

LEGISLATURE OF NEBRASKA

ONE HUNDRED THIRD LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 916**

Final Reading

Introduced by Crawford, 45; Campbell, 25; Gloor, 35; Watermeier, 1;  
Hansen, 42; Krist, 10; Cook, 13.

Read first time January 15, 2014

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to nurses; to amend sections 38-206, 38-2302,  
2 38-2310, 38-2322, and 38-2323, Reissue Revised Statutes  
3 of Nebraska, section 38-2301, Revised Statutes Cumulative  
4 Supplement, 2012, and section 38-2315, Revised Statutes  
5 Supplement, 2013; to eliminate requirements for  
6 integrated practice agreements for nurse practitioners;  
7 to provide for transition-to-practice agreements; to  
8 change provisions relating to credentialing and  
9 regulation; to harmonize provisions; and to repeal the  
10 original sections.

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

1           Section 1. Section 38-206, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           38-206 The board shall:

4           (1) Establish standards for integrated practice  
5 agreements between collaborating physicians and certified nurse  
6 midwives; ~~and nurse practitioners;~~

7           (2) Monitor the scope of practice by certified nurse  
8 midwives, certified registered nurse anesthetists, clinical nurse  
9 specialists, and nurse practitioners;

10          (3) Recommend disciplinary action relating to licenses of  
11 advanced practice registered nurses, certified nurse midwives,  
12 certified registered nurse anesthetists, clinical nurse specialists,  
13 and nurse practitioners;

14          (4) Engage in other activities not inconsistent with the  
15 Advanced Practice Registered Nurse Practice Act, the Certified Nurse  
16 Midwifery Practice Act, the Certified Registered Nurse Anesthetist  
17 Practice Act, the Clinical Nurse Specialist Practice Act, and the  
18 Nurse Practitioner Practice Act; and

19          (5) Adopt rules and regulations to implement the Advanced  
20 Practice Registered Nurse Practice Act, the Certified Nurse Midwifery  
21 Practice Act, the Certified Registered Nurse Anesthetist Practice  
22 Act, the Clinical Nurse Specialist Practice Act, and the Nurse  
23 Practitioner Practice Act, for promulgation by the department as  
24 provided in section 38-126. Such rules and regulations shall also  
25 include: (a) Approved certification organizations and approved

1 certification programs; and (b) professional liability insurance.

2           Sec. 2. Section 38-2301, Revised Statutes Cumulative  
3 Supplement, 2012, is amended to read:

4           38-2301 Sections 38-2301 to 38-2324 and section 4 of this  
5 act shall be known and may be cited as the Nurse Practitioner  
6 Practice Act.

7           Sec. 3. Section 38-2302, Reissue Revised Statutes of  
8 Nebraska, is amended to read:

9           38-2302 For purposes of the Nurse Practitioner Practice  
10 Act and elsewhere in the Uniform Credentialing Act, unless the  
11 context otherwise requires, the definitions found in sections 38-2303  
12 to 38-2314 and section 4 of this act apply.

13           Sec. 4. Section 38-2310, Reissue Revised Statutes of  
14 Nebraska, is amended to read:

15           ~~38-2310 (1) Integrated practice agreement means a written~~  
16 ~~agreement between a nurse practitioner and a collaborating physician~~  
17 ~~in which the nurse practitioner and the collaborating physician~~  
18 ~~provide for the delivery of health care through an integrated~~  
19 ~~practice. The integrated practice agreement shall provide that the~~  
20 ~~nurse practitioner and the collaborating physician will practice~~  
21 ~~collaboratively within the framework of their respective scopes of~~  
22 ~~practice. Each provider shall be responsible for his or her~~  
23 ~~individual decisions in managing the health care of patients.~~  
24 ~~Integrated practice includes consultation, collaboration, and~~  
25 ~~referral.~~

1           ~~(2) The nurse practitioner and the collaborating~~  
2 ~~physician shall have joint responsibility for patient care, based~~  
3 ~~upon the scope of practice of each practitioner. The collaborating~~  
4 ~~physician shall be responsible for supervision of the nurse~~  
5 ~~practitioner to ensure the quality of health care provided to~~  
6 ~~patients.~~

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

8           ~~(a) Collaborating physician means a physician or~~  
9 ~~osteopathic physician licensed in Nebraska and practicing in the same~~  
10 ~~geographic area and practice specialty, related specialty, or field~~  
11 ~~of practice as the nurse practitioner; and~~

12           ~~(b) Supervision means the ready availability of the~~  
13 ~~collaborating physician for consultation and direction of the~~  
14 ~~activities of the nurse practitioner within the nurse practitioner's~~  
15 ~~defined scope of practice.~~

16           Transition-to-practice agreement means a collaborative  
17 agreement between a nurse practitioner and a supervising provider  
18 which provides for the delivery of health care through a  
19 collaborative practice and which meets the requirements of section  
20 38-2322.

21           Sec. 5. Section 38-2315, Revised Statutes Supplement,  
22 2013, is amended to read:

23           38-2315 (1) A nurse practitioner may provide health care  
24 services within specialty areas. A nurse practitioner shall function  
25 by establishing collaborative, consultative, and referral networks as

1 appropriate with other health care professionals. Patients who  
2 require care beyond the scope of practice of a nurse practitioner  
3 shall be referred to an appropriate health care provider.

