

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 1042

Introduced by Campbell, 25.

Read first time January 18, 2012

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to public health and welfare; to amend sections
2 38-2301, 38-2315, and 71-605, Reissue Revised Statutes of
3 Nebraska; to authorize nurse practitioners to sign death
4 certificates as prescribed; to provide for disciplinary
5 action; to harmonize provisions; and to repeal the
6 original sections.

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

1 Section 1. Section 38-2301, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 38-2301 Sections 38-2301 to 38-2323 and section 3 of this
4 act shall be known and may be cited as the Nurse Practitioner
5 Practice Act.

6 Sec. 2. Section 38-2315, Reissue Revised Statutes of
7 Nebraska, is amended to read:

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

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

18 (a) Assessing patients, ordering diagnostic tests and
19 therapeutic treatments, synthesizing and analyzing data, and applying
20 advanced nursing principles;

21 (b) Dispensing, incident to practice only, sample
22 medications which are provided by the manufacturer and are provided
23 at no charge to the patient; and

24 (c) Prescribing therapeutic measures and medications
25 relating to health conditions within the scope of practice. Any

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

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

13 (4) A nurse practitioner may pronounce death and may
14 complete and sign death certificates and any other forms if such acts
15 are within the scope of practice of the nurse practitioner and are
16 not otherwise prohibited by law.

17 Sec. 3. In addition to the grounds for disciplinary
18 action found in sections 38-178 and 38-179, a license to practice as
19 a nurse practitioner may be denied, refused renewal, limited,
20 revoked, or suspended or have other disciplinary measures taken
21 against it in accordance with section 38-196 when the applicant or
22 licensee fails to comply with the provisions of section 71-603.01 and
23 71-605 relating to the signing of death certificates.

24 Sec. 4. Section 71-605, Reissue Revised Statutes of
25 Nebraska, is amended to read:

1 71-605 (1) The funeral director and embalmer in charge of
2 the funeral of any person dying in the State of Nebraska shall cause
3 a certificate of death to be filled out with all the particulars
4 contained in the standard form adopted and promulgated by the
5 department. Such standard form shall include a space for veteran
6 status and the period of service in the armed forces of the United
7 States and a statement of the cause of death made by a person holding
8 a valid license as a physician, ~~or~~ physician assistant, or nurse
9 practitioner who last attended the deceased. The standard form shall
10 also include the deceased's social security number. Death and fetal
11 death certificates shall be completed by the funeral directors and
12 embalmers and physicians, ~~or~~ physician assistants, or nurse
13 practitioners for the purpose of filing with the department and
14 providing child support enforcement information pursuant to section
15 43-3340.

16 (2) The physician, ~~or~~ physician assistant, or nurse
17 practitioner shall have the responsibility and duty to complete and
18 sign in his or her own handwriting or by electronic means pursuant to
19 section 71-603.01, within twenty-four hours from the time of death,
20 that part of the certificate of death entitled medical certificate of
21 death. In the case of a death when no person licensed as a physician,
22 ~~or~~ physician assistant, or nurse practitioner was in attendance, the
23 funeral director and embalmer shall refer the case to the county
24 attorney who shall have the responsibility and duty to complete and
25 sign the death certificate in his or her own handwriting or by

1 electronic means pursuant to section 71-603.01.

2 No cause of death shall be certified in the case of the
3 sudden and unexpected death of a child between the ages of one week
4 and three years until an autopsy is performed at county expense by a
5 qualified pathologist pursuant to section 23-1824. The parents or
6 guardian shall be notified of the results of the autopsy by their
7 physician, physician assistant, nurse practitioner, community health
8 official, or county coroner within forty-eight hours. The term sudden
9 infant death syndrome shall be entered on the death certificate as
10 the principal cause of death when the term is appropriately
11 descriptive of the pathology findings and circumstances surrounding
12 the death of a child.

13 If the circumstances show it possible that death was
14 caused by neglect, violence, or any unlawful means, the case shall be
15 referred to the county attorney for investigation and certification.
16 The county attorney shall, within twenty-four hours after taking
17 charge of the case, state the cause of death as ascertained, giving
18 as far as possible the means or instrument which produced the death.
19 All death certificates shall show clearly the cause, disease, or
20 sequence of causes ending in death. If the cause of death cannot be
21 determined within the period of time stated above, the death
22 certificate shall be filed to establish the fact of death. As soon as
23 possible thereafter, and not more than six weeks later, supplemental
24 information as to the cause, disease, or sequence of causes ending in
25 death shall be filed with the department to complete the record. For

1 all certificates stated in terms that are indefinite, insufficient,
2 or unsatisfactory for classification, inquiry shall be made to the
3 person completing the certificate to secure the necessary information
4 to correct or complete the record.

5 (3) A completed death certificate shall be filed with the
6 department within five business days after the date of death. If it
7 is impossible to complete the certificate of death within five
8 business days, the funeral director and embalmer shall notify the
9 department of the reason for the delay and file the certificate as
10 soon as possible.

11 (4) Before any dead human body may be cremated, a
12 cremation permit shall first be signed by the county attorney, or by
13 his or her authorized representative as designated by the county
14 attorney in writing, of the county in which the death occurred on a
15 form prescribed and furnished by the department.

16 (5) A permit for disinterment shall be required prior to
17 disinterment of a dead human body. The permit shall be issued by the
18 department to a licensed funeral director and embalmer upon proper
19 application. The request for disinterment shall be made by the next
20 of kin of the deceased, as listed in section 38-1425, or a county
21 attorney on a form furnished by the department. The application shall
22 be signed by the funeral director and embalmer who will be directly
23 supervising the disinterment. When the disinterment occurs, the
24 funeral director and embalmer shall sign the permit giving the date
25 of disinterment and file the permit with the department within ten

1 days of the disinterment.

2 (6) When a request is made under subsection (5) of this
3 section for the disinterment of more than one dead human body, an
4 order from a court of competent jurisdiction shall be submitted to
5 the department prior to the issuance of a permit for disinterment.
6 The order shall include, but not be limited to, the number of bodies
7 to be disinterred if that number can be ascertained, the method and
8 details of transportation of the disinterred bodies, the place of
9 reinterment, and the reason for disinterment. No sexton or other
10 person in charge of a cemetery shall allow the disinterment of a body
11 without first receiving from the department a disinterment permit
12 properly completed.

13 (7) No dead human body shall be removed from the state
14 for final disposition without a transit permit issued by the funeral
15 director and embalmer having charge of the body in Nebraska, except
16 that when the death is subject to investigation, the transit permit
17 shall not be issued by the funeral director and embalmer without
18 authorization of the county attorney of the county in which the death
19 occurred. No agent of any transportation company shall allow the
20 shipment of any body without the properly completed transit permit
21 prepared in duplicate.

22 (8) The interment, disinterment, or reinterment of a dead
23 human body shall be performed under the direct supervision of a
24 licensed funeral director and embalmer, except that hospital
25 disposition may be made of the remains of a child born dead pursuant

1 to section 71-20,121.

2 (9) All transit permits issued in accordance with the law
3 of the place where the death occurred in a state other than Nebraska
4 shall be signed by the funeral director and embalmer in charge of
5 burial and forwarded to the department within five business days
6 after the interment takes place.

7 Sec. 5. Original sections 38-2301, 38-2315, and 71-605,
8 Reissue Revised Statutes of Nebraska, are repealed.