

AMENDMENTS TO LB 185

Introduced by Johnson, 37

1 1. Strike original section 10 and insert the following
2 new sections:

3 Sec. 5. Section 71-1707, Revised Statutes Cumulative
4 Supplement, 2006, is amended to read:

5 71-1707 Nurse practitioner means a registered nurse ~~who~~
6 ~~meets the requirements established~~ certified as described in
7 section 71-1722 and who holds a certificate issued under the Nurse
8 Practitioner Act, licensed under the Advanced Practice Registered
9 Nurse Licensure Act to practice as a nurse practitioner.

10 Sec. 6. Section 71-1722, Revised Statutes Cumulative
11 Supplement, 2006, is amended to read:

12 71-1722 ~~Requirements for certification~~ (1) An applicant
13 for licensure under the Advanced Practice Registered Nurse
14 Licensure Act to practice as a nurse practitioner shall be the
15 ~~following:~~ have:

16 ~~(1)~~ (a) A license as a registered nurse in the State of
17 Nebraska or the authority based upon the Nurse Licensure Compact to
18 practice as a registered nurse in Nebraska;

19 ~~(2)~~ A ~~completed application which includes the~~
20 ~~applicant's social security number;~~

21 ~~(3)~~ A ~~certification fee established and collected as~~
22 ~~provided in section 71-162;~~

23 ~~(4)~~ (b) Evidence of having successfully completed a

1 graduate-level program in the clinical specialty area of nurse
2 practitioner practice, which program is accredited by a national
3 accrediting body;

4 ~~(5)~~ (c) Evidence of having successfully completed thirty
5 contact hours of education in pharmacotherapeutics; and

6 ~~(6)~~ ~~Submission of proof~~ (d) Proof of having passed an
7 examination pertaining to the specific nurse practitioner role in
8 nursing adopted or approved by the board with the approval of the
9 department. Such examination may include any recognized national
10 credentialing examination for nurse practitioners conducted
11 by an approved certifying body which administers an approved
12 certification program. ~~+~~ and

13 ~~(7)~~ (2) If more than five years have elapsed since
14 the completion of the nurse practitioner program or since the
15 applicant has practiced in the specific nurse practitioner role,
16 the applicant shall meet the requirements in ~~subdivisions (1)~~
17 ~~through (6)~~ subsection (1) of this section and provide evidence of
18 continuing competency as required by the board pursuant to section
19 71-17,135.

20 Sec. 7. Section 71-1723, Revised Statutes Cumulative
21 Supplement, 2006, is amended to read:

22 71-1723 Anyone fulfilling the requirements listed in
23 section 71-1722 shall be issued a ~~certificate~~ license as an
24 advanced practice registered nurse to practice as a nurse
25 practitioner by the department.

26 Sec. 8. Section 71-1723.01, Revised Statutes Cumulative
27 Supplement, 2006, is amended to read:

1 71-1723.01 A person licensed as an advanced practice
2 registered nurse in this state on July 1, 2007, shall be issued
3 a license by the department as an ~~advanced practice registered~~
4 ~~nurse~~ under the Advanced Practice Registered Nurse Licensure Act
5 ~~and shall be issued a certificate by the department to practice~~
6 as a nurse practitioner under the Nurse Practitioner Act on
7 such date. A person ~~certified~~ licensed to practice as a nurse
8 practitioner in this state may use the title nurse practitioner and
9 the abbreviation NP.

10 Sec. 9. Section 71-1723.02, Revised Statutes Cumulative
11 Supplement, 2006, is amended to read:

12 71-1723.02 (1) A Prior to commencing practice as a nurse
13 practitioner, an individual (a) who has a master's degree or
14 doctorate degree in nursing and has completed an approved nurse
15 practitioner program, (b) who can demonstrate separate course
16 work in pharmacotherapeutics, advanced health assessment, and
17 pathophysiology or psychopathology, and (c) who has completed a
18 minimum of two thousand hours of practice under the supervision
19 of a physician, shall ~~(i)~~ submit to the department an integrated
20 practice agreement with a collaborating physician and ~~(ii)~~ shall
21 furnish proof of professional liability insurance required under
22 section 71-1723.04 prior to commencing practice.

23 (2) A nurse practitioner who needs to obtain the two
24 thousand hours of supervised practice required under subdivision
25 (1)(c) of this section shall (a) submit to the department
26 one or more integrated practice agreements with a collaborating
27 physician, (b) furnish proof of jointly approved protocols with a

1 collaborating physician which shall guide the nurse practitioner's
2 practice, and (c) furnish proof of professional liability insurance
3 required under section 71-1723.04.

4 (3) If, after a diligent effort to obtain an integrated
5 practice agreement, a nurse practitioner is unable to obtain an
6 integrated practice agreement with one physician, the board may
7 waive the requirement of an integrated practice agreement upon a
8 showing that the applicant (a) meets the requirements of subsection
9 (1) of this section, (b) has made a diligent effort to obtain
10 an integrated practice agreement, and (c) will practice in a
11 geographic area where there is a shortage of health care services.

12 Sec. 10. Section 71-1724, Revised Statutes Cumulative
13 Supplement, 2006, is amended to read:

14 71-1724 Renewal of a certificate as a nurse practitioner
15 shall be at the same time and in the same manner as renewal of a
16 license as a registered nurse and shall require:

17 ~~(1) A license as a registered nurse in the State of~~
18 ~~Nebraska or the authority based on the Nurse Licensure Compact to~~
19 ~~practice as a registered nurse in Nebraska;~~

20 ~~(2) Documentation of continuing competency upon~~
21 ~~completion of continuing competency activities established by the~~
22 ~~board pursuant to section 71-17,135;~~

23 To renew a license to practice as a nurse practitioner,
24 the applicant shall have:

25 ~~(3)~~ (1) Documentation of a minimum of two thousand
26 eighty hours of practice as a nurse practitioner within the
27 five years immediately preceding renewal. These practice hours

1 shall fulfill the requirements of the practice hours required for
2 registered nurse renewal. Practice hours as an advanced practice
3 registered nurse prior to July 1, 2007, shall be used to fulfill
4 the requirements of this section; and

5 ~~(4)~~ (2) Proof of current certification in the specific
6 nurse practitioner clinical specialty area by an approved
7 certification program. ~~and~~

8 ~~(5)~~ Payment of a biennial renewal fee established and
9 collected as provided in section 71-162.

