

## LEGISLATIVE BILL 701

Approved by the Governor April 11, 2018

Introduced by Kolterman, 24; Brewer, 43.

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend section 38-2001, Reissue Revised Statutes of Nebraska, and sections 38-101 and 38-105, Revised Statutes Supplement, 2017; to define terms; to provide for telehealth practice; to harmonize provisions; and to repeal the original sections.

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

Section 1. Section 38-101, Revised Statutes Supplement, 2017, is amended to read:

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

- (1) The Advanced Practice Registered Nurse Practice Act;
- (2) The Alcohol and Drug Counseling Practice Act;
- (3) The Athletic Training Practice Act;
- (4) The Audiology and Speech-Language Pathology Practice Act;
- (5) The Certified Nurse Midwifery Practice Act;
- (6) The Certified Registered Nurse Anesthetist Practice Act;
- (7) The Chiropractic Practice Act;
- (8) The Clinical Nurse Specialist Practice Act;
- (9) The Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art Practice Act;
- (10) The Dentistry Practice Act;
- (11) The Dialysis Patient Care Technician Registration Act;
- (12) The Emergency Medical Services Practice Act;
- (13) The Environmental Health Specialists Practice Act;
- (14) The Funeral Directing and Embalming Practice Act;
- (15) The Genetic Counseling Practice Act;
- (16) The Hearing Instrument Specialists Practice Act;
- (17) The Licensed Practical Nurse-Certified Practice Act until November 1, 2017;
- (18) The Massage Therapy Practice Act;
- (19) The Medical Nutrition Therapy Practice Act;
- (20) The Medical Radiography Practice Act;
- (21) The Medicine and Surgery Practice Act;
- (22) The Mental Health Practice Act;
- (23) The Nurse Practice Act;
- (24) The Nurse Practitioner Practice Act;
- (25) The Nursing Home Administrator Practice Act;
- (26) The Occupational Therapy Practice Act;
- (27) The Optometry Practice Act;
- (28) The Perfusion Practice Act;
- (29) The Pharmacy Practice Act;
- (30) The Physical Therapy Practice Act;
- (31) The Podiatry Practice Act;
- (32) The Psychology Practice Act;
- (33) The Respiratory Care Practice Act;
- (34) The Surgical First Assistant Practice Act;
- (35) The Veterinary Medicine and Surgery Practice Act; and
- (36) The Water Well Standards and Contractors' Practice Act.

If there is any conflict between any provision of sections 38-101 to 38-1,142 and sections 3 and 4 of this act and any provision of a practice act, the provision of the practice act shall prevail.

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

Sec. 2. Section 38-105, Revised Statutes Supplement, 2017, is amended to read:

38-105 For purposes of the Uniform Credentialing Act, unless the context otherwise requires, the definitions found in sections 38-106 to 38-120 and sections 3 and 4 of this act apply.

Sec. 3. Telehealth means the use of medical information electronically exchanged from one site to another, whether synchronously or asynchronously, to aid a credential holder in the diagnosis or treatment of a patient. Telehealth includes services originating from a patient's home or any other location where such patient is located, asynchronous services involving the acquisition and storage of medical information at one site that is then forwarded to or retrieved by a credential holder at another site for medical evaluation, and telemonitoring.

Sec. 4. Telemonitoring means the remote monitoring of a patient's vital signs, biometric data, or subjective data by a monitoring device which transmits such data electronically to a credential holder for analysis and storage.

Sec. 5. Section 38-2001, Reissue Revised Statutes of Nebraska, is amended to read:

38-2001 Sections 38-2001 to 38-2062 and section 6 of this act shall be known and may be cited as the Medicine and Surgery Practice Act.

Sec. 6. (1) A physician or physician assistant may establish a provider-patient relationship through telehealth.

(2) A licensed physician or licensed physician assistant who is providing a telehealth service to a patient may prescribe the patient a drug if the licensed physician or licensed physician assistant is authorized to prescribe.

(3) The department may adopt and promulgate rules and regulations pursuant to section 38-126 that are consistent with this section.

Sec. 7. Original section 38-2001, Reissue Revised Statutes of Nebraska, and sections 38-101 and 38-105, Revised Statutes Supplement, 2017, are repealed.