

Report of Recommendations and Findings

By the Nebraska State Board of Health

To the Director of the Division of Public Health of the Department of Health and Human Services and
members of the Health and Human Services Committee of the Legislature

June 16, 2025



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Part One: Preliminary Information

The Credentialing Review Program is a review process advisory to the Legislature, which is designed to assess the need for state regulation of health professionals. The credentialing review statute requires review bodies to assess the need for credentialing proposals by examining whether such proposals are in the public interest.

The law directs those health occupations and professions seeking credentialing or a change in scope of practice to submit an application for review to the Department of Health and Human Services, Division of Public Health. The Director of this Division will then appoint an appropriate technical review committee to review the application and make recommendations regarding whether or not the application in question should be approved. These recommendations are made in accordance with statutory criteria contained in Section 71-6221 of the Nebraska Revised Statutes. These criteria focus the attention of committee members on public health, safety, and welfare.

The recommendations of technical review committees take the form of written reports submitted to the State Board of Health and the Director of the Division, along with any other materials requested by these review bodies. These two review bodies formulate their own independent reports on credentialing proposals. All reports generated by the program are submitted to the Legislature to assist state senators in their review of proposed legislation pertinent to the credentialing of health care professions.

List of members of the Nebraska State Board of Health:

- Mark Bertch, DPT
- J Paul Cook, MD
- Russell Crotty, OD
- Jaime Dodge, MD
- Staci Hubert, PharmD
- Patricia Kucera, MSN, GRN, RN
- Brett Lindau, DO
- Connie Petersen, PhD
- David Reese, MHA
- Daniel Rosenthal, PE
- Kimberly Stuhmer, RN, MT
- Kenneth Tusha, DDS
- Douglas Vander Broek, DC
- Dan Vehle
- Jeffrey Wienke Jr, DPM

The Board's Credentialing Review Committee met on the morning of June 16, 2025, to formulate its advice to the full Board on the proposal.

The members of the full Board of Health met on the afternoon of June 16, 2025, to formulate their recommendations on the proposal.

Part Two: Summary of Board of Health Recommendations

The Board's Credentialing Review Committee members advised the full Board to recommend approval of the proposal via a roll call vote of five "yes" votes and zero "no" votes.

The members of the full Board recommended in favor of the proposal.

Part Three: Summary of the Applicant's Proposal

The applicant's proposal would, if approved, add the following Chapter (25) into TITLE 180 Rules and Regulations for Neb. Rev. Stat. §§ 71-3501 to 71-3520 (Radiation Control Act).

25-001 SCOPE AND AUTHORITY

- 25-001.01 180 NAC 25 establishes the minimum education and training requirements for nurse practitioners performing fluoroscopy. The regulations are authorized by and implemented by the Nebraska Radiation Control Act, Neb. Rev. Stat. §§ 71-3508 and the Nurse Practitioner Practice Act, Neb. Rev. Stat. §§ 38-2315.25-001.02. Upon successful completion of the approved education and training the Nurse Practitioner will be able to direct a medical radiographer, perform and utilize fluoroscopy for procedural guidance and authorized duties.

25-002 DEFINITIONS

- Approved Education Program means the University of Nebraska Medical Center's "Fluoroscopy Radiation Safety Training for UNMC/ The Nebraska Medical Center" or equivalent course as approved jointly by the Department and the Board of Nursing.
- 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.
- Fluoroscopy means an imaging technique used to obtain real-time moving images of the internal structures of a patient through the use of a fluoroscope.
- Direct means a nurse practitioner will provide oversight while performing fluoroscopy to complete a procedure and authorized duties.

25-003 GENERAL REQUIREMENTS

- 25-003.01 Documentation of completion of required education and training must be maintained by the nurse practitioner that performs fluoroscopy.

