

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 283

Introduced by Riepe, 12.

Read first time January 11, 2017

Committee: Health and Human Services

1 A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend
2 sections 38-101, 38-121, 38-186, 38-2201, 38-2211, and 38-2216,
3 Reissue Revised Statutes of Nebraska; to permit application of
4 intravenous therapy by licensed practical nurses as prescribed; to
5 state requirements; to eliminate the Licensed Practical Nurse-
6 Certified Practice Act; to harmonize provisions; to provide
7 operative dates; to repeal the original sections; and to outright
8 repeal sections 38-1601, 38-1602, 38-1603, 38-1604, 38-1605,
9 38-1606, 38-1607, 38-1608, 38-1609, 38-1610, 38-1611, 38-1612,
10 38-1613, 38-1614, 38-1615, 38-1616, 38-1617, 38-1618, 38-1619,
11 38-1620, 38-1621, 38-1622, 38-1623, 38-1624, and 38-1625, Reissue
12 Revised Statutes of Nebraska.
13 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 38-101, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 38-101 Sections 38-101 to 38-1,142 and the following practice acts
4 shall be known and may be cited as the Uniform Credentialing Act:

- 5 (1) The Advanced Practice Registered Nurse Practice Act;
- 6 (2) The Alcohol and Drug Counseling Practice Act;
- 7 (3) The Athletic Training Practice Act;
- 8 (4) The Audiology and Speech-Language Pathology Practice Act;
- 9 (5) The Certified Nurse Midwifery Practice Act;
- 10 (6) The Certified Registered Nurse Anesthetist Practice Act;
- 11 (7) The Chiropractic Practice Act;
- 12 (8) The Clinical Nurse Specialist Practice Act;
- 13 (9) The Cosmetology, Electrology, Esthetics, Nail Technology, and
14 Body Art Practice Act;
- 15 (10) The Dentistry Practice Act;
- 16 (11) The Emergency Medical Services Practice Act;
- 17 (12) The Environmental Health Specialists Practice Act;
- 18 (13) The Funeral Directing and Embalming Practice Act;
- 19 (14) The Genetic Counseling Practice Act;
- 20 (15) The Hearing Instrument Specialists Practice Act;
- 21 ~~(16) The Licensed Practical Nurse-Certified Practice Act;~~
- 22 ~~(16)~~ ~~(17)~~ The Massage Therapy Practice Act;
- 23 ~~(17)~~ ~~(18)~~ The Medical Nutrition Therapy Practice Act;
- 24 ~~(18)~~ ~~(19)~~ The Medical Radiography Practice Act;
- 25 ~~(19)~~ ~~(20)~~ The Medicine and Surgery Practice Act;
- 26 ~~(20)~~ ~~(21)~~ The Mental Health Practice Act;
- 27 ~~(21)~~ ~~(22)~~ The Nurse Practice Act;
- 28 ~~(22)~~ ~~(23)~~ The Nurse Practitioner Practice Act;
- 29 ~~(23)~~ ~~(24)~~ The Nursing Home Administrator Practice Act;
- 30 ~~(24)~~ ~~(25)~~ The Occupational Therapy Practice Act;
- 31 ~~(25)~~ ~~(26)~~ The Optometry Practice Act;

- 1 ~~(26)~~ ~~(27)~~ The Perfusion Practice Act;
- 2 ~~(27)~~ ~~(28)~~ The Pharmacy Practice Act;
- 3 ~~(28)~~ ~~(29)~~ The Physical Therapy Practice Act;
- 4 ~~(29)~~ ~~(30)~~ The Podiatry Practice Act;
- 5 ~~(30)~~ ~~(31)~~ The Psychology Practice Act;
- 6 ~~(31)~~ ~~(32)~~ The Respiratory Care Practice Act;
- 7 ~~(32)~~ ~~(33)~~ The Surgical First Assistant Practice Act;
- 8 ~~(33)~~ ~~(34)~~ The Veterinary Medicine and Surgery Practice Act; and
- 9 ~~(34)~~ ~~(35)~~ The Water Well Standards and Contractors' Practice Act.

10 If there is any conflict between any provision of sections 38-101 to
11 38-1,139 and 38-1,141 and any provision of a practice act, the provision
12 of the practice act shall prevail.

13 The Revisor of Statutes shall assign the Uniform Credentialing Act,
14 including the practice acts enumerated in subdivisions (1) through (33)
15 of this section, to articles within Chapter 38.

