

## LEGISLATIVE BILL 414

Approved by the Governor April 3, 1996

Introduced by Day, 19; Withem, 14; Will, 8

AN ACT relating to nurse practitioners; to amend sections 71-1,147.01, 71-1704, 71-1707, 71-1708, 71-1709.01, 71-1714, 71-1716 to 71-1716.03, 71-1721, 71-1721.07, 71-1723, 71-1723.01, 71-1725 to 71-1726.02, 71-1736, and 71-1737, Reissue Revised Statutes of Nebraska, sections 71-1,103, 71-1,143, 71-1706, 71-1717, 71-1722, 71-1724, 71-1724.01, 71-1730, and 71-1731, Revised Statutes Supplement, 1994, and sections 71-168, 71-168.02, 71-1,132.07, 71-1,132.08, 71-1,132.11, 71-1,198, 71-1,339, 71-1705, 71-1727, 71-1735, and 71-1913.01, Revised Statutes Supplement, 1995; to rename the Nurse Practitioner Act; to provide for licensing of advanced registered nurse practitioners; to change and eliminate provisions relating to certification of nurse practitioners and certified registered nurse anesthetists; to change drug dispensing provisions; to provide and change fees; to eliminate an advisory council; to create a board; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 71-1709, 71-1711, 71-1715, 71-1721.01 to 71-1721.03, and 71-1721.05, Reissue Revised Statutes of Nebraska, and sections 71-1716.04, 71-1721.04, 71-1721.06, and 71-1728, Revised Statutes Supplement, 1994; and to declare an emergency.

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

Section 1. Section 71-168, Revised Statutes Supplement, 1995, is amended to read:

71-168. (1) The department shall enforce the Uniform Licensing Law and for that purpose shall make necessary investigations. Every licensee, certificate holder, or registrant listed under subsection (4) of this section and every member of a board of examiners shall furnish the department such evidence as he or she may have relative to any alleged violation which is being investigated.

(2) Every licensee, certificate holder, or registrant listed under subsection (4) of this section shall report to the department the name of every person without a license, certificate, or registration that he or she has reason to believe is engaged in practicing any profession for which a license, certificate, or registration is required by the Uniform Licensing Law. The department may, along with the Attorney General and other law enforcement agencies, investigate such reports or other complaints of unauthorized practice. The board of examiners for the profession may issue an order to cease and desist the unauthorized practice of that profession as a measure to obtain licensure, certification, or registration of the person prior to referral of the matter to the Attorney General for action.

(3) Any licensee, certificate holder, or registrant listed under subsection (4) of this section who is required to file a report of loss or theft of a controlled substance to the federal Drug Enforcement Administration shall provide a copy of such report to the department.

(4) Every licensee, certificate holder, or registrant regulated under the Advanced Registered Nurse Practitioner Act, the Emergency Medical Technician-Paramedic Act, the Licensed Practical Nurse-Certified Act, the Nebraska Certified Nurse Midwifery Practice Act, the Nebraska Cosmetology Act, the Nurse Practice Act, the ~~Nurse Practitioner Act~~, the Occupational Therapy Practice Act, the Uniform Controlled Substances Act, the Uniform Licensing Law, the Wholesale Drug Distributor Licensing Act, or sections 71-3702 to 71-3715, 71-4701 to 71-4719, or 71-6053 to 71-6068 shall, within thirty days of an occurrence described in this subsection, report to the department in such manner and form as the department may require by rule and regulation whenever he or she:

(a) Has first-hand knowledge of facts giving him or her reason to believe that any person in his or her profession has committed acts indicative of gross incompetence, a pattern of negligent conduct as defined in subdivision (5)(e) of section 71-147, or unprofessional conduct, may be practicing while his or her ability to practice is impaired by alcohol, controlled substances, narcotic drugs, or physical, mental, or emotional disability, or has otherwise violated such regulatory provisions governing the practice of the profession;

(b) Has first-hand knowledge of facts giving him or her reason to

believe that any person in another profession regulated under such regulatory provisions has committed acts indicative of gross incompetence or may be practicing while his or her ability to practice is impaired by alcohol, controlled substances, narcotic drugs, or physical, mental, or emotional disability. The requirement to file a report under subdivision (a) or (b) of this subsection shall not apply (i) to the spouse of the practitioner, (ii) to a practitioner who is providing treatment to such person in a practitioner-patient relationship concerning information obtained or discovered in the course of treatment unless the treating practitioner determines that the condition of the person may be of a nature which constitutes a danger to the public health and safety by the person's continued practice, or (iii) when a chemically impaired professional enters the Licensee Assistance Program authorized by section 71-172.01 except as provided in such section; or

(c) Has been the subject of any of the following actions:

(i) Loss of privileges in a hospital or other health care facility due to alleged incompetence, negligence, unethical or unprofessional conduct, or physical, mental, or chemical impairment or the voluntary limitation of privileges or resignation from staff of any health care facility when that occurred while under formal or informal investigation or evaluation by the facility or a committee of the facility for issues of clinical competence, unprofessional conduct, or physical, mental, or chemical impairment;

(ii) Loss of employment due to alleged incompetence, negligence, unethical or unprofessional conduct, or physical, mental, or chemical impairment;

(iii) Adverse judgments, settlements, or awards arising out of professional liability claims, including settlements made prior to suit, or adverse action by an insurance company affecting professional liability coverage. The department may define by rule and regulation what constitutes a settlement that would be reportable when a practitioner refunds or reduces a fee or makes no charge for reasons related to a patient or client complaint other than costs;

(iv) Denial of licensure, certification, registration, or other form of authorization to practice by any state, territory, or jurisdiction, including any military or federal jurisdiction, due to alleged incompetence, negligence, unethical or unprofessional conduct, or physical, mental, or chemical impairment;

(v) Disciplinary action against any license, certificate, registration, or other form of permit he or she holds taken by another state, territory, or jurisdiction, including any federal or military jurisdiction, the settlement of such action, or any voluntary surrender of or limitation on any such license, certificate, registration, or other form of permit;

(vi) Loss of membership in a professional organization due to alleged incompetence, negligence, unethical or unprofessional conduct, or physical, mental, or chemical impairment; or

(vii) Conviction of any misdemeanor or felony in this or any other state, territory, or jurisdiction, including any federal or military jurisdiction.

(5) A report made to the department under this section shall be confidential and treated in the same manner as complaints and investigative files under subsection (7) of section 71-168.01. Any person making a report to the department under this section except those self-reporting shall be completely immune from criminal or civil liability of any nature, whether direct or derivative, for filing a report or for disclosure of documents, records, or other information to the department under this section. Persons who are members of committees established under sections 25-12,123 and 71-2046 to 71-2048 or witnesses before such committees shall not be required to report such activities. Any person who is a witness before a committee established under such sections shall not be excused from reporting matters of first-hand knowledge that would otherwise be reportable under this section only because he or she attended or testified before such committee. Documents from original sources shall not be construed as immune from discovery or use in actions under subsection (4) of this section.

