

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 730

Introduced by Walz, 15.

Read first time January 23, 2019

Committee: Health and Human Services

1 A BILL FOR AN ACT relating to advanced practice registered nurses; to
2 amend sections 38-201, 38-203, 38-205, 38-206, 38-207, 38-209,
3 38-210, 38-212, 38-606, 38-611, 38-613, 38-617, 38-704, 38-706,
4 38-710, 38-711, 38-905, 38-906, 38-910, 38-1915, 38-2214, 38-2303,
5 38-2304, 38-2308, 38-2309, 38-2311, 38-2312, 38-2314, 38-2315,
6 38-2319, 38-2320, 38-2321, 38-2323, 38-2324, 38-3214, and 38-3215,
7 Reissue Revised Statutes of Nebraska, and sections 38-101, 38-186,
8 38-208, 38-2025, 38-2216, 38-2305, 38-2314.01, 38-2316, 38-2318, and
9 38-2322, Revised Statutes Cumulative Supplement, 2018; to provide,
10 change, and eliminate definitions; to provide, change, transfer, and
11 eliminate provisions relating to advanced practice registered
12 nurses; to eliminate the Certified Nurse Midwifery Practice Act, the
13 Certified Registered Nurse Anesthetist Practice Act, the Clinical
14 Nurse Specialist Practice Act, and the Nurse Practitioner Practice
15 Act; to eliminate obsolete provisions; to harmonize provisions; to
16 provide an operative date; to repeal the original sections; and to
17 outright repeal sections 38-601, 38-602, 38-603, 38-604, 38-605,
18 38-607, 38-608, 38-609, 38-610, 38-612, 38-614, 38-616, 38-618,
19 38-701, 38-702, 38-703, 38-705, 38-707, 38-709, 38-901, 38-902,
20 38-903, 38-904, 38-907, 38-908, 38-909, 38-2301, 38-2302, 38-2306,
21 38-2307, and 38-2313, Reissue Revised Statutes of Nebraska, and
22 sections 38-615, 38-708, and 38-2317, Revised Statutes Cumulative
23 Supplement, 2018.

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

1 Section 1. Section 38-101, Revised Statutes Cumulative Supplement,
2 2018, is amended to read:

3 38-101 Sections 38-101 to 38-1,142 and the following practice acts
4 shall be known and may be cited as the Uniform Credentialing Act:

5 (1) The Advanced Practice Registered Nurse Practice Act;

6 (2) The Alcohol and Drug Counseling Practice Act;

7 (3) The Athletic Training Practice Act;

8 (4) The Audiology and Speech-Language Pathology Practice Act;

9 ~~(5) The Certified Nurse Midwifery Practice Act;~~

10 ~~(6) The Certified Registered Nurse Anesthetist Practice Act;~~

11 ~~(5) (7) The Chiropractic Practice Act;~~

12 ~~(8) The Clinical Nurse Specialist Practice Act;~~

13 ~~(6) (9) The Cosmetology, Electrology, Esthetics, Nail Technology,~~
14 ~~and Body Art Practice Act;~~

15 ~~(7) (10) The Dentistry Practice Act;~~

16 ~~(8) (11) The Dialysis Patient Care Technician Registration Act;~~

17 ~~(9) (12) The Emergency Medical Services Practice Act;~~

18 ~~(10) (13) The Environmental Health Specialists Practice Act;~~

19 ~~(11) (14) The Funeral Directing and Embalming Practice Act;~~

20 ~~(12) (15) The Genetic Counseling Practice Act;~~

21 ~~(13) (16) The Hearing Instrument Specialists Practice Act;~~

22 ~~(17) The Licensed Practical Nurse-Certified Practice Act until~~
23 ~~November 1, 2017;~~

24 ~~(14) (18) The Massage Therapy Practice Act;~~

25 ~~(15) (19) The Medical Nutrition Therapy Practice Act;~~

26 ~~(16) (20) The Medical Radiography Practice Act;~~

27 ~~(17) (21) The Medicine and Surgery Practice Act;~~

28 ~~(18) (22) The Mental Health Practice Act;~~

29 ~~(19) (23) The Nurse Practice Act;~~

30 ~~(24) The Nurse Practitioner Practice Act;~~

31 ~~(20) (25) The Nursing Home Administrator Practice Act;~~

- 1 ~~(21)~~ ~~(26)~~ The Occupational Therapy Practice Act;
- 2 ~~(22)~~ ~~(27)~~ The Optometry Practice Act;
- 3 ~~(23)~~ ~~(28)~~ The Perfusion Practice Act;
- 4 ~~(24)~~ ~~(29)~~ The Pharmacy Practice Act;
- 5 ~~(25)~~ ~~(30)~~ The Physical Therapy Practice Act;
- 6 ~~(26)~~ ~~(31)~~ The Podiatry Practice Act;
- 7 ~~(27)~~ ~~(32)~~ The Psychology Practice Act;
- 8 ~~(28)~~ ~~(33)~~ The Respiratory Care Practice Act;
- 9 ~~(29)~~ ~~(34)~~ The Surgical First Assistant Practice Act;
- 10 ~~(30)~~ ~~(35)~~ The Veterinary Medicine and Surgery Practice Act; and
- 11 ~~(31)~~ ~~(36)~~ The Water Well Standards and Contractors' Practice Act.

12 If there is any conflict between any provision of sections 38-101 to
13 38-1,142 and any provision of a practice act, the provision of the
14 practice act shall prevail.

15 The Revisor of Statutes shall assign the Uniform Credentialing Act,
16 including the practice acts enumerated in subdivisions (1) through ~~(30)~~
17 ~~(35)~~ of this section, to articles within Chapter 38.

18 Sec. 2. Section 38-186, Revised Statutes Cumulative Supplement,
19 2018, is amended to read:

20 38-186 (1) A petition shall be filed by the Attorney General in
21 order for the director to discipline a credential obtained under the
22 Uniform Credentialing Act to:

23 (a) Practice or represent oneself as being certified under any of
24 the practice acts enumerated in subdivisions (1) through ~~(15)~~ ~~(19)~~ and
25 ~~(17)~~ ~~(21)~~ through ~~(30)~~ ~~(35)~~ of section 38-101; or

26 (b) Operate as a business for the provision of services in body art;
27 cosmetology; emergency medical services; esthetics; funeral directing and
28 embalming; massage therapy; and nail technology in accordance with
29 subsection (3) of section 38-121.

