

LEGISLATURE OF NEBRASKA  
ONE HUNDREDTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 385**

Introduced by Johnson, 37

Read first time January 16, 2007

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to advanced practice registered nurses;  
2 to amend sections 71-1734, 71-1748, 71-1752, 71-1756,  
3 71-1764, and 71-1765, Reissue Revised Statutes of  
4 Nebraska, and sections 71-1707, 71-1722, 71-1723,  
5 71-1723.01, 71-1723.02, 71-1724, 71-1724.01, 71-1726.01,  
6 71-1726.02, 71-1729, 71-1730, 71-1731, 71-1735, 71-1737,  
7 71-1749, 71-1755, 71-1757, 71-17,118, 71-17,119,  
8 71-17,121, 71-17,122, 71-17,123, 71-17,124, 71-17,128,  
9 71-17,129, 71-17,134, 71-17,135, 71-17,137, 71-17,138,  
10 71-17,139, and 71-17,140, Revised Statutes Cumulative  
11 Supplement, 2006; to change licensure provisions for  
12 certified nurse midwives, certified registered nurse  
13 anesthetists, clinical nurse specialists, and nurse  
14 practitioners; to eliminate provisions relating to

1 certificates; to harmonize provisions; to provide an  
2 operative date; to repeal the original sections; to  
3 outright repeal sections 71-1724.02, 71-1725, 71-1725.01,  
4 71-1726, 71-1736.01, 71-1736.02, 71-1736.03, 71-1758,  
5 71-1761, 71-1762, 71-17,125, 71-17,126, and 71-17,127,  
6 Revised Statutes Cumulative Supplement, 2006; and to  
7 declare an emergency.

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

1           Section 1. Section 71-1707, Revised Statutes Cumulative  
2 Supplement, 2006, is amended to read:

3           71-1707 Nurse practitioner means a registered nurse ~~who~~  
4 ~~meets the requirements established~~ certified as described in  
5 ~~section 71-1722 and who holds a certificate issued under the Nurse~~  
6 ~~Practitioner Act.~~ licensed under the Advanced Practice Registered  
7 Nurse Licensure Act to practice as a nurse practitioner.

8           Sec. 2. Section 71-1722, Revised Statutes Cumulative  
9 Supplement, 2006, is amended to read:

10           71-1722 ~~Requirements for certification~~ (1) An applicant  
11 for licensure under the Advanced Practice Registered Nurse  
12 Licensure Act to practice as a nurse practitioner shall be the  
13 ~~following:~~ have:

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

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

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

21           ~~(4)~~ (b) Evidence of having successfully completed a  
22 graduate-level program in the clinical specialty area of nurse  
23 practitioner practice, which program is accredited by a national  
24 accrediting body;

25           ~~(5)~~ (c) Evidence of having successfully completed thirty

1 contact hours of education in pharmacotherapeutics; and

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

9 ~~(7) (2)~~ (2) If more than five years have elapsed since  
10 the completion of the nurse practitioner program or since the  
11 applicant has practiced in the specific nurse practitioner role,  
12 the applicant shall meet the requirements in ~~subdivisions (1)~~  
13 ~~through (6)~~ subsection (1) of this section and provide evidence of  
14 continuing competency as required by the board pursuant to section  
15 71-17,135.

16 Sec. 3. Section 71-1723, Revised Statutes Cumulative  
17 Supplement, 2006, is amended to read:

18 71-1723 Anyone fulfilling the requirements listed in  
19 section 71-1722 shall be issued a ~~certificate~~ license as an  
20 advanced practice registered nurse to practice as a nurse  
21 practitioner by the department.

