

## LEGISLATIVE BILL 563

Approved by the Governor June 6, 1995

Introduced by Day, 19

AN ACT relating to nursing; to amend sections 44-2803, 71-1,132.04, 71-1,132.09, 71-1,132.10, 71-1,132.12, 71-1,132.13, 71-1,132.15, 71-1,132.21, 71-1,132.24 to 71-1,132.28, 71-1,132.36, 71-1,132.37, 71-1,132.41, 71-1,132.50, 71-1,132.53, 71-1705, 71-1727, and 71-1760, Reissue Revised Statutes of Nebraska, and sections 71-168, 71-168.02, 71-1,132.05 to 71-1,132.08, 71-1,132.11, 71-1,132.14, 71-1,132.16, 71-1,132.18, 71-1,132.20, 71-1,132.29, 71-1,132.35, 71-1,132.47, 71-1,132.49, 71-1,198, 71-1,339, 71-1735, 71-1779, 71-1786, and 71-2601, Revised Statutes Supplement, 1994; to name the Nurse Practice Act; to change provisions relating to licensure, continuing education, fees, penalties, the Board of Nursing, and the State Board of Health; to eliminate an obsolete grandfather clause and provisions relating to continuing education; to provide operative dates; to repeal the original sections; to outright repeal sections 71-1,132.19 and 71-1,132.52, Reissue Revised Statutes of Nebraska; and to declare an emergency.

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

Section 1. Section 44-2803, Reissue Revised Statutes of Nebraska, is amended to read:

44-2803. (1) Health care provider shall mean (a) a physician; (b) a nurse anesthetist; (c) an individual, partnership, limited liability company, corporation, association, facility, institution, or other entity authorized by law to provide professional medical services by physicians or nurse anesthetists; (d) a hospital; or (e) a personal representative as defined in section 30-2209 who is successor or assignee of any health care provider designated in subdivisions (a) through (d) of this subsection.

(2) Nurse anesthetist shall mean a person licensed in this state pursuant to sections ~~71-1,132.04 to 71-1,132.37~~ the Nurse Practice Act when acting as an anesthetist on a contract basis or as an employee of a hospital.

Sec. 2. Section 71-168, Revised Statutes Supplement, 1994, is amended to read:

71-168. (1) The department shall enforce the Uniform Licensing Law and for that purpose shall make necessary investigations. Every licensee, certificate holder, or registrant listed under subsection (4) of this section and every member of a board of examiners shall furnish the department such evidence as he or she may have relative to any alleged violation which is being investigated.

(2) Every licensee, certificate holder, or registrant listed under subsection (4) of this section shall report to the department the name of every person without a license, certificate, or registration that he or she has reason to believe is engaged in practicing any profession for which a license, certificate, or registration is required by the Uniform Licensing Law. The department may, along with the Attorney General and other law enforcement agencies, investigate such reports or other complaints of unauthorized practice. The board of examiners for the profession may issue an order to cease and desist the unauthorized practice of that profession as a measure to obtain licensure, certification, or registration of the person prior to referral of the matter to the Attorney General for action.

(3) Any licensee, certificate holder, or registrant listed under subsection (4) of this section who is required to file a report of loss or theft of a controlled substance to the federal Drug Enforcement Administration shall provide a copy of such report to the department.

(4) Every licensee, certificate holder, or registrant regulated under the Emergency Medical Technician-Paramedic Act, the Licensed Practical Nurse-Certified Act, the Nebraska Certified Nurse Midwifery Practice Act, the Nebraska Cosmetology Act, ~~the Nurse Practice Act~~, the Nurse Practitioner Act, the Occupational Therapy Practice Act, the Uniform Controlled Substances Act, the Uniform Licensing Law, the Wholesale Drug Distributor Licensing Act, or sections ~~71-1,132.04 to 71-1,132.53~~, 71-3702 to 71-3715, 71-4701 to 71-4719, or 71-6053 to 71-6068 shall, within thirty days of an occurrence described in this subsection, report to the department in such manner and form as the department may require by rule and regulation whenever he or she:

(a) Has first-hand knowledge of facts giving him or her reason to believe that any person in his or her profession has committed acts indicative

of gross incompetence, a pattern of negligent conduct as defined in subdivision (5)(e) of section 71-147, or unprofessional conduct, may be practicing while his or her ability to practice is impaired by alcohol, controlled substances, narcotic drugs, or physical, mental, or emotional disability, or has otherwise violated such regulatory provisions governing the practice of the profession;

(b) Has first-hand knowledge of facts giving him or her reason to believe that any person in another profession regulated under such regulatory provisions has committed acts indicative of gross incompetence or may be practicing while his or her ability to practice is impaired by alcohol, controlled substances, narcotic drugs, or physical, mental, or emotional disability. The requirement to file a report under subdivision (a) or (b) of this subsection shall not apply (i) to the spouse of the practitioner, (ii) to a practitioner who is providing treatment to such person in a practitioner-patient relationship concerning information obtained or discovered in the course of treatment unless the treating practitioner determines that the condition of the person may be of a nature which constitutes a danger to the public health and safety by the person's continued practice, or (iii) when a chemically impaired professional enters the Licensee Assistance Program authorized by section 71-172.01 except as provided in such section; or

(c) Has been the subject of any of the following actions:

(i) Loss of privileges in a hospital or other health care facility due to alleged incompetence, negligence, unethical or unprofessional conduct, or physical, mental, or chemical impairment or the voluntary limitation of privileges or resignation from staff of any health care facility when that occurred while under formal or informal investigation or evaluation by the facility or a committee of the facility for issues of clinical competence, unprofessional conduct, or physical, mental, or chemical impairment;

(ii) Loss of employment due to alleged incompetence, negligence, unethical or unprofessional conduct, or physical, mental, or chemical impairment;

(iii) Adverse judgments, settlements, or awards arising out of professional liability claims, including settlements made prior to suit, or adverse action by an insurance company affecting professional liability coverage. The department may define by rule and regulation what constitutes a settlement that would be reportable when a practitioner refunds or reduces a fee or makes no charge for reasons related to a patient or client complaint other than costs;

(iv) Denial of licensure, certification, registration, or other form of authorization to practice by any state, territory, or jurisdiction, including any military or federal jurisdiction, due to alleged incompetence, negligence, unethical or unprofessional conduct, or physical, mental, or chemical impairment;

(v) Disciplinary action against any license, certificate, registration, or other form of permit he or she holds taken by another state, territory, or jurisdiction, including any federal or military jurisdiction, the settlement of such action, or any voluntary surrender of or limitation on any such license, certificate, registration, or other form of permit;

(vi) Loss of membership in a professional organization due to alleged incompetence, negligence, unethical or unprofessional conduct, or physical, mental, or chemical impairment; or

(vii) Conviction of any misdemeanor or felony in this or any other state, territory, or jurisdiction, including any federal or military jurisdiction.