30 (2) The petition shall be filed in the office of the director. The
31 department may withhold a petition for discipline or a final decision

1 from public access for a period of five days from the date of filing the
2 petition or the date the decision is entered or until service is made,
3 whichever is earliest.

4 (3) The proceeding shall be summary in its nature and triable as an
5 equity action and shall be heard by the director or by a hearing officer
6 designated by the director under rules and regulations of the department.
7 Affidavits may be received in evidence in the discretion of the director
8 or hearing officer. The department shall have the power to administer
9 oaths, to subpoena witnesses and compel their attendance, and to issue
10 subpoenas duces tecum and require the production of books, accounts, and
11 documents in the same manner and to the same extent as the district
12 courts of the state. Depositions may be used by either party.

13 Sec. 3. Section 38-201, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 38-201 Sections 38-201 to 38-212 and sections 5 to 22, 27, and 31 to
16 47 of this act shall be known and may be cited as the Advanced Practice
17 Registered Nurse Practice Act.

18 Sec. 4. Section 38-203, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 38-203 For purposes of the Advanced Practice Registered Nurse
21 Practice Act and elsewhere in the Uniform Credentialing Act, unless the
22 context otherwise requires, the definitions ~~definition~~ found in section
23 38-204 and sections 5 to 22 of this act ~~apply~~ apply.

24 Sec. 5. Advanced practice registered nurse means an individual who
25 is licensed as a registered nurse under the Nurse Practice Act or has
26 authority based on the Nurse Licensure Compact to practice as a
27 registered nurse in Nebraska and who is licensed in one or more of the
28 following roles of an advanced practice registered nurse: Certified nurse
29 midwife, certified nurse practitioner, certified registered nurse
30 anesthetist, or clinical nurse specialist.

31 Sec. 6. Section 38-2305, Revised Statutes Cumulative Supplement,

1 2018, is amended to read:

2 ~~38-2305~~ Approved advanced practice nursing education nurse
3 ~~practitioner~~ program means a ~~program which: (1) Is a graduate-level~~
4 ~~program in advanced practice registered nursing~~ accredited by a national
5 accrediting body recognized by the United States Department of Education
6 ~~which, for ;(2) Includes, but is not limited to, instruction in~~
7 ~~biological, behavioral, and health sciences relevant to practice as a~~
8 ~~nurse practitioner in a specific clinical area; and (3) For the~~
9 specialties of women's health and neonatal, grants a post-master
10 certificate, master's degree, or doctoral degree for all applicants who
11 graduated on or after July 1, 2007, and for all other specialties, grants
12 a post-master certificate, master's degree, or doctoral degree for all
13 applicants who graduated on or after July 19, 1996.

14 Sec. 7. Section 38-2303, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 ~~38-2303~~ Approved certification process program means a certification
17 process for advanced practice registered nurses nurse practitioners
18 utilized by an approved certifying body that (1) requires evidence of
19 completion of a formal program of study in the role and population foci
20 of the advanced practice registered nurse nurse practitioner clinical
21 ~~specialty~~, (2) requires successful completion of a nationally recognized
22 certification examination developed by the approved certifying body, (3)
23 provides an ongoing recertification process program, and (4) is approved
24 by the board.

25 Sec. 8. Section 38-2304, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 ~~38-2304~~ Approved certifying body means a national certification
28 organization which certifies qualified licensed nurses for practice as an
29 advanced practice registered nurse in a role and population foci clinical
30 ~~specialty area~~ and which (1) requires eligibility criteria related to
31 education and practice, (2) offers an examination in a role and

1 ~~population foci of an advanced practice registered nurse nursing area~~
2 which meets current psychometric guidelines and tests, and (3) is
3 approved by the board.

4 Sec. 9. Section 38-606, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 ~~38-606~~ Certified nurse midwife means a person certified by an
7 approved ~~a board-approved~~ certifying body and licensed under the Advanced
8 Practice Registered Nurse Practice Act to practice as a certified nurse
9 midwife midwifery in the State of Nebraska. ~~Nothing in the Certified~~
10 ~~Nurse Midwifery Practice Act is intended to restrict the practice of~~
11 ~~registered nurses.~~

12 Sec. 10. Section 38-2312, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 ~~38-2312~~ Certified nurse Nurse practitioner means a registered nurse
15 certified by an approved certifying body ~~as described in section 38-2317~~
16 and licensed under the Advanced Practice Registered Nurse Practice Act to
17 practice as a certified nurse practitioner in the State of Nebraska.

18 Sec. 11. Section 38-704, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 ~~38-704~~ Certified registered nurse anesthetist means a ~~licensed~~
21 registered nurse certified by an approved ~~a board-approved~~ certifying
22 body and licensed under the Advanced Practice Registered Nurse Practice
23 Act to practice as a certified registered nurse anesthetist in the State
24 of Nebraska.

25 Sec. 12. Section 38-905, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 ~~38-905~~ Clinical nurse specialist means a registered nurse certified
28 by an approved certifying body ~~as described in section 38-908~~ and
29 licensed under the Advanced Practice Registered Nurse Practice Act to
30 practice as a clinical nurse specialist in the State of Nebraska.

31 Sec. 13. Section 38-906, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 ~~38-906~~ The practice of a clinical nurse specialist includes health
3 promotion, health supervision, illness prevention, and disease
4 management, including assessing patients, synthesizing and analyzing
5 data, and applying advanced nursing practice. The practice of a clinical
6 nurse specialist does not include prescribing medication. A clinical
7 nurse specialist conducts and applies research, advocates, serves as an
8 agent of change, engages in systems management, and assesses and
9 intervenes in complex health care problems within the selected clinical
10 specialty.

11 Sec. 14. Section 38-2308, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 ~~38-2308~~ Collaboration means a process whereby an advanced practice
14 registered and relationship in which a nurse practitioner, together with
15 other health professionals, delivers health care within the scope of
16 authority of the various clinical specialty practices of the
17 collaborating individuals.

18 Sec. 15. Section 38-2309, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 ~~38-2309~~ Consultation means a process whereby an advanced practice
21 registered a nurse practitioner seeks the advice or opinion of a licensed
22 physician or another licensed health care practitioner.

