

COMMITTEE REPORT

TO: Patrick O'Donnell
Clerk of the Legislature

FROM: Senator Sara Howard
Chair, Health and Human Services Committee

DATE: 11.13.2020

RE: Health and Human Services Committee Report and Recommendations on Regulated Occupations within Committee Jurisdiction – Advanced Practice Registered Nurses: Clinical Nurse Specialist, Nurse Midwife, Nurse Practitioner, and Registered Nurse Anesthetist

GENERAL INFORMATION

- I. Occupation Regulated
 - A) Advanced Practice Registered Nurses: Clinical Nurse Specialists, Nurse Midwives, Nurse Practitioners, and Registered Nurse Anesthetists

- II. Name of Occupational Board Responsible for Enforcement
 - A) The Board of Advanced Practice Registered Nurses is responsible for the following items: (1) Establishing standards for integrated practice agreements between collaborating physicians and certified nurse midwives; (2) Monitoring the scope of practice by certified nurse midwives, certified registered nurse anesthetists, clinical nurse specialists, and nurse practitioners; (3) Recommending disciplinary action relating to licenses of advanced practice registered nurses, certified nurse midwives, certified registered nurse anesthetists, clinical nurse specialists, and nurse practitioners; (4) Engaging in other activities not inconsistent with the Advanced Practice Registered Nurse Practice Act, the Certified Nurse Midwifery Practice Act, the Certified Registered Nurse Anesthetist Practice Act, the Clinical Nurse Specialist Practice Act, and the Nurse Practitioner Practice Act; and (5) Adopting rules and regulations to implement the Advanced Practice Registered Nurse Practice Act, the Certified Nurse Midwifery Practice Act, the Certified Registered Nurse Anesthetist Practice Act, the Clinical Nurse Specialist Practice Act, and the Nurse Practitioner Practice Act, for promulgation by the department as provided in section [38-126](#). Such rules and regulations shall also include: (a) Approved certification organizations and approved certification programs; and (b) professional liability insurance.

B) Per Nebraska Revised Statutes Section [38-161](#), the Board of Advanced Practice Registered Nurses provides recommendations to the Department of Health and Human Services regarding the issuance or denial of credentials, and provides recommendations to the Department of Health and Human Services regarding rules and regulations to carry out the Uniform Credentialing Act.

III. Public Purpose and Assumptions Underlying License Creation

A) Per Nebraska Revised Statutes Section [38-202](#), because of the geographic maldistribution of health care services in Nebraska, it is necessary to utilize the skills and proficiency of existing health professionals more efficiently. It is necessary to encourage the more effective utilization of the skills of the registered nurses by enabling them to perform advanced roles in nursing. The purpose of the Advanced Practice Registered Nurses Practice Act is to encourage registered nurses to perform advanced roles in nursing.

IV. Number of Regulated Professionals in Nebraska

A) There are 3,383 licensed Advanced Practice Registered Nurses in Nebraska.

BOARD MEMBERSHIPS AND MEETINGS

I. Number of Members

A) There are nine members of the Board of Advanced Practice Registered Nurses.

II. Who Appoints Members of the Board / Is Legislative Approval Required?

A) The Board of Health appoints members of the Board of Advanced Practice Registered Nurses. Legislative approval is not required.

III. Term Length

A) The length of term of service on the Board Advanced Practice Registered Nurses is five years, on a rotating basis.

IV. Qualifications for Membership of the Board

A) Per Nebraska Revised Statutes Section [38-205](#), one member must be Nurse Practitioner, one member must be a Certified Nurse Midwife, one member must be a Certified Registered Nurse Anesthetist, one member must be a Clinical Nurse Specialist, one physician with a professional relationship with a Nurse Practitioner, one physician with a professional relationship with a Certified Nurse Midwife, one physician with a

professional relationship with a Certified Registered Nurse Anesthetist, and two public members. The full list of requirements may be found [here](#).

- V. The Number of Meetings Required Per Year / Meetings Actually Held
 - A) For fiscal year (FY) 2014-2015: Meetings Required – 0; Meetings Held – 4.
 - B) For FY 2015-2016: Meetings Required – 0; Meetings Held – 4.
 - C) For FY 2016-2017: Meetings Required – 0; Meetings Held – 5.
 - D) For FY 2017-2018: Meetings Required – 0; Meetings Held – 5.
 - E) For FY 2018-2019: Meetings Required – 0; Meetings Held – 5.

VI. Annual Budget Information for the Previous Five Years

- A) Travel expenses to National Council of State Boards of Nursing (NCSBN) meetings are paid by NCSBN.
- B) Funds for credentialed occupations may come from interest earned on the Professional and Occupational Credentialing Cash Fund, certification and verification of credentials, administrative fees, reinstatement fees, general funds and federal funds, fees for miscellaneous services, gifts, and grants.
- C) For FY 2014-2015: \$21,906
- D) For FY 2015-2016: \$8,104
- E) For FY 2016-2017: \$112,294
- F) For FY 2017-2018: \$102,925
- G) For FY 2018-2019: \$32,440

VII. Statement from Occupational Board on Effectiveness of Regulations

- A) The Chair of the Board of Advanced Practice Registered Nurses stated “[He] believes the regulations to practice, [which are] in place for all APRN's are very effective. These regulations allow for definitions of scope of practice for each, separate APRN specialty. The regulations allow for ease in monitoring, advising, and disciplining when needed. The regulations put in place safety measures for the public, as well as guidance for the practitioners. The current regulations allow for maximum scope of practice within each APRN subset of skill. The regulations also ensure proper licensure and maintenance of continuing educational requirements.”

AUTHORIZATION

I. Statutory Authorization

- A) Statutory authorization for the Advanced Practice Registered Nurses occupation, as a whole, may be found in the Nebraska Revised Statutes, sections [38-201](#) to [38-212](#), which may be cited as the Advanced Practice Registered Nurse Practice Act. Statutory authorization for the Certified

Nurse Midwife occupation may be found in the Nebraska Revised Statutes, sections [38-601](#) to [38-618](#), which may be cited as the Certified Nurse Midwifery Practice Act. Statutory authorization for the Certified Registered Nurse Anesthetist occupation may be found in the Nebraska Revised Statutes, sections [38-701](#) to [38-711](#), which may be cited as the Certified Registered Nurse Anesthetist Practice Act. Statutory authorization for the Clinical Nurse Specialist occupation may be found in the Nebraska Revised Statutes, sections [38-901](#) to [38-910](#), which may be cited as the Clinical Nurse Specialist Practice Act. Statutory authority for the Nurse Practitioner occupation may be found in the Nebraska Revised Statutes, sections [38-2301](#) to [38-2324](#), which may be cited as the Nurse Practitioner Practice Act. For text of the Nebraska statutes relating to the Advanced Practice Registered Nurse occupations, see Appendix A.

