

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 281

Introduced by Quick, 35.

Read first time January 15, 2025

Committee: Health and Human Services

1 A BILL FOR AN ACT relating to nursing; to amend sections 38-204, 38-605,
2 38-703, 38-904, 38-2213, 38-2214, and 38-2306, Reissue Revised
3 Statutes of Nebraska, and sections 38-167 and 38-2216, Revised
4 Statutes Cumulative Supplement, 2024; to eliminate and rename
5 certain boards as prescribed; to change requirements and
6 qualifications for members of the Board of Nursing; to eliminate
7 qualifications and duties for the Board of Advanced Practice
8 Registered Nurses; to eliminate obsolete provisions; to harmonize
9 provisions; to provide an operative date; to repeal the original
10 sections; and to outright repeal sections 38-205, 38-206, and
11 38-2307, Reissue Revised Statutes of Nebraska.
12 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 38-167, Revised Statutes Cumulative Supplement,
2 2024, is amended to read:

3 38-167 (1) Boards shall be designated as follows:

4 ~~(a) Board of Advanced Practice Registered Nurses;~~

5 (a) ~~(b)~~ Board of Alcohol and Drug Counseling;

6 (b) ~~(c)~~ Board of Athletic Training;

7 (c) ~~(d)~~ Board of Audiology and Speech-Language Pathology;

8 (d) ~~(e)~~ Board of Behavior Analysts;

9 (e) ~~(f)~~ Board of Chiropractic;

10 (f) ~~(g)~~ Board of Cosmetology, Electrology, Esthetics, Nail
11 Technology, and Body Art;

12 (g) ~~(h)~~ Board of Dentistry;

13 (h) ~~(i)~~ Board of Emergency Medical Services;

14 (i) ~~(j)~~ Board of Registered Environmental Health Specialists;

15 (j) ~~(k)~~ Board of Funeral Directing and Embalming;

16 (k) ~~(l)~~ Board of Hearing Instrument Specialists;

17 (l) ~~(m)~~ Board of Massage Therapy;

18 (m) ~~(n)~~ Board of Medical Nutrition Therapy;

19 (n) ~~(o)~~ Board of Medical Radiography;

20 (o) ~~(p)~~ Board of Medicine and Surgery;

21 (p) ~~(q)~~ Board of Mental Health Practice;

22 (q) ~~(r)~~ Board of Nursing;

23 (r) ~~(s)~~ Board of Nursing Home Administration;

24 (s) ~~(t)~~ Board of Occupational Therapy Practice;

25 (t) ~~(u)~~ Board of Optometry;

26 (u) ~~(v)~~ Board of Pharmacy;

27 (v) ~~(w)~~ Board of Physical Therapy;

28 (w) ~~(x)~~ Board of Podiatry;

29 (x) ~~(y)~~ Board of Psychology;

30 (y) ~~(z)~~ Board of Respiratory Care Practice; and

31 (z) ~~(aa)~~ Board of Veterinary Medicine and Surgery.

1 (2) Any change made by the Legislature of the names of boards listed
2 in this section shall not change the membership of such boards or affect
3 the validity of any action taken by or the status of any action pending
4 before any of such boards. Any such board newly named by the Legislature
5 shall be the direct and only successor to the board as previously named.

6 **Sec. 2.** Section 38-204, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 38-204 Board means the Board of Nursing ~~Advanced Practice Registered~~
9 ~~Nurses~~.

10 **Sec. 3.** Section 38-605, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 38-605 Board means the Board of Nursing ~~Advanced Practice Registered~~
13 ~~Nurses~~.

14 **Sec. 4.** Section 38-703, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 38-703 Board means the Board of Nursing ~~Advanced Practice Registered~~
17 ~~Nurses~~.

18 **Sec. 5.** Section 38-904, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 38-904 Board means the Board of Nursing ~~Advanced Practice Registered~~
21 ~~Nurses~~.

22 **Sec. 6.** Section 38-2213, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 38-2213 (1) The board shall consist of eight registered nurse
25 members, two licensed practical nurse members, and three ~~two~~ public
26 members. The registered nurses on the board shall be from the following
27 areas: (a) One practical nurse educator; (b) one associate degree or
28 diploma nurse educator; (c) one baccalaureate nurse educator; (d) two
29 nursing service administrators; (e) two staff nurses; and (f) four ~~one~~
30 advanced practice registered nurses ~~nurse~~.