Sec. 2. Section 71-168.02, Revised Statutes Supplement, 1995, is amended to read:

71-168.02. (1) A health care facility licensed under section 71-2017.01 or a peer review organization or professional association of a health care profession regulated under the Advanced Registered Nurse Practitioner Act, the Emergency Medical Technician-Paramedic Act, the Licensed Practical Nurse-Certified Act, the Nebraska Certified Nurse Midwifery Practice Act, the Nebraska Cosmetology Act, the Nurse Practice Act, the ~~Nurse Practitioner Act~~, the Occupational Therapy Practice Act, the Uniform

Controlled Substances Act, the Uniform Licensing Law, the Wholesale Drug Distributor Licensing Act, or sections 71-3702 to 71-3715, 71-4701 to 71-4719, or 71-6053 to 71-6068 shall report to the department, on a form and in the manner specified by the department by rule and regulation, any facts known to them, including, but not limited to, the identity of the practitioner and patient, when the facility, organization, or association:

(a) Has made payment due to adverse judgment, settlement, or award of a professional liability claim against it or a licensee, certificate holder, or registrant, including settlements made prior to suit, arising out of the acts or omissions of the licensee, certificate holder, or registrant; or

(b) Takes action adversely affecting the privileges or membership of a licensee, certificate holder, or registrant in such facility, organization, or association due to alleged incompetence, professional negligence, unprofessional conduct, or physical, mental, or chemical impairment.

The report shall be made within thirty days after the date of the action or event.

(2) A report made to the department under this section shall be confidential and treated in the same manner as complaints and investigative files under subsection (7) of section 71-168.01. The facility, organization, association, or person making such report shall be completely immune from criminal or civil liability of any nature, whether direct or derivative, for filing a report or for disclosure of documents, records, or other information to the department under this section. The reports and information shall be subject to the investigatory and enforcement provisions of the regulatory provisions listed in subsection (1) of this section. Nothing in this subsection shall be construed to require production of records protected by section 25-12,123 or 71-2048 except as otherwise provided in either of such sections.

(3) For purposes of this section, the department shall accept reports made to it under the Nebraska Hospital-Medical Liability Act or in accordance with national practitioner data bank requirements of the federal Health Care Quality Improvement Act of 1986, as amended, and may require a supplemental report to the extent such reports do not contain the information required by rules and regulations of the department.

Sec. 3. Section 71-1,103, Revised Statutes Supplement, 1994, is amended to read:

71-1,103. The following classes of persons shall not be construed to be engaged in the unauthorized practice of medicine:

- (1) Persons rendering gratuitous services in cases of emergency;
- (2) Persons administering ordinary household remedies;
- (3) The members of any church practicing its religious tenets, except that they shall not prescribe or administer drugs or medicines, perform surgical or physical operations, nor assume the title of or hold themselves out to be physicians or surgeons, and such members shall not be exempt from the quarantine laws of this state;
- (4) Students of medicine and surgery who are studying in an accredited school or college of medicine and who gratuitously prescribe for and treat disease under the supervision of a licensed physician;
- (5) Physicians and surgeons of the United States Armed Forces or Public Health Service or United States Department of Veterans Affairs when acting in the line of such duty in this state;
- (6) Physicians and surgeons who are graduates of an accredited school or college of medicine with the degree of Doctor of Medicine and licensed in another state when incidentally called into this state for consultation with a physician and surgeon licensed in this state;
- (7) Physicians and surgeons who are graduates of an accredited school or college of medicine with the degree of Doctor of Medicine and who reside in a state bordering this state and who are duly licensed under the laws thereof to practice medicine and surgery but who do not open an office or maintain or appoint a place to meet patients or to receive calls within this state;
- (8) Persons providing or instructing as to use of braces, prosthetic appliances, crutches, contact lenses, and other lenses and devices prescribed by a doctor of medicine licensed to practice while working under the direction of such physician;
- (9) Dentists practicing their profession when licensed and practicing in accordance with sections 71-183 to 71-191;
- (10) Optometrists practicing their profession when licensed and practicing under and in accordance with sections 71-1,133 to 71-1,136;
- (11) Osteopathic physicians practicing their profession if licensed and practicing under and in accordance with sections 71-1,137 and 71-1,141;

(12) Chiropractors practicing their profession if licensed and practicing under sections 71-177 to 71-182;

(13) Podiatrists practicing their profession when licensed and practicing under and in accordance with sections 71-173 to 71-176;

(14) Psychologists practicing their profession when licensed and practicing under and in accordance with sections 71-1,206.01 to 71-1,206.31;

(15) Advanced registered nurse practitioners and certified registered nurse anesthetists practicing their profession when licensed and practicing under and in accordance with the Advanced Registered Nurse Practitioner Act.

(16) Any person licensed or certified under the laws of this state to practice a limited field of the healing art, not specifically named in this section, when confining themselves strictly to the field for which they are licensed or certified, not assuming the title of physician, surgeon, or physician and surgeon, and not professing or holding themselves out as qualified to prescribe drugs in any form or to perform operative surgery;

~~(16)~~ (17) Physicians and surgeons who are duly licensed to practice medicine and surgery in another state who have been recommended by the secretary of the board of examiners in the state of licensure and who have been granted temporary practice rights by the Board of Examiners in Medicine and Surgery, with the approval of the Department of Health, for a period not to exceed three months in any twelve-month period;

~~(17)~~ (18) Persons obtaining blood specimens while working under an order of or protocols and procedures approved by a physician, registered nurse, or other independent health care practitioner licensed to practice by the state if the scope of practice of that practitioner permits the practitioner to obtain blood specimens; and

~~(18)~~ (19) Any other trained person employed by a licensed institution or facility which is defined in section 71-2017.01 or clinical laboratory certified pursuant to the Nebraska Clinical Laboratories Certification Act, the federal Clinical Laboratory Improvement Act of 1967, as amended, or Title XVIII or XIX of the federal Social Security Act to withdraw human blood for scientific or medical purposes.

Every act or practice falling within the practice of medicine and surgery as defined not specially excepted in this section shall constitute the practice of medicine and surgery and may be performed in this state only by those licensed by law to practice medicine in Nebraska.

Sec. 4. Section 71-1,132.07, Revised Statutes Supplement, 1995, is amended to read:

71-1,132.07. (1) The Board of Nursing is established. The board shall consist of eight registered nurse members, two licensed practical nurse members, and two consumer members, all of whom shall be appointed by the State Board of Health. The registered nurses on the Board of Nursing shall be from the following areas: (a) One practical nurse educator; (b) one associate degree or diploma nurse educator; (c) one baccalaureate nurse educator; (d) two nursing service administrators; (e) two staff nurses; and (f) one clinical nurse specialist, certified advanced registered nurse practitioner, certified nurse practitioner-anesthetist, or certified nurse midwife. The nursing service administrators, the staff nurses, and the licensed practical nurses shall be equally representative of acute care, long-term care, and community-based care. All congressional districts shall be equally represented on the board, and each member shall have been a bona fide resident of the congressional district from which he or she is appointed for a period of at least one year prior to the time of the appointment of such member.

