

2015

STATE OF NEBRASKA

**STATUTES RELATING TO
NURSE PRACTITIONER PRACTICE ACT**

Department of Health & Human Services



Department of Health and Human Services
Division of Public Health
Licensure Unit

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INDEX

NURSE PRACTITIONER PRACTICE ACT

- 38-2301. Act, how cited.
- 38-2302. Definitions, where found.
- 38-2303. Approved certification program, defined.
- 38-2304. Approved certifying body, defined.
- 38-2305. Approved nurse practitioner program, defined.
- 38-2306. Board, defined.
- 38-2307. Boards, defined.
- 38-2308. Collaboration, defined.
- 38-2309. Consultation, defined.
- 38-2310. Integrated practice agreement, defined.
- 38-2311. Licensed practitioner, defined.
- 38-2312. Nurse practitioner, defined.
- 38-2313. Preceptorship, defined.
- 38-2314. Referral, defined.
- 38-2315. Nurse practitioner; functions; scope.
- 38-2316. Unlicensed person; acts permitted.
- 38-2317. Nurse practitioner; licensure; requirements.
- 38-2318. Nurse practitioner; temporary license; requirements.
- 38-2319. Nurse practitioner; license; renewal; requirements.
- 38-2320. Nurse practitioner; liability insurance; when required.
- 38-2321. Nurse practitioner; right to use title or abbreviation.
- 38-2322. Nurse practitioner; commencement of practice; requirements; waiver.
- 38-2323. Nurse practitioner; actions not prohibited.
- 38-2324. Nurse practitioner; signing of death certificates; grounds for disciplinary action.

- 71-1704. Transferred to section 38-2301.
- 71-1705. Repealed. Laws 2005, LB 256, §103.
- 71-1706. Transferred to section 38-2302.
- 71-1707. Transferred to section 38-2312.
- 71-1708. Transferred to section 38-2306.
- 71-1709. Repealed. Laws 1996, LB 414, §52.
- 71-1709.01. Transferred to section 38-2307.
- 71-1709.02. Transferred to section 38-2309.
- 71-1710. Repealed. Laws 2007, LB 463, § 1319.
- 71-1711. Repealed. Laws 1996, LB 414, §52.
- 71-1712. Transferred to section 38-2311.
- 71-1713. Repealed. Laws 1993, LB 536, §128.
- 71-1714. Transferred to section 38-2313.
- 71-1715. Repealed. Laws 1996, LB 414, §52.
- 71-1716. Transferred to section 38-2308.
- 71-1716.01. Transferred to section 38-2304.
- 71-1716.02. Transferred to section 38-2303.
- 71-1716.03. Transferred to section 38-2310.
- 71-1716.04. Repealed. Laws 1996, LB 414, §52.
- 71-1716.05. Transferred to section 38-2314.
- 71-1717. Transferred to section 38-2305.
- 71-1718. Repealed. Laws 1993, LB 536, §128.
- 71-1718.01. Transferred to section 71-17,134.
- 71-1718.02. Transferred to section 71-17,135
- 71-1719 to 71-1720. Repealed. Laws 1993, LB 536, §128.
- 71-1721. Transferred to section 38-2315.
- 71-1721.01 to 71-1721.06. Repealed. Laws 1996, LB 414, §52.
- 71-1721.07. Repealed. Laws 2007, LB 463, § 1319.
- 71-1722. Transferred to section 38-2317.
- 71-1723. Repealed. Laws 2007, LB 463, § 1319.
- 71-1723.01. Transferred to section 38-2321.

71-1723.02.	Transferred to section 38-2322.
71-1723.03.	Transferred to section 38-2323.
71-1723.04.	Transferred to section 38-2320.
71-1724.	Transferred to section 38-2319.
71-1724.01.	Transferred to section 38-2318.
71-1724.02 to 71-1726.	Repealed. Laws 2007, LB 185, § 54.
71-1726.01.	Transferred to section 38-2316.
71-1726.02.	Repealed. Laws 2007, LB 463, § 1319.

