

AMENDMENTS TO LB1034

Introduced by Kolterman, 24.

1           1. Insert the following new sections:

2           Section 1. Section 38-2025, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4           38-2025 The following classes of persons shall not be construed to  
5 be engaged in the unauthorized practice of medicine:

6           (1) Persons rendering gratuitous services in cases of emergency;

7           (2) Persons administering ordinary household remedies;

8           (3) The members of any church practicing its religious tenets,  
9 except that they shall not prescribe or administer drugs or medicines,  
10 perform surgical or physical operations, nor assume the title of or hold  
11 themselves out to be physicians, and such members shall not be exempt  
12 from the quarantine laws of this state;

13           (4) Students of medicine who are studying in an accredited school or  
14 college of medicine and who gratuitously prescribe for and treat disease  
15 under the supervision of a licensed physician;

16           (5) Physicians who serve in the armed forces of the United States or  
17 the United States Public Health Service or who are employed by the United  
18 States Department of Veterans Affairs or other federal agencies, if their  
19 practice is limited to that service or employment;

20           (6) Physicians who are licensed in good standing to practice  
21 medicine under the laws of another state when incidentally called into  
22 this state or contacted via electronic or other medium for consultation  
23 with a physician licensed in this state. For purposes of this  
24 subdivision, consultation means evaluating the medical data of the  
25 patient as provided by the treating physician and rendering a  
26 recommendation to such treating physician as to the method of treatment  
27 or analysis of the data. The interpretation of a radiological image by a

1 physician who specializes in radiology is not a consultation;

2 (7) Physicians who are licensed in good standing to practice  
3 medicine in another state but who, from such other state, order  
4 diagnostic or therapeutic services on an irregular or occasional basis,  
5 to be provided to an individual in this state, if such physicians do not  
6 maintain and are not furnished for regular use within this state any  
7 office or other place for the rendering of professional services or the  
8 receipt of calls;

9 (8) Physicians who are licensed in good standing to practice  
10 medicine in another state and who, on an irregular and occasional basis,  
11 are granted temporary hospital privileges to practice medicine and  
12 surgery at a hospital or other medical facility licensed in this state;

13 (9) Persons providing or instructing as to use of braces, prosthetic  
14 appliances, crutches, contact lenses, and other lenses and devices  
15 prescribed by a physician licensed to practice medicine while working  
16 under the direction of such physician;

17 (10) Dentists practicing their profession when licensed and  
18 practicing in accordance with the Dentistry Practice Act;

19 (11) Optometrists practicing their profession when licensed and  
20 practicing under and in accordance with the Optometry Practice Act;

21 (12) Osteopathic physicians practicing their profession if licensed  
22 and practicing under and in accordance with sections 38-2029 to 38-2033;

23 (13) Chiropractors practicing their profession if licensed and  
24 practicing under the Chiropractic Practice Act;

25 (14) Podiatrists practicing their profession when licensed and  
26 practicing under and in accordance with the Podiatry Practice Act;

27 (15) Psychologists practicing their profession when licensed and  
28 practicing under and in accordance with the Psychology Practice Act;

29 (16) Advanced practice registered nurses practicing in their  
30 clinical specialty areas when licensed under the Advanced Practice  
31 Registered Nurse Practice Act and practicing under and in accordance with

1 their respective practice acts;

2 (17) Surgical first assistants practicing in accordance with the  
3 Surgical First Assistant Practice Act;

4 (18) Persons licensed or certified under the laws of this state to  
5 practice a limited field of the healing art, not specifically named in  
6 this section, when confining themselves strictly to the field for which  
7 they are licensed or certified, not assuming the title of physician,  
8 surgeon, or physician and surgeon, and not professing or holding  
9 themselves out as qualified to prescribe drugs in any form or to perform  
10 operative surgery;

11 (19) Persons obtaining blood specimens while working under an order  
12 of or protocols and procedures approved by a physician, registered nurse,  
13 or other independent health care practitioner licensed to practice by the  
14 state if the scope of practice of that practitioner permits the  
15 practitioner to obtain blood specimens; ~~and~~

16 (20) Physicians who are licensed in good standing to practice  
17 medicine under the laws of another state or jurisdiction who accompany an  
18 athletic team or organization into this state for an event from the state  
19 or jurisdiction of licensure. This exemption is limited to treatment  
20 provided to such athletic team or organization while present in Nebraska;  
21 and

22 (21) ~~(20)~~ Other trained persons employed by a licensed health care  
23 facility or health care service defined in the Health Care Facility  
24 Licensure Act or clinical laboratory certified pursuant to the federal  
25 Clinical Laboratories Improvement Act of 1967, as amended, or Title XVIII  
26 or XIX of the federal Social Security Act to withdraw human blood for  
27 scientific or medical purposes.

28 Any person who has held or applied for a license to practice  
29 medicine and surgery in this state, and such license or application has  
30 been denied or such license has been refused renewal or disciplined by  
31 order of limitation, suspension, or revocation, shall be ineligible for

1 the exceptions described in subdivisions (5) through (8) of this section  
2 until such license or application is granted or such license is renewed  
3 or reinstated. Every act or practice falling within the practice of  
4 medicine and surgery as defined in section 38-2024 and not specially  
5 excepted in this section shall constitute the practice of medicine and  
6 surgery and may be performed in this state only by those licensed by law  
7 to practice medicine in Nebraska.

