

NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES
NOTICE OF PUBLIC HEARING

October 3, 2019
1:00 p.m. Central Time
Gold's Building, Room 534
1033 O Street, Lincoln, Nebraska

The purpose of this hearing is to receive comments on proposed changes to Title 172, Chapter 101 of the Nebraska Administrative Code (NAC) – *Practice of Nursing*. The proposed changes remove all duplicative statutory language from the regulations and removes any repetitive regulatory language that is found in 172 NAC 10. The proposed changes update: internal references within the regulations; definitions; outdated language and formatting.

Authority for these regulations is found in Neb. Rev. Stat. § 81-3117(7).

Interested persons may attend the hearing and provide verbal or written comments or mail, fax or email written comments, no later than the day of the hearing to: DHHS Legal Services, PO Box 95026, Lincoln, NE 68509-5026, (402) 742-2382 or dhhs.regulations@nebraska.gov, respectively.

A copy of the proposed changes is available online at <http://www.sos.ne.gov>, or by contacting DHHS at the mailing address or email above, or by phone at (402) 471-8417. The fiscal impact statement for these proposed changes may be obtained at the office of the Secretary of State, Regulations Division, 1201 N Street, Suite 120, Lincoln, NE 68508, or by calling (402) 471-2385.

Auxiliary aids or reasonable accommodations needed to participate in a hearing can be requested by calling (402) 471-8417. Individuals with hearing impairments may call DHHS at (402) 471-9570 (voice and TDD) or the Nebraska Relay System at 711 or (800) 833-7352 TDD at least 2 weeks prior to the hearing.

FISCAL IMPACT STATEMENT

Agency: Department of Health and Human Services	
Title: 172	Prepared by: Ann Oertwich, RN
Chapter: 101	Date prepared: 07/01/2019
Subject: Regulations governing the practice of nursing	Telephone: 402-471-0317

Type of Fiscal Impact:

	State Agency	Political Sub.	Regulated Public
No Fiscal Impact	(<input checked="" type="checkbox"/>)	(<input checked="" type="checkbox"/>)	(<input checked="" type="checkbox"/>)
Increased Costs	(<input type="checkbox"/>)	(<input type="checkbox"/>)	(<input type="checkbox"/>)
Decreased Costs	(<input type="checkbox"/>)	(<input type="checkbox"/>)	(<input type="checkbox"/>)
Increased Revenue	(<input type="checkbox"/>)	(<input type="checkbox"/>)	(<input type="checkbox"/>)
Decreased Revenue	(<input type="checkbox"/>)	(<input type="checkbox"/>)	(<input type="checkbox"/>)
Indeterminable	(<input type="checkbox"/>)	(<input type="checkbox"/>)	(<input type="checkbox"/>)

Provide an Estimated Cost & Description of Impact: None

State Agency:

Political Subdivision:

Regulated Public:

If indeterminable, explain why:

TITLE 172 PROFESSIONAL AND OCCUPATIONAL LICENSURE

CHAPTER 101 PRACTICE OF NURSING

001. SCOPE AND AUTHORITY. These regulations govern the practice of nursing in the State of Nebraska. Statutory authority for this chapter is Nebraska Revised Statute (Neb. Rev. Stat.) § 38-2216 of the Nurse Practice Act and the Uniform Credentialing Act.

002. DEFINITIONS. Definitions are set out in the Nurse Practice Act, the Uniform Credentialing Act, 172 Nebraska Administrative Code (NAC) 10, and this chapter.

002.01 APPROVED PROGRAM OF PRACTICAL NURSING. A nursing program that meets the requirements for a practical nursing program set forth in 172 NAC 97.

002.02 APPROVED PROGRAM OF REGISTERED NURSING. A nursing program that meets the requirements for a registered nursing program set forth in 172 NAC 97.

002.03 APPROVED PROVIDER. Nationally recognized, accredited status given to a provider regarding their capacity to award contact hours for continuing education activities, planned, implemented and evaluated by the provider.

002.04 CREDENTIALING EVALUATION SERVICES. A Board-approved service that evaluates foreign nursing education program credentials compared to United States nursing education standards and determines equivalency of language, content, credit hours, and a U.S. nursing degree.

002.05 CONTINUING COMPETENCY. The demonstration of specified levels of knowledge, skills, or ability, not only at the time of initial licensure, but throughout an individual's professional career.

002.06 CONTINUING EDUCATION. Planned, organized, systematic, and evaluative educational experiences designed to maintain or enhance the knowledge, skills, and attitudes of nurses for nursing practice, education, administration, or research for the purpose of improving health care to the public. Continuing education includes a variety of forms of learning experiences, such as lectures, conferences, academic studies, institutes, seminars, workshops, extension studies, and independent study programs which may or may not be formally peer reviewed and approved. Continuing education does not include orientation, in-service education or on-the-job training.

002.07 CONTINUING EDUCATION OFFERING. A single continuing education activity that may be presented once, or repeated.

002.08 INSERVICE EDUCATION. Activities intended to help nurses acquire, maintain, and increase the level of competence in fulfilling his or her assigned responsibilities specific to the expectations of the employer.

002.09 LICENSED BY ENDORSEMENT. The granting of active status and the authority to practice to an individual who has been licensed in another jurisdiction and who meets the Nebraska licensure requirements.

002.10 LICENSED BY EXAMINATION. The authority to practice based on having passed the licensing National Council Licensure Exam (NCLEX).

002.11 THE NATIONAL COUNCIL LICENSURE EXAMINATION FOR PRACTICAL NURSES (NCLEX-PN®). The accepted examination for practical nursing licensure in Nebraska.

002.12 THE NATIONAL COUNCIL LICENSURE EXAMINATION FOR REGISTERED NURSES (NCLEX-RN®). The accepted examination for registered nursing licensure in Nebraska.

002.13 NURSYS™. The national database for verification of nurse licensure, discipline and practice privileges for registered nurses and licensed practical nurses licensed in participating jurisdictions, including all states in the Nurse Licensure Compact.

002.14 ON-THE-JOB-TRAINING. Informal instruction given by an employer to acquaint an employee with performance expectations related to a given task.

002.15 ORIENTATION. The method by which nursing staff are introduced to the philosophy, goals, policies, procedures, role expectations, and other factors needed to function in a specific work setting.

002.16 PEER REVIEWED AND APPROVED. Continuing education programs, offerings, or independent studies that are either provided by an approved or accredited provider or approved by an approved or accredited approver.

002.17 REFRESHER COURSE. A planned program of study which provides a review of basic knowledge and skills. The focus of a refresher course is the enhancement of clinical competency.

002.18 STATE BOARD TEST POOL EXAMINATION (SBTPE). The nationally accepted licensure examination for nurses that was the basis for registered nurse licensure in Nebraska between 1953 and 1981 and licensed practical nurse licensure between 1956 and 1981.

003. REQUIREMENTS FOR ISSUANCE OF LICENSE. To obtain a license to practice nursing in Nebraska, an individual must submit a complete application provided by the Department and provide documentation demonstrating that the applicant meets the licensing requirements of the Uniform Credentialing Act, 172 NAC 10, 172 NAC 2, and this chapter.

003.01 LICENSURE BY EXAMINATION. General requirements for licensure as a practical nurse or a registered nurse by examination include requirements found in the Uniform Credential Act, 172 NAC 10, and the following:

- (A) Submit an official transcript documenting completion of the basic curriculum in an approved program of practical nursing or registered nursing; or a military program approved by the Board pursuant to Neb. Rev. Stat. § 38-1,141;
- (B) Graduates from non-English speaking practical nursing or registered nursing education programs must present evidence of successful completion of one of the following:
 - (i) Test of English as a Foreign Language (TOEFL®) paper version with a minimum score of 560;
 - (ii) Test of English as a Foreign Language (TOEFL®) computer version with a minimum score of 220;
 - (iii) Test of English as a Foreign Language Internet-Based Test (TOEFL® iBT) with a minimum score of 84 and a minimum speaking score of 26;
 - (iv) International English Language Testing System (IELTS) academic version with an overall score of 6.5 and a minimum score of 6.0 on all modules;
 - (v) Test of English for International Communication (TOEIC) with a minimum score of 780;
 - (vi) Michigan English Language Assessment Battery (MELAB) with a passing standard of 81 and speaking section score of 3; or
 - (vii) Pearson Test of English Academic (PTE Academic) 55 overall with no sub scores lower than 50 in each scored part;
- (C) Graduates of foreign nursing education programs taught in English should be directed to take an NCLEX preparatory review course;
- (D) Graduates of foreign nursing education programs will be required to have a transcript evaluation by a Board-approved credentialing review program; and
- (E) Pass the National Council Licensure Exam for Practical Nurses (NCLEX-PN®) or the National Council Licensure Examination for Registered Nurses (NCLEX-RN®).

003.02 LICENSURE BY ENDORSEMENT. General requirements for licensure as a practical nurse or a registered nurse by endorsement include requirements found in 172 NAC 10, and the following:

- (A) Be licensed in another state or jurisdiction;
- (B) Meet one of the following practice requirements for continuing competency:
 - (i) Graduated from an approved nursing program within the previous 5 years;
 - (ii) Practiced nursing for a minimum of 500 hours within the previous 5 years;
 - (iii) Completed a Board-approved review course of study within the previous 5 years;
- (C) Complete a NURSYS™ verification for all current and prior licenses in other states or jurisdictions;
- (D) Submit individual state licensure verifications from states not participating in NURSYS™;
- (E) Licensees from non-English speaking jurisdictions must present evidence of successful completion of one of the following if they have been working in a non-English speaking setting in the past 2 years:
 - (i) Test of English as a Foreign Language (TOEFL®) paper version with a minimum score of 560;

- (ii) Test of English as a Foreign Language (TOEFL®) computer version with a minimum score of 220;
- (iii) Test of English as a Foreign Language Internet-Based Test (TOEFL® iBT) with a minimum score of 84 and a minimum speaking score of 26;
- (iv) International English Language Testing System (IELTS) academic version with an overall score of 6.5 and a minimum score of 6.0 on all modules;
- (v) Test of English for International Communication (TOEIC) with a minimum score of 780;
- (vi) Michigan English Language Assessment Battery (MELAB) with a passing standard of 81 and speaking section score of 3; or
- (vii) Pearson Test of English Academic (PTE Academic) 55 overall with no sub scores lower than 50 in each scored part;
- (F) Graduates of foreign nursing education programs may be required to have a transcript evaluation by a Board-approved credentialing review program; and
- (G) Graduates of Canadian registered nursing programs must have passed the English version of the Canadian Nurses Association licensure examination prior to 2015 or the National Council Licensure Exam for Registered Nurses (NCLEX-RN®).

003.03 TEMPORARY LICENSE. A temporary license will be issued for 60 days or until the expiration date of the current license in the other state, whichever occurs first. The temporary license may be extended by the Department. The temporary license becomes null and void if the regular license is issued or a final decision is made to deny the regular license.

003.03(A) DOCUMENTATION. The Department will accept as documentation of a current license in another state:

- (i) An official certification record from the other state or jurisdiction; or
- (ii) Certification or verification of licensure obtained through NURSYS™.

003.03(B) DESIGNATION. Persons holding valid temporary licenses pursuant to this section are entitled to use the designation registered nurse (RN) or licensed practical nurse (LPN).

003.02(C) TEMPORARY LICENSE FOR REFRESHER COURSE. Persons currently or previously licensed in another state or jurisdiction who have not graduated or practiced nursing for at least 500 hours within the past 5 years immediately preceding the date of application and who wish to enroll in a review course of study approved by the Board in order to obtain licensure pursuant to Neb. Rev. Stat. § 38-2225 and who meet all the other requirements for licensure in Nebraska may be issued a temporary license after submitting the following to the Department:

- (i) A completed application;
- (ii) Written validation from the institution conducting the review course of study of the duration of the course and that the individual has applied and been accepted for the course. For an individually designed review course, written validation of the dates of the clinical practice may be submitted from the supervising or collaborating nurse; and
- (iii) Documentation of current or previous licensure in another state or jurisdiction. Acceptable documentation consists of:
 - (1) An official certification record from the other state or jurisdiction; or

- (2) Certification or verification of licensure obtained through NURSYS™;
- (iv) The temporary license issued pursuant to this section:
 - (1) Is valid only for clinical practice undertaken as part of the approved course;
 - (2) Requires such practice to be supervised by a licensed registered nurse; and
 - (3) Entitles the holder to use the designation registered nurse or licensed practical nurse.

004. RENEWAL, WAIVER OF CONTINUING EDUCATION, AND INACTIVE STATUS. The applicant must meet the requirements set out in 172 NAC 10. All registered nurse licenses expire on October 31 of each even-numbered year. All practical nurse licenses expire on October 31 of each odd-numbered year.

005. CONTINUING COMPETENCY REQUIREMENTS. Each person holding an active nursing license in the State of Nebraska must, on or before the date of expiration of the license, comply with the continuing competency requirements for his or her profession, unless the requirements are waived in accordance with 172 NAC 10.

