

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 676

Introduced by Hansen, 16.

Read first time January 22, 2025

Committee: Health and Human Services

1 A BILL FOR AN ACT relating to certified nurse midwives; to amend sections
2 38-206, 38-601, 38-603, 38-604, 38-606, 38-607, 38-608, 38-610,
3 38-611, and 44-2803, Reissue Revised Statutes of Nebraska; to
4 provide, change, and eliminate definitions; to eliminate practice
5 agreements; to change and eliminate provisions relating to the
6 authorized scope of practice; to provide for applicability of the
7 Nebraska Hospital-Medical Liability Act; to harmonize provisions; to
8 repeal the original sections; and to outright repeal sections
9 38-609, 38-613, and 38-614, Reissue Revised Statutes of Nebraska.
10 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 38-206, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 38-206 The board shall:

4 ~~(1) Establish standards for integrated practice agreements between~~
5 ~~collaborating physicians and certified nurse midwives;~~

6 (1) ~~(2)~~ Monitor the scope of practice by certified nurse midwives,
7 certified registered nurse anesthetists, clinical nurse specialists, and
8 nurse practitioners;

9 (2) ~~(3)~~ Recommend disciplinary action relating to licenses of
10 advanced practice registered nurses, certified nurse midwives, certified
11 registered nurse anesthetists, clinical nurse specialists, and nurse
12 practitioners;

13 (3) ~~(4)~~ Engage in other activities not inconsistent with the
14 Advanced Practice Registered Nurse Practice Act, the Certified Nurse
15 Midwifery Practice Act, the Certified Registered Nurse Anesthetist
16 Practice Act, the Clinical Nurse Specialist Practice Act, and the Nurse
17 Practitioner Practice Act; and

18 (4) ~~(5)~~ Adopt rules and regulations to implement the Advanced
19 Practice Registered Nurse Practice Act, the Certified Nurse Midwifery
20 Practice Act, the Certified Registered Nurse Anesthetist Practice Act,
21 the Clinical Nurse Specialist Practice Act, and the Nurse Practitioner
22 Practice Act, for promulgation by the department as provided in section
23 38-126. Such rules and regulations shall also include: (a) Approved
24 certification organizations and approved certification programs; and (b)
25 professional liability insurance.

26 **Sec. 2.** Section 38-601, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 38-601 Sections 38-601 to 38-618 and section 7 of this act shall be
29 known and may be cited as the Certified Nurse Midwifery Practice Act.

30 **Sec. 3.** Section 38-603, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 38-603 For purposes of the Certified Nurse Midwifery Practice Act
2 and elsewhere in the Uniform Credentialing Act, unless the context
3 otherwise requires, the definitions found in sections ~~38-605~~ 38-604 to
4 38-610 and section 7 of this act apply.

5 **Sec. 4.** Section 38-604, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 38-604 Approved certified nurse midwifery education program means a
8 certified nurse midwifery education program approved by the board. The
9 board may require such program to be accredited by the Accreditation
10 Commission for Midwifery Education ~~American College of Nurse-Midwives.~~

11 **Sec. 5.** Section 38-606, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 38-606 Certified nurse midwife means a person certified by a board-
14 approved certifying body and licensed under the Advanced Practice
15 Registered Nurse Practice Act to practice certified nurse midwifery in
16 the State of Nebraska. Nothing in the Certified Nurse Midwifery Practice
17 Act is intended to restrict the practice of other health care providers
18 ~~registered nurses.~~

19 **Sec. 6.** Section 38-607, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 38-607 Collaboration means a process and relationship in which a
22 certified nurse midwife works ~~together~~ with other health care providers
23 ~~professionals~~ to deliver health care within the scope of practice of
24 certified nurse midwifery as provided in the Certified Nurse Midwifery
25 Practice Act. ~~The collaborative relationship between the physician and~~
26 ~~the nurse midwife shall be subject to the control and regulation of the~~
27 ~~board.~~

28 **Sec. 7.** Consultation means a process whereby a certified nurse
29 midwife seeks the advice or opinion of a physician or another health care
30 provider.

31 **Sec. 8.** Section 38-608, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 38-608 Health care provider means a health care professional
3 licensed under the Uniform Credentialing Act.

4 ~~Licensed practitioner means any physician licensed to practice~~
5 ~~pursuant to the Medicine and Surgery Practice Act, whose practice~~
6 ~~includes obstetrics.~~

7 **Sec. 9.** Section 38-610, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 38-610 Referral means a process whereby a certified nurse midwife
10 directs the patient to a physician or other health care provider for
11 management of a particular problem or aspect of the patient's care.
12 ~~Supervision means the ready availability of a collaborating licensed~~
13 ~~practitioner for consultation and direction of the activities of the~~
14 ~~certified nurse midwife related to delegated medical functions as~~
15 ~~outlined in the practice agreement.~~

16 **Sec. 10.** Section 38-611, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 38-611 (1) A certified nurse midwife may provide health care
19 services within the midwife's specialty area. A certified nurse midwife
20 shall function by establishing collaborative, consultative, and referral
21 networks as appropriate with other health care professionals. A certified
22 nurse midwife shall refer a patient who requires care beyond the scope of
23 practice of the certified nurse midwife to an appropriate health care
24 provider.

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

27 (a) Providing preconception, prenatal, intrapartum, and postpartum
28 care;

29 (b) Providing gynecological services;

30 (c) Providing primary care for females;

31 (d) Providing care for a newborn immediately following birth through

1 twenty-eight days of age;

2 (e) Assessing patients, ordering diagnostic tests and therapeutic
3 treatments, synthesizing and analyzing data, and applying advanced
4 nursing principles;

5 (f) Dispensing sample medications that are provided by the
6 manufacturer and are provided at no charge to the patient;

7 (g) Prescribing therapeutic measures and medications relating to
8 health conditions within the scope of practice of a certified nurse
9 midwife; and

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

13 ~~A certified nurse midwife may, under the provisions of a practice~~
14 ~~agreement, (1) attend cases of normal childbirth, (2) provide prenatal,~~
15 ~~intrapartum, and postpartum care, (3) provide normal obstetrical and~~
16 ~~gynecological services for women, and (4) provide care for the newborn~~
17 ~~immediately following birth. The conditions under which a certified nurse~~
18 ~~midwife is required to refer cases to a collaborating licensed~~
19 ~~practitioner shall be specified in the practice agreement.~~

20 **Sec. 11.** Section 44-2803, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 44-2803 Health care provider means: (1) A physician; (2) a certified
23 registered nurse anesthetist; (3) a certified nurse midwife; (4) an
24 individual, partnership, limited liability company, corporation,
25 association, facility, institution, or other entity authorized by law to
26 provide professional medical services by physicians, ~~or~~ certified
27 registered nurse anesthetists, or certified nurse midwives; (5) (4) a
28 hospital; or (6) (5) a personal representative as defined in section
29 30-2209 who is successor or assignee of any health care provider
30 designated in subdivisions (1) through (5) (4) of this section.

31 **Sec. 12.** Original sections 38-206, 38-601, 38-603, 38-604, 38-606,

1 38-607, 38-608, 38-610, 38-611, and 44-2803, Reissue Revised Statutes of
2 Nebraska, are repealed.

3 **Sec. 13.** The following sections are outright repealed: Sections
4 38-609, 38-613, and 38-614, Reissue Revised Statutes of Nebraska.