10 Sec. 11. Section 71-1724.01, Revised Statutes Cumulative
11 Supplement, 2006, is amended to read:

12 71-1724.01 The department may grant a temporary ~~permit~~
13 license to practice as a nurse practitioner for up to one hundred
14 twenty days upon application:

15 (1) To graduates of an approved nurse practitioner
16 program pending results of the first credentialing examination
17 following graduation;

18 (2) ~~For one hundred twenty days to~~ To a nurse
19 practitioner lawfully authorized to practice in another state
20 pending completion of the application for a Nebraska ~~certificate;~~
21 license; and

22 (3) To applicants for purposes of a reentry program or
23 supervised practice as part of continuing competency activities
24 established by the board pursuant to section 71-17,135.

25 A temporary license issued pursuant to this section may
26 be extended for up to one year with the approval of the board. An
27 individual holding a temporary permit as a nurse practitioner on

1 the operative date of this section shall be deemed to be holding a
2 temporary license under this section on such date. The permitholder
3 may continue to practice under such temporary permit as a temporary
4 license until it would have expired under its terms.

5 Sec. 12. Section 71-1726.01, Revised Statutes Cumulative
6 Supplement, 2006, is amended to read:

7 71-1726.01 The Nurse Practitioner Act does not prohibit
8 the performance of activities of a nurse practitioner by an
9 unlicensed person if performed:

10 (1) In an emergency situation;

11 (2) By a legally qualified person from another state
12 employed by the United States Government and performing official
13 duties in this state;

14 (3) By a person enrolled in an approved nurse
15 practitioner program for the preparation of nurse practitioners as
16 part of that approved program; and

17 (4) By a person holding a temporary ~~permit~~ license
18 pursuant to section 71-1724.01.

19 Sec. 13. Section 71-1726.02, Revised Statutes Cumulative
20 Supplement, 2006, is amended to read:

21 71-1726.02 Any person, corporation, association, or other
22 entity engaging in any of the following activities is guilty of a
23 Class IV felony:

24 (1) Practicing as a nurse practitioner without being
25 issued a ~~certificate~~ license as such by the department;

26 (2) Employing or offering to employ any person as a nurse
27 practitioner, knowing that such person is not ~~certified~~ licensed as

1 such by the department;

2 (3) Fraudulently seeking, obtaining, or furnishing a
3 ~~certificate~~ license as a nurse practitioner or aiding and abetting
4 such activities; or

5 (4) Using in connection with his or her name the title
6 nurse practitioner, the abbreviation NP, or any other designation
7 tending to imply that he or she is a nurse practitioner ~~certified~~
8 licensed by the department when such person is not ~~certified~~
9 licensed as a nurse practitioner.

10 Sec. 14. Section 71-1729, Revised Statutes Cumulative
11 Supplement, 2006, is amended to read:

12 71-1729 For purposes of the Certified Registered Nurse
13 Anesthetist Act, unless the context otherwise requires:

14 (1) Board means the Board of Advanced Practice Registered
15 Nurses;

16 (2) Certified registered nurse anesthetist means a
17 licensed registered nurse holding a ~~certificate issued under the~~
18 ~~act;~~ certified by a board-approved certifying body and licensed
19 under the Advanced Practice Registered Nurse Licensure Act to
20 practice as a certified registered nurse anesthetist in the State
21 of Nebraska;

22 (3) Department means the Department of Health and Human
23 Services Regulation and Licensure;

24 (4) Licensed practitioner means any physician or
25 osteopathic physician licensed to prescribe, diagnose, and treat as
26 prescribed in sections 71-1,102 and 71-1,137; and

27 (5) Practice of anesthesia means (a) the performance

1 of or the assistance in any act involving the determination,
2 preparation, administration, or monitoring of any drug used to
3 render an individual insensible to pain for procedures requiring
4 the presence of persons educated in the administration of
5 anesthetics or (b) the performance of any act commonly the
6 responsibility of educated anesthesia personnel. Practice of
7 anesthesia includes the use of those techniques which are deemed
8 necessary for adequacy in performance of anesthesia administration.
9 Nothing in the Certified Registered Nurse Anesthetist Act prohibits
10 routine administration of a drug by a duly licensed registered
11 nurse, licensed practical nurse, or other duly authorized person
12 for the alleviation of pain or prohibits the practice of anesthesia
13 by students enrolled in an accredited school of nurse anesthesia
14 when the services performed are a part of the course of study and
15 are under the supervision of a licensed practitioner or certified
16 registered nurse anesthetist.

17 Sec. 15. Section 71-1730, Revised Statutes Cumulative
18 Supplement, 2006, is amended to read:

19 71-1730 ~~In order to obtain a certificate from the~~
20 ~~department~~ (1) An applicant for a license under the Advanced
21 Practice Registered Nurse Licensure Act to practice as a certified
22 registered nurse anesthetist ~~an applicant~~ shall:

23 ~~(1)~~ (a) Hold a license as a registered nurse in the State
24 of Nebraska or have the authority based on the Nurse Licensure
25 Compact to practice as a registered nurse in Nebraska;

26 ~~(2) Submit a completed application verified by oath which~~
27 ~~includes the applicant's social security number;~~

1 ~~(3) Pay the required fee established and collected as~~
2 ~~provided in section 71-162;~~

3 ~~(4) (b) Submit evidence of successful completion of a~~
4 ~~course of study in anesthesia in a school of nurse anesthesia~~
5 ~~accredited or approved by or under the auspices of the department~~
6 ~~or the Council on Accreditation of Nurse Anesthesia and Educational~~
7 ~~Programs; and~~

8 ~~(5) Take and successfully pass a certifying examination~~
9 ~~approved by the department after prior approval of such examination~~
10 ~~by the board. Such examination may include (a) the National~~
11 ~~Qualifying Examination for Certified Registered Nurse Anesthetists~~
12 ~~or (b) any other approved recognized national qualifying~~
13 ~~examination for nurse anesthetists.~~

14 (c) Submit evidence of current certification by the
15 Council on Certification of Nurse Anesthetists.

