A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend sections 38-101, 38-121, 38-186, 38-2201, 38-2211, and 38-2216, Reissue Revised Statutes of Nebraska; to permit application of intravenous therapy by licensed practical nurses as prescribed; to state requirements; to eliminate the Licensed Practical Nurse-Certified Practice Act; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal sections 38-1601, 38-1602, 38-1603, 38-1604, 38-1605, 38-1606, 38-1607, 38-1608, 38-1609, 38-1610, 38-1611, 38-1612, 38-1613, 38-1614, 38-1615, 38-1616, 38-1617, 38-1618, 38-1619, 38-1620, 38-1621, 38-1622, 38-1623, 38-1624, and 38-1625, Reissue Revised Statutes of Nebraska.

Be it enacted by the people of the State of Nebraska,
Section 1. Section 38-101, Reissue Revised Statutes of Nebraska, is amended to read:

38-101 Sections 38-101 to 38-1,142 and the following practice acts shall be known and may be cited as the Uniform Credentialing Act:

1. The Advanced Practice Registered Nurse Practice Act;
2. The Alcohol and Drug Counseling Practice Act;
3. The Athletic Training Practice Act;
4. The Audiology and Speech-Language Pathology Practice Act;
5. The Certified Nurse Midwifery Practice Act;
6. The Certified Registered Nurse Anesthetist Practice Act;
7. The Chiropractic Practice Act;
8. The Clinical Nurse Specialist Practice Act;
9. The Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art Practice Act;
10. The Dentistry Practice Act;
11. The Emergency Medical Services Practice Act;
12. The Environmental Health Specialists Practice Act;
13. The Funeral Directing and Embalming Practice Act;
14. The Genetic Counseling Practice Act;
15. The Hearing Instrument Specialists Practice Act;
16. The Licensed Practical Nurse-Certified Practice Act;
17. The Massage Therapy Practice Act;
18. The Medical Nutrition Therapy Practice Act;
19. The Medical Radiography Practice Act;
20. The Medicine and Surgery Practice Act;
21. The Mental Health Practice Act;
22. The Nurse Practice Act;
23. The Nurse Practitioner Practice Act;
24. The Nursing Home Administrator Practice Act;
25. The Occupational Therapy Practice Act;
26. The Optometry Practice Act;
The Perfusion Practice Act; 1
The Pharmacy Practice Act; 2
The Physical Therapy Practice Act; 3
The Podiatry Practice Act; 4
The Psychology Practice Act; 5
The Respiratory Care Practice Act; 6
The Surgical First Assistant Practice Act; 7
The Veterinary Medicine and Surgery Practice Act; and 8
The Water Well Standards and Contractors' Practice Act. 9

If there is any conflict between any provision of sections 38-101 to 10 38-1,139 and 38-1,141 and any provision of a practice act, the provision 11 of the practice act shall prevail.

The Revisor of Statutes shall assign the Uniform Credentialing Act, 12 including the practice acts enumerated in subdivisions (1) through (33) 13 of this section, to articles within Chapter 38.

Sec. 2. Section 38-121, Reissue Revised Statutes of Nebraska, is 14 amended to read:

38-121 (1) No individual shall engage in the following practices 15 unless such individual has obtained a credential under the Uniform 16 Credentialing Act:

(a) Acupuncture;
(b) Advanced practice nursing;
(c) Alcohol and drug counseling;
(d) Asbestos abatement, inspection, project design, and training;
(e) Athletic training;
(f) Audiology;
(g) Speech-language pathology;
(h) Body art;
(i) Chiropractic;
(j) Cosmetology;
(k) Dentistry;
(l) Dental hygiene;
(m) Electrology;
(n) Emergency medical services;
(o) Esthetics;
(p) Funeral directing and embalming;
(q) Genetic counseling;
(r) Hearing instrument dispensing and fitting;
(s) Lead-based paint abatement, inspection, project design, and training;
(t) Licensed practical nurse-certified;
(t) (u) Massage therapy;
(u) (v) Medical nutrition therapy;
(v) (w) Medical radiography;
(w) (x) Medicine and surgery;
(x) (y) Mental health practice;
(y) (z) Nail technology;
(z) (aa) Nursing;
(aa) (bb) Nursing home administration;
(bb) (cc) Occupational therapy;
(cc) (dd) Optometry;
(dd) (ee) Osteopathy;
(ee) (ff) Perfusion;
(ff) (gg) Pharmacy;
(gg) (hh) Physical therapy;
(hh) (ii) Podiatry;
(ii) (jj) Psychology;
(jj) (kk) Radon detection, measurement, and mitigation;
(kk) (ll) Respiratory care;
(ll) (mm) Surgical assisting;
(mm) (nn) Veterinary medicine and surgery;
(nn) (oo) Public water system operation; and
(pp) Constructing or decommissioning water wells and installing water well pumps and pumping equipment.

(2) No individual shall hold himself or herself out as any of the following until such individual has obtained a credential under the Uniform Credentialing Act for that purpose:

(a) Registered environmental health specialist;
(b) Certified marriage and family therapist;
(c) Certified professional counselor; or
(d) Social worker.

(3) No business shall operate for the provision of any of the following services unless such business has obtained a credential under the Uniform Credentialing Act:

(a) Body art;
(b) Cosmetology;
(c) Emergency medical services;
(d) Esthetics;
(e) Funeral directing and embalming;
(f) Massage therapy; or
(g) Nail technology.

