

LEGISLATIVE BILL 658

Approved by the Governor April 24, 1978

Introduced by Lamb, 43; Hefner, 19

AN ACT to amend section 71-1,132.20, Reissue Revised Statutes of Nebraska, 1943, and section 71-1,132.11, Reissue Revised Statutes of Nebraska, 1943, as amended by section 24, Legislative Bill 653, Eighty-fifth Legislature, Second Session, 1978, relating to nursing; to provide for continuing education; to define terms; to provide duties; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 71-1,132.11, Reissue Revised Statutes of Nebraska, 1943, as amended by section 24, Legislative Bill 653, Eighty-fifth Legislature, Second Session, 1978, be amended to read as follows:

71-1,132.11. The board is authorized to adopt and, from time to time, revise such rules and regulations consistent with the provisions of sections 71-1,132.04 to 71-1,132.09, 71-1,132.11 to 71-1,132.16, 71-1,132.18 to 71-1,132.37, and 71-1,132.41 as may be necessary to carry into effect the provisions thereof. All such rules and regulations shall be published and distributed. The board shall:

(1) Establish minimum standards to be met by educational programs conducted pursuant to sections 71-1,132.24 to 71-1,132.28;

(2) Develop standards in cooperation with schools of nursing to be used in the evaluation and approval of such schools;

(3) Review the standards at least every four years or more frequently as deemed necessary;

(4) Establish rules, regulations and procedures for approving and classifying schools of practical and professional nursing taking into consideration the administrative and organizational pattern of the school, the philosophy, the curriculum and program of studies, the number and selection of students, the student personnel services including housing, the guidance and health services, the number and preparation of faculty in relation to the curriculum and enrollments, the

instructional materials and equipment, the instructional facilities including clinical resources and library facilities and materials, and the health and safety factors in residence halls, education buildings and clinical facilities;

(5) Provide surveys for each program at least every four years or more frequently as deemed necessary;

(6) Approve such programs as meet the requirements of the provisions of sections 71-1,132.04 to 71-1,132.09, 71-1,132.11 to 71-1,132.16, 71-1,132.18 to 71-1,132.37, and 71-1,132.41 and of the board;

(7) Evaluate and approve courses offered by cooperating agencies;

(8) Examine, license, and renew the license of duly qualified applicants;

(9) Conduct hearings upon charges of suspension or revocation of a license;

(10) Have power to issue subpoenas and compel the attendance of witnesses and administer oaths to persons giving testimony at hearings;

(11) Cause the prosecution of all persons violating the provisions of sections 71-1,132.04 to 71-1,132.09, 71-1,132.11 to 71-1,132.16, 71-1,132.18 to 71-1,132.37, and 71-1,132.41 and have power to incur the necessary expense therefor;

(12) Keep a record of all its proceedings and make an annual report to the Governor;

(13) Approve the clinical facilities used by each school;

(14) Develop rules, regulations, and mandatory educational review courses governing the return to practice of any nurse who has not engaged in the active practice of nursing, as defined in section 3 of this act, on-a-regular-and-systematic-basis for five years or longer;

(15) Develop rules and regulations in cooperation with the Board of Examiners in Medicine and Surgery governing the expanding role of the professional nurse, and implement such rules and regulations. Such rules and regulations shall provide for the kind of functions the nurse would be able to perform, under what circumstances such function would be performed, and the necessary

educational and clinical preparation needed to do so; and

(16) Establish fees at a level sufficient to provide for all expenses and salaries of the board pursuant to section 71-1,132.49.

The board shall appoint an executive director who shall be a registered nurse currently licensed in this state and who has graduated with a masters degree in nursing or a related field of study. The executive director shall have a minimum of five years' experience within the last ten years in the areas of administration, teaching, or consultation in the field of nurse education. The salary of the director shall be fixed by the Board of Nursing and be competitive with salaries of nursing education positions which require similar education and experience. The director shall not be a member of the board. The director shall be bonded under the blanket surety bond required by section 11-201.

Sec. 2. That section 71-1,132.20, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,132.20. The license of every person, licensed under the provisions of sections 71-1,132.04 to 71-1,132.09, 71-1,132.11 to 71-1,132.16, 71-1,132.18 to 71-1,132.37, and 71-1,132.41, shall be renewed each year, except as provided by the provisions of such sections. On or before November 1 of each year, the board shall mail an application for renewal of license to every person to whom a license was issued or renewed during the current year. The applicant shall fill in the application blank and return it to the board with a renewal fee established by the board pursuant to section 71-1,132.49 on or before January 1 following the mailing of such notice. Upon receipt of the application and fee, the board shall verify the accuracy of the application and issue to the applicant a certificate of renewal for the year beginning January 1 following the mailing of such notice and expiring December 31. Such certificate of renewal shall render the holder thereof a legal practitioner of nursing for the period stated on the certificate of renewal. Any licensee who fails to pay the renewal fee on or before January 1 shall have his license placed in an inactive status unless he wishes to withdraw from the practice of nursing and so informs the board of such desire. An inactive license shall be returned to active status by the board upon completion of the requirements of this section, and payment of the renewal fee then due, together with an additional reinstatement fee in an amount to be set by the board pursuant to section 71-1,132.49. A fee to be determined

by the Board of Nursing pursuant to section 71-1,132.49 shall be charged to any licensed nurse for the issuance of a certification of credentials to another state, and to any educational institution or agency located outside of the State of Nebraska. After January 1, 1980, the board shall require, in the interest of public health, safety, and welfare of the people of this state, that applicants who have not practiced nursing ~~on--a--regular and-systematic-basis~~ for a period of five or more years, complete a review study of courses to be determined by the board in accordance with the provisions of section 71-1,132.11, and satisfactorily demonstrate their ability to practice nursing by such means as may be determined by the Board of Nursing; Provided, such means shall be on the basis of uniform criteria and standards established by rules and regulations promulgated by the Board of Nursing.

Sec. 3. (1) In order to insure that all nurses who are currently licensed have sufficient scientific and practical knowledge to remain competent to practice nursing, no license to practice nursing shall be renewed unless the nurse has within the preceding five years engaged in the practice of nursing for a minimum of two hundred hours in addition to twenty hours of either:

(a) Inservice education provided by the employer which the employer provides as a condition of participation in the Medicare program; or

(b) Continuing education courses approved by the Board of Nursing.

(2) If an individual license to practice nursing has not been renewed pursuant to the provisions of subsection (1) of this section, completion of seventy-five hours of continuing education courses approved by the Board of Nursing shall be required before such license shall be renewed.

Sec. 4. That original section 71-1,132.20, Reissue Revised Statutes of Nebraska, 1943, and section 71-1,132.11, Reissue Revised Statutes of Nebraska, 1943, as amended by section 24, Legislative Bill 653, Eighty-fifth Legislature, Second Session, 1978, are repealed.