16 (2) If more than five years have elapsed since the
17 applicant completed the nurse anesthetist program or since the
18 applicant has practiced as a nurse anesthetist, he or she shall
19 meet the requirements of subdivisions (1) through (5) subsection
20 (1) of this section and shall provide evidence of continuing
21 competency as determined by the board, including, but not limited
22 to, a reentry program, supervised practice, examination, or one
23 or more of the continuing competency activities listed in section
24 71-161.09.

25 (3) A person licensed as a certified registered nurse
26 anesthetist has the right to use the title certified registered
27 nurse anesthetist and the abbreviation C.R.N.A.

1 Sec. 16. Section 71-1731, Revised Statutes Cumulative
2 Supplement, 2006, is amended to read:

3 71-1731 The department may, with the ~~prior~~ approval
4 of the board, ~~may~~ grant a temporary certification license in
5 the practice of anesthesia for a ~~period of not to exceed one~~
6 ~~year and under such conditions as the board with the approval~~
7 ~~of the department determines for up to one hundred twenty days~~
8 upon application (1) to graduates of an accredited school of
9 ~~nurse anesthesia. The permit may be issued upon application~~
10 ~~by the graduate for pending results of the first certifying~~
11 ~~examination following his or her graduation and shall be valid~~
12 ~~pending the results of such examination. Temporary certification~~
13 ~~may also be granted for a period not to exceed one year (2) to~~
14 ~~registered nurse anesthetists currently licensed in another state~~
15 ~~pending completion of the application for a Nebraska certification.~~
16 license. A temporary permit license issued pursuant to this section
17 may be extended at the discretion of the board with the approval
18 of the department. An individual holding a temporary permit as a
19 registered nurse anesthetist on the operative date of this section
20 shall be deemed to be holding a temporary license under this
21 section on such date. The permitholder may continue to practice
22 under such temporary permit as a temporary license until it would
23 have expired under its terms.

24 Sec. 17. Section 71-1734, Reissue Revised Statutes of
25 Nebraska, is amended to read:

26 71-1734 (1) The determination and administration of
27 total anesthesia care shall be performed by the certified

1 registered nurse anesthetist or a nurse anesthetist temporarily
2 ~~certified~~ licensed pursuant to section 71-1731 in consultation
3 and collaboration with and with the consent of the licensed
4 practitioner.

5 (2) The following duties and functions shall be
6 considered as specific expanded role functions of the certified
7 registered nurse anesthetist:

8 (a) Preanesthesia evaluation including physiological
9 studies to determine proper anesthetic management and obtaining
10 informed consent;

11 (b) Selection and application of appropriate monitoring
12 devices;

13 (c) Selection and administration of anesthetic
14 techniques;

15 (d) Evaluation and direction of proper postanesthesia
16 management and dismissal from postanesthesia care; and

17 (e) Evaluation and recording of postanesthesia course of
18 patients.

19 (3) The determination of other duties that are
20 normally considered medically delegated duties to the certified
21 registered nurse anesthetist or to a nurse anesthetist temporarily
22 ~~certified~~ licensed pursuant to section 71-1731 shall be the joint
23 responsibility of the governing board of the hospital, medical
24 staff, and nurse anesthetist personnel of any duly licensed
25 hospital or, if in an office or clinic, the joint responsibility
26 of the duly licensed practitioner and nurse anesthetist. All such
27 duties, except in cases of emergency, shall be in writing in the

1 form prescribed by hospital or office policy.

2 Sec. 18. Section 71-1735, Revised Statutes Cumulative
3 Supplement, 2006, is amended to read:

4 71-1735 ~~The procedure for biennial certification renewal~~
5 ~~as a certified registered nurse anesthetist shall be at the same~~
6 ~~time and in the same manner as renewal of a license as a registered~~
7 ~~nurse and shall require:~~

8 ~~(1) A license as a registered nurse in the State of~~
9 ~~Nebraska or the authority based on the Nurse Licensure Compact to~~
10 ~~practice as a registered nurse in Nebraska;~~

11 ~~(2) Documentation of continuing competency as required~~
12 ~~by the board in rules and regulations approved by the board and~~
13 ~~adopted and promulgated by the department. Continuing education~~
14 ~~is sufficient to meet continuing competency requirements. The~~
15 ~~requirements may also include, but not be limited to, one or~~
16 ~~more of the continuing competency activities listed in section~~
17 ~~71-161.09 which a person may select as an alternative to continuing~~
18 ~~education; and~~

19 ~~(3) Payment of the required fee established and collected~~
20 ~~as provided in section 71-162.~~

21 To renew a license to practice as a certified registered
22 nurse anesthetist, the applicant shall have current certification
23 by the Council on Certification of Nurse Anesthetists.

24 Sec. 19. Section 71-1737, Revised Statutes Cumulative
25 Supplement, 2006, is amended to read:

26 71-1737 Notwithstanding the provisions of any other
27 statute, any person, corporation, association, or other entity

1 who engages in any of the following activities shall be guilty of a
2 Class IV felony:

3 (1) Engaging in the practice of anesthesia as a certified
4 registered nurse anesthetist without being issued a ~~certificate~~
5 license as such by the department, with the approval of the board;

6 (2) Knowingly employing or offering to employ any person
7 as a certified registered nurse anesthetist when knowing that such
8 person is not ~~certified~~ licensed as such by the department with the
9 approval of the board;

10 (3) Fraudulently seeking, obtaining, or furnishing a
11 ~~certificate~~ license as a certified registered nurse anesthetist or
12 aiding and abetting such activities; or

13 (4) Using in connection with his or her name the title
14 certified registered nurse anesthetist, the abbreviation C.R.N.A.,
15 or any other designation tending to imply that he or she is a
16 certified registered nurse anesthetist, ~~certified~~ licensed by the
17 department with the approval of the board pursuant to the Certified
18 Registered Nurse Anesthetist Act, when such person is not actually
19 a certified registered nurse anesthetist.