(5) A report made to the department under this section shall be confidential and treated in the same manner as complaints and investigative files under subsection (7) of section 71-168.01. Any person making a report to the department under this section except those self-reporting shall be completely immune from criminal or civil liability of any nature, whether direct or derivative, for filing a report or for disclosure of documents, records, or other information to the department under this section. Persons who are members of committees established under sections 25-12, 123 and 71-2046 to 71-2048 or witnesses before such committees shall not be required to report such activities. Any person who is a witness before a committee established under such sections shall not be excused from reporting matters of first-hand knowledge that would otherwise be reportable under this section only because he or she attended or testified before such committee. Documents from original sources shall not be construed as immune from discovery or use in actions under subsection (4) of this section.

Sec. 3. Section 71-168.02, Revised Statutes Supplement, 1994, is amended to read:

71-168.02. (1) A health care facility licensed under section 71-2017.01 or a peer review organization or professional association of a health care profession regulated under the Emergency Medical Technician-Paramedic Act, the Licensed Practical Nurse-Certified Act, the Nebraska Certified Nurse Midwifery Practice Act, the Nebraska Cosmetology Act, the Nurse Practice Act, the Nurse Practitioner Act, the Occupational Therapy Practice Act, the Uniform Controlled Substances Act, the Uniform Licensing Law, the Wholesale Drug Distributor Licensing Act, or sections ~~71-1,132.04 to 71-1,132.53~~, 71-3702 to 71-3715, 71-4701 to 71-4719, or 71-6053 to 71-6068 shall report to the department, on a form and in the manner specified by the department by rule and regulation, any facts known to them, including, but not limited to, the identity of the practitioner and patient, when the facility, organization, or association:

(a) Has made payment due to adverse judgment, settlement, or award of a professional liability claim against it or a licensee, certificate holder, or registrant, including settlements made prior to suit, arising out of the acts or omissions of the licensee, certificate holder, or registrant; or

(b) Takes action adversely affecting the privileges or membership of a licensee, certificate holder, or registrant in such facility, organization, or association due to alleged incompetence, professional negligence, unprofessional conduct, or physical, mental, or chemical impairment.

The report shall be made within thirty days after the date of the action or event.

(2) A report made to the department under this section shall be confidential and treated in the same manner as complaints and investigative files under subsection (7) of section 71-168.01. The facility, organization, association, or person making such report shall be completely immune from criminal or civil liability of any nature, whether direct or derivative, for filing a report or for disclosure of documents, records, or other information to the department under this section. The reports and information shall be subject to the investigatory and enforcement provisions of the regulatory provisions listed in subsection (1) of this section. Nothing in this subsection shall be construed to require production of records protected by section 25-12,123 or 71-2048 except as otherwise provided in either of such sections.

(3) For purposes of this section, the department shall accept reports made to it under the Nebraska Hospital-Medical Liability Act or in accordance with national practitioner data bank requirements of the federal Health Care Quality Improvement Act of 1986, as amended, and may require a supplemental report to the extent such reports do not contain the information required by rules and regulations of the department.

Sec. 4. Sections 71-1,132.04 to 71-1,132.53 and sections 4, 6, 9, and 10 of this act shall be known and may be cited as the Nurse Practice Act.

Sec. 5. Section 71-1,132.04, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,132.04. In the interest of health and morals and the safeguarding of life, any person practicing or offering to practice nursing in this state for compensation or gratuitously, except as provided in section 71-1,132.06, shall hereafter be required to submit satisfactory evidence as provided by sections ~~71-1,132.04 to 71-1,132.09~~ and ~~71-1,132.11 to 71-1,132.37~~, that he in the Nurse Practice Act that he or she is qualified to so practice and is licensed as provided by sections ~~71-1,132.04 to 71-1,132.09~~ and ~~71-1,132.11 to 71-1,132.37~~. It shall be unlawful, except as provided in section ~~71-1,132.06~~, for any person to practice or offer to practice professional or practical nursing in this state, or to the act. Except as provided in section 71-1,132.06, the practice or attempted practice of professional or practical nursing, the holding out or attempted holding out of oneself as a registered nurse or a licensed practical nurse, or the use of any title, abbreviation, card, or device to indicate that such a person is practicing professional or practical nursing is unlawful unless such person has been duly licensed and registered according to the provisions of sections ~~71-1,132.04 to 71-1,132.09~~ and ~~71-1,132.11 to 71-1,132.37~~. the act. The practice of nursing by any such unlicensed person or by a nurse whose license has been suspended, revoked, or expired or is on a lapsed or inactive status is declared to be a danger to the public health and welfare.

In addition to any other civil, criminal, or disciplinary remedy, the Attorney General, the board, the county attorney of any county in which a person is practicing or purporting to practice professional nursing or practical nursing without a valid license, or any citizen may, in accordance with the laws of this state governing injunction, maintain an action to enjoin that person from practicing professional nursing or practical nursing until

such person obtains a valid license.

An injunction without bond may be obtained by the board for enforcement of the act.

Sec. 6. In the interest of public safety and consumer awareness, it is unlawful for any person to use the title nurse in reference to himself or herself in any capacity, except individuals who are or have been licensed as a registered nurse or a licensed practical nurse.

Sec. 7. Section 71-1,132.05, Revised Statutes Supplement, 1994, is amended to read:

71-1,132.05. For purposes of sections 71-1,132.04 to 71-1,132.41 the Nurse Practice Act, unless the context otherwise requires:

(1) Executive secretary shall mean director means the executive secretary director of the Board of Nursing;

(2) Board shall mean means the Board of Nursing;

(3) License by endorsement means the granting of active status and the authority to practice to an individual who has been licensed in another jurisdiction;

(4) License by examination means the authority to practice is based on an assessment of minimum competency by such means as the board may determine;

(5) Licensed practitioner means a person lawfully authorized to prescribe medications or treatments;

(6) The practice of nursing shall mean means the performance for compensation or gratuitously of any act expressing judgment or skill based upon a systematized body of nursing knowledge. Such acts shall include the identification of and intervention in actual or potential health problems of individuals, families, or groups, which acts are directed toward maintaining health status, preventing illness, injury, or infirmity, improving health status, and providing care supportive to or restorative of life and well-being through nursing assessment and through the execution of nursing care and of diagnostic or therapeutic regimens of duly licensed practitioners authorized to so order such regimens under sections 71-173, 71-183, 71-1,102, and 71-1,137 prescribed by any person lawfully authorized to prescribe. Each nurse is directly accountable and responsible to the consumer for the quality of nursing care rendered. Licensed nurses may use the services of unlicensed individuals to provide assistance with personal care and activities of daily living;

(7) The practice of nursing by a registered nurse shall mean means assuming responsibility and accountability for nursing actions which include, but are not limited to:

(a) Identifying Assessing human responses to actual or potential health conditions;

(b) Deriving a nursing diagnosis which identifies the needs of an individual, family, or group;

(c) Executing a nursing treatment regimen through the selection, performance, and management of proper nursing practices;

(d) Teaching health care practices;

(e) Advocating the provision of health care services through collaboration with other health service personnel;