(2) The terms of office of all board members shall be staggered terms of four years each as the State Board of Health determines.

(3) At the expiration of the term of any member, the State Board of Health may consult with appropriate professional nursing organizations regarding candidates for appointment. Appointments shall be made on or before December 1 of each year. In order to be considered for reappointment, a candidate must currently meet all criteria for initial appointment. Vacancies occurring on the Board of Nursing shall be filled for the unexpired terms by appointments made by the State Board of Health. No member shall serve more than two consecutive terms on the Board of Nursing. Any board member initially appointed for less than a full term shall be eligible to serve for two additional consecutive full terms.

(4) The State Board of Health shall have power to remove from office at any time any member of the Board of Nursing, after a public hearing pursuant to the Administrative Procedure Act, for physical or mental incapacity to carry out the duties of a board member, for continued neglect of duty, for incompetency, for acting beyond the individual member's scope of authority, for malfeasance in office, for any cause for which a license or

certificate in the member's profession involved may be suspended or revoked, for a lack of licensure or certification in the member's profession, or for other sufficient cause.

(5) All members of the board are immune from individual civil liability while acting within the scope of their duties as board members.

(6) If the entire board, an individual member, or a staff member is sued, the Attorney General shall appoint an attorney to represent the involved parties.

(7) The department shall adopt and promulgate rules and regulations which establish definitions of conflicts of interest for members of the board and which establish procedures in the case such a conflict arises.

Sec. 5. Section 71-1,132.08, Revised Statutes Supplement, 1995, is amended to read:

71-1,132.08. (1) Each licensed practical nurse educator on the board shall (a) be a registered nurse currently licensed in the state, (b) have graduated with a baccalaureate degree in nursing or a related field of study, (c) have had a minimum of three years' experience in administration, teaching, or consultation in practical nurse education, and (d) be currently employed as a practical nurse educator.

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

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

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

(5) Each licensed practical nurse member shall (a) have completed at least four years of high school study, (b) be licensed as a licensed practical nurse in this state, (c) have obtained a certificate or diploma from a state-approved practical nursing program, (d) have been actively engaged in practical nursing for at least five years, and (e) be currently employed in the provision of patient care services as a licensed practical nurse in the state.

(6) Each consumer member shall (a) not have been involved in providing health care services in this state for at least three years prior to his or her appointment, (b) be of voting age, and (c) be a resident of the state.

(7) The clinical nurse specialist, certified advanced registered nurse practitioner, certified nurse practitioner-anesthetist, or certified nurse midwife on the board shall (a) have a minimum of five years' experience in the role and (b) be currently employed in the role and (c) the advanced registered nurse practitioner, nurse practitioner-anesthetist, or nurse midwife must be currently certified according to the Advanced Registered Nurse Practitioner Act or the Nebraska Certified Nurse Midwifery Practice Act.

(8) For purposes of this section, current employment means having practiced no less than two thousand hours in the two years preceding appointment.

Sec. 6. Section 71-1,132.11, Revised Statutes Supplement, 1995, is amended to read:

71-1,132.11. The board may adopt, promulgate, and revise, with the approval of the department, such rules and regulations consistent with the Nurse Practice Act as may be necessary to carry the act into effect. All such rules and regulations shall be published and distributed. The board shall:

(1) Adopt reasonable and uniform standards for nursing practice and nursing education which are reviewed at least every four years;

(2) If requested, issue or decline to issue advisory opinions defining acts which in the opinion of the board are or are not permitted in the practice of nursing as defined in section 71-1,132.05. Such opinions shall be considered informational only and are nonbinding;

(3) Establish rules and regulations for approving and classifying programs preparing practical and professional nurses, taking into consideration administrative and organizational patterns, the curriculum, students, student services, faculty, and instructional resources and facilities, and provide surveys for each educational program at least every four years or more frequently as deemed necessary;

(4) Approve ~~such~~ educational programs ~~as~~ which meet the requirements of the act;

(5) Examine, license, and renew the licenses of duly qualified applicants;

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

(7) Develop standards for continued competency of licensees continuing in or returning to practice;

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

(9) Make recommendations in accordance with section 71-168.01 regarding licensure and disciplinary dispositions for individuals who have violated the act and upon the grounds provided in the Uniform Licensing Law;

(10) Collect data regarding nursing;

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

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

(13) Appoint special purpose groups or ad hoc groups to advise the board; and

(14) Administer the provisions of the Advanced Registered Nurse Practitioner Act as it applies to certified registered nurse anesthetists and the Nebraska Certified Nurse Midwifery Practice Act.

Sec. 7. Section 71-1,143, Revised Statutes Supplement, 1994, is amended to read:

71-1,143. Sections 71-1,142 and 71-1,147 shall not be construed to include persons who:

(1) Sell Persons who sell, offer, or expose for sale completely denatured alcohol or concentrated lye, insecticides, and fungicides in original packages;

(2) Are medical Medical practitioners who dispense drugs and medicines as an incident to the practice of their profession, but shall not exempt such a practitioner, other than a licensed veterinarian who regularly engages in dispensing such drugs or medicinal substances to his or her patients for which such patients are charged either separately or together with charges for other professional services, from obtaining a pharmacy permit and complying with all unless the practitioner regularly engages in dispensing such drugs and medicines to his or her patients for which such patients are charged. Except as provided in section 71-1,147.53, a medical practitioner who regularly engages in dispensing drugs and medicines to his or her patients and who charges for such drugs shall obtain a pharmacy permit and comply with all record-keeping, dispensing, labeling, and other requirements of the practice of pharmacy as set forth in this section and sections 71-1,142, 71-1,145 to 71-1,147.01, 71-1,147.03, 71-1,147.07 to 71-1,147.10, 71-1,147.15, and 71-1,147.16 or by federal and state laws as they pertain to the regulation of the practice of pharmacy. Such regular and routine dispensing shall not be considered to be incident to practice, nor may such a practitioner delegate such dispensing to any other person;

(3) Sell Persons who sell, offer, or expose for sale nonprescription drugs or proprietary medicines, the sale of which is not in itself a violation of the law relating to intoxicating liquors;

(4) Are known as medical Medical representatives, detail persons, or persons known by some name of like import, but only to the extent of permitting the relating of pharmaceutical information to health care practitioners;

(5) Are licensed Licensed veterinarians; and

(6) Are Persons authorized by sections 71-1,147.39 to 71-1,147.61 to dispense authorized refills of oral contraceptives in a public health clinic operating with a drug dispensing permit; and

(7) Advanced registered nurse practitioners who dispense sample medications which are provided by the manufacturer and are dispensed at no charge to the patient.

