

2007

**OPERATIVE DECEMBER 1, 2008**

**STATE OF NEBRASKA**

**STATUTES RELATING TO  
CERTIFIED NURSE MIDWIFERY PRACTICE ACT**

**NEBRASKA**

Good Life. Great Mission.

**DEPT. OF HEALTH AND HUMAN SERVICES**

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## STATUTES PERTAINING TO THE CERTIFIED NURSE MIDWIFERY PRACTICE ACT

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

Source: Laws 1984, LB 761, § 1; Laws 2005, LB 256, § 82; R.S.Supp.,2006, § 71-1738; Laws 2007, LB463, § 213. Operative date December 1, 2008.

**38-602. Legislative findings.** The Legislature hereby finds and declares that the Certified Nurse Midwifery Practice Act is necessary to safeguard public life, health, safety, and welfare, to assure the highest degree of professional conduct by practitioners of certified nurse midwifery, and to insure the availability of high quality midwifery services to persons desiring such services.

Source: Laws 1984, LB 761, § 2; R.S.1943, (2003), § 71-1739; Laws 2007, LB463, § 214. Operative date December 1, 2008.

**38-603. Definitions, where found.** For purposes of the Certified Nurse Midwifery Practice Act and elsewhere in the Uniform Credentialing Act, unless the context otherwise requires, the definitions found in sections 38-604 to 38-610 apply.

Source: Laws 1984, LB 761, § 3; Laws 1999, LB 828, § 160; R.S.1943, (2003), § 71-1740; Laws 2007, LB463, § 215. Operative date December 1, 2008.

**38-604. Approved certified nurse midwifery education program, defined.** Approved certified nurse midwifery education program means a certified nurse midwifery education program approved by the board. The board may require such program to be accredited by the American College of Nurse-Midwives.

Source: Laws 1984, LB 761, § 12; Laws 2005, LB 256, § 85; R.S.Supp.,2006, § 71-1749; Laws 2007, LB185, § 21; Laws 2007, LB463, § 216. The changes made by LB 185 became operative July 1, 2007. The changes made by LB 463 became operative December 1, 2008.

**38-605. Board, defined.** Board means the Board of Advanced Practice Registered Nurses.

Source: Laws 1984, LB 761, § 6; Laws 1993, LB 536, § 74; Laws 1999, LB 828, § 161; Laws 2005, LB 256, § 83; R.S.Supp.,2006, § 71-1743; Laws 2007, LB463, § 217. Operative date December 1, 2008.

**38-606. Certified nurse midwife, defined.** Certified nurse midwife means a person certified by a board-approved certifying body and licensed under the Advanced Practice Registered Nurse Practice Act to practice certified nurse midwifery in the State of Nebraska. Nothing in the Certified Nurse Midwifery Practice Act is intended to restrict the practice of registered nurses.

Source: Laws 1984, LB 761, § 11; R.S.1943, (2003), § 71-1748; Laws 2007, LB185, § 20; Laws 2007, LB463, § 218. The changes made by LB 185 became operative July 1, 2007. The changes made by LB 463 became operative December 1, 2008.

**38-607. Collaboration, defined.** Collaboration means a process and relationship in which a certified nurse midwife works together with other health professionals to deliver health care within the scope of practice of certified nurse midwifery as provided in the Certified Nurse Midwifery Practice Act. The collaborative relationship between the physician and the nurse midwife shall be subject to the control and regulation of the board.

Source: Laws 1984, LB 761, § 10; Laws 2005, LB 256, § 84; R.S.Supp.,2006, § 71-1747; Laws 2007, LB463, § 219. Operative date December 1, 2008.

**38-608. Licensed practitioner, defined.** Licensed practitioner means any physician licensed to practice pursuant to the Medicine and Surgery Practice Act, whose practice includes obstetrics.

Source: Laws 1984, LB 761, § 9; R.S.1943, (2003), § 71-1746; Laws 2007, LB463, § 220. Operative date December 1, 2008.

**38-609. Practice agreement, defined.** Practice agreement means the written agreement authored and signed by the certified nurse midwife and the licensed practitioner with whom he or she is associated which:

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

Source: Laws 1984, LB 761, § 13; Laws 2005, LB 256, § 86; R.S.Supp.,2006, § 71-1750; Laws 2007, LB463, § 221. Operative date December 1, 2008.

**38-610. Supervision, defined.** Supervision means the ready availability of a collaborating licensed practitioner for consultation and direction of the activities of the certified nurse midwife related to delegated medical functions as outlined in the practice agreement.

Source: Laws 1984, LB 761, § 14; R.S.1943, (2003), § 71-1751; Laws 2007, LB463, § 222. Operative date December 1, 2008.

**38-611. Certified nurse midwife; authorized activities.** A certified nurse midwife may, under the provisions of a practice agreement, (1) attend cases of normal childbirth, (2) provide prenatal, intrapartum, and postpartum care, (3) provide normal obstetrical and gynecological services for women, and (4) provide care for the newborn immediately following birth. The conditions under which a certified nurse midwife is required to refer cases to a collaborating licensed practitioner shall be specified in the practice agreement.

Source: Laws 1984, LB 761, § 15; R.S.1943, (2003), § 71-1752; Laws 2007, LB185, § 22; Laws 2007, LB463, § 223. The changes made by LB 185 became operative July 1, 2007. The changes made by LB 463 became operative December 1, 2008.

**38-612. Unlicensed person; acts not prohibited.** The Certified Nurse Midwifery Practice Act shall not prohibit the performance of the functions of a certified nurse midwife by an unlicensed person if performed:

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

Source: Laws 1984, LB 761, § 28; R.S.1943, (2003), § 71-1765; Laws 2007, LB185, § 27; Laws 2007, LB463, § 224. The changes made by LB 185 became operative July 1, 2007. The changes made by LB 463 became operative December 1, 2008.

