

AMENDMENTS TO LB1234

Introduced by Hansen, 16.

1           1. Strike the original sections and insert the following new  
2 sections:

3           **Section 1.** Section 38-101, Revised Statutes Cumulative Supplement,  
4 2024, is amended to read:

5           38-101 Sections 38-101 to 38-1,148 and the following practice acts  
6 shall be known and may be cited as the Uniform Credentialing Act:

7           (1) The Advanced Practice Registered Nurse Practice Act;

8           (2) The Alcohol and Drug Counseling Practice Act;

9           (3) The Athletic Training Practice Act;

10          (4) The Audiology and Speech-Language Pathology Practice Act;

11          (5) The Behavior Analyst Practice Act;

12          (6) The Certified Nurse Midwifery Practice Act;

13          (7) The Certified Registered Nurse Anesthetist Practice Act;

14          (8) The Chiropractic Practice Act;

15          (9) The Clinical Nurse Specialist Practice Act;

16          (10) The Cosmetology, Electrology, Esthetics, Nail Technology, and  
17 Body Art Practice Act;

18          (11) The Dentistry Practice Act;

19          (12) The Dialysis Patient Care Technician Registration Act;

20          (13) The Emergency Medical Services Practice Act;

21          (14) The Environmental Health Specialists Practice Act;

22          (15) The Funeral Directing and Embalming Practice Act;

23          (16) The Genetic Counseling Practice Act;

24          (17) The Hearing Instrument Specialists Practice Act;

25          (18) The Licensed Professional Midwives ~~Practical Nurse-Certified~~  
26 Practice Act ~~until November 1, 2017~~;

27          (19) The Massage Therapy Practice Act;

- 1 (20) The Medical Nutrition Therapy Practice Act;
- 2 (21) The Medical Radiography Practice Act;
- 3 (22) The Medicine and Surgery Practice Act;
- 4 (23) The Mental Health Practice Act;
- 5 (24) The Nurse Practice Act;
- 6 (25) The Nurse Practitioner Practice Act;
- 7 (26) The Nursing Home Administrator Practice Act;
- 8 (27) The Occupational Therapy Practice Act;
- 9 (28) The Optometry Practice Act;
- 10 (29) The Perfusion Practice Act;
- 11 (30) The Pharmacy Practice Act;
- 12 (31) The Physical Therapy Practice Act;
- 13 (32) The Podiatry Practice Act;
- 14 (33) The Psychology Practice Act;
- 15 (34) The Respiratory Care Practice Act;
- 16 (35) The Surgical First Assistant Practice Act; and
- 17 (36) The Veterinary Medicine and Surgery Practice Act.

18 If there is any conflict between any provision of sections 38-101 to  
19 38-1,148 and any provision of a practice act, the provision of the  
20 practice act shall prevail except as otherwise specifically provided in  
21 section 38-129.02.

22 **Sec. 2.** Section 38-121, Revised Statutes Cumulative Supplement,  
23 2024, is amended to read:

24 38-121 (1) No individual shall engage in the following practices  
25 unless such individual has obtained a credential under the Uniform  
26 Credentialing Act:

- 27 (a) Acupuncture;
- 28 (b) Advanced practice nursing;
- 29 (c) Alcohol and drug counseling;
- 30 (d) Asbestos abatement, inspection, project design, and training;
- 31 (e) Athletic training;

- 1 (f) Audiology;
- 2 (g) Speech-language pathology;
- 3 (h) ~~Behavior Beginning one year after September 2, 2023,~~ behavior
- 4 analysis;
- 5 (i) Body art;
- 6 (j) Chiropractic;
- 7 (k) Cosmetology;
- 8 (l) Dentistry;
- 9 (m) Dental hygiene;
- 10 (n) Electrology;
- 11 (o) Emergency medical services;
- 12 (p) Esthetics;
- 13 (q) Funeral directing and embalming;
- 14 (r) Genetic counseling;
- 15 (s) Hearing instrument dispensing and fitting;
- 16 (t) Lead-based paint abatement, inspection, project design, and
- 17 training;
- 18 (u) Licensed practical nurse-certified until November 1, 2017;
- 19 (v) Massage therapy;
- 20 (w) Medical nutrition therapy;
- 21 (x) Medical radiography;
- 22 (y) Medicine and surgery;
- 23 (z) Mental health practice;
- 24 (aa) Nail technology;
- 25 (bb) Nursing;
- 26 (cc) Nursing home administration;
- 27 (dd) Occupational therapy;
- 28 (ee) Optometry;
- 29 (ff) Osteopathy;
- 30 (gg) Perfusion;
- 31 (hh) Pharmacy;

- 1 (ii) Physical therapy;
- 2 (jj) Podiatry;
- 3 (kk) Professional midwifery;
- 4 (ll) ~~(kk)~~ Psychology;
- 5 (mm) ~~(ll)~~ Radon detection, measurement, and mitigation;
- 6 (nn) ~~(mm)~~ Respiratory care;
- 7 (oo) ~~(nn)~~ Surgical assisting; and
- 8 (pp) ~~(oo)~~ Veterinary medicine and surgery.

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

- 12 (a) Registered environmental health specialist;
- 13 (b) Certified marriage and family therapist;
- 14 (c) Certified professional counselor;
- 15 (d) Certified art therapist;
- 16 (e) Social worker; or
- 17 (f) Dialysis patient care technician.

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

- 21 (a) Body art;
- 22 (b) Cosmetology;
- 23 (c) Emergency medical services;
- 24 (d) Esthetics;
- 25 (e) Funeral directing and embalming;
- 26 (f) Massage therapy; or
- 27 (g) Nail technology.

