

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 979

Introduced by Crawford, 45.

Read first time January 10, 2018

Committee: Health and Human Services

- 1 A BILL FOR AN ACT relating to health occupations and professions; to
- 2 amend sections 38-2047 and 38-2315, Reissue Revised Statutes of
- 3 Nebraska; to authorize physician assistants and nurse practitioners
- 4 to render expert opinions as prescribed; and to repeal the original
- 5 sections.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 38-2047, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 38-2047 (1) A physician assistant may perform medical services that
4 (a) are delegated by and provided under the supervision of a licensed
5 physician, (b) are appropriate to the level of competence of the
6 physician assistant, (c) form a component of the supervising physician's
7 scope of practice, and (d) are not otherwise prohibited by law.

8 (2) A physician assistant shall be considered an agent of his or her
9 supervising physician in the performance of practice-related activities
10 delegated by the supervising physician, including, but not limited to,
11 ordering diagnostic, therapeutic, and other medical services.

12 (3) Each physician assistant and his or her supervising physician
13 shall be responsible to ensure that (a) the scope of practice of the
14 physician assistant is identified, (b) the delegation of medical tasks is
15 appropriate to the level of competence of the physician assistant, (c)
16 the relationship of and access to the supervising physician is defined,
17 and (d) a process for evaluation of the performance of the physician
18 assistant is established.

19 (4) A physician assistant may pronounce death and may complete and
20 sign death certificates and any other forms if such acts are within the
21 scope of practice of the physician assistant, are delegated by his or her
22 supervising physician, and are not otherwise prohibited by law.

23 (5) In order for a physician assistant to practice in a hospital,
24 (a) his or her supervising physician shall be a member of the medical
25 staff of the hospital, (b) the physician assistant shall be approved by
26 the governing board of the hospital, and (c) the physician assistant
27 shall comply with applicable hospital policies, including, but not
28 limited to, reasonable requirements that the physician assistant and the
29 supervising physician maintain professional liability insurance with such
30 coverage and limits as established by the governing board of the
31 hospital.

1 (6) For physician assistants with less than two years of experience,
2 the department, with the recommendation of the board, shall adopt and
3 promulgate rules and regulations establishing minimum requirements for
4 the personal presence of the supervising physician, stated in hours or
5 percentage of practice time, and may provide different minimum
6 requirements for the personal presence of the supervising physician based
7 on the geographic location of the supervising physician's primary and
8 other practice sites and other factors the board deems relevant.

9 (7) A physician assistant may render services in a setting
10 geographically remote from the supervising physician, except that a
11 physician assistant with less than two years of experience shall comply
12 with standards of supervision established in rules and regulations
13 adopted and promulgated under the Medicine and Surgery Practice Act. The
14 board may consider an application for waiver of the standards and may
15 waive the standards upon a showing of good cause by the supervising
16 physician. The department may adopt and promulgate rules and regulations
17 establishing minimum requirements for such waivers.

18 (8) A physician assistant may render expert opinions on matters
19 within his or her scope of practice.

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

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

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

31 (a) Assessing patients, ordering diagnostic tests and therapeutic

1 treatments, synthesizing and analyzing data, and applying advanced
2 nursing principles;

3 (b) Dispensing, incident to practice only, sample medications which
4 are provided by the manufacturer and are provided at no charge to the
5 patient; and

6 (c) Prescribing therapeutic measures and medications relating to
7 health conditions within the scope of practice.

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

16 (4) A nurse practitioner may pronounce death and may complete and
17 sign death certificates and any other forms if such acts are within the
18 scope of practice of the nurse practitioner and are not otherwise
19 prohibited by law and may render expert opinions on matters within his or
20 her scope of practice.

21 Sec. 3. Original sections 38-2047 and 38-2315, Reissue Revised
22 Statutes of Nebraska, are repealed.