23 Sec. 16. Section 38-2311, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 ~~38-2311~~ Licensed practitioner means any podiatrist, dentist,
26 physician, or osteopathic physician licensed to prescribe, diagnose, and
27 treat as provided in the Uniform Credentialing Act.

28 Sec. 17. Population foci means the categories of patients for which
29 an advanced practice registered nurse has the educational preparation to
30 provide care and services.

31 Sec. 18. Section 38-706, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 ~~38-706~~ (1) Practice of anesthesia means (a) the performance of or
3 the assistance in any act involving the determination, preparation,
4 administration, or monitoring of any drug used to render an individual
5 insensible to pain for procedures requiring the presence of persons
6 educated in the administration of anesthetics or (b) the performance of
7 any act commonly the responsibility of educated anesthesia personnel.
8 Practice of anesthesia includes the use of those techniques which are
9 deemed necessary for adequacy in performance of anesthesia
10 administration.

11 (2) Nothing in the Advanced Practice Certified Registered Nurse
12 ~~Anesthetist~~ Practice Act prohibits (a) routine administration of a drug
13 by a duly licensed registered nurse, licensed practical nurse, or other
14 duly authorized person for the alleviation of pain or (b) the practice of
15 anesthesia by students enrolled in an accredited school of nurse
16 anesthesia when the services performed are a part of the course of study
17 and are under the supervision of a licensed physician or osteopathic
18 physician practitioner or certified registered nurse anesthetist.

19 Sec. 19. Section 38-2314, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 ~~38-2314~~ Referral means a process whereby an advanced practice
22 registered a nurse practitioner directs a the patient to a licensed
23 physician or other licensed health-care practitioner for management of a
24 particular problem or aspect of the patient's care.

25 Sec. 20. Supervising provider means a physician, osteopathic
26 physician, or certified nurse practitioner licensed and practicing in
27 Nebraska and practicing in the same practice specialty, related
28 specialty, or field of practice as the certified nurse practitioner being
29 supervised.

30 Sec. 21. Supervision means the ready availability of the
31 supervising provider for consultation and direction of the activities of

1 the certified nurse practitioner being supervised within such certified
2 nurse practitioner's defined scope of practice.

3 Sec. 22. Section 38-2314.01, Revised Statutes Cumulative Supplement,
4 2018, is amended to read:

5 ~~38-2314.01~~ Transition-to-practice agreement means a collaborative
6 agreement for two thousand hours of initial practice between a certified
7 nurse practitioner and a supervising provider which provides for the
8 delivery of health care through a collaborative practice and which meets
9 the requirements of section 45 of this act ~~38-2322~~.

10 Sec. 23. Section 38-205, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 ~~38-205 (1) Until July 1, 2007, the board shall consist of (a) five~~
13 ~~advanced practice registered nurses representing different advanced~~
14 ~~practice registered nurse specialties for which a license has been~~
15 ~~issued, (b) five physicians licensed under the Uniform Licensing Law to~~
16 ~~practice medicine in Nebraska, at least three of whom shall have a~~
17 ~~current collaborating relationship with an advanced practice registered~~
18 ~~nurse, (c) three consumer members, and (d) one licensed pharmacist.~~

19 ~~The (2) On and after July 1, 2007, the board shall consist of:~~

20 ~~(1) (a) One certified nurse practitioner holding a license under the~~
21 ~~Nurse Practitioner Practice Act, one certified nurse midwife holding a~~
22 ~~license under the Certified Nurse Midwifery Practice Act, one certified~~
23 ~~registered nurse anesthetist holding a license under the Certified~~
24 ~~Registered Nurse Anesthetist Practice Act, and one clinical nurse~~
25 ~~specialist holding a license under the Clinical Nurse Specialist Practice~~
26 ~~Act, except that the initial clinical nurse specialist appointee may be a~~
27 ~~clinical nurse specialist practicing pursuant to the Nurse Practice Act~~
28 ~~as such act existed prior to July 1, 2007. The appointees under this~~
29 ~~subdivision shall be licensed under the Advanced Practice Registered~~
30 ~~Nurse Practice Act. Of the initial appointments under this subdivision,~~
31 one shall be for a two-year term, one shall be for a three-year term, one

1 shall be for a four-year term, and one shall be for a five-year term. All
2 subsequent appointments under this subdivision shall be for five-year
3 terms;

4 ~~(2) (b)~~ Three physicians, one of whom shall have a professional
5 relationship with a certified nurse practitioner, one of whom shall have
6 a professional relationship with a certified nurse midwife, and one of
7 whom shall have a professional relationship with a certified registered
8 nurse anesthetist. Of the initial appointments under this subdivision,
9 one shall be for a three-year term, one shall be for a four-year term,
10 and one shall be for a five-year term. All subsequent appointments under
11 this subdivision shall be for five-year terms; and

12 ~~(3) (c)~~ Two public members. Of the initial appointments under this
13 subdivision, one shall be for a three-year term, and one shall be for a
14 four-year term. All subsequent appointments under this subdivision shall
15 be for five-year terms.

16 ~~(3) Members of the board serving immediately before July 1, 2007,~~
17 ~~shall serve until members are appointed and qualified under subsection~~
18 ~~(2) of this section.~~

19 Sec. 24. Section 38-206, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 38-206 The board shall:

22 ~~(1) Establish standards for integrated practice agreements between~~
23 ~~collaborating physicians and certified nurse midwives;~~

24 ~~(1) (2)~~ Monitor the scope of practice by certified nurse midwives,
25 certified registered nurse anesthetists, clinical nurse specialists, and
26 certified nurse practitioners;

27 ~~(2) (3)~~ Recommend disciplinary action relating to licenses of
28 advanced practice registered nurses, certified nurse midwives, certified
29 registered nurse anesthetists, clinical nurse specialists, and certified
30 nurse practitioners;

31 ~~(3) (4)~~ Engage in other activities not inconsistent with the

1 Advanced Practice Registered Nurse Practice Act, ~~the Certified Nurse~~
2 ~~Midwifery Practice Act, the Certified Registered Nurse Anesthetist~~
3 ~~Practice Act, the Clinical Nurse Specialist Practice Act, and the Nurse~~
4 ~~Practitioner Practice Act; and~~

5 (4) ~~(5)~~ Adopt rules and regulations to implement the Advanced
6 Practice Registered Nurse Practice Act, ~~the Certified Nurse Midwifery~~
7 ~~Practice Act, the Certified Registered Nurse Anesthetist Practice Act,~~
8 ~~the Clinical Nurse Specialist Practice Act, and the Nurse Practitioner~~
9 ~~Practice Act,~~ for promulgation by the department as provided in section
10 38-126. Such rules and regulations shall also include: (a) Approved
11 certification organizations and approved certification processes
12 ~~programs~~; and (b) professional liability insurance.

