

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 230**

Introduced by Stuthman, 22.

Read first time January 13, 2009

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to nurse practitioners; to amend sections  
2 38-206, 38-2301, 38-2315, and 38-2322, Reissue Revised  
3 Statutes of Nebraska; to eliminate a requirement  
4 for integrated practice agreements; to eliminate a  
5 definition; to harmonize provisions; to provide an  
6 operative date; to repeal the original sections; and to  
7 outright repeal sections 38-2310 and 38-2323, Reissue  
8 Revised Statutes of Nebraska.

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

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

3           38-206 The board shall:

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

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

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

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

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

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

2           Sec. 2. Section 38-2301, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4           38-2301 Sections 38-2301 to ~~38-2323~~ 38-2322 shall be  
5 known and may be cited as the Nurse Practitioner Practice Act.

6           Sec. 3. Section 38-2315, Reissue Revised Statutes of  
7 Nebraska, is amended to read:

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

15           (2) Nurse practitioner practice means health promotion,  
16 health supervision, illness prevention and diagnosis, treatment,  
17 and management of common health problems and chronic conditions,  
18 including:

19           (a) Assessing patients, ordering diagnostic tests and  
20 therapeutic treatments, synthesizing and analyzing data, and  
21 applying advanced nursing principles;

22           (b) Dispensing, incident to practice only, sample  
23 medications which are provided by the manufacturer and are provided  
24 at no charge to the patient; and

25           (c) Prescribing therapeutic measures and medications

1 relating to health conditions within the scope of practice. ~~Any~~  
2 ~~limitation on the prescribing authority of the nurse practitioner~~  
3 ~~for controlled substances listed in Schedule II of section 28-405~~  
4 ~~shall be recorded in the integrated practice agreement established~~  
5 ~~pursuant to section 38-2310.~~

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

14 Sec. 4. Section 38-2322, Reissue Revised Statutes of  
15 Nebraska, is amended to read:

16 38-2322 (1) Prior to commencing practice as a nurse  
17 practitioner, an individual (a) who has a master's degree or  
18 doctorate degree in nursing and has completed an approved nurse  
19 practitioner program, (b) who can demonstrate separate course  
20 work in pharmacotherapeutics, advanced health assessment, and  
21 pathophysiology or psychopathology, and (c) who has completed a  
22 minimum of two thousand hours of practice under the supervision  
23 of a nurse practitioner practicing in the same specialty area  
24 or, if a nurse practitioner practicing in the same specialty area  
25 is not available, a physician, shall ~~submit to the department an~~

1 ~~integrated practice agreement with a collaborating physician and~~  
 2 ~~shall furnish to the department proof of professional liability~~  
 3 ~~insurance required under section 38-2320.~~

4 (2) A nurse practitioner who needs to obtain the two  
 5 thousand hours of supervised practice required under subdivision  
 6 (1)(c) of this section shall (a) ~~submit to the department one or~~  
 7 ~~more integrated practice agreements with a collaborating physician,~~  
 8 ~~(b)~~ furnish proof of jointly approved protocols with a nurse  
 9 practitioner practicing in the same specialty area or, if a  
 10 nurse practitioner practicing in the same specialty area is not  
 11 available, a collaborating physician which shall guide the nurse  
 12 practitioner's practice, and ~~(e)~~ (b) furnish proof of professional  
 13 liability insurance required under section 38-2320.

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

22 Sec. 5. This act becomes operative on January 1, 2010.

23 Sec. 6. Original sections 38-206, 38-2301, 38-2315, and  
 24 38-2322, Reissue Revised Statutes of Nebraska, are repealed.

25 Sec. 7. The following sections are outright repealed:

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1 Sections 38-2310 and 38-2323, Reissue Revised Statutes of Nebraska.