

AMENDMENTS TO LB676

Introduced by Health and Human Services.

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

3 **Section 1.** Section 38-101, Revised Statutes Cumulative Supplement,
4 2024, is amended to read:

5 38-101 Sections 38-101 to 38-1,148 and the following practice acts
6 shall be known and may be cited as the Uniform Credentialing Act:

- 7 (1) The Advanced Practice Registered Nurse Practice Act;
8 (2) The Alcohol and Drug Counseling Practice Act;
9 (3) The Athletic Training Practice Act;
10 (4) The Audiology and Speech-Language Pathology Practice Act;
11 (5) The Behavior Analyst Practice Act;
12 (6) The Certified Nurse Midwifery Practice Act;
13 (7) The Certified Registered Nurse Anesthetist Practice Act;
14 (8) The Chiropractic Practice Act;
15 (9) The Clinical Nurse Specialist Practice Act;
16 (10) The Cosmetology, Electrology, Esthetics, Nail Technology, and
17 Body Art Practice Act;
18 (11) The Dentistry Practice Act;
19 (12) The Dialysis Patient Care Technician Registration Act;
20 (13) The Emergency Medical Services Practice Act;
21 (14) The Environmental Health Specialists Practice Act;
22 (15) The Funeral Directing and Embalming Practice Act;
23 (16) The Genetic Counseling Practice Act;
24 (17) The Hearing Instrument Specialists Practice Act;
25 (18) The Licensed Professional Midwives ~~Practical Nurse-Certified~~
26 Practice Act ~~until November 1, 2017~~;
27 (19) The Massage Therapy Practice Act;

- 1 (20) The Medical Nutrition Therapy Practice Act;
- 2 (21) The Medical Radiography Practice Act;
- 3 (22) The Medicine and Surgery Practice Act;
- 4 (23) The Mental Health Practice Act;
- 5 (24) The Nurse Practice Act;
- 6 (25) The Nurse Practitioner Practice Act;
- 7 (26) The Nursing Home Administrator Practice Act;
- 8 (27) The Occupational Therapy Practice Act;
- 9 (28) The Optometry Practice Act;
- 10 (29) The Perfusion Practice Act;
- 11 (30) The Pharmacy Practice Act;
- 12 (31) The Physical Therapy Practice Act;
- 13 (32) The Podiatry Practice Act;
- 14 (33) The Psychology Practice Act;
- 15 (34) The Respiratory Care Practice Act;
- 16 (35) The Surgical First Assistant Practice Act; and
- 17 (36) The Veterinary Medicine and Surgery Practice Act.

18 If there is any conflict between any provision of sections 38-101 to
19 38-1,148 and any provision of a practice act, the provision of the
20 practice act shall prevail except as otherwise specifically provided in
21 section 38-129.02.

22 **Sec. 2.** Section 38-121, Revised Statutes Cumulative Supplement,
23 2024, is amended to read:

24 38-121 (1) No individual shall engage in the following practices
25 unless such individual has obtained a credential under the Uniform
26 Credentialing Act:

- 27 (a) Acupuncture;
- 28 (b) Advanced practice nursing;
- 29 (c) Alcohol and drug counseling;
- 30 (d) Asbestos abatement, inspection, project design, and training;
- 31 (e) Athletic training;

- 1 (f) Audiology;
- 2 (g) Speech-language pathology;
- 3 (h) ~~Behavior Beginning one year after September 2, 2023, behavior~~
- 4 analysis;
- 5 (i) Body art;
- 6 (j) Chiropractic;
- 7 (k) Cosmetology;
- 8 (l) Dentistry;
- 9 (m) Dental hygiene;
- 10 (n) Electrology;
- 11 (o) Emergency medical services;
- 12 (p) Esthetics;
- 13 (q) Funeral directing and embalming;
- 14 (r) Genetic counseling;
- 15 (s) Hearing instrument dispensing and fitting;
- 16 (t) Lead-based paint abatement, inspection, project design, and
- 17 training;
- 18 (u) Licensed practical nurse-certified until November 1, 2017;
- 19 (v) Massage therapy;
- 20 (w) Medical nutrition therapy;
- 21 (x) Medical radiography;
- 22 (y) Medicine and surgery;
- 23 (z) Mental health practice;
- 24 (aa) Nail technology;
- 25 (bb) Nursing;
- 26 (cc) Nursing home administration;
- 27 (dd) Occupational therapy;
- 28 (ee) Optometry;
- 29 (ff) Osteopathy;
- 30 (gg) Perfusion;
- 31 (hh) Pharmacy;

- 1 (ii) Physical therapy;
- 2 (jj) Podiatry;
- 3 (kk) Professional midwifery;
- 4 (ll) ~~(kk)~~ Psychology;
- 5 (mm) ~~(ll)~~ Radon detection, measurement, and mitigation;
- 6 (nn) ~~(mm)~~ Respiratory care;
- 7 (oo) ~~(nn)~~ Surgical assisting; and
- 8 (pp) ~~(oo)~~ Veterinary medicine and surgery.