13 Sec. 25. Section 38-207, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 38-207 The department shall issue a license as an advanced practice
16 registered nurse to a registered nurse who meets the requirements of
17 subsection (1) ~~or (3)~~ of section 38-208. The department may issue a
18 license as an advanced practice registered nurse to a registered nurse
19 pursuant to subsection (2) of section 38-208.

20 Sec. 26. Section 38-208, Revised Statutes Cumulative Supplement,
21 2018, is amended to read:

22 38-208 (1) An applicant for initial licensure as an advanced
23 practice registered nurse shall:

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

27 (b) Be a graduate of or have completed an approved a graduate-level
28 advanced practice nursing education ~~registered nurse~~ program in a role
29 and population foci ~~clinical specialty~~ area of certified registered nurse
30 anesthetist, clinical nurse specialist, certified nurse midwife, or
31 certified nurse practitioner, which program is accredited by a national

1 accrediting body;

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

10 (d) Provide evidence as required by rules and regulations; and

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

16 (2) The department may issue a license under this section to an
17 applicant who holds a license from another jurisdiction if the licensure
18 requirements of such other jurisdiction meet or exceed the requirements
19 for licensure as an advanced practice registered nurse under the Advanced
20 Practice Registered Nurse Practice Act. An applicant under this
21 subsection shall submit documentation as required by rules and
22 regulations.

23 ~~(3) A person licensed as an advanced practice registered nurse or~~
24 ~~certified as a certified registered nurse anesthetist or a certified~~
25 ~~nurse midwife in this state on July 1, 2007, shall be issued a license by~~
26 ~~the department as an advanced practice registered nurse on such date.~~

27 ~~(4) An applicant who is a military spouse may apply for a temporary~~
28 ~~license as provided in section 38-129.01.~~

29 Sec. 27. Section 38-2318, Revised Statutes Cumulative Supplement,
30 2018, is amended to read:

31 ~~38-2318~~ (1)(a) The department may, with the approval of the board,

1 grant a temporary license to practice as an advanced practice registered
2 a nurse practitioner for up to one hundred twenty days upon application:

3 (i) To graduates of an approved advanced practice nursing education
4 ~~nurse practitioner program pending results of the first credentialing~~
5 ~~examination following graduation;~~

6 (ii) To an advanced practice registered a nurse practitioner
7 lawfully authorized to practice in another state pending completion of
8 the application for a Nebraska license; and

9 (iii) To applicants for purposes of a reentry program or supervised
10 practice as part of continuing competency activities established by the
11 board.

12 (b) A temporary license issued pursuant to this subsection may be
13 extended for up to one year with the approval of the board.

14 (2) An applicant who is a military spouse may apply for a temporary
15 license as provided in section 38-129.01.

16 Sec. 28. Section 38-209, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 38-209 (1) The license of each person licensed under the Advanced
19 Practice Registered Nurse Practice Act shall be renewed at the same time
20 and in the same manner as renewal of a license for a registered nurse and
21 shall require that the applicant have current certification from an
22 approved certifying body consistent with his or her scope of practice ~~(1)~~
23 ~~a license as a registered nurse issued by the state or have the authority~~
24 ~~based on the Nurse Licensure Compact to practice as a registered nurse in~~
25 ~~Nebraska, (2) documentation of continuing competency, either by~~
26 ~~reference, peer review, examination, or one or more of the continuing~~
27 ~~competency activities listed in section 38-145 and established by the~~
28 ~~board in rules and regulations, and (3) met any specific requirements for~~
29 ~~renewal under the Certified Nurse Midwifery Practice Act, the Certified~~
30 ~~Registered Nurse Anesthetist Practice Act, the Clinical Nurse Specialist~~
31 ~~Practice Act, or the Nurse Practitioner Practice Act, as applicable.~~

1 (2) Prior to the operative date of this act, if the appropriate
2 certification is not available for a clinical nurse specialist, the board
3 shall provide or approve an alternative method of competency assessment
4 for an applicant for renewal of certification as a clinical nurse
5 specialist.

6 Sec. 29. Section 38-210, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 38-210 An advanced practice registered nurse's license expires if he
9 or she does not renew his or her license to practice as a registered
10 nurse pursuant to the Nurse Practice Act or is not authorized to practice
11 as a registered nurse in this state under the Nurse Licensure Compact.

12 Sec. 30. Section 38-212, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 38-212 A person licensed to practice as an advanced practice
15 registered nurse in this state may use the title advanced practice
16 registered nurse and the abbreviation APRN.

17 Sec. 31. Section 38-617, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 ~~38-617~~ Any person who holds a license to practice nurse midwifery in
20 this state shall have the right to use the title certified nurse midwife
21 and the abbreviation CNM. No other person shall use such title or
22 abbreviation to indicate that he or she is licensed under the Advanced
23 Practice Registered Nurse Practice Act to practice certified nurse
24 midwifery. As provided in subdivision (6) of section 38-179, use of any
25 letters, words, or terms, either as a prefix, affix, or suffix, on
26 stationery, in advertisements, or otherwise, indicating that such person
27 is entitled to practice a profession for which he or she is not
28 credentialed.

29 Sec. 32. Section 38-2321, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 ~~38-2321~~ A person licensed to practice as a certified nurse

1 practitioner in this state may use the title certified nurse practitioner
2 and the abbreviation CNP NP. As provided in subdivision (6) of section
3 38-179, use of any letters, words, or terms, either as a prefix, affix,
4 or suffix, on stationery, in advertisements, or otherwise, indicating
5 that such person is entitled to practice a profession for which he or she
6 is not credentialed.

