

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 185

FINAL READING

Introduced by Health and Human Services Committee: Johnson, 37, Chairperson; Erdman, 47; Gay, 14; Hansen, 42; Howard, 9; Pankonin, 2; Stuthman, 22

Read first time January 9, 2007

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to health and human services; to amend
2 sections 71-629, 71-1734, 71-1748, 71-1752, 71-1756,
3 71-1764, 71-1765, 71-5185, 71-6726, 71-6733, 71-8249,
4 and 71-8252, Reissue Revised Statutes of Nebraska,
5 and sections 68-906, 68-919, 68-921, 71-1707, 71-1722,
6 71-1723, 71-1723.01, 71-1723.02, 71-1724, 71-1724.01,
7 71-1726.01, 71-1726.02, 71-1729, 71-1730, 71-1731,
8 71-1735, 71-1737, 71-1749, 71-1755, 71-1757, 71-17,118,
9 71-17,119, 71-17,121, 71-17,122, 71-17,123, 71-17,124,
10 71-17,128, 71-17,129, 71-17,134, 71-17,135, 71-17,137,
11 71-17,138, 71-17,139, 71-17,140, 71-6039, 81-647, and
12 81-671, Revised Statutes Cumulative Supplement, 2006;

1 to change provisions relating to the Medical Assistance
2 Act, birth certificates, nursing assistants, medication
3 aides, regional trauma advisory boards, and the cancer
4 registry; to change provisions relating to recovery of
5 medical assistance; to change and eliminate provisions
6 relating to licensure and certification of certified
7 nurse midwives, certified registered nurse anesthetists,
8 clinical nurse specialists, and nurse practitioners;
9 to authorize the release of patient information as
10 prescribed; to harmonize provisions; to provide operative
11 dates; to repeal the original sections; to outright
12 repeal sections 71-1761 and 71-1762, Reissue Revised
13 Statutes of Nebraska, and sections 71-1724.02, 71-1725,
14 71-1725.01, 71-1726, 71-1736.01, 71-1736.02, 71-1736.03,
15 71-1758, 71-17,125, 71-17,126, and 71-17,127, Revised
16 Statutes Cumulative Supplement, 2006; and to declare an
17 emergency.

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

1 Section 1. Section 68-906, Revised Statutes Cumulative
2 Supplement, 2006, is amended to read:

3 68-906 For purposes of paying medical assistance under
4 the Medical Assistance Act and sections 68-1002 and 68-1006, the
5 State of Nebraska accepts and assents to all applicable provisions
6 of Title XIX and Title XXI of the federal Social Security Act.
7 Any reference in the Medical Assistance Act to the federal Social
8 Security Act or other acts or sections of federal law shall be to
9 such federal acts or sections as they existed on April 1, ~~2006-~~
10 2007.

11 Sec. 2. Section 68-919, Revised Statutes Cumulative
12 Supplement, 2006, is amended to read:

13 68-919 (1) The recipient of medical assistance under the
14 medical assistance program shall be indebted to the department for
15 the total amount paid for medical assistance on behalf of the
16 recipient if:

17 (a) The recipient was fifty-five years of age or older at
18 the time the medical assistance was provided; or

19 (b) The recipient resided in a medical institution and,
20 at the time of institutionalization or application for medical
21 assistance, whichever is later, the department determines that the
22 recipient could not have reasonably been expected to be discharged
23 and resume living at home. For purposes of this section, medical
24 institution means a nursing facility, an intermediate care facility
25 for the mentally retarded, or an inpatient hospital.

1 (2) The debt accruing under subsection (1) of this
2 section arises during the life of the recipient but shall be held
3 in abeyance until the death of the recipient. Any such debt to the
4 department that exists when the recipient dies shall be recovered
5 only after the death of the recipient's spouse, if any, and only
6 when the recipient is not survived by a child who either is under
7 twenty-one years of age or is blind or totally and permanently
8 disabled as defined by the Supplemental Security Income criteria.

9 (3) The debt shall include the total amount of medical
10 assistance provided when the recipient was fifty-five years of age
11 or older or during a period of institutionalization as described in
12 subsection (1) of this section and shall not include interest.

13 (4) In any probate proceedings in which the department
14 has filed a claim under this section, no additional evidence of
15 foundation shall be required for the admission of the department's
16 payment record supporting its claim if the payment record bears the
17 seal of the department, is certified as a true copy, and bears the
18 signature of an authorized representative of the department.

19 (5) The department may waive or compromise its claim, in
20 whole or in part, if the department determines that enforcement of
21 the claim would not be in the best interests of the state or would
22 result in undue hardship as provided in rules and regulations of
23 the department.

24 Sec. 3. Section 68-921, Revised Statutes Cumulative
25 Supplement, 2006, is amended to read:

1 68-921 For purposes of sections 68-921 to 68-925:

2 (1) Assets means property which is not exempt from
3 consideration in determining eligibility for medical assistance
4 under rules and regulations adopted and promulgated under section
5 68-922;

6 (2) Community spouse monthly income allowance means the
7 amount of income determined by the Department of Health and Human
8 Services in accordance with section 1924 of the federal Social
9 Security Act, as amended, Public Law 100-360, 42 U.S.C. 1396r-5;

10 (3) Community spouse resource allowance means the amount
11 of assets determined in accordance with section 1924 of the federal
12 Social Security Act, as amended, Public Law 100-360, 42 U.S.C.
13 1396r-5. For purposes of 42 U.S.C. 1396r-5(f)(2)(A)(i), the amount
14 specified by the state shall be twelve thousand dollars;

15 (4) Home and community-based services means services
16 furnished under home and community-based waivers as defined in
17 Title XIX of the federal Social Security Act, as amended, 42 U.S.C.
18 1396;

19 (5) Qualified applicant means a person (a) who applies
20 for medical assistance on or after July 9, 1988, (b) who is under
21 care in a state-licensed hospital, ~~skilled a~~ nursing facility,
22 ~~intermediate care facility,~~ an intermediate care facility for the
23 mentally retarded, ~~nursing facility,~~ an assisted-living facility,
24 or a center for the developmentally disabled, as such terms are
25 defined in the Health Care Facility Licensure Act, or an adult

1 family home certified by the Department of Health and Human
2 Services or is receiving home and community-based services, and (c)
3 whose spouse is not under such care or receiving such services and
4 is not applying for or receiving medical assistance;

5 (6) Qualified recipient means a person (a) who has
6 applied for medical assistance before July 9, 1988, and is eligible
7 for such assistance, (b) who is under care in a facility certified
8 to receive medical assistance funds or is receiving home and
9 community-based services, and (c) whose spouse is not under such
10 care or receiving such services and is not applying for or
11 receiving medical assistance; and

12 (7) Spouse means the spouse of a qualified applicant or
13 qualified recipient.

14 Sec. 4. Section 71-629, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 71-629 A certified copy or copies of the certificate of
17 birth of any such legitimized child may be furnished upon request
18 by the Director of Finance and Support. The ~~7~~ ~~but~~ the evidence upon
19 which the new certificate is made may be furnished upon request
20 to a parent of such legitimized child or to the legitimized child
21 if such child is nineteen years of age or older. The evidence
22 upon which the new certificate is made shall be available for
23 inspection by any other person only upon the order of a court of
24 competent jurisdiction, and the original certificate of birth shall
25 be available for inspection only upon the order of a court of

1 competent jurisdiction.

2 Sec. 5. Section 71-1707, Revised Statutes Cumulative
3 Supplement, 2006, is amended to read:

4 71-1707 Nurse practitioner means a registered nurse ~~who~~
5 ~~meets the requirements established~~ certified as described in
6 ~~section 71-1722 and who holds a certificate issued under the Nurse~~
7 ~~Practitioner Act.~~ licensed under the Advanced Practice Registered
8 Nurse Licensure Act to practice as a nurse practitioner.

