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STATE OF NEBRASKA

STATUTES RELATING TO

LICENSED PRACTICAL NURSE-CERTIFIED PRACTICE ACT



Department of Health and Human Services
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- 71-1782. Repealed. Laws 2007, LB 463, § 1319.
- 71-1783. Transferred to section 38-1624.
- 71-1784. Repealed. Laws 2007, LB 463, § 1319.
- 71-1785. Transferred to section 38-1625.
- 71-1786. Repealed. Laws 2003, LB 242, s. 154.
- 71-1787. Repealed. Laws 2007, LB 463, § 1319.
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- 71-1791. Repealed. Laws 2007, LB 463, § 1319.
- 71-1792. Transferred to section 38-1618.
- 71-1793. Repealed. Laws 2007, LB 463, § 1319.
- 71-1794. Repealed. Laws 2007, LB 463, § 1319.

STATUTES PERTAINING TO LICENSED PRACTICAL NURSE-CERTIFIED PRACTICE ACT

38-1601. Act, how cited. Sections 38-1601 to 38-1625 shall be known and may be cited as the Licensed Practical Nurse-Certified Practice Act.

Source: Laws 1993, LB 536, § 20; R.S.1943, (2003), § 71-1772; Laws 2007, LB463, § 583. Operative date December 1, 2008.

38-1602. Purposes of act. The purposes of the Licensed Practical Nurse-Certified Practice Act are (1) to provide a means by which licensed practical nurses-certified may perform certain activities related to intravenous therapy, (2) to provide for approval of certification courses to prepare licensed practical nurses-certified, and (3) to ensure the health and safety of the general public.

Source: Laws 1993, LB 536, § 21; Laws 2003, LB 213, § 1; R.S.1943, (2003), § 71-1773; Laws 2007, LB463, § 584. Operative date December 1, 2008.

38-1603. Definitions, where found. For purposes of the Licensed Practical Nurse-Certified Practice Act and elsewhere in the Uniform Credentialing Act, unless the context otherwise requires, the definitions found in sections 38-1604 to 38-1612 apply.

Source: Laws 2007, LB463, § 585. Operative date December 1, 2008.

38-1604. Administration, defined. Administration includes observing, initiating, monitoring, discontinuing, maintaining, regulating, adjusting, documenting, assessing, planning, intervening, and evaluating.

Source: Laws 2007, LB463, § 586. Operative date December 1, 2008.

38-1605. Approved certification course, defined. Approved certification course means a course for the education and training of a licensed practical nurse-certified which the board has approved.

Source: Laws 2007, LB463, § 587. Operative date December 1, 2008.

38-1606. Board, defined. Board means the Board of Nursing.

Source: Laws 2007, LB463, § 588. Operative date December 1, 2008.

38-1607. Direct supervision, defined. Direct supervision means that the responsible licensed practitioner or registered nurse is physically present in the clinical area and is available to assess, evaluate, and respond immediately.

Source: Laws 2007, LB463, § 589. Operative date December 1, 2008.

38-1608. Initial venipuncture, defined. Initial venipuncture means the initiation of intravenous therapy based on a new order from a licensed practitioner for an individual for whom a previous order for intravenous therapy was not in effect.

Source: Laws 2007, LB463, § 590. Operative date December 1, 2008.

38-1609. Intravenous therapy, defined. Intravenous therapy means the therapeutic infusion or injection of substances through the venous system.

Source: Laws 2007, LB463, § 591. Operative date December 1, 2008.

38-1610. Licensed practical nurse-certified, defined. Licensed practical nurse-certified means a licensed practical nurse who meets the standards established pursuant to section 38-1615 and who holds a valid license issued by the department pursuant to the Licensed Practical Nurse-Certified Practice Act.

Source: Laws 2007, LB463, § 592. Operative date December 1, 2008.

38-1611. Licensed practitioner, defined. Licensed practitioner means any person authorized by state law to prescribe intravenous therapy.

Source: Laws 2007, LB463, § 593. Operative date December 1, 2008.

38-1612. Pediatric patient, defined. Pediatric patient means a patient who is both younger than eighteen years old and under the weight of thirty-five kilograms.

Source: Laws 2007, LB463, § 594. Operative date December 1, 2008.