7 Sec. 33. Section 38-710, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 ~~38-710~~ A person licensed to practice as a certified registered nurse
10 anesthetist in this state may has the right to use the title certified
11 registered nurse anesthetist and the abbreviation CRNA C.R.N.A. As
12 provided in subdivision (6) of section 38-179, use of any letters, words,
13 or terms, either as a prefix, affix, or suffix, on stationery, in
14 advertisements, or otherwise, indicating that such person is entitled to
15 practice a profession for which he or she is not credentialed.

16 Sec. 34. Section 38-910, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 ~~38-910~~ A person licensed to practice as a clinical nurse specialist
19 in this state may has the right to use the title clinical nurse
20 specialist Clinical Nurse Specialist and the abbreviation CNS. As
21 provided in subdivision (6) of section 38-179, use of any letters, words,
22 or terms, either as a prefix, affix, or suffix, on stationery, in
23 advertisements, or otherwise, indicating that such person is entitled to
24 practice a profession for which he or she is not credentialed.

25 Sec. 35. Section 38-2319, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 ~~38-2319~~ To renew a license to practice as an advanced practice
28 registered a nurse practitioner, the applicant shall have:

29 (1) Documentation of a minimum of two thousand eighty hours of
30 practice as an advanced practice registered a nurse practitioner within
31 the five years immediately preceding renewal. These practice hours shall

1 fulfill the requirements of the practice hours required for registered
2 nurse renewal. ~~Practice hours as an advanced practice registered nurse~~
3 ~~prior to July 1, 2007, shall be used to fulfill the requirements of this~~
4 ~~section; and~~

5 (2) Proof of current certification in the specific nurse
6 ~~practitioner clinical~~ specialty area by an approved certification process
7 program.

8 Sec. 36. Section 38-2320, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 ~~38-2320~~ (1) Each advanced practice registered nurse Nurse
11 ~~practitioners~~ shall maintain in effect professional liability insurance
12 with such coverage and limits as may be established by the board.

13 (2) If an advanced practice registered nurse ~~a nurse practitioner~~
14 renders services in a hospital or other health care facility, he or she
15 shall be subject to the rules and regulations of that facility. Such
16 rules and regulations may include, but need not be limited to, reasonable
17 requirements that the advanced practice registered nurse practitioner and
18 all collaborating licensed practitioners maintain professional liability
19 insurance with such coverage and limits as may be established by the
20 hospital or other health care facility upon the recommendation of the
21 medical staff.

22 Sec. 37. An advanced practice registered nurse may, within his or
23 her scope of practice:

24 (1) Conduct an advanced assessment as defined by the board;

25 (2) Order and interpret diagnostic procedures as determined by the
26 board;

27 (3) Establish primary and differential diagnoses as determined by
28 the board;

29 (4) Prescribe, order, administer, dispense, and furnish therapeutic
30 measures as determined by the board;

31 (5) Delegate and assign therapeutic measures to assistive personnel

1 as determined by the board;

2 (6) Consult with other health care professionals and provide
3 referrals to health care agencies, health care providers, and community
4 resources;

5 (7) Wear identification which clearly identifies the individual as
6 an advanced practice registered nurse when providing direct care to a
7 patient unless wearing identification creates a safety or health risk for
8 either the nurse or the patient; and

9 (8) Perform any other activity which is commensurate with the
10 education, training, and certification and consistent with the
11 professional standards of the advanced practice registered nurse.

12 Sec. 38. An advanced practice registered nurse may, within his or
13 her scope of practice, assess the need for, prescribe, and administer
14 drugs, immunizing agents, diagnostic tests, and therapeutic treatments.

15 Sec. 39. An advanced practice registered nurse may, within his or
16 her scope of practice, sign or otherwise complete forms related to
17 patient care, including full signature authority as approved by the board
18 for services authorized within his or her scope of practice.

19 Sec. 40. Section 38-2316, Revised Statutes Cumulative Supplement,
20 2018, is amended to read:

21 ~~38-2316~~ The Advanced Practice Registered Nurse Practitioner Practice
22 Act does not prohibit the performance of activities of an advanced
23 practice registered a nurse practitioner by a person who does not have a
24 license or temporary license under the act if performed:

25 (1) In an emergency situation;

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

28 (3) By a person enrolled in an approved advanced practice nursing
29 education nurse practitioner program for the preparation of an advanced
30 practice registered nurse practitioners as part of that approved program.

31 This section does not allow for the use of the title APRN until a

1 person is licensed under the Advanced Practice Registered Nurse Practice
2 Act.

3 Sec. 41. Section 38-611, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 ~~38-611~~ A certified nurse midwife may, ~~under the provisions of a~~
6 ~~practice agreement,~~ (1) attend cases of normal childbirth, (2) provide
7 prenatal, intrapartum, and postpartum care, (3) provide normal
8 obstetrical and gynecological services for women, and (4) provide care
9 for the newborn immediately following birth. ~~The conditions under which a~~
10 ~~certified nurse midwife is required to refer cases to a collaborating~~
11 ~~licensed practitioner shall be specified in the practice agreement.~~

12 Sec. 42. Section 38-613, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 ~~38-613~~ (1) ~~The specific medical functions to be performed by a~~
15 ~~certified nurse midwife within the scope of permitted practice prescribed~~
16 ~~by section 38-611 shall be described in the practice agreement which~~
17 ~~shall be reviewed and approved by the board. A copy of the agreement~~
18 ~~shall be maintained on file with the board as a condition of lawful~~
19 ~~practice under the Certified Nurse Midwifery Practice Act.~~

20 ~~(2) A certified nurse midwife shall perform the functions detailed~~
21 ~~in the practice agreement only under the supervision of the licensed~~
22 ~~practitioner responsible for the medical care of the patients described~~
23 ~~in the practice agreement. If the collaborating licensed practitioner~~
24 ~~named in the practice agreement becomes temporarily unavailable, the~~
25 ~~certified nurse midwife may perform the authorized medical functions only~~
26 ~~under the supervision of another licensed practitioner designated as a~~
27 ~~temporary substitute for that purpose by the collaborating licensed~~
28 ~~practitioner.~~

29 ~~(3)~~ A certified nurse midwife may perform authorized medical
30 functions only in the following settings:

31 (1) (a) In a licensed or certified health care facility as an

1 employee or as a person granted privileges by the facility;

2 ~~(2) (b) In the primary office of a licensed practitioner whose~~
3 ~~practice includes obstetrics or in any setting authorized by the~~
4 ~~collaborating licensed practitioner, except that a certified nurse~~
5 midwife shall not attend a home delivery; or

6 ~~(3) (c) Within an organized public health agency.~~

7 ~~(4) The department shall, after consultations with the board, adopt~~
8 ~~and promulgate rules and regulations to carry out the Certified Nurse~~
9 ~~Midwifery Practice Act.~~

10 Sec. 43. Section 38-711, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 ~~38-711~~ (1) The determination and administration of total anesthesia
13 care shall be performed by a ~~the~~ certified registered nurse anesthetist
14 or a nurse anesthetist temporarily licensed pursuant to section 27 of
15 this act ~~38-708~~ in consultation and collaboration with and with the
16 consent of the licensed practitioner.