II. Other Authorization

- A) Rules and regulations regarding all Advanced Practice Registered Nurses occupations may be found in the Nebraska Administrative Code [Title 172, Chapter 98](#). Rules and regulations regarding the Certified Nurse Midwife occupation may be found in the Nebraska Administrative Code [Title 172, Chapter 104](#). Rules and regulations regarding the Certified Registered Nurse Anesthetist occupation may be found in the Nebraska Administrative Code [Title 172, Chapter 103](#). Rules and regulations regarding the Clinical Nurse Specialist occupation may be found in the Nebraska Administrative Code [Title 172, Chapter 107](#). Rules and regulations regarding the Nurse Practitioner occupation may be found in the Nebraska Administrative Code [Title 172, Chapter 100](#).

CREDENTIALING

- I. Number of Licenses, Certifications, or Registrations Issued In Past Five Years
 - A) There have been a total of 1,650 Advanced Practice Registered Nurse licenses issued in the past five years, including 21 Certified Nurse Midwife licenses, 269 Certified Registered Nurse Anesthetist licenses, 13 Clinical Nurse Specialist licenses, and 1,347 Nurse Practitioner licenses.
- II. Number of Licenses, Certifications, or Registrations Denied in Past Five Years
 - A) One Nurse Practitioner license has been denied in the past five years.
 - B) The reason for denial was due to substance use disorder and drug or alcohol related misdemeanor convictions.

III. Number of Licenses, Certifications, or Registrations Revoked in Past Five Years

- A) There have been no Advanced Practice Registered Nurse licenses revoked in the past five years.

IV. Number of Licenses, Certifications, or Registrations Penalized in Past Five Years

- A) There have been six Advanced Practice Registered Nurse licenses penalized in the past five years.
- B) Three licenses were placed on probation due to substance use disorders, two licenses were censured for unprofessional conduct, and one license was suspended for controlled substance violations and practicing while impaired.

V. Comparison of How Other States Regulate This Occupation

- A) Nebraska is the only state with a board specifically for Advanced Practice Registered Nurse licensure. In other states, most Advance Practice Registered Nurses are governed through a Board of Nursing, (i.e. the same board that governs registered nurse licensure in the state). Nurse midwives in some states are regulated through a Board of Midwifery. Each state regulates the Advanced Practice Registered Nurse occupations.

VI. What Is The Potential Harm if This Occupation Is No Longer Licensed, Certified, or Regulated?

- A) Grave harm to the public health, safety and welfare would occur if the Advanced Practice Registered Nurse occupations were no longer licensed, certified, or regulated. An inadequately trained individual working as a midwife could cause fatal harm to patients. If unlicensed individuals performed the same duties as a Nurse Practitioner, Certified Nurse Anesthetist, Clinical Nurse Specialist, or Certified Nurse Midwife, we would be asking inadequately trained individuals to provide highly specialized services, with potentially great harm to the public safety, health, and welfare.

COMMITTEE RECOMMENDATION ON CONTINUATION, MODIFICATION, OR TERMINATION OF OCCUPATIONAL REGULATIONS

Regulated occupations under the purview of the Health and Human Services Committee are unique in that through the Nebraska Regulation of Health Professions Act (Neb. Rev. Stat. Sections 71-6201 to 71-6229), health professions which are not licensed or regulated, or health professions that wish to change their scope of practice, go through a three-stage credentialing process.

Credentialing review is a three-stage process conducted by the following review bodies in the following order:

- 1) The review of an ad hoc technical review committee appointed by the Director of the Division of Public Health;
- 2) The review of the State Board of Health;
- 3) The review of the Director of the Division of Public Health.

The three review bodies each create their own independent report on each proposal. All reports created by the review process are available to members of the Health and Human Services Committee to assist them during their review of any bills that might arise from credentialing review proposals. These reports include recommendations regarding the level of licensure of the health profession. These reports are advisory to the Legislature, and only the action of the Legislature may create changes in the regulatory status of a profession. These reports represent expert input into possible public health and safety aspects of credentialing review proposals, and the nine-month process is overseen by those with experience in the provision of health-related or medical services.

The licenses, certifications, and registrations overseen by the Board of Advanced Practice Registered Nurses and the Department of Health and Human Services are intended to protect the health, safety, and welfare of Nebraskans. The current regulation of each of the Advanced Practice Registered Nurse occupations by licensure is appropriate and balanced and does not need modification at this time.

APPENDIX A

STATUTES PERTAINING TO ADVANCED PRACTICE REGISTERED NURSE PRACTICE ACT

38-201. Act, how cited.

Sections 38-201 to 38-212 shall be known and may be cited as the Advanced Practice Registered Nurse Practice Act.

Source: Laws 2005, LB 256, § 36; R.S.Supp.,2006, § 71-17,131; Laws 2007, LB463, § 140.

38-202. Legislative findings and declarations.

The Legislature finds and declares that:

- (1) Because of the geographic maldistribution of health care services in Nebraska, it is necessary to utilize the skills and proficiency of existing health professionals more efficiently;
- (2) It is necessary to encourage the more effective utilization of the skills of registered nurses by enabling them to perform advanced roles in nursing; and
- (3) The purpose of the Advanced Practice Registered Nurse Practice Act is to encourage registered nurses to perform advanced roles in nursing.

Source: Laws 2005, LB 256, § 37; R.S.Supp.,2006, § 71-17,132; Laws 2007, LB463, § 141.

38-203. Definition, where found.

For purposes of the Advanced Practice Registered Nurse Practice Act and elsewhere in the Uniform Credentialing Act, unless the context otherwise requires, the definition found in section 38-204 applies.

Source: Laws 2005, LB 256, § 38; R.S.Supp.,2006, § 71-17,133; Laws 2007, LB463, § 142.

38-204. Board, defined.

Board means the Board of Advanced Practice Registered Nurses.

Source: Laws 2007, LB463, § 143.

38-205. Board; members; qualifications; terms.

- (1) Until July 1, 2007, the board shall consist of (a) five advanced practice registered nurses representing different advanced practice registered nurse specialties for which a license has been issued, (b) five physicians licensed under the Uniform Licensing Law to practice medicine in Nebraska, at least three of whom shall have a current collaborating

relationship with an advanced practice registered nurse, (c) three consumer members, and (d) one licensed pharmacist.

(2) On and after July 1, 2007, the board shall consist of:

(a) One nurse practitioner holding a license under the Nurse Practitioner Practice Act, one certified nurse midwife holding a license under the Certified Nurse Midwifery Practice Act, one certified registered nurse anesthetist holding a license under the Certified Registered Nurse Anesthetist Practice Act, and one clinical nurse specialist holding a license under the Clinical Nurse Specialist Practice Act, except that the initial clinical nurse specialist appointee may be a clinical nurse specialist practicing pursuant to the Nurse Practice Act as such act existed prior to July 1, 2007. Of the initial appointments under this subdivision, one shall be for a two-year term, one shall be for a three-year term, one shall be for a four-year term, and one shall be for a five-year term. All subsequent appointments under this subdivision shall be for five-year terms;

(b) Three physicians, one of whom shall have a professional relationship with a nurse practitioner, one of whom shall have a professional relationship with a certified nurse midwife, and one of whom shall have a professional relationship with a certified registered nurse anesthetist. Of the initial appointments under this subdivision, one shall be for a three-year term, one shall be for a four-year term, and one shall be for a five-year term. All subsequent appointments under this subdivision shall be for five-year terms; and

(c) Two public members. Of the initial appointments under this subdivision, one shall be for a three-year term, and one shall be for a four-year term. All subsequent appointments under this subdivision shall be for five-year terms.

