

LEGISLATIVE BILL 1083

Approved by the Governor April 10, 2012

Introduced by Bloomfield, 17.

FOR AN ACT relating to the Nurse Practice Act; to amend section 38-2218, Reissue Revised Statutes of Nebraska; to clarify permitted practices; to repeal the original section; and to declare an emergency.

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

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

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

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

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

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

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

~~(4)~~ (5) Auxiliary patient care services provided by persons carrying out interventions for the support of nursing service as delegated by a registered nurse or as assigned and directed by a licensed practical nurse licensed under the act;

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

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

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

~~(8)~~ (9) The practice of nursing by any legally licensed nurse of another state who serves in the armed forces of the United States or the United States Public Health Service or who is employed by the United States Department of Veterans Affairs or other federal agencies, if the practice is limited to that service or employment; or

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

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

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