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NEBRASKA HEALTH AND HUMAN SERVICES
REGULATION AND LICENSURE

172 NAC 100

TITLE 172 PROFESSIONAL AND OCCUPATIONAL LICENSURE

CHAPTER 100 ADVANCED PRACTICE REGISTERED NURSE

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TITLE 172 PROFESSIONAL AND OCCUPATIONAL LICENSURE

CHAPTER 100 ADVANCED PRACTICE REGISTERED NURSE

100-001 SCOPE AND AUTHORITY: These regulations govern the practice of advanced practice registered nurses in the State of Nebraska. The 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, 71-1,132.20, and 71-1704 to 71-1726.02.

100-002 DEFINITIONS

Act means the Advanced Practice Registered Nurse Act.

Approved advanced practice registered nurse program means a program which (1) is a minimum of one full-time academic year or nine months in length and includes both a didactic component and a preceptorship of 500 contact hours and (2) includes, but is not limited to, instruction in biological, behavioral, and health sciences relevant to practice as an advanced practice registered nurse in a specific clinical area and, (3) except for the specialties of women's health and neonatal, grants a post-master certificate, master's degree, or doctoral degree for all applicants who graduated on or after July 19, 1996, and granted a master's or doctoral degree, post-master certificate, or diploma for all applicants who graduated prior to July 19, 1996. A post-master certificate, master's degree, or a doctoral degree is not required for programs in the specialty of women's health or neonatal.

Approved certification program means a certification process for APRNs utilized by an approved certification body that (1) requires evidence of completion of a formal program of study in an APRN clinical specialty, (2) requires successful completion of a nationally recognized certification examination developed by the approved certifying body, and (3) provides an ongoing recertification program.

Approved certifying body means a national certification organization which certifies qualified licensed nurses for advanced practice in a clinical specialty area and which (1) requires eligibility criteria related to education and practice, (2) offers an examination in an advanced nursing area which meets current psychometric guidelines and tests, and (3) is approved by the Board.

Approved credentialing examination means an examination for advanced practice registered nurses offered by an approved certifying body which administers an approved certification program.

Advanced Practice Registered Nurse (APRN) is a person licensed as a registered nurse or with the authority to practice as a registered nurse in this state pursuant to the provisions of the Nurse Licensure Compact who meets all the criteria for licensure and holds a current license to practice as an APRN.

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

Board means the Board of Advanced Practice Registered Nurses.

Boards means the Board of Advanced Practice Registered Nurses and the Board of Nursing.

Certification means the status granted in a nursing clinical specialty by an approved certifying body through a process which requires evidence of completion of a formal program of study in an APRN clinical specialty and successful completion of an examination.

Collaborating physician means a physician or osteopathic physician licensed in Nebraska and practicing in the same geographic area and practice specialty, related specialty, or field of practice as the APRN.

Completed application means an application that includes all of the information requested on the application verified with the applicant's oath and is submitted along with the required fee 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 APRNs for nursing practice in health promotion, health supervision, illness prevention and diagnosis, treatment, and management of common health problems and chronic conditions.

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

Director means the Director of the Department of Health and Human Services 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.

Jointly approved protocols means a regimen that is created and/or approved by the APRN and collaborating physician and guides the APRN's practice.

Lapsed status means the designation given to a licensee who requests this status or to a licensee who fails to renew his/her APRN license.

NAC means the Nebraska Administrative Code, the system for classifying State agency rules and regulations. These regulations are 172 NAC 100.

Notarized means sworn before a Notary Public.

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.

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.

Physician means a physician or osteopathic physician licensed to practice medicine and surgery or osteopathic medicine in Nebraska.

Preceptorship means the clinical practice component of an educational program for the preparation of APRNs.

Recertification means the continued periodic granting of certification in a clinical APRN specialty area by an approved certifying body through a process that requires the applicant to meet criteria related to education and practice.

Reentry program means an organized approach to learning that results in current knowledge related to one or more specialty area(s) of advanced nursing practice.

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.

100-003 REQUIREMENTS FOR ISSUANCE OF A LICENSE: A person may practice as an APRN in Nebraska only if s/he holds a Nebraska license or a temporary permit. This requirement does not prohibit persons identified in Neb. Rev. Stat. § 71-1726.01 from practicing advanced practice nursing as limited by that section. The criteria for issuance of a license and temporary permit, and the documents required in applying are set forth below.