28 **Sec. 3.** Section 38-167, Revised Statutes Supplement, 2025, is  
29 amended to read:

30 38-167 (1) Boards shall be designated as follows:

- 31 (a) Prior to July 1, 2026, Board of Advanced Practice Registered

1 Nurses;

2 (b) Prior to July 1, 2026, Board of Alcohol and Drug Counseling;

3 (c) Board of Athletic Training;

4 (d) Board of Audiology and Speech-Language Pathology;

5 (e) Board of Behavior Analysts;

6 (f) Board of Chiropractic;

7 (g) Board of Cosmetology, Electrology, Esthetics, Nail Technology,

8 and Body Art;

9 (h) Board of Dentistry;

10 (i) Board of Emergency Medical Services;

11 (j) Board of Registered Environmental Health Specialists;

12 (k) Board of Funeral Directing and Embalming;

13 (l) Board of Hearing Instrument Specialists;

14 (m) Board of Massage Therapy;

15 (n) Board of Medical Nutrition Therapy;

16 (o) Board of Medical Radiography;

17 (p) Board of Medicine and Surgery;

18 (q) Board of Mental Health Practice;

19 (r) Board of Licensed Professional Midwives;

20 (s) ~~(r)~~ Board of Nursing;

21 (t) ~~(s)~~ Board of Nursing Home Administration;

22 (u) ~~(t)~~ Board of Occupational Therapy Practice;

23 (v) ~~(u)~~ Board of Optometry;

24 (w) ~~(v)~~ Board of Pharmacy;

25 (x) ~~(w)~~ Board of Physical Therapy;

26 (y) ~~(x)~~ Board of Podiatry;

27 (z) ~~(y)~~ Board of Psychology;

28 (aa) ~~(z)~~ Board of Respiratory Care Practice; and

29 (bb) ~~(aa)~~ Board of Veterinary Medicine and Surgery.

30 (2) Any change made by the Legislature of the names of boards listed  
31 in this section shall not change the membership of such boards or affect

1 the validity of any action taken by or the status of any action pending  
2 before any of such boards. Any such board newly named by the Legislature  
3 shall be the direct and only successor to the board as previously named.

4 **Sec. 4.** Section 38-601, Reissue Revised Statutes of Nebraska, is  
5 amended to read:

6 38-601 Sections 38-601 to 38-618 and section 9 of this act shall be  
7 known and may be cited as the Certified Nurse Midwifery Practice Act.

8 **Sec. 5.** Section 38-603, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10 38-603 For purposes of the Certified Nurse Midwifery Practice Act  
11 and elsewhere in the Uniform Credentialing Act, unless the context  
12 otherwise requires, the definitions found in sections 38-604 to 38-610  
13 and section 9 of this act apply.

14 **Sec. 6.** Section 38-604, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16 38-604 Approved certified nurse midwifery education program means a  
17 certified nurse midwifery education program approved by the board. The  
18 board may require such program to be accredited by the Accreditation  
19 Commission for Midwifery Education ~~American College of Nurse-Midwives~~.

20 **Sec. 7.** Section 38-606, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22 38-606 Certified nurse midwife means a person certified by a board-  
23 approved certifying body and licensed under the Advanced Practice  
24 Registered Nurse Practice Act to practice certified nurse midwifery in  
25 the State of Nebraska. Nothing in the Certified Nurse Midwifery Practice  
26 Act is intended to restrict the practice of other health care providers  
27 ~~registered nurses~~.

28 **Sec. 8.** Section 38-607, Reissue Revised Statutes of Nebraska, is  
29 amended to read:

30 38-607 Collaboration means a process and relationship in which a  
31 certified nurse midwife works ~~together~~ with other health care providers

1 professionals to deliver health care within the scope of practice of  
2 certified nurse midwifery as provided in the Certified Nurse Midwifery  
3 Practice Act. ~~The collaborative relationship between the physician and~~  
4 ~~the nurse midwife shall be subject to the control and regulation of the~~  
5 ~~board.~~

6 **Sec. 9.** Consultation means a process whereby a certified nurse  
7 midwife seeks the advice or opinion of a physician or another health care  
8 provider.

9 **Sec. 10.** Section 38-608, Reissue Revised Statutes of Nebraska, is  
10 amended to read:

11 38-608 Health care provider means a health care professional  
12 licensed under the Uniform Credentialing Act.

13 ~~Licensed practitioner means any physician licensed to practice~~  
14 ~~pursuant to the Medicine and Surgery Practice Act, whose practice~~  
15 ~~includes obstetrics.~~

16 **Sec. 11.** Section 38-610, Reissue Revised Statutes of Nebraska, is  
17 amended to read:

18 38-610 Referral means a process whereby a certified nurse midwife  
19 directs the patient to a physician or other health care provider for  
20 management of a particular problem or aspect of the patient's care.

21 ~~Supervision means the ready availability of a collaborating licensed~~  
22 ~~practitioner for consultation and direction of the activities of the~~  
23 ~~certified nurse midwife related to delegated medical functions as~~  
24 ~~outlined in the practice agreement.~~

25 **Sec. 12.** Section 38-611, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27 38-611 (1) A certified nurse midwife may provide health care  
28 services within the midwife's specialty area. A certified nurse midwife  
29 shall function by establishing collaborative, consultative, and referral  
30 networks as appropriate with other health care professionals. A certified  
31 nurse midwife shall refer a patient who requires care beyond the scope of

1 practice of the certified nurse midwife to an appropriate health care  
2 provider.