31 (2) The State Board of Health shall attempt to ensure that the

1 membership of the Board of Nursing is representative of acute care, long-
2 term care, and community-based care. A minimum of three and a maximum of
3 five members shall be appointed from each congressional district, and
4 each member shall have been a bona fide resident of the congressional
5 district from which he or she is appointed for a period of at least one
6 year prior to the time of the appointment of such member.

7 **Sec. 7.** Section 38-2214, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 38-2214 (1) Each licensed practical nurse educator on the board
10 shall (a) be a registered nurse currently licensed in the state, (b) have
11 graduated with a graduate degree in nursing or a related field of study,
12 (c) have had a minimum of five years' experience in administration,
13 teaching, or consultation in practical nurse education, and (d) be
14 currently employed as a practical nurse educator.

15 (2) Each associate degree or diploma nurse educator on the board and
16 the baccalaureate nurse educator on the board shall (a) be a registered
17 nurse currently licensed in the state, (b) have graduated with a graduate
18 degree in nursing, (c) have had a minimum of five years' experience in
19 administration, teaching, or consultation in nursing education, and (d)
20 be currently employed in the field being represented.

21 (3) Each staff nurse on the board shall (a) be a registered nurse
22 currently licensed in the state, (b) have had a minimum of five years'
23 experience in nursing, and (c) be currently employed as a staff nurse in
24 the provision of patient care services.

25 (4) Each nursing service administrator on the board shall (a) be a
26 registered nurse currently licensed in the state, (b) have had a minimum
27 of five years' experience in nursing service administration, and (c) be
28 currently employed in such field.

29 (5) Each licensed practical nurse member shall (a) have completed at
30 least four years of high school study, (b) be licensed as a licensed
31 practical nurse in this state, (c) have obtained a certificate or diploma

1 from a state-approved practical nursing program, (d) have been actively
2 engaged in practical nursing for at least five years, and (e) be
3 currently employed in the provision of patient care services as a
4 licensed practical nurse in the state.

5 (6) Each public member shall meet the requirements of section
6 38-165.

7 (7) ~~Each~~ The advanced practice registered nurse on the board shall
8 (a) have a minimum of five years' experience as an advanced practice
9 registered nurse, (b) be currently employed as an advanced practice
10 registered nurse, and (c) be licensed as an advanced practice registered
11 nurse.

12 (8) On and after January 1, 2026, the terms for advanced practice
13 registered nurses serving on the board shall be as follows: One shall be
14 appointed for a three-year term, one shall be appointed for a four-year
15 term, and one shall be appointed for a five-year term. All subsequent
16 appointments shall be for five-year terms.

17 (9) The preferred representation of the advanced practice registered
18 nurses on the board shall be as follows: (a) One certified registered
19 nurse anesthetist, (b) one nurse practitioner, (c) one clinical nurse
20 specialist and (d) one certified nurse midwife. If such representation is
21 not possible, the vacancies may be filled based on the composition of the
22 applicant pool.

23 ~~(8) Members serving on December 1, 2008, may complete their~~
24 ~~respective terms even if they do not meet the requirements for~~
25 ~~appointment as changed by Laws 2007, LB 463.~~

26 **Sec. 8.** Section 38-2216, Revised Statutes Cumulative Supplement,
27 2024, is 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 Nurse Licensure Compact. In reporting
29 information to the coordinated licensure information system under Article
30 VII of the compact, the department may disclose personal identifying
31 information about a nurse, including his or her social security number; -

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

3 (12) Monitor the scope of practice by certified nurse midwives,
4 certified registered nurse anesthetists, clinical nurse specialists, and
5 nurse practitioners;

6 (13) Recommend disciplinary action relating to licenses of advanced
7 practice registered nurses, certified nurse midwives, certified
8 registered nurse anesthetists, clinical nurse specialists, and nurse
9 practitioners;

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

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

23 **Sec. 9.** Section 38-2306, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 38-2306 Board means the Board of Nursing Advanced—Practice
26 Registered Nurses.

27 **Sec. 10.** This act becomes operative on January 1, 2026.

28 **Sec. 11.** Original sections 38-204, 38-605, 38-703, 38-904, 38-2213,
29 38-2214, and 38-2306, Reissue Revised Statutes of Nebraska, and sections
30 38-167 and 38-2216, Revised Statutes Cumulative Supplement, 2024, are
31 repealed.

1 **Sec. 12.** The following sections are outright repealed: Sections
2 38-205, 38-206, and 38-2307, Reissue Revised Statutes of Nebraska.