9 (2) No individual shall hold himself or herself out as any of the
10 following until such individual has obtained a credential under the
11 Uniform Credentialing Act for that purpose:

- 12 (a) Registered environmental health specialist;
- 13 (b) Certified marriage and family therapist;
- 14 (c) Certified professional counselor;
- 15 (d) Certified art therapist;
- 16 (e) Social worker; or
- 17 (f) Dialysis patient care technician.

18 (3) No business shall operate for the provision of any of the
19 following services unless such business has obtained a credential under
20 the Uniform Credentialing Act:

- 21 (a) Body art;
- 22 (b) Cosmetology;
- 23 (c) Emergency medical services;
- 24 (d) Esthetics;
- 25 (e) Funeral directing and embalming;
- 26 (f) Massage therapy; or
- 27 (g) Nail technology.

28 **Sec. 3.** Section 38-131, Revised Statutes Cumulative Supplement,
29 2024, is amended to read:

30 38-131 (1) An applicant for an initial license to practice as a
31 registered nurse, a licensed practical nurse, a physical therapist, a

1 physical therapy assistant, a psychologist, an advanced emergency medical
2 technician, an emergency medical technician, an audiologist, a speech-
3 language pathologist, a licensed independent mental health practitioner,
4 an occupational therapist, an occupational therapy assistant, a licensed
5 professional midwife, a dietitian, a certified social worker, a certified
6 master social worker, a licensed clinical social worker, a paramedic, a
7 physician, an osteopathic physician, a physician or osteopathic physician
8 who is an applicant for a temporary educational permit, a physician or
9 osteopathic physician who is an applicant for a temporary visiting
10 faculty permit, a physician assistant, a dentist, an optometrist, a
11 podiatrist, a veterinarian, an advanced practice registered nurse-nurse
12 practitioner, an advanced practice registered nurse-certified nurse
13 midwife, or an advanced practice registered nurse-certified registered
14 nurse anesthetist shall be subject to a criminal background check. Except
15 as provided in subsection (4) of this section, such an applicant for an
16 initial license shall submit a full set of fingerprints to the Nebraska
17 State Patrol for a criminal history record information check. The
18 applicant shall authorize release of the results of the national criminal
19 history record information check by the Federal Bureau of Investigation
20 to the department. The applicant shall pay the actual cost of the
21 fingerprinting and criminal background check.

22 (2) The Nebraska State Patrol is authorized to submit the
23 fingerprints of such applicants to the Federal Bureau of Investigation
24 and to issue a report to the department that includes the criminal
25 history record information concerning the applicant. The Nebraska State
26 Patrol shall forward submitted fingerprints to the Federal Bureau of
27 Investigation for a national criminal history record information check.
28 The Nebraska State Patrol shall issue a report to the department that
29 includes the criminal history record information concerning the
30 applicant.

31 (3) This section shall not apply to a dentist who is an applicant

1 for a dental locum tenens under section 38-1122, to a physician or
2 osteopathic physician who is an applicant for a physician locum tenens
3 under section 38-2036, or to a veterinarian who is an applicant for a
4 veterinarian locum tenens under section 38-3335.

5 (4) A physician or osteopathic physician who is an applicant for a
6 temporary educational permit shall have ninety days from the issuance of
7 the permit to comply with subsection (1) of this section and shall have
8 such permit suspended after such ninety-day period if the criminal
9 background check is not complete or revoked if the criminal background
10 check reveals that the applicant was not qualified for the permit.

11 (5) The department and the Nebraska State Patrol may adopt and
12 promulgate rules and regulations concerning costs associated with the
13 fingerprinting and the national criminal history record information
14 check.

15 (6) For purposes of interpretation by the Federal Bureau of
16 Investigation, the term department in this section means the Division of
17 Public Health of the Department of Health and Human Services.

