

AMENDMENTS TO LB202

Introduced by Health and Human Services.

1 1. Strike the original sections and insert the following new
2 sections:

3 **Section 1.** Section 38-2037, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 38-2037 (1) In addition to the grounds for disciplinary action found
6 in sections 38-178 and 38-179, a license to practice medicine and surgery
7 or osteopathic medicine and surgery or a license to practice as a
8 physician assistant may be denied, refused renewal, limited, revoked, or
9 suspended or have other disciplinary measures taken against it in
10 accordance with section 38-196 when the applicant or licensee fails to
11 comply with the provisions of section 71-603.01, 71-604, 71-605, or
12 71-606 relating to the signing of birth and death certificates.

13 (2)(a) It is the intent of the Legislature to ensure the protection
14 of the rights under the First Amendment to the Constitution of the United
15 States for individuals licensed to practice medicine and surgery or
16 osteopathic medicine and surgery by providing for the public expression
17 of differing medical opinions and allowing such opinions to be subjected
18 to the scrutiny of public and professional forums. A license to practice
19 medicine and surgery or osteopathic medicine and surgery shall not be
20 subject to any disciplinary measures as a result of an applicant or
21 licensee expressing an opinion in a public or professional forum.

22 (b) The expression of an opinion by an applicant or licensee in a
23 public or professional forum does not include the expression of an
24 opinion offered in the course of the applicant's or licensee's practice,
25 including providing services to a patient.

26 **Sec. 2.** Original section 38-2037, Reissue Revised Statutes of
27 Nebraska, is repealed.