STATUTES PERTAINING TO NURSE PRACTITIONER PRACTICE ACT

38-2301. Act, how cited. Sections 38-2301 to 38-2324 and section 4 of this act shall be known and may be cited as the Nurse Practitioner Practice Act.

Source: Laws 1981, LB 379, § 1; Laws 1984, LB 724, § 2; Laws 1996, LB 414, § 11; Laws 2000, LB 1115, § 26; Laws 2005, LB 256, § 47; R.S.Supp.,2006, § 71-1704; Laws 2007, LB463, § 793; Laws 2012, LB1042, § 1, Laws 2015, LB107, § 2. Effective Date: August 30, 2015

38-2302. Definitions, where found. For purposes of the Nurse Practitioner Practice Act and elsewhere in the Uniform Credentialing Act, unless the context otherwise requires, the definitions found in sections 38-2303 to 38-2314 and section 4 of this act apply.

Source: Laws 1981, LB 379, § 3; Laws 1984, LB 724, § 3; Laws 1992, LB 1019, § 70; Laws 1996, LB 414, § 13; Laws 2000, LB 1115, § 28; Laws 2005, LB 256, § 48; R.S.Supp.,2006, § 71-1706; Laws 2007, LB463, § 794, Laws 2015, LB107, § 3. Effective Date: August 30, 2015

38-2303. Approved certification program, defined. Approved certification program means a certification process for nurse practitioners utilized by an approved certifying body that (1) requires evidence of completion of a formal program of study in the 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.

Source: Laws 1984, LB 724, § 7; Laws 1996, LB 414, § 20; Laws 2000, LB 1115, § 38; Laws 2005, LB 256, § 53; R.S.Supp.,2006, § 71-1716.02; Laws 2007, LB463, § 795. Operative date December 1, 2008.

38-2304. Approved certifying body, defined. Approved certifying body means a national certification organization which certifies qualified licensed nurses for advanced practice in a clinical specialty area and which (1) 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.

Source: Laws 1984, LB 724, § 6; Laws 1996, LB 414, § 19; Laws 2000, LB 1115, § 37; R.S.1943, (2003), § 71-1716.01; Laws 2007, LB463, § 796. Operative date December 1, 2008.

38-2305. Approved nurse practitioner program, defined. Approved nurse practitioner program means a program which:

(1) 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;

(2) Includes, but is not limited to, instruction in biological, behavioral, and health sciences relevant to practice as a nurse practitioner in a specific clinical area; and

(3) For the specialties of women's health and neonatal, grants a post-master certificate, master's degree, or doctoral degree for all applicants who graduated on or after July 1, 2007, and for all other specialties, grants a post-master certificate, master's degree, or doctoral degree for all applicants who graduated on or after July 19, 1996.

Source: Laws 1981, LB 379, § 14; Laws 1984, LB 724, § 12; Laws 1993, LB 536, § 67; Laws 1996, LB 414, § 22; Laws 2000, LB 1115, § 41; Laws 2005, LB 256, § 56; R.S.Supp.,2006, § 71-1717; Laws 2007, LB463, § 797. Operative date December 1, 2008.

38-2306. Board, defined. Board means the Board of Advanced Practice Registered Nurses.

Source: Laws 1981, LB 379, § 5; Laws 1996, LB 414, § 15; Laws 2000, LB 1115, § 30; R.S.1943, (2003), § 71-1708; Laws 2007, LB463, § 798. Operative date December 1, 2008.

38-2307. Boards, defined. Boards means the Board of Advanced Practice Registered Nurses and the Board of Nursing of the State of Nebraska.

Source: Laws 1984, LB 724, § 4; Laws 1996, LB 414, § 16; Laws 2000, LB 1115, § 31; R.S.1943, (2003), § 71-1709.01; Laws 2007, LB463, § 799. Operative date December 1, 2008.

38-2308. Collaboration, defined. Collaboration means a process and relationship in which a nurse practitioner, together with other health professionals, delivers health care within the scope of authority of the various clinical specialty practices.