005.01 DOCUMENTATION. For purposes of license renewal, the applicant must document continuing competency by having:

- (A) Graduated from an approved nursing program within the previous 2 years;
- (B) Graduated from an approved nursing program in more than 2 but less than 5 years and have completed 20 contact hours of nursing continuing education from an approved provider within the last 2 years;
- (C) Practiced nursing for a minimum of 500 hours within the last 5 years and have completed 20 contact hours of nursing continuing education from an approved provider within the last 2 years;
- (D) Completed a Board-approved refresher course of study consisting of a minimum of 75 contact hours approved by the Board within the last 5 years;
- (E) Obtained and maintained current certification in a nursing specialty granted by a nationally recognized certifying organization for nursing; or
- (F) Developed and maintained a portfolio that includes the licensee's current continuing competency goals and evidence or verification of professional activities to meet those goals. Such evidence may include, but not be limited to, specialized training or experiences, continuing education, employer performance evaluation, or other evidence of demonstrated competency.

005.02 CONTINUING EDUCATION. 20 hours of nursing continuing education from an approved provider are required for renewal of a nursing license. The Board does not pre-approve continuing education offerings, but may accept as continuing education for reinstatement of a license or license renewal, the following learning experiences:

- (A) Academic courses in an accredited post-secondary institution that are related to the specific knowledge or technical skills required for the nursing practice role;
- (B) Courses or offerings related to the scientific knowledge for the practice of nursing including basic and advanced courses in the physical, social, and behavioral sciences; and
- (C) Courses or offerings related to the application of scientific knowledge to patient care.

006. UNPROFESSIONAL CONDUCT. Unprofessional conduct is set out in Neb. Rev. Stat. § 38-179 and this chapter as follows:

- (1) Failure to utilize appropriate judgment in administering safe nursing practice based upon the level of nursing for which the individual is licensed;
- (2) Failure to exercise technical competence based upon the level of nursing for which the individual is licensed in carrying out nursing care;
- (3) Failure to follow policies or procedures implemented in the practice situation to safeguard patient care;
- (4) Failure to safeguard a patient's dignity or right to privacy;
- (5) Violating the confidentiality of information or knowledge concerning a patient;
- (6) Verbally or physically abusing patients;
- (7) Falsification or intentional unauthorized destruction of patient records;
- (8) Failure to maintain an accurate patient record;
- (9) Misappropriating medications, supplies or personal items of a patient or agency;
- (10) Committing any act which endangers patient safety or welfare;
- (11) Delegating or assigning nursing interventions contrary to the standards set in 172 NAC 99;
- (12) Failure to exercise supervision as set in 172 NAC 99 over persons who are authorized to practice only under the direction of the licensed nurse or licensed practitioner;
- (13) Leaving a patient care nursing assignment without notifying personnel so that reasonable arrangements for continuation of care can be made;
- (14) Failure to seek consultation, collaboration, or direction from another licensed health care provider when warranted by patient condition;
- (15) Accepting an assignment when the licensed nurse does not have the competence to safely perform the intervention required by the assignment;
- (16) Practice of the profession without a current active license or temporary license;
- (17) Failure of a licensee, who is the subject of a disciplinary investigation, to furnish the Department or its investigator with requested information or requested documents;
- (18) Falsification or misrepresentation of material facts in attempting to obtain nursing employment;
- (19) Altering a license or temporary license by changing the expiration date, license number or any other information appearing on the license;
- (20) Intentional falsification of material facts in a material document connected with the practice of nursing;
- (21) Violating any term of probation, condition, or limitation imposed on the licensee by the Department;
- (22) Kissing, fondling, touching or engaging in any other activities of a sexual nature with a patient;
- (23) Crossing the professional boundaries of the nurse-patient relationship, to include patients' family members, including the nurse's use of social media;
- (24) Failure to meet the repayment provisions for a loan received under the Nursing Student Loan Act; and
- (25) Failure to meet the repayment provisions for a loan received under the Nursing Faculty Student Loan Act.

007. REINSTATEMENT. The applicant must meet the requirements set out in 172 NAC 10.

008. FEES. Fees are set out in 172 NAC 2.

TITLE 172 ~~PROFESSIONAL AND OCCUPATIONAL LICENSURE~~

CHAPTER 101 ~~PRACTICE OF NURSING~~

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TITLE 172 _____ PROFESSIONAL AND OCCUPATIONAL LICENSURE

CHAPTER 101 _____ PRACTICE OF NURSING

~~101-001 SCOPE AND AUTHORITY:~~ These regulations govern the practice of nursing in the State of Nebraska. Statutory authority for these regulations is ~~Neb. Rev. Stat. §§ 71-147 to 71-148, 71-150 to 71-162.05, 71-164.01, 71-172.02, 71-1,132.01 to 71-1,132.53, and 71-1795.~~ The Department of Health and Human Services Regulation and Licensure is the state's regulatory body responsible for issuing nursing licenses.

~~101-002 DEFINITIONS~~

~~Academic courses~~ means all formal course work required in a nursing program, directly related to nursing and current nursing practice.

~~Act~~ means ~~Neb. Rev. Stat. §§ 71-1,132.01 to 71-1,132.53,~~ known as the Nurse Practice Act.

~~Advisory opinion~~ means a statement or judgment regarding nursing practice issues given by the Board based upon their belief and knowledge. Such an opinion is considered informational only and is non-binding.

~~Approved program of practical nursing~~ means a nursing program that meets the requirements or is substantially equivalent to the requirements set forth in 172 NAC 97.

~~Approved program of registered nursing~~ means a nursing program that meets the requirements or is substantially equivalent to the requirements set forth in 172 NAC 97.

~~Attest/Attestation~~ means that the individual declares that all statements on the application/petition are true and complete.

~~Audit~~ means the random selection of licensees for verification of satisfactory completion of continuing competency requirements during a specified time period.

~~Board~~ means the Board of Nursing.

~~Certificate~~ means a formal document awarded by the provider of continuing education showing that the participant has satisfactorily completed the course or offering.

~~Certificate holder~~ means a person who has a state-issued certificate such as an LPN-C.

~~Certification of licensure means attesting to the current status of an individual's license, any disciplinary action taken, and the means by which the individual was licensed including examination scores, if applicable.~~

~~CGFNS – Commission on Graduates for Foreign Nursing Schools is the organization that assists foreign educated nurses seeking licensure in the United States through transcript evaluation and administration of a qualifying examination which tests English proficiency and readiness to take the NCLEX-RN® examination. Candidates who pass the CGFNS examination are issued a document referred to as a CGFNS certificate.~~

~~Compact state means a state that is a party state under the provisions of the Nurse Licensure Compact.~~

~~Continuing competency means the ability of a nurse to apply interpersonal, technical, decision-making, and psychomotor skills at the level of knowledge expected for the nurse's current nursing practice role.~~

~~Completed application means an application that includes all of the information requested on the application verified with the applicant's oath, and that is submitted with the required fees and all required documentation.~~

~~Continuing education means planned, organized, systematic, and evaluative educational experiences designed to maintain or enhance the knowledge, skills, and/or attitudes of nurses for nursing practice, education, administration, and/or research for the purpose of improving health care to the public. Continuing education includes, but is not limited to a variety of forms of learning experiences, such as lectures, conferences, academic studies, institutes, seminars, workshops, extension studies, and independent study programs which may or may not be formally peer reviewed and approved. Continuing education does not include orientation, inservice education or on-the-job training.~~

~~Continuing education offering means a single continuing education activity that may be presented once, or repeated.~~

~~Department means the Department of Health and Human Services Regulation and Licensure.~~

~~Director means the Director of Regulation and Licensure or the Chief Medical Officer if one has been appointed pursuant to Neb. Rev. Stat. § 81-3201, for performance of the duties set out in that statute.~~

~~Expired license means the date on which the license expires has passed.~~

~~Focused continuing education means selection of programs that relate to the nurse's individual goals for professional development.~~

~~Graduate means an individual who has completed an educational program and has fulfilled all of the requirements for graduation from that program.~~

~~Home state means the state the licensee has declared as her or his primary state of residence.~~

~~Hour, as it relates to continuing education, means at least 50 minutes of participation in an organized learning experience, otherwise known as a "contact hour."~~

~~IELTS means the International English Language Testing System.~~

~~Inactive status means the designation given to a licensee who requests this status and pays the fee. A licensee on inactive status is issued a card indicating their inactive status.~~

~~Independent study course means continuing education courses offered for individual, self-paced study.~~

~~Inservice education means activities intended to help nurses acquire, maintain, and/or increase the level of competence in fulfilling his or her assigned responsibilities specific to the expectations of the employer.~~

~~Lapsed status means the designation given to a licensee who requests this status, a licensee who was previously licensed in Nebraska and whose primary state of residence is now another compact state, or to a licensee who fails to meet the renewal requirements.~~

~~Licensed by endorsement means the granting of active status and the authority to practice to an individual who has been licensed in another jurisdiction and who meets the Nebraska licensure requirements.~~

~~Licensed by examination means the authority to practice is based on having passed the licensing (NCLEX®) examination.~~

~~Licensed practical nurse (LPN) means an individual who has graduated from an approved practical nursing program, passed the NCLEX-PN® or State Board Test Pool Examination and holds a current license or has the authority based on the Nurse Licensure Compact to practice as a licensed practical nurse in Nebraska.~~

~~Licensed practitioner means a person lawfully authorized to prescribe medications or treatments.~~

~~Limited license means that certain restrictions have been imposed on the individual's authority to practice.~~

~~Multi-state license or multi-state privilege means the licensee has declared a compact state as her or his primary state of residence and is entitled to practice in any compact state unless action has been taken to limit or remove the multi-state authority. The licensee is subject to the statutes, rules, and regulations of the state in which the nurse is practicing.~~

~~NAC means the Nebraska Administrative Code, the system for classifying State agency rules and regulations. These regulations are 172 NAC 101.~~

~~National Council means the National Council of State Boards of Nursing.~~

~~NCLEX-PN® means the National Council Licensure Examination for Practical Nurses. This examination is the accepted examination for practical nursing licensure in this state.~~

~~NCLEX-RN® means the National Council Licensure Examination for Registered Nurses. This examination is the accepted examination for registered nursing licensure in this state.~~

~~Nurse Licensure Compact means the agreement among states that have enacted the standard provisions of the compact into their individual state statutes. In Nebraska, the compact is in Neb. Rev. Stat. § 71-1795. The compact allows a nurse to have one license (in his/her state of residence) and practice in other states, as long as the nurse acknowledges that s/he is subject to each state's practice laws and discipline. Practice across state lines is allowed, whether physical or electronic, unless the nurse is under discipline or a monitoring agreement that restricts practice across state lines.~~

~~Nursing practice, for purposes of meeting requirements for license renewal, means the application of judgment and skill based upon a systematized body of nursing knowledge that is performed as employment or volunteer.~~

~~Nursing practice committee means a standing committee of the Board of Nursing that is composed of members of the Board.~~

~~Nursing practice consultant means a registered nurse staff member of the Department as defined in the Act.~~

~~Nursing program means an approved educational program which prepares persons for licensure as a practical or registered nurse: a baccalaureate in nursing completion program for RNs; a masters' degree program in nursing; a nursing doctoral program; a nurse anesthetist program; an advanced practice registered nurse program; or a nurse midwifery program.~~

~~Nursys™ (Nurse System) is an information system maintained by the National Council that contains nurse license and license discipline information that is provided by boards of nursing in the United States and its territories. Nursys™ receives regular updates of nurses' personal (name, address, etc.) and license information from participating boards of nursing.~~

~~Official record means a document that carries the seal, signature or other notation indicating that the document was issued by the primary source.~~

~~Official transcript means a transcript issued by and under the original seal of the educational institution.~~

~~On-the-job training means informal instruction given by an employer to acquaint an employee with performance expectations related to a given task.~~

~~Orientation means the method by which nursing staff are introduced to the philosophy, goals, policies, procedures, role expectations, and other factors needed to function in a specific work setting. Orientation socializes nursing staff members, introducing them to the organization's culture. Orientation is provided at the time of employment and at other times when changes in roles and responsibilities occur in a specific work setting.~~

~~Peer reviewed and approved means programs, offerings, and independent studies that are either provided by an approved/accredited provider or approved by an approved/accredited approver.~~

~~Practiced nursing for a period of five years means performing nursing practice activities as a licensed nurse for a minimum of 500 hours during the five year period immediately preceding the current renewal period.~~

~~Practicum means a course related, planned and supervised clinical experience, which includes clinical objectives and assignments to practice in a laboratory setting or with patients/clients for attainment of the objectives.~~

~~Primary state of residence means the state of a person's declared, fixed, permanent, and principal home for legal purposes and domicile. Indicators of a domicile include: where real property is located, where the person pays state taxes, votes, is licensed to operate a motor vehicle, and other similar actions or occurrences.~~

~~Probation means that the individual's authority to practice is contingent on the licensee meeting specified conditions.~~

~~Refresher course means a planned program of study (a systematic learning experience) which provides a review of basic knowledge and skills. The focus of a refresher course is the enhancement of clinical competency.~~

~~Registered nurse (RN) means an individual who has graduated from an approved program with an associate degree, diploma, or baccalaureate degree in nursing, has passed the NCLEX-RN® or State Board Test Pool Examination and holds a current license or has the authority based on the Nurse Licensure Compact to practice as a registered nurse in Nebraska.~~

