

AMENDMENTS TO LB916

Introduced by Health and Human Services

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

3 Section 1. Section 38-206, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 38-206 The board 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) Recommend disciplinary action relating to licenses
13 of advanced practice registered nurses, certified nurse
14 midwives, certified registered nurse anesthetists, clinical nurse
15 specialists, and nurse practitioners;

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

21 (5) Adopt rules and regulations to implement the Advanced
22 Practice Registered Nurse Practice Act, the Certified Nurse
23 Midwifery Practice Act, the Certified Registered Nurse Anesthetist

1 Practice Act, the Clinical Nurse Specialist Practice Act, and the
2 Nurse Practitioner Practice Act, for promulgation by the department
3 as provided in section 38-126. Such rules and regulations shall
4 also include: (a) Approved certification organizations and approved
5 certification programs; and (b) professional liability insurance.

6 Sec. 2. Section 38-2302, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 38-2302 For purposes of the Nurse Practitioner Practice
9 Act and elsewhere in the Uniform Credentialing Act, unless the
10 context otherwise requires, the definitions found in sections
11 38-2303 to 38-2314 and section 3 of this act apply.

12 Sec. 3. Section 38-2310, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 ~~38-2310 (1) Integrated practice agreement means a~~
15 ~~written agreement between a nurse practitioner and a collaborating~~
16 ~~physician in which the nurse practitioner and the collaborating~~
17 ~~physician provide for the delivery of health care through an~~
18 ~~integrated practice. The integrated practice agreement shall~~
19 ~~provide that the nurse practitioner and the collaborating physician~~
20 ~~will practice collaboratively within the framework of their~~
21 ~~respective scopes of practice. Each provider shall be responsible~~
22 ~~for his or her individual decisions in managing the health care of~~
23 ~~patients. Integrated practice includes consultation, collaboration,~~
24 ~~and referral.~~

25 ~~(2) The nurse practitioner and the collaborating~~
26 ~~physician shall have joint responsibility for patient care, based~~
27 ~~upon the scope of practice of each practitioner. The collaborating~~

1 physician shall be responsible for supervision of the nurse
2 practitioner to ensure the quality of health care provided to
3 patients.

4 ~~(3) For purposes of this section:~~

5 ~~(a) Collaborating physician means a physician or~~
6 ~~osteopathic physician licensed in Nebraska and practicing in the~~
7 ~~same geographic area and practice specialty, related specialty, or~~
8 ~~field of practice as the nurse practitioner; and~~

9 ~~(b) Supervision means the ready availability of~~
10 ~~the collaborating physician for consultation and direction of~~
11 ~~the activities of the nurse practitioner within the nurse~~
12 ~~practitioner's defined scope of practice.~~

13 Transition-to-practice agreement means a collaborative
14 agreement between a nurse practitioner and a supervising provider
15 which provides for the delivery of health care through a
16 collaborative practice and which meets the requirements of section
17 38-2322.

18 Sec. 4. Section 38-2315, Revised Statutes Supplement,
19 2013, is amended to read:

20 38-2315 (1) A nurse practitioner may provide health
21 care services within specialty areas. A nurse practitioner shall
22 function by establishing collaborative, consultative, and referral
23 networks as appropriate with other health care professionals.
24 Patients who require care beyond the scope of practice of a
25 nurse practitioner shall be referred to an appropriate health care
26 provider.

27 (2) Nurse practitioner practice means health promotion,

1 health supervision, illness prevention and diagnosis, treatment,
2 and management of common health problems and acute and chronic
3 conditions, including:

4 (a) Assessing patients, ordering diagnostic tests and
5 therapeutic treatments, synthesizing and analyzing data, and
6 applying advanced nursing principles;

7 (b) Dispensing, incident to practice only, sample
8 medications which are provided by the manufacturer and are provided
9 at no charge to the patient; and

10 (c) Prescribing therapeutic measures and medications
11 relating to health conditions within the scope of practice. ~~Any~~
12 ~~limitation on the prescribing authority of the nurse practitioner~~
13 ~~for controlled substances listed in Schedule II of section 28-405~~
14 ~~shall be recorded in the integrated practice agreement established~~
15 ~~pursuant to section 38-2310.~~

16 (3) A nurse practitioner who has proof of a current
17 certification from an approved certification program in a
18 psychiatric or mental health specialty may manage the care of
19 patients committed under the Nebraska Mental Health Commitment
20 Act. Patients who require care beyond the scope of practice of a
21 nurse practitioner who has proof of a current certification from an
22 approved certification program in a psychiatric or mental health
23 specialty shall be referred to an appropriate health care provider.