22 Sec. 4. Section 71-1723.01, Revised Statutes Cumulative  
23 Supplement, 2006, is amended to read:

24 71-1723.01 A person licensed as an advanced practice  
25 registered nurse in this state on July 1, 2007, shall be issued

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

8 Sec. 5. Section 71-1723.02, Revised Statutes Cumulative  
9 Supplement, 2006, is amended to read:

10 71-1723.02 (1) A Prior to commencing practice as a nurse  
11 practitioner, an individual (a) who has a master's degree or  
12 doctorate degree in nursing and has completed an approved nurse  
13 practitioner program, (b) who can demonstrate separate course  
14 work in pharmacotherapeutics, advanced health assessment, and  
15 pathophysiology or psychopathology, and (c) who has completed a  
16 minimum of two thousand hours of practice under the supervision  
17 of a physician, shall ~~(i)~~ submit to the department an integrated  
18 practice agreement with a collaborating physician and ~~(ii)~~ shall  
19 furnish proof of professional liability insurance required under  
20 section 71-1723.04 prior to commencing practice.

21 (2) A nurse practitioner who needs to obtain the two  
22 thousand hours of supervised practice required under subdivision  
23 (1)(c) of this section shall (a) submit to the department  
24 one or more integrated practice agreements with a collaborating  
25 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. 6. 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

1 eighty hours of practice as a nurse practitioner within the  
 2 five years immediately preceding renewal. These practice hours  
 3 shall fulfill the requirements of the practice hours required for  
 4 registered nurse renewal. Practice hours as an advanced practice  
 5 registered nurse prior to July 1, 2007, shall be used to fulfill  
 6 the requirements of this section; and

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

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

12 Sec. 7. Section 71-1724.01, Revised Statutes Cumulative  
 13 Supplement, 2006, is amended to read:

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

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

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

24 (3) To applicants for purposes of a reentry program or  
 25 supervised practice as part of continuing competency activities

1 established by the board pursuant to section 71-17,135.

2 A temporary license issued pursuant to this section may  
3 be extended for up to one year with the approval of the board. An  
4 individual holding a temporary permit as a nurse practitioner on  
5 the operative date of this act shall be deemed to be holding a  
6 temporary license under this section on such date. The permitholder  
7 may continue to practice under such temporary permit as a temporary  
8 license until it would have expired under its terms.

9 Sec. 8. Section 71-1726.01, Revised Statutes Cumulative  
10 Supplement, 2006, is amended to read:

11 71-1726.01 The Nurse Practitioner Act does not prohibit  
12 the performance of activities of a nurse practitioner by an  
13 unlicensed person if performed:

14 (1) In an emergency situation;

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

18 (3) By a person enrolled in an approved nurse  
19 practitioner program for the preparation of nurse practitioners as  
20 part of that approved program; and

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

23 Sec. 9. Section 71-1726.02, Revised Statutes Cumulative  
24 Supplement, 2006, is amended to read:

25 71-1726.02 Any person, corporation, association, or other

1 entity engaging in any of the following activities is guilty of a  
2 Class IV felony:

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

5 (2) Employing or offering to employ any person as a nurse  
6 practitioner, knowing that such person is not ~~certified~~ licensed as  
7 such by the department;

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

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

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

18 71-1729 For purposes of the Certified Registered Nurse  
19 Anesthetist Act, unless the context otherwise requires:

20 (1) Board means the Board of Advanced Practice Registered  
21 Nurses;

22 (2) Certified registered nurse anesthetist means a  
23 licensed registered nurse holding a ~~certificate~~ issued under the  
24 ~~act,~~ certified by a board-approved certifying body and licensed  
25 under the Advanced Practice Registered Nurse Licensure Act to

1 practice as a certified registered nurse anesthetist in the State  
2 of Nebraska;

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

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

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

25 Sec. 11. Section 71-1730, Revised Statutes Cumulative

1 Supplement, 2006, is amended to read:

2           71-1730 ~~In order to obtain a certificate from the~~  
3 ~~department~~ (1) An applicant for a license under the Advanced  
4 Practice Registered Nurse Licensure Act to practice as a certified  
5 registered nurse anesthetist ~~an applicant~~ shall:

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

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

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

13           ~~(4)~~ (b) Submit evidence of successful completion of a  
14 course of study in anesthesia in a school of nurse anesthesia  
15 accredited or approved by or under the auspices of the department  
16 or the Council on Accreditation of Nurse Anesthesia and Educational  
17 Programs; and

18           ~~(5)~~ Take and successfully pass a certifying examination  
19 approved by the department after prior approval of such examination  
20 by the board. Such examination may include ~~(a)~~ the National  
21 Qualifying Examination for Certified Registered Nurse Anesthetists  
22 or ~~(b)~~ any other approved recognized national qualifying  
23 examination for nurse anesthetists.