18 **Sec. 4.** Section 38-167, Revised Statutes Cumulative Supplement,
19 2024, is amended to read:

20 38-167 (1) Boards shall be designated as follows:

- 21 (a) Board of Advanced Practice Registered Nurses;
- 22 (b) Board of Alcohol and Drug Counseling;
- 23 (c) Board of Athletic Training;
- 24 (d) Board of Audiology and Speech-Language Pathology;
- 25 (e) Board of Behavior Analysts;
- 26 (f) Board of Chiropractic;
- 27 (g) Board of Cosmetology, Electrology, Esthetics, Nail Technology,
28 and Body Art;
- 29 (h) Board of Dentistry;
- 30 (i) Board of Emergency Medical Services;
- 31 (j) Board of Registered Environmental Health Specialists;

- 1 (k) Board of Funeral Directing and Embalming;
- 2 (l) Board of Hearing Instrument Specialists;
- 3 (m) Board of Massage Therapy;
- 4 (n) Board of Medical Nutrition Therapy;
- 5 (o) Board of Medical Radiography;
- 6 (p) Board of Medicine and Surgery;
- 7 (q) Board of Mental Health Practice;
- 8 (r) Board of Licensed Professional Midwives;
- 9 (s) ~~(r)~~ Board of Nursing;
- 10 (t) ~~(s)~~ Board of Nursing Home Administration;
- 11 (u) ~~(t)~~ Board of Occupational Therapy Practice;
- 12 (v) ~~(u)~~ Board of Optometry;
- 13 (w) ~~(v)~~ Board of Pharmacy;
- 14 (x) ~~(w)~~ Board of Physical Therapy;
- 15 (y) ~~(x)~~ Board of Podiatry;
- 16 (z) ~~(y)~~ Board of Psychology;
- 17 (aa) ~~(z)~~ Board of Respiratory Care Practice; and
- 18 (bb) ~~(aa)~~ Board of Veterinary Medicine and Surgery.

19 (2) Any change made by the Legislature of the names of boards listed
20 in this section shall not change the membership of such boards or affect
21 the validity of any action taken by or the status of any action pending
22 before any of such boards. Any such board newly named by the Legislature
23 shall be the direct and only successor to the board as previously named.

24 **Sec. 5.** Section 38-206, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 38-206 The board shall:

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

29 (1) ~~(2)~~ Monitor the scope of practice by certified nurse midwives,
30 certified registered nurse anesthetists, clinical nurse specialists, and
31 nurse practitioners;

1 (2) ~~(3)~~ Recommend disciplinary action relating to licenses of
2 advanced practice registered nurses, certified nurse midwives, certified
3 registered nurse anesthetists, clinical nurse specialists, and nurse
4 practitioners;

5 (3) ~~(4)~~ Engage in other activities not inconsistent with the
6 Advanced Practice Registered Nurse Practice Act, the Certified Nurse
7 Midwifery Practice Act, the Certified Registered Nurse Anesthetist
8 Practice Act, the Clinical Nurse Specialist Practice Act, and the Nurse
9 Practitioner Practice Act; and

10 (4) ~~(5)~~ Adopt rules and regulations to implement the Advanced
11 Practice Registered Nurse Practice Act, the Certified Nurse Midwifery
12 Practice Act, the Certified Registered Nurse Anesthetist Practice Act,
13 the Clinical Nurse Specialist Practice Act, and the Nurse Practitioner
14 Practice Act, for promulgation by the department as provided in section
15 38-126. Such rules and regulations shall also include: (a) Approved
16 certification organizations and approved certification programs; and (b)
17 professional liability insurance.

18 **Sec. 6.** Section 38-601, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 38-601 Sections 38-601 to 38-618 and section 11 of this act shall be
21 known and may be cited as the Certified Nurse Midwifery Practice Act.

22 **Sec. 7.** Section 38-603, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 38-603 For purposes of the Certified Nurse Midwifery Practice Act
25 and elsewhere in the Uniform Credentialing Act, unless the context
26 otherwise requires, the definitions found in sections 38-605 ~~38-604~~ to
27 38-610 and section 11 of this act apply.

28 **Sec. 8.** Section 38-604, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 38-604 Approved certified nurse midwifery education program means a
31 certified nurse midwifery education program approved by the board. The

1 board may require such program to be accredited by the Accreditation
2 Commission for Midwifery Education American College of Nurse-Midwives.