3 (2) The practice of a certified nurse midwife may include, but is  
4 not limited to:

5 (a) Providing preconception, prenatal, intrapartum, and postpartum  
6 care;

7 (b) Providing gynecological services;

8 (c) Providing primary care for females;

9 (d) Providing care for a newborn immediately following birth through  
10 twenty-eight days of age;

11 (e) Assessing patients, ordering diagnostic tests and therapeutic  
12 treatments, synthesizing and analyzing data, and applying advanced  
13 nursing principles;

14 (f) Dispensing sample medications provided by the manufacturer at no  
15 charge to the patient;

16 (g) Prescribing therapeutic measures and medications relating to  
17 health conditions within the scope of practice of a certified nurse  
18 midwife; and

19 (h) Pronouncing death and completing and signing a death certificate  
20 and any other form if such activities are within the scope of practice of  
21 the certified nurse midwife and are not otherwise prohibited by law.

22 (3) A certified nurse midwife shall not attend a home delivery.

23 ~~A certified nurse midwife may, under the provisions of a practice~~  
24 ~~agreement, (1) attend cases of normal childbirth, (2) provide prenatal,~~  
25 ~~intrapartum, and postpartum care, (3) provide normal obstetrical and~~  
26 ~~gynecological services for women, and (4) provide care for the newborn~~  
27 ~~immediately following birth. The conditions under which a certified nurse~~  
28 ~~midwife is required to refer cases to a collaborating licensed~~  
29 ~~practitioner shall be specified in the practice agreement.~~

30 **Sec. 13.** Section 38-618, Reissue Revised Statutes of Nebraska, is  
31 amended to read:

1           38-618 Nothing in the Certified Nurse Midwifery Practice Act shall  
2 prohibit the practice of professional midwifery by a licensed  
3 professional midwife under the Licensed Professional Midwives Practice  
4 Act be interpreted to permit independent practice.

5           **Sec. 14.** Section 38-2025, Revised Statutes Cumulative Supplement,  
6 2024, is amended to read:

7           38-2025 The following classes of persons shall not be construed to  
8 be engaged in the unauthorized practice of medicine:

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

10          (2) Persons administering ordinary household remedies;

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

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

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

23          (6) Physicians who are licensed in good standing to practice  
24 medicine under the laws of another state when incidentally called into  
25 this state or contacted via electronic or other medium for consultation  
26 with a physician licensed in this state. For purposes of this  
27 subdivision, consultation means evaluating the medical data of the  
28 patient as provided by the treating physician and rendering a  
29 recommendation to such treating physician as to the method of treatment  
30 or analysis of the data. The interpretation of a radiological image by a  
31 physician who specializes in radiology is not a consultation;

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

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

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

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

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

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

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

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

27           (15) Psychologists practicing their profession when licensed to  
28 practice in this state and practicing under and in accordance with the  
29 Psychology Interjurisdictional Compact or the Psychology Practice Act;

30           (16) Advanced practice registered nurses practicing in their  
31 clinical specialty areas when licensed under the Advanced Practice

1 Registered Nurse Practice Act and practicing under and in accordance with  
2 their respective practice acts;

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

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

12 (19) Licensed professional midwives practicing in accordance with  
13 the Licensed Professional Midwives Practice Act;

14 (20) ~~(19)~~ Persons obtaining blood specimens while working under an  
15 order of or protocols and procedures approved by a physician, registered  
16 nurse, or other independent health care practitioner licensed to practice  
17 by the state if the scope of practice of that practitioner permits the  
18 practitioner to obtain blood specimens;

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

24 (22) ~~(21)~~ Persons who are not licensed, certified, or registered  
25 under the Uniform Credentialing Act, to whom are assigned tasks by a  
26 physician or osteopathic physician licensed under the Medicine and  
27 Surgery Practice Act, if such assignment of tasks is in a manner  
28 consistent with accepted medical standards and appropriate to the skill  
29 and training, on the job or otherwise, of the persons to whom the tasks  
30 are assigned. For purposes of this subdivision, assignment of tasks means  
31 the routine care, activities, and procedures that (a) are part of the

1 routine functions of such persons who are not so licensed, certified, or  
2 registered, (b) reoccur frequently in the care of a patient or group of  
3 patients, (c) do not require such persons who are not so licensed,  
4 certified, or registered to exercise independent clinical judgment, (d)  
5 do not require the performance of any complex task, (e) have results  
6 which are predictable and have minimal potential risk, and (f) utilize a  
7 standard and unchanging procedure; and

8 ~~(22)~~ (23) Other trained persons employed by a licensed health care  
9 facility or health care service defined in the Health Care Facility  
10 Licensure Act or clinical laboratory certified pursuant to the federal  
11 Clinical Laboratories Improvement Act of 1967, as amended, or Title XVIII  
12 or XIX of the federal Social Security Act to withdraw human blood for  
13 scientific or medical purposes.

14 Any person who has held or applied for a license to practice  
15 medicine and surgery in this state, and such license or application has  
16 been denied or such license has been refused renewal or disciplined by  
17 order of limitation, suspension, or revocation, shall be ineligible for  
18 the exceptions described in subdivisions (5) through (8) of this section  
19 until such license or application is granted or such license is renewed  
20 or reinstated. Every act or practice falling within the practice of  
21 medicine and surgery as defined in section 38-2024 and not specially  
22 excepted in this section shall constitute the practice of medicine and  
23 surgery and shall ~~may~~ be performed in this state only by those licensed  
24 by law to practice medicine in Nebraska.

