

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 457

Introduced by Friend, 10.

Read first time January 20, 2009

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to certified nurse midwives; to amend sections
2 38-206, 38-603, 38-611, and 38-613, Reissue Revised
3 Statutes of Nebraska; to change and eliminate provisions
4 relating to scope of practice, authorized activities,
5 and practice agreements; to harmonize provisions; to
6 repeal the original sections; and to outright repeal
7 sections 38-608, 38-609, 38-610, and 38-614, 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 38-603, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 38-603 For purposes of the Certified Nurse Midwifery
5 Practice Act and elsewhere in the Uniform Credentialing Act, unless
6 the context otherwise requires, the definitions found in sections
7 38-604 to ~~38-610~~ 38-607 apply.

8 Sec. 3. Section 38-611, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 38-611 A certified nurse midwife may ~~not~~ under the
11 provisions of a practice agreement, ~~(1) attend practice nurse~~
12 midwifery. Such practice may include, but is not limited to,
13 (1) attending cases of normal childbirth, (2) provide providing
14 prenatal, intrapartum, and postpartum care, (3) provide providing
15 normal obstetrical and gynecological services for women, and (4)
16 provide providing care for the newborn immediately following birth.
17 The conditions under which a certified nurse midwife is required
18 to refer cases to a collaborating licensed practitioner shall be
19 specified in the practice agreement.

20 Sec. 4. Section 38-613, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 38-613 (1) The specific ~~medical~~ health care functions
23 to be performed by a certified nurse midwife within the scope of
24 permitted practice prescribed by section 38-611 may be performed
25 in the following settings: shall be described in the practice

1 agreement which shall be reviewed and approved by the board. A copy
2 of the agreement shall be maintained on file with the board as a
3 condition of lawful practice under the Certified Nurse Midwifery
4 Practice Act.

5 ~~(2) A certified nurse midwife shall perform the functions~~
6 ~~detailed in the practice agreement only under the supervision of~~
7 ~~the licensed practitioner responsible for the medical care of the~~
8 ~~patients described in the practice agreement. If the collaborating~~
9 ~~licensed practitioner named in the practice agreement becomes~~
10 ~~temporarily unavailable, the certified nurse midwife may perform~~
11 ~~the authorized medical functions only under the supervision of~~
12 ~~another licensed practitioner designated as a temporary substitute~~
13 ~~for that purpose by the collaborating licensed practitioner.~~

14 ~~(3) A certified nurse midwife may perform authorized~~
15 ~~medical functions only in the following settings:~~

16 (a) In a licensed or certified health care facility; as
17 ~~an employee or as a person granted privileges by the facility;~~

18 (b) In the residence, office, or clinic of a certified
19 nurse midwife, a group of certified nurse midwives, or a group
20 of licensed practitioners or any distinct part of such residence,
21 office, or clinic; primary office of a licensed practitioner or in
22 any setting authorized by the collaborating licensed practitioner,
23 ~~except that a certified nurse midwife shall not attend a home~~
24 ~~delivery; or~~

25 (c) Within an organized public health agency; or -

1 (d) In any other setting approved by the board, except
2 that a certified nurse midwife shall not attend a home delivery.

3 ~~(4)~~ (2) The department shall, after consultations with
4 the board, adopt and promulgate rules and regulations to carry out
5 the Certified Nurse Midwifery Practice Act.

6 Sec. 5. Original sections 38-206, 38-603, 38-611, and
7 38-613, Reissue Revised Statutes of Nebraska, are repealed.

8 Sec. 6. The following sections are outright repealed:
9 Sections 38-608, 38-609, 38-610, and 38-614, Reissue Revised
10 Statutes of Nebraska.