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

5 38-606 Certified nurse midwife means a person certified by a board-
6 approved certifying body and licensed under the Advanced Practice
7 Registered Nurse Practice Act to practice certified nurse midwifery in
8 the State of Nebraska. Nothing in the Certified Nurse Midwifery Practice
9 Act is intended to restrict the practice of other health care providers
10 registered nurses. Nothing in the act is intended to apply to licensed
11 professional midwives practicing within the scope of practice authorized
12 under the Licensed Professional Midwives Practice Act.

13 **Sec. 10.** Section 38-607, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 38-607 Collaboration means a process and relationship in which a
16 certified nurse midwife works ~~together~~ with other health care providers
17 ~~professionals~~ to deliver health care within the scope of practice of
18 certified nurse midwifery as provided in the Certified Nurse Midwifery
19 Practice Act. ~~The collaborative relationship between the physician and~~
20 ~~the nurse midwife shall be subject to the control and regulation of the~~
21 ~~board.~~

22 **Sec. 11.** Consultation means a process whereby a certified nurse
23 midwife seeks the advice or opinion of a physician or another health care
24 provider.

25 **Sec. 12.** Section 38-608, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 38-608 Health care provider means a health care professional
28 licensed under the Uniform Credentialing Act.

29 ~~Licensed practitioner means any physician licensed to practice~~
30 ~~pursuant to the Medicine and Surgery Practice Act, whose practice~~
31 ~~includes obstetrics.~~

1 **Sec. 13.** Section 38-610, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 38-610 Referral means a process whereby a certified nurse midwife
4 directs the patient to a physician or other health care provider for
5 management of a particular problem or aspect of the patient's care.
6 ~~Supervision means the ready availability of a collaborating licensed~~
7 ~~practitioner for consultation and direction of the activities of the~~
8 ~~certified nurse midwife related to delegated medical functions as~~
9 ~~outlined in the practice agreement.~~

10 **Sec. 14.** Section 38-611, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 38-611 (1) A certified nurse midwife may provide health care
13 services within the midwife's specialty area. A certified nurse midwife
14 shall function by establishing collaborative, consultative, and referral
15 networks as appropriate with other health care professionals. A certified
16 nurse midwife shall refer a patient who requires care beyond the scope of
17 practice of the certified nurse midwife to an appropriate health care
18 provider. A health care provider or hospital that accepts a transfer of a
19 patient from a certified nurse midwife shall not be liable for an outcome
20 arising from action or inaction of the certified nurse midwife.

21 (2) The practice of a certified nurse midwife may include, but is
22 not limited to:

23 (a) Providing preconception, prenatal, intrapartum, and postpartum
24 care;

25 (b) Providing gynecological services;

26 (c) Providing primary care for females;

27 (d) Providing care for a newborn immediately following birth through
28 twenty-eight days of age;

29 (e) Assessing patients, ordering diagnostic tests and therapeutic
30 treatments, synthesizing and analyzing data, and applying advanced
31 nursing principles;

1 (f) Dispensing sample medications that are provided by the
2 manufacturer and are provided at no charge to the patient;

3 (g) Prescribing therapeutic measures and medications relating to
4 health conditions within the scope of practice of a certified nurse
5 midwife; and

6 (h) Pronouncing death and completing and signing a death certificate
7 and any other form if such activities are within the scope of practice of
8 the certified nurse midwife and are not otherwise prohibited by law.

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

16 **Sec. 15.** Section 38-618, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 38-618 Nothing in the Certified Nurse Midwifery Practice Act shall
19 be interpreted to permit independent practice. Nothing in the act shall
20 prohibit the practice of professional midwifery by a licensed
21 professional midwife under the Licensed Professional Midwives Practice
22 Act.

23 **Sec. 16.** Section 38-2025, Revised Statutes Cumulative Supplement,
24 2024, is amended to read:

25 38-2025 The following classes of persons shall not be construed to
26 be engaged in the unauthorized practice of medicine:

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

28 (2) Persons administering ordinary household remedies;

29 (3) The members of any church practicing its religious tenets,
30 except that they shall not prescribe or administer drugs or medicines,
31 perform surgical or physical operations, nor assume the title of or hold

1 themselves out to be physicians, and such members shall not be exempt
2 from the quarantine laws of this state;

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

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

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

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

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

30 (9) Persons providing or instructing as to use of braces, prosthetic
31 appliances, crutches, contact lenses, and other lenses and devices