~~Reinstatement means the return to active status and the restoration of the authority to practice to a licensee who was previously licensed in this state.~~

~~Review course of study means an organized approach to learning that results in current knowledge related to one or more areas of nursing practice. Such courses include approved refresher courses and self-designed refresher courses.~~

~~Revoked means the licensee's or certificate holder's authority to practice has been removed as a result of disciplinary action.~~

~~State Board Test Pool Examination (SBTPE) means the nationally accepted licensure examination for nurses that was the basis for RN licensure in Nebraska between 1953 and 1981 and LPN licensure between 1956 and 1981.~~

~~Suspended means the licensee's authority to practice has been temporarily removed as a result of disciplinary action.~~

~~TOEFL means the Test of English as a Foreign Language.~~

~~TOEIC means the Test of English for International Communication.~~

~~Verification means attesting to the current status of an individual's license.~~

~~101-003 REQUIREMENTS FOR ISSUANCE OF LICENSE: Any person who practices as a registered or practical nurse in Nebraska must hold a Nebraska license or a temporary permit or must hold a multi-state privilege in accordance with the Nurse Licensure Compact. This requirement does not prohibit persons identified in Neb. Rev. Stat. §§ 71-1,132.06(1)-(6) and 71-1,132.30 from practicing nursing as limited by those subsections.~~

~~101-003.01 Licensure by Examination~~

~~101-003.01A Requirements for Licensure as a Practical Nurse (PN) or a Registered Nurse (RN) by Examination: An applicant for a license to practice on the basis of an examination must:~~

- ~~1. Be of good moral character;~~
- ~~2. Have completed four years of high school study or its equivalent as determined by the Board. The completion of an approved RN or PN program is sufficient evidence of having completed the equivalent of four years of high school study;~~
- ~~3. Have completed the basic curriculum in an approved program of practical nursing (for LPN licensure) or registered nursing (for LPN or RN licensure) and hold a diploma therefrom;~~
- ~~4. Pass the NCLEX-PN® (for LPN licensure) or the NCLEX-RN® (for RN licensure); and~~
- ~~5. Pass the following before s/he will be allowed to take the NCLEX® examination if a graduate of a foreign nursing program:
 - ~~a. Graduates from non-English speaking practical nursing education programs must pass either the TOEFL paper version with a minimum score of 560, the TOEFL computer version with a minimum score of 220, the TOEFL internet version with a minimum score of 83, the IELTS academic version with an overall score of 6.5 and a minimum of 6.0 on all modules, or the TOEIC with a minimum score of 780;~~
 - ~~b. Graduates of foreign registered nursing programs must pass either the English version of the Canadian Nurses Association licensure examination or the CGFNS examination.~~~~

~~101-003.01B Submissions Required with Licensure Examination Application~~

~~101-003.01B1 Applicants for licensure by examination must submit the following to the Department:~~

- ~~1. A written application which:
 - ~~a. Is verified by the applicant's oath; and~~
 - ~~b. Contains the following information about the applicant:
 - ~~(1) Name;~~
 - ~~(2) Address;~~~~~~

- ~~(3) Gender;~~
- ~~(4) Date of birth;~~
- ~~(5) Place of birth;~~
- ~~(6) Social Security number;~~
- ~~(7) Name and location of basic nursing program;~~
- ~~(8) Primary state of residence;~~
- ~~(9) A statement describing all:
 - ~~(a) Pending charges which could result in a felony or misdemeanor conviction;~~
 - ~~(b) Felony or misdemeanor convictions (this does not include minor traffic violations);~~
 - ~~(c) Denials, discipline, or pending discipline of a license in any health care profession;~~
 - ~~(d) Denials of admission to take a licensing examination in any health care profession;~~~~
- ~~(10) The name, address and telephone number of two licensed nurses who:
 - ~~(a) Are not related to the applicant;~~
 - ~~(b) Have known the applicant for at least one year; and~~
 - ~~(c) Will affirm the applicant's moral character; and~~~~
- ~~(11) An identification of all instances in which s/he has applied or written the NCLEX® licensing examination in any state, territory, or country;~~

- ~~2. An official transcript from an approved program of practical or registered nursing (for LPN applicants) or registered nursing (for RN applicants) showing graduation from the program. The transcript must be sent by the program or by CGFNS to the Department;~~
- ~~3. A recent, clear, autographed, billfold-size, head and shoulder photograph of the applicant;~~
- ~~4. Scores from TOEFL, TOEIC, IELTS, CGFNS, or the Canadian Nurses Association licensure examination if applicable according to 172 NAC 101-003.01A5a or 172 NAC 101-003.01A5b; and~~
- ~~5. The required licensure fee.~~

101-003.01B2 Additional Requirements for Certain Applicants

101-003.01B2a The following applicants must provide additional information to the Department:

- ~~1. Persons with pending charges which could result in a felony or misdemeanor conviction;~~
- ~~2. Persons who have been convicted of a felony or misdemeanor (this does not include minor traffic violations); and~~

- ~~3. Persons whose license to practice in a health care profession has been denied or disciplined or is pending discipline.~~

~~101-003.01B2b~~ These certain applicants must submit the following to the Department:

- ~~1. A full explanation of the pending charges, conviction, denial, disciplinary action, or pending disciplinary action; and~~
- ~~2. Official records as requested by the Department related to the conviction, denial or discipline, for example: probation reports, court records, licensure disciplinary reports, or chemical dependency evaluation.~~

~~101-003.01B2c~~ The Department or the Board may require these applicants to undergo an interview by Department staff or the Board in order to clarify or amplify information contained in the official record.

~~101-003.01C~~ NCLEX® Requirements for Licensure by Examination

~~101-003.01C1~~ Applicants for licensure by examination must submit a completed NCLEX® examination application and the required fee directly to the testing service of the National Council at the address provided by the Department.

~~101-003.01C2~~ To be eligible to take the NCLEX® examination, applicants must meet all of the requirements for licensure pursuant to 172 NAC 101-003.01A items 1-3 and 5.

~~101-003.01C3~~ Applicants must take the examination within 90 days of receiving authorization to test.

~~101-003.01C4~~ The Department will provide applicants with written notification of examination results within ten working days of receipt of the results.

~~101-003.01C5~~ The Department will:

- ~~1. Issue a license to an applicant who passes the examination provided s/he has met the requirements for licensure in 172 NAC 101-003.01A;~~
- ~~2. Deny a license to an applicant who does not pass the examination in accordance with Neb. Rev. Stat. § 71-1,132.29; and~~
- ~~3. Send to the applicant who does not pass the examination:
 - ~~a. Examination results;~~
 - ~~b. Notice of examination review, and~~
 - ~~c. Instructions on how to retake the examination.~~~~

~~101-003.01C6~~ An applicant who did not pass the examination and wishes to retake the examination, must resubmit:

- ~~1. An application to the Department, verified by the applicant's oath;~~

- ~~2. The required licensure fee to the Department;~~
- ~~3. An examination application to the testing service of the National Council; and~~
- ~~4. The examination fee to the testing service of the National Council.~~

~~101-003.01C7~~ Upon request and payment of the required fee, an applicant who failed the examination may review the failed items per procedure of the National Council of State Boards of Nursing.

~~101-003.01D~~ The Department may issue a temporary permit to a graduate from a registered nursing or practical nursing program in Nebraska that has been approved by the Board after the graduate has successfully passed the NCLEX® examination, pending completion of the application for licensure in accordance with 172 NAC 101-003.01B and after the graduate has submitted the following to the Department:

- ~~1. An application for licensure;~~
- ~~2. Documentation of graduation from an approved nursing program in Nebraska;~~
- ~~3. A recent, clear, autographed, billfold-size, head and shoulder photograph of the applicant; and~~
- ~~4. The required fee.~~

~~101-003.01D1~~ For purposes of issuing a temporary permit following the successful completion of the examination, the Department will accept a completion letter from the program director that is written, dated, and delivered after the actual graduation date.

~~101-003.01D2~~ The Department will issue a temporary permit for 60 days. It is valid until the license is issued or until a final decision is made to deny the license. Temporary permits may be extended by the Department with the concurrence of the Board.

~~101-003.01D3~~ Persons holding valid temporary permits pursuant to this section are entitled to use the designation Registered Nurse (RN) or Licensed Practical Nurse (LPN).

~~101-003.01D4~~ Persons holding a temporary permit who have declared Nebraska as their primary state of residence are entitled to the multi-state privilege.

~~101-003.01E~~ The Department will act within 150 days upon all completed applications for licensure.

~~101-003.01F~~ If the Department denies issuance of a license or issues a limited license, the Department will give the applicant an opportunity for an administrative hearing before the Department conducted in accordance with the Department's Rules of Practice and Procedure and Neb. Rev. Stat. §§ 84-901 to 84-920.

101-003.02 Licensure by Endorsement

~~101-003.02A Requirements for Licensure as a Practical Nurse or a Registered Nurse by Endorsement: An applicant for a license to practice based on a license in another jurisdiction must:~~

- ~~1. Be of good moral character;~~
- ~~2. Have completed four years of high school study or its equivalent as determined by the Board. The completion of an approved RN or PN program is sufficient evidence of having completed four years of high school study;~~
- ~~3. Have completed the basic curriculum in an approved program of practical or registered nursing for LPN licensure or registered nursing for RN licensure and hold a diploma therefrom;~~
- ~~4. Be currently or previously licensed in another state or jurisdiction;~~
- ~~5. Meet one of the following practice requirements for continuing competency:
 - ~~a. Graduated from an approved nursing program within the previous five years;~~
 - ~~b. Practiced nursing for a minimum of 500 hours within the previous five years;~~
 - ~~c. Completed a Board-approved review course of study within the previous five years;~~~~
- ~~6. Have taken and passed the NCLEX® or the SBTPE:
 - ~~a. For a registered nurse applicant initially licensed after September 14, 1953, evidence of having written and passed:
 - ~~(1) The SBTPE in Medical, Surgical, Maternity, Psychiatric Nursing, and Nursing of Children with a minimum score of 350 in each subject area; or~~
 - ~~(2) The NCLEX-RN® with a minimum score of 1600 or "pass";~~~~
 - ~~b. For registered nurses initially licensed before September 14, 1953, an examination substantially equivalent to the examination required in Nebraska at the time s/he was licensed, if any;~~
 - ~~c. For a licensed practical nurse applicant initially licensed after January 1, 1956, evidence of having written and passed:
 - ~~(1) The SBTPE with a minimum score of 350; or~~
 - ~~(2) The NCLEX-PN® with a minimum score of 350 or "pass";~~~~
 - ~~d. For licensed practical nurses initially licensed before January 1, 1956, an examination substantially equivalent to the examination required in Nebraska at the time s/he was licensed, if any.~~~~

~~101-003.02A1 An applicant changing primary state of residence from another compact state to Nebraska may continue to practice under the former home~~

~~state license and multi-state licensure privilege during the processing of the nurse's licensure application in Nebraska for a period not to exceed 30 days.~~

~~101-003.02A1a The licensure application in Nebraska of a nurse under pending investigation by the former home state will not be acted upon and the applicant may not practice in Nebraska until resolution of the pending investigation.~~

~~101-003.02B Submissions Required with Licensure by Endorsement Application~~

~~101-003.02B1 Applicants for licensure by endorsement must submit the following to the Department:~~

- ~~1. A written application which:
 - ~~a. Is verified by the applicant's oath; and~~
 - ~~b. Contains the following information about the applicant:
 - ~~(1) Name,~~
 - ~~(2) Address,~~
 - ~~(3) Gender,~~
 - ~~(4) Date of birth,~~
 - ~~(5) Place of birth,~~
 - ~~(6) Social Security number,~~
 - ~~(7) Name and location of basic nursing program, and~~
 - ~~(8) Primary state of residence.~~
 - ~~(9) A statement describing any
 - ~~(a) Pending charges which could result in a felony or misdemeanor conviction;~~
 - ~~(b) Felony or misdemeanor convictions (this does not include minor traffic violations);~~
 - ~~(c) Denial, discipline, or pending discipline of a license in any health care profession;~~
 - ~~(d) Denial of admission to take a licensing examination in any health care profession.~~~~
 - ~~(10) The name, address and telephone number of two licensed nurses who:
 - ~~(a) Are not related to the applicant;~~
 - ~~(b) Have known the applicant for at least one year;~~
 - ~~(c) Will affirm the applicant's moral character.~~~~
 - ~~(11) State of original licensure and list of all other states of current or previous licensure;~~
 - ~~(12) Name and location of licensing examination;~~
 - ~~(13) Identification of which practice requirement for continuing competency has been met.~~~~
 - ~~2. An official transcript from an approved program of practical or registered nursing (for LPN applicants) or registered nursing (for RN applicants) showing graduation from the program. The transcript must be sent by the program or by CGFNS to the Department;~~~~

- ~~3. Certification of having passed the NCLEX® or SBTPE from the applicant's original jurisdiction of licensure or from Nursys™; and~~
- ~~4. The required licensure fee.~~