8 Sec. 2. Section 38-2026, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10 38-2026 Except as otherwise provided in sections 38-2026.01 and  
11 38-2027, each applicant for a license to practice medicine and surgery  
12 shall:

13 (1)(a) Present proof that he or she is a graduate of an accredited  
14 school or college of medicine, (b) if a foreign medical graduate, provide  
15 a copy of a permanent certificate issued by the Educational Commission  
16 for ~~on~~ Foreign Medical Graduates that is currently effective and relates  
17 to such applicant or provide such credentials as are necessary to certify  
18 that such foreign medical graduate has successfully passed the Visa  
19 Qualifying Examination or its successor or equivalent examination  
20 required by the United States Department of Health and Human Services and  
21 the United States Citizenship and Immigration Services, or (c) if a  
22 graduate of a foreign medical school who has successfully completed a  
23 program of American medical training designated as the Fifth Pathway and  
24 who additionally has successfully passed the Educational Commission for  
25 ~~on~~ Foreign Medical Graduates examination but has not yet received the  
26 permanent certificate attesting to the same, provide such credentials as  
27 certify the same to the Division of Public Health of the Department of  
28 Health and Human Services;

29 (2) Present proof that he or she has served at least one year of  
30 graduate medical education approved by the board or, if a foreign medical  
31 graduate, present proof that he or she has served at least two ~~three~~

1 years of graduate medical education approved by the board;

2 (3) Pass a licensing examination approved by the board covering  
3 appropriate medical subjects; and

4 (4) Present proof satisfactory to the department that he or she,  
5 within the three years immediately preceding the application for  
6 licensure, (a) has been in the active practice of the profession of  
7 medicine and surgery in some other state, a territory, the District of  
8 Columbia, or Canada for a period of one year, (b) has had at least one  
9 year of graduate medical education as described in subdivision (2) of  
10 this section, (c) has completed continuing education in medicine and  
11 surgery approved by the board, (d) has completed a refresher course in  
12 medicine and surgery approved by the board, or (e) has completed the  
13 special purposes examination approved by the board.

14 Sec. 3. Section 71-474, Revised Statutes Cumulative Supplement,  
15 2016, is amended to read:

16 71-474 A person may not advertise to the public, by way of any  
17 medium, that a hospital is a comprehensive stroke center, a designated  
18 thrombectomy-capable stroke center, a primary stroke center, or an acute  
19 stroke-ready hospital unless the hospital is listed as such by the  
20 Department of Health and Human Services under the Stroke System of Care  
21 Act.

22 Sec. 5. Section 71-4204, Revised Statutes Cumulative Supplement,  
23 2016, is amended to read:

24 71-4204 The department shall designate hospitals as comprehensive  
25 stroke centers, thrombectomy-capable stroke centers, primary stroke  
26 centers, ~~or~~ ~~and~~ acute stroke-ready hospitals based on certification from  
27 the American Heart Association, the Joint Commission on Accreditation of  
28 Healthcare Organizations, or another nationally recognized, guidelines-  
29 based organization that provides certification for stroke care, as such  
30 certification existed on ~~the effective date of this act July 21, 2016.~~  
31 The department shall compile and maintain a list of such hospitals and

1 post the list on the department's web site. Before June 1 of each year,  
2 the department shall send the list to the physician medical director of  
3 each emergency medical service licensed pursuant to the Emergency Medical  
4 Services Practice Act.

5 Sec. 6. Section 71-4205, Revised Statutes Cumulative Supplement,  
6 2016, is amended to read:

7 71-4205 A hospital that is designated as a comprehensive stroke  
8 center, a thrombectomy-capable stroke center, or a primary stroke center  
9 may enter into a coordinating stroke care agreement with an acute stroke-  
10 ready hospital to provide appropriate access to care for acute stroke  
11 patients. The agreement shall be in writing and shall include, at a  
12 minimum:

13 (1) A transfer agreement for the transport and acceptance of any  
14 stroke patient seen by the acute stroke-ready hospital for stroke  
15 treatment therapies which the acute stroke-ready hospital is not capable  
16 of providing; and

17 (2) Communication criteria and protocol with the acute stroke-ready  
18 hospital.

19 Sec. 7. Section 71-4209, Revised Statutes Cumulative Supplement,  
20 2016, is amended to read:

21 71-4209 (1) The department shall establish a stroke system of care  
22 task force to address matters of triage, treatment, and transport of  
23 possible acute stroke patients. The task force shall include  
24 representation from the department, including a program created by the  
25 department to address chronic disease prevention and control issues  
26 including cardiovascular health, the Emergency Medical Services Program  
27 created by the department, and the Office of Rural Health, the American  
28 Stroke Association, the Nebraska State Stroke Association, hospitals  
29 designated as comprehensive stroke centers under the Stroke System of  
30 Care Act, hospitals designated as primary stroke centers under the act,  
31 hospitals designated as thrombectomy-capable stroke centers under the

1 act, rural hospitals, physicians, and emergency medical services licensed  
2 pursuant to the Emergency Medical Services Practice Act.

3 (2) The task force shall provide advice and recommendations to the  
4 department regarding the implementation of the Stroke System of Care Act.  
5 The task force shall focus on serving both rural and urban areas. The  
6 task force shall provide advice regarding protocols for the assessment,  
7 stabilization, and appropriate routing of stroke patients by emergency  
8 medical services and for coordination and communication between  
9 hospitals, comprehensive stroke centers, primary stroke centers, and  
10 other support services necessary to assure all residents of Nebraska have  
11 access to effective and efficient stroke care.

12 (3) The task force shall recommend eligible essential health care  
13 services for acute stroke care provided through telehealth as defined in  
14 section 71-8503.

15 2. Renumber the remaining sections and correct the repealer  
16 accordingly.