
26 physical examination by a physician, a physician assistant, or an
27 advanced practice registered nurse, practicing under and in
28 accordance with his or her respective certification act, within six

1 months prior to the entrance of a child into the beginner grade and
2 the seventh grade or, in the case of a transfer from out of state,
3 to any other grade of the local school, except that no such
4 physical examination shall be required of any child whose parent or
5 guardian objects in writing. The cost of such physical examination
6 shall be borne by the parent or guardian of each child who is
7 examined.

8 Sec. 96. Section 79-221, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 79-221. Immunization shall not be required for a
11 student's enrollment in any school in this state if he or she
12 submits to the admitting official either of the following:

13 (1) A statement signed by a physician, a physician
14 assistant, or an advanced practice registered nurse practicing
15 under and in accordance with his or her respective certification
16 act, stating that, in the health care provider's opinion, the
17 immunizations required would be injurious to the health and
18 well-being of the student or any member of the student's family or
19 household; or

20 (2) An affidavit signed by the student or, if he or she
21 is a minor, by a legally authorized representative of the student,
22 stating that the immunization conflicts with the tenets and
23 practice of a recognized religious denomination of which the
24 student is an adherent or member or that immunization conflicts
25 with the personal and sincerely followed religious beliefs of the
26 student.

27 Sec. 97. Section 83-4,157, Revised Statutes Supplement,
28 2004, is amended to read:

1 83-4,157. The medical director shall:

2 (1) Coordinate all clinical services;

3 (2) Participate in the selection and supervision of all
4 clinical staff employed by or under contract with the department,
5 including medical doctors, physician assistants, pharmacists,
6 pharmacy technicians, registered nurses, licensed practical nurses,
7 advanced practice registered nurses practicing under and in
8 accordance with their respective certification acts, mental health
9 practitioners, alcohol and drug counselors, laboratory technicians,
10 physical therapists, optometrists, audiologists, dentists, dental
11 assistants, and dental hygienists;

12 (3) Maintain and preserve the medical records of health
13 care services;

14 (4) Approve the purchasing of all necessary medical
15 supplies and medical equipment for the department;

16 (5) Recommend all necessary programs for the preservice,
17 inservice, and continuing medical training and education of the
18 health care staff and other relevant staff of the department,
19 including training specifically designed to promote prompt and
20 effective responses by all staff of the department to medical
21 emergencies;

22 (6) Develop and implement condition-specific medical
23 treatment protocols that ensure compatibility with a community
24 standard of health care, including protocols addressing the: (a)
25 Treatment of gastrointestinal bleeds; (b) detection and treatment
26 of all communicable diseases; (c) treatment of gender-specific
27 problems; (d) treatment of diabetes; (e) treatment of hypertension;
28 (f) treatment of headaches; (g) utilization of surgical procedures;

1 (h) control of infection; (i) provision of dental care; (j)
2 provision of age-specific and gender-specific routine health
3 maintenance; (k) means by which inmates obtain access to health
4 care services; (l) use of prescribed drugs, devices, or biologicals
5 for the purpose of pain management; (m) referral of patients to
6 medical specialists not in the employ of the department; and (n)
7 initiation, observance, and termination of do not resuscitate
8 orders initiated pursuant to the Rights of the Terminally Ill Act;

9 (7) Develop and implement a system of general discharge
10 planning for the health care services to be received by inmates who
11 are soon to be released from the custody of the department and who
12 have chronic health care problems;

13 (8) Develop and implement a comprehensive health care
14 services plan;

15 (9) Develop and implement an internal credentialing
16 program for the employment and retention of the health care staff
17 of the department based on a community standard of health care; and

18 (10) Develop and implement an internal peer review and
19 quality assurance program based upon a community standard of health
20 care.

21 Sec. 98. Section 83-4,159, Revised Statutes Supplement,
22 2004, is amended to read:

23 83-4,159. (1) In assigning health care staff to the
24 correctional facilities under the control of the department, the
25 medical director shall ensure that each facility has at least one
26 designated medical doctor on call at all times and that each
27 facility housing more than five hundred inmates has at least one
28 full-time medical doctor assigned to that facility as his or her

1 primary employment location.

2 (2) The medical director shall establish an acute care
3 clinic in each of the correctional facilities and ensure that each
4 clinic is staffed by at least one medical doctor, physician
5 assistant, or advanced practice registered nurse practicing under
6 and in accordance with his or her respective certification act.

7 (3) The medical director shall establish chronic care
8 clinics to provide health care services to inmates with chronic
9 disease conditions, including diabetes and hypertension.

10 (4) The medical director shall establish a human
11 immunodeficiency virus infection and acquired immunodeficiency
12 syndrome chronic care clinic which shall provide for the relevant
13 treatment, counseling, and education of inmates who are known to be
14 infected with the human immunodeficiency virus.

15 Sec. 99. This act becomes operative on July 1, 2007,
16 except that necessary actions preparatory to its implementation may
17 be taken prior to such date.

18 Sec. 100. Original sections 44-2803, 44-2824, 44-2827,
19 71-121.01, 71-168, 71-168.02, 71-1,103, 71-1,132.05, 71-1,132.07,
20 71-1,132.08, 71-1,132.11, 71-1,132.18, 71-1,143, 71-1,198,
21 71-1,339, 71-541, 71-1405, 71-1704, 71-1706, 71-1707, 71-1709.02,
22 71-1714, 71-1716, 71-1716.02, 71-1716.03, 71-1716.05, 71-1717,
23 71-1718.01, 71-1718.02, 71-1721, 71-1721.07 to 71-1726.02, 71-1729
24 to 71-1731, 71-1735, 71-1737, 71-1738, 71-1743, 71-1747, 71-1749,
25 71-1750, 71-1753 to 71-1755, 71-1757, 71-1913.01, 71-2610.01,
26 71-5191, 77-2704.09, 79-214, and 79-221, Reissue Revised Statutes
27 of Nebraska, and sections 18-1738, 28-401, 71-1,142, 83-4,157, and
28 83-4,159, Revised Statutes Supplement, 2004, are repealed.

1 Sec. 101. The following sections are outright repealed:
2 Sections 71-1705 and 71-1736, Reissue Revised Statutes of Nebraska.