25 **Sec. 15.** Section 38-2216, Revised Statutes Supplement, 2025, is  
26 amended to read:

27 38-2216 In addition to the duties listed in sections 38-126 and  
28 38-161, the board shall:

29 (1) Adopt reasonable and uniform standards for nursing practice and  
30 nursing education;

31 (2) If requested, issue or decline to issue advisory opinions

1 defining acts which in the opinion of the board are or are not permitted  
2 in the practice of nursing. Such opinions shall be considered  
3 informational only and are nonbinding. Practice-related information  
4 provided by the board to registered nurses or licensed practical nurses  
5 licensed under the Nurse Practice Act shall be made available by the  
6 board on request to nurses practicing in this state under a license  
7 issued by a state that is a party to the Nurse Licensure Compact;

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

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

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

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

20 (7) Collect data regarding nursing;

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

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

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

1 (11) Beginning July 1, 2026:

2 ~~(a) Establish standards for integrated practice agreements between~~  
3 ~~collaborating physicians and certified nurse midwives;~~

4 ~~(a) (b)~~ Monitor the scope of practice by certified nurse midwives,  
5 certified registered nurse anesthetists, clinical nurse specialists, and  
6 nurse practitioners;

7 ~~(b) (c)~~ Recommend disciplinary action relating to licenses of  
8 advanced practice registered nurses, certified nurse midwives, certified  
9 registered nurse anesthetists, clinical nurse specialists, and nurse  
10 practitioners;

11 ~~(c) (d)~~ Engage in other activities not inconsistent with the  
12 Advanced Practice Registered Nurse Practice Act, the Certified Nurse  
13 Midwifery Practice Act, the Certified Registered Nurse Anesthetist  
14 Practice Act, the Clinical Nurse Specialist Practice Act, and the Nurse  
15 Practitioner Practice Act; and

16 ~~(d) (e)~~ Adopt rules and regulations to implement the Advanced  
17 Practice Registered Nurse Practice Act, the Certified Nurse Midwifery  
18 Practice Act, the Certified Registered Nurse Anesthetist Practice Act,  
19 the Clinical Nurse Specialist Practice Act, and the Nurse Practitioner  
20 Practice Act, for promulgation by the department as provided in section  
21 38-126. Such rules and regulations shall also include (i) approved  
22 certification organizations and certification programs and (ii)  
23 professional liability insurance.

24 **Sec. 16.** Sections 16 to 36 of this act shall be known and may be  
25 cited as the Licensed Professional Midwives Practice Act.

26 **Sec. 17.** For purposes of the Licensed Professional Midwives  
27 Practice Act and elsewhere in the Uniform Credentialing Act, unless the  
28 context otherwise requires, the definitions found in sections 18 to 25 of  
29 this act apply.

30 **Sec. 18.** Antepartum period means before labor or childbirth.

31 **Sec. 19.** Board means the Board of Licensed Professional Midwives.

1           **Sec. 20.**   Client means a person under the care of a licensed  
2 professional midwife and such person's fetus or newborn.

3           **Sec. 21.**   Intrapartum period means the period during labor and  
4 delivery or childbirth.

5           **Sec. 22.**   Licensed professional midwife means a midwife who holds a  
6 current license under the Licensed Professional Midwives Practice Act.

7           **Sec. 23.**   Postpartum period means the first six weeks after  
8 delivery.

9           **Sec. 24.**   Professional midwife means a person who holds a current  
10 credential as a certified professional midwife from the North American  
11 Registry of Midwives or its successor organization.

12           **Sec. 25.**   Professional midwifery means the practice of providing  
13 primary maternity care that is consistent with national professional  
14 midwifery standards to a client during preconception, pregnancy, labor,  
15 delivery, postpartum, and newborn periods.

16           **Sec. 26.**   The board shall consist of five members and shall meet the  
17 requirements as provided in section 38-166. Three of the members shall be  
18 professional midwives licensed under the Uniform Credentialing Act. One  
19 member shall be a certified nurse midwife. One member shall be a public  
20 member who has received professional midwifery services.

21           **Sec. 27.**   (1) No person shall engage in professional midwifery or in  
22 any way advertise or purport to be engaged in the practice of  
23 professional midwifery unless such person is licensed by the department  
24 and approved by the board.

25           (2) An applicant for licensure by the department as a licensed  
26 professional midwife shall show to the satisfaction of the department  
27 that the applicant:

28           (a) Has complied with the Licensed Professional Midwives Practice  
29 Act and the applicable rules and regulations adopted and promulgated  
30 under the act;

31           (b) Has a high school diploma or its equivalent;

1           (c) Is a professional midwife; and

2           (d)(i) Has successfully completed an educational program or pathway  
3 accredited by the Midwifery Education Accreditation Council, or a similar  
4 organization as approved by the board; or

5           (ii) Prior to January 1, 2027, has obtained a midwifery bridge  
6 certificate from the North American Registry of Midwives, or a similar  
7 organization as approved by the board.

8           (3) The department may, with the approval of the board, grant  
9 temporary licensure as a licensed professional midwife for up to one  
10 hundred twenty days upon application (a) to graduates of an approved  
11 professional midwifery educational program, pending results of the first  
12 certifying examination following graduation, who are practicing under the  
13 supervision of a licensed professional midwife and (b) to professional  
14 midwives currently licensed in another state pending completion of the  
15 application for a Nebraska license.

16           (4) An applicant who is a military spouse may apply for a temporary  
17 license as provided in section 38-129.01.

18           (5) Any person practicing professional midwifery under the Licensed  
19 Professional Midwives Practice Act shall not be required to establish  
20 residency in Nebraska.

21           **Sec. 28.** (1) A licensed professional midwife may (a) attend cases  
22 of physiological childbirth, (b) provide preconception, prenatal,  
23 intrapartum, and postpartum care, and (c) provide immediate newborn care.

24           (2) A licensed professional midwife who attends a birth may prepare  
25 and file a birth certificate as provided in section 71-604.

26           **Sec. 29.** (1) The Licensed Professional Midwives Practice Act shall  
27 not prohibit the performance of the functions of a professional midwife  
28 by an unlicensed person if performed:

29           (a) In an emergency situation;

30           (b) By a legally qualified person from another state employed by the  
31 United States Government and performing official duties in this state; or

1       (c) By a person participating in a course of study to prepare for  
2 the practice of professional midwifery.