~~101-003.02B2 Additional Requirements for Certain Applicants~~

~~101-003.02B2a The following applicants must provide additional information to the Department:~~

- ~~1. Persons with pending charges which could result in a felony or misdemeanor conviction;~~
- ~~2. Persons who have been convicted of a felony or misdemeanor (this does not include minor traffic violations); and~~
- ~~3. Persons whose license to practice in a health care profession has been denied or disciplined or is pending discipline.~~

~~101-003.02B2b These applicants must submit the following to the Department:~~

- ~~1. A full explanation of the pending charges or conviction, denial, disciplinary action, or pending disciplinary action; and~~
- ~~2. Official records as requested by the Department related to the conviction, denial or discipline, for example: probation reports, court records, licensure disciplinary reports, or chemical dependency evaluation.~~

~~101-003.02B2c The Department or the Board may require these applicants to undergo an interview by Department staff or the Board in order to clarify or amplify information contained in the official record.~~

~~101-003.02C The Department may issue a temporary permit in accordance with Neb. Rev. Stat. § 71-1,132.16(3) to a nurse currently licensed in another state or jurisdiction as a registered or practical nurse, if the nurse has:~~

- ~~1. Submitted a completed application, verified by the applicant's oath, for licensure;~~
- ~~2. Documented a current license in another state; and~~
- ~~3. Submitted the required licensure fee.~~

~~101-003.02C1 The temporary permit will be issued for 60 days or until the expiration date of the current license in the other state, whichever occurs first. The permit may be extended by the Department with the concurrence of the Board. The temporary permit becomes null and void if the license is issued or a final decision is made to deny the license.~~

~~101-003.02C2 The Department will accept as documentation of a current license in another state:~~

- ~~1. An official certification record from the other state or jurisdiction;~~
- ~~2. Certification of licensure obtained through NursysTM; or~~
- ~~3. A notarized copy of a current license in another state or jurisdiction.~~

~~101-003.02C3 Persons holding valid temporary permits pursuant to this section are entitled to use the designation Registered Nurse (RN) or Licensed Practical Nurse (LPN).~~

~~101-003.02C4 Persons holding a temporary permit who have declared Nebraska as their primary state of residence are entitled to the multi-state privilege.~~

~~101-003.02D Persons currently or previously licensed in another state or jurisdiction who have not graduated or practiced nursing for at least 500 hours within the past five years immediately preceding the date of application and who wish to enroll in a review course of study approved by the Board in order to obtain licensure pursuant to Neb. Rev. Stat. § 71-1,132.16(1) and who meet all the other requirements for licensure in Nebraska may be issued a temporary permit after submitting the following to the Department:~~

- ~~1. A completed application;~~
- ~~2. Written validation from the institution conducting the review course of study of the duration of the course and that the individual has applied and been accepted for the course. For an individually designed review course, written validation of the dates of the clinical practice may be submitted from the supervising/collaborating nurse;~~
- ~~3. Documentation of current or previous licensure in another state or jurisdiction. Acceptable documentation consists of:

 - ~~a. Official certification record from another state or jurisdiction or from NursysTM; or~~
 - ~~b. A notarized copy of a wall or wallet license from another state or jurisdiction; and~~~~
- ~~4. The required licensure fee.~~

~~101-003.02D1 The temporary permit issued pursuant to this section:~~

- ~~1. Is valid only for clinical practice undertaken as part of the approved course;~~
- ~~2. Requires such practice to be supervised by a licensed registered nurse; and~~
- ~~3. Entitles the holder to use the designation RN or LPN.~~

~~101-003.02E The Department will act within 150 days on all completed applications for licensure.~~

~~101-003.02F If the Department denies issuance of a license or issues a limited license, the Department must give the applicant an opportunity for an administrative hearing before the Department conducted in accordance with the Department's Rules~~

of Practice and Procedure and Neb. Rev. Stat. §§ 84-901 to 84-920.

101-003.03 Requirements for Licensure Pursuant to the Nurse Licensure Compact

101-003.03A Applicants for licensure by examination, endorsement, renewal, and reinstatement must declare, in writing, a primary state of residence.

101-003.03B The Department will issue a multi-state license to an applicant declaring Nebraska as her or his primary state of residence. The Department will issue a single state Nebraska license to an applicant declaring a non-compact state as her or his primary state of residence.

101-003.03B1 When a licensee changes her or his primary state of residence from Nebraska to a non-party state, the multi-state privilege becomes invalid. Upon notification of the change in primary state of residence, the Department will issue a single state license.

101-003.03B2 When a licensee changes her or his primary state of residence from Nebraska to another compact state, her/his Nebraska license becomes invalid.

101-003.03C An applicant who changes her or his primary state of residence from another compact state to Nebraska may continue to practice on the multi-state privilege from her or his former home state for 30 days pending completion of her/his Nebraska licensure application. The former home state license is no longer valid upon the issuance of the Nebraska license.

101-003.03D If the Department denies the issuance of a license, the Department will notify the former home state within ten business days.

101-003.03E An applicant who is the subject of an order of probation or other disciplinary action that limits practice or requires monitoring must not practice in Nebraska on a multi-state privilege without prior authorization from the Department and the home compact state.

101-004 CONTINUING COMPETENCY

101-004.01 For purposes of license renewal, the applicant must document continuing competency by having:

- 1. Graduated from an approved nursing program within the previous two years;
- 2. Graduated from an approved nursing program in more than two but less than five years AND have completed 20 contact hours of inservice/continuing education within the last two years;
- 3. Practiced nursing for a minimum of 500 hours within the last five years AND have completed 20 contact hours of inservice/continuing education within the last two years;
- 4. Completed a Board-approved review course of study consisting of a minimum of 75 contact hours approved by the Board within the last five years;

- ~~5. Obtained/maintained current certification in a nursing specialty granted by a nationally recognized certifying organization; or~~
- ~~6. Developed and maintained a portfolio that includes the licensee's current continuing competency goals and evidence/verification of professional activities to meet those goals. Such evidence may include, but not be limited to, specialized training or experiences, continuing education, employer performance evaluation, or other evidence of demonstrated competency.~~

~~101-004.02 Responsibilities of the Licensee in Relation to Continuing Competency~~

- ~~1. A licensee must maintain in his or her personal file such certificates of continuing education, records of credit from academic institutions, records of work hours, and/or completion of review courses for seven years and must submit these certificates to the Board when requested.~~
- ~~2. A licensee must attend the complete continuing education offering in order to report it for credit. Partial credit may be awarded by the provider of the continuing education event.~~
- ~~3. A licensee has a responsibility to identify her or his professional development goals and to participate in focused continuing education and other activities to maintain competent nursing practice.~~

~~101-004.03 Acceptable Continuing Education/Inservice Education: Continuing education may serve as one component of the professional development activities that the nurse participates in to maintain continuing competency. The 20 hours of continuing education/inservice education must include:~~

- ~~1. At least 10 hours that are formally peer reviewed and approved continuing education; and~~
- ~~2. No more than 4 hours of CPR or BLS courses.~~

~~101-004.03A Contact Hour Equivalencies~~

- ~~1. One academic semester hour is equal to 15 contact hours. For example, an approved 3 credit hour course would provide 45 contact hours of continuing education credit.~~
- ~~2. One academic quarter hour is equal to 10 contact hours. For example, an approved 3 credit hour course would provide 30 contact hours of continuing education credit.~~
- ~~3. One continuing education unit (CEU) is equal to 10 contact hours.~~
- ~~4. Each hour of theory will be accepted as 1 contact hour of continuing education.~~
- ~~5. Each hour in course related clinical practice or laboratory practicum will be accepted as 1 contact hour of continuing education.~~

~~101-004.03B The Board of Nursing does not pre-approve offerings, but may accept as continuing education for reinstatement of a license or for license renewal the following learning experiences:~~

- ~~1. Academic courses in an accredited post-secondary institution which are related to the specific knowledge and/or technical skills required for the practice of nursing.~~

- ~~2. Independent/self-study nursing courses that have been assigned contact hours.~~
- ~~3. Courses or offerings related to the scientific knowledge for the practice of nursing including basic and advanced courses in the physical, social, and behavioral sciences. These courses include but are not limited to: anatomy and physiology, chemistry, growth and development, microbiology, nursing ethics, nutrition, pharmacology, psychology, and sociology.~~
- ~~4. Courses or offerings related to the application of scientific knowledge to patient care including but not limited to:
 - ~~a. Advanced nursing courses;~~
 - ~~b. Death, dying, and grief;~~
 - ~~c. Human sexuality;~~
 - ~~d. Nursing courses related to specialty areas of nursing practice;~~
 - ~~e. Teaching or learning process of health care, to include patients or their significant others, students, or personnel in the health care field;~~
 - ~~f. Therapeutic interpersonal relationship skills including communication/language skills; and~~
 - ~~g. Courses related to alternative therapies.~~~~
- ~~5. Courses or offerings with the subject area related to at least one of the following components of nursing:
 - ~~a. Maintenance of mental and physical health;~~
 - ~~b. Prevention of illness, injury, or infirmity;~~
 - ~~c. Management, teaching, and counseling;~~
 - ~~d. Identifying human responses to actual and potential health conditions;~~
 - ~~e. Identifying nursing needs of individuals, families, or groups;~~
 - ~~f. Executing nursing treatment regimen through the selection, performance, and management of proper nursing practices;~~
 - ~~g. Administering, supervising, delegating, and evaluating nursing activities to include quality assessment and quality improvement activities;~~
 - ~~h. Teaching nurses, patients, and families;~~
 - ~~i. Teaching health care practices;~~
 - ~~j. Counseling about health;~~
 - ~~k. Case findings and case management;~~
 - ~~l. Referral to other resources concerning health;~~
 - ~~m. Current issues affecting the practice of nursing;~~
 - ~~n. Research; and~~
 - ~~o. Administration of medications and treatments.~~~~
- ~~6. Courses which are required as part of a formal nursing program.~~
- ~~7. Courses or offerings in nursing administration, nursing theories, management, health policy, ethics, professional issues, education, research, legal~~

~~aspects, or other functional areas of nursing related to indirect patient/client care.~~

- ~~8. Courses or offerings that have been approved by other State Boards of Nursing and/or national nursing organizations except for those listed in 172 NAC 101-004.04.~~
- ~~9. Acceptable courses may be taken in a conventional classroom setting or through a mediated learning system. This includes educational television, audio or video cassettes, printed media, computer assisted learning and/or independent study.~~
- ~~10. Cardiopulmonary Resuscitation (CPR), Basic Life Support (BLS), Basic Cardiac Life Support (BCLS), Advanced Cardiac Life Support (ACLS), Neonatal Resuscitation Program (NRP), Pediatric Advanced Life Support (PALS), Advanced Burn Life Support (ABLS), and Advanced Trauma Life Support (ATLS). CPR and BLS are limited to 20 percent of required continuing education hours (4 hours of the required 20 hours).~~

~~101-004.04 Non-Acceptable Continuing Education: Continuing education that is not acceptable to be applied to license renewal includes:~~

- ~~1. CPR, BLS (see 172 NAC 101-004.03B10) beyond the 20 percent of required continuing education hours (4 hours of the required 20 hours).~~
- ~~2. Computer courses unless they are a part of a formal nursing program.~~
- ~~3. Business communications.~~
- ~~4. Medical terminology.~~
- ~~5. Courses or offerings which deal with personal self-improvement, financial gain, or career options.~~
- ~~6. Offerings designed for lay persons (other than those listed in 172 NAC 101-004.03B10).~~
- ~~7. Teaching, conducting research, or publications, nor any preparation for same. (These activities can be applied toward the practice hour requirement for license renewal. Such acts will count toward meeting renewal requirements only if they meet the definition of the practice of nursing.)~~
- ~~8. Offerings less than 30 minutes in duration.~~
- ~~9. On-the-job training.~~
- ~~10. Orientation programs, including orientation to new policies, procedures, equipment, forms, responsibilities, services, etc.~~
- ~~11. Other educational or quasi-educational activities that are not sufficiently professional in character to reasonably qualify as continuing education.~~

~~101-004.05 Acceptable Nursing Practice Hours: The practice of nursing includes those activities that are performed either for compensation or gratuitously that demonstrate the application of judgment or skill based upon a systematized body of nursing knowledge as defined in Neb. Rev. Stat. § 71-1,132.05 (7).~~

~~101-004.06 Review Courses of Study: These planned and approved courses are intended to provide learning experiences for nurses who have not practiced for five or more years~~

and result in current knowledge in one or more areas of nursing. There are two types of Review Courses of Study: Approved Refresher Courses and Self-Designed Refresher Courses.

101-004.06A Approved Refresher Course

101-004.06A1 Refresher courses must be approved, initially and annually, by the Board.

101-004.06A2 Any agency providing a refresher course must submit the course objectives, outline, content, and list of instructors for Board approval prior to offering the course and by October 1st of each year for ongoing courses.

101-004.06A3 The Board will review the course for approval prior to January 1st of each calendar year.

