

2021

STATE OF NEBRASKA

**STATUTES RELATING TO
ADVANCED PRACTICE REGISTERED NURSE
PRACTICE ACT**

NEBRASKA

Good Life. Great Mission.

DEPT. OF HEALTH AND HUMAN SERVICES

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

301 Centennial Mall South, First Floor
PO Box 94986
Lincoln, NE 68509-4986

INDEX

ADVANCED PRACTICE REGISTERED NURSE PRACTICE ACT

- 38-201. Act, how cited.
- 38-202. Legislative findings and declarations.
- 38-203. Definition, where found.
- 38-204. Board, defined.
- 38-205. Board; members; qualifications; terms.
- 38-206. Board; duties.
- 38-207. License; issuance; department; powers and duties.
- 38-208. License; qualifications; military spouse; temporary license.
- 38-209. License; renewal; requirements.
- 38-210. Expiration of license; conditions.
- 38-211. Fees.
- 38-212. Use of title.

- 71-17,131. Transferred to section 38-201.
- 71-17,132. Transferred to section 38-202.
- 71-17,133. Transferred to section 38-203.
- 71-17,134. Transferred to section 38-205.
- 71-17,135. Transferred to section 38-206.
- 71-17,136. Transferred to section 38-207.
- 71-17,137. Transferred to section 38-208.
- 71-17,138. Transferred to section 38-209.
- 71-17,139. Repealed. Laws 2007, LB 463, § 1319.
- 71-17,140. Transferred to section 38-210.
- 71-17,141. Repealed. Laws 2007, LB 463, § 1319.

STATUTES PERTAINING TO ADVANCED PRACTICE REGISTERED NURSE PRACTICE ACT

38-201. Act, how cited.

Sections 38-201 to 38-212 shall be known and may be cited as the Advanced Practice Registered Nurse Practice Act.

Source: Laws 2005, LB 256, § 36; R.S.Supp.,2006, § 71-17,131; Laws 2007, LB463, § 140.

38-202. Legislative findings and declarations.

The Legislature finds and declares that:

- (1) 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) It is necessary to encourage the more effective utilization of the skills of registered nurses by enabling them to perform advanced roles in nursing; and
- (3) The purpose of the Advanced Practice Registered Nurse Practice Act is to encourage registered nurses to perform advanced roles in nursing.

Source: Laws 2005, LB 256, § 37; R.S.Supp.,2006, § 71-17,132; Laws 2007, LB463, § 141.

38-203. Definition, where found.

For purposes of the Advanced Practice Registered Nurse Practice Act and elsewhere in the Uniform Credentialing Act, unless the context otherwise requires, the definition found in section 38-204 applies.

Source: Laws 2005, LB 256, § 38; R.S.Supp.,2006, § 71-17,133; Laws 2007, LB463, § 142.

38-204. Board, defined.

Board means the Board of Advanced Practice Registered Nurses.

Source: Laws 2007, LB463, § 143.

38-205. Board; members; qualifications; terms.

(1) Until July 1, 2007, the board shall consist of (a) five advanced practice registered nurses representing different advanced practice registered nurse specialties for which a license has been issued, (b) 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 practice registered nurse, (c) three consumer members, and (d) one licensed pharmacist.

(2) On and after July 1, 2007, the board shall consist of:

(a) One nurse practitioner holding a license under the Nurse Practitioner Practice Act, one certified nurse midwife holding a license under the Certified Nurse Midwifery Practice Act, one certified registered nurse anesthetist holding a license under the Certified Registered Nurse Anesthetist Practice Act, and one clinical nurse specialist holding a license under the Clinical Nurse Specialist Practice Act, except that the initial clinical nurse specialist appointee may be a clinical nurse specialist practicing pursuant to the Nurse Practice Act as such act existed prior to July 1, 2007. Of the initial appointments under this subdivision, one shall be for a two-year term, one shall be for a three-year term, one shall be for a four-year term, and one shall be for a five-year term. All subsequent appointments under this subdivision shall be for five-year terms;

(b) Three physicians, one of whom shall have a professional relationship with a nurse practitioner, one of whom shall have a professional relationship with a certified nurse midwife, and one of whom shall have a professional relationship with a certified registered nurse anesthetist. Of the initial appointments under this subdivision, one shall be for a three-year term, one shall be for a four-year term, and one shall be for a five-year term. All subsequent appointments under this subdivision shall be for five-year terms; and

(c) Two public members. Of the initial appointments under this subdivision, one shall be for a three-year term, and one shall be for a four-year term. All subsequent appointments under this subdivision shall be for five-year terms.