16 Sec. 2. Section 38-121, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 38-121 (1) No individual shall engage in the following practices
19 unless such individual has obtained a credential under the Uniform
20 Credentialing Act:

- 21 (a) Acupuncture;
- 22 (b) Advanced practice nursing;
- 23 (c) Alcohol and drug counseling;
- 24 (d) Asbestos abatement, inspection, project design, and training;
- 25 (e) Athletic training;
- 26 (f) Audiology;
- 27 (g) Speech-language pathology;
- 28 (h) Body art;
- 29 (i) Chiropractic;
- 30 (j) Cosmetology;
- 31 (k) Dentistry;

- 1 (l) Dental hygiene;
- 2 (m) Electrology;
- 3 (n) Emergency medical services;
- 4 (o) Esthetics;
- 5 (p) Funeral directing and embalming;
- 6 (q) Genetic counseling;
- 7 (r) Hearing instrument dispensing and fitting;
- 8 (s) Lead-based paint abatement, inspection, project design, and
- 9 training;
- 10 ~~(t) Licensed practical nurse-certified;~~
- 11 (t) ~~(u)~~ Massage therapy;
- 12 (u) ~~(v)~~ Medical nutrition therapy;
- 13 (v) ~~(w)~~ Medical radiography;
- 14 (w) ~~(x)~~ Medicine and surgery;
- 15 (x) ~~(y)~~ Mental health practice;
- 16 (y) ~~(z)~~ Nail technology;
- 17 (z) ~~(aa)~~ Nursing;
- 18 (aa) ~~(bb)~~ Nursing home administration;
- 19 (bb) ~~(cc)~~ Occupational therapy;
- 20 (cc) ~~(dd)~~ Optometry;
- 21 (dd) ~~(ee)~~ Osteopathy;
- 22 (ee) ~~(ff)~~ Perfusion;
- 23 (ff) ~~(gg)~~ Pharmacy;
- 24 (gg) ~~(hh)~~ Physical therapy;
- 25 (hh) ~~(ii)~~ Podiatry;
- 26 (ii) ~~(jj)~~ Psychology;
- 27 (jj) ~~(kk)~~ Radon detection, measurement, and mitigation;
- 28 (kk) ~~(ll)~~ Respiratory care;
- 29 (ll) ~~(mm)~~ Surgical assisting;
- 30 (mm) ~~(nn)~~ Veterinary medicine and surgery;
- 31 (nn) ~~(oo)~~ Public water system operation; and

1 ~~(oo)~~ ~~(pp)~~ Constructing or decommissioning water wells and installing
2 water well pumps and pumping equipment.

3 (2) No individual shall hold himself or herself out as any of the
4 following until such individual has obtained a credential under the
5 Uniform Credentialing Act for that purpose:

- 6 (a) Registered environmental health specialist;
- 7 (b) Certified marriage and family therapist;
- 8 (c) Certified professional counselor; or
- 9 (d) Social worker.

10 (3) No business shall operate for the provision of any of the
11 following services unless such business has obtained a credential under
12 the Uniform Credentialing Act:

- 13 (a) Body art;
- 14 (b) Cosmetology;
- 15 (c) Emergency medical services;
- 16 (d) Esthetics;
- 17 (e) Funeral directing and embalming;
- 18 (f) Massage therapy; or
- 19 (g) Nail technology.

20 Sec. 3. Section 38-186, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 38-186 (1) A petition shall be filed by the Attorney General in
23 order for the director to discipline a credential obtained under the
24 Uniform Credentialing Act to:

25 (a) Practice or represent oneself as being certified under any of
26 the practice acts enumerated in subdivisions (1) through ~~(17)~~ ~~(18)~~ and
27 ~~(19)~~ ~~(20)~~ through ~~(33)~~ ~~(32)~~ of section 38-101; or

28 (b) Operate as a business for the provision of services in body art;
29 cosmetology; emergency medical services; esthetics; funeral directing and
30 embalming; massage therapy; and nail technology in accordance with
31 subsection (3) of section 38-121.

1 (2) The petition shall be filed in the office of the director. The
2 department may withhold a petition for discipline or a final decision
3 from public access for a period of five days from the date of filing the
4 petition or the date the decision is entered or until service is made,
5 whichever is earliest.

6 (3) The proceeding shall be summary in its nature and triable as an
7 equity action and shall be heard by the director or by a hearing officer
8 designated by the director under rules and regulations of the department.
9 Affidavits may be received in evidence in the discretion of the director
10 or hearing officer. The department shall have the power to administer
11 oaths, to subpoena witnesses and compel their attendance, and to issue
12 subpoenas duces tecum and require the production of books, accounts, and
13 documents in the same manner and to the same extent as the district
14 courts of the state. Depositions may be used by either party.

15 Sec. 4. Section 38-2201, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 38-2201 Sections 38-2201 to 38-2236 and sections 6 and 8 of this act
18 shall be known and may be cited as the Nurse Practice Act.

19 Sec. 5. Section 38-2211, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 38-2211 (1) Practice of nursing by a licensed practical nurse means
22 the assumption of responsibilities and accountability for nursing
23 practice in accordance with knowledge and skills acquired through an
24 approved program of practical nursing. A licensed practical nurse may
25 function at the direction of a licensed practitioner or a registered
26 nurse.