38-1613. Licensed practical nurse-certified; activities authorized. A licensed practical nurse-certified may perform the following activities related to the administration of intravenous therapy under the direction of a licensed practitioner or registered nurse:

- (1) Calculate the rate of intravenous fluid infusions, except for pediatric patients;
 - (2) Perform venipuncture, excluding jugular, for purposes of peripheral intravenous therapy, except (a) for pediatric patients or (b) with devices which exceed three inches in length. Direct supervision by a licensed practitioner or registered nurse shall be required for initial venipuncture for purposes of peripheral intravenous therapy;
 - (3) Except in the case of a pediatric patient, administer approved medications by approved methods. Approved methods of administration and approved medications shall be those for which nursing interventions are routine and predictable in nature related to individual responses and adverse reactions and as defined in rules and regulations of the board;
 - (4) Flush intravenous ports with heparin solution or saline solution; and
 - (5) Add pain medication solutions to a patient-controlled infusion pump.
- Source: Laws 1993, LB 536, § 24; Laws 2000, LB 1115, § 64; Laws 2003, LB 213, § 4; R.S.1943, (2003), § 71-1776; Laws 2007, LB463, § 595. Operative date December 1, 2008.

38-1614. Applicability of act. The Licensed Practical Nurse-Certified Practice Act shall not prohibit the performance of the activities identified in section 38-1613 by an unlicensed person if performed (1) in an emergency situation, (2) by a legally qualified person from another state employed by the federal government and performing official duties in this state, or (3) by a person enrolled in an approved certification course if performed as part of that approved certification course.

Source: Laws 1993, LB 536, § 37; R.S.1943, (2003), § 71-1789; Laws 2007, LB463, § 596. Operative date December 1, 2008.

38-1615. Licensure; requirements. (1) In order to obtain a license as a licensed practical nurse-certified, an individual shall:

- (a) Have a current license to practice as a licensed practical nurse in Nebraska;
- (b) Have successfully completed an approved certification course within one year before application for licensure; and
- (c) Have satisfactorily passed an examination approved by the board.

(2) There is no minimum age requirement for licensure as a licensed practical nurse-certified.

(3) An individual holding a certificate as a licensed practical nurse-certified on December 1, 2008, shall be deemed to be holding a license under this section on such date. The certificate holder may continue to practice under such certificate as a license until the next renewal date.

Source: Laws 1993, LB 536, § 25; Laws 2000, LB 1115, § 65; Laws 2003, LB 242, § 109; R.S.1943, (2003), § 71-1777; Laws 2007, LB463, § 597. Operative date December 1, 2008.

38-1616. License; renewal; term. A license to practice as a licensed practical nurse-certified shall be renewed biennially and shall expire on the same date as the applicant's Nebraska license to practice as a licensed practical nurse.

Source: Laws 1993, LB 536, § 26; Laws 1997, LB 752, § 176; Laws 2000, LB 1115, § 66; Laws 2003, LB 242, § 110; R.S.1943, (2003), § 71-1778; Laws 2007, LB463, § 598. Operative date December 1, 2008.

38-1617. License; renewal; continuing competency activities. Continuing competency activities for renewal of a license to practice as a licensed practical nurse-certified shall relate to intravenous therapy and may be included in the continuing competency activities required under the Nurse Practice Act for renewal of a license as a licensed practical nurse.

Source: Laws 1993, LB 536, § 27; Laws 1995, LB 563, § 44; Laws 2002, LB 1021, § 65; Laws 2003, LB 213, § 5; R.S.1943, (2003), § 71-1779; Laws 2007, LB463, § 599. Operative date December 1, 2008.

38-1618. Expiration of license; restoration. To restore a license to practice as a licensed practical nurse-certified after it expires, such individual shall be required to meet the requirements for licensure which are in effect at the time that he or she wishes to restore the license.

Source: Laws 1993, LB 536, § 40; R.S.1943, (2003), § 71-1792; Laws 2007, LB463, § 600. Operative date December 1, 2008.

38-1619. Fees. The department shall establish and collect fees for credentialing under the Licensed Practical Nurse-Certified Practice Act as provided in sections 38-151 to 38-157.

Source: Laws 2007, LB463, § 601. Operative date December 1, 2008.

38-1620. Use of title and abbreviation authorized. An individual licensed to practice as a licensed practical nurse-certified may use the title licensed practical nurse-certified and the abbreviation L.P.N.-C.

Source: Laws 1993, LB 536, § 38; R.S.1943, (2003), § 71-1790; Laws 2007, LB463, § 602. Operative date December 1, 2008.

38-1621. Intravenous therapy; performance of activities authorized; limitations; assessment required. (1) Administration of intravenous therapy shall be a responsibility of the registered nurse as ordered by a licensed practitioner.

(2) A licensed practical nurse-certified may, under the direction of a licensed practitioner or registered nurse, perform the activities identified in section 38-1613 after the licensed practitioner or registered nurse has performed a physical assessment of the patient.