9 Sec. 6. Section 71-1722, Revised Statutes Cumulative
10 Supplement, 2006, is amended to read:

11 71-1722 ~~Requirements for certification~~ (1) An applicant
12 for licensure under the Advanced Practice Registered Nurse
13 Licensure Act to practice as a nurse practitioner shall be the
14 ~~following:~~ have:

15 ~~(1)~~ (a) A license as a registered nurse in the State of
16 Nebraska or the authority based upon the Nurse Licensure Compact to
17 practice as a registered nurse in Nebraska;

18 ~~(2)~~ A ~~completed application which includes the~~
19 ~~applicant's social security number;~~

20 ~~(3)~~ A ~~certification fee established and collected as~~
21 ~~provided in section 71-162;~~

22 ~~(4)~~ (b) Evidence of having successfully completed a
23 graduate-level program in the clinical specialty area of nurse
24 practitioner practice, which program is accredited by a national
25 accrediting body;

1 ~~(5)~~ (c) Evidence of having successfully completed thirty
2 contact hours of education in pharmacotherapeutics; and

3 ~~(6)~~ ~~Submission of proof~~ (d) Proof of having passed an
4 examination pertaining to the specific nurse practitioner role in
5 nursing adopted or approved by the board with the approval of the
6 department. Such examination may include any recognized national
7 credentialing examination for nurse practitioners conducted
8 by an approved certifying body which administers an approved
9 certification program. ~~and~~

10 ~~(7)~~ (2) If more than five years have elapsed since
11 the completion of the nurse practitioner program or since the
12 applicant has practiced in the specific nurse practitioner role,
13 the applicant shall meet the requirements in ~~subdivisions (1)~~
14 ~~through~~ ~~(6)~~ subsection (1) of this section and provide evidence of
15 continuing competency as required by the board pursuant to section
16 71-17,135.

17 Sec. 7. Section 71-1723, Revised Statutes Cumulative
18 Supplement, 2006, is amended to read:

19 71-1723 Anyone fulfilling the requirements listed in
20 section 71-1722 shall be issued a ~~certificate~~ license as an
21 advanced practice registered nurse to practice as a nurse
22 practitioner by the department.

23 Sec. 8. Section 71-1723.01, Revised Statutes Cumulative
24 Supplement, 2006, is amended to read:

25 71-1723.01 A person licensed as an advanced practice

1 registered nurse in this state on July 1, 2007, shall be issued
2 a license by the department as an advanced practice registered
3 nurse under the Advanced Practice Registered Nurse Licensure Act
4 and shall be issued a certificate by the department to practice
5 as a nurse practitioner under the Nurse Practitioner Act on
6 such date. A person ~~certified~~ licensed to practice as a nurse
7 practitioner in this state may use the title nurse practitioner and
8 the abbreviation NP.

9 Sec. 9. Section 71-1723.02, Revised Statutes Cumulative
10 Supplement, 2006, is amended to read:

11 71-1723.02 (1) A Prior to commencing practice as a nurse
12 practitioner, an individual (a) who has a master's degree or
13 doctorate degree in nursing and has completed an approved nurse
14 practitioner program, (b) who can demonstrate separate course
15 work in pharmacotherapeutics, advanced health assessment, and
16 pathophysiology or psychopathology, and (c) who has completed a
17 minimum of two thousand hours of practice under the supervision
18 of a physician, shall ~~(i)~~ submit to the department an integrated
19 practice agreement with a collaborating physician and ~~(ii)~~ shall
20 furnish proof of professional liability insurance required under
21 section 71-1723.04 prior to commencing practice.

22 (2) A nurse practitioner who needs to obtain the two
23 thousand hours of supervised practice required under subdivision
24 (1)(c) of this section shall (a) submit to the department
25 one or more integrated practice agreements with a collaborating

1 physician, (b) furnish proof of jointly approved protocols with a
2 collaborating physician which shall guide the nurse practitioner's
3 practice, and (c) furnish proof of professional liability insurance
4 required under section 71-1723.04.

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

13 Sec. 10. Section 71-1724, Revised Statutes Cumulative
14 Supplement, 2006, is amended to read:

15 ~~71-1724 Renewal of a certificate as a nurse practitioner~~
16 ~~shall be at the same time and in the same manner as renewal of a~~
17 ~~license as a registered nurse and shall require:~~

18 ~~(1) A license as a registered nurse in the State of~~
19 ~~Nebraska or the authority based on the Nurse Licensure Compact to~~
20 ~~practice as a registered nurse in Nebraska;~~

21 ~~(2) Documentation of continuing competency upon~~
22 ~~completion of continuing competency activities established by the~~
23 ~~board pursuant to section 71-17,135;~~

24 To renew a license to practice as a nurse practitioner,
25 the applicant shall have:

1 ~~(3)~~ (1) Documentation of a minimum of two thousand
 2 eighty hours of practice as a nurse practitioner within the
 3 five years immediately preceding renewal. These practice hours
 4 shall fulfill the requirements of the practice hours required for
 5 registered nurse renewal. Practice hours as an advanced practice
 6 registered nurse prior to July 1, 2007, shall be used to fulfill
 7 the requirements of this section; and

8 ~~(4)~~ (2) Proof of current certification in the specific
 9 nurse practitioner clinical specialty area by an approved
 10 certification program. and

11 ~~(5)~~ Payment of a biennial renewal fee established and
 12 collected as provided in section 71-162.

13 Sec. 11. Section 71-1724.01, Revised Statutes Cumulative
 14 Supplement, 2006, is amended to read:

15 71-1724.01 The department may grant a temporary ~~permit~~
 16 license to practice as a nurse practitioner for up to one hundred
 17 twenty days upon application:

18 (1) To graduates of an approved nurse practitioner
 19 program pending results of the first credentialing examination
 20 following graduation;

21 (2) ~~For one hundred twenty days to~~ To a nurse
 22 practitioner lawfully authorized to practice in another state
 23 pending completion of the application for a Nebraska ~~certificate,~~
 24 license; and

25 (3) To applicants for purposes of a reentry program or

1 supervised practice as part of continuing competency activities
2 established by the board pursuant to section 71-17,135.

3 A temporary license issued pursuant to this section may
4 be extended for up to one year with the approval of the board. An
5 individual holding a temporary permit as a nurse practitioner on
6 the operative date of this section shall be deemed to be holding a
7 temporary license under this section on such date. The permitholder
8 may continue to practice under such temporary permit as a temporary
9 license until it would have expired under its terms.

10 Sec. 12. Section 71-1726.01, Revised Statutes Cumulative
11 Supplement, 2006, is amended to read:

12 71-1726.01 The Nurse Practitioner Act does not prohibit
13 the performance of activities of a nurse practitioner by an
14 unlicensed person if performed:

15 (1) In an emergency situation;

16 (2) By a legally qualified person from another state
17 employed by the United States Government and performing official
18 duties in this state;

19 (3) By a person enrolled in an approved nurse
20 practitioner program for the preparation of nurse practitioners as
21 part of that approved program; and

22 (4) By a person holding a temporary ~~permit~~ license
23 pursuant to section 71-1724.01.

24 Sec. 13. Section 71-1726.02, Revised Statutes Cumulative
25 Supplement, 2006, is amended to read:

1 71-1726.02 Any person, corporation, association, or other
2 entity engaging in any of the following activities is guilty of a
3 Class IV felony:

4 (1) Practicing as a nurse practitioner without being
5 issued a ~~certificate~~ license as such by the department;

6 (2) Employing or offering to employ any person as a nurse
7 practitioner, knowing that such person is not ~~certified~~ licensed as
8 such by the department;

9 (3) Fraudulently seeking, obtaining, or furnishing a
10 ~~certificate~~ license as a nurse practitioner or aiding and abetting
11 such activities; or

12 (4) Using in connection with his or her name the title
13 nurse practitioner, the abbreviation NP, or any other designation
14 tending to imply that he or she is a nurse practitioner ~~certified~~
15 licensed by the department when such person is not ~~certified~~
16 licensed as a nurse practitioner.

