

AMENDMENTS TO LB 195

Introduced by Cook, 13.

1 1. Insert the following new sections:

2 Section 1. Section 38-2315, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 38-2315 (1) A nurse practitioner may provide health
5 care services within specialty areas. A nurse practitioner shall
6 function by establishing collaborative, consultative, and referral
7 networks as appropriate with other health care professionals.
8 Patients who require care beyond the scope of practice of a
9 nurse practitioner shall be referred to an appropriate health care
10 provider.

11 (2) Nurse practitioner practice means health promotion,
12 health supervision, illness prevention and diagnosis, treatment,
13 and management of common health problems and chronic conditions,
14 including:

15 (a) Assessing patients, ordering diagnostic tests and
16 therapeutic treatments, synthesizing and analyzing data, and
17 applying advanced nursing principles;

18 (b) Dispensing, incident to practice only, sample
19 medications which are provided by the manufacturer and are
20 provided at no charge to the patient and drugs for the treatment
21 and prevention of tuberculosis which are provided through the
22 department and are dispensed at no charge to the patient; and

23 (c) Prescribing therapeutic measures and medications

1 relating to health conditions within the scope of practice. Any
2 limitation on the prescribing authority of the nurse practitioner
3 for controlled substances listed in Schedule II of section 28-405
4 shall be recorded in the integrated practice agreement established
5 pursuant to section 38-2310.

6 (3) A nurse practitioner who has proof of a current
7 certification from an approved certification program in a
8 psychiatric or mental health specialty may manage the care of
9 patients committed under the Nebraska Mental Health Commitment
10 Act. Patients who require care beyond the scope of practice of a
11 nurse practitioner who has proof of a current certification from an
12 approved certification program in a psychiatric or mental health
13 specialty shall be referred to an appropriate health care provider.

14 Sec. 2. Section 38-2850, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 38-2850 As authorized by the Uniform Credentialing Act,
17 the practice of pharmacy may be engaged in by a pharmacist, a
18 pharmacist intern, or a practitioner with a pharmacy license. The
19 practice of pharmacy shall not be construed to include:

20 (1) Persons who sell, offer, or expose for sale
21 completely denatured alcohol or concentrated lye, insecticides, and
22 fungicides in original packages;

23 (2) Practitioners, other than veterinarians, certified
24 nurse midwives, certified registered nurse anesthetists, and nurse
25 practitioners, who dispense drugs or devices as an incident to
26 the practice of their profession, except that if such practitioner
27 regularly engages in dispensing such drugs or devices to his or

1 her patients for which such patients are charged, such practitioner
2 shall obtain a pharmacy license;

3 (3) Persons who sell, offer, or expose for sale
4 nonprescription drugs or proprietary medicines, the sale of which
5 is not in itself a violation of the Nebraska Liquor Control Act;

6 (4) Medical representatives, detail persons, or persons
7 known by some name of like import, but only to the extent of
8 permitting the relating of pharmaceutical information to health
9 care professionals;

10 (5) Licensed veterinarians practicing within the scope of
11 their profession;

12 (6) Certified nurse midwives, certified registered
13 nurse anesthetists, and nurse practitioners who dispense sample
14 medications which are provided by the manufacturer and are
15 dispensed at no charge to the patient;

16 (7) Nurse practitioners who dispense drugs for the
17 treatment and prevention of tuberculosis which are provided through
18 the department and are dispensed at no charge to the patient with
19 proper labeling and patient counseling;

20 ~~(7)~~ (8) Hospitals engaged in the compounding and
21 dispensing of drugs and devices pursuant to chart orders for
22 persons registered as patients and within the confines of the
23 hospital, except that if a hospital engages in such compounding and
24 dispensing for persons not registered as patients and within the
25 confines of the hospital, such hospital shall obtain a pharmacy
26 license or delegated dispensing permit;

27 ~~(8)~~ (9) Optometrists who prescribe or dispense eyeglasses

1 or contact lenses to their own patients;