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

1           (2) If more than five years have elapsed since the  
2 applicant completed the nurse anesthetist program or since the  
3 applicant has practiced as a nurse anesthetist, he or she shall  
4 meet the requirements of ~~subdivisions (1) through (5)~~ subsection  
5 (1) of this section and shall provide evidence of continuing  
6 competency as determined by the board, including, but not limited  
7 to, a reentry program, supervised practice, examination, or one  
8 or more of the continuing competency activities listed in section  
9 71-161.09.

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

13           Sec. 12. Section 71-1731, Revised Statutes Cumulative  
14 Supplement, 2006, is amended to read:

15           71-1731 The department may, with the ~~prior~~ approval  
16 of the board, ~~may~~ grant a temporary ~~certification~~ license in  
17 the practice of anesthesia for a period of ~~not to exceed one~~  
18 ~~year and under such conditions as the board with the approval~~  
19 ~~of the department determines for~~ up to one hundred twenty days  
20 upon application (1) to graduates of an accredited school of  
21 nurse anesthesia. ~~The permit may be issued upon application~~  
22 ~~by the graduate for~~ pending results of the first certifying  
23 examination following his ~~or her~~ graduation and shall be valid  
24 ~~pending the results of such examination. Temporary certification~~  
25 ~~may also be granted for a period not to exceed one year~~ (2) to

1 registered nurse anesthetists currently licensed in another state  
2 pending completion of the application for a Nebraska certification-  
3 license. A temporary ~~permit~~ license issued pursuant to this section  
4 may be extended at the discretion of the board with the approval  
5 of the department. An individual holding a temporary permit as  
6 a registered nurse anesthetist on the operative date of this act  
7 shall be deemed to be holding a temporary license under this  
8 section on such date. The permitholder may continue to practice  
9 under such temporary permit as a temporary license until it would  
10 have expired under its terms.

11           Sec. 13. Section 71-1734, Reissue Revised Statutes of  
12 Nebraska, is amended to read:

13           71-1734 (1) The determination and administration of  
14 total anesthesia care shall be performed by the certified  
15 registered nurse anesthetist or a nurse anesthetist temporarily  
16 ~~certified~~ licensed pursuant to section 71-1731 in consultation  
17 and collaboration with and with the consent of the licensed  
18 practitioner.

19           (2) The following duties and functions shall be  
20 considered as specific expanded role functions of the certified  
21 registered nurse anesthetist:

22           (a) Preanesthesia evaluation including physiological  
23 studies to determine proper anesthetic management and obtaining  
24 informed consent;

25           (b) Selection and application of appropriate monitoring

1 devices;

2 (c) Selection and administration of anesthetic  
3 techniques;

4 (d) Evaluation and direction of proper postanesthesia  
5 management and dismissal from postanesthesia care; and

6 (e) Evaluation and recording of postanesthesia course of  
7 patients.

8 (3) The determination of other duties that are  
9 normally considered medically delegated duties to the certified  
10 registered nurse anesthetist or to a nurse anesthetist temporarily  
11 ~~certified~~ licensed pursuant to section 71-1731 shall be the joint  
12 responsibility of the governing board of the hospital, medical  
13 staff, and nurse anesthetist personnel of any duly licensed  
14 hospital or, if in an office or clinic, the joint responsibility  
15 of the duly licensed practitioner and nurse anesthetist. All such  
16 duties, except in cases of emergency, shall be in writing in the  
17 form prescribed by hospital or office policy.