3       (2) The Licensed Professional Midwives Practice Act does not:

4       (a) Require licensure under the act or otherwise limit or regulate  
5 the practice of a qualified member of another profession, including, but  
6 not limited to, a nurse practitioner or a certified nurse midwife,  
7 providing services that would constitute professional midwifery under the  
8 act;

9       (b) Require licensure under the act for a person assisting a  
10 licensed professional midwife; or

11       (c) Require licensure under the act for a person to provide care  
12 that serves women and families (i) with cultural or indigenous traditions  
13 or (ii) in accordance with the tenets and practices of a bona fide church  
14 or religious denomination or sincerely held religious belief, practice,  
15 or observance.

16       **Sec. 30.**   The practice of professional midwifery shall not  
17 constitute the practice of medicine, nursing, certified nurse midwifery,  
18 or emergency medical care.

19       **Sec. 31.**   The board shall adopt rules and regulations pursuant to  
20 section 38-126 regarding:

21       (1) The standards of practice of professional midwifery based on  
22 rules established by the National Association of Certified Professional  
23 Midwives or its successor organization and the North American Registry of  
24 Midwives or its successor organization;

25       (2) Appropriate testing for clients, including, but not limited to,  
26 laboratory tests and ultrasounds;

27       (3) Authorization for a licensed professional midwife to obtain,  
28 carry, and administer all of the following during the practice of  
29 professional midwifery:

30       (a) Antihemorrhagic agents, including, but not limited to, oxytocin,  
31 misoprostol, and methylergonovine;

- 1           (b) Intravenous fluids;
- 2           (c) Neonatal injectable vitamin K;
- 3           (d) Newborn antibiotic eye prophylaxis;
- 4           (e) Oxygen;
- 5           (f) Intravenous antibiotics for group B streptococcal antibiotic  
6 prophylaxis;
- 7           (g) Rho (D) immune globulin;
- 8           (h) Local anesthetic;
- 9           (i) Epinephrine;
- 10           (j) Food, food extracts, dietary supplements, homeopathic remedies,  
11 plant substances that are not designated as prescription drugs or  
12 controlled substances, and over-the-counter medications; and
- 13           (k) Other drugs consistent with the practice of professional  
14 midwifery, not to include controlled substances;
- 15           (4) Administration of a drug prescribed by a licensed health care  
16 provider for a client;
- 17           (5) Authorization to obtain, carry, and use appropriate equipment  
18 and devices, including, but not limited to, Doppler ultrasound,  
19 phlebotomy supplies, hemoglobinometer, instruments, and sutures;
- 20           (6) Management of the postpartum period, including suturing of  
21 lacerations and the administration of a local anesthetic;
- 22           (7) Management of the newborn period including: (a) Providing care  
23 for the newborn and performing a normal newborn examination; (b)  
24 resuscitating a newborn; and (c) performing newborn screenings,  
25 including, but not limited to, the newborn metabolic screening required  
26 under section 71-519, hearing screening, and critical congenital heart  
27 disease screening;
- 28           (8) Prohibition of the use of forceps or a vacuum extractor;
- 29           (9) Authorization to obtain a blood spot specimen in accordance with  
30 section 71-519; and
- 31           (10) Development of a formulary including, but not limited to,

1 approved drugs, respective indications, doses, routes of administration,  
2 and durations of treatment. Licensed professional midwives shall assess  
3 for client medication allergies prior to the administration of a drug.

4 **Sec. 32.** A licensed professional midwife shall not order or  
5 administer narcotic drugs or terminate or assist with the termination of  
6 a pregnancy.

7 **Sec. 33.** (1) Subject to subsection (2) of this section, a licensed  
8 professional midwife shall not practice professional midwifery at a  
9 hospital as defined in section 71-419, or any health care practitioner  
10 facility or health clinic affiliated with such hospital.

11 (2) In order to be permitted to practice professional midwifery in a  
12 freestanding birth center as defined in section 45 of this act, a  
13 licensed professional midwife shall be subject to the rules and  
14 procedures of the facility.

15 **Sec. 34.** (1) A health care provider who accepts a transfer of a  
16 client from a licensed professional midwife or cares for a client who has  
17 previously been under the care of a licensed professional midwife shall  
18 not be liable for an outcome arising from actions or inactions of the  
19 licensed professional midwife.

20 (2) If a health care practitioner facility as defined in section  
21 71-414, a health clinic as defined in section 71-416, or a hospital as  
22 defined in section 71-419, including a rural emergency hospital, accepts  
23 a transfer of a client from a licensed professional midwife or cares for  
24 a client who has previously been under the care of a licensed  
25 professional midwife, no receiving facility shall be liable for an  
26 outcome arising from actions or inactions of the licensed professional  
27 midwife.

28 **Sec. 35.** The department shall establish and collect fees for  
29 initial licensure and renewal under the Licensed Professional Midwives  
30 Practice Act as provided in sections 38-151 to 38-157.

31 **Sec. 36.** A person licensed as a licensed professional midwife in

1 this state under the Licensed Professional Midwives Practice Act may use  
2 the title licensed professional midwife and the abbreviation LM. No  
3 person shall use the title licensed professional midwife or LM or in any  
4 way advertise as a licensed professional midwife or LM unless such person  
5 is (1) licensed under the Licensed Professional Midwives Practice Act or  
6 (2) licensed by a state with similar licensure requirements to the  
7 Licensed Professional Midwives Practice Act as determined by the board.

8 **Sec. 37.** Section 68-901, Revised Statutes Cumulative Supplement,  
9 2024, is amended to read:

10 68-901 Sections 68-901 to 68-9,111 and section 38 of this act shall  
11 be known and may be cited as the Medical Assistance Act.