(3) Members of the board serving immediately before July 1, 2007, shall serve until members are appointed and qualified under subsection (2) of this section.

Source: Laws 1996, LB 414, § 27; Laws 2000, LB 1115, § 42; R.S.1943, (2003), § 71-1718.01; Laws 2005, LB 256, § 39; R.S.Supp.,2006, § 71-17,134; Laws 2007, LB185, § 36; Laws 2007, LB463, § 144.

38-206. Board; duties.

The board shall:

(1) Establish standards for integrated practice agreements between collaborating physicians and certified nurse midwives;

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

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

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

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

Source: Laws 1996, LB 414, § 28; Laws 2000, LB 1115, § 43; Laws 2002, LB 1021, § 56; R.S.1943, (2003), § 71-1718.02; Laws 2005, LB 256, § 40; R.S.Supp.,2006, § 71-17,135; Laws 2007, LB185, § 37; Laws 2007, LB463, § 145; Laws 2015, LB107, § 1.

38-207. License; issuance; department; powers and duties.

The department shall issue a license as an advanced practice registered nurse to a registered nurse who meets the requirements of subsection (1) or (3) of section 38-208. The department may issue a license as an advanced practice registered nurse to a registered nurse pursuant to subsection (2) of section 38-208.

Source: Laws 2005, LB 256, § 41; R.S.Supp.,2006, § 71-17,136; Laws 2007, LB463, § 146.

38-208. License; qualifications; military spouse; temporary license.

(1) An applicant for initial licensure as an advanced practice registered nurse shall:

(a) Be licensed as a registered nurse under the Nurse Practice Act or have authority based on the Nurse Licensure Compact to practice as a registered nurse in Nebraska;

(b) Be a graduate of or have completed a graduate-level advanced practice registered nurse program in a clinical specialty area of certified registered nurse anesthetist, clinical nurse specialist, certified nurse midwife, or nurse practitioner, which program is accredited by a national accrediting body;

(c) Be certified as a certified registered nurse anesthetist, a clinical nurse specialist, a certified nurse midwife, or a nurse practitioner, by an approved certifying body or an alternative method of competency assessment approved by the board, pursuant to the Certified Nurse Midwifery Practice Act, the Certified Registered Nurse Anesthetist

Practice Act, the Clinical Nurse Specialist Practice Act, or the Nurse Practitioner Practice Act, as appropriate to the applicant's educational preparation;

(d) Provide evidence as required by rules and regulations; and

(e) Have committed no acts or omissions which are grounds for disciplinary action in another jurisdiction or, if such acts have been committed and would be grounds for discipline under the Nurse Practice Act, the board has found after investigation that sufficient restitution has been made.

(2) The department may issue a license under this section to an applicant who holds a license from another jurisdiction if the licensure requirements of such other jurisdiction meet or exceed the requirements for licensure as an advanced practice registered nurse under the Advanced Practice Registered Nurse Practice Act. An applicant under this subsection shall submit documentation as required by rules and regulations.

(3) A person licensed as an advanced practice registered nurse or certified as a certified registered nurse anesthetist or a certified nurse midwife in this state on July 1, 2007, shall be issued a license by the department as an advanced practice registered nurse on such date.

(4) An applicant who is a military spouse may apply for a temporary license as provided in section 38-129.01.

Source: Laws 2005, LB 256, § 42; R.S.Supp.,2006, § 71-17,137; Laws 2007, LB185, § 38; Laws 2007, LB463, § 147; Laws 2017, LB88, § 35.

38-209. License; renewal; requirements.

The license of each person licensed under the Advanced Practice Registered Nurse Practice Act shall be renewed at the same time and in the same manner as renewal of a license for a registered nurse and shall require that the applicant have (1) a license as a registered nurse issued by the state or have the authority based on the Nurse Licensure Compact to practice as a registered nurse in Nebraska, (2) documentation of continuing competency, either by reference, peer review, examination, or one or more of the continuing competency activities listed in section 38-145 and established by the board in rules and regulations, and (3) met any specific requirements for renewal under the Certified Nurse Midwifery Practice Act, the Certified Registered Nurse Anesthetist Practice Act, the Clinical Nurse Specialist Practice Act, or the Nurse Practitioner Practice Act, as applicable.

Source: Laws 2005, LB 256, § 43; R.S.Supp.,2006, § 71-17,138; Laws 2007, LB185, § 39; Laws 2007, LB463, § 148.

38-210. Expiration of license; conditions.

An advanced practice registered nurse's license expires if he or she does not renew his or her license to practice as a registered nurse or is not authorized to practice as a registered nurse in this state under the Nurse Licensure Compact.

Source: Laws 2005, LB 256, § 45; R.S.Supp.,2006, § 71-17,140; Laws 2007, LB185, § 41; Laws 2007, LB463, §149.

38-211. Fees.

The department shall establish and collect fees for initial licensure and renewal under the Advanced Practice Registered Nurse Practice Act as provided in sections 38-151 to 38-157.

Source: Laws 2007, LB463, § 150.

38-212. Use of title.

A person licensed as an advanced practice registered nurse in this state may use the title advanced practice registered nurse and the abbreviation APRN.

Source: Laws 2007, LB463, § 151.

STATUTES PERTAINING TO CERTIFIED NURSE MIDWIFERY PRACTICE ACT

38-601. Act, how cited.

Sections 38-601 to 38-618 shall be known and may be cited as the Certified Nurse Midwifery Practice Act.

Source: Laws 1984, LB 761, § 1; Laws 2005, LB 256, § 82; R.S.Supp.,2006, § 71-1738; Laws 2007, LB463, § 213.

38-602. Legislative findings.

The Legislature hereby finds and declares that the Certified Nurse Midwifery Practice Act is necessary to safeguard public life, health, safety, and welfare, to assure the highest degree of professional conduct by practitioners of certified nurse midwifery, and to insure the availability of high quality midwifery services to persons desiring such services.

Source: Laws 1984, LB 761, § 2; R.S.1943, (2003), § 71-1739; Laws 2007, LB463, § 214.

38-603. Definitions, where found.

For purposes of the Certified Nurse Midwifery Practice Act and elsewhere in the Uniform Credentialing Act, unless the context otherwise requires, the definitions found in sections 38-604 to 38-610 apply.

Source: Laws 1984, LB 761, § 3; Laws 1999, LB 828, § 160; R.S.1943, (2003), § 71-1740; Laws 2007, LB463, § 215.

38-604. Approved certified nurse midwifery education program, defined.

Approved certified nurse midwifery education program means a certified nurse midwifery education program approved by the board. The board may require such program to be accredited by the American College of Nurse Midwives.

Source: Laws 1984, LB 761, § 12; Laws 2005, LB 256, § 85; R.S.Supp.,2006, § 71-1749; Laws 2007, LB185, § 21; Laws 2007, LB463, § 216.

38-605. Board, defined.

Board means the Board of Advanced Practice Registered Nurses.