18 Sec. 14. Section 71-1735, Revised Statutes Cumulative  
19 Supplement, 2006, is amended to read:

20 71-1735 ~~The procedure for biennial certification renewal~~  
21 ~~as a certified registered nurse anesthetist shall be at the same~~  
22 ~~time and in the same manner as renewal of a license as a registered~~  
23 ~~nurse and shall require:~~

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

1 ~~practice as a registered nurse in Nebraska;~~

2           ~~(2) Documentation of continuing competency as required~~  
3 ~~by the board in rules and regulations approved by the board and~~  
4 ~~adopted and promulgated by the department. Continuing education~~  
5 ~~is sufficient to meet continuing competency requirements. The~~  
6 ~~requirements may also include, but not be limited to, one or~~  
7 ~~more of the continuing competency activities listed in section~~  
8 ~~71-161.09 which a person may select as an alternative to continuing~~  
9 ~~education; and~~

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

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

15           Sec. 15. Section 71-1737, Revised Statutes Cumulative  
16 Supplement, 2006, is amended to read:

17           71-1737 Notwithstanding the provisions of any other  
18 statute, any person, corporation, association, or other entity  
19 who engages in any of the following activities shall be guilty of a  
20 Class IV felony:

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

24           (2) Knowingly employing or offering to employ any person  
25 as a certified registered nurse anesthetist when knowing that such

1 person is not ~~certified~~ licensed as such by the department with the  
2 approval of the board;

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

6 (4) Using in connection with his or her name the title  
7 certified registered nurse anesthetist, the abbreviation C.R.N.A.,  
8 or any other designation tending to imply that he or she is a  
9 certified registered nurse anesthetist, ~~certified~~ licensed by the  
10 department with the approval of the board pursuant to the Certified  
11 Registered Nurse Anesthetist Act, when such person is not actually  
12 a certified registered nurse anesthetist.

13 Sec. 16. Section 71-1748, Reissue Revised Statutes of  
14 Nebraska, is amended to read:

15 71-1748 Certified nurse midwife shall mean a person  
16 certified ~~under the Nebraska Certified Nurse Midwifery Practice~~ by  
17 a board-approved certifying body and licensed under the Advanced  
18 Practice Registered Nurse Licensure Act to practice certified nurse  
19 midwifery in the State of Nebraska. Nothing in the ~~aet~~ Nebraska  
20 Certified Nurse Midwifery Practice Act is intended to restrict the  
21 practice of registered nurses.

22 Sec. 17. Section 71-1749, Revised Statutes Cumulative  
23 Supplement, 2006, is amended to read:

24 71-1749 Approved certified nurse midwifery education  
25 program shall mean a certified nurse midwifery education program

1 approved by the board. The board may ~~allow~~ require such program to  
2 be accredited by the American College of Nurse-Midwives.

3 Sec. 18. Section 71-1752, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5 71-1752 ~~The certificate to practice certified nurse~~  
6 ~~midwifery shall authorize the holder,~~ A certified nurse midwife  
7 may, under the provisions of a practice agreement, ~~to~~ (1) attend  
8 cases of normal childbirth, (2) provide prenatal, intrapartum, and  
9 postpartum care, (3) provide normal obstetrical and gynecological  
10 services for women, and (4) provide care for the newborn  
11 immediately following birth. The conditions under which a certified  
12 nurse midwife ~~shall~~ is required to refer cases to a collaborating  
13 licensed practitioner shall be specified in the practice agreement.

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

16 71-1755 (1) An applicant for ~~certification as a~~ licensure  
17 under the Advanced Practice Registered Nurse Licensure Act to  
18 practice as a certified nurse midwife shall submit to the board a  
19 ~~written application, which includes the applicant's social security~~  
20 ~~number,~~ and such evidence as the board ~~shall require~~ requires  
21 showing that the applicant is currently licensed as a registered  
22 nurse by the state or has the authority based on the Nurse  
23 Licensure Compact to practice as a registered nurse in Nebraska,  
24 has successfully completed an approved certified nurse midwifery  
25 education program, and ~~has passed a nationally recognized nurse~~

1 ~~midwifery examination adopted by the board-~~ is certified as a nurse  
2 midwife by a board-approved certifying body.