25-004 ADMINISTRATIVE CONTROLS

- 25-004.01 Prior to the use of fluoroscopic equipment by nurse practitioner, the registrant must ensure that the nurse practitioner has successfully completed an approved educational

program in fluoroscopy and received hands-on training in the use of a fluoroscope by completing at least five fluoroscopic procedures under the direct supervision of and in the physical presence of a physician or a person meeting the requirements of this Chapter.

- 25-004.02 If a nurse practitioner is utilizing fluoroscopy in an uncredentialed facility, as defined by Nebraska DHHS Health Care Facility Licensure Act 71-413, a list of the procedures performed must be supplied upon request to the Board of Radiological Health.
- 25-004.03 The registrant must ensure that the requirements of Neb. Rev. Stat. §§ 38-2317 (3) are met.

Nebraska Nurse Practitioners propose to update the Nurse Practitioner Practice Act as follows:

38-2315. Nurse practitioner; functions; scope.o

- (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 3(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.
- (5) A nurse practitioner may perform and utilize fluoroscopy for procedural guidance and for the performance of authorized duties upon (i) the successful completion of appropriate education and training as approved jointly by the Department and the Board of Nursing and promulgated by the Department in rules and regulations pursuant to section 71-3508. A nurse practitioner may direct a licensed medical radiographer in the use of fluoroscopy.

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; Laws 2015, LB107, § 5.

Nebraska Nurse Practitioners (NNP) recommends the above proposed changes as the minimum regulatory requirement by the state of Nebraska to ensure the practitioner is competent to perform/ supervise fluoroscopy in a safe manner. NNP does not recommend unnecessary regulatory burdens by the state of Nebraska as granted to other “licensed providers” under the Medical Radiography Statute.

Nebraska Nurse Practitioners recognizes each licensed facility where fluoroscopy is performed must abide by the Radiation Control Act and may have additional training requirements and/ or oversight for medical privileges of the nurse practitioner. Facility/ organizational regulation of fluoroscopy has demonstrated to be safe, effective, and with no reported harm to patients in Nebraska from any other “licensed provider.”

For facilities that are not credentialed or licensed by Nebraska Health Care Facility Licensure Act, NNP recommends an annual report of procedures performed with fluoroscopy by the nurse practitioner be submitted to the Board of Radiological Health. This would allow additional monitoring and be used to ensure public safety above the Radiation Control Act regulatory requirements.

The full text of the applicant’s proposal can be found under the Nurse Practitioners tab of the Credentialing Review program link at: <https://dhhs.ne.gov/licensure/Pages/Credentialing-Review.aspx>

Part Four: The Recommendations of the Members of the Credentialing Review Committee of the Board of Health on the Nurse Practitioners’ Proposal

Credentialing Review Committee Questions on the Nurse Practitioners’ Proposal

Karen Wenner, APRN, DNP, Ann Young, APRN, Jillian Negri, APRN, DNP and Cora Schrader, representing the applicant group, presented at this meeting and responded to questions by committee members. Questions addressed included those relating to where most nurse practitioners within the state are located, the twenty two other states that allow nurse practitioners to practice fluoroscopy and if there were any negative outcomes or feedback. Other questions related to the specifics of the didactic training and supervision.

The Board’s Credentialing Review Committee members made their recommendations on each of the six statutory criteria as follows:

Criterion one: The health, safety, and welfare of the public are inadequately addressed by the present scope of practice or limitations on the scope of practice.

- Voting “yes” to approve the proposal on criterion one:
 - Daniel Rosenthal, PE; Mark Bertch, DPT; Russell Crotty, OD; Patricia Kucera, MSN; Jeffrey Wienke Jr., DPM
- Voting “no” to recommend against approval of criterion one:
 - None

Criterion two: Enactment of the proposed change in scope of practice would benefit the health, safety, or welfare of the public.

- Voting “yes” to approve the proposal on criterion two:
 - Daniel Rosenthal, PE; Mark Bertch, DPT; Russell Crotty, OD; Patricia Kucera, MSN; Jeffrey Wienke Jr., DPM
- Voting “no” to recommend against approval of criterion two:
 - None

Criterion three: The proposed change in scope of practice does not create a significant new danger to the health, safety, or welfare of the public.