1 prescribed by a physician licensed to practice medicine while working
2 under the direction of such physician;

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

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

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

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

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

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

17 (16) Advanced practice registered nurses practicing in their
18 clinical specialty areas when licensed under the Advanced Practice
19 Registered Nurse Practice Act and practicing under and in accordance with
20 their respective practice acts;

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

23 (18) Licensed professional midwives practicing in accordance with
24 the Licensed Professional Midwives Practice Act;

25 (19) ~~(18)~~ Persons licensed or certified under the laws of this state
26 to practice a limited field of the healing art, not specifically named in
27 this section, when confining themselves strictly to the field for which
28 they are licensed or certified, not assuming the title of physician,
29 surgeon, or physician and surgeon, and not professing or holding
30 themselves out as qualified to prescribe drugs in any form or to perform
31 operative surgery;

1 (20) ~~(19)~~ Persons obtaining blood specimens while working under an
2 order of or protocols and procedures approved by a physician, registered
3 nurse, or other independent health care practitioner licensed to practice
4 by the state if the scope of practice of that practitioner permits the
5 practitioner to obtain blood specimens;

6 (21) ~~(20)~~ Physicians who are licensed in good standing to practice
7 medicine under the laws of another state or jurisdiction who accompany an
8 athletic team or organization into this state for an event from the state
9 or jurisdiction of licensure. This exemption is limited to treatment
10 provided to such athletic team or organization while present in Nebraska;

11 (22) ~~(21)~~ Persons who are not licensed, certified, or registered
12 under the Uniform Credentialing Act, to whom are assigned tasks by a
13 physician or osteopathic physician licensed under the Medicine and
14 Surgery Practice Act, if such assignment of tasks is in a manner
15 consistent with accepted medical standards and appropriate to the skill
16 and training, on the job or otherwise, of the persons to whom the tasks
17 are assigned. For purposes of this subdivision, assignment of tasks means
18 the routine care, activities, and procedures that (a) are part of the
19 routine functions of such persons who are not so licensed, certified, or
20 registered, (b) reoccur frequently in the care of a patient or group of
21 patients, (c) do not require such persons who are not so licensed,
22 certified, or registered to exercise independent clinical judgment, (d)
23 do not require the performance of any complex task, (e) have results
24 which are predictable and have minimal potential risk, and (f) utilize a
25 standard and unchanging procedure; and

26 (23) ~~(22)~~ Other trained persons employed by a licensed health care
27 facility or health care service defined in the Health Care Facility
28 Licensure Act or clinical laboratory certified pursuant to the federal
29 Clinical Laboratories Improvement Act of 1967, as amended, or Title XVIII
30 or XIX of the federal Social Security Act to withdraw human blood for
31 scientific or medical purposes.

1 Any person who has held or applied for a license to practice
2 medicine and surgery in this state, and such license or application has
3 been denied or such license has been refused renewal or disciplined by
4 order of limitation, suspension, or revocation, shall be ineligible for
5 the exceptions described in subdivisions (5) through (8) of this section
6 until such license or application is granted or such license is renewed
7 or reinstated. Every act or practice falling within the practice of
8 medicine and surgery as defined in section 38-2024 and not specially
9 excepted in this section shall constitute the practice of medicine and
10 surgery and may be performed in this state only by those licensed by law
11 to practice medicine in Nebraska.

12 **Sec. 17.** Sections 17 to 37 of this act shall be known and may be
13 cited as the Licensed Professional Midwives Practice Act.

14 **Sec. 18.** For purposes of the Licensed Professional Midwives
15 Practice Act and elsewhere in the Uniform Credentialing Act, unless the
16 context otherwise requires, the definitions found in sections 19 to 24 of
17 this act apply.

18 **Sec. 19.** Board means the Board of Licensed Professional Midwives.

19 **Sec. 20.** Client means a person under the care of a licensed
20 professional midwife and such person's fetus or newborn.

21 **Sec. 21.** Direct-entry midwife means a person who has been trained
22 in midwifery without first completing a course in nursing.

23 **Sec. 22.** Licensed professional midwife means a midwife who holds a
24 current license under the Licensed Professional Midwives Practice Act.

25 **Sec. 23.** Professional midwife means a person who holds a current
26 credential as a certified professional midwife from the North American
27 Registry of Midwives or its successor organization.

28 **Sec. 24.** Professional midwifery means the practice of providing
29 primary maternity care that is consistent with national professional
30 midwifery standards to a client during preconception, pregnancy, labor,
31 delivery, postpartum, and newborn periods.