Source: Laws 1984, LB 761, § 6; Laws 1993, LB 536, § 74; Laws 1999, LB 828, § 161; Laws 2005, LB 256, § 83; R.S.Supp.,2006, § 71-1743; Laws 2007, LB463, § 217.

38-606. Certified nurse midwife, defined.

Certified nurse midwife means a person certified by a board-approved certifying body and licensed under the Advanced Practice Registered Nurse Practice Act to practice certified nurse midwifery in the State of Nebraska. Nothing in the Certified Nurse Midwifery Practice Act is intended to restrict the practice of registered nurses.

Source: Laws 1984, LB 761, § 11; R.S.1943, (2003), § 71-1748; Laws 2007, LB185, § 20; Laws 2007, LB463, § 218.

38-607. Collaboration, defined.

Collaboration means a process and relationship in which a certified nurse midwife works together with other health professionals to deliver health care within the scope of practice of certified nurse midwifery as provided in the Certified Nurse Midwifery Practice Act. The collaborative relationship between the physician and the nurse midwife shall be subject to the control and regulation of the board.

Source: Laws 1984, LB 761, § 10; Laws 2005, LB 256, § 84; R.S.Supp.,2006, § 71-1747; Laws 2007, LB463, § 219.

38-608. Licensed practitioner, defined.

Licensed practitioner means any physician licensed to practice pursuant to the Medicine and Surgery Practice Act, whose practice includes obstetrics.

Source: Laws 1984, LB 761, § 9; R.S.1943, (2003), § 71-1746; Laws 2007, LB463, § 220.

38-609. Practice agreement, defined.

Practice agreement means the written agreement authored and signed by the certified nurse midwife and the licensed practitioner with whom he or she is associated which:

- (1) Identifies the settings within which the certified nurse midwife is authorized to practice;
- (2) Names the collaborating licensed practitioner or, if more than one licensed practitioner is a party to such practice agreement, names all of the collaborating licensed practitioners;
- (3) Defines or describes the medical functions to be performed by the certified nurse midwife, which are not inconsistent with the Certified Nurse Midwifery Practice Act, as agreed to by the nurse midwife and the collaborating licensed practitioner; and
- (4) Contains such other information as required by the board.

Source: Laws 1984, LB 761, § 13; Laws 2005, LB 256, § 86; R.S.Supp.,2006, § 71-1750; Laws 2007, LB463, § 221.

38-610. Supervision, defined.

Supervision means the ready availability of a collaborating licensed practitioner for consultation and direction of the activities of the certified nurse midwife related to delegated medical functions as outlined in the practice agreement.

Source: Laws 1984, LB 761, § 14; R.S.1943, (2003), § 71-1751; Laws 2007, LB463, § 222.

38-611. Certified nurse midwife; authorized activities.

A certified nurse midwife may, under the provisions of a practice agreement, (1) attend cases of normal childbirth, (2) provide prenatal, intrapartum, and postpartum care, (3) provide normal obstetrical and gynecological services for women, and (4) provide care for the newborn immediately following birth. The conditions under which a certified nurse midwife is required to refer cases to a collaborating licensed practitioner shall be specified in the practice agreement.

Source: Laws 1984, LB 761, § 15; R.S.1943, (2003), § 71-1752; Laws 2007, LB185, § 22; Laws 2007, LB463, § 223.

38-612. Unlicensed person; acts not prohibited.

The Certified Nurse Midwifery Practice Act shall not prohibit the performance of the functions of a certified nurse midwife by an unlicensed person if performed:

- (1) In an emergency situation;
- (2) By a legally qualified person from another state employed by the United States Government and performing official duties in this state; or

(3) By a person enrolled in an approved program for the preparation of certified nurse midwives as part of such approved program.

Source: Laws 1984, LB 761, § 28; R.S.1943, (2003), § 71-1765; Laws 2007, LB185, § 27; Laws 2007, LB463, § 224.

38-613. Permitted practice described in practice agreement; supervision; settings; subject to review by board; rules and regulations.

(1) The specific medical functions to be performed by a certified nurse midwife within the scope of permitted practice prescribed by section 38-611 shall be described in the practice agreement which shall be reviewed and approved by the board. A copy of the agreement shall be maintained on file with the board as a condition of lawful practice under the Certified Nurse Midwifery Practice Act.

(2) A certified nurse midwife shall perform the functions detailed in the practice agreement only under the supervision of the licensed practitioner responsible for the medical care of the patients described in the practice agreement. If the collaborating licensed practitioner named in the practice agreement becomes temporarily unavailable, the certified nurse midwife may perform the authorized medical functions only under the supervision of another licensed practitioner designated as a temporary substitute for that purpose by the collaborating licensed practitioner.

(3) A certified nurse midwife may perform authorized medical functions only in the following settings:

(a) In a licensed or certified health care facility as an employee or as a person granted privileges by the facility;

(b) In the primary office of a licensed practitioner or in any setting authorized by the collaborating licensed practitioner, except that a certified nurse midwife shall not attend a home delivery; or

(c) Within an organized public health agency.

(4) The department shall, after consultations with the board, adopt and promulgate rules and regulations to carry out the Certified Nurse Midwifery Practice Act.

Source: Laws 1984, LB 761, § 16; Laws 1993, LB 536, § 75; Laws 2005, LB 256, § 87; R.S.Supp.,2006, § 71-1753; Laws 2007, LB463, § 225.

38-614. Change in practice; new or amended agreement.

If a certified nurse midwife intends to alter his or her practice status by reason of a change in the setting, supervision by a different licensed practitioner, modification of the authorized medical functions, or for any other reason, he or she shall submit a new or amended practice agreement to the board for approval before any change may be permitted.

Source: Laws 1984, LB 761, § 17; Laws 2005, LB 256, § 88; R.S.Supp.,2006, § 71-1754; Laws 2007, LB463, § 226.

38-615. Licensure as nurse midwife; application; requirements; temporary licensure.

(1) An applicant for licensure under the Advanced Practice Registered Nurse Practice Act to practice as a certified nurse midwife shall submit such evidence as the board requires showing that the applicant is currently licensed as a registered nurse by the state or has the authority based on the Nurse Licensure Compact to practice as a registered nurse in Nebraska, has successfully completed an approved certified nurse midwifery education program, and is certified as a nurse midwife by a board-approved certifying body.

(2) The department may, with the approval of the board, grant temporary licensure as a certified nurse midwife for up to one hundred twenty days upon application (a) to graduates of an approved nurse midwifery program pending results of the first certifying examination following graduation and (b) to nurse midwives currently licensed in another state pending completion of the application for a Nebraska license. A temporary license issued pursuant to this subsection may be extended for up to one year with the approval of the board.

(3) An applicant who is a military spouse may apply for a temporary license as provided in section 38-129.01.

(4) If more than five years have elapsed since the completion of the nurse midwifery program or since the applicant has practiced as a nurse midwife, the applicant shall meet the requirements in subsection (1) of this section and provide evidence of continuing competency, as may be determined by the board, either by means of a reentry program, references, supervised practice, examination, or one or more of the continuing competency activities listed in section 38-145.

