

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 1083

Final Reading

Introduced by Bloomfield, 17.

Read first time January 18, 2012

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to the Nurse Practice Act; to amend section
2 38-2218, Reissue Revised Statutes of Nebraska; to clarify
3 permitted practices; to repeal the original section; and
4 to declare an emergency.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 38-2218, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 38-2218 The Nurse Practice Act confers no authority to
4 practice medicine or surgery. The ~~act~~ Nurse Practice Act does not
5 prohibit:

6 (1) Home care provided by parents, foster parents,
7 family, or friends ~~so long as any if~~ such person does not represent
8 or hold himself or herself out to be a nurse or use any designation
9 in connection with his or her name which tends to imply that he or
10 she is licensed to practice under the act;

11 (2) Home care provided for compensation or gratuitously
12 by a parent, foster parent, family member, or friend if such person
13 is a licensed nurse and represents or holds himself or herself out to
14 be a nurse and uses any designation in connection with his or her
15 name which tends to imply that he or she is licensed to practice
16 under the act;

17 ~~(2)~~ (3) Christian Science nursing consistent with the
18 theology of Christian Science provided by a Christian Science nurse
19 who does not hold himself or herself out as a registered nurse or a
20 licensed practical nurse;

21 ~~(3)~~ (4) Auxiliary patient care services provided by
22 persons carrying out duties under the direction of a licensed
23 practitioner;

24 ~~(4)~~ (5) Auxiliary patient care services provided by
25 persons carrying out interventions for the support of nursing service

1 as delegated by a registered nurse or as assigned and directed by a
2 licensed practical nurse licensed under the act;

3 ~~(5)~~ (6) The gratuitous rendering of assistance by anyone
4 in the case of an emergency;

5 ~~(6)~~ (7) Nursing by any legally licensed nurse of any
6 other state whose engagement requires him or her to (a) accompany and
7 care for a patient temporarily residing in this state during the
8 period of one such engagement not to exceed six months in length, (b)
9 transport patients into, out of, or through this state provided each
10 transport does not exceed twenty-four hours, (c) provide patient care
11 during periods of transition following transport, (d) provide
12 educational programs or consultative services within this state for a
13 period not to exceed fourteen consecutive days if neither the
14 education nor the consultation includes the provision or the
15 direction of patient care, and (e) provide nursing care in the case
16 of a disaster. These exceptions do not permit a person to represent
17 or hold himself or herself out as a nurse licensed to practice in
18 this state;

19 ~~(7)~~ (8) Nursing services rendered by a student enrolled
20 in an approved program of nursing when the services are a part of the
21 student's course of study;

22 ~~(8)~~ (9) The practice of nursing by any legally licensed
23 nurse of another state who serves in the armed forces of the United
24 States or the United States Public Health Service or who is employed
25 by the United States Department of Veterans Affairs or other federal

1 agencies, if the practice is limited to that service or employment;

2 or

3 ~~(9)~~(10) The practice of nursing, if permitted by federal
4 law, as a citizen of a foreign country temporarily residing in
5 Nebraska for a period not to exceed one year for the purpose of
6 postgraduate study, certified to be such by an appropriate agency
7 satisfactory to the board.

8 Sec. 2. Original section 38-2218, Reissue Revised
9 Statutes of Nebraska, is repealed.

10 Sec. 3. Since an emergency exists, this act takes effect
11 when passed and approved according to law.