Sec. 8. Section 71-1,147.01, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,147.01. No person shall engage in, conduct, or carry on a pharmacy or engage in the practice of pharmacy in this state unless the Department of Health has issued a permit to conduct such pharmacy, upon the recommendation of the board. Each permit shall be issued to a specific person and for a specific location. Separate permits shall be issued for each of the

premises of any business establishment having more than one location.

Nothing contained in this section shall be construed to require a public or private institution licensed as a hospital by the Department of Health department which is engaged in the compounding and dispensing of drugs or medicines and the filling of prescriptions of medical practitioners and advanced registered nurse practitioners for persons registered as patients or confined in the hospital to obtain a permit as provided in sections 71-1,142, 71-1,143, and 71-1,147 to 71-1,147.14, either in the name of the hospital, an employee thereof, or any other person. This exemption from the requirement to obtain a permit to conduct a pharmacy or to engage in the practice of pharmacy as provided in such sections 71-1,142, 71-1,143, and 71-1,147 to 71-1,147.14 does not include any public or private institution licensed as a hospital by the department which is primarily engaged in the compounding and dispensing of drugs and medicines and the filling of prescriptions of medical practitioners and advanced registered nurse practitioners for persons not registered as patients, or confined to the hospital. This, PROVIDED, this exemption shall not allow such hospital exemption from any other laws of this state or of the United States pertaining to pharmacy and the dispensing of drugs and medicines.

Each public or private hospital which is licensed by the Department of Health department shall designate a full-time, part-time, or consultant pharmacist licensed in this state as being the pharmacist in charge and responsible for the practice of pharmacy in such hospital. The board or its designated representatives shall have the authority to examine and inspect the practice of pharmacy in any public or private hospital licensed by the Department of Health department.

Any medical practitioner who regularly engages in the dispensing of drugs or medicinal substances to his or her patients, as described in subdivision (2) of section 71-1,143, shall be required to obtain a permit, except that a medical practitioner who dispenses drugs or medicinal substances incident to his or her practice shall not be required to obtain a permit.

Sec. 9. Section 71-1,198, Revised Statutes Supplement, 1995, is amended to read:

71-1,198. For purposes of sections 71-1,198 to 71-1,205, unless the context otherwise requires:

(1) Law enforcement agency shall mean any governmental agency charged by law with carrying out any of the regulatory provisions or any person authorized by law to make arrests within the State of Nebraska;

(2) Practitioner shall mean any person required to be licensed, certified, or registered under the regulatory provisions, whether or not such person is so licensed, certified, or registered; and

(3) Regulatory provisions shall mean the Advanced Registered Nurse Practitioner Act, the Emergency Medical Technician-Paramedic Act, the Licensed Practical Nurse-Certified Act, the Nebraska Certified Nurse Midwifery Practice Act, the Nebraska Cosmetology Act, the Nurse Practice Act, the Nurse Practitioner Act, the Occupational Therapy Practice Act, the Uniform Controlled Substances Act, the Uniform Licensing Law, the Wholesale Drug Distributor Licensing Act, or sections 71-3702 to 71-3715, 71-4701 to 71-4719, or 71-6053 to 71-6068.

Sec. 10. Section 71-1,339, Revised Statutes Supplement, 1995, is amended to read:

71-1,339. Beginning July 1, 1995, the clerk of any county or district court in this state shall report to the Department of Health the conviction of any person licensed, certified, or registered by the department under the Advanced Registered Nurse Practitioner Act, the Emergency Medical Technician-Paramedic Act, the Licensed Practical Nurse-Certified Act, the Nebraska Certified Nurse Midwifery Practice Act, the Nebraska Cosmetology Act, the Nurse Practice Act, the Nurse Practitioner Act, the Occupational Therapy Practice Act, the Uniform Controlled Substances Act, the Uniform Licensing Law, the Wholesale Drug Distributor Licensing Act, or sections 71-3702 to 71-3715, 71-4701 to 71-4719, or 71-6053 to 71-6068 of any felony or of any misdemeanor involving the use, sale, distribution, administration, or dispensing of a controlled substance, alcohol or chemical impairment, or substance abuse and shall also report a judgment against any such licensee, certificate holder, or registrant arising out of a claim of professional liability. The Attorney General or city or county prosecutor prosecuting any such criminal action and plaintiff in any such civil action shall provide the court with information concerning the licensure, certification, or registration of the defendant or party. Notice to the department shall be filed within thirty days after the date of conviction or judgment in a manner agreed to by the Director of Health and the State Court Administrator.

Sec. 11. Section 71-1704, Reissue Revised Statutes of Nebraska, is

amended to read:

71-1704. Sections 71-1704 to 71-1737 and sections 23, 24, 26 to 28, 33 to 35, and 42 of this act shall be known and may be cited as the Advanced Registered Nurse Practitioner Act.

Sec. 12. Section 71-1705, Revised Statutes Supplement, 1995, is amended to read:

71-1705. The Legislature finds and declares that:

(1) That because 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) That ~~it~~ It is necessary to encourage the more effective utilization of the skills of registered nurses by enabling them to perform in expanded advanced roles in nursing; and

(3) That ~~The Advanced Registered Nurse Practitioner Act and the Nurse Practice Act and the Nurse Practitioner Act~~ are established to encourage registered nurses to perform in expanded advanced roles in nursing.

Sec. 13. Section 71-1706, Revised Statutes Supplement, 1994, is amended to read:

71-1706. For purposes of the Advanced Registered Nurse Practitioner Act, unless the context otherwise requires and except as provided in sections 71-1716-04 and section 71-1729, the definitions provided in sections 71-1707 to 71-1717 and sections 23 and 24 of this act shall apply.

Sec. 14. Section 71-1707, Reissue Revised Statutes of Nebraska, is amended to read:

71-1707. Nurse Advanced registered nurse practitioner shall mean a registered nurse who meets the requirements established in section 71-1722 and who holds a current license as an advanced registered nurse practitioner issued by the department. an individual who meets the following qualifications:

(1) Has acquired additional knowledge and skills within a particular clinical area designed to enable him or her to practice as provided in section 71-1721;

(2) Has completed an approved basic program in nursing prior to and in preparation for licensure as a registered professional nurse;

(3) is currently licensed as a registered professional nurse in the State of Nebraska;

(4) Has successfully completed an advanced course of study which prepares the participant for certification in a specific expanded role in nursing and which provides additional knowledge and skills in physical and psychosocial assessment and management of health and illness needs of a specialized population; and

(5) Has met the certification requirements and is currently certified by the department with the approval of the boards.

Sec. 15. Section 71-1708, Reissue Revised Statutes of Nebraska, is amended to read:

71-1708. Board shall mean the Board of Nursing of the State of Nebraska Advanced Registered Nurse Practitioners.

Sec. 16. Section 71-1709.01, Reissue Revised Statutes of Nebraska, is amended to read:

71-1709.01. Boards shall mean the Board of Advanced Registered Nurse Practitioners and the Board of Nursing and the Board of Examiners in Medicine and Surgery of the State of Nebraska.

