

LEGISLATIVE BILL 185

Approved by the Governor March 14, 2007

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

FOR AN ACT relating to health and human services; to amend sections 71-629, 71-1734, 71-1748, 71-1752, 71-1756, 71-1764, 71-1765, 71-5185, 71-6726, 71-6733, 71-8249, and 71-8252, Reissue Revised Statutes of Nebraska, and sections 68-906, 68-919, 68-921, 71-1707, 71-1722, 71-1723, 71-1723.01, 71-1723.02, 71-1724, 71-1724.01, 71-1726.01, 71-1726.02, 71-1729, 71-1730, 71-1731, 71-1735, 71-1737, 71-1749, 71-1755, 71-1757, 71-17,118, 71-17,119, 71-17,121, 71-17,122, 71-17,123, 71-17,124, 71-17,128, 71-17,129, 71-17,134, 71-17,135, 71-17,137, 71-17,138, 71-17,139, 71-17,140, 71-6039, 81-647, and 81-671, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to the Medical Assistance Act, birth certificates, nursing assistants, medication aides, regional trauma advisory boards, and the cancer registry; to change provisions relating to recovery of medical assistance; to change and eliminate provisions relating to licensure and certification of certified nurse midwives, certified registered nurse anesthetists, clinical nurse specialists, and nurse practitioners; to authorize the release of patient information as prescribed; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 71-1761 and 71-1762, Reissue Revised Statutes of Nebraska, and sections 71-1724.02, 71-1725, 71-1725.01, 71-1726, 71-1736.01, 71-1736.02, 71-1736.03, 71-1758, 71-17,125, 71-17,126, and 71-17,127, Revised Statutes Cumulative Supplement, 2006; and to declare an emergency.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) Qualified applicant means a person (a) who applies for medical assistance on or after July 9, 1988, (b) who is under care in a state-licensed hospital, ~~skilled a nursing facility, intermediate care facility,~~ an intermediate care facility for the mentally retarded, nursing facility, an assisted-living facility, or a center for the developmentally disabled, as such terms are defined in the Health Care Facility Licensure Act, or an adult family home certified by the Department of Health and Human Services or is receiving home and community-based services, and (c) whose spouse is not under such care or receiving such services and is not applying for or receiving medical assistance;

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

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

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

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

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

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

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

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

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

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

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

~~(4) (b) Evidence of having successfully completed a graduate-level program in the clinical specialty area of nurse practitioner practice, which~~

program is accredited by a national accrediting body;

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

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

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

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

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

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

71-1723.01 A person licensed as an advanced practice registered nurse in this state on July 1, 2007, shall be issued a license by the department as an advanced practice registered nurse under the Advanced Practice Registered Nurse Licensure Act and shall be issued a certificate by the department to practice as a nurse practitioner under the Nurse Practitioner Act on such date. A person certified licensed to practice as a nurse practitioner in this state may use the title nurse practitioner and the abbreviation NP.

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

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

(2) A nurse practitioner who needs to obtain the two thousand hours of supervised practice required under subdivision (1)(c) of this section shall (a) submit to the department one or more integrated practice agreements with a collaborating physician, (b) furnish proof of jointly approved protocols with a collaborating physician which shall guide the nurse practitioner's practice, and (c) furnish proof of professional liability insurance required under section 71-1723.04.

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

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

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

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

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

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

~~(3) (1)~~ Documentation of a minimum of two thousand eighty hours of practice as a nurse practitioner within the five years immediately preceding renewal. These practice hours shall fulfill the requirements of the practice

hours required for registered nurse renewal. Practice hours as an advanced practice registered nurse prior to July 1, 2007, shall be used to fulfill the requirements of this section; and

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

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

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

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

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

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

(3) To applicants for purposes of a reentry program or supervised practice as part of continuing competency activities established by the board pursuant to section 71-17,135.

