

ENGROSSED LEGISLATIVE BILL 202

Introduced by Kauth, 31.

A BILL FOR AN ACT relating to the Medicine and Surgery Practice Act; to amend section 38-2037, Reissue Revised Statutes of Nebraska; to exempt certain activities from disciplinary action; and to repeal the original section.

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

Section 1. Section 38-2037, Reissue Revised Statutes of Nebraska, is amended to read:

38-2037 (1) In addition to the grounds for disciplinary action found in sections 38-178 and 38-179, a license to practice medicine and surgery or osteopathic medicine and surgery or a license to practice as a physician assistant may be denied, refused renewal, limited, revoked, or suspended or have other disciplinary measures taken against it in accordance with section 38-196 when the applicant or licensee fails to comply with the provisions of section 71-603.01, 71-604, 71-605, or 71-606 relating to the signing of birth and death certificates.

(2)(a) It is the intent of the Legislature to ensure the protection of the rights under the First Amendment to the Constitution of the United States for individuals licensed to practice medicine and surgery or osteopathic medicine and surgery by providing for the public expression of differing medical opinions and allowing such opinions to be subjected to the scrutiny of public and professional forums. A license to practice medicine and surgery or osteopathic medicine and surgery shall not be subject to any disciplinary measures as a result of an applicant or licensee expressing an opinion in a public or professional forum.

(b) The expression of an opinion by an applicant or licensee in a public or professional forum does not include the expression of an opinion offered in the course of the applicant's or licensee's practice, including providing services to a patient.

Sec. 2. Original section 38-2037, Reissue Revised Statutes of Nebraska, is repealed.

PRESIDENT OF THE LEGISLATURE

*THIS IS TO CERTIFY that the within LB 202 was passed by the One Hundred Ninth
Legislature of Nebraska at its Second Session on the day
of 20.....*

CLERK OF THE LEGISLATURE

Approved:

..... 20....., o'clock M.

GOVERNOR