

LEGISLATIVE BILL 213

Approved by the Governor March 3, 2003

Introduced by Jensen, 20

AN ACT relating to the Licensed Practical Nurse-Certified Act; to amend section 71-1773, Reissue Revised Statutes of Nebraska, and sections 71-1774, 71-1775, 71-1776, 71-1779, and 71-1780, Revised Statutes Supplement, 2002; to eliminate provisions relating to nasogastric tube insertion by licensed practical nurses-certified; to harmonize provisions; and to repeal the original sections.

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

Section 1. Section 71-1773, Reissue Revised Statutes of Nebraska, is amended to read:

71-1773. The purposes of the Licensed Practical Nurse-Certified Act are (1) to provide a means by which licensed practical nurses-certified may perform certain activities related to intravenous therapy, ~~and nasogastric tube insertion,~~ (2) to provide for approval of certification courses to prepare licensed practical nurses-certified, and (3) to ensure the health and safety of the general public.

Sec. 2. Section 71-1774, Revised Statutes Supplement, 2002, is amended to read:

71-1774. For purposes of the Licensed Practical Nurse-Certified Act:

(1) Administration includes observing, initiating, monitoring, discontinuing, maintaining, regulating, adjusting, documenting, assessing, planning, intervening, and evaluating;

(2) Approved certification course means a course for the education and training of a licensed practical nurse-certified which the board has approved;

(3) Board means the Board of Nursing;

(4) Department means the Department of Health and Human Services Regulation and Licensure;

(5) Direct supervision means that the responsible licensed practitioner or registered nurse is physically present in the clinical area and is available to assess, evaluate, and respond immediately;

(6) Initial venipuncture means the initiation of intravenous therapy based on a new order from a licensed practitioner for an individual for whom a previous order for intravenous therapy was not in effect;

(7) Intravenous therapy means the therapeutic infusion or injection of substances through the venous system;

(8) Licensed practical nurse-certified means a licensed practical nurse who meets the standards established pursuant to section 71-1777 and who holds a valid certificate issued by the department pursuant to the act;

(9) Licensed practitioner means any person authorized by state law to prescribe intravenous therapy; ~~and nasogastric tube insertion;~~

~~(10) Nasogastric tube insertion means the placing of a tube via the nares or mouth into the stomach; and~~

~~(11)~~

(10) Pediatric patient means a patient who is both younger than eighteen years old and under the weight of thirty-five kilograms.

Sec. 3. Section 71-1775, Revised Statutes Supplement, 2002, is amended to read:

71-1775. (1) Administration of intravenous therapy ~~or nasogastric tube insertion~~ shall be a responsibility of the registered nurse as ordered by a licensed practitioner.

(2) A licensed practical nurse-certified may, under the direction of a licensed practitioner or registered nurse, perform the activities identified in section 71-1776 after the licensed practitioner or registered nurse has performed a physical assessment of the patient.

(3) A licensed practical nurse-certified shall perform appropriate activities associated with central venous lines only under direct supervision. Activities associated with central venous lines that are appropriate for the licensed practical nurse-certified to perform shall be defined in rules and regulations. A licensed practitioner or registered nurse shall provide direct supervision whenever a licensed practical nurse-certified is performing activities associated with central venous lines.

(4) A licensed practitioner or registered nurse need not be on the premises in order for the licensed practical nurse-certified to perform

directed activities except for (a) initial venipuncture for purposes of peripheral intravenous therapy, ~~(b) initial nasogastric tube insertion,~~ and ~~(c) (b) central-line activities.~~

(5) A licensed practitioner or registered nurse shall be present at least once during each twenty-four-hour interval and more frequently when a significant change in therapy or client condition has occurred to assess the client when the licensed practical nurse-certified is performing the activities identified in section 71-1776.

Sec. 4. Section 71-1776, Revised Statutes Supplement, 2002, is amended to read:

71-1776. A licensed practical nurse-certified may perform the following activities related to the administration of intravenous therapy ~~and nasogastric tube insertion~~ under the direction of a licensed practitioner or registered nurse:

(1) Calculate the rate of intravenous fluid infusions, except for pediatric patients;

(2) Perform venipuncture, excluding jugular, for purposes of peripheral intravenous therapy, except (a) for pediatric patients or (b) with devices which exceed three inches in length. Direct supervision by a licensed practitioner or registered nurse shall be required for initial venipuncture for purposes of peripheral intravenous therapy;

(3) Except in the case of a pediatric patient, administer approved medications by approved methods. Approved methods of administration and approved medications shall be those for which nursing interventions are routine and predictable in nature related to individual responses and adverse reactions and as defined in rules and regulations of the board;

(4) Flush intravenous ports with heparin solution or saline solution; ~~and~~

(5) Add pain medication solutions to a patient-controlled infusion pump. ~~+ and~~

~~(6) Insert flexible nasogastric tubes that are non-stylet-guided. Direct supervision by a licensed practitioner or registered nurse shall be required for initial nasogastric tube insertion.~~

Sec. 5. Section 71-1779, Revised Statutes Supplement, 2002, is amended to read:

71-1779. Certificates for licensed practical nurses-certified shall be renewed as provided for licenses for licensed practical nurses in section 71-1,132.20. To obtain renewal of a certificate, a licensed practical nurse-certified shall complete continuing competency activities as required by the board under section 71-1788 and provide documentation of such activities as provided in section 71-161.10. Such continuing competency activities shall relate to intravenous therapy ~~or nasogastric tube insertion~~ and may be included in the continuing competency activities required under the Nurse Practice Act for renewal of a license as a licensed practical nurse.

Sec. 6. Section 71-1780, Revised Statutes Supplement, 2002, is amended to read:

71-1780. (1) The board shall adopt and promulgate rules and regulations defining competencies required for enrollment in an approved certification course and acceptable means for measuring the competencies. Before enrolling in a course, a licensed practical nurse shall successfully demonstrate the prerequisite competencies.

(2) The department with the advice of the board shall prescribe a curriculum for training licensed practical nurses-certified, establish an examination, and adopt and promulgate rules and regulations setting minimum standards for approved certification courses, including faculty qualifications, record keeping, faculty-to-student ratios, and other aspects of conducting such courses. The department may approve certification courses developed by associations, educational institutions, or other entities if such courses meet the requirements of this section and the criteria prescribed in the rules and regulations.

(3) An approved certification course shall be no less than forty-eight hours of classroom instruction and shall include a clinical competency component as defined in rules and regulations of the board. Classroom instruction shall include the following: (a) State laws governing the administration of intravenous therapy; ~~and nasogastric tube insertion,~~ (b) anatomy and physiology of the circulatory system; ~~and the upper gastrointestinal system,~~ (c) pharmacology; (d) fluid and electrolyte balance; (e) procedures and precautions in performing intravenous therapy; ~~and nasogastric tube insertion,~~ (f) types of equipment for intravenous therapy; ~~and nasogastric tube insertion,~~ (g) actions, interactions, and effects of medications in intravenous therapy; (h) documentation; and (i) other subjects relevant to the administration of intravenous therapy. ~~and nasogastric tube~~

~~insertion.~~ An approved certification course shall be supervised by a registered nurse with a minimum of three years of clinical experience immediately prior to supervision of the course. An educator may be a physician, pharmacist, or other qualified professional. Nothing in this section shall be deemed to prohibit any courses from exceeding the minimum requirements.

Sec. 7. Original section 71-1773, Reissue Revised Statutes of Nebraska, and sections 71-1774, 71-1775, 71-1776, 71-1779, and 71-1780, Revised Statutes Supplement, 2002, are repealed.