Source: Laws 1984, LB 761, § 18; Laws 1993, LB 536, § 76; Laws 1997, LB 752, § 175; Laws 2002, LB 1021, § 63; Laws 2003, LB 242, § 107; Laws 2005, LB 256, § 89; R.S.Supp.,2006, § 71-1755; Laws 2007, LB185, § 23; Laws 2007, LB463, § 227; Laws 2017, LB88, § 40.

38-616. License; renewal.

To renew a license as a certified nurse midwife, the applicant shall have a current certification by a board approved certifying body to practice nurse midwifery.

Source: Laws 1984, LB 761, § 20; Laws 1986, LB 926, § 57; Laws 1993, LB 536, § 77; Laws 1994, LB 1223, § 42; Laws 2002, LB 1021, § 64; Laws 2002, LB 1062, § 48; Laws 2003, LB 242, § 108; Laws 2005, LB 256, § 90; R.S.Supp.,2006, § 71-1757; Laws 2007, LB185, § 25; Laws 2007, LB463, § 228.

38-617. Certified nurse midwife; right to use title or abbreviation.

Any person who holds a license to practice nurse midwifery in this state shall have the right to use the title certified nurse midwife and the abbreviation CNM. No other person shall use such title or abbreviation to indicate that he or she is licensed under the Advanced Practice Registered Nurse Practice Act to practice certified nurse midwifery.

Source: Laws 1984, LB 761, § 19; R.S.1943, (2003), § 71-1756; Laws 2007, LB185, § 24; Laws 2007, LB463, § 229.

38-618. Act, how interpreted.

Nothing in the Certified Nurse Midwifery Practice Act shall be interpreted to permit independent practice.

Source: Laws 1984, LB 761, § 26; R.S.1943, (2003), § 71-1763; Laws 2007, LB463, § 230.

STATUTES PERTAINING TO CERTIFIED REGISTERED NURSE ANESTHETIST PRACTICE ACT

38-701. Act, how cited.

Sections 38-701 to 38-711 shall be known and may be cited as the Certified Registered Nurse Anesthetist Practice Act.

Source: Laws 2005, LB 256, § 73; R.S.Supp.,2006, § 71-1728; Laws 2007, LB463, § 231.

38-702. Definitions, where found.

For purposes of the Certified Registered Nurse Anesthetist Practice Act and elsewhere in the Uniform Credentialing Act, unless the context otherwise requires, the definitions found in sections 38-703 to 38-706 apply.

Source: Laws 2007, LB463, § 232.

38-703. Board, defined.

Board means the Board of Advanced Practice Registered Nurses.

Source: Laws 2007, LB463, § 233.

38-704. Certified registered nurse anesthetist, defined.

Certified registered nurse anesthetist means a licensed registered nurse certified by a board-approved certifying body and licensed under the Advanced Practice Registered Nurse Practice Act to practice as a certified registered nurse anesthetist in the State of Nebraska.

Source: Laws 2007, LB463, § 234.

38-705. Licensed practitioner, defined.

Licensed practitioner means any physician or osteopathic physician licensed to prescribe, diagnose, and treat as prescribed in the Medicine and Surgery Practice Act.

Source: Laws 2007, LB463, § 235.

38-706. Practice of anesthesia, defined; activities not subject to act.

(1) Practice of anesthesia means (a) the performance of or the assistance in any act involving the determination, preparation, administration, or monitoring of any drug used to render an individual insensible to pain for procedures requiring the presence of persons educated in the administration of anesthetics or (b) the performance of any act commonly the responsibility of educated anesthesia personnel. Practice of anesthesia includes the use of those techniques which are deemed necessary for adequacy in performance of anesthesia administration.

(2) Nothing in the Certified Registered Nurse Anesthetist Practice Act prohibits (a) routine administration of a drug by a duly licensed registered nurse, licensed practical nurse, or other duly authorized person for the alleviation of pain or (b) the practice of anesthesia by students enrolled in an accredited school of nurse anesthesia when the services performed are a part of the course of study and are under the supervision of a licensed practitioner or certified registered nurse anesthetist.

Source: Laws 1981, LB 379, § 26; Laws 1992, LB 1019, § 73; Laws 2002, LB 1062, § 47; Laws 2005, LB 256, § 74; R.S.Supp.,2006, § 71-1729; Laws 2007, LB185, § 14; Laws 2007, LB296, § 485; Laws 2007, LB463, § 236.

38-707. Certified registered nurse anesthetist; license; requirements.

(1) An applicant for a license under the Advanced Practice Registered Nurse Practice Act to practice as a certified registered nurse anesthetist shall:

(a) Hold a license as a registered nurse in the State of Nebraska or have the authority based on the Nurse Licensure Compact to practice as a registered nurse in Nebraska;

(b) Submit evidence of successful completion of a course of study in anesthesia in a school of nurse anesthesia accredited or approved by or under the auspices of the department or the Council on Accreditation of Nurse Anesthesia and Educational Programs; and

(c) Submit evidence of current certification by the Council on Certification of Nurse Anesthetists.

(2) If more than five years have elapsed since the applicant completed the nurse anesthetist program or since the applicant has practiced as a nurse anesthetist, he or

she shall meet the requirements of subsection (1) of this section and shall provide evidence of continuing competency as determined by the board, including, but not limited to, a reentry program, supervised practice, examination, or one or more of the continuing competency activities listed in section 38-145.

Source: Laws 1981, LB 379, § 27; Laws 1984, LB 724, § 29; Laws 1992, LB 1019, § 74; Laws 1996, LB 414, § 44; Laws 1997, LB 752, § 174; Laws 1999, LB 828, § 155; Laws 2002, LB 1021, § 61; Laws 2003, LB 242, § 105; Laws 2005, LB 256, § 78; R.S.Supp.,2006, § 71-1730; Laws 2007, LB185, § 15; Laws 2007, LB463, § 237.

38-708. Certified registered nurse anesthetist; temporary license; permit.

(1) The department may, with the approval of the board, grant a temporary license in the practice of anesthesia for up to one hundred twenty days upon application (a) to graduates of an accredited school of nurse anesthesia pending results of the first certifying examination following graduation and (b) to registered nurse anesthetists currently licensed in another state pending completion of the application for a Nebraska license. A temporary license issued pursuant to this subsection may be extended at the discretion of the board with the approval of the department.

(2) An applicant for a license to practice as a certified registered nurse anesthetist who is a military spouse may apply for a temporary license as provided in section 38-129.01.

Source: Laws 1981, LB 379, § 28; Laws 1984, LB 724, § 30; Laws 1992, LB 1019, § 75; Laws 1996, LB 414, § 45; Laws 1999, LB 828, § 156; Laws 2005, LB 256, § 79; R.S.Supp.,2006, § 71-1731; Laws 2007, LB185, § 16; Laws 2007, LB463, § 238; Laws 2017, LB88, § 41.

38-709. Certified registered nurse anesthetist; license; renewal.

To renew a license to practice as a certified registered nurse anesthetist, the applicant shall have current certification by the Council on Certification of Nurse Anesthetists.

Source: Laws 1981, LB 379, § 32; Laws 1993, LB 536, § 73; Laws 1995, LB 563, § 42; Laws 1996, LB 414, § 46; Laws 1999, LB 828, § 157; Laws 2000, LB 1115, § 61; Laws 2002, LB 1021, § 62; Laws 2003, LB 242, § 106; Laws 2005, LB 256, § 80; R.S.Supp.,2006, § 71-1735; Laws 2007, LB185, § 18; Laws 2007, LB463, § 239.

