

## LEGISLATIVE BILL 472

Approved by the Governor May 23, 1983

Introduced by Warner, 25; Kilgarrin, 7; Wagner, 41;  
Goodrich, 20; L. Johnson, 15; Marsh, 29;  
Morehead, 30; H. Peterson, 35

AN ACT relating to public health and welfare; to amend sections 71-1,132.14, 71-1,132.20, 71-1,132.29, 71-1,132.49, 71-1724, and 81-197, Reissue Revised Statutes of Nebraska, 1943; to provide a statement of purpose for the Board of Nursing; to change provisions relating to examinations; to provide for biennial license renewal; to change provisions relating to licensing and certification; to change certain fees; to eliminate a provision which terminates the Board of Nursing; to eliminate certain provisions relating to violations; to eliminate provisions on assistance grants; to repeal the original sections, and also sections 71-1,132.30 to 71-1,132.34, and 71-1,132.44 to 71-1,132.46, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

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

Section 1. The purposes of the Board of Nursing are to (1) provide for the health, safety, and welfare of the citizens, (2) insure that nurses meet minimum standards of proficiency and competency, (3) insure that schools of nursing meet the educational needs of the student and qualify students to serve the public safely, and (4) regulate the field of nursing in the interest of consumer protection in the state.

Sec. 2. That section 71-1,132.14, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,132.14. The applicant shall be required to pass a written examination in such subjects as the board may determine. The department, based upon dates provided by the board, shall give public notice of the time and place of all examinations required by this act. Such notice shall be given not later than thirty days

prior to the date of examination. The department shall have a registered nurse representative at all such examinations who shall be responsible for the details of the examination. Upon the applicant's passing such examination, the department, upon the recommendation of the board, shall issue to the applicant a license to practice nursing as a registered nurse or as a licensed practical nurse.

Sec. 3. That section 71-1,132.20, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,132.20. The license of every person, licensed under the provisions of sections 71-1,132.04 to 71-1,132.09, 71-1,132.11 to 71-1,132.16, 71-1,132.18 to 71-1,132.29, 71-1,132.35 to 71-1,132.37, and 71-1,132.41, shall be renewed each year biennially, except as provided by the provisions of such sections. The biennial license renewals provided for in this section shall be accomplished in such manner as the department, with the approval of the board, shall establish by rule and regulation. On or before November October 1 of each renewal year, the department shall mail an application for renewal of license to every person to whom a such license was issued or renewed during the current year renewal period. The applicant shall fill in the application blank and return it to the department with a renewal fee established by the department pursuant to section 71-1,132.49 on or before January December 1 following the mailing of such notice. Upon receipt of the application and fee, the department shall verify the accuracy of the application and issue to the applicant a certificate of renewal for the year renewal period beginning January 1 following the mailing of such notice, and expiring December 31. Such certificate of renewal shall render the holder thereof a legal practitioner of nursing for the period stated on the certificate of renewal. Any licensee who fails to pay the renewal fee on or before January 1 shall have his or her license placed in an inactive status unless he or she wishes to withdraw from the practice of nursing and so informs the department of such desire lapsed unless such person requests identification of inactive status and pays the fee as provided for in section 71-1,132.49. An inactive license shall be returned to active status by the department upon completion of the requirements of this section, and payment of the renewal fee then due, together with an additional reinstatement fee in an amount to be set by the department pursuant to section 71-1,132.49. A fee to be determined by the department pursuant to section 71-1,132.49 shall be charged to any licensed nurse for the issuance of a certification of credentials to another state, and to any educational

institution or agency located outside of the State of Nebraska. After January 1, 1983, the department shall require, in the interest of public health, safety, and welfare of the people of this state, that applicants who have not practiced nursing for a period of five or more years, complete a review study of courses to be determined by the board and approved by the department in accordance with the provisions of section 71-1,132.11, and satisfactorily demonstrate their ability to practice nursing by such means as may be determined by the Board of Nursing and approved by the department; PROVIDED, such means shall be on the basis of uniform criteria and standards established by rules and regulations promulgated by the Board of Nursing, with the approval of the department.