17 (2) The following duties and functions shall be considered as
18 specific expanded role functions of the certified registered nurse
19 anesthetist:

20 (a) Preanesthesia evaluation including physiological studies to
21 determine proper anesthetic management and obtaining informed consent;

22 (b) Selection and application of appropriate monitoring devices;

23 (c) Selection and administration of anesthetic techniques;

24 (d) Evaluation and direction of proper postanesthesia management and
25 dismissal from postanesthesia care;

26 (e) Evaluation and recording of postanesthesia course of patients;

27 and

28 (f) Use of fluoroscopy in conjunction with a licensed medical
29 radiographer in connection with the performance of authorized duties and
30 functions upon (i) the successful completion of appropriate education and
31 training as approved jointly by the department and the board and

1 promulgated by the department in rules and regulations pursuant to
2 section 71-3508 and (ii) a determination regarding the scope and
3 supervision of such use consistent with subsection (3) of this section.

4 (3) The determination of other duties that are normally considered
5 medically delegated duties to the certified registered nurse anesthetist
6 or to a nurse anesthetist temporarily licensed pursuant to section 27 of
7 this act ~~38-708~~ shall be the joint responsibility of the governing board
8 of the hospital, medical staff, and nurse anesthetist personnel of any
9 duly licensed hospital or, if in an office or clinic, the joint
10 responsibility of the duly licensed physician or osteopathic physician
11 ~~practitioner~~ and nurse anesthetist. All such duties, except in cases of
12 emergency, shall be in writing in the form prescribed by hospital or
13 office policy.

14 Sec. 44. Section 38-2315, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 ~~38-2315~~ (1) A certified nurse practitioner may provide health care
17 services within specialty areas. A certified nurse practitioner shall
18 function by establishing collaborative, consultative, and referral
19 networks as appropriate with other health care professionals. Patients
20 who require care beyond the scope of practice of a certified nurse
21 practitioner shall be referred to an appropriate health care provider.

22 (2) Nurse practitioner practice means health promotion, health
23 supervision, illness prevention and diagnosis, treatment, and management
24 of common health problems and acute and chronic conditions, including:

25 (a) Assessing patients, ordering diagnostic tests and therapeutic
26 treatments, synthesizing and analyzing data, and applying advanced
27 nursing principles;

28 (b) Dispensing, incident to practice only, sample medications which
29 are provided by the manufacturer and are provided at no charge to the
30 patient; and

31 (c) Prescribing therapeutic measures and medications relating to

1 health conditions within the scope of practice.

2 (3) A certified nurse practitioner who has proof of a current
3 certification from an approved certification program in a psychiatric or
4 mental health specialty may manage the care of patients committed under
5 the Nebraska Mental Health Commitment Act. Patients who require care
6 beyond the scope of practice of a certified nurse practitioner who has
7 proof of a current certification from an approved certification program
8 in a psychiatric or mental health specialty shall be referred to an
9 appropriate health care provider.

10 (4) A certified nurse practitioner may pronounce death and may
11 complete and sign death certificates and any other forms if such acts are
12 within the scope of practice of the certified nurse practitioner and are
13 not otherwise prohibited by law.

14 Sec. 45. Section 38-2322, Revised Statutes Cumulative Supplement,
15 2018, is amended to read:

16 ~~38-2322~~ (1)(a) A transition-to-practice agreement shall be a formal
17 written agreement that provides that the certified nurse practitioner and
18 the supervising provider practice collaboratively within the framework of
19 their respective scopes of practice.

20 (b) The certified nurse practitioner and the supervising provider
21 shall each be responsible for his or her individual decisions in managing
22 the health care of patients through consultation, collaboration, and
23 referral. The certified nurse practitioner and the supervising provider
24 shall have joint responsibility for the delivery of health care to a
25 patient based upon the scope of practice of the certified nurse
26 practitioner and the supervising provider.

27 (c) The supervising provider shall be responsible for supervision of
28 the certified nurse practitioner to ensure the quality of health care
29 provided to patients.

30 (d) In order for a certified nurse practitioner to be a supervising
31 provider for purposes of a transition-to-practice agreement, the

1 certified nurse practitioner shall submit to the department evidence of
2 completion of ten thousand hours of practice as a certified nurse
3 practitioner which have been completed under a transition-to-practice
4 agreement, under a collaborative agreement, under an integrated practice
5 agreement, through independent practice, or under any combination of such
6 agreements or practice, as allowed in this state or another state.

7 (2) A certified nurse practitioner who was licensed in good standing
8 in Nebraska on or before August 30, 2015, and had attained the equivalent
9 of an initial two thousand hours of practice supervised by a physician or
10 osteopathic physician shall be allowed to practice without a transition-
11 to-practice agreement.

12 ~~(3) For purposes of this section:~~

13 ~~(a) Supervising provider means a physician, osteopathic physician,~~
14 ~~or nurse practitioner licensed and practicing in Nebraska and practicing~~
15 ~~in the same practice specialty, related specialty, or field of practice~~
16 ~~as the nurse practitioner being supervised; and~~

17 ~~(b) Supervision means the ready availability of the supervising~~
18 ~~provider for consultation and direction of the activities of the nurse~~
19 ~~practitioner being supervised within such nurse practitioner's defined~~
20 ~~scope of practice.~~

21 Sec. 46. Section 38-2323, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 ~~38-2323~~ Nothing in the Advanced Practice Registered Nurse
24 ~~Practitioner~~ Practice Act shall prohibit a certified nurse practitioner
25 from consulting or collaborating with and referring patients to health
26 care providers not included in the certified nurse practitioner's
27 transition-to-practice agreement.