1 **Sec. 25.** The board shall consist of five members as provided in
2 section 38-166. Three of the members shall be professional midwives
3 licensed under the Uniform Credentialing Act, one member shall be a
4 physician licensed under the Uniform Credentialing Act to practice
5 medicine in Nebraska who has professional experience consulting for and
6 collaborating with direct-entry midwives, and one member shall be a
7 public member who has received direct-entry midwifery services.

8 **Sec. 26.** (1) No person shall engage in professional midwifery or in
9 any way advertise or purport to be engaged in the practice of
10 professional midwifery unless such person is licensed by the department
11 or by a state with similar licensure requirements to the Licensed
12 Professional Midwives Practice Act, as determined by the board.

13 (2) An applicant for licensure by the department as a licensed
14 professional midwife shall show to the satisfaction of the department
15 that the applicant:

16 (a) Has complied with the Licensed Professional Midwives Practice
17 Act and the applicable rules and regulations adopted and promulgated
18 under the act;

19 (b) Has a high school diploma or its equivalent;

20 (c) Is a professional midwife; and

21 (d) Has successfully completed an educational program or pathway
22 accredited by the Midwifery Education Accreditation Council, or a similar
23 organization as approved by the board, or has obtained a midwifery bridge
24 certificate from the North American Registry of Midwives, or a similar
25 organization as approved by the board.

26 (3) The department may, with the approval of the board, grant
27 temporary licensure as a licensed professional midwife for up to one
28 hundred twenty days upon application (a) to graduates of an approved
29 professional midwifery educational program pending results of the first
30 certifying examination following graduation and (b) to professional
31 midwives currently licensed in another state pending completion of the

1 application for a Nebraska license. A temporary license issued pursuant
2 to this subsection may be extended for up to one year with the approval
3 of the board.

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

6 (5) Any person practicing professional midwifery based on licensure
7 in another state under subsection (1) of this section shall agree to be
8 subject to the jurisdiction of the department and the board under the
9 Licensed Professional Midwives Practice Act and shall not be required to
10 establish residency in Nebraska.

11 **Sec. 27.** (1) A licensed professional midwife may (a) attend cases
12 of physiological childbirth, (b) provide preconception, prenatal,
13 intrapartum, and postpartum care, (c) provide normal gynecological
14 services for women, and (d) provide care for the newborn immediately
15 following birth and for up to six weeks after birth.

16 (2) A licensed professional midwife who attends a birth may prepare
17 and file a birth certificate as provided in section 71-604.

18 (3) The conditions under which a licensed professional midwife is
19 required to refer cases to a collaborating licensed physician or advanced
20 practice registered nurse shall be specified in rules and regulations
21 adopted and promulgated pursuant to section 38-126.

22 **Sec. 28.** (1) The Licensed Professional Midwives Practice Act shall
23 not prohibit the performance of the functions of a professional midwife
24 by an unlicensed person if performed:

25 (a) In an emergency situation;

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

28 (c) By a person participating in a course of study to prepare for
29 the practice of professional midwifery.

30 (2) The Licensed Professional Midwives Practice Act does not:

31 (a) Require licensure under the act or otherwise limit or regulate

1 the practice of a qualified member of another profession, including, but
2 not limited to, a nurse practitioner or a certified nurse midwife,
3 providing services that would constitute professional midwifery under the
4 act;

5 (b) Require licensure under the act for a person assisting a
6 licensed professional midwife; or

7 (c) Require licensure under the act for a person to provide care in
8 accordance with the tenets and practices of any bona fide church or
9 religious denomination or in accordance with such person's sincerely held
10 religious belief, practice, or observance.

11 **Sec. 29.** The practice of professional midwifery shall not
12 constitute the practice of medicine, nursing, certified nurse midwifery,
13 or emergency medical care.