20 Sec. 20. Section 71-1748, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 71-1748 Certified nurse midwife shall mean a person
23 ~~certified under the Nebraska Certified Nurse Midwifery Practice by~~
24 a board-approved certifying body and licensed under the Advanced
25 Practice Registered Nurse Licensure Act to practice certified nurse
26 midwifery in the State of Nebraska. Nothing in the ~~aet~~ Nebraska
27 Certified Nurse Midwifery Practice Act is intended to restrict the

1 practice of registered nurses.

2 Sec. 21. Section 71-1749, Revised Statutes Cumulative
3 Supplement, 2006, is amended to read:

4 71-1749 Approved certified nurse midwifery education
5 program shall mean a certified nurse midwifery education program
6 approved by the board. The board may ~~allow~~ require such program to
7 be accredited by the American College of Nurse-Midwives.

8 Sec. 22. Section 71-1752, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 71-1752 ~~The certificate to practice certified nurse~~
11 ~~midwifery shall authorize the holder, A certified nurse midwife~~
12 may, under the provisions of a practice agreement, ~~to~~ (1) attend
13 cases of normal childbirth, (2) provide prenatal, intrapartum, and
14 postpartum care, (3) provide normal obstetrical and gynecological
15 services for women, and (4) provide care for the newborn
16 immediately following birth. The conditions under which a certified
17 nurse midwife ~~shall~~ is required to refer cases to a collaborating
18 licensed practitioner shall be specified in the practice agreement.

19 Sec. 23. Section 71-1755, Revised Statutes Cumulative
20 Supplement, 2006, is amended to read:

21 71-1755 (1) An applicant for ~~certification~~ as a licensure
22 under the Advanced Practice Registered Nurse Licensure Act to
23 practice as a certified nurse midwife shall submit to the board a
24 ~~written application, which includes the applicant's social security~~
25 ~~number, and~~ such evidence as the board ~~shall require~~ requires
26 showing that the applicant is currently licensed as a registered
27 nurse by the state or has the authority based on the Nurse

1 Licensure Compact to practice as a registered nurse in Nebraska,
2 has successfully completed an approved certified nurse midwifery
3 education program, and ~~has passed a nationally recognized nurse~~
4 ~~midwifery examination adopted by the board.~~ is certified as a nurse
5 midwife by a board-approved certifying body.

6 (2) The department may, with the approval of the board,
7 grant temporary ~~certification~~ licensure as a certified nurse
8 midwife for up to one hundred twenty days upon application (a)
9 to graduates of an approved nurse midwifery program pending results
10 of the first certifying examination following graduation and (b)
11 ~~for one hundred twenty days~~ to nurse midwives currently licensed in
12 another state pending completion of the application for a Nebraska
13 ~~certification.~~ license. A temporary ~~permit~~ license issued pursuant
14 to this section may be extended for up to one year with the
15 approval of the board.

16 (3) The board shall adopt an examination to be used
17 ~~pursuant to subsection (1) of this section.~~ An individual holding a
18 temporary certificate or permit as a nurse midwife on the operative
19 date of this section shall be deemed to be holding a temporary
20 license under this section on such date. The holder of such
21 temporary certificate or permit may continue to practice under such
22 certificate or permit as a temporary license until it would have
23 expired under its terms.

24 (4) If more than five years have elapsed since the
25 completion of the nurse midwifery program or since the applicant
26 has practiced as a nurse midwife, the applicant shall meet the
27 requirements in subsection (1) of this section and provide evidence

1 of continuing competency, as may be determined by the board, either
2 by means of a reentry program, references, supervised practice,
3 examination, or one or more of the continuing competency activities
4 listed in section 71-161.09.

5 Sec. 24. Section 71-1756, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 71-1756 Any person who holds a ~~certificate~~ license to
8 practice nurse midwifery in this state shall have the right to
9 use the title certified nurse midwife and the abbreviation CNM. No
10 other person shall use such title or abbreviation to indicate that
11 he or she is ~~certified under the Nebraska Certified Nurse Midwifery~~
12 ~~Practice Act.~~ licensed under the Advanced Practice Registered Nurse
13 Licensure Act to practice certified nurse midwifery.

14 Sec. 25. Section 71-1757, Revised Statutes Cumulative
15 Supplement, 2006, is amended to read:

16 71-1757 ~~(1)~~ The certificate of each person certified
17 under the Nebraska Certified Nurse Midwifery Practice Act shall be
18 renewed at the same time and in the same manner as renewal of a
19 license for a registered nurse. Renewal of such a certificate shall
20 require that the applicant have ~~(a)~~ a license as a registered nurse
21 issued by the state or the authority based on the Nurse Licensure
22 Compact to practice as a registered nurse in Nebraska and ~~(b)~~
23 ~~documentation of continuing competency, either by reference, peer~~
24 ~~review, examination, or one or more of the continuing competency~~
25 ~~activities listed in section 71-161.09, as established by the board~~
26 ~~in rules and regulations approved by the board and adopted and~~
27 ~~promulgated by the department.~~

1 ~~(2) The department shall establish and collect fees for~~
2 ~~renewal as provided in section 71-162.~~

3 To renew a license as a certified nurse midwife, the
4 applicant shall have a current certification by a board-approved
5 certifying body to practice nurse midwifery.