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

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

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

(1) In an emergency situation;

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

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

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

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

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

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

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

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

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

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

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

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

(2) Certified registered nurse anesthetist means a licensed registered nurse ~~holding a certificate issued under the act~~ certified by a board-approved certifying body and licensed under the Advanced Practice Registered Nurse Licensure Act to practice as a certified registered nurse anesthetist in the State of Nebraska;

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

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

(5) Practice of anesthesia means (a) the performance of or the assistance in any act involving the determination, preparation,

administration, or monitoring of any drug used to render an individual insensible to pain for procedures requiring the presence of persons educated in the administration of anesthetics or (b) the performance of any act commonly the responsibility of educated anesthesia personnel. Practice of anesthesia includes the use of those techniques which are deemed necessary for adequacy in performance of anesthesia administration. Nothing in the Certified Registered Nurse Anesthetist Act prohibits routine administration of a drug by a duly licensed registered nurse, licensed practical nurse, or other duly authorized person for the alleviation of pain or prohibits the practice of anesthesia by students enrolled in an accredited school of nurse anesthesia when the services performed are a part of the course of study and are under the supervision of a licensed practitioner or certified registered nurse anesthetist.

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

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

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

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

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

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

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

(c) Submit evidence of current certification by the Council on Certification of Nurse Anesthetists.

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

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

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

71-1731 ~~The department may, with the prior approval of the board, may grant a temporary certification license in the practice of anesthesia for a period of not to exceed one year and under such conditions as the board with the approval of the department determines for up to one hundred twenty days upon application (1) to graduates of an accredited school of nurse anesthesia. The permit may be issued upon application by the graduate for pending results of the first certifying examination following his or her graduation and shall be valid pending the results of such examination. Temporary certification may also be granted for a period not to exceed one year (2) to registered nurse anesthetists currently licensed in another state pending completion of the application for a Nebraska certification. license. A temporary permit license issued pursuant to this section may be extended at the discretion of the board with the approval of the department. An individual holding a temporary permit as a registered nurse anesthetist on the operative date of this section shall be deemed to be holding a temporary license under this section on such date. The permitholder may continue to practice under such temporary permit as a temporary license until it would have expired under its terms.~~

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

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

practitioner.

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

- (a) Preanesthesia evaluation including physiological studies to determine proper anesthetic management and obtaining informed consent;
- (b) Selection and application of appropriate monitoring devices;
- (c) Selection and administration of anesthetic techniques;
- (d) Evaluation and direction of proper postanesthesia management and dismissal from postanesthesia care; and
- (e) Evaluation and recording of postanesthesia course of patients.

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

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

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

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

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

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

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

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

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

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

(2) Knowingly employing or offering to employ any person as a certified registered nurse anesthetist when knowing that such person is not ~~certified~~ licensed as such by the department with the approval of the board;

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

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

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

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

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

71-1749 Approved certified nurse midwifery education program shall mean a certified nurse midwifery education program approved by the board. The

board may ~~allow~~ require such program to be accredited by the American College of Nurse-Midwives.

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

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

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

71-1755 (1) An applicant for ~~certification as a licensure under the Advanced Practice Registered Nurse Licensure Act to practice as a certified nurse midwife~~ shall submit to the board a ~~written application,~~ which includes the applicant's social security number, and such evidence as the board ~~shall require~~ requires showing that the applicant is currently licensed as a registered nurse by the state or has the authority based on the Nurse Licensure Compact to practice as a registered nurse in Nebraska, has successfully completed an approved certified nurse midwifery education program, and has passed a nationally recognized nurse midwifery examination ~~adopted by the board.~~ is certified as a nurse midwife by a board-approved certifying body.

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

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

(4) If more than five years have elapsed since the completion of the nurse midwifery program or since the applicant has practiced as a nurse midwife, the applicant shall meet the requirements in subsection (1) of this section and provide evidence of continuing competency, as may be determined by the board, either by means of a reentry program, references, supervised practice, examination, or one or more of the continuing competency activities listed in section 71-161.09.

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

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

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

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

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

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

nurse midwifery.

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

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

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

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

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

(4) Using in connection with his or her name the title certified nurse midwife, the abbreviation CNM, or any other designation tending to imply that he or she is a certified nurse midwife ~~certified~~ licensed under the Nebraska Certified Nurse Midwifery Practice Act when such person is not a certified nurse midwife.

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

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

(1) In an emergency situation;

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

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

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

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

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

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

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

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

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

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

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

~~(2) (1) Evidence that the applicant holds a master's degree or a doctoral graduate degree in a nursing clinical specialty area or has a master's graduate degree in nursing and has successfully completed a graduate-level clinical nurse specialist education program; and~~

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

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

71-17,121 (1) An applicant who meets the requirements for ~~certification~~ licensure in section 71-17,119 shall be ~~certified~~ licensed by

the department as a clinical nurse specialist, except that a person practicing as a clinical nurse specialist pursuant to the Nurse Practice Act on July 1, 2007, who applies on or after such date and before September 1, 2007, shall be ~~certified~~ licensed as a clinical nurse specialist under this section without complying with subdivision ~~(3)~~ (2) of section 71-17,119.