14 **Sec. 30.** The board shall adopt rules and regulations pursuant to
15 section 38-126 regarding:

16 (1) The standards of practice of professional midwifery based on
17 rules established by the National Association of Certified Professional
18 Midwives or its successor organization and the North American Registry of
19 Midwives or its successor organization;

20 (2) Appropriate testing for clients, including, but not limited to,
21 laboratory tests and ultrasounds;

22 (3) Authorization for a licensed professional midwife to obtain and
23 administer all of the following during the practice of professional
24 midwifery:

25 (a) Antihemorrhagic agents, including, but not limited to, oxytocin,
26 misoprostol, and methylergonovine;

27 (b) Intravenous fluids for stabilization of a laboring or postpartum
28 woman;

29 (c) Neonatal injectable vitamin K;

30 (d) Newborn antibiotic eye prophylaxis;

31 (e) Oxygen;

1 (f) Intravenous antibiotics for group B streptococcal antibiotic
2 prophylaxis;

3 (g) Rho (D) immune globulin;

4 (h) Local anesthetic;

5 (i) Epinephrine;

6 (j) Food, food extracts, dietary supplements, homeopathic remedies,
7 plant substances that are not designated as prescription drugs or
8 controlled substances, and over-the-counter medications; and

9 (k) Other drugs consistent with the practice of professional
10 midwifery, not to include controlled substances;

11 (4) Administration of a drug prescribed by a licensed health care
12 provider for a client;

13 (5) Authorization to obtain and use appropriate equipment and
14 devices, including, but not limited to, Doppler ultrasound, phlebotomy
15 supplies, hemoglobinometer, instruments, and sutures;

16 (6) Management of the postpartum period, including suturing of
17 lacerations, including the administration of a local anesthetic;

18 (7) Management of the newborn period including: (a) Providing care
19 for the newborn, including performing a normal newborn examination; (b)
20 resuscitating a newborn; and (c) performing the newborn metabolic
21 screening required under section 71-519;

22 (8) Prohibition of the use of forceps or a vacuum extractor;

23 (9) Requirements for a written plan for the consultation,
24 collaboration, and emergency transfer of the client and newborn, when
25 necessary, and for submission of the plan to the board;

26 (10) Requirements for a client consent form to be signed by the
27 client and maintained by the licensed professional midwife. The consent
28 form shall describe the licensed professional midwife's qualifications, a
29 copy of the licensed professional midwife's emergency plan, and the
30 benefits and risks of birth in the client's setting of choice; and

31 (11) Authorization to obtain a blood spot specimen in accordance

1 with section 71-519.

2 **Sec. 31.** A licensed professional midwife shall not order or
3 administer narcotic drugs or terminate or assist with the termination of
4 a pregnancy.

5 **Sec. 32.** (1) Subject to subsection (2) of this section, a licensed
6 professional midwife may practice professional midwifery at any location
7 other than a hospital as defined in section 71-419 and shall not be
8 required to practice under the supervision of or under a collaborative
9 practice agreement with another health care provider.

10 (2) If a licensed professional midwife practices professional
11 midwifery in a health care practitioner facility as defined in section
12 71-414 or a health clinic as defined in section 71-416, the licensed
13 professional midwife shall be subject to the process of the facility for
14 issuing credentials and privileges at such facility.

15 **Sec. 33.** A client shall not be required to be assessed by another
16 health care professional.

17 **Sec. 34.** (1) A health care provider who accepts a transfer of a
18 client from a licensed professional midwife shall not be liable for an
19 outcome arising from actions or inactions of the licensed professional
20 midwife.

21 (2) If a health care practitioner facility as defined in section
22 71-414, a health clinic as defined in section 71-416, or a hospital as
23 defined in section 71-419, including a rural emergency hospital, accepts
24 a transfer of a client from a licensed professional midwife, the facility
25 shall not be liable for an outcome arising from actions or inactions of
26 the licensed professional midwife.

27 **Sec. 35.** Nothing in the Licensed Professional Midwives Practice Act
28 abridges, limits, or changes in any way the right of parents to deliver
29 their baby where, when, how, and with whom they choose, regardless of
30 credentialed status.

31 **Sec. 36.** The department shall establish and collect fees for

1 initial licensure and renewal under the Licensed Professional Midwives
2 Practice Act as provided in sections 38-151 to 38-157.

3 **Sec. 37.** A person licensed as a licensed professional midwife in
4 this state under the Licensed Professional Midwives Practice Act may use
5 the title licensed professional midwife and the abbreviation LM.

6 **Sec. 38.** An individual or group policy of accident or health
7 insurance that provides newborn care benefits or maternity benefits, not
8 limited to complications of pregnancy, may provide coverage for maternity
9 services rendered by a licensed professional midwife, regardless of the
10 site of services.

11 **Sec. 39.** Section 68-901, Revised Statutes Cumulative Supplement,
12 2024, is amended to read:

13 68-901 Sections 68-901 to 68-9,111 and section 40 of this act shall
14 be known and may be cited as the Medical Assistance Act.