(f) Executing diagnostic and therapeutic regimens prescribed by duly licensed practitioners authorized to so order such regimens under sections 71-173, 71-183, 71-1,102, and 71-1,137; or

(g) Administering, supervising, delegating, and evaluating nursing activities;

(h) Establishing nursing diagnoses;

(i) Establishing goals and outcomes to meet identified health care needs;

(j) Establishing and maintaining a plan of care;

(k) Prescribing nursing interventions to implement the plan of care;

(l) Implementing the plan of care;

(m) Teaching health care practices;

(n) Delegating, directing, or assigning nursing interventions that may be performed by others and that do not conflict with the act;

(o) Maintaining safe and effective nursing care rendered directly or indirectly;

(p) Evaluating responses to interventions;

(q) Teaching theory and practice of nursing;

(r) Conducting, evaluating, and utilizing nursing research;

(s) Administering, managing, and supervising the practice of nursing; and

(t) Collaborating with other health professionals in the management of health care;

(8) The practice of nursing by a licensed practical nurse means the assumption of responsibilities and accountability for shall mean the assumption of responsibilities and the performing of acts, within the educational background of the practical nurse, under the direction of a licensed physician, dentist, osteopathic physician, podiatrist, or registered nurse, which acts include:

(a) Application of nursing techniques and procedures in the observation, teaching, and caring for the ill, injured, and infirm; and

(b) Promoting community health;

(c) Nursing practice in accordance with knowledge and skills acquired through an approved program of practical nursing. A licensed practical nurse may function at the direction of a licensed practitioner or a registered nurse. Such responsibilities and performances of acts must utilize procedures leading to predictable outcomes and must include, but not be limited to:

(a) Contributing to the assessment of the health status of individuals and groups;

(b) Participating in the development and modification of a plan of care;

(c) Implementing the appropriate aspects of the plan of care;

(d) Maintaining safe and effective nursing care rendered directly or indirectly;

(e) Participating in the evaluation of response to interventions; and

(f) Assigning and directing nursing interventions that may be performed by others and that do not conflict with the act;

(9) Department shall mean means the Department of Health;

~~(7)~~ (10) Director shall mean means the Director of Health; and

~~(8)~~ (11) Clinical nurse specialist shall mean means a registered nurse licensed in Nebraska who holds a master's degree or a doctoral degree in a nursing clinical specialty area; and

(12) Inactive status means the designation given to a licensee who requests this status and pays the fee. A licensee on inactive status is issued a card indicating inactive status but shall not practice;

(13) Lapsed status means the designation given to a licensee who requests this status. A licensee on lapsed status shall not practice;

(14) Expiration date means the date on which the license expires has passed. The licensee whose license has expired shall not practice;

(15) Suspended means the licensee's authority to practice has been temporarily removed as a result of disciplinary action;

(16) Revoked means the licensee's authority to practice has been removed as a result of disciplinary action. The licensee may apply for reinstatement of his or her license two years or more after the date of revocation;

(17) Reinstatement means the return to active status and the restoration of the authority to practice to a licensee who was previously licensed in this state;

(18) Verification means attesting to the current status of an individual's license;

(19) Certification means attesting to the current status of an individual's license, any disciplinary action taken, and the means by which the individual was licensed;

(20) Probation means that the individual's authority to practice is contingent on the licensee meeting specified conditions imposed as a result of disciplinary action;

(21) Limited license means that certain restrictions have been imposed on the individual's authority to practice as a result of disciplinary action;

(22) Assignment means appointing or designating another individual the responsibility for the performance of nursing interventions;

(23) Delegation means transferring to another individual the authority, responsibility, and accountability to perform nursing interventions; and

(24) Direction means managing, guiding, and supervising the nursing interventions performed by another individual.

Sec. 8. Section 71-1,132.06, Revised Statutes Supplement, 1994, is amended to read:

71-1,132.06. Sections 71-1,132.04 to 71-1,132.41 confer The Nurse Practice Act confers no authority to practice medicine or surgery. The act does not nor do they prohibit:

(1) Home care provided by parents, foster parents, family, or friends so long as such persons do any such person does not represent or hold

themselves out to be licensed nurses, licensed practical nurses, licensed registered nurses, or registered nurses himself or herself out to be a nurse or use any designation in connection with their names which tend his or her name which tends to imply that they are he or she is licensed to practice under the act; sections 71-1,132:04 to 71-1,132:37;

(2) Gratuitous nursing, with or without compensation or personal profit, when done in connection with the practice of the religious tenets of any church by adherents thereof;

(3) Auxiliary services provided by persons carrying out duties necessary for the support of nursing service under the direction of a licensed physician, dentist, osteopathic physician, or pediatricist or a nurse licensed under sections 71-1,132:04 to 71-1,132:37, 71-1,132:47, and 71-1,132:48;

(2) Auxiliary patient care services provided by persons carrying out duties under the direction of a licensed practitioner;

(3) Auxiliary patient care services provided by persons carrying out interventions for the support of nursing service as delegated by a registered nurse or as assigned and directed by a licensed practical nurse licensed under the act;

(4) The gratuitous rendering of assistance by anyone in the case of an emergency;

(4) Gratuitous nursing service performed by anyone in case of an emergency;

(5) Nursing by any legally licensed nurse of any other state whose engagement requires him or her to (a) accompany and care for a patient temporarily residing in this state during the period of one such engagement not to exceed six months in length, (b) transport patients into, out of, or through this state provided each transport does not exceed twenty-four hours, (c) provide patient care during periods of transition following transport, (d) provide educational programs or consultative services within this state for a period not to exceed fourteen consecutive days if neither the education nor the consultation includes the provision or the direction of patient care, and (e) provide nursing care in the case of a disaster. These exceptions do not permit a person to as long as such person does not represent or hold himself or herself out as a nurse licensed to practice in this state;

(6) Nursing services rendered by a student enrolled in an approved school program of nursing when the services are a part of the student's course of study; or

(7) Nursing services rendered by a graduate of an approved school of nursing in Nebraska or any other state, pending the results of the first licensing examination scheduled by the board following such graduation;

(8) Nursing services rendered by a person who holds a current license or other evidence of the right to practice professional or practical nursing, as those terms are defined in section 71-1,132:05, issued by any other state, territory, or province of the United States during the period that an application filed by such person for licensure in Nebraska is pending before the board; or

(9) (7) The practice of professional or practical nursing by any legally licensed nurse of another state who is employed by the United States Government or any bureau, division, or agency thereof of the United States Government while in the discharge of his or her official duties or, if permitted by federal law, as a citizen of a foreign country temporarily residing in Nebraska for a period not to exceed one year for the purpose of postgraduate study, and experience, certified to be such by an appropriate agency satisfactory to the board.

Sec. 9. The Nurse Practice Act confers no authority to practice medicine or surgery. The act does not prohibit, until October 1, 1997, performance of health maintenance activities by a designated caregiver for a competent individual at the direction of that individual. Health maintenance activities are those activities which enable the individual to live in his or her home and community. Such activities are those specialized procedures, beyond activities of daily living, which the individual would perform for himself or herself if he or she were physically able and which the attending physician or registered nurse determines can be safely performed in the home and community by a designated caregiver as directed by the competent individual. A competent individual is someone who has the capability and capacity to make an informed decision.