17 Sec. 14. Section 71-1729, Revised Statutes Cumulative
18 Supplement, 2006, is amended to read:

19 71-1729 For purposes of the Certified Registered Nurse
20 Anesthetist Act, unless the context otherwise requires:

21 (1) Board means the Board of Advanced Practice Registered
22 Nurses;

23 (2) Certified registered nurse anesthetist means a
24 licensed registered nurse ~~holding a certificate issued under the~~
25 ~~act,~~ certified by a board-approved certifying body and licensed

1 under the Advanced Practice Registered Nurse Licensure Act to
2 practice as a certified registered nurse anesthetist in the State
3 of Nebraska;

4 (3) Department means the Department of Health and Human
5 Services Regulation and Licensure;

6 (4) Licensed practitioner means any physician or
7 osteopathic physician licensed to prescribe, diagnose, and treat as
8 prescribed in sections 71-1,102 and 71-1,137; and

9 (5) Practice of anesthesia means (a) the performance
10 of or the assistance in any act involving the determination,
11 preparation, administration, or monitoring of any drug used to
12 render an individual insensible to pain for procedures requiring
13 the presence of persons educated in the administration of
14 anesthetics or (b) the performance of any act commonly the
15 responsibility of educated anesthesia personnel. Practice of
16 anesthesia includes the use of those techniques which are deemed
17 necessary for adequacy in performance of anesthesia administration.
18 Nothing in the Certified Registered Nurse Anesthetist Act prohibits
19 routine administration of a drug by a duly licensed registered
20 nurse, licensed practical nurse, or other duly authorized person
21 for the alleviation of pain or prohibits the practice of anesthesia
22 by students enrolled in an accredited school of nurse anesthesia
23 when the services performed are a part of the course of study and
24 are under the supervision of a licensed practitioner or certified
25 registered nurse anesthetist.

1 Sec. 15. Section 71-1730, Revised Statutes Cumulative
2 Supplement, 2006, is amended to read:

3 71-1730 ~~In order to obtain a certificate from the~~
4 ~~department~~ (1) An applicant for a license under the Advanced
5 Practice Registered Nurse Licensure Act to practice as a certified
6 registered nurse anesthetist ~~an applicant~~ shall:

7 ~~(1) (a) Hold a license as a registered nurse in the State~~
8 of Nebraska or have the authority based on the Nurse Licensure
9 Compact to practice as a registered nurse in Nebraska;

10 ~~(2) Submit a completed application verified by oath which~~
11 ~~includes the applicant's social security number;~~

12 ~~(3) Pay the required fee established and collected as~~
13 ~~provided in section 71-162;~~

14 ~~(4) (b) Submit evidence of successful completion of a~~
15 course of study in anesthesia in a school of nurse anesthesia
16 accredited or approved by or under the auspices of the department
17 or the Council on Accreditation of Nurse Anesthesia and Educational
18 Programs; and

19 ~~(5) Take and successfully pass a certifying examination~~
20 ~~approved by the department after prior approval of such examination~~
21 ~~by the board. Such examination may include (a) the National~~
22 ~~Qualifying Examination for Certified Registered Nurse Anesthetists~~
23 ~~or (b) any other approved recognized national qualifying~~
24 ~~examination for nurse anesthetists.~~

25 (c) Submit evidence of current certification by the

1 Council on Certification of Nurse Anesthetists.

2 (2) If more than five years have elapsed since the
3 applicant completed the nurse anesthetist program or since the
4 applicant has practiced as a nurse anesthetist, he or she shall
5 meet the requirements of ~~subdivisions (1) through (5)~~ subsection
6 (1) of this section and shall provide evidence of continuing
7 competency as determined by the board, including, but not limited
8 to, a reentry program, supervised practice, examination, or one
9 or more of the continuing competency activities listed in section
10 71-161.09.

11 (3) A person licensed as a certified registered nurse
12 anesthetist has the right to use the title certified registered
13 nurse anesthetist and the abbreviation C.R.N.A.

14 Sec. 16. Section 71-1731, Revised Statutes Cumulative
15 Supplement, 2006, is amended to read:

16 71-1731 The department may, with the ~~prior~~ approval
17 of the board, ~~may~~ grant a temporary certification license in
18 the practice of anesthesia for a ~~period of not to exceed one~~
19 ~~year and under such conditions as the board with the approval~~
20 ~~of the department determines for~~ up to one hundred twenty days
21 upon application (1) to graduates of an accredited school of
22 nurse anesthesia. ~~The permit may be issued upon application~~
23 ~~by the graduate for~~ pending results of the first certifying
24 examination following his ~~or her~~ graduation and shall be valid
25 ~~pending the results of such examination. Temporary certification~~

1 ~~may also be granted for a period not to exceed one year (2) to~~
2 registered nurse anesthetists currently licensed in another state
3 pending completion of the application for a Nebraska certification
4 license. A temporary ~~permit~~ license issued pursuant to this section
5 may be extended at the discretion of the board with the approval
6 of the department. An individual holding a temporary permit as a
7 registered nurse anesthetist on the operative date of this section
8 shall be deemed to be holding a temporary license under this
9 section on such date. The permitholder may continue to practice
10 under such temporary permit as a temporary license until it would
11 have expired under its terms.

12 Sec. 17. Section 71-1734, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 71-1734 (1) The determination and administration of
15 total anesthesia care shall be performed by the certified
16 registered nurse anesthetist or a nurse anesthetist temporarily
17 ~~certified~~ licensed pursuant to section 71-1731 in consultation
18 and collaboration with and with the consent of the licensed
19 practitioner.

20 (2) The following duties and functions shall be
21 considered as specific expanded role functions of the certified
22 registered nurse anesthetist:

23 (a) Preanesthesia evaluation including physiological
24 studies to determine proper anesthetic management and obtaining
25 informed consent;

1 (b) Selection and application of appropriate monitoring
2 devices;

3 (c) Selection and administration of anesthetic
4 techniques;

5 (d) Evaluation and direction of proper postanesthesia
6 management and dismissal from postanesthesia care; and

7 (e) Evaluation and recording of postanesthesia course of
8 patients.

9 (3) The determination of other duties that are
10 normally considered medically delegated duties to the certified
11 registered nurse anesthetist or to a nurse anesthetist temporarily
12 ~~certified~~ licensed pursuant to section 71-1731 shall be the joint
13 responsibility of the governing board of the hospital, medical
14 staff, and nurse anesthetist personnel of any duly licensed
15 hospital or, if in an office or clinic, the joint responsibility
16 of the duly licensed practitioner and nurse anesthetist. All such
17 duties, except in cases of emergency, shall be in writing in the
18 form prescribed by hospital or office policy.

19 Sec. 18. Section 71-1735, Revised Statutes Cumulative
20 Supplement, 2006, is amended to read:

21 71-1735 ~~The procedure for biennial certification renewal~~
22 ~~as a certified registered nurse anesthetist shall be at the same~~
23 ~~time and in the same manner as renewal of a license as a registered~~
24 ~~nurse and shall require:~~

25 ~~(1) A license as a registered nurse in the State of~~

1 ~~Nebraska or the authority based on the Nurse Licensure Compact to~~
2 ~~practice as a registered nurse in Nebraska;~~

3 ~~(2) Documentation of continuing competency as required~~
4 ~~by the board in rules and regulations approved by the board and~~
5 ~~adopted and promulgated by the department. Continuing education~~
6 ~~is sufficient to meet continuing competency requirements. The~~
7 ~~requirements may also include, but not be limited to, one or~~
8 ~~more of the continuing competency activities listed in section~~
9 ~~71-161.09 which a person may select as an alternative to continuing~~
10 ~~education; and~~

11 ~~(3) Payment of the required fee established and collected~~
12 ~~as provided in section 71-162.~~

13 To renew a license to practice as a certified registered
14 nurse anesthetist, the applicant shall have current certification
15 by the Council on Certification of Nurse Anesthetists.

16 Sec. 19. Section 71-1737, Revised Statutes Cumulative
17 Supplement, 2006, is amended to read:

18 71-1737 Notwithstanding the provisions of any other
19 statute, any person, corporation, association, or other entity
20 who engages in any of the following activities shall be guilty of a
21 Class IV felony:

22 (1) Engaging in the practice of anesthesia as a certified
23 registered nurse anesthetist without being issued a ~~certificate~~
24 license as such by the department, with the approval of the board;

25 (2) Knowingly employing or offering to employ any person

1 as a certified registered nurse anesthetist when knowing that such
2 person is not ~~certified~~ licensed as such by the department with the
3 approval of the board;

4 (3) Fraudulently seeking, obtaining, or furnishing a
5 ~~certificate~~ license as a certified registered nurse anesthetist or
6 aiding and abetting such activities; or

7 (4) Using in connection with his or her name the title
8 certified registered nurse anesthetist, the abbreviation C.R.N.A.,
9 or any other designation tending to imply that he or she is a
10 certified registered nurse anesthetist, ~~certified~~ licensed by the
11 department with the approval of the board pursuant to the Certified
12 Registered Nurse Anesthetist Act, when such person is not actually
13 a certified registered nurse anesthetist.