6 Sec. 26. Section 71-1764, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 71-1764 Any person, corporation, association, or other
9 entity who engages in any of the following activities shall be
10 guilty of a Class IV felony:

11 (1) Practicing as a certified nurse midwife without a
12 current ~~certificate~~ license as such under the Nebraska Certified
13 Nurse Midwifery Practice Act;

14 (2) Employing or offering to employ any person as a
15 certified nurse midwife knowing that such person is not ~~certified~~
16 licensed as such under the Nebraska Certified Nurse Midwifery
17 Practice Act;

18 (3) Fraudulently seeking, obtaining, or furnishing a
19 ~~certificate~~ license as a certified nurse midwife; or

20 (4) Using in connection with his or her name the title
21 certified nurse midwife, the abbreviation CNM, or any other
22 designation tending to imply that he or she is a certified
23 nurse midwife ~~certified~~ licensed under the Nebraska Certified Nurse
24 Midwifery Practice Act when such person is not a certified nurse
25 midwife.

26 Sec. 27. Section 71-1765, Reissue Revised Statutes of
27 Nebraska, is amended to read:

1 71-1765 The Nebraska Certified Nurse Midwifery Practice
2 Act shall not prohibit the performance of the functions of a
3 certified nurse midwife by an ~~uncertified~~ unlicensed person if
4 performed:

5 (1) In an emergency situation;

6 (2) By a legally qualified person from another state
7 employed by the United States Government and performing official
8 duties in this state; or

9 (3) By a person enrolled in an approved program for the
10 preparation of certified nurse midwives as part of such approved
11 program.

12 Sec. 28. Section 71-17,118, Revised Statutes Cumulative
13 Supplement, 2006, is amended to read:

14 71-17,118 For purposes of the Clinical Nurse Specialist
15 Practice Act:

16 (1) Approved certifying body means a national
17 certification organization which (a) is approved by the board,
18 (b) certifies qualified licensed registered nurses for advanced
19 practice, (c) has eligibility requirements related to education and
20 practice, and (d) offers an examination in an area of practice
21 which meets psychometric guidelines and tests approved by the
22 board;

23 (2) Board means the Board of Advanced Practice Registered
24 Nurses;

25 (3) Clinical nurse specialist means a registered nurse
26 ~~who meets the requirements of~~ certified as described in section
27 71-17,119 and ~~who holds a certificate issued under the Clinical~~

1 ~~Nurse Specialist Practice Act~~, licensed under the Advanced Practice
2 Registered Nurse Licensure Act to practice as a clinical nurse
3 specialist in the State of Nebraska; and

4 (4) Department means the Department of Health and Human
5 Services Regulation and Licensure.

6 Sec. 29. Section 71-17,119, Revised Statutes Cumulative
7 Supplement, 2006, is amended to read:

8 71-17,119 An applicant for ~~certification~~ licensure under
9 the Advanced Practice Registered Nurse Licensure Act to practice
10 as a clinical nurse specialist shall be licensed as a registered
11 nurse under the Nurse Practice Act or have the authority based on
12 the Nurse Licensure Compact to practice as a registered nurse in
13 Nebraska and shall submit to the department the following:

14 ~~(1) A completed application, including, but not limited~~
15 ~~to, the applicant's social security number and such other~~
16 ~~information as the department requires pursuant to rules and~~
17 ~~regulations, accompanied by the fee established pursuant to section~~
18 ~~71-17,130;~~

19 ~~(2)~~ (1) Evidence that the applicant holds a ~~master's~~
20 ~~degree or a doctoral~~ graduate degree in a nursing clinical
21 specialty area or has a ~~master's~~ graduate degree in nursing and has
22 successfully completed a graduate-level clinical nurse specialist
23 education program; and

24 ~~(3)~~ (2) Except as provided in section 71-17,121, evidence
25 of passage of a board-approved examination certification issued by
26 an approved certifying body or, when such ~~examination~~ certification
27 is not available, an alternative method of competency assessment

1 by any means permitted under section 71-17,124 and approved by the
2 board.

3 Sec. 30. Section 71-17,121, Revised Statutes Cumulative
4 Supplement, 2006, is amended to read:

5 71-17,121 (1) An applicant who meets the requirements
6 for ~~certification~~ licensure in section 71-17,119 shall be ~~certified~~
7 licensed by the department as a clinical nurse specialist, except
8 that a person practicing as a clinical nurse specialist pursuant to
9 the Nurse Practice Act on July 1, 2007, who applies on or after
10 such date and before September 1, 2007, shall be ~~certified~~ licensed
11 as a clinical nurse specialist under this section without complying
12 with subdivision ~~(3)~~ (2) of section 71-17,119.

13 (2) A person ~~certified~~ licensed as a clinical nurse
14 specialist has the right to use the title Clinical Nurse Specialist
15 and the abbreviation CNS.

16 Sec. 31. Section 71-17,122, Revised Statutes Cumulative
17 Supplement, 2006, is amended to read:

18 71-17,122 If an applicant for initial ~~certification~~
19 licensure as a clinical nurse specialist files an application
20 for ~~certification~~ licensure within one hundred eighty days prior
21 to the biennial renewal date, the provisions of subsection (2) of
22 section 71-162.04 apply.

23 Sec. 32. Section 71-17,123, Revised Statutes Cumulative
24 Supplement, 2006, is amended to read:

25 71-17,123 All ~~certificates~~ licenses issued under the
26 Clinical Nurse Specialist Practice Act shall expire on October 31
27 of each even-numbered year. Biennial ~~certificate~~ renewals shall be

1 accomplished as the department, with the concurrence of the board,
2 establishes by rule and regulation.

3 Sec. 33. Section 71-17,124, Revised Statutes Cumulative
4 Supplement, 2006, is amended to read:

5 71-17,124 (1) An applicant for renewal of a ~~certificate~~
6 license to practice as a clinical nurse specialist issued under the
7 Clinical Nurse Specialist Practice Act shall demonstrate continuing
8 competency. Continuing competency may be demonstrated by methods
9 which include, but are not limited to, continuing education,
10 course work, continuing practice, national certification or
11 recertification offered by an approved certifying body, a reentry
12 program, satisfactory peer review including patient outcomes,
13 examination, or other continuing competency activities listed in
14 section 71-161.09.