(3) A licensed practical nurse-certified shall perform appropriate activities associated with central venous lines only under direct supervision. Activities associated with central venous lines that are appropriate for the licensed practical nurse-certified to perform shall be defined in rules and regulations. A licensed practitioner or registered nurse shall provide direct supervision whenever a licensed practical nurse-certified is performing activities associated with central venous lines.

(4) A licensed practitioner or registered nurse need not be on the premises in order for the licensed practical nurse-certified to perform directed activities except for (a) initial venipuncture for purposes of peripheral intravenous therapy and (b) central-line activities.

(5) A licensed practitioner or registered nurse shall be present at least once during each twenty-four-hour interval and more frequently when a significant change in therapy or client condition has occurred to assess the client when the licensed practical nurse-certified is performing the activities identified in section 38-1613.

Source: Laws 1993, LB 536, § 23; Laws 2000, LB 1115, § 63; Laws 2003, LB 213, § 3; R.S.1943, (2003), § 71-1775; Laws 2007, LB463, § 603. Operative date December 1, 2008.

38-1622. Curriculum for training; department; duties; approved certification course; requirements. (1) The board shall adopt and promulgate rules and regulations defining competencies required for enrollment in an approved certification course and acceptable means for measuring the competencies. Before enrolling in a course, a licensed practical nurse shall successfully demonstrate the prerequisite competencies.

(2) The department with the advice of the board shall prescribe a curriculum for training licensed practical nurses-certified, establish an examination, and adopt and promulgate rules and regulations setting minimum standards for approved certification courses, including faculty qualifications, record keeping, faculty-to-student ratios, and other aspects of conducting such courses. The department may approve certification courses developed by associations, educational institutions, or other entities if such courses meet the requirements of this section and the criteria prescribed in the rules and regulations.

(3) An approved certification course shall be no less than forty-eight hours of classroom instruction and shall include a clinical competency component as defined in rules and regulations of the board. Classroom instruction shall include the following: (a) State laws governing the administration of intravenous therapy; (b) anatomy and physiology of the circulatory system; (c) pharmacology; (d) fluid and electrolyte balance; (e) procedures and precautions in performing intravenous therapy; (f) types of equipment for intravenous therapy; (g) actions, interactions, and effects of medications in intravenous therapy; (h) documentation; and (i) other subjects relevant to the administration of intravenous therapy. An approved certification course shall be supervised by a registered nurse with a minimum of three years of clinical experience immediately prior to supervision of the course. An educator may be a physician, pharmacist, or other qualified professional. Nothing in this section shall be deemed to prohibit any courses from exceeding the minimum requirements.

Source: Laws 1993, LB 536, § 28; Laws 2000, LB 1115, § 67; Laws 2003, LB 213, § 6; R.S.1943, (2003), § 71-1780; Laws 2007, LB463, § 604. Operative date December 1, 2008.

38-1623. Approval of course; procedure. (1) An applicant for approval to conduct a certification course shall file an application and shall present proof satisfactory to the department that the proposed course meets the requirements of the Licensed Practical Nurse-Certified Practice Act and the rules and regulations adopted and promulgated under the act.

(2) The department may conduct such inspections or investigations of applicants for approval to conduct a certification course and of approved certification courses as may be necessary to ensure compliance with the act and the rules and regulations.

Source: Laws 1993, LB 536, § 29; Laws 2000, LB 1115, § 68; R.S.1943, (2003), § 71-1781; Laws 2007, LB463, § 605. Operative date December 1, 2008.

38-1624. Approved certification course; disciplinary actions authorized. The department may deny, revoke, or suspend or otherwise take disciplinary measures against an approved certification course in accordance with section 38-196 for violation of the Licensed Practical Nurse-Certified Practice Act or the rules and regulations adopted and promulgated under the act.

Source: Laws 1993, LB 536, § 31; R.S.1943, (2003), § 71-1783; Laws 2007, LB463, § 606. Operative date December 1, 2008.

38-1625. Approval to conduct certification course; reinstatement. A course provider whose approval to conduct a certification course has been suspended or revoked may apply for reinstatement at such time as the certification course meets the requirements of the Licensed Practical Nurse-Certified Practice Act and rules and regulations adopted and promulgated under the act and will continue to meet such requirements.

Source: Laws 1993, LB 536, § 33; R.S.1943, (2003), § 71-1785; Laws 2007, LB463, § 607. Operative date December

1, 2008.

- 71-1772. Transferred to section 38-1601.
- 71-1773. Transferred to section 38-1602.
- 71-1774. Repealed. Laws 2007, LB 463, § 1319.
- 71-1775. Transferred to section 38-1621.
- 71-1776. Transferred to section 38-1613.
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- 71-1793. Repealed. Laws 2007, LB 463, § 1319.
- 71-1794. Repealed. Laws 2007, LB 463, § 1319.