

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 202

FINAL READING

Introduced by Kauth, 31.

Read first time January 14, 2025

Committee: Health and Human Services

- 1 A BILL FOR AN ACT relating to the Medicine and Surgery Practice Act; to
- 2 amend section 38-2037, Reissue Revised Statutes of Nebraska; to
- 3 exempt certain activities from disciplinary action; and to repeal
- 4 the original section.
- 5 Be it enacted by the people of the State of Nebraska,

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

3 38-2037 (1) In addition to the grounds for disciplinary action found
4 in sections 38-178 and 38-179, a license to practice medicine and surgery
5 or osteopathic medicine and surgery or a license to practice as a
6 physician assistant may be denied, refused renewal, limited, revoked, or
7 suspended or have other disciplinary measures taken against it in
8 accordance with section 38-196 when the applicant or licensee fails to
9 comply with the provisions of section 71-603.01, 71-604, 71-605, or
10 71-606 relating to the signing of birth and death certificates.

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

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

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25 Nebraska, is repealed.