2 ~~(9)~~ (10) Registered nurses employed by a hospital who
3 administer pursuant to a chart order, or procure for such
4 purpose, single doses of drugs or devices from original drug
5 or device containers or properly labeled prepackaged drug or
6 device containers to persons registered as patients and within the
7 confines of the hospital;

8 ~~(10)~~ (11) Persons employed by a facility where dispensed
9 drugs and devices are delivered from a pharmacy for pickup by
10 a patient or caregiver and no dispensing or storage of drugs or
11 devices occurs; and

12 ~~(11)~~ (12) Persons who sell or purchase medical products,
13 compounds, vaccines, or serums used in the prevention or cure of
14 animal diseases and maintenance of animal health if such medical
15 products, compounds, vaccines, or serums are not sold or purchased
16 under a direct, specific, written medical order of a licensed
17 veterinarian.

18 Sec. 3. Section 71-3601, Revised Statutes Cumulative
19 Supplement, 2008, is amended to read:

20 71-3601 For purposes of the Tuberculosis Detection and
21 Prevention Act:

22 (1) Communicable tuberculosis means tuberculosis
23 manifested by a laboratory report of sputum or other body fluid
24 or excretion found to contain tubercle bacilli or by chest X-ray
25 findings interpreted as active tuberculosis by competent medical
26 authority;

27 (2) Department means the Department of Health and Human

1 Services;

2 (3) Directed health measure means any measure, whether
3 prophylactic or remedial, intended and directed to prevent, treat,
4 or limit the spread of tuberculosis;

5 ~~(3)~~ (4) Facility means a structure in which suitable
6 isolation for tuberculosis can be given and which is approved
7 by the department for the detention of recalcitrant ~~tuberculosis~~
8 tuberculous persons;

9 ~~(4)~~ (5) Local health officer means (a) the health
10 director of a local public health department as defined in section
11 71-1626 or (b) the medical advisor to the board of health of a
12 county, city, or village;

13 ~~(5)~~ (6) Recalcitrant tuberculous person means a person
14 affected with tuberculosis in an active stage who by his or her
15 conduct or mode of living endangers the health and well-being of
16 other persons, by exposing them to tuberculosis, and who refuses to
17 accept adequate treatment; and

18 ~~(6)~~ (7) State health officer means the chief medical
19 officer as described in section 81-3115.

20 Sec. 4. Section 71-3602, Revised Statutes Cumulative
21 Supplement, 2008, is amended to read:

22 71-3602 (1) When a person with communicable tuberculosis
23 violates the rules, regulations, or orders adopted and promulgated
24 by the department and is thereby conducting himself or herself
25 in such a way as to expose others to danger of infection, after
26 having been ordered by the state health officer or a local health
27 officer to comply, there are reasonable grounds to believe that

1 a person has communicable tuberculosis and the person refuses to
2 submit to the examination necessary to determine the existence of
3 communicable tuberculosis, the state health officer or local health
4 officer may order such person to submit to such examination. If
5 such person refuses to comply with such order, the state health
6 officer or a local health officer shall institute proceedings
7 for commitment, returnable to the county court of the county in
8 which the person resides or, if the person is a nonresident or
9 has no permanent residence, in the county in which the person
10 is found. Strictness of pleading is not required, and a general
11 allegation that the public health requires commitment of the person
12 is sufficient.

13 (2) When a person with communicable tuberculosis conducts
14 himself or herself in such a way as to expose another person
15 to the danger of infection, the state health officer or local
16 health officer may order such person to submit to directed health
17 measures necessary for the treatment of the person and to prevent
18 the transmission of the disease. If such person refuses to comply
19 with such order, the state health officer or a local health
20 officer shall institute proceedings for commitment, returnable to
21 the county court of the county in which the person resides or, if
22 the person is a nonresident or has no permanent residence, in the
23 county in which the person is found. Strictness of pleading is not
24 required, and a general allegation that the public health requires
25 commitment of the person is sufficient.