101-004.06A4 For a course to qualify for Board approval, it must:

1. Have 45 or more contact hours of theory and 30 or more contact hours of clinical;
2. Identify passing scores;
3. Be coordinated by a registered nurse; and
4. Include an evaluation of the applicant's performance by one of the following methods:
 - a. Written examination(s);
 - b. Clinical skills check list;
 - c. Student and teacher evaluation for applicant's achievement of course objectives; or
 - d. Other methods which adequately assess the applicant's achievement of course objectives.

101-004.06A5 In order to pass a refresher course, the applicant (RN or LPN) must demonstrate the ability to:

1. Identify health problems of individuals and groups;
2. Initiate nursing interventions related to health problems of individuals and groups as related to:
 - a. Maintaining health status;
 - b. Preventing illness, injury, and infirmity;
 - c. Improving health status;
 - d. Providing supportive care; and
 - e. Providing restorative care;
3. Utilize the nursing process in accordance with Title 172 NAC 99, Provision of Nursing Care;
4. Safely deliver nursing care to a group of patients;
5. Safely carry out the diagnostic and therapeutic regimens of duly licensed practitioners authorized to so order such regimens;
6. Perform or apply content of the refresher course that includes the following:

- ~~a. Charting, documentation, and record keeping;~~
- ~~b. Communication principles;~~
- ~~c. Health care delivery system;~~
- ~~d. IV therapy including assessment of fluid and electrolyte status;~~
- ~~e. Legal, ethical, and professional issues in nursing;~~
- ~~f. Nursing assessment;~~
- ~~g. Nursing process, including nursing history, nursing diagnosis, and nursing care planning;~~
- ~~h. Nursing roles;~~
- ~~i. Patient and staff teaching;~~
- ~~j. Quality assurance including nursing care evaluation;~~
- ~~k. Regulations update;~~
- ~~l. Selective skills update;~~
- ~~m. Standards of nursing practice; and/or~~
- ~~n. Other related study.~~

~~101-004.06A6~~ The agency providing the refresher course must have a policy that provides for the instructing/supervising registered nurse to provide documentation to the Department that the applicant is able to perform safe nursing practice. The instructing/supervising registered nurse must base the evaluation on the methods listed in 172 NAC 101-004.06A4(4).

- ~~1. The agency providing the refresher course must provide documentation of successful completion of the refresher course to the applicant.~~
- ~~2. The agency providing the refresher course must document unsuccessful completion of the refresher course and must maintain supporting documents for seven years.~~

~~101-004.06B~~ Self-Designed Refresher Course is designed to focus study on a specific area of nursing practice selected by the applicant. The application must include a statement identifying a focus area of study and include a plan for the following:

- ~~1. 45 or more contact hours of theoretical/didactic review activities, including the objectives/goals for this portion of the course;~~
- ~~2. 30 or more contact hours of clinical practice (actual experience in the selected role), including the objectives/goals for this portion of the course. The clinical experience must be supervised by or performed in collaboration with a registered nurse currently licensed in the jurisdiction of the clinical experience. The course plan must include provisions for the supervising/ collaborating nurse to evaluate the applicant's achievement of objectives/goals of the clinical experience; and~~
- ~~3. A mechanism for self evaluation of the extent to which the course met the learning objectives/goals of the applicant.~~

~~101-004.06B1~~ Nursing courses with a clinical component offered by an approved nursing program may be submitted for approval as a self-designed refresher course.

~~101-004.06B2~~ The Board will act to approve or deny the plan which the applicant has submitted within 150 days of submission.

~~101-004.06C~~ Upon completion of any review course of study, the applicant must submit documentation of successful completion of the course.

~~101-005 PROCEDURES FOR RENEWAL OF A LICENSE:~~ All registered nurse licenses issued by the Department pursuant to the Act and 172 NAC 101 expire on October 31 of each even-numbered year. All practical nurse licenses issued by the Department pursuant to the Act and 172 NAC 101 expire on October 31 of each odd-numbered year.

~~101-005.01 Waiver of Continuing Competency Requirements:~~ The Department, with the concurrence of the Board, may waive continuing education/in-service requirements for any two-year licensing period when a licensee submits documentation that circumstances justify such a waiver. Waivers may be requested and granted for the following reasons:

- ~~1. If in the military and assigned to a location where in-service education/continuing education is not available;~~
- ~~2. If living outside of the USA and in-service education/continuing education is not available; or~~
- ~~3. If serving as a missionary in a foreign country.~~

~~101-005.01A~~ A waiver of the in-service/continuing education requirement includes a waiver of the audit of same.

~~101-005.01B~~ The practice requirement will not be waived.

~~101-005.02 Renewal Process:~~ Any licensee who wishes to renew her/his license must:

- ~~1. Meet the continuing competency requirements as pursuant to 172 NAC 101-004;~~
- ~~2. Pay the renewal fee as prescribed in 172 NAC 009;~~
- ~~3. Respond to the following questions:~~
 - ~~a. Has your license in any profession in another state been revoked, suspended, limited or disciplined in any manner?~~
 - ~~b. Have you been convicted of a misdemeanor or felony?~~

~~These questions relate to the time period since the last renewal of the license or during the time period since initial licensure in Nebraska if such occurred within the two years prior to the license expiration date;~~

- ~~4. Cause to be submitted to the Department:~~

- a. The renewal notice;
- b. The renewal fee;
- c. Attestation of completing the continuing competency requirements within 24 months of the date of expiration or application for waiver of continuing competency. Attestation of meeting continuing competency requirements satisfies requirements for documentation of continuing competency.
- d. If any disciplinary action was taken against the applicant's license by another state, an official copy of the disciplinary action, including charges and disposition;
- e. If the licensee has been convicted of a felony or misdemeanor:
 - (1) Official Court Record, which includes charges and disposition;
 - (2) Copies of arrest records;
 - (3) A letter from the licensee explaining the nature of the conviction;
 - (4) All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required; and
 - (5) A letter from the probation officer addressing probationary conditions and current status, if the applicant is currently on probation.

~~101-005.03 First Notice: On or before August 1 of even-numbered years for registered nurses and odd-numbered years for practical nurses, the Department will send a renewal notice by means of regular mail to each licensee at the licensee's last place of residence as noted in the records of the Department. It is the responsibility of the licensee prior to the renewal period to notify the Department of any name and/or address changes.~~

~~101-005.03A The renewal notice will specify:~~

- 1. The name of the licensee;
- 2. The licensee's last known address of record;
- 3. The license number;
- 4. The expiration date of the license;
- 5. The renewal fee as prescribed in 172 NAC 101-009;
- 6. The attestation of continuing competency;
- 7. The option to place the license on either inactive or lapsed status; and
- 8. The attestation of primary state of residence.

~~101-005.03B The licensee must apply for renewal by submitting to the Department:~~

- 1. The renewal notice;
- 2. The renewal fee;
- 3. The licensee's Social Security number;
- 4. Attestation of meeting the continuing competency requirements within the required time period or application for waiver of continuing competency; and
- 5. Documentation relating to misdemeanor or felony conviction(s) or licensure revocation, suspension, limitation or disciplinary action (if applicable).

~~101-005.03C~~ If the licensee wishes to place her/his license on either inactive or lapsed status s/he must:

- ~~1. Request that her/his license be placed on inactive status by submitting to the Department:
 - ~~a. The renewal notice with a check in the box marked inactive; and~~
 - ~~b. The fee of \$25; or~~~~
- ~~2. Request that her/his license be placed on lapsed status by submitting to the Department:
 - ~~a. The renewal notice with a check in the box marked lapsed.~~~~

~~101-005.03D~~ The Department will notify the licensee in writing of the acceptance or denial of the request to allow the license to be placed on lapsed or inactive status.

~~101-005.03E~~ A licensee whose license is on lapsed or inactive status must not practice in this state unless his/her primary state of residence is another compact state and s/he has the authority to practice pursuant to the Nurse Licensure Compact.

~~101-005.04 Second Notice:~~ The Department will send to each licensee who fails to renew her/his license or place the license on inactive or lapsed status in response to the first notice, a second notice of renewal in accordance with the requirements of 172 NAC 101-005.03 that specifies:

- ~~1. That the licensee failed to pay the renewal fee;~~
- ~~2. That the license has expired;~~
- ~~3. That the Department will suspend action for 30 days following the date of expiration;~~
- ~~4. That the licensee is subject to an administrative penalty pursuant to 172 NAC 101-010 if s/he practices after the expiration date;~~
- ~~5. That upon receipt of the renewal fee, together with an additional late fee of \$25, and documentation of continuing competency within that time, the license will be not be placed on lapsed status; and~~
- ~~6. That upon failure to receive \$25 in addition to the renewal fee, and documentation of continuing competency, the license will be lapsed.~~

~~101-005.04A~~ The licensee must apply for renewal by submitting to the Department:

- ~~1. The renewal notice;~~
- ~~2. The renewal fee and the additional late fee of \$25;~~
- ~~3. The licensee's Social Security number;~~
- ~~4. Attestation by the licensee:
 - ~~a. That s/he has not practiced in Nebraska since the expiration of her/his license; or~~
 - ~~b. To the actual number of days practiced in Nebraska since the expiration of his/her license;~~~~
- ~~5. Attestation of meeting the continuing competency requirements within the required time period or application for waiver of continuing competency; and~~

~~6. Documentation relating to misdemeanor or felony conviction(s) or licensure revocation, suspension, limitation or disciplinary action (if applicable).~~

~~101-005.04A1 If the licensee wishes to place her/his license on either inactive or lapsed status s/he must:~~

- ~~1. Request that her/his license be placed on inactive status by submitting to the Department:

 - ~~a. The renewal notice with a check in the box marked inactive; and~~
 - ~~b. The fee of \$25; or~~~~
- ~~2. Request that her/his license be placed on lapsed status by submitting to the Department:

 - ~~a. The renewal notice with a check in the box marked lapsed.~~~~

~~101-005.04A2 The Department will notify the licensee in writing of the acceptance or denial of the request to allow the license to be placed on lapsed or inactive status.~~

~~101-005.04B When a licensee fails, within 30 days of expiration of a license, to pay the renewal fee, to submit documentation of continuing competency, and/or to pay an additional late fee of \$25, the Department will automatically lapse the license without further notice or hearing and make proper record of the lapsed status.~~

~~101-005.04C When the licensee has given notification to the Department that s/he desires to have the license lapse or be placed on inactive status upon expiration, 172 NAC 101-005.04B will not apply.~~

~~101-005.04D The Department may refuse to renew a license for falsification of any information submitted for renewal of a license. The refusal will be made pursuant to Neb. Rev. Stat. §§ 71-150 to 71-155 and the Department's Rules of Practice and Procedure.~~

~~101-005.04E An individual who practices after expiration of her/his license, is subject to assessment of an administrative penalty pursuant to 172 NAC 101-010, or such other action as provided in the statutes and regulations governing the license.~~

~~101-005.05 Audit of License Renewal Applications~~

~~101-005.05A The Board may randomly select a sample of license renewal applications for audit of continuing competency requirements following each renewal period.~~

- ~~1. A minimum of 5% and a maximum of 20% of licensees will be randomly selected for audit each renewal.~~
- ~~2. Licensees will be notified by mail of their selection for audit.~~

3. Licensees must submit the requested validation materials within 30 days of the notice of audit. Extension of time may be granted at the discretion of the Department.

4. The licensee selected for audit must submit to the Department materials validating that s/he has met the requirements for continuing competency. Acceptable materials for validation include the following:

a. To validate that s/he is engaged in the practice of nursing:

(1) A copy of the licensee's job description that includes a description of the application of nursing knowledge;

(2) A letter from the licensee demonstrating how nursing knowledge is applied in the practice position; or

(3) A letter from the employer/supervisor verifying that the licensee is employed as a nurse.

b. To validate that s/he has practiced a minimum of 500 hours within the preceding five years:

(1) A letter from the licensee's employer/supervisor verifying 500 hours of nursing practice within the preceding five years; or

(2) A log from the licensee showing nursing hours worked.

c. To validate completion of inservice/continuing education:

(1) Copies of certificates. Fee receipts will not be accepted for validation of attendance;

(2) Employer generated computer printouts showing employee attendance;

(3) Copies of employer's records indicating employee attendance;

(4) Letters documenting attendance from providers; or

(5) Copies of transcripts from educational institutions.

d. To validate graduation from a Nursing Education Program within the preceding two years:

(1) Graduation from a Board-approved nursing education program will be verified by the Department's licensing records.

