

## LEGISLATIVE BILL 905

Approved by the Governor April 18, 2022

Introduced by Walz, 15; Blood, 3; Cavanaugh, M., 6; DeBoer, 10; Linehan, 39; Pansing Brooks, 28; Sanders, 45; Wishart, 27.

A BILL FOR AN ACT relating to health care; to amend sections 38-201 and 38-203, Reissue Revised Statutes of Nebraska, and sections 38-2001 and 38-2002, Revised Statutes Cumulative Supplement, 2020; to provide for perinatal mental health screenings under the Advanced Practice Registered Nurse Practice Act and the Medicine and Surgery Practice Act; to define terms; to harmonize provisions; and to repeal the original sections.

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

Section 1. Section 38-201, Reissue Revised Statutes of Nebraska, is amended to read:

38-201 Sections 38-201 to 38-212 and sections 3 to 7 of this act shall be known and may be cited as the Advanced Practice Registered Nurse Practice Act.

Sec. 2. Section 38-203, Reissue Revised Statutes of Nebraska, is amended to read:

38-203 For purposes of the Advanced Practice Registered Nurse Practice Act and elsewhere in the Uniform Credentialing Act, unless the context otherwise requires, the definitions ~~definition~~ found in section 38-204 and sections 3 to 6 of this act apply ~~applies~~.

Sec. 3. Perinatal mental health disorder means a mental health condition that occurs during pregnancy or during the postpartum period, including depression, anxiety, or postpartum psychosis.

Sec. 4. Postnatal care means an office visit to an advanced practice registered nurse occurring after birth, with reference to the infant or mother.

Sec. 5. Prenatal care means an office visit to an advanced practice registered nurse for pregnancy-related care occurring before birth.

Sec. 6. Questionnaire means a screening tool administered by an advanced practice registered nurse to detect perinatal mental health disorders, such as the Edinburgh Postnatal Depression Scale, the Postpartum Depression Screening Scale, the Beck Depression Inventory, the Patient Health Questionnaire, or other validated screening methods.

Sec. 7. The board may work with accredited hospitals, advanced practice registered nurses, and licensed health care professionals and may create a referral network in Nebraska to develop policies, procedures, information, and educational materials to meet each of the following requirements concerning perinatal mental health disorders:

(1) An advanced practice registered nurse providing prenatal care may:

(a) Provide education to a pregnant patient and, if possible and with permission, to the patient's family about perinatal mental health disorders in accordance with the formal opinions and recommendations of the American College of Obstetricians and Gynecologists; and

(b) Invite each pregnant patient to complete a questionnaire in accordance with the formal opinions and recommendations of the American College of Obstetricians and Gynecologists. Screening for perinatal mental health disorders may be repeated when, in the professional judgment of the advanced practice registered nurse, the patient is at increased risk for developing a perinatal mental health disorder;

(2) An advanced practice registered nurse providing postnatal care may invite each postpartum patient to complete a questionnaire and, if completed, shall review the questionnaire in accordance with the formal opinions and recommendations of the American College of Obstetricians and Gynecologists; and

(3) An advanced practice registered nurse providing pediatric care to an infant may invite the infant's mother to complete a questionnaire at any well-child checkup occurring during the first year of life at which the mother is present and, if completed, shall review the questionnaire in accordance with the formal opinions and recommendations of the American Academy of Pediatrics, in order to ensure that the health and well-being of the infant are not compromised by an undiagnosed perinatal mental health disorder in the mother.

Sec. 8. Section 38-2001, Revised Statutes Cumulative Supplement, 2020, is amended to read:

38-2001 Sections 38-2001 to 38-2062 and sections 10 to 15 of this act shall be known and may be cited as the Medicine and Surgery Practice Act.

Sec. 9. Section 38-2002, Revised Statutes Cumulative Supplement, 2020, is amended to read:

38-2002 For the purposes of the Medicine and Surgery Practice Act and elsewhere in the Uniform Credentialing Act, unless the context otherwise requires, the definitions found in sections 38-2003 to 38-2022 and sections 10 to 14 of this act apply.

Sec. 10. Licensed health care professional means a physician, an osteopathic physician, or a physician assistant licensed pursuant to the Uniform Credentialing Act.

Sec. 11. Perinatal mental health disorder means a mental health condition that occurs during pregnancy or during the postpartum period, including

depression, anxiety, or postpartum psychosis.

Sec. 12. Postnatal care means an office visit to a licensed health care professional occurring after birth, with reference to the infant or mother.

Sec. 13. Prenatal care means an office visit to a licensed health care professional for pregnancy-related care occurring before birth.

Sec. 14. Questionnaire means a screening tool administered by a licensed health care professional to detect perinatal mental health disorders, such as the Edinburgh Postnatal Depression Scale, the Postpartum Depression Screening Scale, the Beck Depression Inventory, the Patient Health Questionnaire, or other validated screening methods.

Sec. 15. The board may work with accredited hospitals and licensed health care professionals and may create a referral network in Nebraska to develop policies, procedures, information, and educational materials to meet each of the following requirements concerning perinatal mental health disorders:

(1) A licensed health care professional providing prenatal care may:

(a) Provide education to a pregnant patient and, if possible and with permission, to the patient's family about perinatal mental health disorders in accordance with the formal opinions and recommendations of the American College of Obstetricians and Gynecologists; and

(b) Invite each pregnant patient to complete a questionnaire in accordance with the formal opinions and recommendations of the American College of Obstetricians and Gynecologists. Screening for perinatal mental health disorders may be repeated when, in the professional judgment of the licensed health care professional, the patient is at increased risk for developing a perinatal mental health disorder;

(2) A licensed health care professional providing postnatal care may invite each postpartum patient to complete a questionnaire and, if completed, shall review the questionnaire in accordance with the formal opinions and recommendations of the American College of Obstetricians and Gynecologists; and

(3) A licensed health care professional providing pediatric care to an infant may invite the infant's mother to complete a questionnaire at any well-child checkup occurring during the first year of life at which the mother is present and, if completed, shall review the questionnaire in accordance with the formal opinions and recommendations of the American Academy of Pediatrics, in order to ensure that the health and well-being of the infant are not compromised by an undiagnosed perinatal mental health disorder in the mother.

Sec. 16. Original sections 38-201 and 38-203, Reissue Revised Statutes of Nebraska, and sections 38-2001 and 38-2002, Revised Statutes Cumulative Supplement, 2020, are repealed.