14 Sec. 20. Section 71-1748, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 71-1748 Certified nurse midwife shall mean a person
17 certified ~~under the Nebraska Certified Nurse Midwifery Practice by~~
18 a board-approved certifying body and licensed under the Advanced
19 Practice Registered Nurse Licensure Act to practice certified nurse
20 midwifery in the State of Nebraska. Nothing in the ~~aet~~ Nebraska
21 Certified Nurse Midwifery Practice Act is intended to restrict the
22 practice of registered nurses.

23 Sec. 21. Section 71-1749, Revised Statutes Cumulative
24 Supplement, 2006, is amended to read:

25 71-1749 Approved certified nurse midwifery education

1 program shall mean a certified nurse midwifery education program
2 approved by the board. The board may ~~allow~~ require such program to
3 be accredited by the American College of Nurse-Midwives.

4 Sec. 22. Section 71-1752, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 71-1752 ~~The certificate to practice certified nurse~~
7 ~~midwifery shall authorize the holder,~~ A certified nurse midwife
8 may, under the provisions of a practice agreement, ~~to~~ (1) attend
9 cases of normal childbirth, (2) provide prenatal, intrapartum, and
10 postpartum care, (3) provide normal obstetrical and gynecological
11 services for women, and (4) provide care for the newborn
12 immediately following birth. The conditions under which a certified
13 nurse midwife ~~shall~~ is required to refer cases to a collaborating
14 licensed practitioner shall be specified in the practice agreement.

15 Sec. 23. Section 71-1755, Revised Statutes Cumulative
16 Supplement, 2006, is amended to read:

17 71-1755 (1) An applicant for ~~certification as a~~ licensure
18 under the Advanced Practice Registered Nurse Licensure Act to
19 practice as a certified nurse midwife shall submit to the board a
20 ~~written application, which includes the applicant's social security~~
21 ~~number,~~ and such evidence as the board ~~shall require~~ requires
22 showing that the applicant is currently licensed as a registered
23 nurse by the state or has the authority based on the Nurse
24 Licensure Compact to practice as a registered nurse in Nebraska,
25 has successfully completed an approved certified nurse midwifery

1 education program, and has passed a nationally recognized nurse
2 ~~midwifery examination adopted by the board-~~ is certified as a nurse
3 midwife by a board-approved certifying body.

4 (2) The department may, with the approval of the board,
5 grant temporary ~~certification~~ licensure as a certified nurse
6 midwife for up to one hundred twenty days upon application (a)
7 to graduates of an approved nurse midwifery program pending results
8 of the first certifying examination following graduation and (b)
9 ~~for one hundred twenty days~~ to nurse midwives currently licensed in
10 another state pending completion of the application for a Nebraska
11 ~~certification-~~ license. A temporary ~~permit~~ license issued pursuant
12 to this section may be extended for up to one year with the
13 approval of the board.

14 (3) The board shall ~~adopt an examination to be used~~
15 ~~pursuant to subsection (1) of this section-~~ An individual holding a
16 temporary certificate or permit as a nurse midwife on the operative
17 date of this section shall be deemed to be holding a temporary
18 license under this section on such date. The holder of such
19 temporary certificate or permit may continue to practice under such
20 certificate or permit as a temporary license until it would have
21 expired under its terms.

22 (4) If more than five years have elapsed since the
23 completion of the nurse midwifery program or since the applicant
24 has practiced as a nurse midwife, the applicant shall meet the
25 requirements in subsection (1) of this section and provide evidence

1 of continuing competency, as may be determined by the board, either
2 by means of a reentry program, references, supervised practice,
3 examination, or one or more of the continuing competency activities
4 listed in section 71-161.09.

5 Sec. 24. Section 71-1756, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 71-1756 Any person who holds a ~~certificate~~ license to
8 practice nurse midwifery in this state shall have the right to
9 use the title certified nurse midwife and the abbreviation CNM. No
10 other person shall use such title or abbreviation to indicate that
11 he or she is ~~certified under the Nebraska Certified Nurse Midwifery~~
12 ~~Practice Act.~~ licensed under the Advanced Practice Registered Nurse
13 Licensure Act to practice certified nurse midwifery.

14 Sec. 25. Section 71-1757, Revised Statutes Cumulative
15 Supplement, 2006, is amended to read:

16 71-1757 ~~(1)~~ The ~~certificate~~ of each person certified
17 under the Nebraska Certified Nurse Midwifery Practice Act shall be
18 renewed at the same time and in the same manner as renewal of a
19 license for a registered nurse. ~~Renewal of such a certificate shall~~
20 ~~require that the applicant have (a) a license as a registered nurse~~
21 ~~issued by the state or the authority based on the Nurse Licensure~~
22 ~~Compact to practice as a registered nurse in Nebraska and (b)~~
23 ~~documentation of continuing competency, either by reference, peer~~
24 ~~review, examination, or one or more of the continuing competency~~
25 ~~activities listed in section 71-161.09, as established by the board~~

1 in rules and regulations approved by the board and adopted and
2 promulgated by the department.

3 ~~(2) The department shall establish and collect fees for~~
4 ~~renewal as provided in section 71-162.~~

5 To renew a license as a certified nurse midwife, the
6 applicant shall have a current certification by a board-approved
7 certifying body to practice nurse midwifery.

8 Sec. 26. Section 71-1764, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 71-1764 Any person, corporation, association, or other
11 entity who engages in any of the following activities shall be
12 guilty of a Class IV felony:

13 (1) Practicing as a certified nurse midwife without a
14 current ~~certificate~~ license as such under the Nebraska Certified
15 Nurse Midwifery Practice Act;

16 (2) Employing or offering to employ any person as a
17 certified nurse midwife knowing that such person is not ~~certified~~
18 licensed as such under the Nebraska Certified Nurse Midwifery
19 Practice Act;

20 (3) Fraudulently seeking, obtaining, or furnishing a
21 ~~certificate~~ license as a certified nurse midwife; or

22 (4) Using in connection with his or her name the title
23 certified nurse midwife, the abbreviation CNM, or any other
24 designation tending to imply that he or she is a certified
25 nurse midwife ~~certified~~ licensed under the Nebraska Certified Nurse

1 Midwifery Practice Act when such person is not a certified nurse
2 midwife.

3 Sec. 27. Section 71-1765, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 71-1765 The Nebraska Certified Nurse Midwifery Practice
6 Act shall not prohibit the performance of the functions of a
7 certified nurse midwife by an ~~uncertified~~ unlicensed person if
8 performed:

9 (1) In an emergency situation;

10 (2) By a legally qualified person from another state
11 employed by the United States Government and performing official
12 duties in this state; or

13 (3) By a person enrolled in an approved program for the
14 preparation of certified nurse midwives as part of such approved
15 program.

16 Sec. 28. Section 71-17,118, Revised Statutes Cumulative
17 Supplement, 2006, is amended to read:

18 71-17,118 For purposes of the Clinical Nurse Specialist
19 Practice Act:

20 (1) Approved certifying body means a national
21 certification organization which (a) is approved by the board,
22 (b) certifies qualified licensed registered nurses for advanced
23 practice, (c) has eligibility requirements related to education and
24 practice, and (d) offers an examination in an area of practice
25 which meets psychometric guidelines and tests approved by the

1 board;

2 (2) Board means the Board of Advanced Practice Registered
3 Nurses;

4 (3) Clinical nurse specialist means a registered nurse
5 ~~who meets the requirements of~~ certified as described in section
6 71-17,119 and who holds a certificate issued under the Clinical
7 Nurse Specialist Practice Act, licensed under the Advanced Practice
8 Registered Nurse Licensure Act to practice as a clinical nurse
9 specialist in the State of Nebraska; and

10 (4) Department means the Department of Health and Human
11 Services Regulation and Licensure.