(2) Graduation from a post-licensure nursing education program must be documented by a copy of a transcript or a diploma.

e. To validate completion of a Board-approved review course of study within the previous five years:

(1) A copy of the certificate of completion;

(2) A letter from the course coordinator documenting completion; or

- ~~(3) Documentation of completion of self-designed refresher course.~~
- ~~f. To validate current certification in a nursing specialty granted by a nationally recognized certifying organization:
 - ~~(1) A copy of a current certification card showing an expiration date; or~~
 - ~~(2) A letter from the certifying organization documenting current certification.~~~~
- ~~g. To validate a portfolio:
 - ~~(1) A copy of the portfolio that includes the licensee's current continuing competency goals and evidence/verification of professional activities to meet those goals. Such evidence may include, but not be limited to, specialized training or experiences, continuing education, employer performance evaluation, or other evidence of demonstrated competency.~~~~
- ~~5. Validating records will not be returned.~~
- ~~6. Nursing practice hours, inservice education, and continuing education hours for which no documentation is produced will not be included in the calculation of the total requirements for renewal.~~
- ~~7. Failure to notify the Department of a current mailing address will not absolve the licensee from the audit requirement.~~
- ~~8. The Board reserves the right to audit the continuing competency requirements of any licensee by notifying the licensee and requesting the licensee to produce within 30 days of mailing, documents validating hours worked and/or attendance at acceptable continuing education/in-service programs.~~
- ~~9. The Board will notify the licensee upon satisfactory completion of the audit.~~
- ~~10. If the licensee fails to complete the audit satisfactorily her/his license will be placed on lapsed status. The licensee may reinstate her/his license pursuant to 172 NAC 101-006.~~

~~101-006 RE-CREDENTIALING: This section applies to individuals previously issued a Nebraska credential who have lost the legal authority to practice in total or in part and who seek the authority to return to practice in Nebraska with a valid Nebraska credential.~~

~~101-006.01 Eligibility~~

~~101-006.01A An individual whose credential has been previously:~~

1. Placed on lapsed status;
2. Placed on inactive status;
3. Suspended or limited for disciplinary reasons; or
4. Voluntarily surrendered or voluntarily limited for an indefinite period of time;

may request, at any time, to be re-credentialed and re-authorized to practice under the credential, in accord with these regulations.

101-006.01B An individual whose credential has been revoked for disciplinary reasons may apply for reinstatement only after a period of two years has elapsed from the date of revocation.

101-006.01C An individual who practices prior to re-credentialing is subject to:

1. Assessment of an administrative penalty pursuant to 172 NAC 101-010, and
2. Limitation or other sanction on the credential, or denial of the request to be re-credentialed and re-authorized to practice under the credential, and referral for prosecution for uncredentialed practice, as provided in the statutes and regulations governing the credential.

101-006.02 Requirements for Restoration from Lapsed Status if the Credential Has Been Lapsed for Two Years or More: A person whose credential has been placed on lapsed status for two years or more may have her/his credential restored from lapsed to active status by the Department upon proof to the Department that s/he meets the following requirements:

1. Present evidence of engaging in 500 hours of the practice of nursing within the five years preceding restoration of the license;
2. Pay the renewal fee and late fee; and
3. Attest:
 - a. That s/he has not practiced in Nebraska since s/he last held an active credential; or
 - b. To the actual number of days practiced if the applicant has practiced in Nebraska since s/he last held an active credential.

101-006.03 Procedures for Restoration from Lapsed Status if the Credential Has Been Lapsed for Two Years or More

101-006.03A The applicant must submit the following to the Department:

1. A written application which contains the following information about the applicant:
 - a. Name;
 - b. Address;
 - c. Social Security number; and
 - d. If the applicant holds a professional credential in another state, a list of the state(s) and type of credential;
 - e. A statement describing all:
 - (1) Felony or misdemeanor convictions during the time period

since the credential was active;

(a) If the applicant has been convicted of a felony or misdemeanor, provide copies of:

[1] Official Court Record, which includes charges and disposition;

[2] Arrest records;

[3] A letter from the applicant explaining the nature of the conviction;

[4] All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol-related offense and if treatment was obtained and/or required; and

[5] A letter from the probation officer addressing probationary conditions and current status, if the applicant is currently on probation.

(2) Revocations, suspensions, or other disciplinary actions against any professional credential held by the applicant during the time period since the credential was active;

(a) If any disciplinary action was taken against the applicant's credential by another state, submit an official copy of the disciplinary action, including charges and disposition; and

(3) Disciplinary charges pending against any professional credential held by the applicant;

2. Verification of engaging in 500 hours of nursing practice within five years preceding restoration of the license;

3. The renewal fee and late fee pursuant to 172 NAC 101-009; and

4. Attestation by the applicant:

a. That s/he has not practiced in Nebraska since s/he last held an active credential; or

b. To the actual number of days practiced if the applicant has practiced in Nebraska since s/he last held an active credential.

~~101-006.03B~~ If an applicant has practiced while her/his credential was lapsed, the Department may:

1. Assess an administrative penalty pursuant to 172 NAC 101-010;

2. Initiate disciplinary action against the credential;

3. Deny the request to move the credential from lapsed to active status; or

4. Move the credential to active status and impose limitation(s) or other sanctions on the credential.

~~101-006.03C~~ If an applicant has committed any other violation of the statutes and regulations governing the credential, the Department may:

1. Initiate disciplinary action against the credential;

- ~~2. Deny the request to move the credential from lapsed to active status; or~~
- ~~3. Move the credential to active status and impose limitation(s) or other sanctions on the credential.~~

~~101-006.03D In either event pursuant to 172 NAC 101-006.03B or 101-006.03C, a notice and the opportunity for hearing will be given to the applicant.~~

~~101-006.03E The Department will act within 150 days on all completed applications.~~

~~101-006.04 Requirements for Restoration from Lapsed Status if the Credential Has Been Lapsed for Less Than Two Years: A person whose credential has been placed on lapsed status for less than two years may have her/his credential restored from lapsed to active status by the Department upon proof to the Department that s/he meets the following requirements:~~

- ~~1. Meet renewal requirements, including:
 - ~~a. The continuing competency requirements; and~~
 - ~~b. Paying the renewal fee and the late fee; and~~~~
- ~~2. Attest:
 - ~~a. That s/he has not practiced in Nebraska since s/he last held an active credential; or~~
 - ~~b. To the actual number of days practiced if the applicant has practiced in Nebraska since s/he last held an active credential.~~~~

~~101-006.05 Procedures for Restoration from Lapsed Status if the Credential Has Been Lapsed for Less Than Two Years~~

~~101-006.05A The applicant must submit the following to the Department:~~

- ~~1. A written application which contains the following information about the applicant:
 - ~~a. Name;~~
 - ~~b. Address;~~
 - ~~c. Social Security number; and~~
 - ~~d. If the applicant holds a professional credential in another state, a list of the state(s) and type of credential;~~
 - ~~e. A statement describing all:
 - ~~(1) Felony or misdemeanor convictions during the time period since the credential was active;
 - ~~(a) If the applicant has been convicted of a felony or misdemeanor, provide copies of:
 - ~~[1] Official Court Record, which includes charges and disposition;~~
 - ~~[2] Arrest records;~~
 - ~~[3] A letter from the applicant explaining the nature of the conviction;~~
 - ~~[4] All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment~~~~~~~~~~

was obtained and/or required; and

[5] A letter from the probation officer addressing probationary conditions and current status, if the applicant is currently on probation.

(2) Revocations, suspensions, or other disciplinary actions against any professional credential held by the applicant during the time period since the credential was active;

(a) If any disciplinary action was taken against the applicant's credential by another state, submit an official copy of the disciplinary action, including charges and disposition; and

(3) Disciplinary charges pending against any professional credential held by the applicant;

2. Verification of meeting the continuing competency requirements pursuant to 172 NAC 101-004.

3. The renewal fee and late fees pursuant to 172 NAC 101-009; and

4. Attestation by applicant:

a. That s/he has not practiced in Nebraska since s/he last held an active credential; or

b. To the actual number of days practiced if the applicant has practiced in Nebraska since s/he last held an active credential.

101-006.05B If an applicant has practiced while her/his credential was lapsed, the Department may:

1. Assess an administrative penalty pursuant to 172 NAC 101-010;

2. Initiate disciplinary action against the credential;

3. Deny the request to move the credential from lapsed to active status; or

4. Move the credential to active status and impose limitation(s) or other sanctions on the credential.

101-006.05C If an applicant has committed any other violation of the statutes and regulations governing the credential, the Department may:

1. Initiate disciplinary action against the credential;

2. Deny the request to move the credential from lapsed to active status; or

3. Move the credential to active status and impose limitation(s) or other sanctions on the credential.

101-006.05D In either event pursuant to 172 NAC 101-006.05B or 101-006.05C, a notice and the opportunity for hearing will be given to the applicant.

101-006.05E The Department will act within 150 days on all completed applications.

101-006.06 Requirements to Move from Inactive to Active Status if the Credential Has Been Inactive for Two Years or More: A person whose credential has been placed on

~~inactive status for two years or more may have his/her credential moved from inactive to active status by the Department upon satisfactory proof to the Department that s/he meets the following requirements:~~

- ~~1. Present evidence of engaging in 500 hours of the practice of nursing within the five years preceding restoration of the license;~~
- ~~2. Pay the renewal fee; and~~
- ~~3. Attest:~~
 - ~~a. That s/he has not practiced in Nebraska since s/he last held an active credential; or~~
 - ~~b. To the actual number of days practiced if the applicant has practiced in Nebraska since s/he last held an active credential.~~

~~101-006.07 Procedures to Move a License from Inactive to Active Status if the License Has Been Inactive for Two Years or More:~~

- ~~101-006.07A The applicant must submit the following to the Department:~~
 - ~~1. A written application which contains the following information about the applicant:~~
 - ~~a. Name;~~
 - ~~b. Address;~~
 - ~~c. Social Security number; and~~
 - ~~d. If the applicant holds a professional credential in another state, a list of the state(s) and type of credential;~~
 - ~~e. A statement describing all:~~
 - ~~(1) Felony or misdemeanor convictions during the time period since the credential was active;~~
 - ~~(a) If the applicant has been convicted of a felony or misdemeanor, provide copies of:~~
 - ~~[1] Official Court Record, which includes charges and disposition;~~
 - ~~[2] Arrest records;~~
 - ~~[3] A letter from the applicant explaining the nature of the conviction;~~
 - ~~[4] All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol-related offense and if treatment was obtained and/or required; and~~
 - ~~[5] A letter from the probation officer addressing probationary conditions and current status, if the applicant is currently on probation.~~
 - ~~(2) Revocations, suspensions, or other disciplinary actions against any professional credential held by the applicant during the time period since the credential was active;~~
 - ~~[a] If any disciplinary action was taken against the applicant's credential by another state, submit an official copy of the disciplinary action, including charges and disposition; and~~

- ~~(3) Disciplinary charges pending against any professional credential held by the applicant;~~
- ~~2. Verification of engaging in 500 hours of nursing practice within five years preceding movement of the license from inactive to active status;~~
- ~~3. The renewal fee pursuant to 172 NAC 101-009; and~~
- ~~4. Attestation by the applicant:
 - ~~a. That s/he has not practiced in Nebraska since s/he last held an active credential; or~~
 - ~~b. To the actual number of days practiced if the applicant has practiced in Nebraska since s/he last held an active credential.~~~~

~~101-006.07B If an applicant has practiced while her/his credential was inactive, the Department may:~~

- ~~1. Assess an administrative penalty pursuant to 172 NAC 101-010;~~
- ~~2. Initiate disciplinary action against the credential;~~
- ~~3. Deny the request to move the credential from inactive to active status; or~~
- ~~4. Move the credential to active status and impose limitation(s) or other sanctions on the credential.~~

~~101-006.07C If an applicant has committed any other violation of the statutes and regulations governing the credential, the Department may:~~

- ~~1. Initiate disciplinary action against the credential;~~
- ~~2. Deny the request to move the credential from inactive to active status; or~~
- ~~3. Move the credential to active status and impose limitation(s) or other sanctions on the credential.~~

~~101-006.07D In either event pursuant to 172 NAC 101-006.07B or 101-006.07C, a notice and the opportunity for hearing will be given to the applicant.~~

~~101-006.07E The Department will act within 150 days on all completed applications~~

~~101-006.08 Requirements to Move from Inactive to Active Status if the Credential Has Been on Inactive Status for Less Than Two Years: A person whose credential has been placed on inactive status for less than two years may have her/his credential moved from inactive to active status by the Department upon proof to the Department that s/he meets the following requirements:~~

- ~~1. Meet renewal requirements, including:
 - ~~a. The continuing competency requirements; and~~
 - ~~b. Paying the renewal fee; and~~~~
- ~~2. Attest:
 - ~~a. That s/he has not practiced in Nebraska since s/he last held an active credential; or~~
 - ~~b. To the actual number of days practiced if the applicant has practiced in Nebraska since s/he last held an active credential.~~~~

~~101-006.09 Procedures to Move a Credential from Inactive to Active Status if the Credential has been on Inactive Status for less than Two Years:~~

~~101-006.09A~~ The applicant must submit the following to the Department:

- ~~1. A written application which contains the following information about the applicant:
 - ~~a. Name;~~
 - ~~b. Address;~~
 - ~~c. Social Security number; and~~
 - ~~d. If the applicant holds a professional credential in another state, a list of the state(s) and type of credential;~~
 - ~~e. A statement describing all:
 - ~~(1) Felony or misdemeanor convictions during the time period since the credential was active;
 - ~~(a) If the applicant has been convicted of a felony or misdemeanor, provide copies of:
 - ~~[1] Official Court Record, which includes charges and disposition;~~
 - ~~[2] Arrest records;~~
 - ~~[3] A letter from the applicant explaining the nature of the conviction;~~
 - ~~[4] All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol-related offense and if treatment was obtained and/or required; and~~
 - ~~[5] A letter from the probation officer addressing probationary conditions and current status, if the applicant is currently on probation.~~~~
 - ~~(2) Revocations, suspensions, or other disciplinary actions against any professional credential held by the applicant during the time period since the credential was active;
 - ~~(a) If any disciplinary action was taken against the applicant's credential by another state, submit an official copy of the disciplinary action, including charges and disposition; and~~~~
 - ~~(3) Disciplinary charges pending against any professional credential held by the applicant;~~~~~~~~
- ~~2. Verification of meeting the continuing competency requirements pursuant to 172 NAC 101-004;~~
- ~~3. The renewal fee pursuant to 172 NAC 101-009; and~~
- ~~4. Attestation by applicant:
 - ~~a. That s/he has not practiced in Nebraska since s/he last held an active credential; or~~
 - ~~b. To the actual number of days practiced if the applicant has practiced in Nebraska since s/he last held an active credential.~~~~

~~101-006.09B~~ If an applicant has practiced while her/his credential was inactive, the Department may:

- ~~1. Assess an administrative penalty pursuant to 172 NAC 101-010;~~
- ~~2. Initiate disciplinary action against the credential;~~
- ~~3. Deny the request to move the credential from inactive to active status; or~~
- ~~4. Move the credential to active status and impose limitation(s) or other sanctions on the credential.~~

~~101-006.09C~~ If an applicant has committed any other violation of the statutes and regulations governing the credential, the Department may:

- ~~1. Initiate disciplinary action against the credential;~~
- ~~2. Deny the request to move the credential from inactive to active status; or~~
- ~~3. Move the credential to active status and impose limitation(s) or other sanctions on the credential.~~

~~101-006.09D~~ In either event pursuant to 172 NAC 101-006.09B or 101-006.09C, a notice and the opportunity for hearing will be given to the applicant.