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

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

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

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

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

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

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

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

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

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

- (1) In an emergency situation;
- (2) By a legally qualified person from another state employed by the United States and performing official duties in this state; or
- (3) By a person enrolled in an approved clinical nurse specialist program for the education of clinical nurse specialists as part of that approved program.

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

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

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

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

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

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

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

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

(2)(a) Until July 1, 2007, the board shall consist of (i) five

advanced practice registered nurses representing different advanced practice registered nurse specialties for which a license has been issued, (ii) five physicians licensed under the Uniform Licensing Law to practice medicine in Nebraska, at least three of whom shall have a current collaborating relationship with an advanced practice registered nurse, (iii) three consumer members, and (iv) one licensed pharmacist.

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

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

(ii) Three physicians, one of whom shall have a professional relationship with a nurse practitioner, one of whom shall have a professional relationship with a certified nurse midwife, and one of whom shall have a professional relationship with a certified registered nurse anesthetist. Of the initial appointments under this subdivision, one shall be for a ~~two-year~~ three-year term, one shall be for a ~~three-year~~ four-year term, and one shall be for a ~~four-year~~ five-year term. All subsequent appointments under this subdivision shall be for ~~four-year~~ five-year terms; and

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

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

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

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

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

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

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

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

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

(2) Monitor the scope of practice by certified nurse midwives,

certified registered nurse anesthetists, clinical nurse specialists, and nurse practitioners;

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

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

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

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

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

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

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

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

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

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

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

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

~~(2)(a) Except as provided in subdivisions (b) through (d) of this subsection, the~~ (2) The department may issue a license by endorsement under this section to an applicant who holds a license from another jurisdiction if the licensure requirements of such other jurisdiction meet or exceed the requirements for licensure as an advanced practice registered nurse under the Advanced Practice Registered Nurse Licensure Act. ~~(b) The department may issue a license as an advanced practice registered nurse by endorsement to an applicant who holds a credential equivalent to a nurse practitioner issued by another jurisdiction if such applicant holds a certificate or degree described in subdivision (3) of section 71-1717. (c) The department may issue a license as an advanced practice registered nurse by endorsement to an applicant who holds a credential equivalent to a certified registered nurse anesthetist issued by another jurisdiction if such applicant meets the requirements of~~

subdivision (4) of section 71-1730 as such subdivision existed on December 31, 1998. (d) The department may issue a license as an advanced practice registered nurse by endorsement to an applicant who holds a credential equivalent to a certified nurse midwife issued by another jurisdiction if such applicant meets the requirements of subsection (1) of section 71-1755 as such subsection existed immediately before July 1, 2007. (e) An applicant under this subsection shall submit a completed application to the department which includes the applicant's social security number, fees established and collected as provided in section 71-162, and other evidence as required by rules and regulations approved by the board and adopted and promulgated by the department.

(3) A person licensed as an advanced practice registered nurse or certified as a certified registered nurse anesthetist or a certified nurse midwife in this state on July 1, 2007, shall be issued a license by the department as an advanced practice registered nurse on such date.

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

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

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

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

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

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

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

71-17,140 (1) An advanced practice registered nurse's license lapses if he or she ~~(a) does not have a current renew his or her license to practice as a registered nurse or has had his or her license to practice as a registered nurse denied, refused renewal, suspended, or revoked or (b) renews his or her license to practice as a registered nurse but does not renew his or her advanced practice registered nurse's license.~~ is not authorized to practice as a registered nurse in this state under the Nurse Licensure Compact.

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

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

71-5185 (1) No patient data received or recorded by an emergency medical service or an out-of-hospital emergency care provider shall be divulged, made public, or released by an emergency medical service or an out-of-hospital emergency care provider, except that patient data may be released to the receiving health care facility, to the department for public health purposes, upon the written authorization of the patient who is the subject of the record, for purposes of treatment, payment, and other health care operations as defined and permitted under the federal Health Insurance Portability and Accountability Act of 1996, as such act existed on January 1, 2007, or as otherwise permitted by law. Such data shall be provided to the department for public health purposes pursuant to rules and regulations of the department. For purposes of this section, patient data means any data received or recorded as part of the records maintenance requirements of the Emergency Medical Services Act.