38-710. Use of title and abbreviation.

A person licensed as a certified registered nurse anesthetist has the right to use the title certified registered nurse anesthetist and the abbreviation C.R.N.A.

Source: Laws 2007, LB463, § 240.

38-711. Certified registered nurse anesthetist; performance of duties.

(1) The determination and administration of total anesthesia care shall be performed by the certified registered nurse anesthetist or a nurse anesthetist temporarily licensed pursuant to section 38-708 in consultation and collaboration with and with the consent of the licensed practitioner.

(2) The following duties and functions shall be considered as specific expanded role functions of the certified registered nurse anesthetist:

(a) Preanesthesia evaluation including physiological studies to determine proper anesthetic management and obtaining informed consent;

(b) Selection and application of appropriate monitoring devices;

(c) Selection and administration of anesthetic techniques;

(d) Evaluation and direction of proper postanesthesia management and dismissal from postanesthesia care;

(e) Evaluation and recording of postanesthesia course of patients; and

(f) Use of fluoroscopy in conjunction with a licensed medical radiographer in connection with the performance of authorized duties and functions upon (i) the successful completion of appropriate education and training as approved jointly by the department and the board and promulgated by the department in rules and regulations pursuant to section 71-3508 and (ii) a determination regarding the scope and supervision of such use consistent with subsection (3) of this section.

(3) The determination of other duties that are normally considered medically delegated duties to the certified registered nurse anesthetist or to a nurse anesthetist temporarily licensed pursuant to section 38-708 shall be the joint responsibility of the governing board of the hospital, medical staff, and nurse anesthetist personnel of any duly licensed hospital or, if in an office or clinic, the joint responsibility of the duly licensed practitioner and nurse anesthetist. All such duties, except in cases of emergency, shall be in writing in the form prescribed by hospital or office policy.

Source: Laws 1981, LB 379, § 31; Laws 1992, LB 1019, § 76; R.S.1943, (2003), § 71-1734; Laws 2007, LB185, § 17; Laws 2007, LB463, § 241; Laws 2008, LB928, § 4.

STATUTES PERTAINING TO CLINICAL NURSE SPECIALIST PRACTICE ACT

38-901. Act, how cited.

Sections 38-901 to 38-910 shall be known and may be cited as the Clinical Nurse Specialist Practice Act.

Source: Laws 2005, LB 256, § 1; R.S.Supp.,2006, § 71-17,117; Laws 2007, LB463, § 253.

38-902. Definitions, where found.

For purposes of the Clinical Nurse Specialist Practice Act and elsewhere in the Uniform Credentialing Act, unless the context otherwise requires, the definitions found in sections 38-903 to 38-905 apply.

Source: Laws 2007, LB463, § 254.

38-903. Approved certifying body, defined.

Approved certifying body means a national certification organization which (1) is approved by the board, (2) certifies qualified licensed registered nurses for advanced practice, (3) has eligibility requirements related to education and practice, and (4) offers an examination in an area of practice which meets psychometric guidelines and tests approved by the board.

Source: Laws 2005, LB 256, § 2; R.S.Supp.,2006, § 71-17,118; Laws 2007, LB185, § 28; Laws 2007, LB296, § 493; Laws 2007, LB463, § 255.

38-904. Board, defined.

Board means the Board of Advanced Practice Registered Nurses.

Source: Laws 2007, LB463, § 256.

38-905. Clinical nurse specialist, defined.

Clinical nurse specialist means a registered nurse certified as described in section 38-908 and licensed under the Advanced Practice Registered Nurse Practice Act to practice as a clinical nurse specialist in the State of Nebraska.

Source: Laws 2007, LB463, § 257.

38-906. Clinical nurse specialist practice, defined.

The practice of a clinical nurse specialist includes health promotion, health supervision, illness prevention, and disease management, including assessing patients, synthesizing and analyzing data, and applying advanced nursing practice. A clinical nurse specialist conducts and applies research, advocates, serves as an agent of change, engages in systems management, and assesses and intervenes in complex health care problems within the selected clinical specialty.

Source: Laws 2005, LB 256, § 4; R.S.Supp.,2006, § 71-17,120; Laws 2007, LB463, § 258.

38-907. Exemptions from act.

The Clinical Nurse Specialist Practice Act does not prohibit the performance of the professional activities of a clinical nurse specialist by a person not holding a license issued under the act if performed:

- (1) In an emergency situation;
- (2) By a legally qualified person from another state employed by the United States and performing official duties in this state; or
- (3) By a person enrolled in an approved clinical nurse specialist program for the education of clinical nurse specialists as part of that approved program.

Source: Laws 2005, LB 256, § 12; R.S.Supp.,2006, § 71-17,128; Laws 2007, LB185, § 34; Laws 2007, LB463, § 259.

38-908. Licensure; eligibility; application.

An applicant for licensure under the Advanced Practice Registered Nurse Practice Act to practice as a clinical nurse specialist shall be licensed as a registered nurse under the Nurse Practice Act or have the authority based on the Nurse Licensure Compact to practice as a registered nurse in Nebraska and shall submit to the department the following:

- (1) Evidence that the applicant holds a graduate degree in a nursing clinical specialty area or has a graduate degree in nursing and has successfully completed a graduate-level clinical nurse specialist education program; and
- (2) Evidence of certification issued by an approved certifying body or, when such certification is not available, an alternative method of competency assessment by any means approved by the board.

Source: Laws 2005, LB 256, § 3; R.S.Supp.,2006, § 71-17,119; Laws 2007, LB185, § 29; Laws 2007, LB463, § 260.

38-909. License; renewal; qualifications.

To renew a license as a clinical nurse specialist, the applicant shall have current certification by an approved certifying body as a clinical nurse specialist or, when such certification is not available, an alternative method of competency assessment by any means approved by the board.

Source: Laws 2007, LB463, § 261.

38-910. Use of title and abbreviation.

A person licensed as a clinical nurse specialist has the right to use the title Clinical Nurse Specialist and the abbreviation CNS.

Source: Laws 2005, LB 256, § 5; R.S.Supp.,2006, § 71-17,121; Laws 2007, LB185, § 30; Laws 2007, LB463, § 262.

STATUTES PERTAINING TO NURSE PRACTITIONER PRACTICE ACT

38-2301. Act, how cited.

Sections 38-2301 to 38-2324 shall be known and may be cited as the Nurse Practitioner Practice Act.

Source: Laws 1981, LB 379, § 1; Laws 1984, LB 724, § 2; Laws 1996, LB 414, § 11; Laws 2000, LB 1115, § 26; Laws 2005, LB 256, § 47; R.S.Supp.,2006, § 71-1704; Laws 2007, LB463, § 793; Laws 2012, LB1042, § 1; Laws 2015, LB107, § 2.

38-2302. Definitions, where found.

For purposes of the Nurse Practitioner Practice Act and elsewhere in the Uniform Credentialing Act, unless the context otherwise requires, the definitions found in sections 38-2303 to 38-2314.01 apply.