~~101-006.09E~~ The Department will act within 150 days on all completed applications

~~101-006.10~~ Requirements to Reinstate a Credential Following Suspension, Limitation, or Revocation for Disciplinary Reasons: An applicant for reinstatement following suspension, limitation, or revocation for disciplinary reasons must meet the following requirements:

- ~~1. Petition the Board for reinstatement:

 - ~~a. The petition for reinstatement must be accompanied by verified recommendations from at least two credentialed practitioners of the same profession as the petitioner each having personal knowledge of the activities of the petitioner since the credential was suspended, limited, or revoked; and~~
 - ~~b. Verified recommendations from at least two citizens each having personal knowledge of the activities of the petitioner since the credential was suspended, limited, or revoked;~~~~
- ~~2. Pay the reinstatement fee of \$75; and~~
- ~~3. If the credential was revoked or suspended, attest:

 - ~~a. That s/he has not practiced in Nebraska since s/he last held an active credential; or~~
 - ~~b. To the actual number of days practiced if the petitioner has practiced in Nebraska since s/he last held an active credential.~~~~

~~101-006.11~~ Procedures for Reinstatement Following Suspension, Limitation, or Revocation for Disciplinary Reasons: An applicant for reinstatement following suspension, limitation, or revocation for disciplinary reasons must submit to the Board:

- ~~1. A petition for reinstatement:~~

- ~~a. Stating the reason the petitioner believes his/her credential should be reinstated;~~
 - ~~b. Accompanied by verified recommendations from at least two credentialed practitioners of the same profession as the petitioner each having personal knowledge of the activities of the petitioner since the credential was suspended, limited, or revoked; and verified recommendations from at least two citizens each having personal knowledge of the activities of the petitioner since the credential was suspended, limited, or revoked.~~
 - ~~c. Containing the following information about the petitioner:
 - ~~(1) Name;~~
 - ~~(2) Address;~~
 - ~~(3) Social Security number; and~~
 - ~~(4) If the petitioner holds a professional credential in another state, a list of the state(s) and type of credential;~~
 - ~~(5) A statement describing all:
 - ~~(a) Felony or misdemeanor convictions during the time period since the credential was suspended, limited, or revoked;
 - ~~[1] If the petitioner has been convicted of a felony or misdemeanor, provide copies of:
 - ~~[a] Official Court Record, which includes charges and disposition;~~
 - ~~[b] Arrest records;~~
 - ~~[c] A letter from the petitioner explaining the nature of the conviction;~~
 - ~~[d] All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol-related offense and if treatment was obtained and/or required; and~~
 - ~~[e] A letter from the probation officer addressing probationary conditions and current status, if the petitioner is currently on probation.~~~~~~
 - ~~(b) Revocations, suspensions, or other disciplinary actions against any professional credential held by the petitioner during the time period since the credential was suspended, limited, or revoked;
 - ~~[1] If any disciplinary action was taken against the petitioner's credential by another state, submit an official copy of the disciplinary action, including charges and disposition; and~~
 - ~~(c) Disciplinary charges pending against any professional credential held by the petitioner; and~~~~~~
 - ~~(6) Any continuing competency activities;~~~~
- ~~2. The reinstatement fee of \$75; and~~
- ~~3. Attestation by the petitioner, if the credential was revoked or suspended:
 - ~~a. That s/he has not practiced in Nebraska since s/he last held an active credential; or~~~~

b. To the actual number of days practiced if the petitioner has practiced in Nebraska since s/he last held an active credential.

(1) If a petitioner has practiced after her/his credential was revoked the Department may assess an administrative penalty pursuant to 172 NAC 101-010 in which case a separate notice and opportunity for hearing will be sent to the petitioner.

(2) If a petitioner has practiced after her/his credential was revoked, or has committed any other violation of the statutes and regulations governing the credential, other action may be taken as provided in 172 NAC 101-006.11G.

~~101-006.11A~~ The Board will make a recommendation to the Director regarding reinstatement following disciplinary action. In determining whether reinstatement should be recommended, the Board may:

1. Request the Department to investigate all activities of the petitioner since the disciplinary action was taken against him/her, including activities prohibited by Neb. Rev. Stat. §§ 71-147 and 71-148.

2. Require the petitioner to submit to a complete diagnostic examination by one or more physicians appointed by the Board, the petitioner being free also to consult a physician or physicians of his/her own choice for a complete diagnostic examination and make available a report or reports thereof to the Board;

3. Require the petitioner to pass a written, oral, or practical examination or any combination of such examinations; or

4. Require the petitioner to complete additional education.

~~101-006.11B~~ The petition to recommend reinstatement will be considered at the next meeting of the Board that is held, but not earlier than 30 days after the petition is filed.

~~101-006.11C~~ Any petition to recommend reinstatement of a credential will be conclusively acted upon by the Board within 180 days after the filing of a properly prepared petition and the necessary accompanying documents with the Board.

~~101-006.11D~~ If the Board recommends reinstatement of the credential, no public hearing need be held on the petition.

~~101-006.11E~~ Prior to any recommendation by the Board against reinstatement of the credential, an opportunity for a formal public hearing on the petition must be granted by the Board, if formally requested by the petitioner.

~~101-006.11E1~~ The petitioner's request for a formal hearing must be submitted within 30 days of the Board's notification of an opportunity for a formal public hearing.

~~101-006.11E2~~ If the petitioner had a hearing or an opportunity for a hearing on a prior petition to recommend reinstatement filed pursuant to Neb. Rev. Stat. § 71-161.04 within a period of two years immediately preceding the filing of the

~~current petition, the Board may grant or deny, without a hearing, the current petition to recommend reinstatement filed pursuant to Neb. Rev. Stat. § 71-161.04.~~

~~101-006.11F If the petitioner formally requests a formal public hearing or if the Board otherwise holds such a hearing, the petitioner will be given at least 30 days prior notice by sending to the petitioner a copy of the notice of hearing by certified or registered mail at his/her last known residence or business post office address as shown by the files or records of the Department or as otherwise known. Notice may be given to the petitioner by personal service. The hearing will be conducted pursuant to 172 NAC 1.~~

~~101-006.11G The Board reviews the petition to recommend reinstatement, any examination or investigatory information and the record of hearing, if one was held. The Board will submit its recommendation to the Director within 180 days of receipt of the petition to recommend reinstatement.~~

~~101-006.11G1 If the Board recommends reinstatement of the credential:~~

~~1. The Board will send their recommendation to the petitioner by certified mail along with notification that the petitioner must file an application for reinstatement with the Director.~~

~~2. The petitioner must submit, to the Department, an application for reinstatement by the Director within 30 days of receipt of the Board's recommendation.~~

~~a. The application must include:~~

~~(1) Name of the petitioner; and~~

~~(2) Signed statement that the petitioner requests the Director to issue the credential in accordance with the Board's recommendation for reinstatement.~~

~~3. Upon receipt of the application for reinstatement from the petitioner, the Department will submit the following to the Director:~~

~~a. The application;~~

~~b. The written recommendation of the Board, including any finding of fact or order of the Board;~~

~~c. The petition submitted to the Board;~~

~~d. The record of hearing, if any; and~~

~~e. Any pleadings, motions, requests, preliminary or intermediate rulings and orders, and similar correspondence to or from the Board and the petitioner.~~

~~4. The Director will issue a decision regarding reinstatement within 150 days of receipt of the petitioner's application for reinstatement. The Director's decision will be based upon a review of the record of the proceedings before the Board. The Director will not hold a second hearing. The Director may affirm, reverse or modify the Board's recommendation. A decision by the Director to reverse or modify the Board's recommendation will be based on finding that~~

~~the Board's recommendation is: in excess of statutory authority, made upon unlawful procedure, unsupported by competent, material, and substantial evidence in view of the entire record, or arbitrary or capricious.~~

~~a. When the Director affirms, modifies or reverses the Board's recommendation for reinstatement, the Director will enter an order setting forth the decision regarding reinstatement of the petitioner's credential. The order will be sent by certified mail to the petitioner.~~

~~b. If the petitioner does not accept the Director's decision, s/he may appeal such decision to the District Court of Lancaster County pursuant to Neb. Rev. Stat. §§ 84-901 to 84-920.~~

~~101-006.11G2 If the Board recommends reinstatement of the credential with terms, conditions, or restrictions:~~

~~1. The Board will send their recommendation to the petitioner by certified mail along with notification that the petitioner must file an application for reinstatement with the Director.~~

~~2. The petitioner must submit, to the Department, an application for reinstatement by the Director within 30 days of receipt of the Board's recommendation.~~

~~a. The application must include:~~

~~(1) Name of the petitioner; and~~

~~(2) Signed statement that the petitioner requests the Director to issue the credential in accordance with the Board's recommendation for reinstatement.~~

~~3. Upon receipt of the application for reinstatement from the petitioner, the Department will submit the following to the Director:~~

~~a. The application;~~

~~b. The written recommendation of the Board, including any finding of fact or order of the Board;~~

~~c. The petition submitted to the Board;~~

~~d. The record of hearing, if any; and~~

~~e. Any pleadings, motions, requests, preliminary or intermediate rulings and orders, and similar correspondence to or from the Board and the petitioner.~~

~~4. The Director will issue a decision regarding reinstatement within 150 days of receipt of the petitioner's application for reinstatement. The Director's decision will be based upon a review of the record of the proceedings before the Board. The Director will not hold a second hearing. The Director may affirm, reverse or modify the Board's recommendation. A decision by the Director to reverse or modify the Board's recommendation will be based on finding that the Board's recommendation is: in excess of statutory authority,~~

made upon unlawful procedure, unsupported by competent, material, and substantial evidence in view of the entire record, or arbitrary or capricious.

- a. When the Director affirms, modifies or reverses the Board's recommendation for reinstatement, the Director will enter an order setting forth the decision regarding reinstatement of the petitioner's credential. The order will be sent by certified mail to the petitioner.
- b. If the petitioner does not accept the Director's decision, s/he may appeal such decision to the District Court of Lancaster County pursuant to Neb. Rev. Stat. §§ 84-901 to 84-920.

~~101-006.11G3~~ If the Board denies reinstatement, the Board will send to the petitioner a written notice of the Board's recommendation to deny reinstatement. The petitioner may appeal the Board's decision to the District Court of Lancaster County pursuant to Neb. Rev. Stat. §§ 84-901 to 84-920.

101-006.12 Procedures for Restoration of Credentials Voluntarily Surrendered or Limited for an Indefinite Period of Time

101-006.12A Credentials voluntarily surrendered or limited for an indefinite period of time pursuant to Neb. Rev. Stat. § 71-161.11 may be restored at the discretion of the Department.

101-006.12A1 An applicant for restoration of a credential that was voluntarily surrendered or limited for an indefinite period of time must submit to the Department:

- 1. A written application which contains the following information about the applicant:
 - a. Name;
 - b. Address;
 - c. Social Security number; and
 - d. If the applicant holds a professional credential in another state, a list of the state(s) and type of credential;
 - e. A statement describing all:
 - (1) Felony or misdemeanor convictions during the time period since the credential was active;
 - (a) If the applicant has been convicted of a felony or misdemeanor, provide copies of:
 - [1] Official Court Record, which includes charges and disposition;
 - [2] Arrest records;
 - [3] A letter from the applicant explaining the nature of the conviction;
 - [4] All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol-related offense and if treatment was obtained and/or required;

and

[5] A letter from the probation officer addressing probationary conditions and current status, if the applicant is currently on probation.