15 **Sec. 40.** (1) The Legislature finds that:

16 (a) Doula services have been proven to reduce the cost of birthing
17 and improve outcomes for mothers and infants;

18 (b) One of the most effective services to improve labor and delivery
19 outcomes is the continuous presence of support personnel such as a doula;
20 and

21 (c) Support from a doula is associated with lower cesarean rates, as
22 well as fewer obstetric interventions, fewer complications, less pain
23 medication, shorter labor hours, and higher Apgar scores for infants.

24 (2) No later than January 1, 2027, the department shall directly
25 reimburse a provider for medicaid recipients receiving doula services at
26 rates determined by the department. The department shall submit a state
27 plan amendment, if necessary, to provide for reimbursement of doula
28 services.

29 (3)(a) The department shall establish a work group of stakeholders
30 and experts to develop an implementation plan, including appropriate
31 reimbursement rates and appropriate training, certification, or

1 experience requirements for doula services. The work group shall submit
2 the implementation plan to the department no later than October 1, 2026.

3 (b) The work group shall be comprised of the following: (i) Thirty
4 percent of the members shall represent the doula profession; (ii) thirty
5 percent of the members shall represent communities of color
6 disproportionately impacted by poor birth outcomes; (iii) ten percent of
7 the members shall represent rural Nebraska; and (iv) ten percent of the
8 members shall have utilized doula services.

9 (c) Additional members of the work group shall include, but not be
10 limited to: (i) Medical providers; (ii) public health professionals;
11 (iii) representatives of tribal organizations; and (iv) community
12 advocates.

13 (4)(a) For purposes of this section, doula means a trained
14 professional who provides emotional, physical, and informational support
15 for individuals before, during, and after labor and birth. This includes,
16 but is not limited to, attending prenatal visits, support during
17 delivery, and providing resources during the postpartum period. This does
18 not include elective abortion.

19 (b) A doula shall have appropriate training, certification, or
20 experience, as determined by the implementation plan developed by the
21 work group described in subdivision (3)(a) of this section.

22 (c) A doula shall not perform clinical or medical tasks and shall
23 not diagnose or treat in any modality.

24 (5) Subject to available appropriations, it is the intent of the
25 Legislature to provide for reimbursement of doula services from the
26 Medicaid Managed Care Excess Profit Fund pursuant to section 68-996.

27 **Sec. 41.** Section 68-996, Revised Statutes Cumulative Supplement,
28 2024, is amended to read:

29 68-996 (1) The Medicaid Managed Care Excess Profit Fund is created.
30 The fund shall contain money returned to the State Treasurer pursuant to
31 subdivision (3) of section 68-995.

1 (2) The fund shall first be used to offset any losses under
2 subdivision (2) of section 68-995 and then to provide for (a) services
3 addressing the health needs of adults and children under the Medical
4 Assistance Act, including filling service gaps, ~~(b) providing~~ system
5 improvements, ~~(c) providing~~ evidence-based early intervention home
6 visitation programs, ~~(d) providing~~ medical respite services, ~~(e)~~
7 translation and interpretation services, ~~(f) providing~~ coverage for
8 continuous glucose monitors as described in section 68-911, ~~(g) providing~~
9 other services sustaining access to care, (h) services under the Nebraska
10 Prenatal Plus Program, (i) and providing grants pursuant to the
11 Intergenerational Care Facility Incentive Grant Program, and (j) doula
12 services as determined by the Legislature. The fund shall only be used
13 for the purposes described in this section.

14 (3) Any money in the fund available for investment shall be invested
15 by the state investment officer pursuant to the Nebraska Capital
16 Expansion Act and the Nebraska State Funds Investment Act. Beginning
17 October 1, 2024, any investment earnings from investment of money in the
18 fund shall be credited to the General Fund.

19 **Sec. 42.** Original sections 38-206, 38-601, 38-603, 38-604, 38-606,
20 38-607, 38-608, 38-610, 38-611, 38-618, and 44-2803, Reissue Revised
21 Statutes of Nebraska, and sections 38-101, 38-121, 38-131, 38-167, and
22 38-2025, Revised Statutes Cumulative Supplement, 2024, are repealed.

23 **Sec. 43.** The following sections are outright repealed: Sections
24 38-609, 38-613, and 38-614, Reissue Revised Statutes of Nebraska.