12 **Sec. 38.** (1) The Legislature finds that:

13 (a) Doula services have been proven to reduce the cost of birthing  
14 and improve outcomes for mothers and infants;

15 (b) One of the most effective services to improve labor and delivery  
16 outcomes is the continuous presence of support personnel such as a doula;  
17 and

18 (c) Support from a doula is associated with lower cesarean rates, as  
19 well as fewer obstetric interventions, fewer complications, less pain  
20 medication, shorter labor hours, and higher Apgar scores for infants.

21 (2) No later than January 1, 2027, the department shall provide  
22 medicaid reimbursement for doula services at rates determined by the  
23 department. The department shall submit a state plan amendment, if  
24 necessary, to provide for reimbursement of doula services.

25 (3)(a) The department shall establish a work group of stakeholders  
26 and experts to develop an implementation plan, including appropriate  
27 reimbursement rates and appropriate training, certification, or  
28 experience requirements for doula services. The work group shall submit  
29 the implementation plan to the department no later than October 1, 2027.

30 (b) The work group shall be comprised of the following: (i) Thirty  
31 percent of the members shall represent the doula profession; (ii) thirty

1 percent of the members shall represent communities of color  
2 disproportionately impacted by poor birth outcomes; (iii) ten percent of  
3 the members shall represent rural Nebraska; and (iv) ten percent of the  
4 members shall have utilized doula services.

5 (c) Additional members of the work group shall include, but not be  
6 limited to: (i) Medical providers; (ii) public health professionals;  
7 (iii) representatives of tribal organizations; and (iv) community  
8 advocates.

9 (4)(a) For purposes of this section, doula means a trained  
10 professional who provides emotional, physical, and informational support  
11 for individuals before, during, and after labor and birth. This includes,  
12 but is not limited to, attending prenatal visits, support during  
13 delivery, and providing resources during the postpartum period. This does  
14 not include elective abortion.

15 (b) A doula shall have appropriate training, certification, or  
16 experience, as determined by the implementation plan developed by the  
17 work group described in subdivision (3)(a) of this section.

18 (c) A doula shall not perform clinical or medical tasks and shall  
19 not diagnose or treat in any modality.

20 (5) Subject to available appropriations, it is the intent of the  
21 Legislature to provide for reimbursement of doula services from the  
22 Medicaid Managed Care Excess Profit Fund pursuant to section 68-996.

23 **Sec. 39.** Section 68-996, Revised Statutes Supplement, 2025, is  
24 amended to read:

25 68-996 (1) The Medicaid Managed Care Excess Profit Fund is created.  
26 The fund shall contain money returned to the State Treasurer pursuant to  
27 subdivision (1)(c) of section 68-995.

28 (2) The fund shall first be used to offset any losses under  
29 subdivision (1)(b) of section 68-995 and then to provide for (a) services  
30 addressing the health needs of adults and children under the Medical  
31 Assistance Act, including filling service gaps, (b) system improvements,

1 (c) evidence-based early intervention home visitation programs, (d)  
2 medical respite services, (e) translation and interpretation services,  
3 (f) coverage for continuous glucose monitors as described in section  
4 68-911, (g) other services sustaining access to care, (h) services under  
5 the Nebraska Prenatal Plus Program, (i) grants pursuant to the  
6 Intergenerational Care Facility Incentive Grant Program, (j) evidence-  
7 based nurse home visiting services, (k) domestic violence services, (l)  
8 reimbursement of the actual costs of providing eligible activities and  
9 services described in section 81-2222, ~~and~~ (m) the Family Resource and  
10 Juvenile Assessment Center Pilot Program, and (n) doula services, as  
11 determined by the Legislature. The fund shall only be used for the  
12 purposes described in this section.

13 (3) Any money in the fund available for investment shall be invested  
14 by the state investment officer pursuant to the Nebraska Capital  
15 Expansion Act and the Nebraska State Funds Investment Act. Beginning  
16 October 1, 2024, any investment earnings from investment of money in the  
17 fund shall be credited to the General Fund.

18 **Sec. 40.** Section 71-401, Revised Statutes Cumulative Supplement,  
19 2024, is amended to read:

20 71-401 Sections 71-401 to 71-479 and sections 42 and 45 of this act  
21 shall be known and may be cited as the Health Care Facility Licensure  
22 Act.

23 **Sec. 41.** Section 71-403, Revised Statutes Cumulative Supplement,  
24 2024, is amended to read:

25 71-403 For purposes of the Health Care Facility Licensure Act,  
26 unless the context otherwise requires, the definitions found in sections  
27 71-404 to 71-431 and section 42 of this act shall apply.

28 **Sec. 42.** Freestanding birth center has the same meaning as defined  
29 in section 45 of this act.

30 **Sec. 43.** Section 71-413, Revised Statutes Cumulative Supplement,  
31 2024, is amended to read:

1           71-413 Health care facility means an ambulatory surgical center, an  
2 assisted-living facility, a center or group home for the developmentally  
3 disabled, a critical access hospital, a freestanding birth center, a  
4 general acute hospital, a health clinic, a hospital, an intermediate care  
5 facility, an intermediate care facility for persons with developmental  
6 disabilities, a long-term care hospital, a mental health substance use  
7 treatment center, a nursing facility, a PACE center, a pharmacy, a  
8 psychiatric or mental hospital, a public health clinic, a rehabilitation  
9 hospital, or a skilled nursing facility.

10           **Sec. 44.** Section 71-419, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12           71-419 (1) Hospital means a facility where diagnosis, treatment,  
13 medical care, obstetrical care, nursing care, or related services are  
14 provided on an outpatient basis or on an inpatient basis for a period of  
15 more than twenty-four consecutive hours to persons who have an illness,  
16 injury, or deformity or to aged or infirm persons requiring or receiving  
17 convalescent care.