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

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

21 (4) If more than five years have elapsed since the  
22 completion of the nurse midwifery program or since the applicant  
23 has practiced as a nurse midwife, the applicant shall meet the  
24 requirements in subsection (1) of this section and provide evidence  
25 of continuing competency, as may be determined by the board, either

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

4 Sec. 20. Section 71-1756, Reissue Revised Statutes of  
5 Nebraska, is amended to read:

6 71-1756 Any person who holds a ~~certificate~~ license to  
7 practice nurse midwifery in this state shall have the right to  
8 use the title certified nurse midwife and the abbreviation CNM. No  
9 other person shall use such title or abbreviation to indicate that  
10 he or she is ~~certified under the Nebraska Certified Nurse Midwifery~~  
11 ~~Practice Act,~~ licensed under the Advanced Practice Registered Nurse  
12 Licensure Act to practice certified nurse midwifery.

13 Sec. 21. Section 71-1757, Revised Statutes Cumulative  
14 Supplement, 2006, is amended to read:

15 71-1757 ~~(1)~~ The certificate of each person certified  
16 under the Nebraska Certified Nurse Midwifery Practice Act shall be  
17 renewed at the same time and in the same manner as renewal of a  
18 license for a registered nurse. Renewal of such a certificate shall  
19 require that the applicant have ~~(a)~~ a license as a registered nurse  
20 issued by the state or the authority based on the Nurse Licensure  
21 Compact to practice as a registered nurse in Nebraska and ~~(b)~~  
22 documentation of continuing competency, either by reference, peer  
23 review, examination, or one or more of the continuing competency  
24 activities listed in section 71-161.09, as established by the board  
25 in rules and regulations approved by the board and adopted and

1 ~~promulgated by the department.~~

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

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

7 Sec. 22. Section 71-1764, Reissue Revised Statutes of  
8 Nebraska, is amended to read:

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

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

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

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

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

1 midwife.

2           Sec. 23. Section 71-1765, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

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

8           (1) In an emergency situation;

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

12           (3) By a person enrolled in an approved program for the  
13 preparation of certified nurse midwives as part of such approved  
14 program.

15           Sec. 24. Section 71-17,118, Revised Statutes Cumulative  
16 Supplement, 2006, is amended to read:

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

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

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

3                   (3) Clinical nurse specialist means a registered nurse  
4 ~~who meets the requirements of~~ certified as described in section  
5 71-17,119 and who holds a certificate issued under the Clinical  
6 Nurse Specialist Practice Act, licensed under the Advanced Practice  
7 Registered Nurse Licensure Act to practice as a clinical nurse  
8 specialist in the State of Nebraska; and

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

11                   Sec. 25. Section 71-17,119, Revised Statutes Cumulative  
12 Supplement, 2006, is amended to read:

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

19                   ~~(1) A completed application, including, but not limited~~  
20 ~~to, the applicant's social security number and such other~~  
21 ~~information as the department requires pursuant to rules and~~  
22 ~~regulations, accompanied by the fee established pursuant to section~~  
23 ~~71-17,130;~~

24                   ~~(2)~~ (1) Evidence that the applicant holds a ~~master's~~  
25 ~~degree or a doctoral~~ graduate degree in a nursing clinical

1 specialty area or has a ~~master's~~ graduate degree in nursing and has  
2 successfully completed a graduate-level clinical nurse specialist  
3 education program; and

4 ~~(3)~~ (2) Except as provided in section 71-17,121, evidence  
5 of ~~passage of a board-approved examination~~ certification issued by  
6 an approved certifying body or, when such ~~examination~~ certification  
7 is not available, an alternative method of competency assessment  
8 by any means permitted under section 71-17,124 and approved by the  
9 board.

10 Sec. 26. Section 71-17,121, Revised Statutes Cumulative  
11 Supplement, 2006, is amended to read:

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

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

23 Sec. 27. Section 71-17,122, Revised Statutes Cumulative  
24 Supplement, 2006, is amended to read:

25 71-17,122 If an applicant for initial ~~certification~~

1 licensure as a clinical nurse specialist files an application  
2 for ~~certification~~ licensure within one hundred eighty days prior  
3 to the biennial renewal date, the provisions of subsection (2) of  
4 section 71-162.04 apply.