27 (2) Such responsibilities and performances of acts must utilize
28 procedures leading to predictable outcomes and must include, but not be
29 limited to:

30 (a) Contributing to the assessment of the health status of
31 individuals and groups;

1 (b) Participating in the development and modification of a plan of
2 care;

3 (c) Implementing the appropriate aspects of the plan of care;

4 (d) Maintaining safe and effective nursing care rendered directly or
5 indirectly;

6 (e) Participating in the evaluation of response to interventions;
7 and

8 (f) Providing intravenous therapy if the licensed practical nurse
9 meets the requirements of section 6 of this act; and

10 (g) ~~(f)~~ Assigning and directing nursing interventions that may be
11 performed by others and that do not conflict with the Nurse Practice Act.

12 Sec. 6. (1) A licensed practical nurse may provide intravenous
13 therapy if he or she (a) holds a valid license issued before May 1, 2016,
14 by the department pursuant to the Licensed Practical Nurse-Certified
15 Practice Act as such act existed on such date, (b) graduates from an
16 approved program of practical nursing on or after May 1, 2016, or (c)
17 holds a valid license as a licensed practical nurse issued on or before
18 May 1, 2016, and completes, within five years after the operative date of
19 this section, (i) an eight-hour didactic course in intravenous therapy
20 which shall include, but not be limited to, peripheral intravenous lines,
21 central lines, and legal aspects of intravenous therapy and (ii) an
22 approved employer-specific intravenous therapy skills course.

23 (2) This section does not require a licensed practical nurse who
24 does not provide intravenous therapy in the course of employment to
25 complete the course described in subdivision (1)(c)(ii) of this section.

26 Sec. 7. Section 38-2216, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 38-2216 In addition to the duties listed in sections 38-126 and
29 38-161, the board shall:

30 (1) Adopt reasonable and uniform standards for nursing practice and
31 nursing education;

1 (2) If requested, issue or decline to issue advisory opinions
2 defining acts which in the opinion of the board are or are not permitted
3 in the practice of nursing. Such opinions shall be considered
4 informational only and are nonbinding. Practice-related information
5 provided by the board to registered nurses or licensed practical nurses
6 licensed under the Nurse Practice Act shall be made available by the
7 board on request to nurses practicing in this state under a license
8 issued by a state that is a party to the Nurse Licensure Compact;

9 (3) Establish rules and regulations for approving and classifying
10 programs preparing nurses, taking into consideration administrative and
11 organizational patterns, the curriculum, students, student services,
12 faculty, and instructional resources and facilities, and provide surveys
13 for each educational program as determined by the board;

14 (4) Approve educational programs which meet the requirements of the
15 Nurse Practice Act;

16 (5) Keep a record of all its proceedings and compile an annual
17 report for distribution;

18 (6) Adopt rules and regulations establishing standards for
19 delegation of nursing activities, including training or experience
20 requirements, competency determination, and nursing supervision;

21 (7) Collect data regarding nursing;

22 (8) Provide consultation and conduct conferences, forums, studies,
23 and research on nursing practice and education;

24 (9) Join organizations that develop and regulate the national
25 nursing licensure examinations and exclusively promote the improvement of
26 the legal standards of the practice of nursing for the protection of the
27 public health, safety, and welfare; and

28 ~~(10) Administer the Licensed Practical Nurse-Certified Practice Act;~~
29 ~~and~~

30 (10) ~~(11)~~ Administer the Nurse Licensure Compact. In reporting
31 information to the coordinated licensure information system under Article

1 VII of the compact, the department may disclose personal identifying
2 information about a nurse, including his or her social security number.

3 Sec. 8. On and after November 1, 2017, all licenses issued pursuant
4 to the Licensed Practical Nurse-Certified Practice Act before such date
5 shall be renewed as licenses to practice as a licensed practical nurse
6 pursuant to section 38-2221.

7 Sec. 9. Sections 1, 2, 3, 7, 10, and 12 of this act become
8 operative on November 1, 2017. The other sections of this act become
9 operative on their effective date.

10 Sec. 10. Original sections 38-101, 38-121, 38-186, and 38-2216,
11 Reissue Revised Statutes of Nebraska, are repealed.

12 Sec. 11. Original sections 38-2201 and 38-2211, Reissue Revised
13 Statutes of Nebraska, are repealed.

14 Sec. 12. The following sections are outright repealed: Sections
15 38-1601, 38-1602, 38-1603, 38-1604, 38-1605, 38-1606, 38-1607, 38-1608,
16 38-1609, 38-1610, 38-1611, 38-1612, 38-1613, 38-1614, 38-1615, 38-1616,
17 38-1617, 38-1618, 38-1619, 38-1620, 38-1621, 38-1622, 38-1623, 38-1624,
18 and 38-1625, Reissue Revised Statutes of Nebraska.