28 Sec. 47. Section 38-2324, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 ~~38-2324~~ In addition to the grounds for disciplinary action found in
31 sections 38-178 and 38-179, a license to practice as a certified nurse

1 practitioner may be denied, refused renewal, limited, revoked, or
2 suspended or have other disciplinary measures taken against it in
3 accordance with section 38-196 when the applicant or licensee fails to
4 comply with the provisions of section 71-603.01 and 71-605 relating to
5 the signing of death certificates.

6 Sec. 48. Section 38-1915, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 38-1915 (1) A person licensed by the department, with the
9 recommendation of the board, as a medical radiographer may practice
10 medical radiography on any part of the human anatomy for interpretation
11 by and under the direction of a licensed practitioner, including computed
12 tomography but excluding interpretative fluoroscopic procedures, and may
13 use fluoroscopy in conjunction with a certified registered nurse
14 anesthetist as authorized in section 43 of this act ~~38-711~~.

15 (2) An applicant for a license as a medical radiographer shall:

16 (a) Complete an educational program in radiography approved by the
17 board pursuant to subsection (1) of section 38-1918;

18 (b) Complete an application in accordance with the Uniform
19 Credentialing Act; and

20 (c) Successfully complete an examination approved by the board.

21 (3) Presentation of proof of registration in radiography with the
22 American Registry of Radiologic Technologists is proof of meeting the
23 requirements of subdivisions (2)(a) and (c) of this section.

24 Sec. 49. Section 38-2025, Revised Statutes Cumulative Supplement,
25 2018, is amended to read:

26 38-2025 The following classes of persons shall not be construed to
27 be engaged in the unauthorized practice of medicine:

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

29 (2) Persons administering ordinary household remedies;

30 (3) The members of any church practicing its religious tenets,
31 except that they shall not prescribe or administer drugs or medicines,

1 perform surgical or physical operations, nor assume the title of or hold
2 themselves out to be physicians, and such members shall not be exempt
3 from the quarantine laws of this state;

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

7 (5) Physicians who serve in the armed forces of the United States or
8 the United States Public Health Service or who are employed by the United
9 States Department of Veterans Affairs or other federal agencies, if their
10 practice is limited to that service or employment;

11 (6) Physicians who are licensed in good standing to practice
12 medicine under the laws of another state when incidentally called into
13 this state or contacted via electronic or other medium for consultation
14 with a physician licensed in this state. For purposes of this
15 subdivision, consultation means evaluating the medical data of the
16 patient as provided by the treating physician and rendering a
17 recommendation to such treating physician as to the method of treatment
18 or analysis of the data. The interpretation of a radiological image by a
19 physician who specializes in radiology is not a consultation;

20 (7) Physicians who are licensed in good standing to practice
21 medicine in another state but who, from such other state, order
22 diagnostic or therapeutic services on an irregular or occasional basis,
23 to be provided to an individual in this state, if such physicians do not
24 maintain and are not furnished for regular use within this state any
25 office or other place for the rendering of professional services or the
26 receipt of calls;

27 (8) Physicians who are licensed in good standing to practice
28 medicine in another state and who, on an irregular and occasional basis,
29 are granted temporary hospital privileges to practice medicine and
30 surgery at a hospital or other medical facility licensed in this state;

31 (9) Persons providing or instructing as to use of braces, prosthetic

1 appliances, crutches, contact lenses, and other lenses and devices
2 prescribed by a physician licensed to practice medicine while working
3 under the direction of such physician;

4 (10) Dentists practicing their profession when licensed and
5 practicing in accordance with the Dentistry Practice Act;

6 (11) Optometrists practicing their profession when licensed and
7 practicing under and in accordance with the Optometry Practice Act;

8 (12) Osteopathic physicians practicing their profession if licensed
9 and practicing under and in accordance with sections 38-2029 to 38-2033;

10 (13) Chiropractors practicing their profession if licensed and
11 practicing under the Chiropractic Practice Act;

12 (14) Podiatrists practicing their profession when licensed to
13 practice in this state and practicing under and in accordance with the
14 Podiatry Practice Act;

15 (15) Psychologists practicing their profession when licensed to
16 practice in this state and practicing under and in accordance with the
17 Psychology Interjurisdictional Compact or the Psychology Practice Act;

18 (16) Advanced practice registered nurses practicing in their role
19 and population foci ~~clinical specialty areas~~ when licensed under the
20 Advanced Practice Registered Nurse Practice Act and practicing ~~under and~~
21 in accordance with their respective scope of practice acts;

22 (17) Surgical first assistants practicing in accordance with the
23 Surgical First Assistant Practice Act;

24 (18) Persons licensed or certified under the laws of this state to
25 practice a limited field of the healing art, not specifically named in
26 this section, when confining themselves strictly to the field for which
27 they are licensed or certified, not assuming the title of physician,
28 surgeon, or physician and surgeon, and not professing or holding
29 themselves out as qualified to prescribe drugs in any form or to perform
30 operative surgery;

31 (19) Persons obtaining blood specimens while working under an order

1 of or protocols and procedures approved by a physician, registered nurse,
2 or other independent health care practitioner licensed to practice by the
3 state if the scope of practice of that practitioner permits the
4 practitioner to obtain blood specimens;

5 (20) Physicians who are licensed in good standing to practice
6 medicine under the laws of another state or jurisdiction who accompany an
7 athletic team or organization into this state for an event from the state
8 or jurisdiction of licensure. This exemption is limited to treatment
9 provided to such athletic team or organization while present in Nebraska;
10 and

11 (21) Other trained persons employed by a licensed health care
12 facility or health care service defined in the Health Care Facility
13 Licensure Act or clinical laboratory certified pursuant to the federal
14 Clinical Laboratories Improvement Act of 1967, as amended, or Title XVIII
15 or XIX of the federal Social Security Act to withdraw human blood for
16 scientific or medical purposes.

17 Any person who has held or applied for a license to practice
18 medicine and surgery in this state, and such license or application has
19 been denied or such license has been refused renewal or disciplined by
20 order of limitation, suspension, or revocation, shall be ineligible for
21 the exceptions described in subdivisions (5) through (8) of this section
22 until such license or application is granted or such license is renewed
23 or reinstated. Every act or practice falling within the practice of
24 medicine and surgery as defined in section 38-2024 and not specially
25 excepted in this section shall constitute the practice of medicine and
26 surgery and may be performed in this state only by those licensed by law
27 to practice medicine in Nebraska.