Sec. 4. That section 71-1,132.29, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,132.29. The department, upon the recommendation of the board, shall have power to deny, revoke, or suspend any license to practice nursing issued by the department or applied for in accordance with the provisions of sections 71-1,132.04 to 71-1,132.09, 71-1,132.11 to 71-1,132.16, and 71-1,132.18 to 71-1,132.29, 71-1,132.35 to 71-1,132.37, or to otherwise discipline a licensee upon proof that the person (1) is guilty of fraud or deceit in procuring or attempting to procure a license to practice nursing; (2) is convicted of a felony or of any offense, professionally related, involving moral turpitude; (3) utilizes drugs or alcohol to the extent that such usage interferes with the individual's performance of nursing functions; (4) attempts to practice nursing while afflicted with physical or mental illness, deterioration, or disability to the extent that such affliction interferes with the individual's performance of nursing functions; (5) is guilty of unprofessional conduct or negligence to the extent that the individual's performance as a nurse is adversely affected; or (6) has willfully or repeatedly violated any sections of this act: the grounds and in the manner provided in sections 71-147 to 71-161.08 and 71-161.11 to 71-161.19.

Sec. 5. That section 71-1,132.49, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,132.49. The department shall set the fees to be paid:

(1) By an applicant for a license to practice as a registered professional nurse, but the fee shall not be in excess of sixty dollars;

(2) By an applicant for a license to practice as a practical nurse, but the fee shall not be in excess

of forty-five dollars;

(3) By an applicant for renewal of a license, but the fee shall not be in excess of ~~ten~~ twenty dollars;

(4) By an applicant for reinstatement of a license, but the fee shall not be in excess of five dollars;

(5) For providing identification of inactive status to those individuals requesting such identification, but the fee shall not be in excess of five dollars; and

(6) For certification to another state or country, but the fee shall not be in excess of five dollars.

The applicable fee set by the department pursuant to this section shall accompany the application.

Sec. 6. That section 71-1724, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1724. Renewal of certification as a nurse practitioner shall be at the same time and in the same manner as renewal of a license as a registered professional nurse and shall require that:

(1) The current license as a registered professional nurse in the State of Nebraska is valid and in good standing and continuing education requirements, if any, have been met;

(2) Documentation of continued clinical competencies be made if deemed necessary by the board either by reference, peer review, or examination;

(3) Payment be made of an annual renewal of a biennial certification fee of ~~ten~~ twenty dollars; and

(4) Any nurse practitioner who fails to make application for renewal on or before January 1 of the renewal year shall be considered delinquent and shall be required to apply for reinstatement of the lapsed certification and to submit payment of the ~~annual~~ renewal fees then due, together with an additional reinstatement fee of five dollars.

Sec. 7. That section 81-197, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-197. The following agencies, boards, or commissions shall terminate on July 1, 1982:

(1) Board of Examiners in Chiropractic, created by sections 71-111 and 71-112;

(2) Board of Examiners in Dentistry, created by sections 71-111 and 71-112;

(3) State Board of Examiners of Psychologists, created by section 71-3803; and

~~(4)~~ Board of Nursing, created by section 71-47432-07; and

~~(5)~~ (4) Board of Examiners in Pharmacy, created by sections 71-111 and 71-112.

Sec. 8. That original sections 71-1,132.14, 71-1,132.20, 71-1,132.29, 71-1,132.49, 71-1724, and 81-197, Reissue Revised Statutes of Nebraska, 1943, and also sections 71-1,132.30 to 71-1,132.34, and 71-1,132.44 to 71-1,132.46, Reissue Revised Statutes of Nebraska, 1943, are repealed.

Sec. 9. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.