Sec. 17. Section 71-1714, Reissue Revised Statutes of Nebraska, is amended to read:

71-1714. Preceptorship shall mean the clinical practice component of an educational program for the preparation of advanced registered nurse practitioners.

Sec. 18. Section 71-1716, Reissue Revised Statutes of Nebraska, is amended to read:

71-1716. Collaboration shall mean a process and relationship in which ~~a~~ an advanced registered nurse practitioner shall work together with a licensed practitioner and may work with other health professionals, deliver to deliver health care within the scope of authority of the various clinical specialty practices, as authorized by law. With the exception of nurse practitioners certified under the provisions of sections 71-1729 to 71-1737, no one shall practice as a nurse practitioner in collaboration with a licensed practitioner except under the terms of the practice agreement.

Sec. 19. Section 71-1716.01, Reissue Revised Statutes of Nebraska, is amended to read:

71-1716.01. Approved certifying body shall mean a national professional certification organization which certifies qualified licensed nurses in specific nurse practitioner clinical specialties whose membership is



open to all qualified licensed nurses for advanced practice in a clinical specialty area and which (1) offers an approved certification program, (2) has developed standards relating to scope of practice for certified nurse practitioners practicing in clinical specialty areas 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.

Sec. 20. Section 71-1716.02, Reissue Revised Statutes of Nebraska, is amended to read:

71-1716.02. Approved certification program shall mean a certification process for advanced registered nurse practitioners utilized by an approved certifying body that (1) requires evidence of completion of a formal program of study in an advanced registered 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.

Sec. 21. Section 71-1716.03, Reissue Revised Statutes of Nebraska, is amended to read:

71-1716.03. Practice agreement shall mean the written agreement authored and signed by the nurse practitioner and the licensed practitioner with whom he or she is associated which (1) identifies the settings within which the nurse practitioner is authorized to practice, (2) names the collaborating licensed practitioners, (3) defines or describes the agreed-upon medical functions, not inconsistent with the Nurse Practitioner Act; that the nurse practitioner may perform, (4) contains such other information as required by the boards, and (5) is approved by the boards according to established criteria. More than one licensed practitioner may be party to a practice agreement. Integrated practice agreement shall mean a written agreement between an advanced registered nurse practitioner and a collaborating physician in which the advanced registered nurse practitioner and the collaborating physician provide for the delivery of health care through an integrated practice. The integrated practice agreement shall provide that the advanced registered nurse practitioner and the collaborating physician will practice collaboratively within the framework of their respective scopes of practice. Each provider shall be responsible for his or her individual decisions in managing the health care of patients. Integrated practice includes consultation, collaboration, and referral.

The advanced registered nurse practitioner and the collaborating physician shall have joint responsibility for patient care, based upon the scope of practice of each practitioner. The collaborating physician shall be responsible for supervision of the advanced registered nurse practitioner to ensure the quality of health care provided to patients.

For purposes of this section:

(1) Collaborating physician shall mean a physician or osteopathic physician licensed in Nebraska and practicing in the same geographic area and practice specialty, related specialty, or field of practice as the advanced registered nurse practitioner; and

(2) Supervision shall mean the ready availability of the collaborating physician for consultation and direction of the activities of the advanced registered nurse practitioner within the advanced registered nurse practitioner's defined scope of practice.

Sec. 22. Section 71-1717, Revised Statutes Supplement, 1994, is amended to read:

71-1717. Approved advanced registered nurse practitioner program shall mean a program which (1) meets the following requirements-

(1) The graduates of the program are eligible to take a certification examination approved by the boards;

(2) The program is approved by the board as meeting the requirements of the Nurse Practitioner Act; and

(3) The program is a minimum of one full-time academic year or nine months in length and includes both a didactic component and a preceptorship of five hundred contact hours and (2) includes, but is not limited to, instruction in biological, behavioral, and health sciences relevant to practice as an advanced registered nurse practitioner in a specific clinical area.

Sec. 23. Consultation shall mean a process whereby an advanced registered nurse practitioner seeks the advice or opinion of a physician or another health care practitioner.

Sec. 24. Referral shall mean a process whereby the advanced registered 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.

Sec. 25. Section 71-1721, Reissue Revised Statutes of Nebraska, is amended to read:

71-1721. Nurse practitioners may assess the physical and psychosocial status of individuals and families by means of nursing assessments, health history, and physical examinations. Within his or her area of specialization, the nurse practitioner may accept a delegation of authority to perform the initial medical diagnosis and institute a plan of therapy or referral. The scope of these functions and their management shall be based upon (1) educational preparation, (2) continued experience, (3) for nurse practitioners other than those certified under the provisions of sections 71-1729 to 71-1737, the practice agreement under which he or she is practicing, and (4) for nurse practitioners certified under the provisions of sections 71-1729 to 71-1737, the conditions specified in section 71-1734. An advanced registered nurse practitioner may provide health care services within specialty areas. An advanced registered 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 an advanced registered nurse practitioner shall be referred to an appropriate health care provider. Advanced registered nurse practitioner practice shall mean health promotion, health supervision, illness prevention and diagnosis, treatment, and management of common health problems and chronic conditions, including:

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

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

(3) Prescribing therapeutic measures and medications, except controlled substances listed in Schedule II of section 28-405 not otherwise provided for in this section, related to health conditions within the scope of practice. An advanced registered nurse practitioner may prescribe controlled substances listed in Schedule II of section 28-405 used for pain control for a maximum seventy-two-hour supply if any subsequent renewal of such prescription is by a licensed physician.

Sec. 26. (1) Continued competence requirements shall apply to:

(a) A licensee seeking to renew an advanced registered nurse practitioner license;

(b) A licensee seeking to reinstate from lapsed status an advanced registered nurse practitioner license;

(c) An applicant for licensure as an advanced registered nurse practitioner who has been authorized by another state to practice in an advanced role; and

(d) An applicant for licensure as an advanced registered nurse practitioner who has not practiced in that role during the five years immediately preceding application.

(2) Continued competence may be demonstrated by continuing education, continuing practice, national recertification, a reentry program, peer review including patient care outcomes, supervised practice, or examination approved by the board.

Sec. 27. The Board of Advanced Registered Nurse Practitioners is established. The board shall consist of (1) five advanced registered nurse practitioners representing different advanced registered nurse practitioner specialties for which a license has been issued, (2) 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 registered nurse practitioner, (3) one consumer member, and (4) one licensed pharmacist.

The members of the board shall be appointed by the State Board of Health. Three advanced registered nurse practitioners and three physicians shall be appointed for initial terms of two years, and the remaining members shall be appointed for initial terms of four years. Thereafter members shall be appointed for terms of four years. At the expiration of the term of any member, the State Board of Health may consult with appropriate professional organizations regarding candidates for appointment to the Board of Advanced Registered Nurse Practitioners. Upon expiration of terms, appointments or reappointments shall be made on or before December 1 of each year. Vacancies on the Board of Advanced Registered Nurse Practitioners shall be filled for the unexpired term by appointments made by the State Board of Health. No member shall serve more than two consecutive terms on the Board of Advanced Registered Nurse Practitioners.