5           Sec. 28. Section 71-17,123, Revised Statutes Cumulative  
6 Supplement, 2006, is amended to read:

7           71-17,123 All ~~certificates~~ licenses issued under the  
8 Clinical Nurse Specialist Practice Act shall expire on October 31  
9 of each even-numbered year. Biennial ~~certificate~~ renewals shall be  
10 accomplished as the department, with the concurrence of the board,  
11 establishes by rule and regulation.

12           Sec. 29. Section 71-17,124, Revised Statutes Cumulative  
13 Supplement, 2006, is amended to read:

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

24           (2) The department, with the concurrence of the board,  
25 may waive any continuing competency requirement established under

1 subsection (1) of this section for any two-year period for which a  
2 ~~eertificate holder~~ licensee submits documentation of circumstances  
3 justifying such a waiver. The department shall define such  
4 justifying circumstances in rules and regulations.

5 Sec. 30. Section 71-17,128, Revised Statutes Cumulative  
6 Supplement, 2006, is amended to read:

7 71-17,128 The Clinical Nurse Specialist Practice Act does  
8 not prohibit the performance of the professional activities of a  
9 clinical nurse specialist by a person not holding a ~~eertificate~~  
10 license issued under the act if performed:

11 (1) In an emergency situation;

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

15 (3) By a person enrolled in an approved clinical nurse  
16 specialist program for the education of clinical nurse specialists  
17 as part of that approved program.

18 Sec. 31. Section 71-17,129, Revised Statutes Cumulative  
19 Supplement, 2006, is amended to read:

20 71-17,129 Any person committing any of the following acts  
21 is guilty of a Class IV felony:

22 (1) Practicing as a clinical nurse specialist without  
23 a ~~eertificate~~ license issued under the Clinical Nurse Specialist  
24 Practice Act except as provided in section 71-17,128;

25 (2) Knowingly employing or offering to employ any person

1 as a clinical nurse specialist who does not hold a ~~certificate~~  
2 license issued under the act;

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

6 (4) Holding himself or herself out as a clinical nurse  
7 specialist or using the abbreviation CNS or any other designation  
8 tending to imply that he or she is a clinical nurse specialist  
9 holding a ~~certificate~~ license issued under the act if he or she  
10 does not hold such a ~~certificate-~~ license.

11 Sec. 32. Section 71-17,134, Revised Statutes Cumulative  
12 Supplement, 2006, is amended to read:

13 71-17,134 (1) The Board of Advanced Practice Registered  
14 Nurses is established. The purpose of the board is to (a) provide  
15 for the health, safety, and welfare of the citizens, (b) ensure  
16 that licensees serving the public meet minimum standards of  
17 proficiency and competency, and (c) control the profession in  
18 the interest of consumer protection.

19 (2)(a) Until July 1, 2007, the board shall consist of  
20 (i) five advanced practice registered nurses representing different  
21 advanced practice registered nurse specialties for which a license  
22 has been issued, (ii) five physicians licensed under the Uniform  
23 Licensing Law to practice medicine in Nebraska, at least three  
24 of whom shall have a current collaborating relationship with an  
25 advanced practice registered nurse, (iii) three consumer members,

1 and (iv) one licensed pharmacist.

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

4 (i) One nurse practitioner holding a ~~certificate~~ license  
5 under the Nurse Practitioner Act, one certified nurse midwife  
6 holding a ~~certificate~~ license under the Nebraska Certified Nurse  
7 Midwifery Practice Act, one certified registered nurse anesthetist  
8 holding a ~~certificate~~ license under the Certified Registered Nurse  
9 Anesthetist Act, and one clinical nurse specialist holding a  
10 ~~certificate~~ license under the Clinical Nurse Specialist Practice  
11 Act, except that the initial clinical nurse specialist appointee  
12 may be a clinical nurse specialist practicing pursuant to the Nurse  
13 Practice Act as such act existed prior to July 1, 2007. Of the  
14 initial appointments under this subdivision, one shall be for a  
15 one-year term, one shall be for a two-year term, one shall be  
16 for a three-year term, and one shall be for a four-year term.  
17 All subsequent appointments under this subdivision shall be for  
18 four-year terms;