Sec. 10. The board shall appoint an executive director who is a registered nurse currently licensed in this state and who has a graduate degree in nursing. The executive director shall have a minimum of five years' experience within the last ten years in the areas of administration, teaching, or consultation in the field of nursing. The salary of the executive director shall be fixed by the department and be competitive with salaries for similar

positions of responsibility which require similar education and experience. The executive director shall not be a member of the board.

The department shall appoint a practice consultant and an education consultant, each of whom is a registered nurse currently licensed in this state and has a minimum of five years' experience. On and after January 1, 1995, any person newly appointed to these positions shall also have a graduate degree in nursing. The salaries for these positions shall be fixed by the department and be competitive with salaries for similar positions of responsibility which require similar education. The nursing education consultant and nursing practice consultant shall not be members of the board.

The department shall appoint one or more nurse investigators to conduct investigations of violations of the Nurse Practice Act. Each nurse investigator shall be a registered nurse currently licensed in this state and have a minimum of five years' experience in nursing practice. The nurse investigators shall not be members of the board.

Sec. 11. Section 71-1,132.07, Revised Statutes Supplement, 1994, is amended to read:

71-1,132.07. (1) There is hereby established the The Board of Nursing is established. The board which shall consist of seven eight registered nurse members, two licensed practical nurse members, and two consumer members, all of whom shall be appointed by the State Board of Health. The registered nurses on the Board of Nursing shall be from the following areas: (a) One practical nurse educator; (b) one associate degree or diploma nurse educator; (c) one diploma nurse educator; (d) one baccalaureate nurse educator; (e) (d) two nursing service administrators; and (f) one staff nurse- (e) two staff nurses; and (f) one clinical nurse specialist, certified nurse practitioner, certified nurse practitioner-anesthetist, or certified nurse midwife. The nursing service administrators, the staff nurses, and the licensed practical nurses shall be equally representative of acute care, long-term care, and community-based care. All congressional districts shall be equally represented by the voting members on the board, and each member shall have been a bona fide resident of the congressional district from which he or she is appointed for a period of at least one year prior to the time of the appointment of such member.

(2) The initial terms of office for members of the board shall be as follows: (a) One registered nurse shall be appointed for one year; (b) one registered nurse shall be appointed for two years; (c) two registered nurses shall be appointed for four years; (d) one licensed practical nurse shall be appointed for two years; and (e) one licensed practical nurse shall be appointed for four years. As of December 1, 1994, a second consumer member shall be appointed for a four-year term. On expiration of the terms of the initial board members, the term The terms of office of all board members shall be staggered terms of four years each as the State Board of Health determines.

(3) At the expiration of the term of any member, the State Board of Health may consult with appropriate professional nursing organizations regarding candidates for appointment. Appointments shall be made on or before December 1 of each year. In order to be considered for reappointment, a candidate must currently meet all criteria for initial appointment. Vacancies occurring on the Board of Nursing shall be filled for the unexpired terms by appointments made by the State Board of Health. No individual member shall serve more than two consecutive terms on the Board of Nursing. Any board member initially appointed for less than a full term shall be eligible to serve for two additional consecutive full terms.

(4) The State Board of Health shall have power to remove from office at any time any member of the Board of Nursing, after a public hearing pursuant to the Administrative Procedure Act, for physical or mental incapacity to carry out the duties of a board member, for continued neglect of duty, for incompetency, for acting beyond the individual member's scope of authority, for malfeasance in office, for any cause for which a license or certificate in the member's profession involved may be suspended or revoked, for a lack of licensure or certification in the member's profession, or for other sufficient cause.

(5) All members of the board are immune from individual civil liability while acting within the scope of their duties as board members.

(6) If the entire board, an individual member, or a staff member is sued, the Attorney General shall appoint an attorney to represent the involved parties.

(7) The department shall adopt and promulgate rules and regulations which establish definitions of conflicts of interest for members of the board and which establish procedures in the case such a conflict arises.

Sec. 12. Section 71-1,132.08, Revised Statutes Supplement, 1994, is amended to read:

71-1,132.08. (1) Each licensed practical nurse educator on the board shall (a) be a registered nurse currently licensed in the state, (b) have graduated with a baccalaureate degree in nursing or a related field of study, (c) have had a minimum of three years' experience in administration, teaching, or consultation in practical nurse education, and (d) be currently employed as a practical nurse educator.

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

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

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

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

(6) Each consumer member shall (a) not have been involved in providing health care services in this state for at least three years prior to his or her appointment, (b) be of voting age, and (c) be a resident of the state.

(7) The clinical nurse specialist, certified nurse practitioner, certified nurse practitioner-anesthetist, or certified nurse midwife on the board shall (a) have a minimum of five years' experience in the role and (b) be currently employed in the role and (c) the nurse practitioner, nurse practitioner-anesthetist, or nurse midwife must be currently certified according to the Nurse Practitioner Act or the Nebraska Certified Nurse Midwifery Practice Act.

(8) For purposes of this section, current employment means having practiced no less than two thousand hours in the two years preceding appointment.

Sec. 13. Section 71-1,132.09, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,132.09. The board shall meet annually during the month of January and shall elect from its members a president, vice president, and secretary, each of whom shall hold office for one year. It shall hold at least three regular meetings each year upon such dates and times as may be determined by the board. A quorum shall be a simple majority of the appointed members of the board.

Sec. 14. Section 71-1,132.10, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,132.10. The purposes of the Board of Nursing board are to (1) provide for the health, safety, and welfare of the citizens, (2) insure that nurses meet minimum standards of proficiency and competency, (3) insure that schools programs of nursing meet the educational needs of the student and qualify students to serve the public safely, and (4) regulate the field of nursing in the interest of consumer protection in the state.

Sec. 15. Section 71-1,132.11, Revised Statutes Supplement, 1994, is amended to read:

71-1,132.11. The board may adopt, promulgate, and revise, with the approval of the department, such rules and regulations consistent with sections ~~71-1,132-04 to 71-1,132-41~~ the Nurse Practice Act as may be necessary to carry the act into effect. the provisions of such sections. All such rules and regulations shall be published and distributed. The board shall:

(1) Establish minimum standards to be met by educational programs conducted pursuant to sections 71-1,132-24 to 71-1,132-28;

(2) Develop standards in cooperation with schools of nursing to be used in the evaluation and approval of such schools;

(3) Review the standards at least every four years or more frequently as deemed necessary;

(4) Adopt reasonable and uniform standards for nursing practice and



nursing education which are reviewed at least every four years;

(2) If requested, issue or decline to issue advisory opinions defining acts which in the opinion of the board are or are not permitted in the practice of nursing as defined in section 71-1,132.05. Such opinions shall be considered informational only and are nonbinding;