The State Board of Health has power to remove from office any member of the Board of Advanced Registered Nurse Practitioners, after a public hearing pursuant to the Administrative Procedure Act, for physical or mental incapacity to carry out the duties of a board member, for continued neglect of duty, for incompetence, for acting beyond the individual member's scope of authority, for malfeasance in office, for any cause for which a license or certificate in the member's profession involved may be suspended or revoked, for a lack of licensure or certification in the member's profession, or for other sufficient cause.

Each member of the Board of Advanced Registered Nurse Practitioners shall receive a per diem of thirty dollars per day for each day the member is actually engaged in the discharge of his or her official duties and shall be reimbursed for travel, lodging, and other necessary expenses incurred as a member of the board pursuant to sections 81-1174 to 81-1177.

The department shall adopt and promulgate rules and regulations which define conflicts of interest for members of the Board of Advanced Registered Nurse Practitioners and which establish procedures in case such a conflict arises.

Sec. 28. The Board of Advanced Registered Nurse Practitioners shall:

(1) Establish standards for integrated practice agreements between advanced registered nurse practitioners and collaborating physicians;

(2) Monitor the scope of practice by advanced registered nurse practitioners and advise the Board of Nursing in matters pertaining to the scope of practice of advanced registered nurse practitioners; and

(3) Adopt, promulgate, and revise, with the approval of the department and the Board of Nursing, rules and regulations as may be necessary to carry the Advanced Registered Nurse Practitioner Act into effect. Such regulations shall include: Approved certification organizations and approved certification programs; continued competence; grounds for discipline; licensure, renewal, and reinstatement requirements; fees; professional liability insurance; and conflict of interest for board members.

Sec. 29. Section 71-1721.07, Reissue Revised Statutes of Nebraska, is amended to read:

71-1721.07. The department shall, after consultation with the boards, adopt and promulgate necessary rules and regulations to carry out the provisions of the Advanced Registered Nurse Practitioner Act.

Sec. 30. Section 71-1722, Revised Statutes Supplement, 1994, is amended to read:

71-1722. Application requirements Requirements for certification as a licensure as an advanced registered nurse practitioner are shall be the following:

(1) A license as a registered professional nurse in the State of Nebraska;

(2) A completed application; verified by oath;

(3) A certification licensure fee; not in excess of fifty dollars;

(4) Evidence of having successfully completed an approved advanced registered nurse practitioner program;

(5) Evidence of having successfully completed thirty contact hours of education in pharmacotherapeutics;

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

(6) Completion of a personal interview at the discretion of the boards; and

(7) If more than five years have elapsed since the completion of the advanced registered nurse practitioner program or since the applicant has practiced in the specific advanced registered nurse practitioner role, the applicant shall meet the requirements in subdivisions (1) through (6) of this section and provide evidence of continuing clinical competence, as may be determined by the boards, either by a means of a reentry program, references, supervised practice, or examination identified in section 26 of this act.

Sec. 31. Section 71-1723, Reissue Revised Statutes of Nebraska, is amended to read:

71-1723. (1) Anyone fulfilling the requirements listed in section 71-1722 shall be issued a certificate as a license as an advanced registered nurse practitioner by the department, with the approval of the board of examiners and the board.

(2) If an applicant for an initial certificate license files an application for certification licensure within ninety days prior to the biennial renewal date of the certificate license, the applicant may either:

(a) Request that the department delay the processing of the application and the issuance of the certificate license until the biennial renewal date and pay only the fee for initial certification licensure; or

(b) Request that a certificate license which will be valid until the next subsequent renewal date be issued immediately and pay the fee for initial certification licensure and an additional fee of one-fourth of the biennial fee.

Sec. 32. Section 71-1723.01, Reissue Revised Statutes of Nebraska, is amended to read:

71-1723.01. A person certified licensed to practice as a an advanced registered nurse practitioner in this state may use the title certified advanced registered nurse practitioner and the abbreviation GNP ARNP. A person certified as a nurse practitioner before the operative date of this section may use the abbreviation ARNP, and the department shall issue a license as an advanced registered nurse practitioner to such persons.

Sec. 33. (1) An advanced registered nurse practitioner (a) who has a master's degree or doctorate degree in nursing and has completed an approved nurse practitioner program, (b) who can demonstrate separate course work in pharmacotherapeutics, advanced health assessment, and pathopsychology or psychopathology, and (c) who has completed a minimum of two thousand hours of practice under the supervision of a physician shall (i) submit to the department an integrated practice agreement with a collaborating physician and (ii) furnish proof of professional liability insurance required under section 35 of this act prior to commencing practice.

(2) An advanced registered nurse practitioner who intends to practice the clinical specialty of neonatal or women's health and who does not meet the education and training requirements of subsection (1) of this section or an advanced registered nurse practitioner who needs to obtain the two thousand hours of supervised practice required under subdivision (1)(c) of this section shall (a) submit to the department one or more integrated practice agreements with a collaborating physician, (b) furnish proof of jointly approved protocols with a collaborating physician which shall guide the nurse practitioner's practice, and (c) furnish proof of professional liability insurance required under section 35 of this act.

(3) If, after a diligent effort to obtain an integrated practice agreement, an advanced registered nurse practitioner is unable to obtain an integrated practice agreement with one physician, the Board of Advanced Registered Nurse Practitioners may waive the requirement of an integrated practice agreement upon a showing that the applicant (a) meets the requirements of subsection (1) of this section, (b) has made a diligent effort to obtain an integrated practice agreement, and (c) will practice in a geographic area where there is a shortage of health care services.

Sec. 34. Nothing in the Advanced Registered Nurse Practitioner Act shall prohibit an advanced registered nurse practitioner from consulting or collaborating with and referring patients to health care providers not included in the practitioner's integrated practice agreement.

Sec. 35. (1) On and after January 1, 1997, advanced registered nurse practitioners shall maintain in effect professional liability insurance with such coverage and limits as may be established by the board.

(2) If an advanced registered 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 advanced registered 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.

Sec. 36. Section 71-1724, Revised Statutes Supplement, 1994, is amended to read:

71-1724. Renewal of certification as a license as an advanced registered 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:

(1) A license as a registered professional nurse in the State of Nebraska;

(2) Documentation of continued clinical competencies, if deemed necessary by the boards, either by reference, peer review, or examination competence pursuant to section 26 of this act;

(3) Documentation of forty contact hours of continuing education in the clinical specialty area within the previous two years, ten hours of which

shall be in pharmacotherapeutics. These continuing education hours shall fulfill the requirements of continuing education required for registered nurse renewal.

(4) Documentation of a minimum of two thousand eighty hours of practice as an advanced registered 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.

(5) Proof of current certification in the specific advanced practice clinical specialty area by an approved certification program; and

~~(3)~~ (6) Payment of a biennial certification licensure fee, not in excess of thirty dollars.