Source: Laws 1981, LB 379, § 13; Laws 1984, LB 724, § 11; Laws 1996, LB 414, § 18; Laws 2000, LB 1115, § 36; Laws 2005, LB 256, § 52; R.S.Supp.,2006, § 71-1716; Laws 2007, LB463, § 800. Operative date December 1, 2008.

38-2309. Consultation, defined. Consultation means a process whereby a nurse practitioner seeks the advice or opinion of a physician or another health care practitioner.

Source: Laws 1996, LB 414, § 23; Laws 2000, LB 1115, § 32; Laws 2005, LB 256, § 50; R.S.Supp.,2006, § 71-1709.02; Laws 2007, LB463, § 801. Operative date December 1, 2008.

38-2310. Transferred to section 38-2314.01

Source: Laws 1984, LB 724, § 9; Laws 1996, LB 414, § 21; Laws 2000, LB 1115, § 39; Laws 2005, LB 256, § 54; R.S.Supp.,2006, § 71-1716.03; Laws 2007, LB463, § 802; R.S.1943, (2008), § 38-2310; Laws 2015, LB107, § 4. Effective Date: August 30, 2015

38-2311. Licensed practitioner, defined. Licensed practitioner means any podiatrist, dentist, physician, or osteopathic physician licensed to prescribe, diagnose, and treat as provided in the Uniform Credentialing Act.

Source: Laws 1981, LB 379, § 9; Laws 2000, LB 1115, § 34; R.S.1943, (2003), § 71-1712; Laws 2007, LB463, § 803. Operative date December 1, 2008.

38-2312. Nurse practitioner, defined. Nurse practitioner means a registered nurse certified as described in section 38-2317 and licensed under the Advanced Practice Registered Nurse Practice Act to practice as a nurse practitioner.

Source: Laws 1981, LB 379, § 4; Laws 1984, LB 724, § 5; Laws 1996, LB 414, § 14; Laws 2000, LB 1115, § 29; Laws 2005, LB 256, § 49; R.S.Supp.,2006, § 71-1707; Laws 2007, LB185, § 5; Laws 2007, LB463, § 804. The changes made by LB 185 became operative July 1, 2007. The changes made by LB 463 became operative December 1, 2008.

38-2313. Preceptorship, defined. Preceptorship means the clinical practice component of an educational program for the preparation of nurse practitioners.

Source: Laws 1981, LB 379, § 11; Laws 1996, LB 414, § 17; Laws 2000, LB 1115, § 35; Laws 2005, LB 256, § 51; R.S.Supp.,2006, § 71-1714; Laws 2007, LB463, § 805. Operative date December 1, 2008.

38-2314. Referral, defined. Referral means a process whereby a 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.

Source: Laws 1996, LB 414, § 24; Laws 2000, LB 1115, § 40; Laws 2005, LB 256, § 55; R.S.Supp.,2006, § 71-1716.05; Laws 2007, LB463, § 806. Operative date December 1, 2008.

38-2314.01 Transition-to-practice agreement means a collaborative agreement between a nurse practitioner and a supervising provider which provides for the delivery of health care through a collaborative practice and which meets the requirements of section 38-2322

Source: Laws 1984, LB 724, § 9; Laws 1996, LB 414, § 21; Laws 2000, LB 1115, § 39; Laws 2005, LB 256, § 54; R.S.Supp.,2006, § 71-1716.03; Laws 2007, LB463, § 802; R.S.1943, (2008), § 38-2310; Laws 2015, LB107, § 4. Effective Date: August 30, 2015

38-2315. Nurse practitioner; functions; scope. (1) A nurse practitioner may provide health care services within specialty areas. A 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 a nurse practitioner shall be referred to an appropriate health care provider.

(2) Nurse practitioner practice means health promotion, health supervision, illness prevention and diagnosis, treatment, and management of common health problems and acute and chronic conditions, including:

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

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

(c) Prescribing therapeutic measures and medications relating to health conditions within the scope of practice.