Source: Laws 1981, LB 379, § 3; Laws 1984, LB 724, § 3; Laws 1992, LB 1019, § 70; Laws 1996, LB 414, § 13; Laws 2000, LB 1115, § 28; Laws 2005, LB 256, § 48; R.S.Supp.,2006, § 71-1706; Laws 2007, LB463, § 794; Laws 2015, LB107, § 3.

38-2303. Approved certification program, defined.

Approved certification program means a certification process for nurse practitioners utilized by an approved certifying body that (1) requires evidence of completion of a formal program of study in the nurse practitioner clinical specialty, (2) requires successful completion of a nationally recognized certification examination developed by the approved certifying body, (3) provides an ongoing recertification program, and (4) is approved by the board.

Source: Laws 1984, LB 724, § 7; Laws 1996, LB 414, § 20; Laws 2000, LB 1115, § 38; Laws 2005, LB 256, § 53; R.S.Supp.,2006, § 71-1716.02; Laws 2007, LB463, § 795.

38-2304. Approved certifying body, defined.

Approved certifying body means a national certification organization which certifies qualified licensed nurses for advanced practice in a clinical specialty area and which (1) requires eligibility criteria related to education and practice, (2) offers an examination in an advanced nursing area which meets current psychometric guidelines and tests, and (3) is approved by the board.

Source: Laws 1984, LB 724, § 6; Laws 1996, LB 414, § 19; Laws 2000, LB 1115, § 37; R.S.1943, (2003), § 71-1716.01; Laws 2007, LB463, § 796.

38-2305. Approved nurse practitioner program, defined.

Approved nurse practitioner program means a program which:

- (1) Is a graduate-level program accredited by a national accrediting body recognized by the United States Department of Education;
- (2) Includes, but is not limited to, instruction in biological, behavioral, and health sciences relevant to practice as a nurse practitioner in a specific clinical area; and
- (3) For the specialties of women's health and neonatal, grants a post-master certificate, master's degree, or doctoral degree for all applicants who graduated on or after July 1, 2007, and for all other specialties, grants a post-master certificate, master's degree, or doctoral degree for all applicants who graduated on or after July 19, 1996.

Source: Laws 1981, LB 379, § 14; Laws 1984, LB 724, § 12; Laws 1993, LB 536, § 67; Laws 1996, LB 414, § 22; Laws 2000, LB 1115, § 41; Laws 2005, LB 256, § 56; R.S.Supp.,2006, § 71-1717; Laws 2007, LB463, § 797; Laws 2017, LB88, § 75.

38-2306. Board, defined.

Board means the Board of Advanced Practice Registered Nurses.

Source: Laws 1981, LB 379, § 5; Laws 1996, LB 414, § 15; Laws 2000, LB 1115, § 30; R.S.1943, (2003), § 71-1708; Laws 2007, LB463, § 798.

38-2307. Boards, defined.

Boards means the Board of Advanced Practice Registered Nurses and the Board of Nursing of the State of Nebraska.

Source: Laws 1984, LB 724, § 4; Laws 1996, LB 414, § 16; Laws 2000, LB 1115, § 31; R.S.1943, (2003), § 71-1709.01; Laws 2007, LB463, § 799.

38-2308. Collaboration, defined.

Collaboration means a process and relationship in which a nurse practitioner, together with other health professionals, delivers health care within the scope of authority of the various clinical specialty practices.

Source: Laws 1981, LB 379, § 13; Laws 1984, LB 724, § 11; Laws 1996, LB 414, § 18; Laws 2000, LB 1115, § 36; Laws 2005, LB 256, § 52; R.S.Supp.,2006, § 71-1716; Laws 2007, LB463, § 800.

38-2309. Consultation, defined.

Consultation means a process whereby a nurse practitioner seeks the advice or opinion of a physician or another health care practitioner.

Source: Laws 1996, LB 414, § 23; Laws 2000, LB 1115, § 32; Laws 2005, LB 256, § 50; R.S.Supp.,2006, § 71-1709.02; Laws 2007, LB463, § 801.

38-2311. Licensed practitioner, defined.

Licensed practitioner means any podiatrist, dentist, physician, or osteopathic physician licensed to prescribe, diagnose, and treat as provided in the Uniform Credentialing Act.

Source: Laws 1981, LB 379, § 9; Laws 2000, LB 1115, § 34; R.S.1943, (2003), § 71-1712; Laws 2007, LB463, § 803.

38-2312. Nurse practitioner, defined.

Nurse practitioner means a registered nurse certified as described in section 38-2317 and licensed under the Advanced Practice Registered Nurse Practice Act to practice as a nurse practitioner.

Source: Laws 1981, LB 379, § 4; Laws 1984, LB 724, § 5; Laws 1996, LB 414, § 14; Laws 2000, LB 1115, § 29; Laws 2005, LB 256, § 49; R.S.Supp.,2006, § 71-1707; Laws 2007, LB185, § 5; Laws 2007, LB463, § 804.

38-2313. Preceptorship, defined.

Preceptorship means the clinical practice component of an educational program for the preparation of nurse practitioners.

Source: Laws 1981, LB 379, § 11; Laws 1996, LB 414, § 17; Laws 2000, LB 1115, § 35; Laws 2005, LB 256, § 51; R.S.Supp.,2006, § 71-1714; Laws 2007, LB463, § 805.

38-2314. Referral, defined.

Referral means a process whereby a nurse practitioner directs the patient to a physician or other health care practitioner for management of a particular problem or aspect of the patient's care.

Source: Laws 1996, LB 414, § 24; Laws 2000, LB 1115, § 40; Laws 2005, LB 256, § 55; R.S.Supp.,2006, § 71-1716.05; Laws 2007, LB463, § 806.

38-2314.01. Transition-to-practice agreement, defined.

Transition-to-practice agreement means a collaborative agreement for two thousand hours of initial practice between a nurse practitioner and a supervising provider which provides for the delivery of health care through a collaborative practice and which meets the requirements of section 38-2322.

Source: Laws 1984, LB 724, § 9; Laws 1996, LB 414, § 21; Laws 2000, LB 1115, § 39; Laws 2005, LB 256, § 54; R.S.Supp.,2006, § 71-1716.03; Laws 2007, LB463, § 802; R.S.1943, (2008), § 38-2310; Laws 2015, LB107, § 4; Laws 2017, LB88, § 76.

38-2315. Nurse practitioner; functions; scope.

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

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

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

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

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

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

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

Source: Laws 1981, LB 379, § 18; Laws 1984, LB 724, § 14; Laws 1996, LB 414, § 25; Laws 2000, LB 1115, § 44; Laws 2005, LB 256, § 57; Laws 2006, LB 994, § 96; R.S.Supp.,2006, § 71-1721; Laws 2007, LB463, § 807; Laws 2012, LB1042, § 2; Laws 2013, LB243, § 1; Laws 2015, LB107, § 5.

38-2316. Unlicensed person; acts permitted.

The Nurse Practitioner Practice Act does not prohibit the performance of activities of a nurse practitioner by a person who does not have a license or temporary license under the act if performed:

(1) In an emergency situation;

(2) By a legally qualified person from another state employed by the United States Government and performing official duties in this state; or

(3) By a person enrolled in an approved nurse practitioner program for the preparation of nurse practitioners as part of that approved program.