(3) Establish rules, regulations, and procedures and regulations for approving and classifying schools of practical and professional nursing programs preparing practical and professional nurses, taking into consideration the administrative and organizational pattern of the school, the philosophy patterns, the curriculum, and program of studies, the number and selection of students, the student personnel services, including housing, the guidance and health services, the number and preparation of faculty, in relation to the curriculum and enrollments, the instructional materials and equipment, the and instructional facilities including clinical resources and library facilities, and provide and materials, and the health and safety factors in residence halls, education buildings, and clinical facilities;

(5) Provide surveys for each educational program at least every four years or more frequently as deemed necessary;

(6) (4) Approve such educational programs as meet the requirements of sections 71-1,132.04 to 71-1,132.41;

(7) Evaluate and approve courses offered by cooperating agencies the act;

(8) (5) Examine, license, and renew the license licenses of duly qualified applicants;

(9) (6) Keep a record of all its proceedings and make compile an annual report to the Governor;

(10) Approve the clinical facilities used by each school;

(11) Develop rules, regulations; and mandatory educational review courses governing the return to practice of any nurse who has not engaged in the practice of nursing as defined in section 71-1,132.52 for five years or longer;

(12) for distribution;

(7) Develop standards for continued competency of licensees continuing in or returning to practice;

(8) Adopt rules and regulations establishing standards for delegation of nursing activities, including training or experience requirements, competency determination, and nursing supervision; and

(13) (9) Make recommendations in accordance with section 71-168.01 regarding licensure and disciplinary dispositions for individuals who have violated the act and upon the grounds provided in the Uniform Licensing Law;

(10) Collect data regarding nursing;

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

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

(13) Appoint special purpose groups or ad hoc groups to advise the board; and

(14) Administer the provisions of sections 71-1704 to 71-1737 the Nurse Practitioner Act and the Nebraska Certified Nurse Midwifery Practice Act.

The department shall appoint an executive secretary who shall be a registered nurse currently licensed in this state and who has graduated with a master's degree in nursing or a related field of study. The executive secretary shall have a minimum of five years' experience within the last ten years in the areas of administration, teaching, or consultation in the field of nurse education. The salary of the executive secretary shall be fixed by the department and be competitive with salaries of nursing education positions which require similar education and experience. The executive secretary shall not be a member of the board. The executive secretary shall be bonded under the blanket surety bond required by section 11-201.

Sec. 16. Section 71-1,132.12, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,132.12. Each appointed member of the board shall receive twenty-five a per diem not to exceed one hundred dollars per day for each day such person is actually engaged in the discharge of his or her official duties, in addition to and traveling, hotel, and other necessary expenses as provided in sections 81-1174 to 81-1177, for state employees.

Sec. 17. Section 71-1,132.13, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,132.13. (1) An applicant for a license to practice as a

registered professional nurse shall file with the department a written application for a license and submit satisfactory proof that the applicant (a) is of good moral character, (b) has completed four years of high school study or its equivalent as determined by the department, and (c) has completed the basic professional curriculum in and holds a diploma from an accredited school program of professional nursing approved by the board. Graduates of foreign nursing programs shall have passed the Canadian Nurses Association Testing Service or hold a certificate from the Commission on Graduates of Foreign Nursing Schools, and holds a diploma therefrom. Such application shall be made upon a form prescribed and approved by the department, verified by the applicant's oath, and accompanied by an application fee as set by the department established by rules and regulations of the department.

(2) If an applicant for an initial license files an application for licensure within ninety days prior to the biennial renewal date of the license, the applicant may either:

(a) Request that the department delay the processing of the application and the issuance of the license until the biennial renewal date and pay only the fee for initial licensure; or

(b) Request that a license which will be valid until the next subsequent renewal date be issued immediately and pay the fee for initial licensure and an additional fee of one-fourth of the biennial fee.

Sec. 18. Section 71-1,132.14, Revised Statutes Supplement, 1994, is amended to read:

71-1,132.14. An applicant for a license as a registered professional nurse or as a licensed practical nurse shall be required to pass an examination in such subjects as the board may determine. The department shall give notice of the time and place of all examinations required by sections 71-1,132.04 to 71-1,132.53 the Nurse Practice Act. Upon the applicant's passing such examination and meeting all other requirements for licensure, the department, upon the recommendation of the board, shall issue to the applicant a license to practice nursing as a registered nurse or as a licensed practical nurse. The department may enter into an agreement to adopt an examination from a national testing service if the department has obtained detailed documentation of the process of examination development and maintenance.

Sec. 19. Section 71-1,132.15, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,132.15. The department may issue a license to practice nursing as a registered nurse or as a licensed practical nurse without examination by endorsement to an applicant who has been duly licensed as a registered nurse or a licensed practical nurse under the laws of another state or territory, if in the opinion of the department, upon the recommendation of the board, the applicant meets the qualifications required of registered nurses or licensed practical nurses in this state.

Sec. 20. Section 71-1,132.16, Revised Statutes Supplement, 1994, is amended to read:

71-1,132.16. A temporary permit to practice professional or practical nursing may be issued to:

(1) An individual seeking to obtain licensure or reinstatement of his or her license when he or she has not practiced nursing in the last five years. Such permit shall be is valid only for the duration of the review course of study and only for nursing practice required for the review course of study;

(2) Graduates of approved professional and practical programs of nursing who have passed the licensure examination, pending the completion of application for Nebraska licensure. Such permit shall be is valid for a period not to exceed sixty days; or

(3) Nurses currently licensed in another state as either a registered nurse or a licensed practical nurse, who have graduated from an educational program approved by the Board of Nursing board, pending completion of application for Nebraska licensure. Such permit shall be valid for a period not to exceed sixty days.

Temporary permits issued pursuant to this section may be extended at the discretion of the board, with the approval of by the department with the concurrence of the board.

Sec. 21. Section 71-1,132.18, Revised Statutes Supplement, 1994, is amended to read:

71-1,132.18. Any person who holds a license to practice as a registered professional nurse in this state shall have has the right to use the title Registered Nurse and the abbreviation R.N. No other person shall assume or use such title or abbreviation or any words, letters, signs, or devices to indicate that the person using the same is authorized to practice

professional nursing. No person shall use the title Clinical Nurse Specialist unless he or she is a clinical nurse specialist as defined in section 71-1,132.05.

Sec. 22. Section 71-1,132.20, Revised Statutes Supplement, 1994, is amended to read:

71-1,132.20. (1) The license of every registered nurse or licensed practical nurse shall be renewed biennially. The biennial expiration date ~~shall be as follows: (a) December 31 of every odd-numbered year; for licensed practical nurses; and (b) December and October 31 of every even-numbered year; for registered nurses.~~ The biennial license renewals provided for in this section shall be accomplished in such manner as the department, with the approval of the board, shall establish by rule and regulation.

(2) On or before ~~October~~ August 1 of each renewal year, the department shall mail an application for renewal of license to every person to whom such license was issued or renewed during the current renewal period. The applicant shall ~~fill in the application blank complete~~ and return it the application to the department with a renewal fee established by the department pursuant to section 71-1,132.49 on or before ~~December 1~~ following the mailing of such notice October 31 following the mailing of such notice. Upon receipt of the application and fee, the department shall verify the accuracy of the application and issue to the applicant a certificate of renewal for the renewal period ~~beginning November 1 following the mailing of such notice.~~ The beginning January 1 following the mailing of such notice. Such certificate of renewal shall render the holder thereof a legal practitioner of nursing for the period stated on the certificate of renewal.