(3) A nurse practitioner who has proof of a current certification from an approved certification program in a psychiatric or mental health specialty may manage the care of patients committed under the Nebraska Mental Health Commitment Act. Patients who require care beyond the scope of practice of a nurse practitioner who has proof of a current certification from an approved certification program in a psychiatric or mental health specialty shall be referred to an appropriate health care provider.

(4) A nurse practitioner may pronounce death and may complete and sign death certificates and any other forms if such acts are within the scope of practice of the nurse practitioner and are not otherwise prohibited by law.

Source: Laws 1981, LB 379, § 18; Laws 1984, LB 724, § 14; Laws 1996, LB 414, § 25; Laws 2000, LB 1115, § 44; Laws 2005, LB 256, § 57; Laws 2006, LB 994, § 96; R.S.Supp.,2006, § 71-1721; Laws 2007, LB463, § 807; Laws 2012, LB1042, § 2; Laws 2013, LB243, § 1. Effective Date: September 6, 2013.

38-2316. Unlicensed person; acts permitted. The Nurse Practitioner Practice Act does not prohibit the performance of activities of a nurse practitioner 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;

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

(4) By a person holding a temporary license pursuant to section 38-2318.

Source: Laws 1984, LB 724, § 25; Laws 1996, LB 414, § 40; Laws 2000, LB 1115, § 58; Laws 2005, LB 256, § 71; R.S.Supp.,2006, § 71-1726.01; Laws 2007, LB185, § 12; Laws 2007, LB463, § 808. The changes made by LB 185 became operative July 1, 2007. The changes made by LB 463 became operative December 1, 2008.

38-2317. Nurse practitioner; licensure; requirements. (1) An applicant for licensure under the Advanced Practice Registered Nurse Practice Act to practice as a nurse practitioner shall have:

(a) A license as a registered nurse in the State of Nebraska or the authority based upon the Nurse Licensure Compact to practice as a registered nurse in Nebraska;

(b) Evidence of having successfully completed a graduate-level program in the clinical specialty area of nurse practitioner practice, which program is accredited by a national accrediting body;

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

(d) Proof of having passed an examination pertaining to the specific nurse practitioner role in nursing adopted or approved by the board with the approval of the department. Such examination may include any recognized national credentialing examination for nurse practitioners conducted by an approved certifying body which administers an approved certification program.

(2) If more than five years have elapsed since the completion of the nurse practitioner program or since the applicant has practiced in the specific nurse practitioner role, the applicant shall meet the requirements in subsection (1) of this section and provide evidence of continuing competency as required by the board.

Source: Laws 1981, LB 379, § 19; Laws 1984, LB 724, § 20; Laws 1986, LB 926, § 55; Laws 1993, LB 536, § 70; Laws 1996, LB 414, § 30; Laws 1997, LB 752, § 173; Laws 2000, LB 1115, § 46; Laws 2002, LB 1021, § 57; Laws 2003, LB 242, § 101; Laws 2005, LB 256, § 59; R.S.Supp.,2006, § 71-1722; Laws 2007, LB185, § 6; Laws 2007, LB463, § 809. The changes made by LB 185 became operative July 1, 2007. The changes made by LB 463 became operative December 1, 2008.

38-2318. Nurse practitioner; temporary license; requirements. The department may grant a temporary license to practice as a nurse practitioner for up to one hundred twenty days upon application:

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

(2) To a nurse practitioner lawfully authorized to practice in another state pending completion of the application for a Nebraska license; and

(3) To applicants for purposes of a reentry program or supervised practice as part of continuing competency activities established by the board.

A temporary license issued pursuant to this section may be extended for up to one year with the approval of the board. An individual holding a temporary permit as a nurse practitioner on July 1, 2007, shall be deemed to be holding a temporary license under this section on such date. The permitholder may continue to practice under such temporary permit as a temporary license until it would have expired under its terms.

Source: Laws 1984, LB 724, § 22; Laws 1993, LB 536, § 72; Laws 1996, LB 414, § 37; Laws 2000, LB 1115, § 53; Laws 2002, LB 1021, § 59; Laws 2005, LB 256, § 66; R.S.Supp.,2006, § 71-1724.01; Laws 2007,

LB185, § 11; Laws 2007, LB463, § 810. The changes made by LB 185 became operative July 1, 2007. The changes made by LB 463 became operative December 1, 2008.

