

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 581

Introduced by Haar, 21.

Read first time January 19, 2011

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to certified nurse midwives; to amend sections
2 38-206, 38-603, 38-611, and 38-613, Reissue Revised
3 Statutes of Nebraska; to change and eliminate provisions
4 relating to scope of practice, authorized activities, and
5 practice agreements; to harmonize provisions; to repeal
6 the original sections; and to outright repeal sections
7 38-608, 38-609, 38-610, and 38-614, Reissue Revised
8 Statutes of Nebraska.
9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 38-206, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 38-206 The board shall:

4 (1) Establish standards for integrated practice
5 agreements between collaborating physicians ~~and certified nurse~~
6 ~~midwives,~~ and nurse practitioners;

7 (2) Monitor the scope of practice by certified nurse
8 midwives, certified registered nurse anesthetists, clinical nurse
9 specialists, and nurse practitioners;

10 (3) Recommend disciplinary action relating to licenses of
11 advanced practice registered nurses, certified nurse midwives,
12 certified registered nurse anesthetists, clinical nurse specialists,
13 and nurse practitioners;

14 (4) Engage in other activities not inconsistent with the
15 Advanced Practice Registered Nurse Practice Act, the Certified Nurse
16 Midwifery Practice Act, the Certified Registered Nurse Anesthetist
17 Practice Act, the Clinical Nurse Specialist Practice Act, and the
18 Nurse Practitioner Practice Act; and

19 (5) Adopt rules and regulations to implement the Advanced
20 Practice Registered Nurse Practice Act, the Certified Nurse Midwifery
21 Practice Act, the Certified Registered Nurse Anesthetist Practice
22 Act, the Clinical Nurse Specialist Practice Act, and the Nurse
23 Practitioner Practice Act, for promulgation by the department as
24 provided in section 38-126. Such rules and regulations shall also
25 include: (a) Approved certification organizations and approved

1 certification programs; and (b) professional liability insurance.

2 Sec. 2. Section 38-603, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 38-603 For purposes of the Certified Nurse Midwifery
5 Practice Act and elsewhere in the Uniform Credentialing Act, unless
6 the context otherwise requires, the definitions found in sections
7 38-604 to ~~38-610~~ 38-607 apply.

8 Sec. 3. Section 38-611, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 38-611 A certified nurse midwife may, ~~under the~~
11 ~~provisions of a practice agreement, (1) attend practice nurse~~
12 midwifery. Such practice may include, but is not limited to, (1)
13 attending cases of normal childbirth, (2) ~~provide~~ providing prenatal,
14 intrapartum, and postpartum care, (3) ~~provide~~ providing normal
15 obstetrical and gynecological services for women, and (4) ~~provide~~
16 providing care for the newborn immediately following birth. The
17 ~~conditions under which a certified nurse midwife is required to refer~~
18 ~~cases to a collaborating licensed practitioner shall be specified in~~
19 ~~the practice agreement.~~

20 Sec. 4. Section 38-613, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 38-613 (1) The specific ~~medical~~ health care functions to
23 be performed by a certified nurse midwife within the scope of
24 permitted practice prescribed by section 38-611 may be performed in
25 the following settings: ~~shall be described in the practice agreement~~

1 ~~which shall be reviewed and approved by the board. A copy of the~~
2 ~~agreement shall be maintained on file with the board as a condition~~
3 ~~of lawful practice under the Certified Nurse Midwifery Practice Act.~~

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

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

15 ~~(a) In a licensed or certified health care facility; as~~
16 ~~an employee or as a person granted privileges by the facility;~~

17 ~~(b) In the primary office of a licensed practitioner or~~
18 ~~in any setting authorized by the collaborating licensed practitioner,~~
19 ~~except that a certified nurse midwife shall not attend a home~~
20 ~~delivery; or residence, office, or clinic of a certified nurse~~
21 ~~midwife, a group of certified nurse midwives, or a group of licensed~~
22 ~~practitioners or any distinct part of such residence, office, or~~
23 ~~clinic;~~

24 ~~(c) Within an organized public health agency; or -~~

25 ~~(d) In any other setting approved by the board.~~

1 ~~(4)~~(2) The department shall, after consultations with
2 the board, adopt and promulgate rules and regulations to carry out
3 the Certified Nurse Midwifery Practice Act.

4 Sec. 5. Original sections 38-206, 38-603, 38-611, and
5 38-613, Reissue Revised Statutes of Nebraska, are repealed.

6 Sec. 6. The following sections are outright repealed:
7 Sections 38-608, 38-609, 38-610, and 38-614, Reissue Revised Statutes
8 of Nebraska.