26 Sec. 5. Section 71-3604, Reissue Revised Statutes of
27 Nebraska, is amended to read:

1 71-3604 Upon the hearing set in the order, the person
2 named in the order shall have a right to be represented by counsel,
3 to confront and cross-examine witnesses against him or her, and to
4 have compulsory process for the securing of witnesses and evidence
5 in his or her own behalf.

6 Upon a consideration of the petition and evidence: ~~if~~

7 (1) If the court finds that there are reasonable grounds
8 to believe that the person named in the petition has communicable
9 tuberculosis and has refused to submit to an examination to
10 determine the existence of communicable tuberculosis, the court
11 shall order such person to submit to such examination. If after
12 such examination is completed it is determined that the person has
13 communicable tuberculosis, the court shall order directed health
14 measures necessary for the treatment of the person and to prevent
15 the transmission of the disease; or

16 (2) If the court finds that the person named in the
17 petition has communicable tuberculosis and conducts himself or
18 herself in such a way as to be a danger to the public health, an
19 order shall be issued committing the person named to a facility
20 and directing the sheriff to take him or her into custody and
21 deliver him or her to the facility or to submit to directed health
22 measures necessary for the treatment of the person and to prevent
23 the transmission of the disease.

24 If the court does not so find, the petition shall be
25 dismissed. The cost of transporting such person to the facility
26 shall be paid from county general funds.

27 Sec. 6. Section 71-3614, Revised Statutes Cumulative

1 Supplement, 2008, is amended to read:

2 71-3614 (1) When any person who has communicable ~~ex~~
3 ~~contagious~~ tuberculosis and who has relatives, friends, or a
4 private or public agency or organization willing to undertake the
5 obligation to support him or her or to aid in supporting him or her
6 in any other state or country, the department may furnish him or
7 her with the cost of transportation to such other state or country
8 if it finds that the interest of the State of Nebraska and the
9 welfare of such person will be promoted thereby. The expense of
10 such transportation shall be paid by the department out of funds
11 appropriated to it for the purpose of carrying out the Tuberculosis
12 Detection and Prevention Act.

13 (2) No funds appropriated to the department for the
14 purpose of carrying out the act shall be used for meeting the
15 cost of the care, maintenance, or treatment of any person who has
16 communicable ~~ex~~ ~~contagious~~ tuberculosis in a health care facility
17 on either an inpatient or an outpatient basis, or otherwise, for
18 directed health measures, or for transportation to another state
19 or country, to the extent that such cost is covered by an insurer
20 or other third-party payor or any other entity under obligation to
21 such person by contract, policy, certificate, or any other means
22 whatsoever. The department in no case shall expend any such funds
23 to the extent that any such person is able to bear the cost of
24 such care, maintenance, treatment, or transportation. To protect
25 the health and safety of the public, the department may pay, in
26 part or in whole, the cost of drugs and medical care used to
27 treat any person for or to prevent the spread of communicable

1 tuberculosis and for evaluation and diagnosis of persons who
2 have been identified as contacts of a person with communicable
3 tuberculosis. The department shall determine the ability of a
4 person to pay by consideration of the following factors: (a) The
5 person's age, (b) the number of his or her dependents and their
6 ages and physical condition, (c) the person's length of care,
7 maintenance, or treatment, (d) his or her liabilities, ~~and~~ (e) the
8 extent that such cost is covered by an insurer or other third-party
9 payor, and (f) his or her assets. Pursuant to the Administrative
10 Procedure Act, the department shall adopt and promulgate rules
11 and regulations for making the determinations required by this
12 subsection.

13 Rules, regulations, and orders in effect under this
14 section prior to July 16, 2004, shall continue to be effective
15 until revised, amended, repealed, or nullified pursuant to law.

16 2. Amend the repealer and renumber the remaining section
17 accordingly.