(3) Members of the board serving immediately before July 1, 2007, shall serve until members are appointed and qualified under subsection (2) of this section.

Source: Laws 1996, LB 414, § 27; Laws 2000, LB 1115, § 42; R.S.1943, (2003), § 71-1718.01; Laws 2005, LB 256, § 39; R.S.Supp.,2006, § 71-17,134; Laws 2007, LB185, § 36; Laws 2007, LB463, § 144.

Cross References

- **Certified Nurse Midwifery Practice Act**, see section 38-601.
- **Certified Registered Nurse Anesthetist Practice Act**, see section 38-701.
- **Clinical Nurse Specialist Practice Act**, see section 38-901.
- **Nurse Practice Act**, see section 38-2201.
- **Nurse Practitioner Practice Act**, see section 38-2301.

38-206. Board; duties.

The board shall:

- (1) Establish standards for integrated practice agreements between collaborating physicians and certified nurse midwives;
- (2) Monitor the scope of practice by certified nurse midwives, certified registered nurse anesthetists, clinical nurse specialists, and nurse practitioners;
- (3) Recommend disciplinary action relating to licenses of advanced practice registered nurses, certified nurse midwives, certified registered nurse anesthetists, clinical nurse specialists, and nurse practitioners;
- (4) Engage in other activities not inconsistent with the Advanced Practice Registered Nurse Practice Act, the Certified Nurse Midwifery Practice Act, the Certified Registered Nurse Anesthetist Practice Act, the Clinical Nurse Specialist Practice Act, and the Nurse Practitioner Practice Act; and
- (5) Adopt rules and regulations to implement the Advanced Practice Registered Nurse Practice Act, the Certified Nurse Midwifery Practice Act, the Certified Registered Nurse Anesthetist Practice Act, the Clinical Nurse Specialist Practice Act, and the Nurse Practitioner Practice Act, for promulgation by the department as provided in section 38-126. Such rules and regulations shall also include: (a) Approved certification organizations and approved certification programs; and (b) professional liability insurance.

Source: Laws 1996, LB 414, § 28; Laws 2000, LB 1115, § 43; Laws 2002, LB 1021, § 56; R.S.1943, (2003), § 71-1718.02; Laws 2005, LB 256, § 40; R.S.Supp.,2006, § 71-17,135; Laws 2007, LB185, § 37; Laws 2007, LB463, § 145; Laws 2015, LB107, § 1.

Cross References

- **Certified Nurse Midwifery Practice Act**, see section 38-601.
- **Certified Registered Nurse Anesthetist Practice Act**, see section 38-701.
- **Clinical Nurse Specialist Practice Act**, see section 38-901.
- **Nurse Practitioner Practice Act**, see section 38-2301.

38-207. License; issuance; department; powers and duties.

The department shall issue a license as an advanced practice registered nurse to a registered nurse who meets the requirements of subsection (1) or (3) of section 38-208. The department may issue a license as an advanced practice registered nurse to a registered nurse pursuant to subsection (2) of section 38-208.

Source: Laws 2005, LB 256, § 41; R.S.Supp.,2006, § 71-17,136; Laws 2007, LB463, § 146.

38-208. License; qualifications; military spouse; temporary license.

(1) An applicant for initial licensure as an advanced practice registered nurse shall:

- (a) Be licensed as a registered nurse under the Nurse Practice Act or have authority based on the Nurse Licensure Compact to practice as a registered nurse in Nebraska;
- (b) Be a graduate of or have completed a graduate-level advanced practice registered nurse program in a clinical specialty area of certified registered nurse anesthetist, clinical nurse specialist, certified nurse midwife, or nurse practitioner, which program is accredited by a national accrediting body;
- (c) Be certified as a certified registered nurse anesthetist, a clinical nurse specialist, a certified nurse midwife, or a nurse practitioner, by an approved certifying body or an alternative method of competency assessment approved by the board, pursuant to the Certified Nurse Midwifery Practice Act, the Certified Registered Nurse Anesthetist Practice Act, the Clinical Nurse Specialist Practice Act, or the Nurse Practitioner Practice Act, as appropriate to the applicant's educational preparation;
- (d) Provide evidence as required by rules and regulations; and
- (e) Have committed no acts or omissions which are grounds for disciplinary action in another jurisdiction or, if such acts have been committed and would be grounds for discipline under the Nurse Practice Act, the board has found after investigation that sufficient restitution has been made.