4 (2) Nurse practitioner practice means health promotion,  
5 health supervision, illness prevention and diagnosis, treatment, and  
6 management of common health problems and acute and chronic  
7 conditions, including:

8 (a) Assessing patients, ordering diagnostic tests and  
9 therapeutic treatments, synthesizing and analyzing data, and applying  
10 advanced nursing principles;

11 (b) Dispensing, incident to practice only, sample  
12 medications which are provided by the manufacturer and are provided  
13 at no charge to the patient; and

14 (c) Prescribing therapeutic measures and medications  
15 relating to health conditions within the scope of practice. ~~Any~~  
16 ~~limitation on the prescribing authority of the nurse practitioner for~~  
17 ~~controlled substances listed in Schedule II of section 28-405 shall~~  
18 ~~be recorded in the integrated practice agreement established pursuant~~  
19 ~~to section 38-2310.~~

20 (3) A nurse practitioner who has proof of a current  
21 certification from an approved certification program in a psychiatric  
22 or mental health specialty may manage the care of patients committed  
23 under the Nebraska Mental Health Commitment Act. Patients who require  
24 care beyond the scope of practice of a nurse practitioner who has  
25 proof of a current certification from an approved certification

1 program in a psychiatric or mental health specialty shall be referred  
2 to an appropriate health care provider.

3 (4) A nurse practitioner may pronounce death and may  
4 complete and sign death certificates and any other forms if such acts  
5 are within the scope of practice of the nurse practitioner and are  
6 not otherwise prohibited by law.

7 Sec. 6. Section 38-2322, Reissue Revised Statutes of  
8 Nebraska, is amended to read:

9 38-2322 (1) ~~Prior to commencing practice~~ In order to be  
10 licensed as a nurse practitioner, an individual ~~(a)~~ who has a  
11 master's degree or doctorate degree in nursing and has completed an  
12 approved nurse practitioner program, ~~(b)~~ and who can demonstrate  
13 separate course work in pharmacotherapeutics, advanced health  
14 assessment, and pathophysiology or psychopathology, ~~and (c) who has~~  
15 ~~completed a minimum of two thousand hours of practice under the~~  
16 ~~supervision of a physician,~~ shall submit to the department an  
17 integrated practice agreement with a collaborating physician and  
18 shall furnish proof of professional liability insurance required  
19 under section 38-2320.

20 ~~(2) A nurse practitioner who needs to obtain the two~~  
21 ~~thousand hours of supervised practice required under subdivision (1)~~  
22 ~~(c) of this section shall (a) submit to the department one or more~~  
23 ~~integrated practice agreements with a collaborating physician, (b)~~  
24 ~~furnish proof of jointly approved protocols with a collaborating~~  
25 ~~physician which shall guide the nurse practitioner's practice, and~~

1 ~~(c) furnish proof of professional liability insurance required under~~  
2 ~~section 38-2320.~~

3 ~~(3) If, after a diligent effort to obtain an integrated~~  
4 ~~practice agreement, a nurse practitioner is unable to obtain an~~  
5 ~~integrated practice agreement with one physician, the board may waive~~  
6 ~~the requirement of an integrated practice agreement upon a showing~~  
7 ~~that the applicant (a) meets the requirements of subsection (1) of~~  
8 ~~this section, (b) has made a diligent effort to obtain an integrated~~  
9 ~~practice agreement, and (c) will practice in a geographic area where~~  
10 ~~there is a shortage of health care services.~~

11 (2) In order to practice as a nurse practitioner in this  
12 state, an individual who holds or has held a license as a nurse  
13 practitioner in this state or in another state shall submit to the  
14 department a transition-to-practice agreement or evidence of  
15 completion of two thousand hours of practice as a nurse practitioner  
16 which have been completed under a transition-to-practice agreement,  
17 under a collaborative agreement, under an integrated practice  
18 agreement, through independent practice, or under any combination of  
19 such agreements and practice, as allowed in this state or another  
20 state.

21 (3)(a) A transition-to-practice agreement shall be a  
22 formal written agreement that provides that the nurse practitioner  
23 and the supervising provider practice collaboratively within the  
24 framework of their respective scopes of practice.

25 (b) The nurse practitioner and the supervising provider

1 shall each be responsible for his or her individual decisions in  
2 managing the health care of patients through consultation,  
3 collaboration, and referral. The nurse practitioner and the  
4 supervising provider shall have joint responsibility for the delivery  
5 of health care to a patient based upon the scope of practice of the  
6 nurse practitioner and the supervising provider.

7 (c) The supervising provider shall be responsible for  
8 supervision of the nurse practitioner to ensure the quality of health  
9 care provided to patients.

10 (d) In order for a nurse practitioner to be a supervising  
11 provider for purposes of a transition-to-practice agreement, the  
12 nurse practitioner shall submit to the department evidence of  
13 completion of ten thousand hours of practice as a nurse practitioner  
14 which have been completed under a transition-to-practice agreement,  
15 under a collaborative agreement, under an integrated practice  
16 agreement, through independent practice, or under any combination of  
17 such agreements or practice, as allowed in this state or another  
18 state.

19 (4) For purposes of this section:

20 (a) Supervising provider means a physician, osteopathic  
21 physician, or nurse practitioner licensed and practicing in Nebraska  
22 and practicing in the same practice specialty, related specialty, or  
23 field of practice as the nurse practitioner being supervised; and

24 (b) Supervision means the ready availability of the  
25 supervising provider for consultation and direction of the activities

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

3           Sec. 7. Section 38-2323, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5           38-2323 Nothing in the Nurse Practitioner Practice Act  
6 shall prohibit a nurse practitioner from consulting or collaborating  
7 with and referring patients to health care providers not included in  
8 the nurse practitioner's ~~integrated practice~~ transition-to-practice  
9 agreement.

10           Sec. 8. Original sections 38-206, 38-2302, 38-2310,  
11 38-2322, and 38-2323, Reissue Revised Statutes of Nebraska, section  
12 38-2301, Revised Statutes Cumulative Supplement, 2012, and section  
13 38-2315, Revised Statutes Supplement, 2013, are repealed.