(3) A licensed practical nurse or registered nurse who wishes to have his or her license lapse upon expiration shall give the department written notice to that effect. The department shall notify the licensee in writing of the acceptance or denial of the request to allow the license to lapse. When the lapsed status becomes effective, the right to practice nursing and to represent himself or herself as a licensed practical nurse or registered nurse shall terminate. To restore the license, the individual shall be required to meet the renewal requirements in effect at the time he or she wishes to restore the license and pay the renewal fee and an additional fee of ~~twenty-five~~ fifty dollars.

(4) A licensed practical nurse or registered nurse who wishes to have his or her license placed on inactive status upon expiration shall give the department written notice to that effect and pay the fee provided in section 71-1,132.49. The department shall notify the licensee in writing of the acceptance or denial of the request to allow the license to be placed on inactive status. When the license is placed on inactive status, the licensee shall not engage in the practice of nursing. A license may remain on inactive status for an indefinite period of time. In order to move a license from inactive to active status, an individual shall meet the renewal requirements in effect at the time he or she wishes to regain active status and pay the renewal fee and reinstatement fee due at such time as specified in section 71-1,132.49.

(5) Any licensed practical nurse or registered nurse who fails to (a) notify the department that he or she wishes his or her license to lapse or to be placed on inactive status or (b) pay the renewal fee meet the renewal requirements, on or before the date of expiration of his or her license, shall be given a second notice in the same manner as the first notice advising him or her (i) of the failure to pay, (ii) that the license has expired, (iii) that the department will suspend action for thirty days following the date of expiration, (iv) that upon the receipt of the renewal fee, together with an additional fee of ~~twenty-five~~ fifty dollars, within that time, no order of revocation will be entered, and (v) that upon the failure to receive the amount then due and ~~twenty-five~~ fifty dollars in addition to the regular renewal fee, the license will be revoked in the same manner as provided in section 71-149.

(6) Any licensee who fails to renew his or her license may have such license reinstated upon the recommendation of the board and the payment of the renewal fee and an additional fee of fifty dollars if an application for reinstatement is made more than thirty days after expiration and not more than one year from the date of revocation.

(7) Any licensee who applies for reinstatement after one year of revocation shall pay the ~~renewal fees for the intervening years and an additional fee of seventy-five dollars and petition the board to recommend reinstatement in the same manner as provided in section 71-161.05.~~

(8) A fee to be determined by the department rules and regulations pursuant to section 71-1,132.49 shall be charged to any registered nurse or

licensed practical nurse for the issuance of a certification of credentials to another state and to any educational institution or agency.

(9) In order to insure that all nurses have sufficient scientific and practical knowledge to continue to practice nursing, a license to practice nursing shall not be renewed after January 1, 1997, unless the nurse has within the preceding five years engaged in the practice of nursing for a minimum of five hundred hours and completed twenty contact hours within the previous two years of either:

(a) Inservice education provided by the employer; or

(b) Continuing education courses which meet requirements as specified by the board in rules and regulations.

The department, with the concurrence of the board, may waive continuing education or inservice requirements, for any two-year licensing period when a licensee submits documentation that circumstances justify such waiver. Such circumstances shall be defined in rules and regulations.

If more than five years have elapsed since the individual has practiced nursing as defined in section 71-1,132.05, the individual must complete a seventy-five-hour approved review course of study before his or her license can be renewed. Such course may be individually designed and must include a practice or clinical component, located outside of the State of Nebraska.

(9) The department shall require, in the interest of public health, safety, and welfare of the people of this state, that applicants who have not practiced nursing for a period of five or more years complete a review study of courses to be determined by the board and approved by the department in accordance with section 71-1,132.11 and satisfactorily demonstrate their ability to practice nursing by such means as may be determined by the Board of Nursing and approved by the department. Such means shall be on the basis of uniform criteria and standards established by rules and regulations adopted and promulgated by the Board of Nursing with the approval of the department.

Sec. 23. Section 71-1,132.21, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,132.21. Any person practicing nursing during the time his or her license has expired or lapsed or is on inactive status shall be considered an illegal practitioner and shall be subject to the a fine of ten dollars for each day the person practiced on an expired, lapsed, or inactive license up to a maximum of one thousand dollars or other such penalties provided for violation of the provisions of sections 71-1,132.04 to 71-1,132.36 Nurse Practice Act.

Sec. 24. Section 71-1,132.24, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,132.24. An institution desiring to conduct a school program of professional or practical nursing shall apply to the board and submit evidence to the board that it is prepared to carry out the prescribed basic nursing curriculum and to meet the other standards established by sections 71-1,132.04 to 71-1,132.36 the Nurse Practice Act and by the board, with the approval of the department.

Sec. 25. Section 71-1,132.25, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,132.25. An application to conduct a school program of professional or practical nursing education shall be made in writing upon a form to be approved and furnished by the board. It shall be accompanied by the payment of a license fee of twenty-five dollars. An institution operated by a unit or division of state or local government shall be exempt from payment of such a license fee.

Sec. 26. Section 71-1,132.26 Reissue Revised Statutes of Nebraska, is amended to read:

71-1,132.26. A survey of the program institution or institutions, with which the school is to be affiliated, shall be made by the executive director or other representative appointed by the board, who shall submit a written report of the survey to the board. If, in the opinion of the board, the program meets the requirements for an accredited school of nursing are met approval, it shall approve the school as an accredited school of nursing program.

Sec. 27. Section 71-1,132.27, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,132.27. At least every four years, or as deemed necessary by the board, it shall be the duty of the board shall, through its executive director or other representative appointed by the board, to survey all schools programs of nursing in the state. Written reports of such surveys shall be submitted to the board. The board shall act on the report to grant or deny continuing approval of the program.

Sec. 28. Section 71-1,132.28, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,132.28. If the board determines that any accredited school approved program of nursing is not maintaining the standards required by the statutes, and by the board, with the approval of the department, notice thereof, rules, and regulations, notice in writing, specifying the defect or defects, shall be immediately given to the school program. A school program which fails to correct these conditions to the satisfaction of the board within a reasonable time shall be discontinued after hearing.

Sec. 29. Section 71-1,132.29, Revised Statutes Supplement, 1994, is amended to read:

71-1,132.29. The department may deny, revoke, or suspend any license to practice nursing issued by the department or applied for in accordance with sections 71-1,132.04 to 71-1,132.53 the Nurse Practice Act or may otherwise discipline a licensee upon the grounds and in the manner provided in the Uniform Licensing Law.