Sec. 37. Section 71-1724.01, Revised Statutes Supplement, 1994, is amended to read:

71-1724.01. The department with the approval of the boards may grant a temporary certification as a permit as an advanced registered nurse practitioner upon application.

(1) To ~~(1)~~ to graduates of an approved advanced registered nurse practitioner program pending results of the first certifying credentialing examination following graduation;

(2) For and ~~(2)~~ for one hundred twenty days to advanced registered nurse practitioners currently licensed lawfully authorized to practice in another state pending completion of the application for Nebraska certification a Nebraska license; and

(3) To applicants for purposes of a reentry program or supervised practice as provided in subsection (2) of section 26 of this act. A temporary permit issued pursuant to this section may be extended for up to one year with the approval of the boards.

Sec. 38. Section 71-1725, Reissue Revised Statutes of Nebraska, is amended to read:

71-1725. A certificate license to practice as a an advanced registered nurse practitioner may be denied, refused renewal, revoked, or suspended suspended, or disciplined in any other manner for any violation of the Advanced Registered Nurse Practitioner Act, for physical or mental disability or incapacity, for gross incompetence, or for any reason for which a license to practice as a registered professional nurse could be denied, revoked, or suspended. The methods and procedures for notice of hearing, opportunity for hearing, presentation of evidence, conduct of hearing, reinstatement of certificate license, and for related matters in such instance shall be identical to the same as those pertaining to the denial, revocation, or suspension of a license to practice as a registered professional nurse. Any decision to deny, refuse renewal of, revoke, or suspend a certificate license to practice as a an advanced registered nurse practitioner may be appealed. The ~~7~~ and the appeal shall be in accordance with the Administrative Procedure Act.

Sec. 39. Section 71-1726, Reissue Revised Statutes of Nebraska, is amended to read:

71-1726. Any person practicing as a an advanced registered nurse practitioner who is not currently certified licensed as such by the department and who possesses a current license to engage in any health profession for which a license is issued by the department may have such license denied, refused renewal, suspended, or revoked or have other disciplinary action taken against him or her by the department pursuant to the provisions of Chapter 71, article 1, relating to such profession, irrespective of any criminal proceedings for practicing without a certificate license.

Sec. 40. Section 71-1726.01, Reissue Revised Statutes of Nebraska, is amended to read:

71-1726.01. The Advanced Registered Nurse Practitioner Act shall does not prohibit the performance of the delegated medical functions of a activities of an advanced registered nurse practitioner by an uncertified 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; and

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

(4) By a person holding a temporary permit pursuant to section 71-1724.01.

Sec. 41. Section 71-1726.02, Reissue Revised Statutes of Nebraska, is amended to read:

71-1726.02. Any person, corporation, association, or other entity who engages engaging in any of the following activities shall be is guilty of

a Class IV felony:

(1) Practicing as a an advanced registered nurse practitioner without being issued a certificate license as such by the department; with the approval of the boards;

(2) Employing or offering to employ any person as a an advanced registered nurse practitioner, when knowing that such person is not certified licensed as such by the department; with the approval of the boards;

(3) Fraudulently seeking, obtaining, or furnishing a certificate license as a an advanced registered nurse practitioner or aiding and abetting such activities; or

(4) Using in connection with his or her name the title certified advanced registered nurse practitioner, the abbreviation CNP ARNP, or any other designation tending to imply that he or she is a an advanced registered nurse practitioner certified licensed by the department with the approval of the boards when such person is not a an advanced registered nurse practitioner.

Sec. 42. (1) An advanced registered nurse practitioner's license lapses if he or she (a) does not have a current license to practice as a registered nurse or has had his or her license to practice as a registered nurse denied, refused renewal, suspended, or revoked or (b) renews his or her license to practice as a registered nurse but does not renew his or her license to practice as an advanced registered nurse practitioner.

(2) When a license to practice as an advanced registered nurse practitioner lapses, the right of the person whose license has lapsed to represent himself or herself as a licensee and to practice the activities for which a license is required terminates. To restore the license to active status, the person shall meet the requirements for renewal which are in effect at the time that he or she wishes to restore the license and shall pay the renewal fee and an additional fee.

Sec. 43. Section 71-1727, Revised Statutes Supplement, 1995, is amended to read:

71-1727. (1) All fees received pursuant to sections 71-1704 to 71-1727 shall be processed in the same manner as fees received pursuant to the Nurse Practice Act.

(2) The department shall, by rules and regulations, set the fees to be paid:

(a) By an applicant for a license to practice as an advanced registered nurse practitioner, but the fee shall not be in excess of five hundred dollars;

(b) By an applicant for renewal of a license, but the fee shall not be in excess of four hundred dollars;

(c) By an applicant for renewal of a license who fails to pay the renewal fee on or before the license expiration date, an additional fee of fifty dollars;

(d) By an applicant for reinstatement of a license from lapsed status, the current renewal fee and an additional fee of fifty dollars;

(e) For a certified statement that a licensee is or has been licensed in this state, but the fee shall not be in excess of fifty dollars;

(f) For written verification that a licensee is licensed in this state, but the fee shall not be in excess of ten dollars; and

(g) For a duplicate or reissued original license or certificate, but the fee shall not be in excess of ten dollars.

(3) Until July 1, 1997, the following fees shall be in effect:

(a) By an applicant for a license to practice as an advanced registered nurse practitioner, a fee of two hundred dollars;

(b) By an applicant for renewal of a license, a fee of two hundred fifty dollars;

(c) By an applicant for renewal of a license who fails to pay the renewal fee on or before the license expiration date, an additional fee of fifty dollars;

(d) By an applicant for reinstatement of a license from lapsed status, a renewal fee of two hundred fifty dollars and an additional fee of fifty dollars;

(e) For a certified statement that a licensee is or has been licensed in this state, a fee of twenty-five dollars;

(f) For written verification that a licensee is licensed in this state, a fee of five dollars; and

(g) For a duplicate or reissued original license, a fee of five dollars.

Sec. 44. Section 71-1730, Revised Statutes Supplement, 1994, is amended to read:

71-1730. In order to obtain a certificate from the department as a

nurse practitioner-anesthetist certified registered nurse anesthetist an individual applicant shall meet the following requirements:

(1) Compliance with sections 71-1704 to 71-1727 unless otherwise specifically provided by sections 71-1729 to 71-1737 Hold a license as a registered nurse in the State of Nebraska;

(2) Submit a completed application verified by oath;

(3) Pay a licensure fee not in excess of fifty dollars;

(4) Successful (4) 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

(5) Writing and successfully passing (5) Take and successfully pass a certifying examination approved by the department after prior approval of such examination by the boards Board of Nursing and Board of Examiners in Medicine and Surgery. Such examination may include (a) the National Qualifying Examination for Certified Registered Nurse Anesthetists or (b) any other approved recognized national qualifying examination for nurse anesthetists.