24 (4) A nurse practitioner may pronounce death and may
25 complete and sign death certificates and any other forms if such
26 acts are within the scope of practice of the nurse practitioner and
27 are not otherwise prohibited by law.

1 Sec. 5. Section 38-2322, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 38-2322 (1) ~~Prior to commencing practice~~ In order to
4 be licensed as a nurse practitioner, an individual (a) who
5 has a master's degree or doctorate degree in nursing and has
6 completed an approved nurse practitioner program, ~~(b) and~~ who can
7 demonstrate separate course work in pharmacotherapeutics, advanced
8 health assessment, and pathophysiology or psychopathology, ~~and (c)~~
9 ~~who has completed a minimum of two thousand hours of practice under~~
10 ~~the supervision of a physician,~~ shall submit to the department an
11 integrated practice agreement with a collaborating physician and
12 shall furnish proof of professional liability insurance required
13 under section 38-2320.

14 ~~(2) A nurse practitioner who needs to obtain the two~~
15 ~~thousand hours of supervised practice required under subdivision~~
16 ~~(1)(c) of this section shall (a) submit to the department~~
17 ~~one or more integrated practice agreements with a collaborating~~
18 ~~physician, (b) furnish proof of jointly approved protocols with a~~
19 ~~collaborating physician which shall guide the nurse practitioner's~~
20 ~~practice, and (c) furnish proof of professional liability insurance~~
21 ~~required under section 38-2320.~~

22 ~~(3) If, after a diligent effort to obtain an integrated~~
23 ~~practice agreement, a nurse practitioner is unable to obtain an~~
24 ~~integrated practice agreement with one physician, the board may~~
25 ~~waive the requirement of an integrated practice agreement upon a~~
26 ~~showing that the applicant (a) meets the requirements of subsection~~
27 ~~(1) of this section, (b) has made a diligent effort to obtain~~

1 an integrated practice agreement, and ~~(c)~~ will practice in a
2 geographic area where there is a shortage of health care services.

3 (2) In order to practice as a nurse practitioner in
4 this state, an individual who holds or has held a license as
5 a nurse practitioner in this state or in another state shall
6 submit to the department a transition-to-practice agreement
7 or evidence of completion of two thousand hours of practice
8 as a nurse practitioner which have been completed under a
9 transition-to-practice agreement, under a collaborative agreement,
10 under an integrated practice agreement, through independent
11 practice, or under any combination of such agreements and practice,
12 as allowed in this state or another state.

13 (3)(a) A transition-to-practice agreement shall be a
14 formal written agreement that provides that the nurse practitioner
15 and the supervising provider practice collaboratively within the
16 framework of their respective scopes of practice.

17 (b) The nurse practitioner and the supervising provider
18 shall each be responsible for his or her individual decisions
19 in managing the health care of patients through consultation,
20 collaboration, and referral. The nurse practitioner and the
21 supervising provider shall have joint responsibility for the
22 delivery of health care to a patient based upon the scope of
23 practice of the nurse practitioner and the supervising provider.

24 (c) The supervising provider shall be responsible for
25 supervision of the nurse practitioner to ensure the quality of
26 health care provided to patients.

27 (d) In order for a nurse practitioner to be a

1 supervising provider for purposes of a transition-to-practice
2 agreement, the nurse practitioner shall submit to the department
3 evidence of completion of ten thousand hours of practice
4 as a nurse practitioner which have been completed under a
5 transition-to-practice agreement, under a collaborative agreement,
6 under an integrated practice agreement, through independent
7 practice, or under any combination of such agreements or practice,
8 as allowed in this state or another state.

9 (4) For purposes of this section:

10 (a) Supervising provider means a physician, osteopathic
11 physician, or nurse practitioner licensed and practicing in
12 Nebraska and practicing in the same practice specialty, related
13 specialty, or field of practice as the nurse practitioner being
14 supervised; and

15 (b) Supervision means the ready availability of the
16 supervising provider for consultation and direction of the
17 activities of the nurse practitioner being supervised within such
18 nurse practitioner's defined scope of practice.

19 Sec. 6. Section 38-2323, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 38-2323 Nothing in the Nurse Practitioner Practice
22 Act shall prohibit a nurse practitioner from consulting or
23 collaborating with and referring patients to health care providers
24 not included in the nurse practitioner's integrated practice
25 transition-to-practice agreement.

26 Sec. 7. Original sections 38-206, 38-2302, 38-2310,
27 38-2322, and 38-2323, Reissue Revised Statutes of Nebraska, and

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MMM-02/12/2014

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1 section 38-2315, Revised Statutes Supplement, 2013, are repealed.