18           (2) Hospital includes a facility or part of a facility which  
19 provides space for a general acute hospital, a rehabilitation hospital, a  
20 long-term care hospital, a critical access hospital, or a psychiatric or  
21 mental hospital.

22           (3) Hospital does not include a health care practitioner facility in  
23 which persons do not receive care or treatment for a period of more than  
24 twenty-four consecutive hours or a freestanding birth center.

25           **Sec. 45.** (1) The Legislature finds that:

26           (a) Freestanding birth centers provide health care services within a  
27 home-like environment, which is different from and outside of the  
28 hospital setting, while promoting safety and quality care for patients  
29 and their newborn infants;

30           (b) Birth centers shall be licensed to provide services of labor,  
31 birth, and early postpartum and newborn care to patients experiencing

1 low-risk pregnancies and their newborns. Nothing in this section shall  
2 restrict the scope of practice of a licensed provider to perform other  
3 outpatient services in space that is shared with, or adjacent to, the  
4 birth center and which may be regulated under other facility licensure,  
5 the licensed provider's professional license, or both;

6 (c) Birth centers are low-volume facilities limited to low-risk  
7 perinatal care and do not employ the use of regional or general  
8 anesthesia. Birth centers shall not be restricted by any certificate of  
9 need laws regulating hospitals and ambulatory surgical centers;

10 (d) Admission to a birth center for labor and delivery shall be  
11 limited to pregnancies with anticipated spontaneous vaginal delivery  
12 which, as determined by history of prenatal care and ongoing assessment  
13 of risk criteria, indicates the likelihood of an uncomplicated birth;

14 (e) No person, entity, or facility shall represent itself as a  
15 freestanding birth center or use the term freestanding birth center as  
16 its title in its advertising, publications, or other form of  
17 communication, unless licensed as a birth center in accordance with this  
18 section; and

19 (f) A birth center shall employ a clinical director who is a  
20 certified nurse midwife.

21 (2) For purposes of this section:

22 (a) Applicant means any person, entity, or organization which  
23 qualifies and submits an application seeking licensure to own, establish,  
24 and operate a birth center under this section;

25 (b) Change of ownership means a change in the majority or  
26 controlling interest in an established birth center to another person,  
27 entity, or organization.

28 (c) Commission means the Commission for the Accreditation of Birth  
29 Centers. An accrediting organization dedicated exclusively to the quality  
30 and safety of the operation and services of birth centers, regardless of  
31 state regulations, ownership, primary care provider, location, or

1 population served;

2 (d) Freestanding birth center means a facility licensed for the  
3 primary purpose of providing midwifery care, low-risk deliveries, and  
4 newborn care immediately after delivery, for a stay of generally less  
5 than twenty-four hours. A freestanding birth center may hire doulas. A  
6 freestanding birth center may be a location for additional services in  
7 shared or adjacent spaces, including outpatient gynecologic care, primary  
8 care, and education and support services within each licensed provider's  
9 scope of practice. This term does not include a hospital, an ambulatory  
10 surgical center, or the residence of the patient giving birth. The terms  
11 freestanding birth center, birth center, and center may be used  
12 interchangeably in this section;

13 (e) License means the certification issued to an applicant  
14 indicating that the birth center meets the requirements for licensure  
15 outlined in this section;

16 (f) Licensed provider means an individual licensed or certified in  
17 this state to provide specific health care related services within a  
18 defined scope of practice by the department. Licensed providers may  
19 include, but are not limited to, certified nurse midwives, certified  
20 midwives, or licensed professional midwives;

21 (g) Licensed maternity care provider means a licensed provider whose  
22 professional scope of practice includes preconception, prenatal, labor,  
23 birth, and postpartum care and early care of the newborn and who may be  
24 the primary attendant during the perinatal period;

25 (h) Licensee means the person, entity, or organization granted a  
26 license to operate the birth center;

27 (i) Low-risk pregnancy means the anticipation of an uncomplicated  
28 labor and birth, which is determined by ongoing assessment of risk  
29 criteria;

30 (j) Midwifery means the provision of perinatal care by a midwife to  
31 a patient, along with care of the newborn, support of the family unit,

1 and ongoing gynecologic health and wellness care, in accordance with the  
2 professional scope and standards of practice of the department;

3 (k) Owner means an individual, a partnership, an association, a  
4 corporation, or a combination thereof, that has a majority and  
5 controlling interest in the birth center;

6 (l) Patient means an individual and the individual's fetus or  
7 newborn accepted to receive care and services provided by the birth  
8 center during wellness care, pregnancy, labor, childbirth, and recovery;  
9 and

10 (m) Policies and procedures means a written document which describes  
11 all policies and procedures to be followed at the birth center,  
12 including, but not limited to, administrative, clinical, and personnel  
13 procedures, which is to be maintained at the licensed premises, in either  
14 electronic or hard copy format, and accessible by all members of the  
15 birth center workforce.

16 (3)(a) In order to be eligible for licensure, a birth center shall  
17 be accredited by the commission, or in the process of obtaining  
18 accreditation, within six months of the date after the application for  
19 licensure.

20 (b) If a birth center loses its accreditation, the birth center  
21 shall immediately notify the department.

22 (c) A birth center shall clearly define written risk criteria or  
23 factors which, when present, would preclude the patient from being  
24 considered a low-risk patient, and therefore ineligible for a birth  
25 center birth.

26 (d) Upon request, a birth center shall provide the department with  
27 any material submitted by the birth center to the commission as part of  
28 the accreditation process, including the accreditation application, self-  
29 evaluation report, accreditation decision letter from the commission, and  
30 any reports from the commission following a site visit.