12 Sec. 29. Section 71-17,119, Revised Statutes Cumulative
13 Supplement, 2006, is amended to read:

14 71-17,119 An applicant for ~~certification~~ licensure under
15 the Advanced Practice Registered Nurse Licensure Act to practice
16 as a clinical nurse specialist shall be licensed as a registered
17 nurse under the Nurse Practice Act or have the authority based on
18 the Nurse Licensure Compact to practice as a registered nurse in
19 Nebraska and shall submit to the department the following:

20 ~~(1) A completed application, including, but not limited~~
21 ~~to, the applicant's social security number and such other~~
22 ~~information as the department requires pursuant to rules and~~
23 ~~regulations, accompanied by the fee established pursuant to section~~
24 ~~71-17,130;~~

25 ~~(2)~~ (1) Evidence that the applicant holds a ~~master's~~

1 ~~degree or a doctoral~~ graduate degree in a nursing clinical
2 specialty area or has a ~~master's~~ graduate degree in nursing and has
3 successfully completed a graduate-level clinical nurse specialist
4 education program; and

5 ~~(3)~~ (2) Except as provided in section 71-17,121, evidence
6 of ~~passage of a board-approved examination~~ certification issued by
7 an approved certifying body or, when such ~~examination~~ certification
8 is not available, an alternative method of competency assessment
9 by any means permitted under section 71-17,124 and approved by the
10 board.

11 Sec. 30. Section 71-17,121, Revised Statutes Cumulative
12 Supplement, 2006, is amended to read:

13 71-17,121 (1) An applicant who meets the requirements
14 for ~~certification~~ licensure in section 71-17,119 shall be ~~certified~~
15 licensed by the department as a clinical nurse specialist, except
16 that a person practicing as a clinical nurse specialist pursuant to
17 the Nurse Practice Act on July 1, 2007, who applies on or after
18 such date and before September 1, 2007, shall be ~~certified~~ licensed
19 as a clinical nurse specialist under this section without complying
20 with subdivision ~~(3)~~ (2) of section 71-17,119.

21 (2) A person ~~certified~~ licensed as a clinical nurse
22 specialist has the right to use the title Clinical Nurse Specialist
23 and the abbreviation CNS.

24 Sec. 31. Section 71-17,122, Revised Statutes Cumulative
25 Supplement, 2006, is amended to read:

1 71-17,122 If an applicant for initial ~~certification~~
2 licensure as a clinical nurse specialist files an application
3 for ~~certification~~ licensure within one hundred eighty days prior
4 to the biennial renewal date, the provisions of subsection (2) of
5 section 71-162.04 apply.

6 Sec. 32. Section 71-17,123, Revised Statutes Cumulative
7 Supplement, 2006, is amended to read:

8 71-17,123 All ~~certificates~~ licenses issued under the
9 Clinical Nurse Specialist Practice Act shall expire on October 31
10 of each even-numbered year. Biennial ~~certificate~~ renewals shall be
11 accomplished as the department, with the concurrence of the board,
12 establishes by rule and regulation.

13 Sec. 33. Section 71-17,124, Revised Statutes Cumulative
14 Supplement, 2006, is amended to read:

15 71-17,124 (1) An applicant for renewal of a ~~certificate~~
16 license to practice as a clinical nurse specialist issued under the
17 Clinical Nurse Specialist Practice Act shall demonstrate continuing
18 competency. Continuing competency may be demonstrated by methods
19 which include, but are not limited to, continuing education,
20 course work, continuing practice, national certification or
21 recertification offered by an approved certifying body, a reentry
22 program, satisfactory peer review including patient outcomes,
23 examination, or other continuing competency activities listed in
24 section 71-161.09.

25 (2) The department, with the concurrence of the board,

1 may waive any continuing competency requirement established under
2 subsection (1) of this section for any two-year period for which a
3 ~~certificate holder~~ licensee submits documentation of circumstances
4 justifying such a waiver. The department shall define such
5 justifying circumstances in rules and regulations.

6 Sec. 34. Section 71-17,128, Revised Statutes Cumulative
7 Supplement, 2006, is amended to read:

8 71-17,128 The Clinical Nurse Specialist Practice Act does
9 not prohibit the performance of the professional activities of a
10 clinical nurse specialist by a person not holding a ~~certificate~~
11 license issued under the act if performed:

12 (1) In an emergency situation;

13 (2) By a legally qualified person from another state
14 employed by the United States and performing official duties in
15 this state; or

16 (3) By a person enrolled in an approved clinical nurse
17 specialist program for the education of clinical nurse specialists
18 as part of that approved program.

19 Sec. 35. Section 71-17,129, Revised Statutes Cumulative
20 Supplement, 2006, is amended to read:

21 71-17,129 Any person committing any of the following acts
22 is guilty of a Class IV felony:

23 (1) Practicing as a clinical nurse specialist without
24 a ~~certificate~~ license issued under the Clinical Nurse Specialist
25 Practice Act except as provided in section 71-17,128;

1 (2) Knowingly employing or offering to employ any person
2 as a clinical nurse specialist who does not hold a ~~certificate~~
3 license issued under the act;

4 (3) Fraudulently seeking, obtaining, or furnishing a
5 ~~certificate~~ license as a clinical nurse specialist or aiding and
6 abetting such actions; or

7 (4) Holding himself or herself out as a clinical nurse
8 specialist or using the abbreviation CNS or any other designation
9 tending to imply that he or she is a clinical nurse specialist
10 holding a ~~certificate~~ license issued under the act if he or she
11 does not hold such a ~~certificate~~ license.

12 Sec. 36. Section 71-17,134, Revised Statutes Cumulative
13 Supplement, 2006, is amended to read:

14 71-17,134 (1) The Board of Advanced Practice Registered
15 Nurses is established. The purpose of the board is to (a) provide
16 for the health, safety, and welfare of the citizens, (b) ensure
17 that licensees serving the public meet minimum standards of
18 proficiency and competency, and (c) control the profession in
19 the interest of consumer protection.

20 (2)(a) Until July 1, 2007, the board shall consist of
21 (i) five advanced practice registered nurses representing different
22 advanced practice registered nurse specialties for which a license
23 has been issued, (ii) five physicians licensed under the Uniform
24 Licensing Law to practice medicine in Nebraska, at least three
25 of whom shall have a current collaborating relationship with an

1 advanced practice registered nurse, (iii) three consumer members,
2 and (iv) one licensed pharmacist.

3 (b) On and after July 1, 2007, the board shall consist
4 of:

5 (i) One nurse practitioner holding a ~~certificate~~ license
6 under the Nurse Practitioner Act, one certified nurse midwife
7 holding a ~~certificate~~ license under the Nebraska Certified Nurse
8 Midwifery Practice Act, one certified registered nurse anesthetist
9 holding a ~~certificate~~ license under the Certified Registered Nurse
10 Anesthetist Act, and one clinical nurse specialist holding a
11 ~~certificate~~ license under the Clinical Nurse Specialist Practice
12 Act, except that the initial clinical nurse specialist appointee
13 may be a clinical nurse specialist practicing pursuant to the Nurse
14 Practice Act as such act existed prior to July 1, 2007. Of the
15 initial appointments under this subdivision, one shall be for a
16 ~~one-year~~ two-year term, one shall be for a ~~two-year~~ three-year
17 term, one shall be for a ~~three-year~~ four-year term, and one shall
18 be for a ~~four-year~~ five-year term. All subsequent appointments
19 under this subdivision shall be for ~~four-year~~ five-year terms;

20 (ii) Three physicians, one of whom shall have a
21 professional relationship with a nurse practitioner, one of whom
22 shall have a professional relationship with a certified nurse
23 midwife, and one of whom shall have a professional relationship
24 with a certified registered nurse anesthetist. Of the initial
25 appointments under this subdivision, one shall be for a ~~two-year~~

1 three-year term, one shall be for a ~~three-year~~ four-year term,
2 and one shall be for a ~~four-year~~ five-year term. All subsequent
3 appointments under this subdivision shall be for ~~four-year~~
4 five-year terms; and

5 (iii) Two public members. Of the initial appointments
6 under this subdivision, one shall be for a three-year term, and one
7 shall be for a four-year term. All subsequent appointments under
8 this subdivision shall be for ~~four-year~~ five-year terms. Public
9 members of the board shall have the same qualifications as provided
10 in subsection (1) of section 71-113.