(2) Revocations, suspensions, or other disciplinary actions against any professional credential held by the applicant during the time period since the credential was active;

(a) If any disciplinary action was taken against the applicant's credential by another state, submit an official copy of the disciplinary action, including charges and disposition; and

(3) Disciplinary charges pending against any professional credential held by the applicant.

f. Any continuing competency activities; and

g. Attestation:

(1) That s/he has not practiced in Nebraska prior to the voluntary surrender of her/his credential; or

(2) To the actual number of days practiced if the applicant has practiced in Nebraska prior to the voluntary surrender of her/his credential.

101-006.12A2 If an applicant has practiced while her/his credential was voluntarily surrendered, the Department may:

1. Assess an administrative penalty pursuant to 172 NAC 101-010;
2. Initiate disciplinary action against the credential;
3. Deny the request to restore the credential; or
4. Restore the credential to active status and impose limitation(s) or other sanctions on the credential.

101-006.12A3 If an applicant has committed any other violation of the statutes and regulations governing the credential while her/his credential was voluntarily surrendered or limited, the Department may:

1. Initiate disciplinary action against the credential;
2. Deny the request for restoration of the credential; or
3. Restore the credential to active status and impose limitation(s) or other sanctions on the credential.

101-006.12A4 In either event pursuant to 101-006.1A2 or 101-006.11A3, a notice and the opportunity for hearing will be given to the applicant.

101-006.12A5 The Department will act within 150 days on all completed applications.

101-006.13 Procedures for Restoration of Credentials Voluntarily Surrendered or Limited for a Specific and Definite Period of Time

~~101-006.13A~~ Credentials voluntarily surrendered or limited for a specific and definite period of time as agreed to between the holder and Department pursuant to Neb. Rev. Stat. § 71-161.11, will be automatically restored at the expiration of that period of time.

~~101-006.13B~~ If an individual has practiced while her/his credential was voluntarily surrendered for a specific and definite period of time, the Department may assess an administrative penalty pursuant to 172 NAC 101-010.

~~101-006.14~~ Credentials Voluntarily Surrendered or Limited Permanently: Credentials that are voluntarily surrendered or limited permanently pursuant to Neb. Rev. Stat. § 71-161.11 will not be restored.

101-007 GROUND ON WHICH THE DEPARTMENT MAY DENY, REFUSE RENEWAL OF, OR DISCIPLINE A LICENSE

~~101-007.01~~ The Department, upon the recommendation of the Board, may deny an application for a license when the applicant fails to meet the requirements for licensure pursuant to 172 NAC 101-003.

~~101-007.02~~ The Department, upon the recommendation of the Board, may deny, refuse renewal of, limit, suspend, revoke, or have other disciplinary measures taken against licenses for any of the acts or offenses set forth in Neb. Rev. Stat. §§ 71-147 and 71-148 of the Uniform Licensing Law.

~~101-007.03~~ The Department, upon the recommendation of the Board, may deny, refuse renewal of, limit, suspend, revoke, or have other disciplinary measures taken against licenses for unprofessional conduct, which term includes but is not limited to:

- ~~1.~~ Failure to utilize appropriate judgment in administering safe nursing practice based upon the level of nursing for which the individual is licensed;
- ~~2.~~ Failure to exercise technical competence based upon the level of nursing for which the individual is licensed in carrying out nursing care;
- ~~3.~~ Failure to follow policies or procedures implemented in the practice situation to safeguard patient care;
- ~~4.~~ Failure to safeguard the patient's dignity or right to privacy;
- ~~5.~~ Violating the confidentiality of information or knowledge concerning the patient;
- ~~6.~~ Verbally or physically abusing patients;
- ~~7.~~ Falsification or intentional unauthorized destruction of patient records;
- ~~8.~~ Failure to maintain an accurate patient record;
- ~~9.~~ Misappropriating medications, supplies or personal items of a patient or agency;
- ~~10.~~ Committing any act which endangers patient safety or welfare;
- ~~11.~~ Delegating and/or assigning nursing interventions contrary to the standards set forth in 172 NAC 99;
- ~~12.~~ Failure to exercise supervision as set forth in 172 NAC 99 over persons who are authorized to practice only under the direction of the licensed professional;
- ~~13.~~ Leaving a patient care nursing assignment without notifying personnel so that reasonable arrangements for continuation of care can be made;

- ~~14. Failure to seek consultation, collaboration, or direction from another licensed health care provider when warranted by patient condition;~~
- ~~15. Accepting an assignment when he/she does not have the competence to safely perform the intervention required by the assignment;~~
- ~~16. Practice of the profession without a current active license or temporary permit;~~
- ~~17. Failure of a licensee, who is the subject of a disciplinary investigation, to furnish the Board or its investigator with requested information or requested documents;~~
- ~~18. Falsification or misrepresentation of material facts in attempting to procure nursing employment;~~
- ~~19. Altering a license or temporary permit by changing the expiration date, certificate number or any other information appearing on the license;~~
- ~~20. Intentional falsification of material facts in a material document connected with the practice of nursing;~~
- ~~21. Violating any term of probation, condition, or limitation imposed on the licensee by the Board or Department;~~
- ~~22. Kissing, fondling, touching or engaging in any other activities of a sexual nature with a patient; and~~
- ~~23. Failure to meet the repayment provisions for a loan received pursuant to the Nursing Student Loan Act.~~

~~101-007.04~~ If the Department denies, refuses renewal of, limits, revokes, or suspends a license, it will notify the applicant or license holder and give him/her an opportunity for an administrative hearing before the Department. These hearings will be conducted in accordance with the Administrative Procedure Act and the Department's Rules of Practice and Procedure.

~~101-008~~ ADVISORY OPINIONS: As set forth in Neb. Rev. Stat. § 71-1,132.1, one of the powers and duties of the Board of Nursing is to, if requested, issue or decline to issue advisory opinions defining acts which in the opinion of the Board are or are not permitted in the practice of nursing as defined in Neb. Rev. Stat. § 71-1,132.05. These opinions are informational only and are nonbinding. These opinions may be given in response to requests from nurses, employers, institutions, consumers and any other interested persons. This section is intended to define the process by which person(s) may request advisory opinions, and by which the Board may issue advisory opinions.

~~101-008.01~~ Process for Requesting Advisory Opinions from the Board of Nursing

~~101-008.01A~~ A person requesting an advisory opinion must submit the request in written form. The request may be accompanied by supporting documents such as national standards, literature review, research materials, etc.

~~101-008.02B~~ At any time, a person(s) may request reconsideration of an advisory opinion.

~~101-008.02~~ Process for Issuing Advisory Opinions by the Board of Nursing

~~101-008.02A~~ The nursing practice consultant will review all written requests for advisory opinions to determine completeness and clarity of the request.

- ~~1.~~ The nursing practice consultant will communicate to the requesting person(s) the need for any additional information and/or clarification; and
- ~~2.~~ If the nursing practice issue which is the subject of the request has already been addressed by the Board, the nursing practice consultant will communicate the advisory opinion(s) to the requesting party(ies).

~~101-008.02B~~ The written request for a previously unaddressed advisory opinion will be placed on the agenda of a regularly scheduled meeting of the Nursing Practice Committee and/or Board.

~~101-008.02C~~ The Nursing Practice Committee will review and study the nursing practice issue, and will formulate an advisory opinion recommendation for action by the Board. In formulating a recommendation, the Committee and/or Board will, as appropriate: consult with and obtain input from the nursing population via individuals and agencies, organizations, associations, regulatory bodies, and professional organizations representing health care professionals and institutions; and review literature and research to determine state, regional, and national trends.

~~101-008.02D~~ Communication of opinions will be accomplished by a letter of response to the person(s) requesting an advisory opinion, and by publication in the Nursing News, the official newsletter of the Nebraska Board of Nursing. The nursing practice consultant will maintain a file of advisory opinions in the office of the Professional and Occupational Credentialing Division.

- ~~1.~~ The Board will communicate its decision not to issue an opinion by a letter of response to the person(s) making the request.

101-009 PER DIEMS, FEES AND FINES

~~101-009.01~~ Per Diems: Each Board member will receive a per diem amount of \$30 for each day that s/he is engaged in Board-related business.

~~101-009.02~~ Schedule of Fees: The following are the fees which an applicant must pay:

- ~~1.~~ Initial Licensure Fee, RN: By an applicant for a license to practice as a registered nurse, the fee of \$75 and the Licensee Assistance Program fee of \$1 for each year remaining during the current biennial renewal period.
- ~~2.~~ Initial Licensure Fee, LPN: By an applicant for a license to practice as a practical nurse, the fee of \$75 and the Licensee Assistance Program fee of \$1 for each year remaining during the current biennial renewal period.
- ~~3.~~ Proration of Initial Licensure Fee: For issuance of a license that will expire within 180 days after its initial issuance date, a fee of \$25 and the Licensee Assistance Program fee of \$1. The license will be valid until the next subsequent renewal date.

- ~~4. License Renewal Fee: By an applicant for renewal of a license to practice as a registered nurse or practical nurse on biennial basis, the fee of \$75 and the Licensee Assistance Program fee of \$2.~~
- ~~5. Late Fee: By an applicant for a renewal on a biennial basis of a license to practice as a registered nurse or practical nurse who fails to pay the renewal fee on or before the expiration date of her/his license, the fee of \$25 as a late fee in addition to the renewal fee.~~
- ~~6. Reinstatement from Lapsed Status Fee: By an applicant for reinstatement from lapsed status of a license to practice as a registered nurse or practical nurse:
 - ~~a. If not more than one year after the license was placed on lapsed status, the fee of \$35 in addition to the renewal fee.~~
 - ~~b. If more than one year after the license was placed on lapsed status, the fee of \$75 in addition to the renewal fee.~~~~
- ~~7. Reinstatement from Inactive Status Fee: By an applicant for reinstatement from inactive status of a license to practice as a registered nurse or practical nurse, the fee of \$75.~~
- ~~8. Reinstatement Following Discipline Fee: By an applicant for reinstatement following suspension, limitation, or revocation for disciplinary reasons, the fee of \$75.~~
- ~~9. Certification of License Fee: For issuance of a certification of a license, the fee of \$25. The certification includes information regarding:
 - ~~a. The basis on which the license was issued;~~
 - ~~b. The date of issuance;~~
 - ~~c. Whether disciplinary action has been taken against the license; and~~
 - ~~d. The current status of the license.~~~~
- ~~10. Verification of License Fee: For issuance of a verification of a license, the fee of \$5. The verification includes written confirmation as to whether a license was valid at the time the request was made.~~
- ~~11. Duplicate License Fee: For a duplicate of an original license document or reissued license, the fee of \$10.~~
- ~~12. Administrative Fee: For a denied license or a withdrawn application, an administrative fee of \$25 will be retained by the Department.~~

~~101-010 ADMINISTRATIVE PENALTY:~~ The Department may assess an administrative penalty when evidence exists that a person practices without a license. Practice without a license for the purpose of this regulation means practice:

- ~~1. Prior to the issuance of a license;~~
- ~~2. Following the expiration of a license; or~~
- ~~3. Prior to the reinstatement of a license.~~

~~101-010.01 Evidence of Practice:~~ The Department will consider any of the following conditions as prima facie evidence of practice without a license:

- ~~1. The person admits to engaging in practice;~~
- ~~2. Staffing records or other reports from the employer of the person indicate that the person was engaging in practice;~~
- ~~3. Billing or payment records document the provision of service, care, or treatment by the person;~~
- ~~4. Service, care, or treatment records document the provision of service, care, or treatment by the person;~~
- ~~5. Appointment records indicate that the person was engaged in practice; or~~
- ~~6. The person opens a practice site and announces or advertises that the site is open to provide service, care, or treatment.~~

~~For purposes of this regulation, prima facie evidence means a fact is presumed to be true unless disproved by some evidence to the contrary.~~

~~101-010.02 Penalty:~~ The Department may assess an administrative penalty in the amount of \$10 per day, not to exceed a total of \$1,000 for practice without a license. To assess such penalty, the Department will:

- ~~1. Provide written notice of the assessment to the person. The notice will specify:
 - ~~a. The total amount of the administrative penalty;~~
 - ~~b. The evidence on which the administrative penalty is based;~~
 - ~~c. That the person may request, in writing, a hearing to contest the assessment of an administrative penalty;~~
 - ~~d. That the Department will within 30 days following receipt of payment of the administrative penalty, transmit the penalty to the State Treasurer for credit to the Permanent School Fund; and~~
 - ~~e. That an unpaid administrative penalty constitutes a debt to the State of Nebraska which may be collected in the manner of a lien foreclosure or sued for and recovered in a proper form of action in the name of the state in the District Court of the county in which the violator resides or owns property.~~~~
- ~~2. Send by certified mail, a written notice of the administrative penalty to the last known address of the person to whom the penalty is assessed.~~

~~101-010.03 Administrative Hearing:~~ When a person contests the administrative penalty and requests a hearing, the Department must hold a hearing in accord with the Department's Rules of Practice and Procedure and Neb. Rev. Stat. §§ 84-901 to 84-920.

Approved by Attorney General _____ 11/07/06
Approved by Governor _____ 12/08/06
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