Sec. 3. Section 38-186, Reissue Revised Statutes of Nebraska, is amended to read:

38-186 (1) A petition shall be filed by the Attorney General in order for the director to discipline a credential obtained under the Uniform Credentialing Act to:

(a) Practice or represent oneself as being certified under any of the practice acts enumerated in subdivisions (1) through (17) (18) and (19) (20) through (33) (32) of section 38-101; or
(b) Operate as a business for the provision of services in body art; cosmetology; emergency medical services; esthetics; funeral directing and embalming; massage therapy; and nail technology in accordance with subsection (3) of section 38-121.
(2) The petition shall be filed in the office of the director. The department may withhold a petition for discipline or a final decision from public access for a period of five days from the date of filing the petition or the date the decision is entered or until service is made, whichever is earliest.

(3) The proceeding shall be summary in its nature and triable as an equity action and shall be heard by the director or by a hearing officer designated by the director under rules and regulations of the department. Affidavits may be received in evidence in the discretion of the director or hearing officer. The department shall have the power to administer oaths, to subpoena witnesses and compel their attendance, and to issue subpoenas duces tecum and require the production of books, accounts, and documents in the same manner and to the same extent as the district courts of the state. Depositions may be used by either party.

Sec. 4. Section 38-2201, Reissue Revised Statutes of Nebraska, is amended to read:

38-2201 Sections 38-2201 to 38-2236 and sections 6 and 8 of this act shall be known and may be cited as the Nurse Practice Act.

Sec. 5. Section 38-2211, Reissue Revised Statutes of Nebraska, is amended to read:

38-2211 (1) Practice of nursing by a licensed practical nurse means the assumption of responsibilities and accountability for nursing practice in accordance with knowledge and skills acquired through an approved program of practical nursing. A licensed practical nurse may function at the direction of a licensed practitioner or a registered nurse.

(2) Such responsibilities and performances of acts must utilize procedures leading to predictable outcomes and must include, but not be limited to:

(a) Contributing to the assessment of the health status of individuals and groups;
(b) Participating in the development and modification of a plan of care;

(c) Implementing the appropriate aspects of the plan of care;

(d) Maintaining safe and effective nursing care rendered directly or indirectly;

(e) Participating in the evaluation of response to interventions; and

(f) Providing intravenous therapy if the licensed practical nurse meets the requirements of section 6 of this act; and

(g) Assigning and directing nursing interventions that may be performed by others and that do not conflict with the Nurse Practice Act.

Sec. 6. (1) A licensed practical nurse may provide intravenous therapy if he or she (a) holds a valid license issued before May 1, 2016, by the department pursuant to the Licensed Practical Nurse-Certified Practice Act as such act existed on such date, (b) graduates from an approved program of practical nursing on or after May 1, 2016, or (c) holds a valid license as a licensed practical nurse issued on or before May 1, 2016, and completes, within five years after the operative date of this section, (i) an eight-hour didactic course in intravenous therapy which shall include, but not be limited to, peripheral intravenous lines, central lines, and legal aspects of intravenous therapy and (ii) an approved employer-specific intravenous therapy skills course.

(2) This section does not require a licensed practical nurse who does not provide intravenous therapy in the course of employment to complete the course described in subdivision (1)(c)(ii) of this section.

Sec. 7. Section 38-2216, Reissue Revised Statutes of Nebraska, is amended to read:

38-2216 In addition to the duties listed in sections 38-126 and 38-161, the board shall:

(1) Adopt reasonable and uniform standards for nursing practice and nursing education;
(2) If requested, issue or decline to issue advisory opinions defining acts which in the opinion of the board are or are not permitted in the practice of nursing. Such opinions shall be considered informational only and are nonbinding. Practice-related information provided by the board to registered nurses or licensed practical nurses licensed under the Nurse Practice Act shall be made available by the board on request to nurses practicing in this state under a license issued by a state that is a party to the Nurse Licensure Compact;

(3) Establish rules and regulations for approving and classifying programs preparing nurses, taking into consideration administrative and organizational patterns, the curriculum, students, student services, faculty, and instructional resources and facilities, and provide surveys for each educational program as determined by the board;

(4) Approve educational programs which meet the requirements of the Nurse Practice Act;

(5) Keep a record of all its proceedings and compile an annual report for distribution;

(6) Adopt rules and regulations establishing standards for delegation of nursing activities, including training or experience requirements, competency determination, and nursing supervision;

(7) Collect data regarding nursing;

(8) Provide consultation and conduct conferences, forums, studies, and research on nursing practice and education;

(9) Join organizations that develop and regulate the national nursing licensure examinations and exclusively promote the improvement of the legal standards of the practice of nursing for the protection of the public health, safety, and welfare; and

(10) Administer the Licensed Practical Nurse-Certified Practice Act;

and

(10) (11) Administer the Nurse Licensure Compact. In reporting information to the coordinated licensure information system under Article
VII of the compact, the department may disclose personal identifying
information about a nurse, including his or her social security number.

Sec. 8. On and after November 1, 2017, all licenses issued pursuant
to the Licensed Practical Nurse-Certified Practice Act before such date
shall be renewed as licenses to practice as a licensed practical nurse
pursuant to section 38-2221.

Sec. 9. Sections 1, 2, 3, 7, 10, and 12 of this act become
operative on November 1, 2017. The other sections of this act become
operative on their effective date.

Sec. 10. Original sections 38-101, 38-121, 38-186, and 38-2216,
Reissue Revised Statutes of Nebraska, are repealed.

Sec. 11. Original sections 38-2201 and 38-2211, Reissue Revised
Statutes of Nebraska, are repealed.

Sec. 12. The following sections are outright repealed: Sections
38-1601, 38-1602, 38-1603, 38-1604, 38-1605, 38-1606, 38-1607, 38-1608,
38-1609, 38-1610, 38-1611, 38-1612, 38-1613, 38-1614, 38-1615, 38-1616,
38-1617, 38-1618, 38-1619, 38-1620, 38-1621, 38-1622, 38-1623, 38-1624,
and 38-1625, Reissue Revised Statutes of Nebraska.