11 (c) Members of the board serving immediately before July
12 1, 2007, shall serve until members are appointed and qualified
13 under subdivision (2)(b) of this section.

14 (3) The members of the board shall be appointed by the
15 State Board of Health. Members shall be appointed for terms of
16 ~~four~~ five years except as otherwise provided in subdivisions (2)(b)
17 and (c) of this section. At the expiration of the term of any
18 member, the State Board of Health may consult with appropriate
19 professional organizations regarding candidates for appointment to
20 the Board of Advanced Practice Registered Nurses. Upon expiration
21 of terms, appointments or reappointments shall be made on or
22 before December 1 of each year. Vacancies on the Board of Advanced
23 Practice Registered Nurses shall be filled for the unexpired term
24 by appointments made by the State Board of Health. No member shall
25 serve more than two consecutive terms on the Board of Advanced

1 Practice Registered Nurses.

2 (4) The State Board of Health has power to remove from
3 office any member of the Board of Advanced Practice Registered
4 Nurses, after a public hearing pursuant to the Administrative
5 Procedure Act, for physical or mental incapacity to carry out
6 the duties of a board member, for continued neglect of duty, for
7 incompetence, for acting beyond the individual member's scope of
8 authority, for malfeasance in office, for any cause for which a
9 license or certificate in the member's profession involved may be
10 suspended or revoked, for a lack of licensure or certification in
11 the member's profession, or for other sufficient cause.

12 (5) Each member of the Board of Advanced Practice
13 Registered Nurses shall receive a per diem of thirty dollars
14 per day for each day the member is actually engaged in the
15 discharge of his or her official duties and shall be reimbursed for
16 travel, lodging, and other necessary expenses incurred as a member
17 of the board pursuant to sections 81-1174 to 81-1177.

18 (6) The department shall adopt and promulgate rules and
19 regulations which define conflicts of interest for members of the
20 Board of Advanced Practice Registered Nurses and which establish
21 procedures in case such a conflict arises.

22 Sec. 37. Section 71-17,135, Revised Statutes Cumulative
23 Supplement, 2006, is amended to read:

24 71-17,135 The Board of Advanced Practice Registered
25 Nurses shall:

1 (1) Establish standards for integrated practice
2 agreements between collaborating physicians and certified nurse
3 midwives, and nurse practitioners;

4 (2) Monitor the scope of practice by certified nurse
5 midwives, certified registered nurse anesthetists, clinical nurse
6 specialists, and nurse practitioners;

7 (3) Administer and enforce the Advanced Practice
8 Registered Nurse Licensure Act in order to (a) provide for the
9 health, safety, and welfare of the citizens, (b) ensure that
10 advanced practice registered nurses serving the public meet minimum
11 standards of proficiency and competency, (c) control the profession
12 in the interest of consumer protection, (d) regulate the scope of
13 advanced practice nursing, (e) recommend disciplinary actions as
14 provided in this section, and (f) enforce licensure requirements;

15 (4) Recommend disciplinary action relating to licenses of
16 advanced practice registered nurses, ~~and certificates of~~ certified
17 nurse midwives, certified registered nurse anesthetists, clinical
18 nurse specialists, and nurse practitioners;

19 (5) Engage in other activities not inconsistent with the
20 Advanced Practice Registered Nurse Licensure Act, the Certified
21 Registered Nurse Anesthetist Act, the Clinical Nurse Specialist
22 Practice Act, the Nebraska Certified Nurse Midwifery Practice Act,
23 and the Nurse Practitioner Act; and

24 (6) Approve rules and regulations to implement the
25 Advanced Practice Registered Nurse Licensure Act, the Certified

1 Registered Nurse Anesthetist Act, the Clinical Nurse Specialist
2 Practice Act, the Nebraska Certified Nurse Midwifery Practice Act,
3 and the Nurse Practitioner Act, for adoption and promulgation by
4 the department. Such rules and regulations shall include: (a)
5 Approved certification organizations and approved certification
6 programs; (b) continuing competency requirements. The requirements
7 may include, but not be limited to, continuing education,
8 continuing practice, national recertification, a reentry program,
9 peer review including patient outcomes, examination, or other
10 continuing competency activities listed in section 71-161.09; (c)
11 grounds for discipline; (d) issuance, renewal, and reinstatement of
12 licenses; ~~and certificates;~~ (e) fees; (f) professional liability
13 insurance; and (g) conflict of interest for board members.

14 Sec. 38. Section 71-17,137, Revised Statutes Cumulative
15 Supplement, 2006, is amended to read:

16 71-17,137 (1) An applicant for initial licensure as an
17 advanced practice registered nurse shall:

18 (a) Be licensed as a registered nurse under the Nurse
19 Practice Act or have authority based on the Nurse Licensure Compact
20 to practice as a registered nurse in Nebraska;

21 (b) Be a graduate of or have completed a graduate-level
22 advanced practice registered nurse program in a clinical specialty
23 area of certified registered nurse anesthetist, clinical nurse
24 specialist, certified nurse midwife, or nurse practitioner, which
25 program is accredited by a national accrediting body;

1 (c) Be certified as a certified registered nurse
2 anesthetist, a clinical nurse specialist, a certified nurse
3 midwife, or a nurse practitioner, by an approved certifying body
4 or an alternative method of competency assessment approved by the
5 board, pursuant to the Certified Registered Nurse Anesthetist Act,
6 the Clinical Nurse Specialist Practice Act, the Nebraska Certified
7 Nurse Midwifery Practice Act, or the Nurse Practitioner Act, as
8 appropriate to the applicant's educational preparation;

9 (d) Submit a completed written application to the
10 department which includes the applicant's social security number
11 and appropriate fees established and collected as provided in
12 section 71-162;

13 (e) Provide evidence as required by rules and regulations
14 approved by the board and adopted and promulgated by the
15 department; and

16 (f) Have committed no acts or omissions which are grounds
17 for disciplinary action in another jurisdiction or, if such acts
18 have been committed and would be grounds for discipline under the
19 Nurse Practice Act, the board has found after investigation that
20 sufficient restitution has been made.

21 ~~(2)(a) Except as provided in subdivisions (b) through (d)~~
22 ~~of this subsection, the~~ (2) The department may issue a license
23 by endorsement under this section to an applicant who holds a
24 license from another jurisdiction if the licensure requirements
25 of such other jurisdiction meet or exceed the requirements for

1 licensure as an advanced practice registered nurse under the
2 Advanced Practice Registered Nurse Licensure Act. ~~(b)~~ The department
3 may issue a license as an advanced practice registered nurse by
4 endorsement to an applicant who holds a credential equivalent
5 to a nurse practitioner issued by another jurisdiction if such
6 applicant holds a certificate or degree described in subdivision
7 ~~(3)~~ of section 71-1717. ~~(c)~~ The department may issue a license as an
8 advanced practice registered nurse by endorsement to an applicant
9 who holds a credential equivalent to a certified registered nurse
10 anesthetist issued by another jurisdiction if such applicant meets
11 the requirements of subdivision ~~(4)~~ of section 71-1730 as such
12 subdivision existed on December 31, 1998. ~~(d)~~ The department may
13 issue a license as an advanced practice registered nurse by
14 endorsement to an applicant who holds a credential equivalent
15 to a certified nurse midwife issued by another jurisdiction
16 if such applicant meets the requirements of subsection ~~(1)~~ of
17 section 71-1755 as such subsection existed immediately before
18 July 1, 2007. ~~(e)~~ An applicant under this subsection shall submit
19 a completed application to the department which includes the
20 applicant's social security number, fees established and collected
21 as provided in section 71-162, and other evidence as required
22 by rules and regulations approved by the board and adopted and
23 promulgated by the department.

24 (3) A person licensed as an advanced practice registered
25 nurse or certified as a certified registered nurse anesthetist or

1 a certified nurse midwife in this state on July 1, 2007, shall
2 be issued a license by the department as an advanced practice
3 registered nurse on such date.