**38-613. Permitted practice described in practice agreement; supervision; settings; subject to review by board; rules and regulations.** (1) The specific medical functions to be performed by a certified nurse midwife within the scope of permitted practice prescribed by section 38-611 shall be described in the practice agreement which shall be reviewed and approved by the board. A copy of the agreement shall be maintained on file with the board as a condition of lawful practice under the Certified Nurse Midwifery Practice Act.

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

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

- (a) In a licensed or certified health care facility as an employee or as a person granted privileges by the facility;
- (b) In the primary office of a licensed practitioner or in any setting authorized by the collaborating licensed practitioner, except that a certified nurse midwife shall not attend a home delivery; or
- (c) Within an organized public health agency.

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

Source: Laws 1984, LB 761, § 16; Laws 1993, LB 536, § 75; Laws 2005, LB 256, § 87; R.S.Supp.,2006, § 71-1753; Laws 2007, LB463, § 225. Operative date December 1, 2008.

**38-614. Change in practice; new or amended agreement.** If a certified nurse midwife intends to alter his or her practice status by reason of a change in the setting, supervision by a different licensed practitioner, modification of the authorized medical functions, or for any other reason, he or she shall submit a new or amended practice agreement to the board for approval before any change may be permitted.

Source: Laws 1984, LB 761, § 17; Laws 2005, LB 256, § 88; R.S.Supp.,2006, § 71-1754; Laws 2007, LB463, § 226. Operative date December 1, 2008.

**38-615. Licensure as nurse midwife; application; requirements; temporary licensure.** (1) An applicant for licensure under the Advanced Practice Registered Nurse Practice Act to practice as a certified nurse midwife shall submit such evidence as the board requires showing that the applicant is currently licensed as a registered nurse by the state or has the

authority based on the Nurse Licensure Compact to practice as a registered nurse in Nebraska, has successfully completed an approved certified nurse midwifery education program, and is certified as a nurse midwife by a board-approved certifying body.

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

(3) An individual holding a temporary certificate or permit as a nurse midwife on July 1, 2007, shall be deemed to be holding a temporary license under this section on such date. The holder of such temporary certificate or permit may continue to practice under such certificate or permit as a temporary license until it would have expired under its terms.

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

Source: Laws 1984, LB 761, § 18; Laws 1993, LB 536, § 76; Laws 1997, LB 752, § 175; Laws 2002, LB 1021, § 63; Laws 2003, LB 242, § 107; Laws 2005, LB 256, § 89; R.S.Supp.,2006, § 71-1755; Laws 2007, LB185, § 23; Laws 2007, LB463, § 227. The changes made by LB 185 became operative July 1, 2007. The changes made by LB 463 became operative December 1, 2008.

**38-616. License; renewal.** To renew a license as a certified nurse midwife, the applicant shall have a current certification by a board-approved certifying body to practice nurse midwifery.

Source: Laws 1984, LB 761, § 20; Laws 1986, LB 926, § 57; Laws 1993, LB 536, § 77; Laws 1994, LB 1223, § 42; Laws 2002, LB 1021, § 64; Laws 2002, LB 1062, § 48; Laws 2003, LB 242, § 108; Laws 2005, LB 256, § 90; R.S.Supp.,2006, § 71-1757; Laws 2007, LB185, § 25; Laws 2007, LB463, § 228. The changes made by LB 185 became operative July 1, 2007. The changes made by LB 463 became operative December 1, 2008.

**38-617. Certified nurse midwife; right to use title or abbreviation.** Any person who holds a license to practice nurse midwifery in this state shall have the right to use the title certified nurse midwife and the abbreviation CNM. No other person shall use such title or abbreviation to indicate that he or she is licensed under the Advanced Practice Registered Nurse Practice Act to practice certified nurse midwifery.

Source: Laws 1984, LB 761, § 19; R.S.1943, (2003), § 71-1756; Laws 2007, LB185, § 24; Laws 2007, LB463, § 229. The changes made by LB 185 became operative July 1, 2007. The changes made by LB 463 became operative December 1, 2008.

**38-618. Act, how interpreted.** Nothing in the Certified Nurse Midwifery Practice Act shall be interpreted to permit independent practice.

Source: Laws 1984, LB 761, § 26; R.S.1943, (2003), § 71-1763; Laws 2007, LB463, § 230. Operative date December 1, 2008.

**71-1738. Transferred to section 38-601.**

**71-1739. Transferred to section 38-602.**

**71-1740. Transferred to section 38-603.**

**71-1741 and 71-1742. Repealed.** Laws 1999, LB 828, § 178.

**71-1743. Transferred to section 38-605.**

**71-1744. Repealed.** Laws 2002, LB 93, s. 27.

**71-1745. Repealed.** Laws 2007, LB 463, § 1319.

**71-1746. Transferred to section 38-608.**

**71-1747. Transferred to section 38-607.**

**71-1748. Transferred to section 38-606.**

**71-1749. Transferred to section 38-604.**

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**71-1753. Transferred to section 38-613.**

**71-1754. Transferred to section 38-614.**

**71-1755. Transferred to section 38-615.**

**71-1756. Transferred to section 38-617.**

**71-1757. Transferred to section 38-616.**

**71-1758. Repealed. Laws 2007, LB 185, § 54.**  
**71-1759. Repealed. Laws 2002, LB 93, §27.**  
**71-1760. Repealed. Laws 2003, LB 242, s. 154.**  
**71-1761 and 71-1762. Repealed. Laws 2007, LB 185, § 54.**  
**71-1763. Transferred to section 38-618.**  
**71-1764. Repealed. Laws 2007, LB 463, § 1319.**  
**71-1765. Transferred to section 38-612.**