15 (2) The department, with the concurrence of the board,
16 may waive any continuing competency requirement established under
17 subsection (1) of this section for any two-year period for which a
18 ~~certificate holder~~ licensee submits documentation of circumstances
19 justifying such a waiver. The department shall define such
20 justifying circumstances in rules and regulations.

21 Sec. 34. Section 71-17,128, Revised Statutes Cumulative
22 Supplement, 2006, is amended to read:

23 71-17,128 The Clinical Nurse Specialist Practice Act does
24 not prohibit the performance of the professional activities of a
25 clinical nurse specialist by a person not holding a ~~certificate~~
26 license issued under the act if performed:

27 (1) In an emergency situation;

1 (2) By a legally qualified person from another state
2 employed by the United States and performing official duties in
3 this state; or

4 (3) By a person enrolled in an approved clinical nurse
5 specialist program for the education of clinical nurse specialists
6 as part of that approved program.

7 Sec. 35. Section 71-17,129, Revised Statutes Cumulative
8 Supplement, 2006, is amended to read:

9 71-17,129 Any person committing any of the following acts
10 is guilty of a Class IV felony:

11 (1) Practicing as a clinical nurse specialist without
12 a ~~certificate~~ license issued under the Clinical Nurse Specialist
13 Practice Act except as provided in section 71-17,128;

14 (2) Knowingly employing or offering to employ any person
15 as a clinical nurse specialist who does not hold a ~~certificate~~
16 license issued under the act;

17 (3) Fraudulently seeking, obtaining, or furnishing a
18 ~~certificate~~ license as a clinical nurse specialist or aiding and
19 abetting such actions; or

20 (4) Holding himself or herself out as a clinical nurse
21 specialist or using the abbreviation CNS or any other designation
22 tending to imply that he or she is a clinical nurse specialist
23 holding a ~~certificate~~ license issued under the act if he or she
24 does not hold such a ~~certificate.~~ license.

25 Sec. 36. Section 71-17,134, Revised Statutes Cumulative
26 Supplement, 2006, is amended to read:

27 71-17,134 (1) The Board of Advanced Practice Registered

1 Nurses is established. The purpose of the board is to (a) provide
2 for the health, safety, and welfare of the citizens, (b) ensure
3 that licensees serving the public meet minimum standards of
4 proficiency and competency, and (c) control the profession in
5 the interest of consumer protection.

6 (2) (a) Until July 1, 2007, the board shall consist of
7 (i) five advanced practice registered nurses representing different
8 advanced practice registered nurse specialties for which a license
9 has been issued, (ii) five physicians licensed under the Uniform
10 Licensing Law to practice medicine in Nebraska, at least three
11 of whom shall have a current collaborating relationship with an
12 advanced practice registered nurse, (iii) three consumer members,
13 and (iv) one licensed pharmacist.

14 (b) On and after July 1, 2007, the board shall consist
15 of:

16 (i) One nurse practitioner holding a ~~certificate~~ license
17 under the Nurse Practitioner Act, one certified nurse midwife
18 holding a ~~certificate~~ license under the Nebraska Certified Nurse
19 Midwifery Practice Act, one certified registered nurse anesthetist
20 holding a ~~certificate~~ license under the Certified Registered Nurse
21 Anesthetist Act, and one clinical nurse specialist holding a
22 ~~certificate~~ license under the Clinical Nurse Specialist Practice
23 Act, except that the initial clinical nurse specialist appointee
24 may be a clinical nurse specialist practicing pursuant to the Nurse
25 Practice Act as such act existed prior to July 1, 2007. Of the
26 initial appointments under this subdivision, one shall be for a
27 ~~one-year~~ two-year term, one shall be for a ~~two-year~~ three-year

1 term, one shall be for a ~~three-year~~ four-year term, and one shall
2 be for a ~~four-year~~ five-year term. All subsequent appointments
3 under this subdivision shall be for ~~four-year~~ five-year terms;

4 (ii) Three physicians, one of whom shall have a
5 professional relationship with a nurse practitioner, one of whom
6 shall have a professional relationship with a certified nurse
7 midwife, and one of whom shall have a professional relationship
8 with a certified registered nurse anesthetist. Of the initial
9 appointments under this subdivision, one shall be for a ~~two-year~~
10 three-year term, one shall be for a ~~three-year~~ four-year term,
11 and one shall be for a ~~four-year~~ five-year term. All subsequent
12 appointments under this subdivision shall be for ~~four-year~~
13 five-year terms; and

14 (iii) Two public members. Of the initial appointments
15 under this subdivision, one shall be for a three-year term, and one
16 shall be for a four-year term. All subsequent appointments under
17 this subdivision shall be for ~~four-year~~ five-year terms. Public
18 members of the board shall have the same qualifications as provided
19 in subsection (1) of section 71-113.

20 (c) Members of the board serving immediately before July
21 1, 2007, shall serve until members are appointed and qualified
22 under subdivision (2)(b) of this section.

23 (3) The members of the board shall be appointed by the
24 State Board of Health. Members shall be appointed for terms of
25 ~~four~~ five years except as otherwise provided in subdivisions (2)(b)
26 and (c) of this section. At the expiration of the term of any
27 member, the State Board of Health may consult with appropriate

1 professional organizations regarding candidates for appointment to
2 the Board of Advanced Practice Registered Nurses. Upon expiration
3 of terms, appointments or reappointments shall be made on or
4 before December 1 of each year. Vacancies on the Board of Advanced
5 Practice Registered Nurses shall be filled for the unexpired term
6 by appointments made by the State Board of Health. No member shall
7 serve more than two consecutive terms on the Board of Advanced
8 Practice Registered Nurses.

9 (4) The State Board of Health has power to remove from
10 office any member of the Board of Advanced Practice Registered
11 Nurses, after a public hearing pursuant to the Administrative
12 Procedure Act, for physical or mental incapacity to carry out
13 the duties of a board member, for continued neglect of duty, for
14 incompetence, for acting beyond the individual member's scope of
15 authority, for malfeasance in office, for any cause for which a
16 license or certificate in the member's profession involved may be
17 suspended or revoked, for a lack of licensure or certification in
18 the member's profession, or for other sufficient cause.