4 (4) A person licensed as an advanced practice registered
5 nurse in this state may use the title advanced practice registered
6 nurse and the abbreviation APRN.

7 Sec. 39. Section 71-17,138, Revised Statutes Cumulative
8 Supplement, 2006, is amended to read:

9 71-17,138 (1) The license of each person licensed under
10 the Advanced Practice Registered Nurse Licensure Act shall be
11 renewed at the same time and in the same manner as renewal
12 of his or her certificate described in subdivision (e) of this
13 subsection. Renewal of such a license for a registered nurse
14 and shall require that the applicant have (a) a license as a
15 registered nurse issued by the state or have the authority based
16 on the Nurse Licensure Compact to practice as a registered nurse
17 in Nebraska, (b) documentation of continuing competency, either
18 by reference, peer review, examination, or one or more of the
19 continuing competency activities listed in section 71-161.09, as
20 established by the board in rules and regulations approved by the
21 board and adopted and promulgated by the department, and (c) a
22 certificate issued met any specific requirements for renewal under
23 the Certified Registered Nurse Anesthetist Act, the Clinical Nurse
24 Specialist Practice Act, the Nebraska Certified Nurse Midwifery
25 Practice Act, or the Nurse Practitioner Act, as applicable.

1 (2) The department shall establish and collect fees for
2 renewal as provided in section 71-162.

3 Sec. 40. Section 71-17,139, Revised Statutes Cumulative
4 Supplement, 2006, is amended to read:

5 71-17,139 A license issued under the Advanced Practice
6 Registered Nurse Licensure Act to practice as a certified nurse
7 midwife, a certified registered nurse anesthetist, a clinical
8 nurse specialist, or a nurse practitioner may be denied, refused
9 renewal, revoked, suspended, or disciplined in any other manner
10 for any violation of the act, for physical or mental disability
11 or incapacity, for gross incompetence, or for any reason for which
12 a license issued under the Nurse Practice Act may be denied,
13 refused renewal, revoked, suspended, or disciplined. The methods
14 and procedures provided in the Nurse Practice Act for opportunity
15 for hearing, notice of hearing, presentation of evidence, conduct
16 of a hearing, reinstatement, and related matters shall apply to
17 disciplinary actions under this section. A decision to deny, refuse
18 renewal of, revoke, suspend, or discipline a license as an advanced
19 practice registered nurse may be appealed, and the appeal shall be
20 in accordance with the Administrative Procedure Act.

21 Sec. 41. Section 71-17,140, Revised Statutes Cumulative
22 Supplement, 2006, is amended to read:

23 71-17,140 (1) An advanced practice registered nurse's
24 license lapses if he or she ~~(a)~~ does not have a current renew his
25 or her license to practice as a registered nurse or ~~has had his~~

1 ~~or her license to practice as a registered nurse denied, refused~~
2 ~~renewal, suspended, or revoked or (b) renews his or her license~~
3 ~~to practice as a registered nurse but does not renew his or her~~
4 ~~advanced practice registered nurse's license. is not authorized~~
5 ~~to practice as a registered nurse in this state under the Nurse~~
6 ~~Licensure Compact.~~

7 (2) When an advanced practice registered nurse's license
8 lapses, the right of the person whose license has lapsed to
9 represent himself or herself as an advanced practice registered
10 nurse and to practice the activities for which a license is
11 required terminates. To restore the license to active status, the
12 person shall meet the requirements for renewal which are in effect
13 at the time that he or she wishes to restore the license and shall
14 pay the renewal fee and the late fee established and collected as
15 provided in section 71-162.

16 Sec. 42. Section 71-5185, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 71-5185 (1) No patient data received or recorded by an
19 emergency medical service or an out-of-hospital emergency care
20 provider shall be divulged, made public, or released by an
21 emergency medical service or an out-of-hospital emergency care
22 provider, except that patient data may be released ~~to the receiving~~
23 ~~health care facility, to the department for public health purposes,~~
24 ~~upon the written authorization of the patient who is the subject~~
25 ~~of the record, for purposes of treatment, payment, and other health~~

1 care operations as defined and permitted under the federal Health
2 Insurance Portability and Accountability Act of 1996, as such act
3 existed on January 1, 2007, or as otherwise permitted by law. Such
4 data shall be provided to the department for public health purposes
5 pursuant to rules and regulations of the department. For purposes
6 of this section, patient data means any data received or recorded
7 as part of the records maintenance requirements of the Emergency
8 Medical Services Act.

9 (2) Patient data received by the department shall be
10 confidential with release only (a) in aggregate data reports
11 created by the department on a periodic basis or at the request
12 of an individual, ~~or~~ (b) as case-specific data to approved
13 researchers for specific research projects, (c) as protected
14 health information to a public health authority, as such terms
15 are defined under the federal Health Insurance Portability and
16 Accountability Act of 1996, as such act existed on January
17 1, 2007, and (d) as protected health information, as defined
18 under the federal Health Insurance Portability and Accountability
19 Act of 1996, as such act existed on January 1, 2007, to an
20 emergency medical service, to an out-of-hospital emergency care
21 provider, or to a licensed health care facility for purposes
22 of treatment. A record may be shared with the emergency medical
23 service or out-of-hospital emergency care provider that reported
24 that specific record. Approved researchers shall maintain the
25 confidentiality of the data, and researchers shall be approved in

1 the same manner as described in section 81-666. Aggregate reports
2 shall be public documents. ~~Emergency-medical-service-specific data~~
3 ~~and out-of-hospital-emergency-care-provider-specific data shall be~~
4 ~~released only upon the written authorization of the service or the~~
5 ~~provider who is the subject of the record.~~

6 (3) No civil or criminal liability of any kind or
7 character for damages or other relief or penalty shall arise or
8 be enforced against any person or organization by reason of having
9 provided patient data pursuant to this section.

10 Sec. 43. Section 71-6039, Revised Statutes Cumulative
11 Supplement, 2006, is amended to read:

12 71-6039 (1) No person shall act as a nursing assistant in
13 a nursing home unless such person:

14 (a) Is at least sixteen years of age and has not been
15 convicted of a crime involving moral turpitude;

16 (b) Is able to speak and understand the English language
17 or a language understood by a substantial portion of the nursing
18 home residents; and

19 (c) Has successfully completed a basic course of training
20 approved by the department for nursing assistants within one
21 hundred twenty days of initial employment in the capacity of a
22 nursing assistant at any nursing home if employment begins after
23 January 1, 1984.

24 (2)(a) A registered nurse or licensed practical nurse
25 whose license has been revoked, suspended, or voluntarily

1 surrendered in lieu of discipline may not act as a nursing
2 assistant in a nursing home.

3 (b) If a person registered as a nursing assistant becomes
4 licensed as a registered nurse or licensed practical nurse, his or
5 her registration as a nursing assistant becomes null and void as of
6 the date of licensure.

7 (c) A person listed on the Nurse Aide Registry with
8 respect to whom a finding of conviction has been placed on the
9 registry may petition the department to have such finding removed
10 at any time after one year has elapsed since the date such finding
11 was placed on the registry.

12 ~~(2)~~ (3) The department may prescribe a curriculum for
13 training nursing assistants and may adopt and promulgate rules
14 and regulations for such courses of training. The content of
15 the courses of training and competency evaluation programs shall
16 be consistent with federal requirements unless exempted. The
17 department may approve courses of training if such courses of
18 training meet the requirements of this section. Such courses of
19 training shall include instruction on the responsibility of each
20 nursing assistant to report suspected abuse or neglect pursuant
21 to sections 28-372 and 28-711. Nursing homes may carry out
22 approved courses of training within the nursing home, except
23 that nursing homes may not conduct the competency evaluation part
24 of the program. The prescribed training shall be administered by a
25 licensed registered nurse.

1 ~~(3)~~ (4) For nursing assistants at intermediate care
2 facilities for the mentally retarded, such courses of training
3 shall be no less than twenty hours in duration and shall include
4 at least fifteen hours of basic personal care training and five
5 hours of basic therapeutic and emergency procedure training, and
6 for nursing assistants at all nursing homes other than intermediate
7 care facilities for the mentally retarded, such courses shall be no
8 less than seventy-five hours in duration.

