

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 916

Introduced by Crawford, 45; Campbell, 25; Gloor, 35.

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 and 38-2322,
2 Reissue Revised Statutes of Nebraska, and section
3 38-2315, Revised Statutes Supplement, 2013; to change
4 provisions relating to the practice of nurse
5 practitioners; to eliminate a definition of and
6 provisions on integrated practice agreements; to
7 harmonize provisions; to repeal the original sections;
8 and to outright repeal sections 38-2310 and 38-2323,
9 Reissue Revised Statutes of Nebraska.

10 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 38-2315, Revised Statutes Supplement,
3 2013, is amended to read:

4 38-2315 (1) A nurse practitioner may provide health care
5 services within specialty areas. A nurse practitioner shall function
6 by establishing collaborative, consultative, and referral networks as
7 appropriate with other health care professionals. Patients who
8 require care beyond the scope of practice of a nurse practitioner
9 shall be referred to an appropriate health care provider.

10 (2) Nurse practitioner practice means health promotion,
11 health supervision, illness prevention and diagnosis, treatment, and
12 management of common health problems and acute and chronic
13 conditions, including:

14 (a) Assessing patients, ordering diagnostic tests and
15 therapeutic treatments, synthesizing and analyzing data, and applying
16 advanced nursing principles;

17 (b) Dispensing, incident to practice only, sample
18 medications which are provided by the manufacturer and are provided
19 at no charge to the patient; and

20 (c) Prescribing therapeutic measures and medications
21 relating to health conditions within the scope of practice. ~~Any~~
22 ~~limitation on the prescribing authority of the nurse practitioner for~~
23 ~~controlled substances listed in Schedule II of section 28-405 shall~~
24 ~~be recorded in the integrated practice agreement established pursuant~~
25 ~~to section 38-2310.~~

1 (3) A nurse practitioner who has proof of a current
2 certification from an approved certification program in a psychiatric
3 or mental health specialty may manage the care of patients committed
4 under the Nebraska Mental Health Commitment Act. Patients who require
5 care beyond the scope of practice of a nurse practitioner who has
6 proof of a current certification from an approved certification
7 program in a psychiatric or mental health specialty shall be referred
8 to an appropriate health care provider.

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

13 Sec. 3. Section 38-2322, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 38-2322 ~~(1)~~—Prior to commencing practice as a nurse
16 practitioner, an individual ~~(a) who has~~ shall provide to the
17 department (1) evidence of a master's degree or doctorate degree in
18 nursing and has completed completion of an approved nurse
19 practitioner program, (b) who can demonstrate (2) evidence of
20 separate course work in pharmacotherapeutics, advanced health
21 assessment, and pathophysiology or psychopathology, and (c) who has
22 completed a minimum of two thousand hours of practice under the
23 supervision of a physician, shall submit to the department an
24 integrated practice agreement with a collaborating physician and
25 shall furnish (3) proof of professional liability insurance required

1 under section 38-2320.

2 ~~(2) A nurse practitioner who needs to obtain the two~~
3 ~~thousand hours of supervised practice required under subdivision (1)~~
4 ~~(c) of this section shall (a) submit to the department one or more~~
5 ~~integrated practice agreements with a collaborating physician, (b)~~
6 ~~furnish proof of jointly approved protocols with a collaborating~~
7 ~~physician which shall guide the nurse practitioner's practice, and~~
8 ~~(c) furnish proof of professional liability insurance required under~~
9 ~~section 38-2320.~~

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

18 Sec. 4. Original sections 38-206 and 38-2322, Reissue
19 Revised Statutes of Nebraska, and section 38-2315, Revised Statutes
20 Supplement, 2013, are repealed.

21 Sec. 5. The following sections are outright repealed:
22 Sections 38-2310 and 38-2323, Reissue Revised Statutes of Nebraska.