19 (5) Each member of the Board of Advanced Practice
20 Registered Nurses shall receive a per diem of thirty dollars
21 per day for each day the member is actually engaged in the
22 discharge of his or her official duties and shall be reimbursed for
23 travel, lodging, and other necessary expenses incurred as a member
24 of the board pursuant to sections 81-1174 to 81-1177.

25 (6) The department shall adopt and promulgate rules and
26 regulations which define conflicts of interest for members of the
27 Board of Advanced Practice Registered Nurses and which establish

1 procedures in case such a conflict arises.

2 Sec. 37. Section 71-17,135, Revised Statutes Cumulative
3 Supplement, 2006, is amended to read:

4 71-17,135 The Board of Advanced Practice Registered
5 Nurses shall:

6 (1) Establish standards for integrated practice
7 agreements between collaborating physicians and certified nurse
8 midwives, and nurse practitioners;

9 (2) Monitor the scope of practice by certified nurse
10 midwives, certified registered nurse anesthetists, clinical nurse
11 specialists, and nurse practitioners;

12 (3) Administer and enforce the Advanced Practice
13 Registered Nurse Licensure Act in order to (a) provide for the
14 health, safety, and welfare of the citizens, (b) ensure that
15 advanced practice registered nurses serving the public meet minimum
16 standards of proficiency and competency, (c) control the profession
17 in the interest of consumer protection, (d) regulate the scope of
18 advanced practice nursing, (e) recommend disciplinary actions as
19 provided in this section, and (f) enforce licensure requirements;

20 (4) Recommend disciplinary action relating to licenses of
21 advanced practice registered nurses, ~~and certificates of~~ certified
22 nurse midwives, certified registered nurse anesthetists, clinical
23 nurse specialists, and nurse practitioners;

24 (5) Engage in other activities not inconsistent with the
25 Advanced Practice Registered Nurse Licensure Act, the Certified
26 Registered Nurse Anesthetist Act, the Clinical Nurse Specialist
27 Practice Act, the Nebraska Certified Nurse Midwifery Practice Act,

1 and the Nurse Practitioner Act; and

2 (6) Approve rules and regulations to implement the
3 Advanced Practice Registered Nurse Licensure Act, the Certified
4 Registered Nurse Anesthetist Act, the Clinical Nurse Specialist
5 Practice Act, the Nebraska Certified Nurse Midwifery Practice Act,
6 and the Nurse Practitioner Act, for adoption and promulgation by
7 the department. Such rules and regulations shall include: (a)
8 Approved certification organizations and approved certification
9 programs; (b) continuing competency requirements. The requirements
10 may include, but not be limited to, continuing education,
11 continuing practice, national recertification, a reentry program,
12 peer review including patient outcomes, examination, or other
13 continuing competency activities listed in section 71-161.09; (c)
14 grounds for discipline; (d) issuance, renewal, and reinstatement of
15 licenses; ~~and certificates;~~ (e) fees; (f) professional liability
16 insurance; and (g) conflict of interest for board members.

17 Sec. 38. Section 71-17,137, Revised Statutes Cumulative
18 Supplement, 2006, is amended to read:

19 71-17,137 (1) An applicant for initial licensure as an
20 advanced practice registered nurse shall:

21 (a) Be licensed as a registered nurse under the Nurse
22 Practice Act or have authority based on the Nurse Licensure Compact
23 to practice as a registered nurse in Nebraska;

24 (b) Be a graduate of or have completed a graduate-level
25 advanced practice registered nurse program in a clinical specialty
26 area of certified registered nurse anesthetist, clinical nurse
27 specialist, certified nurse midwife, or nurse practitioner, which

1 program is accredited by a national accrediting body;

2 (c) Be certified as a certified registered nurse
3 anesthetist, a clinical nurse specialist, a certified nurse
4 midwife, or a nurse practitioner, by an approved certifying body
5 or an alternative method of competency assessment approved by the
6 board, pursuant to the Certified Registered Nurse Anesthetist Act,
7 the Clinical Nurse Specialist Practice Act, the Nebraska Certified
8 Nurse Midwifery Practice Act, or the Nurse Practitioner Act, as
9 appropriate to the applicant's educational preparation;

10 (d) Submit a completed written application to the
11 department which includes the applicant's social security number
12 and appropriate fees established and collected as provided in
13 section 71-162;

14 (e) Provide evidence as required by rules and regulations
15 approved by the board and adopted and promulgated by the
16 department; and

17 (f) Have committed no acts or omissions which are grounds
18 for disciplinary action in another jurisdiction or, if such acts
19 have been committed and would be grounds for discipline under the
20 Nurse Practice Act, the board has found after investigation that
21 sufficient restitution has been made.

22 ~~(2)(a) Except as provided in subdivisions (b) through (d)~~
23 ~~of this subsection, the~~ (2) The department may issue a license
24 by endorsement under this section to an applicant who holds a
25 license from another jurisdiction if the licensure requirements
26 of such other jurisdiction meet or exceed the requirements for
27 licensure as an advanced practice registered nurse under the

1 Advanced Practice Registered Nurse Licensure Act. ~~(b)~~ The department
2 may issue a license as an advanced practice registered nurse by
3 endorsement to an applicant who holds a credential equivalent
4 to a nurse practitioner issued by another jurisdiction if such
5 applicant holds a certificate or degree described in subdivision
6 ~~(3)~~ of section 71-1717. ~~(c)~~ The department may issue a license as an
7 advanced practice registered nurse by endorsement to an applicant
8 who holds a credential equivalent to a certified registered nurse
9 anesthetist issued by another jurisdiction if such applicant meets
10 the requirements of subdivision ~~(4)~~ of section 71-1730 as such
11 subdivision existed on December 31, 1998. ~~(d)~~ The department may
12 issue a license as an advanced practice registered nurse by
13 endorsement to an applicant who holds a credential equivalent
14 to a certified nurse midwife issued by another jurisdiction
15 if such applicant meets the requirements of subsection ~~(1)~~ of
16 section 71-1755 as such subsection existed immediately before
17 July 1, 2007. ~~(e)~~ An applicant under this subsection shall submit
18 a completed application to the department which includes the
19 applicant's social security number, fees established and collected
20 as provided in section 71-162, and other evidence as required
21 by rules and regulations approved by the board and adopted and
22 promulgated by the department.