Sec. 30. Section 71-1,132.35, Revised Statutes Supplement, 1994, is amended to read:

71-1,132.35. Except as otherwise herein provided in the Nurse Practice Act, it shall be unlawful for any no person, association, partnership, limited liability company, corporation, or institution to shall:

(1) Sell or fraudulently obtain or fraudulently furnish any nursing diploma, license, record, or registration or aid or abet therein;

(2) Practice professional or practical nursing as defined by section 71-1,132.05 under cover of any diploma, license, record, or registration illegally or fraudulently obtained or signed unlawfully or under fraudulent representation;

(3) Practice professional or practical nursing as defined by section 71-1,132.05 unless duly licensed to do so under sections 71-1,132.04 to 71-1,132.09 and 71-1,132.11 to 71-1,132.37 the Nurse Practice Act;

(4) Use in connection with his or her name any designation tending to imply that he or she is a nurse, a registered nurse, or a licensed practical nurse unless duly licensed so to practice under such sections the act;

(5) Practice professional or practical nursing during the time his or her license issued under such sections shall be the act is suspended, or revoked, lapsed, inactive, or expired;

(6) Conduct a school program of professional or practical nursing unless the school program has been approved by the board; or

(7) Otherwise violate any of the provisions of such sections the act.

Sec. 31. Section 71-1,132.36, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,132.36. Any person violating the provisions of sections 71-1,132.04 to 71-1,132.36 shall be Nurse Practice Act is guilty of a Class III misdemeanor. Each subsequent offense shall be is a Class II misdemeanor. Upon the request of the department, the Attorney General shall institute in the name of the state, the proper proceedings against any person regarding whom a complaint has been made, charging him or her with violation of any of the provisions of sections 71-1,132.04 to 71-1,132.36 the act, and the county attorney, at the request of the Attorney General or of the department, shall appear and prosecute such action when brought in his or her county.

Sec. 32. Section 71-1,132.37, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,132.37. (1) An applicant for a license to practice as a licensed practical nurse shall file with the department a written application for a license, pay the fee as set by the department, and submit satisfactory proof that the applicant:

(a) is eighteen years of age or more;

~~(b)~~ Is of good moral character;

~~(c)~~ (b) Has completed four years of high school study or its equivalent as determined by the board; and

~~(d)~~ (c) Has completed the basic curriculum in and holds a diploma from an approved program accredited school of practical nursing, approved by the board and holds a diploma therefrom;

(2) If an applicant for an initial license files an application for licensure within ninety days prior to the biennial renewal date of the license, the applicant may either:

(a) Request that the department delay the processing of the application and the issuance of the license until the biennial renewal date and pay only the fee for initial licensure; or

(b) Request that a license which will be valid until the next

subsequent renewal date be issued immediately and pay the fee for initial licensure and an additional fee of one-fourth of the biennial fee.

Sec. 33. Section 71-1,132.41, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,132.41. Any person who holds a license to practice as a licensed practical nurse in this state shall have the right to use the title Licensed Practical Nurse and the abbreviation L.P.N. No other person shall assume or use such title or abbreviation or any words, letters, signs, or devices to indicate that the person using the same is authorized to practice practical nursing in this state.

Sec. 34. Section 71-1,132.47, Revised Statutes Supplement, 1994, is amended to read:

71-1,132.47. ~~There is hereby created the The Nurses' Licensing Cash Fund is created.~~ There shall be appropriated from the fund such amounts as are available therefrom and as shall be considered incident to for the administration of the Licensed Practical Nurse-Certified Act and sections 71-1,132.04 to 71-1,132.53 ~~the Nurse Practice Act.~~ The fund shall contain all fees and money collected by the board or the department under the provisions of ~~the act and such sections acts~~ which shall be remitted to the State Treasurer for credit to the fund. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 35. Section 71-1,132.49, Revised Statutes Supplement, 1994, is amended to read:

71-1,132.49. The department shall, by rules and regulations, set the fees to be paid:

(1) By an applicant for a license to practice as a registered professional nurse, but the fee shall not be in excess of seventy-five two hundred dollars;

(2) By an applicant for a license to practice as a licensed practical nurse, but the fee shall not be in excess of sixty two hundred dollars;

(3) By an applicant for renewal of a license, but the fee shall not be in excess of one hundred forty dollars;

(4) By an applicant for renewal of a license to practice who fails to pay the renewal fee on or before the license or certificate expiration date, an additional fee of fifty dollars;

(5) By an applicant for reinstatement of a license, but the fee shall not be in excess of ~~ten~~ fifty dollars;

~~(5)~~ (6) For providing identification of inactive status to those individuals requesting such identification, but the fee shall not be in excess of twenty-five thirty-five dollars; and

~~(6)~~ (7) For certification to another state or country, but the fee shall not be in excess of twenty-five dollars.

(7) For a certified statement that a licensee is or has been licensed or certified in this state, but the fee shall not be in excess of fifty dollars;

(8) For written verification that a licensee is licensed or certified in this state, but the fee shall not be in excess of ten dollars; and

(9) For a duplicate or reissued original license or certificate, but the fee shall not be in excess of ten dollars.

The applicable fee set by the department pursuant to this section shall accompany the application and is nonrefundable.

Sec. 36. Section 71-1,132.50, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,132.50. The department shall, by rule and regulation, set the fees at a level sufficient to provide for all actual and necessary expenses and salaries of the board and in such a manner that unnecessary surpluses are avoided. The department shall annually on or before July 1 file a report with the Legislative Fiscal Analyst and the Governor stating the amount of the fees set by the department. Such report shall be submitted on or before July 1 of each year.

Sec. 37. Section 71-1,132.53, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,132.53. The Department of Health shall:

(1) Conduct hearings upon charges of suspension or revocation of a license;

(2) Have power to issue subpoenas and compel the attendance of witnesses and administer oaths to persons giving testimony at hearings;

(3) Cause the prosecution of all persons violating the provisions of ~~sections 71-1,132.04 to 71-1,132.09 and 71-1,132.11 to 71-1,132.41~~ Nurse

Practice Act and have power to incur the necessary expense, ~~therefor~~; and

(4) Establish fees at a level sufficient to provide for all expenses and salaries of the board pursuant to section 71-1,132.49.

