

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 107

FINAL READING

Introduced by Crawford, 45; Campbell, 25; Cook, 13; Groene, 42; Howard, 9; Kolterman, 24; Krist, 10; Kuehn, 38; Riepe, 12; Watermeier, 1; Pansing Brooks, 28.

Read first time January 08, 2015

Committee: Health and Human Services

1 A BILL FOR AN ACT relating to nurses; to amend sections 38-206, 38-2302,
2 38-2310, 38-2322, and 38-2323, Reissue Revised Statutes of Nebraska,
3 and sections 38-2301 and 38-2315, Revised Statutes Cumulative
4 Supplement, 2014; to eliminate requirements for integrated practice
5 agreements for nurse practitioners; to provide for transition-to-
6 practice agreements; to change provisions relating to credentialing
7 and regulation; to harmonize provisions; and to repeal the original
8 sections.

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

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

3 38-206 The board shall:

4 (1) Establish standards for integrated practice agreements between
5 collaborating physicians and certified nurse midwives, ~~and nurse~~
6 ~~practitioners;~~

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

10 (3) Recommend disciplinary action relating to licenses of advanced
11 practice registered nurses, certified nurse midwives, certified
12 registered nurse anesthetists, clinical nurse specialists, and nurse
13 practitioners;

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

19 (5) Adopt rules and regulations to implement the Advanced Practice
20 Registered Nurse Practice Act, the Certified Nurse Midwifery Practice
21 Act, the Certified Registered Nurse Anesthetist Practice Act, the
22 Clinical Nurse Specialist Practice Act, and the Nurse Practitioner
23 Practice Act, for promulgation by the department as provided in section
24 38-126. Such rules and regulations shall also include: (a) Approved
25 certification organizations and approved certification programs; and (b)
26 professional liability insurance.

27 Sec. 2. Section 38-2301, Revised Statutes Cumulative Supplement,
28 2014, is amended to read:

29 38-2301 Sections 38-2301 to 38-2324 and section 4 of this act shall
30 be known and may be cited as the Nurse Practitioner Practice Act.

31 Sec. 3. Section 38-2302, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 38-2302 For purposes of the Nurse Practitioner Practice Act and
3 elsewhere in the Uniform Credentialing Act, unless the context otherwise
4 requires, the definitions found in sections 38-2303 to 38-2314 and
5 section 4 of this act apply.

6 Sec. 4. Section 38-2310, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 ~~38-2310~~ Transition-to-practice agreement means a collaborative
9 agreement between a nurse practitioner and a supervising provider which
10 provides for the delivery of health care through a collaborative practice
11 and which meets the requirements of section 38-2322.

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

21 ~~(2) The nurse practitioner and the collaborating physician shall~~
22 ~~have joint responsibility for patient care, based upon the scope of~~
23 ~~practice of each practitioner. The collaborating physician shall be~~
24 ~~responsible for supervision of the nurse practitioner to ensure the~~
25 ~~quality of health care provided to patients.~~

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

27 ~~(a) Collaborating physician means a physician or osteopathic~~
28 ~~physician licensed in Nebraska and practicing in the same geographic area~~
29 ~~and practice specialty, related specialty, or field of practice as the~~
30 ~~nurse practitioner; and~~

31 ~~(b) Supervision means the ready availability of the collaborating~~

1 ~~physician for consultation and direction of the activities of the nurse~~
2 ~~practitioner within the nurse practitioner's defined scope of practice.~~

3 Sec. 5. Section 38-2315, Revised Statutes Cumulative Supplement,
4 2014, is amended to read:

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

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

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

17 (b) Dispensing, incident to practice only, sample medications which
18 are provided by the manufacturer and are provided at no charge to the
19 patient; and

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

25 (3) A nurse practitioner who has proof of a current certification
26 from an approved certification program in a psychiatric or mental health
27 specialty may manage the care of patients committed under the Nebraska
28 Mental Health Commitment Act. Patients who require care beyond the scope
29 of practice of a nurse practitioner who has proof of a current
30 certification from an approved certification program in a psychiatric or
31 mental health specialty shall be referred to an appropriate health care

1 provider.