23 (3) A person licensed as an advanced practice registered
24 nurse or certified as a certified registered nurse anesthetist or
25 a certified nurse midwife in this state on July 1, 2007, shall
26 be issued a license by the department as an advanced practice
27 registered nurse on such date.

1 (4) A person licensed as an advanced practice registered
2 nurse in this state may use the title advanced practice registered
3 nurse and the abbreviation APRN.

4 Sec. 39. Section 71-17,138, Revised Statutes Cumulative
5 Supplement, 2006, is amended to read:

6 71-17,138 (1) The license of each person licensed under
7 the Advanced Practice Registered Nurse Licensure Act shall be
8 renewed at the same time and in the same manner as renewal
9 of his or her certificate described in subdivision (c) of this
10 ~~subsection.~~ Renewal of such a license for a registered nurse
11 and shall require that the applicant have (a) a license as a
12 registered nurse issued by the state or have the authority based
13 on the Nurse Licensure Compact to practice as a registered nurse
14 in Nebraska, (b) documentation of continuing competency, either
15 by reference, peer review, examination, or one or more of the
16 continuing competency activities listed in section 71-161.09, as
17 established by the board in rules and regulations approved by the
18 board and adopted and promulgated by the department, and (c) a
19 ~~certificate issued~~ met any specific requirements for renewal under
20 the Certified Registered Nurse Anesthetist Act, the Clinical Nurse
21 Specialist Practice Act, the Nebraska Certified Nurse Midwifery
22 Practice Act, or the Nurse Practitioner Act, as applicable.

23 (2) The department shall establish and collect fees for
24 renewal as provided in section 71-162.

25 Sec. 40. Section 71-17,139, Revised Statutes Cumulative
26 Supplement, 2006, is amended to read:

27 71-17,139 A license issued under the Advanced Practice

1 Registered Nurse Licensure Act to practice as a certified nurse
2 midwife, a certified registered nurse anesthetist, a clinical
3 nurse specialist, or a nurse practitioner may be denied, refused
4 renewal, revoked, suspended, or disciplined in any other manner
5 for any violation of the act, for physical or mental disability
6 or incapacity, for gross incompetence, or for any reason for which
7 a license issued under the Nurse Practice Act may be denied,
8 refused renewal, revoked, suspended, or disciplined. The methods
9 and procedures provided in the Nurse Practice Act for opportunity
10 for hearing, notice of hearing, presentation of evidence, conduct
11 of a hearing, reinstatement, and related matters shall apply to
12 disciplinary actions under this section. A decision to deny, refuse
13 renewal of, revoke, suspend, or discipline a license as an advanced
14 practice registered nurse may be appealed, and the appeal shall be
15 in accordance with the Administrative Procedure Act.

16 Sec. 41. Section 71-17,140, Revised Statutes Cumulative
17 Supplement, 2006, is amended to read:

18 71-17,140 (1) An advanced practice registered nurse's
19 license lapses if he or she ~~(a) does not have a current renew his~~
20 or her license to practice as a registered nurse or has had his
21 ~~or her license to practice as a registered nurse denied, refused~~
22 ~~renewal, suspended, or revoked or (b) renews his or her license~~
23 ~~to practice as a registered nurse but does not renew his or her~~
24 ~~advanced practice registered nurse's license. is not authorized~~
25 to practice as a registered nurse in this state under the Nurse
26 Licensure Compact.

27 (2) When an advanced practice registered nurse's license

1 lapses, the right of the person whose license has lapsed to
2 represent himself or herself as an advanced practice registered
3 nurse and to practice the activities for which a license is
4 required terminates. To restore the license to active status, the
5 person shall meet the requirements for renewal which are in effect
6 at the time that he or she wishes to restore the license and shall
7 pay the renewal fee and the late fee established and collected as
8 provided in section 71-162.

9 Sec. 47. Sections 1, 47, 48, and 52 of this act become
10 operative on their effective date. Sections 5, 6, 7, 8, 9, 10, 11,
11 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28,
12 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 50, and 51 of
13 this act become operative on July 1, 2007. The other sections of
14 this act become operative three calendar months after adjournment
15 of this legislative session.

16 Sec. 50. Original sections 71-1734, 71-1748, 71-1752,
17 71-1756, 71-1764, and 71-1765, Reissue Revised Statutes of
18 Nebraska, and sections 71-1707, 71-1722, 71-1723, 71-1723.01,
19 71-1723.02, 71-1724, 71-1724.01, 71-1726.01, 71-1726.02, 71-1729,
20 71-1730, 71-1731, 71-1735, 71-1737, 71-1749, 71-1755, 71-1757,
21 71-17,118, 71-17,119, 71-17,121, 71-17,122, 71-17,123, 71-17,124,
22 71-17,128, 71-17,129, 71-17,134, 71-17,135, 71-17,137, 71-17,138,
23 71-17,139, and 71-17,140, Revised Statutes Cumulative Supplement,
24 2006, are repealed.

25 Sec. 51. The following sections are outright repealed:
26 Sections 71-1724.02, 71-1725, 71-1725.01, 71-1726, 71-1736.01,
27 71-1736.02, 71-1736.03, 71-1758, 71-1761, 71-1762, 71-17,125,

- 1 71-17,126, and 71-17,127, Revised Statutes Cumulative Supplement,
- 2 2006.
- 3 2. Renumber the remaining sections accordingly.