31 (e) A birth center shall maintain a written plan for the

1 consultation, collaboration, and emergency transfer of a client when  
2 necessary.

3 (4) The following limitations apply to the services performed at a  
4 birth center:

5 (a) The use of general or regional anesthesia, including epidurals,  
6 is prohibited;

7 (b) Notwithstanding subdivision (a) of this subsection, local  
8 anesthesia, systemic analgesia, nitrous oxide, and other forms of pain  
9 relief may be administered at the birth center if it is performed within  
10 the licensed provider's scope of practice and as determined by the birth  
11 center's policies and procedures;

12 (c) Labor shall not be induced, stimulated, or augmented with  
13 pharmacologic agents during the first or second stages of labor or before  
14 labor;

15 (d) Surgical services shall be limited to those normally performed  
16 during an uncomplicated birth, including episiotomy and repair if it is  
17 performed within the licensed provider's scope of practice. No operative  
18 obstetrics or cesarean sections shall be performed;

19 (e) The use of vacuum extractors, vaginal forceps, or continuous  
20 electronic fetal monitoring is prohibited; and

21 (f) The risk factors that preclude a patient from delivering at the  
22 birth center shall be consistent with national standards and other risk  
23 factors contrary to the birth center's established risk criteria.

24 (5) A freestanding birth center shall, at an initial prenatal visit  
25 with a client, provide and disclose to the client orally and in writing:

26 (a) That the licensed providers at the birth center have current and  
27 valid certification for cardiopulmonary resuscitation and have an active  
28 neonatal resuscitation provider status; (b) the birth center's protocol  
29 for the handling of the client's and the newborn's medical emergencies;  
30 (c) a statement outlining the emergency equipment, drugs, and personnel  
31 available to provide appropriate care at the birth center; and (d) a

1 recommendation that the client preregister with the nearest hospital and  
2 the benefits of preregistration.

3 (6)(a) A health care provider who accepts a transfer of a client  
4 from a birth center, or cares for a client who has previously been under  
5 the care of a birth center, shall not be liable for an outcome arising  
6 from the action or inaction of the birth center.

7 (b) If a health care practitioner facility as defined in section  
8 71-414, a health clinic as defined in section 71-416, or a hospital as  
9 defined in section 71-419, including a rural emergency hospital, accepts  
10 a transfer of a client from a birth center, or cares for a client who has  
11 previously been under the care of a birth center, no receiving facility  
12 shall be liable for an outcome arising from the action or inaction of the  
13 birth center.

14 (7)(a) A birth center shall support and respect the rights of the  
15 patients and their families, however they define their families. These  
16 rights shall be posted in the center or otherwise made available to  
17 patients.

18 (b) Patient rights shall include, but are not limited to, the right  
19 to:

20 (i) Be treated with dignity, courtesy, and respect;

21 (ii) Receive equal treatment, regardless of race, gender, religion,  
22 ethnic background, education, social class, physical or mental  
23 disability, economic status, or source of payment;

24 (iii) Be assured of confidentiality;

25 (iv) Be informed of the benefits, risks, and eligibility  
26 requirements for a birth center birth;

27 (v) Participate in decisions relating to the management of the  
28 patient's care;

29 (vi) Give written informed consent prior to receiving services or  
30 care;

31 (vii) Be informed of the process by which a patient may raise a

1 grievance against the birth center or one of the birth center's  
2 providers;

3 (viii) Refuse treatment, at any time, even after treatment has  
4 begun;

5 (ix) Be informed of the birth center's plan for provision of  
6 emergency and nonemergency care if complications arise; and

7 (x) Access a licensed maternity care provider twenty-four hours per  
8 day, seven days per week, in accordance with birth center policies and  
9 procedures.

10 (c) A birth center may develop a plan for patient responsibilities  
11 as it relates to the patient's participation in the patient's own plan of  
12 care. If any patient responsibilities are developed by the birth center,  
13 then the birth center shall notify patients of their responsibilities  
14 alongside the notification of patient rights.

15 (8)(a) A birth center shall maintain a health record for every  
16 patient, in accordance with acceptable professional standards, for the  
17 purposes of continuity and evaluation of care.

18 (b) A birth center shall develop, implement, and enforce written  
19 policies and procedures for the maintenance of patient health records, to  
20 ensure that care and services provided to the patient are documented and  
21 organized in a way to easily facilitate the accessibility of information.

22 (9)(a) A birth center shall have a mechanism for data collection to  
23 assess efficacy and outcomes.

24 (b) A certificate of birth shall be filed for each birth occurring  
25 at a birth center in accordance with the requirements mandated by the  
26 department.

27 (10) In the event of a permanent closure of a birth center, the  
28 birth center shall make good faith efforts to develop a plan for  
29 continuity of care for patients.

30 **Sec. 46.** An individual or group policy of accident or health  
31 insurance that provides newborn care or maternity benefits, not limited

1 to complications of pregnancy, may provide coverage for maternity  
2 services rendered by a licensed provider or at a birth center under  
3 section 45 of this act.

4       **Sec. 47.** Original sections 38-601, 38-603, 38-604, 38-606, 38-607,  
5 38-608, 38-610, 38-611, 38-618, and 71-419, Reissue Revised Statutes of  
6 Nebraska, sections 38-101, 38-121, 38-2025, 68-901, 71-401, 71-403, and  
7 71-413, Revised Statutes Cumulative Supplement, 2024, and sections 38-167  
8 and 68-996, Revised Statutes Supplement, 2025, are repealed.

9       **Sec. 48.** The following sections are outright repealed: Sections  
10 38-609, 38-613, and 38-614, Reissue Revised Statutes of Nebraska.