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 subdivisions (1) through (5) of this section and shall provide evidence of continued competence by such means as the Board of Nursing and Board of Examiners in Medicine and Surgery determine, including, but not limited to, a reentry program, supervised practice, or examination.

Sec. 45. Section 71-1731, Revised Statutes Supplement, 1994, is amended to read:

71-1731. The department, with the prior approval of the boards Board of Nursing and Board of Examiners in Medicine and Surgery, may grant a temporary certification in the practice of anesthesia for a period of not to exceed one year and under such conditions as the boards Board of Nursing and Board of Examiners in Medicine and Surgery with the approval of the department determine for graduates of an accredited school of nurse anesthesia. The permit may be issued upon application by the graduate for the first certifying examination following his or her graduation and shall be valid pending the results of such examination. Temporary certification may also be granted for a period not to exceed one year to registered nurse anesthetists currently licensed in another state pending completion of the application for Nebraska certification. A temporary permit issued pursuant to this section may be extended at the discretion of the boards Board of Nursing and Board of Examiners in Medicine and Surgery with the approval of the department.

Sec. 46. Section 71-1735, Revised Statutes Supplement, 1995, is amended to read:

71-1735. (1) The procedure for biennial recertification as a certified registered nurse anesthetist shall be as prescribed in section 71-1724 at the same time and in the same manner as renewal of a license as a registered nurse and shall require:

(a) A license as a registered nurse in the State of Nebraska;

(b) Documentation of continued clinical competence, if deemed necessary by the Board of Nursing and Board of Examiners in Medicine and Surgery, either by reference, peer review, or examination; and

(c) Payment of a biennial recertification fee not in excess of thirty dollars.

(2) Violations of the Advanced Registered Nurse Practitioner Act shall be dealt with in the manner prescribed in sections 71-1725, 71-1726, and 71-1737.

(3) Sections 71-1704 to 71-1727 shall apply to certified registered nurse anesthetists unless otherwise specifically provided by law.

(4) All fees received pursuant to sections 71-1727 to 71-1737 shall be processed in the same manner as fees received pursuant to the Nurse Practice Act.

Sec. 47. Section 71-1736, Reissue Revised Statutes of Nebraska, is amended to read:

71-1736. (1) The boards Board of Nursing and Board of Examiners in Medicine and Surgery shall appoint three certified registered nurse anesthetists which may be from a list furnished by the Nebraska Association of Nurse Anesthetists to an advisory council. The first appointments shall be one certified registered nurse anesthetist for a one-year term, one certified registered nurse anesthetist for a two-year term, and one certified registered nurse anesthetist for a three-year term. Thereafter, one certified registered nurse anesthetist shall be appointed each year for a three-year term. The boards Board of Nursing and Board of Examiners in Medicine and Surgery shall

also appoint one nonvoting board-certified anesthesiologist each two years for a term of two years, which appointment may be from a list of names submitted by the Nebraska Society of Anesthesiologists.

(2) The advisory council shall:

(a) Act as consultant in matters pertaining to nurse anesthesia education and the scope of nurse anesthesia practice;

(b) Function as a resource in matters pertaining to grievances or arbitration;

(c) Act as a resource body in matters pertaining to disciplinary action; and

(d) Review certification requirements.

Sec. 48. Section 71-1737, Reissue Revised Statutes of Nebraska, is amended to read:

71-1737. Notwithstanding the provisions of any other statute, any person, corporation, association, or other entity who engages in any of the following activities shall be guilty of a Class IV felony:

(1) Engaging in the practice of anesthesia as a certified registered nurse anesthetist without being issued a certificate as such by the department, with the approval of the board Board of Nursing and the board of examiners Board of Examiners in Medicine and Surgery;

(2) Knowingly employing or offering to employ any person as a certified registered nurse anesthetist when knowing that such person is not certified as such by the Department of Health, with the approval of the board and the board of examiners;

(3) Fraudulently seeking, obtaining, or furnishing a certificate as a certified registered nurse anesthetist, or aiding and abetting such activities; or

(4) Using in connection with his or her name the title certified registered nurse anesthetist, the abbreviation C.R.N.A., or any other designation tending to imply that he or she is a certified registered nurse anesthetist, certified by the department with the approval of the board and the board of examiners pursuant to sections 71-1729 to 71-1737, when such person is not actually a certified registered nurse anesthetist.

Sec. 49. Section 71-1913.01, Revised Statutes Supplement, 1995, is amended to read:

71-1913.01. (1) Each program shall require the parent or guardian of each child enrolled in such program to present within thirty days after enrollment and periodically thereafter (a) proof that the child is protected by age-appropriate immunization against measles, mumps, rubella, poliomyelitis, diphtheria, pertussis, tetanus, and haemophilus influenzae type B and such other diseases as the Department of Health may from time to time specify based on then current medical and scientific knowledge, (b) certification by a physician, certified an advanced registered nurse practitioner, or a physician assistant that immunization is not appropriate for a stated medical reason, or (c) a written statement that the parent or guardian does not wish to have such child so immunized and the reasons therefor. The program shall exclude a child from attendance until such proof, certification, or written statement is provided. At the time the parent or guardian is notified that such information is required, he or she shall be notified in writing of his or her right to submit a certification or written statement pursuant to subdivision (b) or (c) of this subsection.

(2) Each program shall keep a the written record of immunization, the certification, or the written statement of the parent or guardian. Such record, certification, or statement shall be kept by the program as part of the child's file, shall be available to the Department of Social Services, and shall be filed with the Department of Health for review and inspection. Each program shall report to the Department of Health by November 1 of each year the status of immunization for children enrolled as of September 30 of that year.

Sec. 50. Sections 27, 50, and 53 of this act become operative on their effective date. The other sections of this act become operative three calendar months after the adjournment of this legislative session.

Sec. 51. Original sections 71-1,147.01, 71-1704, 71-1707, 71-1708, 71-1709.01, 71-1714, 71-1716 to 71-1716.03, 71-1721, 71-1721.07, 71-1723, 71-1723.01, 71-1725 to 71-1726.02, 71-1736, and 71-1737, Reissue Revised Statutes of Nebraska, sections 71-1,103, 71-1,143, 71-1706, 71-1717, 71-1722, 71-1724, 71-1724.01, 71-1730, and 71-1731, Revised Statutes Supplement, 1994, and sections 71-168, 71-168.02, 71-1,132.07, 71-1,132.08, 71-1,132.11, 71-1,198, 71-1,339, 71-1705, 71-1727, 71-1735, and 71-1913.01, Revised Statutes Supplement, 1995, are repealed.

Sec. 52. The following sections are outright repealed: Sections 71-1709, 71-1711, 71-1715, 71-1721.01 to 71-1721.03, and 71-1721.05, Reissue



Revised Statutes of Nebraska, and sections 71-1716.04, 71-1721.04, 71-1721.06, and 71-1728, Revised Statutes Supplement, 1994.

Sec. 53. Since an emergency exists, this act takes effect when passed and approved according to law.