38-2319. Nurse practitioner; license; renewal; requirements. To renew a license to practice as a nurse practitioner, the applicant shall have:

(1) Documentation of a minimum of two thousand eighty hours of practice as a 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. Practice hours as an advanced practice registered nurse prior to July 1, 2007, shall be used to fulfill the requirements of this section; and

(2) Proof of current certification in the specific nurse practitioner clinical specialty area by an approved certification program.

Source: Laws 1981, LB 379, § 21; Laws 1983, LB 472, § 6; Laws 1984, LB 724, § 21; Laws 1986, LB 926, § 56; Laws 1988, LB 1100, § 105; Laws 1993, LB 536, § 71; Laws 1996, LB 414, § 36; Laws 2000, LB 1115, § 52; Laws 2002, LB 1021, § 58; Laws 2003, LB 242, § 103; Laws 2005, LB 256, § 65; R.S.Supp.,2006, § 71-1724; Laws 2007, LB185, § 10; Laws 2007, LB463, § 811. The changes made by LB 185 became operative July 1, 2007. The changes made by LB 463 became operative December 1, 2008.

38-2320. Nurse practitioner; liability insurance; when required. (1) Nurse practitioners shall maintain in effect professional liability insurance with such coverage and limits as may be established by the board.

(2) If a 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 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.

Source: Laws 1996, LB 414, § 35; Laws 2000, LB 1115, § 51; Laws 2005, LB 256, § 64; R.S.Supp.,2006, § 71-1723.04; Laws 2007, LB463, § 812. Operative date December 1, 2008.

38-2321. Nurse practitioner; right to use title or abbreviation. A person licensed to practice as a nurse practitioner in this state may use the title nurse practitioner and the abbreviation NP.

Source: Laws 1984, LB 724, § 27; Laws 1996, LB 414, § 32; Laws 2000, LB 1115, § 48; Laws 2005, LB 256, § 61; R.S.Supp.,2006, § 71-1723.01; Laws 2007, LB185, § 8; Laws 2007, LB463, § 813. The changes made by LB 185 became operative July 1, 2007. The changes made by LB 463 became operative December 1, 2008.

38-2322. Nurse practitioner; commencement of practice; requirements; waiver. (1) In order to be licensed as a nurse practitioner, an individual who has a master's degree or doctorate degree in nursing and has completed an approved nurse practitioner program and who can demonstrate separate course work in pharmacotherapeutics, advanced health assessment, and pathophysiology or psychopathology shall submit to the department proof of professional liability insurance required under section 38-2320.

(2) In order to practice as a nurse practitioner in this state, an individual who holds or has held a license as a nurse practitioner in this state or in another state shall submit to the department a transition-to-practice agreement or evidence of completion of two thousand hours of practice as a nurse practitioner which have been completed under a transition-to-practice agreement, under a collaborative agreement, under an integrated practice agreement, through independent practice, or under any combination of such agreements and practice, as allowed in this state or another state.

(3)(a) A transition-to-practice agreement shall be a formal written agreement that provides that the nurse practitioner and the supervising provider practice collaboratively within the framework of their respective scopes of practice.

(b) The nurse practitioner and the supervising provider shall each be responsible for his or her individual decisions in managing the health care of patients through consultation, collaboration, and referral. The nurse practitioner and the supervising provider shall have joint responsibility for the delivery of health care to a patient based upon the scope of practice of the nurse practitioner and the supervising provider.

(c) The supervising provider shall be responsible for supervision of the nurse practitioner to ensure the quality of health care provided to patients.

(d) In order for a nurse practitioner to be a supervising provider for purposes of a transition-to-practice agreement, the nurse practitioner shall submit to the department evidence of completion of ten thousand hours of practice as a nurse practitioner which have been completed under a transition-to-practice agreement, under a collaborative agreement, under an integrated practice agreement, through independent practice, or under any combination of such agreements or practice, as allowed in this state or another state.