(2) Patient data received by the department shall be confidential with release only (a) in aggregate data reports created by the department on a periodic basis or at the request of an individual, or (b) as case-specific data to approved researchers for specific research projects, (c) as protected health information to a public health authority, as such terms are defined under the federal Health Insurance Portability and Accountability Act of 1996, as such act existed on January 1, 2007, and (d) as protected health information, as defined under the federal Health Insurance Portability and Accountability Act of 1996, as such act existed on January 1, 2007, to an emergency medical service, to an out-of-hospital emergency care provider, or to a licensed health care facility for purposes of treatment. A record may be shared with the emergency medical service or out-of-hospital emergency care provider that reported that specific record. Approved researchers shall maintain the confidentiality of the data, and researchers shall be approved in the same manner as described in section 81-666. Aggregate reports shall be public documents. Emergency-medical-service-specific data and out-of-hospital-emergency-care-provider-specific data shall be released only upon the written authorization of the service or the provider who is the subject of the record.

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

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

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

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

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

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

(2)(a) A registered nurse or licensed practical nurse whose license has been revoked, suspended, or voluntarily surrendered in lieu of discipline may not act as a nursing assistant in a nursing home.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

71-8249 (1) All data collected under section 71-8248 shall be held confidential pursuant to sections 81-663 to 81-675. Confidential patient medical record data shall only be released as (a) Class I, II, or IV medical records under sections 81-663 to 81-675, (b) aggregate data to the regional trauma system quality assurance program and the regional trauma advisory boards, (c) as protected health information to a public health authority, as such terms are defined under the federal Health Insurance Portability and Accountability Act of 1996, as such act existed on January 1, 2007, and (d) as protected health information, as defined under the federal Health Insurance Portability and Accountability Act of 1996, as such act existed on January 1, 2007, to an emergency medical service, to an out-of-hospital emergency care provider, to a licensed health care facility, or to a center that will treat or has treated a specific patient.

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

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

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

71-8252 The regional trauma advisory boards:

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

(2) Shall ~~provide~~ evaluate data and provide analysis required by the department to assess the effectiveness of the statewide trauma system; and

(3) May apply for, receive, and accept gifts and other payments, including property and services, from any governmental or other public or private entity or person and may make arrangements as to the use of these receipts, including any activities related to the design, maintenance, or

enhancements of the statewide trauma system in the trauma care region. Regional trauma advisory boards shall report in the regional budget the amount, source, and purpose of all gifts and payments.

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

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

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

(3) For purposes of protecting the public health, local health departments in Nebraska, health departments or cancer registries located ~~in other states,~~ outside Nebraska, and the Centers for Disease Control and Prevention and the National Cancer Institute of the United States Department of Health and Human Services or their successors may have access to the data contained in the cancer registry upon the department's approval based on the entity's written application.

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

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

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

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

(2) The receiving agency shall not further disclose such data to any third party but may publish aggregate statistical reports, except that no patient-identifying data shall be divulged, made public, or released to any public or private person or entity. The receiving agency shall comply with the patient contact provisions of sections 81-663 to 81-675. The receiving agency shall acknowledge the department and its medical record and health information registries in any publication in which information obtained from the medical record and health information registries is used.

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

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

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

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

Sec. 53. Original sections 71-1734, 71-1748, 71-1752, 71-1756, 71-1764, and 71-1765, Reissue Revised Statutes of Nebraska, and sections 71-1707, 71-1722, 71-1723, 71-1723.01, 71-1723.02, 71-1724, 71-1724.01, 71-1726.01, 71-1726.02, 71-1729, 71-1730, 71-1731, 71-1735, 71-1737, 71-1749, 71-1755, 71-1757, 71-17,118, 71-17,119, 71-17,121, 71-17,122, 71-17,123, 71-17,124, 71-17,128, 71-17,129, 71-17,134, 71-17,135, 71-17,137, 71-17,138, 71-17,139, and 71-17,140, Revised Statutes Cumulative Supplement, 2006, are repealed.

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

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