28 Sec. 50. Section 38-2214, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 38-2214 (1) Each licensed practical nurse educator on the board
31 shall (a) be a registered nurse currently licensed in the state, (b) have

1 graduated with a graduate degree in nursing or a related field of study,
2 (c) have had a minimum of five years' experience in administration,
3 teaching, or consultation in practical nurse education, and (d) be
4 currently employed as a practical nurse educator.

5 (2) Each associate degree or diploma nurse educator on the board and
6 the baccalaureate nurse educator on the board shall (a) be a registered
7 nurse currently licensed in the state, (b) have graduated with a graduate
8 degree in nursing, (c) have had a minimum of five years' experience in
9 administration, teaching, or consultation in nursing education, and (d)
10 be currently employed in the field being represented.

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

15 (4) Each nursing service administrator on the board shall (a) be a
16 registered nurse currently licensed in the state, (b) have had a minimum
17 of five years' experience in nursing service administration, and (c) be
18 currently employed in such field.

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

26 (6) Each public member shall meet the requirements of section
27 38-165.

28 (7) Each ~~The~~ advanced practice registered nurse on the board shall
29 (a) have a minimum of five years' experience as an advanced practice
30 registered nurse, (b) be currently employed as an advanced practice
31 registered nurse in the role for which he or she was appointed, and (c)

1 be licensed as an advanced practice registered nurse.

2 (8) Members serving on December 1, 2008, may complete their
3 respective terms even if they do not meet the requirements for
4 appointment as changed by Laws 2007, LB 463.

5 Sec. 51. Section 38-2216, Revised Statutes Cumulative Supplement,
6 2018, is amended to read:

7 38-2216 In addition to the duties listed in sections 38-126 and
8 38-161, the board shall:

9 (1) Adopt reasonable and uniform standards for nursing practice and
10 nursing education;

11 (2) If requested, issue or decline to issue advisory opinions
12 defining acts which in the opinion of the board are or are not permitted
13 in the practice of nursing. Such opinions shall be considered
14 informational only and are nonbinding. Practice-related information
15 provided by the board to advanced practice registered nurses licensed
16 under the Advanced Practice Registered Nurse Act and to registered nurses
17 or licensed practical nurses licensed under the Nurse Practice Act shall
18 be made available by the board on request to nurses practicing in this
19 state under a license issued by a state that is a party to the Nurse
20 Licensure Compact;

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

26 (4) Approve educational programs which meet the requirements of the
27 Nurse Practice Act;

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

30 (6) Adopt rules and regulations establishing standards for
31 delegation of nursing activities, including training or experience

1 requirements, competency determination, and nursing supervision;

2 (7) Collect data regarding nursing;

3 (8) Provide consultation and conduct conferences, forums, studies,
4 and research on nursing practice and education;

5 (9) Join organizations that develop and regulate the national
6 nursing licensure examinations and exclusively promote the improvement of
7 the legal standards of the practice of nursing for the protection of the
8 public health, safety, and welfare; and

9 (10) Administer the Nurse Licensure Compact. In reporting
10 information to the coordinated licensure information system under Article
11 VII of the compact, the department may disclose personal identifying
12 information about a nurse, including his or her social security number.

13 Sec. 52. Section 38-3214, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 38-3214 Any health care facility or home care agency providing
16 inpatient or outpatient respiratory care service shall designate a
17 medical director, who shall be a licensed physician who has special
18 interest and knowledge in the diagnosis and treatment of respiratory
19 problems. Such physician shall (1) be an active medical staff member of a
20 licensed health care facility, (2) whenever possible be qualified by
21 special training or experience in the management of acute and chronic
22 respiratory disorders, and (3) be competent to monitor and assess the
23 quality, safety, and appropriateness of the respiratory care services
24 which are being provided. The medical director shall be accessible to and
25 assure the competency of respiratory care practitioners and shall require
26 that respiratory care be ordered by a licensed physician, a licensed
27 physician assistant, a certified nurse practitioner as defined in section
28 10 of this act ~~38-2312~~, or a certified registered nurse anesthetist as
29 defined in section 11 of this act ~~38-704~~, who has medical responsibility
30 for any patient that needs such care.

31 Sec. 53. Section 38-3215, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 38-3215 The practice of respiratory care shall be performed only
3 under the direction of a medical director and upon the order of a
4 licensed physician, a licensed physician assistant, a certified nurse
5 practitioner as defined in section 10 of this act ~~38-2312~~, or a certified
6 registered nurse anesthetist as defined in section 11 of this act ~~38-704~~.

7 Sec. 54. This act becomes operative on January 1, 2020.

8 Sec. 55. Original sections 38-201, 38-203, 38-205, 38-206, 38-207,
9 38-209, 38-210, 38-212, 38-606, 38-611, 38-613, 38-617, 38-704, 38-706,
10 38-710, 38-711, 38-905, 38-906, 38-910, 38-1915, 38-2214, 38-2303,
11 38-2304, 38-2308, 38-2309, 38-2311, 38-2312, 38-2314, 38-2315, 38-2319,
12 38-2320, 38-2321, 38-2323, 38-2324, 38-3214, and 38-3215, Reissue Revised
13 Statutes of Nebraska, and sections 38-101, 38-186, 38-208, 38-2025,
14 38-2216, 38-2305, 38-2314.01, 38-2316, 38-2318, and 38-2322, Revised
15 Statutes Cumulative Supplement, 2018, are repealed.

16 Sec. 56. The following sections are outright repealed: Sections
17 38-601, 38-602, 38-603, 38-604, 38-605, 38-607, 38-608, 38-609, 38-610,
18 38-612, 38-614, 38-616, 38-618, 38-701, 38-702, 38-703, 38-705, 38-707,
19 38-709, 38-901, 38-902, 38-903, 38-904, 38-907, 38-908, 38-909, 38-2301,
20 38-2302, 38-2306, 38-2307, and 38-2313, Reissue Revised Statutes of
21 Nebraska, and sections 38-615, 38-708, and 38-2317, Revised Statutes
22 Cumulative Supplement, 2018.