9 ~~(4)~~ (5) This section shall not prohibit any facility from
10 exceeding the minimum hourly or training requirements.

11 Sec. 44. Section 71-6726, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 71-6726 (1) To register as a medication aide, an
14 individual shall (a) have successfully completed the requirements
15 in section 71-6725, (b) be at least eighteen years of age, (c)
16 be of good moral character, (d) file an application with the
17 department, and (e) pay the applicable fee.

18 (2) A registered nurse or licensed practical nurse whose
19 license has been revoked, suspended, or voluntarily surrendered in
20 lieu of discipline may not register as a medication aide.

21 ~~(2)~~ (3) An applicant or medication aide shall report
22 to the department, in writing, any conviction for a felony or
23 misdemeanor. A conviction is not a disqualification for placement
24 on the registry unless it relates to the standards identified in
25 such section.

1 ~~(3)~~ (4) An applicant or medication aide may report any
2 pardon or setting aside of a conviction to the department. If a
3 pardon or setting aside has been obtained, the conviction for which
4 it was obtained shall not be maintained on the Medication Aide
5 Registry.

6 (5) If a person registered as a medication aide on the
7 Medication Aide Registry becomes licensed as a registered nurse or
8 licensed practical nurse, his or her registration as a medication
9 aide becomes null and void as of the date of licensure.

10 Sec. 45. Section 71-6733, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 71-6733 A person whose registration has been denied,
13 refused renewal, or removed from the Medication Aide Registry
14 may reapply for registration or for lifting of the disciplinary
15 sanction at any time after one year has elapsed since the date
16 such registration was denied, refused renewal, or removed from the
17 registry, in accordance with the rules and regulations.

18 Sec. 46. Section 71-8249, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 71-8249 (1) All data collected under section 71-8248
21 shall be held confidential pursuant to sections 81-663 to 81-675.
22 Confidential patient medical record data shall only be released as
23 (a) Class I, II, or IV medical records under sections 81-663 to
24 81-675, (b) aggregate data to the regional trauma system quality
25 assurance program and the regional trauma advisory boards, (c) as

1 protected health information to a public health authority, as such
2 terms are defined under the federal Health Insurance Portability
3 and Accountability Act of 1996, as such act existed on January 1,
4 2007, and (d) as protected health information, as defined under
5 the federal Health Insurance Portability and Accountability Act of
6 1996, as such act existed on January 1, 2007, to an emergency
7 medical service, to an out-of-hospital emergency care provider, to
8 a licensed health care facility, or to a center that will treat or
9 has treated a specific patient.

10 A record may be shared with the emergency medical
11 service, the out-of-hospital emergency provider, the licensed
12 health care facility, or center that reported that specific record.

13 (2) Patient care quality assurance proceedings, records,
14 and reports developed pursuant to this section and section
15 71-8248 are confidential and are not subject to discovery by
16 subpoena or admissible as evidence in any civil action, except
17 pursuant to a court order which provides for the protection
18 of sensitive information of interested parties, including the
19 department, pursuant to section 25-12,123.

20 Sec. 47. Section 71-8252, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 71-8252 The regional trauma advisory boards:

23 (1) Shall advise the department on matters relating to
24 the delivery of trauma care services within the trauma care region;

25 (2) Shall ~~provide~~ evaluate data and provide analysis

1 required by the department to assess the effectiveness of the
2 statewide trauma system; and

3 (3) May apply for, receive, and accept gifts and other
4 payments, including property and services, from any governmental or
5 other public or private entity or person and may make arrangements
6 as to the use of these receipts, including any activities related
7 to the design, maintenance, or enhancements of the statewide trauma
8 system in the trauma care region. Regional trauma advisory boards
9 shall report in the regional budget the amount, source, and purpose
10 of all gifts and payments.

11 Sec. 48. Section 81-647, Revised Statutes Cumulative
12 Supplement, 2006, is amended to read:

13 81-647 (1) All data obtained from medical records of
14 individual patients is for the confidential use of the department
15 and the private or public persons or entities that the department
16 determines may view such records as provided in sections 81-663 to
17 81-675.

18 (2) The department may approve individuals or entities
19 to obtain access to case-specific data or case-specific and
20 patient-identifying data to assist in their research for
21 prevention, cure, or control of cancer. Any information released
22 from the cancer registry shall be disclosed as provided in sections
23 81-663 to 81-675.

24 (3) For purposes of protecting the public health, local
25 health departments in Nebraska, health departments or cancer

1 registries located ~~in other states,~~ outside Nebraska, and the
2 Centers for Disease Control and Prevention and the National Cancer
3 Institute of the United States Department of Health and Human
4 Services or their successors may have access to the data contained
5 in the cancer registry upon the department's approval based on the
6 entity's written application.

7 Sec. 49. Section 81-671, Revised Statutes Cumulative
8 Supplement, 2006, is amended to read:

9 81-671 (1) Except as otherwise provided by the law
10 governing a specific medical record and health information
11 registry, the department may release information contained in a
12 registry to official public health departments and agencies as
13 follows:

14 (a) Upon request by an official local health department
15 within the State of Nebraska, the department may release such
16 data to the requesting local health department. The official local
17 health department shall not contact patients using data received
18 under sections 81-663 to 81-675 without approval by the department
19 of an application made pursuant to section 81-666; and

20 (b) Upon approval of an application by federal, state,
21 or local official public health agencies made pursuant to section
22 81-666, the department may release such data.

23 (2) The receiving agency shall not further disclose such
24 data to any third party but may publish aggregate statistical
25 reports, except that no patient-identifying data shall be divulged,

1 made public, or released to any public or private person or
2 entity. The receiving agency shall comply with the patient contact
3 provisions of sections 81-663 to 81-675. The receiving agency
4 shall acknowledge the department and its medical record and health
5 information registries in any publication in which information
6 obtained from the medical record and health information registries
7 is used.

8 (3) The release and acknowledgment provisions of this
9 section do not apply to cancer registries located ~~in another state~~
10 outside Nebraska which receive data through approved data exchange
11 agreements.

12 Sec. 50. Sections 1, 50, 51, and 55 of this act become
13 operative on their effective date. Sections 5, 6, 7, 8, 9, 10, 11,
14 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28,
15 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 53, and 54 of
16 this act become operative on July 1, 2007. The other sections of
17 this act become operative three calendar months after adjournment
18 of this legislative session.

19 Sec. 51. Original section 68-906, Revised Statutes
20 Cumulative Supplement, 2006, is repealed.

21 Sec. 52. Original sections 71-629, 71-5185, 71-6726,
22 71-6733, 71-8249, and 71-8252, Reissue Revised Statutes of
23 Nebraska, and sections 68-919, 68-921, 71-6039, 81-647, and 81-671,
24 Revised Statutes Cumulative Supplement, 2006, are repealed.

25 Sec. 53. Original sections 71-1734, 71-1748, 71-1752,

1 71-1756, 71-1764, and 71-1765, Reissue Revised Statutes of
2 Nebraska, and sections 71-1707, 71-1722, 71-1723, 71-1723.01,
3 71-1723.02, 71-1724, 71-1724.01, 71-1726.01, 71-1726.02, 71-1729,
4 71-1730, 71-1731, 71-1735, 71-1737, 71-1749, 71-1755, 71-1757,
5 71-17,118, 71-17,119, 71-17,121, 71-17,122, 71-17,123, 71-17,124,
6 71-17,128, 71-17,129, 71-17,134, 71-17,135, 71-17,137, 71-17,138,
7 71-17,139, and 71-17,140, Revised Statutes Cumulative Supplement,
8 2006, are repealed.

9 Sec. 54. The following sections are outright repealed:
10 Sections 71-1761 and 71-1762, Reissue Revised Statutes of
11 Nebraska, and sections 71-1724.02, 71-1725, 71-1725.01, 71-1726,
12 71-1736.01, 71-1736.02, 71-1736.03, 71-1758, 71-17,125, 71-17,126,
13 and 71-17,127, Revised Statutes Cumulative Supplement, 2006.

14 Sec. 55. Since an emergency exists, this act takes effect
15 when passed and approved according to law.