19 (ii) Three physicians, one of whom shall have a  
20 professional relationship with a nurse practitioner, one of whom  
21 shall have a professional relationship with a certified nurse  
22 midwife, and one of whom shall have a professional relationship  
23 with a certified registered nurse anesthetist. Of the initial  
24 appointments under this subdivision, one shall be for a two-year  
25 term, one shall be for a three-year term, and one shall be for a

1 four-year term. All subsequent appointments under this subdivision  
2 shall be for four-year terms; and

3 (iii) Two public members. Of the initial appointments  
4 under this subdivision, one shall be for a three-year term, and  
5 one shall be for a four-year term. All subsequent appointments  
6 under this subdivision shall be for four-year terms. Public members  
7 of the board shall have the same qualifications as provided in  
8 subsection (1) of section 71-113.

9 (c) Members of the board serving immediately before July  
10 1, 2007, shall serve until members are appointed and qualified  
11 under subdivision (2)(b) of this section.

12 (3) The members of the board shall be appointed by the  
13 State Board of Health. Members shall be appointed for terms of  
14 four years except as otherwise provided in subdivisions (2)(b)  
15 and (c) of this section. At the expiration of the term of any  
16 member, the State Board of Health may consult with appropriate  
17 professional organizations regarding candidates for appointment to  
18 the Board of Advanced Practice Registered Nurses. Upon expiration  
19 of terms, appointments or reappointments shall be made on or  
20 before December 1 of each year. Vacancies on the Board of Advanced  
21 Practice Registered Nurses shall be filled for the unexpired term  
22 by appointments made by the State Board of Health. No member shall  
23 serve more than two consecutive terms on the Board of Advanced  
24 Practice Registered Nurses.

25 (4) The State Board of Health has power to remove from

1 office any member of the Board of Advanced Practice Registered  
2 Nurses, after a public hearing pursuant to the Administrative  
3 Procedure Act, for physical or mental incapacity to carry out  
4 the duties of a board member, for continued neglect of duty, for  
5 incompetence, for acting beyond the individual member's scope of  
6 authority, for malfeasance in office, for any cause for which a  
7 license or certificate in the member's profession involved may be  
8 suspended or revoked, for a lack of licensure or certification in  
9 the member's profession, or for other sufficient cause.

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

16 (6) The department shall adopt and promulgate rules and  
17 regulations which define conflicts of interest for members of the  
18 Board of Advanced Practice Registered Nurses and which establish  
19 procedures in case such a conflict arises.

20 Sec. 33. Section 71-17,135, Revised Statutes Cumulative  
21 Supplement, 2006, is amended to read:

22 71-17,135 The Board of Advanced Practice Registered  
23 Nurses shall:

24 (1) Establish standards for integrated practice  
25 agreements between collaborating physicians and certified nurse

1 midwives, and nurse practitioners;

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

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

13 (4) Recommend disciplinary action relating to licenses of  
14 advanced practice registered nurses, ~~and certificates of~~ certified  
15 nurse midwives, certified registered nurse anesthetists, clinical  
16 nurse specialists, and nurse practitioners;

17 (5) Engage in other activities not inconsistent with the  
18 Advanced Practice Registered Nurse Licensure Act, the Certified  
19 Registered Nurse Anesthetist Act, the Clinical Nurse Specialist  
20 Practice Act, the Nebraska Certified Nurse Midwifery Practice Act,  
21 and the Nurse Practitioner Act; and

22 (6) Approve rules and regulations to implement the  
23 Advanced Practice Registered Nurse Licensure Act, the Certified  
24 Registered Nurse Anesthetist Act, the Clinical Nurse Specialist  
25 Practice Act, the Nebraska Certified Nurse Midwifery Practice Act,

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

12           Sec. 34. Section 71-17,137, Revised Statutes Cumulative  
13 Supplement, 2006, is amended to read:

14           71-17,137 (1) An applicant for initial licensure as an  
15 advanced practice registered nurse shall:

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

19           (b) Be a graduate of or have completed a graduate-level  
20 advanced practice registered nurse program in a clinical specialty  
21 area of certified registered nurse anesthetist, clinical nurse  
22 specialist, certified nurse midwife, or nurse practitioner, which  
23 program is accredited by a national accrediting body;