Source: Laws 1984, LB 724, § 25; Laws 1996, LB 414, § 40; Laws 2000, LB 1115, § 58; Laws 2005, LB 256, § 71; R.S.Supp.,2006, § 71-1726.01; Laws 2007, LB185, § 12; Laws 2007, LB463, § 808; Laws 2017, LB88, § 77.

38-2317. Nurse practitioner; licensure; requirements.

(1) An applicant for licensure under the Advanced Practice Registered Nurse Practice Act to practice as a nurse practitioner shall have:

(a) A license as a registered nurse in the State of Nebraska or the authority based upon the Nurse Licensure Compact to practice as a registered nurse in Nebraska;

(b) Evidence of having successfully completed a graduate-level program in the clinical specialty area of nurse practitioner practice, which program is accredited by a national accrediting body;

(c) Proof of having passed an examination pertaining to the specific nurse practitioner role in nursing adopted or approved by the board with the approval of the department. Such examination may include any recognized national credentialing examination for nurse practitioners conducted by an approved certifying body which administers an approved certification program; and

(d) Evidence of completion of two thousand hours of practice as a nurse practitioner which have been completed under a transition-to-practice agreement, under a collaborative agreement, under an integrated practice agreement, through independent practice, or under any combination of such agreements and practice, as allowed in this state or another state.

(2) If more than five years have elapsed since the completion of the nurse practitioner program or since the applicant has practiced in the specific nurse practitioner role, the applicant shall meet the requirements in subsection (1) of this section and provide evidence of continuing competency as required by the board.

Source: Laws 1981, LB 379, § 19; Laws 1984, LB 724, § 20; Laws 1986, LB 926, § 55; Laws 1993, LB 536, § 70; Laws 1996, LB 414, § 30; Laws 1997, LB 752, § 173; Laws 2000, LB 1115, § 46; Laws 2002, LB 1021, § 57; Laws 2003, LB 242, § 101; Laws 2005, LB 256, § 59; R.S.Supp.,2006, § 71-1722; Laws 2007, LB185, § 6; Laws 2007, LB463, § 809; Laws 2017, LB88, § 78.

38-2318. Nurse practitioner; temporary license; requirements; military spouse; temporary license.

(1)(a) The department may grant a temporary license to practice as a nurse practitioner for up to one hundred twenty days upon application:

(i) To graduates of an approved nurse practitioner program pending results of the first credentialing examination following graduation;

(ii) To a nurse practitioner lawfully authorized to practice in another state pending completion of the application for a Nebraska license; and

(iii) To applicants for purposes of a reentry program or supervised practice as part of continuing competency activities established by the board.

(b) A temporary license issued pursuant to this subsection may be extended for up to one year with the approval of the board.

(2) An applicant who is a military spouse may apply for a temporary license as provided in section 38-129.01.

Source: Laws 1984, LB 724, § 22; Laws 1993, LB 536, § 72; Laws 1996, LB 414, § 37; Laws 2000, LB 1115, § 53; Laws 2002, LB 1021, § 59; Laws 2005, LB 256, § 66; R.S.Supp.,2006, § 71-1724.01; Laws 2007, LB185, § 11; Laws 2007, LB463, § 810; Laws 2017, LB88, § 79.

38-2319. Nurse practitioner; license; renewal; requirements.

To renew a license to practice as a nurse practitioner, the applicant shall have:

(1) Documentation of a minimum of two thousand eighty hours of practice as a nurse practitioner within the five years immediately preceding renewal. These practice hours shall fulfill the requirements of the practice hours required for registered nurse renewal. Practice hours as an advanced practice registered nurse prior to July 1, 2007, shall be used to fulfill the requirements of this section; and

(2) Proof of current certification in the specific nurse practitioner clinical specialty area by an approved certification program.

Source: Laws 1981, LB 379, § 21; Laws 1983, LB 472, § 6; Laws 1984, LB 724, § 21; Laws 1986, LB 926, § 56; Laws 1988, LB 1100, § 105; Laws 1993, LB 536, § 71; Laws 1996, LB 414, § 36; Laws 2000, LB 1115, § 52; Laws 2002, LB 1021, § 58; Laws 2003, LB 242, § 103; Laws 2005, LB 256, § 65; R.S.Supp.,2006, § 71-1724; Laws 2007, LB185, § 10; Laws 2007, LB463, § 811.

38-2320. Nurse practitioner; liability insurance; when required.

(1) Nurse practitioners shall maintain in effect professional liability insurance with such coverage and limits as may be established by the board.

(2) If a nurse practitioner renders services in a hospital or other health care facility, he or she shall be subject to the rules and regulations of that facility. Such rules and regulations may include, but need not be limited to, reasonable requirements that the nurse practitioner and all collaborating licensed practitioners maintain professional

liability insurance with such coverage and limits as may be established by the hospital or other health care facility upon the recommendation of the medical staff.

Source: Laws 1996, LB 414, § 35; Laws 2000, LB 1115, § 51; Laws 2005, LB 256, § 64; R.S.Supp.,2006, § 71-1723.04; Laws 2007, LB463, § 812.

38-2321. Nurse practitioner; right to use title or abbreviation.

A person licensed to practice as a nurse practitioner in this state may use the title nurse practitioner and the abbreviation NP.

Source: Laws 1984, LB 724, § 27; Laws 1996, LB 414, § 32; Laws 2000, LB 1115, § 48; Laws 2005, LB 256, § 61; R.S.Supp.,2006, § 71-1723.01; Laws 2007, LB185, § 8; Laws 2007, LB463, § 813.

38-2322. Nurse practitioner; licensed on or before August 30, 2015; requirements; transition-to-practice agreement; contents.

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

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

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

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

(2) A nurse practitioner who was licensed in good standing in Nebraska on or before August 30, 2015, and had attained the equivalent of an initial two thousand hours of practice supervised by a physician or osteopathic physician shall be allowed to practice without a transition-to-practice agreement.

(3) For purposes of this section:

(a) Supervising provider means a physician, osteopathic physician, or nurse practitioner licensed and practicing in Nebraska and practicing in the same practice

specialty, related specialty, or field of practice as the nurse practitioner being supervised; and

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

Source: Laws 1996, LB 414, § 33; Laws 2000, LB 1115, § 49; Laws 2002, LB 1062, § 46; Laws 2005, LB 256, § 62; R.S.Supp.,2006, § 71-1723.02; Laws 2007, LB185, § 9; Laws 2007, LB463, § 814; Laws 2015, LB107, § 6; Laws 2017, LB88, § 80.

38-2323. Nurse practitioner; actions not prohibited.

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

Source: Laws 1996, LB 414, § 34; Laws 2000, LB 1115, § 50; Laws 2005, LB 256, § 63; R.S.Supp.,2006, § 71-1723.03; Laws 2007, LB463, § 815; Laws 2015, LB107, § 7.

38-2324. Nurse practitioner; signing of death certificates; grounds for disciplinary action.

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

Source: Laws 2012, LB1042, § 3.