(4) For purposes of this section:

(a) Supervising provider means a physician, osteopathic physician, or nurse practitioner licensed and practicing in Nebraska and practicing in the same practice specialty, related specialty, or field of practice as the nurse practitioner being supervised; and

b) Supervision means the ready availability of the supervising provider for consultation and direction of the activities of the nurse practitioner being supervised within such nurse practitioner's defined scope of practice.

Source: Laws 1996, LB 414, § 33; Laws 2000, LB 1115, § 49; Laws 2002, LB 1062, § 46; Laws 2005, LB 256, § 62; R.S.Supp.,2006, § 71-1723.02; Laws 2007, LB185, § 9; Laws 2007, LB463, § 814. Laws 2015, LB107, § 6. Effective Date: August 30, 2015

38-2323. Nurse practitioner; actions not prohibited. Nothing in the Nurse Practitioner Practice Act shall prohibit a nurse practitioner from consulting or collaborating with and referring patients to health care providers not included in the nurse practitioner's transition-to-practice.

Source: Laws 1996, LB 414, § 34; Laws 2000, LB 1115, § 50; Laws 2005, LB 256, § 63; R.S.Supp.,2006, § 71-1723.03; Laws 2007, LB463, § 815; Laws 2015, LB107, § 7. Effective Date: August 30, 2015

38-2324. Nurse practitioner; signing of death certificates; grounds for disciplinary action. In addition to the grounds for disciplinary action found in sections 38-178 and 38-179, a license to practice as a nurse practitioner may be denied, refused renewal, limited, revoked, or suspended or have other disciplinary measures taken against it in accordance with section 38-196 when the applicant or licensee fails to comply with the provisions of section 71-603.01 and 71-605 relating to the signing of death certificates.

Source: Laws 2012, LB1042, § 3. Effective Date: July 19, 2012.

71-1704. Transferred to section 38-2301.

71-1705. Repealed. Laws 2005, LB 256, §103.

71-1706. Transferred to section 38-2302.

71-1707. Transferred to section 38-2312.

71-1708. Transferred to section 38-2306.

71-1709. Repealed. Laws 1996, LB 414, §52.

71-1709.01 Transferred to section 38-2307.

71-1709.02 Transferred to section 38-2309.

71-1710. Repealed. Laws 2007, LB 463, § 1319.

71-1711. Repealed. Laws 1996, LB 414, §52.

71-1712. Transferred to section 38-2311.

71-1713. Repealed. Laws 1993, LB 536, §128.

71-1714. Transferred to section 38-2313.

71-1715. Repealed. Laws 1996, LB 414, §52.

71-1716. Transferred to section 38-2308.

71-1716.01. Transferred to section 38-2304.

71-1716.02. Transferred to section 38-2303.

71-1716.03. Transferred to section 38-2310.

71-1716.04. Repealed. Laws 1996, LB 414, §52.

71-1716.05. Transferred to section 38-2314.

71-1717. Transferred to section 38-2305.

71-1718. Repealed. Laws 1993, LB 536, §128.

71-1718.01. Transferred to section 71-17,134.

71-1718.02. Transferred to section 71-17,135.

71-1719 to 71-1720. Repealed. Laws 1993, LB 536, §128.

71-1721. Transferred to section 38-2315.

71-1721.01 to 71-1721.06. Repealed. Laws 1996, LB 414, §52.

71-1721.07. Repealed. Laws 2007, LB 463, § 1319.

71-1722. Transferred to section 38-2317.

71-1723. Repealed. Laws 2007, LB 463, § 1319.

71-1723.01. Transferred to section 38-2321.

71-1723.02. Transferred to section 38-2322.

71-1723.03. Transferred to section 38-2323.

71-1723.04. Transferred to section 38-2320.

71-1724. Transferred to section 38-2319.

71-1724.01. Transferred to section 38-2318.

71-1724.02 to 71-1726. Repealed. Laws 2007, LB 185, § 54.

71-1726.01. Transferred to section 38-2316.

71-1726.02. Repealed. Laws 2007, LB 463, § 1319.