24           (c) Be certified as a certified registered nurse  
25 anesthetist, a clinical nurse specialist, a certified nurse

1 midwife, or a nurse practitioner, by an approved certifying body  
2 or an alternative method of competency assessment approved by the  
3 board, pursuant to the Certified Registered Nurse Anesthetist Act,  
4 the Clinical Nurse Specialist Practice Act, the Nebraska Certified  
5 Nurse Midwifery Practice Act, or the Nurse Practitioner Act, as  
6 appropriate to the applicant's educational preparation;

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

11 (e) Provide evidence as required by rules and regulations  
12 approved by the board and adopted and promulgated by the  
13 department; and

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

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

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

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

1 registered nurse on such date.

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

5 Sec. 35. Section 71-17,138, Revised Statutes Cumulative  
6 Supplement, 2006, is amended to read:

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

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

1           Sec. 36. Section 71-17,139, Revised Statutes Cumulative  
2 Supplement, 2006, is amended to read:

3           71-17,139 A license issued under the Advanced Practice  
4 Registered Nurse Licensure Act to practice as a certified nurse  
5 midwife, a certified registered nurse anesthetist, a clinical  
6 nurse specialist, or a nurse practitioner may be denied, refused  
7 renewal, revoked, suspended, or disciplined in any other manner  
8 for any violation of the act, for physical or mental disability  
9 or incapacity, for gross incompetence, or for any reason for which  
10 a license issued under the Nurse Practice Act may be denied,  
11 refused renewal, revoked, suspended, or disciplined. The methods  
12 and procedures provided in the Nurse Practice Act for opportunity  
13 for hearing, notice of hearing, presentation of evidence, conduct  
14 of a hearing, reinstatement, and related matters shall apply to  
15 disciplinary actions under this section. A decision to deny, refuse  
16 renewal of, revoke, suspend, or discipline a license as an advanced  
17 practice registered nurse may be appealed, and the appeal shall be  
18 in accordance with the Administrative Procedure Act.

19           Sec. 37. Section 71-17,140, Revised Statutes Cumulative  
20 Supplement, 2006, is amended to read:

21           71-17,140 (1) An advanced practice registered nurse's  
22 license lapses if he or she ~~(a)~~ does not have a current ~~renew his~~  
23 or her license to practice as a registered nurse or ~~has had his~~  
24 ~~or her~~ license to practice as a registered nurse ~~denied, refused~~  
25 ~~renewal, suspended, or revoked or (b) renews his or her license~~

1 to practice as a registered nurse but does not renew his or her  
2 advanced practice registered nurse's license, is not authorized  
3 to practice as a registered nurse in this state under the Nurse  
4 Licensure Compact.

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

14 Sec. 38. This act becomes operative on July 1, 2007.

15 Sec. 39. Original sections 71-1734, 71-1748, 71-1752,  
16 71-1756, 71-1764, and 71-1765, Reissue Revised Statutes of  
17 Nebraska, and sections 71-1707, 71-1722, 71-1723, 71-1723.01,  
18 71-1723.02, 71-1724, 71-1724.01, 71-1726.01, 71-1726.02, 71-1729,  
19 71-1730, 71-1731, 71-1735, 71-1737, 71-1749, 71-1755, 71-1757,  
20 71-17,118, 71-17,119, 71-17,121, 71-17,122, 71-17,123, 71-17,124,  
21 71-17,128, 71-17,129, 71-17,134, 71-17,135, 71-17,137, 71-17,138,  
22 71-17,139, and 71-17,140, Revised Statutes Cumulative Supplement,  
23 2006, are repealed.

24 Sec. 40. The following sections are outright repealed:  
25 Sections 71-1724.02, 71-1725, 71-1725.01, 71-1726, 71-1736.01,

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1 71-1736.02, 71-1736.03, 71-1758, 71-1761, 71-1762, 71-17,125,  
2 71-17,126, and 71-17,127, Revised Statutes Cumulative Supplement,  
3 2006.

4           Sec. 41. Since an emergency exists, this act takes effect  
5 when passed and approved according to law.