(2) The department may issue a license under this section to an applicant who holds a license from another jurisdiction if the licensure requirements of such other jurisdiction meet or exceed the requirements for licensure as an advanced practice registered nurse under the Advanced Practice Registered Nurse Practice Act. An applicant under this subsection shall submit documentation as required by rules and regulations.

(3) A person licensed as an advanced practice registered nurse or certified as a certified registered nurse anesthetist or a certified nurse midwife in this state on July 1, 2007, shall be issued a license by the department as an advanced practice registered nurse on such date.

(4) An applicant who is a military spouse may apply for a temporary license as provided in section 38-129.01.

Source: Laws 2005, LB 256, § 42; R.S.Supp.,2006, § 71-17,137; Laws 2007, LB185, § 38; Laws 2007, LB463, § 147; Laws 2017, LB88, § 35.

Cross References

- **Certified Nurse Midwifery Practice Act**, see section 38-601.

- **Certified Registered Nurse Anesthetist Practice Act**, see section 38-701.
- **Clinical Nurse Specialist Practice Act**, see section 38-901.
- **Credentialing**, general requirements and issuance procedures, see section 38-121 et seq.
- **Nurse Licensure Compact**, see sections 71-1795 to 71-1795.02.
- **Nurse Practice Act**, see section 38-2201.
- **Nurse Practitioner Practice Act**, see section 38-2301.

38-209. License; renewal; requirements.

The license of each person licensed under the Advanced Practice Registered Nurse Practice Act shall be renewed at the same time and in the same manner as renewal of a license for a registered nurse and shall require that the applicant have (1) a license as a registered nurse issued by the state or have the authority based on the Nurse Licensure Compact to practice as a registered nurse in Nebraska, (2) documentation of continuing competency, either by reference, peer review, examination, or one or more of the continuing competency activities listed in section 38-145 and established by the board in rules and regulations, and (3) met any specific requirements for renewal under the Certified Nurse Midwifery Practice Act, the Certified Registered Nurse Anesthetist Practice Act, the Clinical Nurse Specialist Practice Act, or the Nurse Practitioner Practice Act, as applicable.

Source: Laws 2005, LB 256, § 43; R.S.Supp.,2006, § 71-17,138; Laws 2007, LB185, § 39; Laws 2007, LB463, § 148.

Cross References

- **Certified Nurse Midwifery Practice Act**, see section 38-601.
- **Certified Registered Nurse Anesthetist Practice Act**, see section 38-701.
- **Clinical Nurse Specialist Practice Act**, see section 38-901.
- **Credentialing**, general requirements and issuance procedures, see section 38-121 et seq.
- **Nurse Licensure Compact**, see sections 71-1795 to 71-1795.02.
- **Nurse Practitioner Practice Act**, see section 38-2301.

38-210. Expiration of license; conditions.

An advanced practice registered nurse's license expires if he or she does not renew his or her license to practice as a registered nurse or is not authorized to practice as a registered nurse in this state under the Nurse Licensure Compact.

Source: Laws 2005, LB 256, § 45; R.S.Supp.,2006, § 71-17,140; Laws 2007, LB185, § 41; Laws 2007, LB463, § 149.

Cross References

- **Nurse Licensure Compact**, see sections 71-1795 to 71-1795.02.

38-211. Fees.

The department shall establish and collect fees for initial licensure and renewal under the Advanced Practice Registered Nurse Practice Act as provided in sections 38-151 to 38-157.

Source: Laws 2007, LB463, § 150.

38-212. Use of title.

A person licensed as an advanced practice registered nurse in this state may use the title advanced practice registered nurse and the abbreviation APRN.

Source: Laws 2007, LB463, § 151.

71-17,131. Transferred to section 38-201.

71-17,132. Transferred to section 38-202.

71-17,133. Transferred to section 38-203.

71-17,134. Transferred to section 38-205.

71-17,135. Transferred to section 38-206.

71-17,136. Transferred to section 38-207.

71-17,137. Transferred to section 38-208.

71-17,138. Transferred to section 38-209.

71-17,139. Repealed. Laws 2007, LB 463, § 1319.

71-17,140. Transferred to section 38-210.

71-17,141. Repealed. Laws 2007, LB 463, § 1319.