Sec. 38. Section 71-1,198, Revised Statutes Supplement, 1994, is amended to read:

71-1,198. For purposes of sections 71-1,198 to 71-1,205, unless the context otherwise requires:

(1) Law enforcement agency shall mean any governmental agency charged by law with carrying out any of the regulatory provisions or any person authorized by law to make arrests within the State of Nebraska;

(2) Practitioner shall mean any person required to be licensed, certified, or registered under the regulatory provisions, whether or not such person is so licensed, certified, or registered; and

(3) Regulatory provisions shall mean the Emergency Medical Technician-Paramedic Act, the Licensed Practical Nurse-Certified Act, the Nebraska Certified Nurse Midwifery Practice Act, the Nebraska Cosmetology Act, the Nurse Practice Act, the Nurse Practitioner Act, the Occupational Therapy Practice Act, the Uniform Controlled Substances Act, the Uniform Licensing Law, the Wholesale Drug Distributor Licensing Act, or sections ~~71-1,132.04 to 71-1,132.53, 71-3702 to 71-3715, 71-4701 to 71-4719, or 71-6053 to 71-6068.~~

Sec. 39. Section 71-1,339, Revised Statutes Supplement, 1994, is amended to read:

71-1,339. Beginning July 1, 1995, the clerk of any county or district court in this state shall report to the Department of Health the conviction of any person licensed, certified, or registered by the department under the Emergency Medical Technician-Paramedic Act, the Licensed Practical Nurse-Certified Act, the Nebraska Certified Nurse Midwifery Practice Act, the Nebraska Cosmetology Act, the Nurse Practice Act, the Nurse Practitioner Act, the Occupational Therapy Practice Act, the Uniform Controlled Substances Act, the Uniform Licensing Law, the Wholesale Drug Distributor Licensing Act, or sections ~~71-1,132.04 to 71-1,132.53, 71-3702 to 71-3715, 71-4701 to 71-4719, or 71-6053 to 71-6068~~ of any felony or of any misdemeanor involving the use, sale, distribution, administration, or dispensing of a controlled substance, alcohol or chemical impairment, or substance abuse and shall also report a judgment against any such licensee, certificate holder, or registrant arising out of a claim of professional liability. The Attorney General or city or county prosecutor prosecuting any such criminal action and plaintiff in any such civil action shall provide the court with information concerning the licensure, certification, or registration of the defendant or party. Notice to the department shall be filed within thirty days after the date of conviction or judgment in a manner agreed to by the Director of Health and the State Court Administrator.

Sec. 40. Section 71-1705, Reissue Revised Statutes of Nebraska, is amended to read:

71-1705. The Legislature finds and declares:

(1) That because of the geographic maldistribution of health care services in Nebraska it is necessary to utilize the skills and proficiency of existing health professionals more efficiently;

(2) That it is necessary to encourage the more effective utilization of the skills of registered professional nurses by enabling them to perform in expanded roles in nursing; and

(3) That the provisions of sections ~~71-1,132.05, 71-1,132.11, 71-1,132.49, Nurse Practice Act and 71-1704 to 71-1737~~ the Nurse Practitioner Act are established to encourage registered professional nurses to perform in expanded roles in nursing.

Sec. 41. Section 71-1727, Reissue Revised Statutes of Nebraska, is amended to read:

71-1727. All fees received pursuant to sections 71-1704 to 71-1727 shall be processed in the same manner as fees received pursuant to ~~sections 71-1,132.04 to 71-1,132.53~~ the Nurse Practice Act.

Sec. 42. Section 71-1735, Revised Statutes Supplement, 1994, is amended to read:

71-1735. (1) The procedure for biennial recertification as a certified registered nurse anesthetist shall be as prescribed in section 71-1724.

(2) Violations of the Nurse Practitioner Act shall be dealt with in the manner prescribed in sections 71-1725, 71-1726, and 71-1737.

(3) Sections 71-1704 to 71-1727 shall apply to certified registered nurse anesthetists unless otherwise specifically provided by law.

(4) All fees received pursuant to sections 71-1727 to 71-1737 shall be processed in the same manner as fees received pursuant to ~~sections 71-1,132.04 to 71-1,132.53~~ the Nurse Practice Act.

Sec. 43. Section 71-1760, Reissue Revised Statutes of Nebraska, is amended to read:

71-1760. All fees received pursuant to the Nebraska Certified Nurse Midwifery Practice Act shall be processed in the same manner as fees received pursuant to sections ~~71-1,132-04 to 71-1,132-53~~ the Nurse Practice Act.

Sec. 44. Section 71-1779, Revised Statutes Supplement, 1994, is amended to read:

71-1779. Certificates for licensed practical nurses-certified shall be renewed as provided for licenses for licensed practical nurses in section 71-1,132.20. To obtain renewal of a certificate, a licensed practical nurse-certified shall complete five hours of continuing education courses approved by the board and submit proof of such in the manner provided by section 71-161.10. Such continuing education courses shall relate to intravenous therapy or nasogastric tube insertion and may be included in the continuing education required under ~~section 71-1,132-52~~ the Nurse Practice Act for renewal of a license as a licensed practical nurse.

Sec. 45. Section 71-1786, Revised Statutes Supplement, 1994, is amended to read:

71-1786. All fees received pursuant to the Licensed Practical Nurse-Certified Act shall be processed as provided in sections ~~71-1,132-04 to 71-1,132-53~~ the Nurse Practice Act.

Sec. 46. Section 71-2601, Revised Statutes Supplement, 1994, is amended to read:

71-2601. The State Board of Health shall consist of ~~sixteen~~ seventeen members to be appointed by the Governor with the consent of a majority of the members of the Legislature. Two members shall be licensed to practice medicine and surgery in this state, one member shall be licensed to practice dentistry in this state, one member shall be licensed to practice optometry in this state, one member shall be licensed to practice veterinary medicine in this state, one member shall be licensed to practice pharmacy in this state, ~~one member two members~~ shall be licensed to practice nursing in this state, one member shall be licensed to practice osteopathic medicine and surgery or as an osteopathic physician in this state, one member shall be licensed to practice podiatry in this state, one member shall be licensed to practice chiropractic in this state, one member shall be licensed to practice physical therapy in this state, one member shall be a registered professional engineer in this state, one member shall be an administrator of a hospital in this state which is licensed pursuant to sections 71-2017 to 71-2029, one member shall be a credentialed mental health professional, and two members shall be laypersons who at all times are public-spirited citizens of Nebraska interested in the health of the people of the State of Nebraska and not less than twenty-one years of age. The Governor shall also be an ex officio member of such board but shall be permitted to vote on matters before ~~such~~ the board only when necessary to break a tie.

Sec. 47. Sections 7, 8, and 48 of this act become operative on July 1, 1996. The other sections of this act become operative on their effective date.

Sec. 48. Original sections 71-1,132.05 and 71-1,132.06, Revised Statutes Supplement, 1994, are repealed.

Sec. 49. Original sections 44-2803, 71-1,132.04, 71-1,132.09, 71-1,132.10, 71-1,132.12, 71-1,132.13, 71-1,132.15, 71-1,132.21, 71-1,132.24 to 71-1,132.28, 71-1,132.36, 71-1,132.37, 71-1,132.41, 71-1,132.50, 71-1,132.53, 71-1705, 71-1727, and 71-1760, Reissue Revised Statutes of Nebraska, and sections 71-168, 71-168.02, 71-1,132.07, 71-1,132.08, 71-1,132.11, 71-1,132.14, 71-1,132.16, 71-1,132.18, 71-1,132.20, 71-1,132.29, 71-1,132.35, 71-1,132.47, 71-1,132.49, 71-1,198, 71-1,339, 71-1735, 71-1779, 71-1786, and 71-2601, Revised Statutes Supplement, 1994, are repealed.

Sec. 50. The following sections are outright repealed: Sections 71-1,132.19 and 71-1,132.52, Reissue Revised Statutes of Nebraska.

Sec. 51. Since an emergency exists, this act takes effect when passed and approved according to law.