LEGISLATURE OF NEBRASKA

ONE HUNDRED THIRD LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 916

Introduced by Crawford, 45; Campbell, 25; Gloor, 35.

Read first time January 15, 2014

Committee: Health and Human Services

A BILL

FOR AN ACT relating to nurses; to amend sections 38-206 and 38-2322, Reissue Revised Statutes of Nebraska, and section 38-2315, Revised Statutes Supplement, 2013; to change provisions relating to the practice of nurse practitioners; to eliminate a definition of and provisions on integrated practice agreements; to harmonize provisions; to repeal the original sections; and to outright repeal sections 38-2310 and 38-2323, Reissue Revised Statutes of Nebraska.

Be it enacted by the people of the State of Nebraska,
Section 1. Section 38-206, Reissue Revised Statutes of Nebraska, is amended to read:

38-206 The board 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) Recommend disciplinary action relating to licenses of advanced practice registered nurses, certified nurse midwives, certified registered nurse anesthetists, clinical nurse specialists, and nurse practitioners;

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

(5) Adopt rules and regulations to implement the Advanced Practice Registered Nurse Practice Act, the Certified Nurse Midwifery Practice Act, the Certified Registered Nurse Anesthetist Practice Act, the Clinical Nurse Specialist Practice Act, and the Nurse Practitioner Practice Act, for promulgation by the department as provided in section 38-126. Such rules and regulations shall also include: (a) Approved certification organizations and approved
certification programs; and (b) professional liability insurance.

Sec. 2. Section 38-2315, Revised Statutes Supplement, 2013, is amended to read:

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

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

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

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

(c) Prescribing therapeutic measures and medications relating to health conditions within the scope of practice. Any limitation on the prescribing authority of the nurse practitioner for controlled substances listed in Schedule II of section 28-405 shall be recorded in the integrated practice agreement established pursuant to section 38-2310.
(3) A nurse practitioner who has proof of a current certification from an approved certification program in a psychiatric or mental health specialty may manage the care of patients committed under the Nebraska Mental Health Commitment Act. Patients who require care beyond the scope of practice of a nurse practitioner who has proof of a current certification from an approved certification program in a psychiatric or mental health specialty shall be referred to an appropriate health care provider.

(4) A nurse practitioner may pronounce death and may complete and sign death certificates and any other forms if such acts are within the scope of practice of the nurse practitioner and are not otherwise prohibited by law.

Sec. 3. Section 38-2322, Reissue Revised Statutes of Nebraska, is amended to read:

38-2322 (1) Prior to commencing practice as a nurse practitioner, an individual (a) who has shall provide to the department (1) evidence of a master's degree or doctorate degree in nursing and has completed completion of an approved nurse practitioner program, (b) who can demonstrate (2) evidence of 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 submit to the department an integrated practice agreement with a collaborating physician and shall furnish (3) proof of professional liability insurance required
under section 38-2320.

(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 38-2320.

(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. 4. Original sections 38-206 and 38-2322, Reissue Revised Statutes of Nebraska, and section 38-2315, Revised Statutes Supplement, 2013, are repealed.

Sec. 5. The following sections are outright repealed: Sections 38-2310 and 38-2323, Reissue Revised Statutes of Nebraska.