- Voting “yes” to approve the proposal on criterion three:
 - Daniel Rosenthal, PE; Mark Bertch, DPT; Russell Crotty, OD; Patricia Kucera, MSN; Jeffrey Wienke Jr., DPM
- Voting “no” to recommend against approval of criterion three:
 - None

Criterion four: The current education and training for the health profession adequately prepares practitioners to perform the new skill or service.

- Voting “yes” to approve the proposal on criterion four:
 - Jeffrey Wienke Jr., DPM
- Voting “no” to recommend against approval of criterion four:
 - Daniel Rosenthal, PE; Russell Crotty, OD; Patricia Kucera, MSN;
- Abstained from voting:
 - Mark Bertch, DPT;

Criterion five: There are appropriate post-professional programs and competence assessment measures available to assure that the practitioner is competent to perform the new skill or service in a safe manner.

- Voting “yes” to approve the proposal on criterion five:
 - Daniel Rosenthal, PE; Mark Bertch, DPT; Russell Crotty, OD; Patricia Kucera, MSN; Jeffrey Wienke Jr., DPM
- Voting “no” to recommend against approval of criterion five:
 - None

Criterion six: There are adequate measures to assess whether practitioners are competently performing the new skill or service and to take appropriate action if they are not performing competently.

- Voting “yes” to approve the proposal on criterion six:
 - Daniel Rosenthal, PE; Mark Bertch, DPT; Russell Crotty, OD; Patricia Kucera, MSN; Jeffrey Wienke Jr., DPM
- Voting “no” to recommend against approval of criterion six:
 - None

The Board's Credentialing Review Committee members formulated their advice to the members of the full Board of Health via an "up-down vote" as follows:

- Voting "yes" to recommend approval of this proposal:
 - Daniel Rosenthal, PE; Mark Bertch, DPT; Russell Crotty, OD; Patricia Kucera, MSN; Jeffrey Wienke Jr., DPM.
- Voting "no" to recommend against this proposal:
 - None.

By this vote, the Board's Credentialing Review Committee members advised that the members of the full Board of Health recommend approval of the proposal.

Part Five: The Recommendations of the Members of the Full Board of Health on the Nurse Practitioners' Proposal during the June 16, 2025, Board of Health Meeting

Comments by the Members of the Full Board of Health and Interested Parties to the Nurse Practitioners' Proposal:

Dr. Wienke commented that as chair of the Technical Review Committee for the Nurse Practitioners Credentialing Review, he stated that the applicant group's initial application included changing the Medical Radiography Statute. The applicant group was concerned about not being able to provide care in rural areas. Dr. Wienke said that the applicant group changed their application to update their Practice Act. He also mentioned that the Technical Review Committee had the same view as the Board's Credentialing Review Committee on criterion number four.

The recommendations of the members of the full Board of Health on the Nurse Practitioners' proposal:

The Board of Health members made their recommendation on the proposal via a yes/ no, up-down vote on the recommendation of their Credentialing Review Committee, as follows:

Voting "yes" to recommend approval of this committee's recommendation which was to recommend approval of the applicant's proposal were:

- Mark Bertch, DPT, J Paul Cook, MD, Russell Crotty, OD, Staci Hubert, PharmD, Patricia Kucera, MSN, GRN, RN, Brett Lindau, DO, Connie Petersen, PhD, David Reese, MHA, Daniel Rosenthal, PE, Kimberly Stuhmer, RN, MT, Douglas Vander Broek, DC, Dan Vehle, Jeffrey Wienke Jr, DPM

Voting "no" to recommend against approval of this committee's recommendation, which was to recommend approval of the applicant's proposal were:

- None.

By this vote, the full Board of Health members recommended approval of the proposal.