

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 1083**

Introduced by Bloomfield, 17.

Read first time January 18, 2012

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to the Nurse Practice Act; to amend section  
2 38-2218, Reissue Revised Statutes of Nebraska; to clarify  
3 permitted practices; to repeal the original section; and  
4 to declare an emergency.  
5 Be it enacted by the people of the State of Nebraska,

1                   Section 1. Section 38-2218, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3                   38-2218 The Nurse Practice Act confers no authority to  
4 practice medicine or surgery. The ~~act~~ Nurse Practice Act does not  
5 prohibit:

6                   (1) Home care provided by parents, foster parents,  
7 family, or friends ~~so long as any if~~ such person does not represent  
8 or hold himself or herself out to be a nurse or use any designation  
9 in connection with his or her name which tends to imply that he or  
10 she is licensed to practice under the act;

11                   (2) Home care provided for compensation or gratuitously  
12 by a parent, foster parent, family member, or friend if such person  
13 is a nurse and represents or holds himself or herself out to be a  
14 nurse and uses any designation in connection with his or her name  
15 which tends to imply that he or she is licensed to practice under the  
16 act;

17                   ~~(2)~~ (3) Christian Science nursing consistent with the  
18 theology of Christian Science provided by a Christian Science nurse  
19 who does not hold himself or herself out as a registered nurse or a  
20 licensed practical nurse;

21                   ~~(3)~~ (4) Auxiliary patient care services provided by  
22 persons carrying out duties under the direction of a licensed  
23 practitioner;

24                   ~~(4)~~ (5) Auxiliary patient care services provided by  
25 persons carrying out interventions for the support of nursing service

1 as delegated by a registered nurse or as assigned and directed by a  
2 licensed practical nurse licensed under the act;

3 ~~(5)~~ (6) The gratuitous rendering of assistance by anyone  
4 in the case of an emergency;

5 ~~(6)~~ (7) Nursing by any legally licensed nurse of any  
6 other state whose engagement requires him or her to (a) accompany and  
7 care for a patient temporarily residing in this state during the  
8 period of one such engagement not to exceed six months in length, (b)  
9 transport patients into, out of, or through this state provided each  
10 transport does not exceed twenty-four hours, (c) provide patient care  
11 during periods of transition following transport, (d) provide  
12 educational programs or consultative services within this state for a  
13 period not to exceed fourteen consecutive days if neither the  
14 education nor the consultation includes the provision or the  
15 direction of patient care, and (e) provide nursing care in the case  
16 of a disaster. These exceptions do not permit a person to represent  
17 or hold himself or herself out as a nurse licensed to practice in  
18 this state;

19 ~~(7)~~ (8) Nursing services rendered by a student enrolled  
20 in an approved program of nursing when the services are a part of the  
21 student's course of study;

22 ~~(8)~~ (9) The practice of nursing by any legally licensed  
23 nurse of another state who serves in the armed forces of the United  
24 States or the United States Public Health Service or who is employed  
25 by the United States Department of Veterans Affairs or other federal

1 agencies, if the practice is limited to that service or employment;

2 or

3           ~~(9)~~(10) The practice of nursing, if permitted by federal  
4 law, as a citizen of a foreign country temporarily residing in  
5 Nebraska for a period not to exceed one year for the purpose of  
6 postgraduate study, certified to be such by an appropriate agency  
7 satisfactory to the board.

8           Sec. 2. Original section 38-2218, Reissue Revised  
9 Statutes of Nebraska, is repealed.

10           Sec. 3. Since an emergency exists, this act takes effect  
11 when passed and approved according to law.