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

6 Sec. 6. Section 38-2322, Reissue Revised Statutes of Nebraska, is
7 amended to read:

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

18 (2) In order to practice as a nurse practitioner in this state, an
19 individual who holds or has held a license as a nurse practitioner in
20 this state or in another state shall submit to the department a
21 transition-to-practice agreement or evidence of completion of two
22 thousand hours of practice as a nurse practitioner which have been
23 completed under a transition-to-practice agreement, under a collaborative
24 agreement, under an integrated practice agreement, through independent
25 practice, or under any combination of such agreements and practice, as
26 allowed in this state or another state.

27 (3)(a) A transition-to-practice agreement shall be a formal written
28 agreement that provides that the nurse practitioner and the supervising
29 provider practice collaboratively within the framework of their
30 respective scopes of practice.

31 (b) The nurse practitioner and the supervising provider shall each

1 be responsible for his or her individual decisions in managing the health
2 care of patients through consultation, collaboration, and referral. The
3 nurse practitioner and the supervising provider shall have joint
4 responsibility for the delivery of health care to a patient based upon
5 the scope of practice of the nurse practitioner and the supervising
6 provider.

7 (c) The supervising provider shall be responsible for supervision of
8 the nurse practitioner to ensure the quality of health care provided to
9 patients.

10 (d) In order for a nurse practitioner to be a supervising provider
11 for purposes of a transition-to-practice agreement, the nurse
12 practitioner shall submit to the department evidence of completion of ten
13 thousand hours of practice as a nurse practitioner which have been
14 completed under a transition-to-practice agreement, under a collaborative
15 agreement, under an integrated practice agreement, through independent
16 practice, or under any combination of such agreements or practice, as
17 allowed in this state or another state.

18 (4) For purposes of this section:

19 (a) Supervising provider means a physician, osteopathic physician,
20 or nurse practitioner licensed and practicing in Nebraska and practicing
21 in the same practice specialty, related specialty, or field of practice
22 as the nurse practitioner being supervised; and

23 (b) Supervision means the ready availability of the supervising
24 provider for consultation and direction of the activities of the nurse
25 practitioner being supervised within such nurse practitioner's defined
26 scope of practice.

27 ~~(2) A nurse practitioner who needs to obtain the two thousand hours~~
28 ~~of supervised practice required under subdivision (1)(c) of this section~~
29 ~~shall (a) submit to the department one or more integrated practice~~
30 ~~agreements with a collaborating physician, (b) furnish proof of jointly~~
31 ~~approved protocols with a collaborating physician which shall guide the~~

1 nurse practitioner's practice, and (c) furnish proof of professional
2 liability insurance required under section 38-2320.

3 ~~(3) If, after a diligent effort to obtain an integrated practice~~
4 ~~agreement, a nurse practitioner is unable to obtain an integrated~~
5 ~~practice agreement with one physician, the board may waive the~~
6 ~~requirement of an integrated practice agreement upon a showing that the~~
7 ~~applicant (a) meets the requirements of subsection (1) of this section,~~
8 ~~(b) has made a diligent effort to obtain an integrated practice~~
9 ~~agreement, and (c) will practice in a geographic area where there is a~~
10 ~~shortage of health care services.~~

11 Sec. 7. Section 38-2323, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 38-2323 Nothing in the Nurse Practitioner Practice Act shall
14 prohibit a nurse practitioner from consulting or collaborating with and
15 referring patients to health care providers not included in the nurse
16 practitioner's transition-to-practice ~~integrated practice~~ agreement.

17 Sec. 8. Original sections 38-206, 38-2302, 38-2310, 38-2322, and
18 38-2323, Reissue Revised Statutes of Nebraska, and sections 38-2301 and
19 38-2315, Revised Statutes Cumulative Supplement, 2014, are repealed.