100-003.01 Requirements for Licensure: The applicant must:

1. Be licensed as a registered nurse in the State of Nebraska or have the authority to practice in this state as a registered nurse pursuant to the provisions of the Nurse Licensure Compact;
2. Have successfully completed an approved advanced practice registered nurse program. Except for women's health and neonatal, all applicants graduating after July 19, 1996 must have a master's degree, post-master's certificate, or doctoral degree;
3. Have successfully completed 30 contact hours of education in pharmacotherapeutics;
4. Have passed an approved credentialing examination. Approved credentialing examinations include:
 - a. AANP examinations in Adult and Family Nurse Practitioner;
 - b. ANCC examinations in Adult, Family, School, Pediatric, Gerontological, Psych/Mental Health and Acute Care Nurse Practitioner, and the Clinical

- Specialists examinations in Medical-Surgical, Gerontological, Adult Psychiatric and Mental Health, and Child and Adolescent Psychiatric and Mental Health;
- c. NCC examinations in Women's Health Care and Neonatal Nurse Practitioner; and the
 - d. PNP National Qualifying Examination for Pediatric Nurse Practitioners;
5. Meet the requirements for continuing competency by submitting documentation of one of the following:
- a. Current national certification/recertification and:
 - (1) Completion of an approved APRN program in the previous five years; or
 - (2) Practice as an APRN in a specific advanced practice role in the previous five years.
 - (a) Applicants who have previously been authorized in another state must have 2080 hours of practice within the five years immediately preceding application; and
 - b. Applicants who do not have current national certification/recertification and who have not completed an approved APRN program in the previous five years or practiced as an APRN in a specific advanced practice role in the previous five years must:
 - (1) Have successfully completed a reentry program within the previous two years that has been approved by the Board; or
 - (2) Pass an approved credentialing examination within the two years immediately preceding application and successfully complete supervised practice as specified by the Board.
 - (a) Applicants must obtain a temporary permit for the practice portion of the reentry program or for any required supervised practice; and
6. Pay the appropriate fee.

100-003.02 Applicants Must Submit to the Department:

- 1. A written application which:
 - a. Is verified by the applicant's oath;
 - b. Contains the following information about the applicant:
 - (1) Name;
 - (2) Address;
 - (3) Day and evening telephone numbers;
 - (4) Gender;
 - (5) Date of birth;
 - (6) Place of birth;
 - (7) Social Security number;
 - (8) Name and location of advanced practice nursing program;
 - (9) Name and location of master's program, if applicable; and
 - (10) Nebraska RN license number or RN license number from a compact state of primary residence;

- c. Indicates whether s/he has completed at least 30 contact hours of education in pharmacotherapeutics; and
 - d. Contains a statement describing all of the following (information previously submitted on a mandatory report or other license application does not need to be submitted again):
 - (1) Pending charges which could result in a felony or misdemeanor conviction;
 - (2) Felony or misdemeanor convictions;
 - (3) Denials, discipline or pending discipline of a license in any health care profession; and
 - (4) Denials of admissions to take a licensing examination in any health care profession;
2. Documentation of continuing competency;
 3. Attestation by the applicant:
 - a. That s/he has not practiced in Nebraska prior to the application for a license; or
 - b. To the actual number of days practiced in Nebraska prior to the application for a license.
 - (1) Administrative Penalty/Other Action. An individual who practices prior to issuance of a credential is subject to assessment of an administrative penalty under 172 NAC 100-010;
 4. An official transcript from an approved advanced practice registered nurse program documenting completion of program requirements including a master's degree, post-master's certificate, or doctoral degree. The master's degree, post-master's certificate, or doctoral degree is not required for applicants in the specialty of women's health or neonatal, or for applicants who graduated prior to July 19, 1996;
 5. An official transcript or notarized copy of a continuing education certificate documenting 30 contact hours of education in pharmacotherapeutics.
 - a. If pharmacology was integrated throughout the course work of an approved advanced practice registered nurse program, an official record from the program indicating integration of 30 contact hours of pharmacotherapeutics will be required;
 6. Documentation of having passed an approved credentialing examination. A letter or other official record from an approved certification program will be acceptable. Approved certification programs include:
 - a. Adult and Family Nurse Practitioner programs offered by the American Academy of Nurse Practitioners (AANP);
 - b. Adult, Family, School, Pediatric, Gerontological, and Acute Care Nurse Practitioner programs, and the Medical-Surgical, Gerontological, Adult Psychiatric and Mental Health, and Child and Adolescent Psychiatric and Mental Health programs offered by the American Nurses Credentialing Center (ANCC);

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- c. Women's Health Care and Neonatal Nurse Practitioner programs offered by the National Certification Corporation for Obstetric, Gynecologic and Neonatal Nursing Specialties; and
 - d. Pediatric Nurse Practitioner program offered by the National Certification Board of Pediatric Nurse Practitioners (PNP); and
7. The required licensure fee.
- a. Proration of Initial License Fee: When a license will expire within 180 days after its initial issuance date, the Department will collect \$25 and if applicable the Licensee Assistance Program fee of \$1, and the license will be valid until the next subsequent renewal date.

100-003.03 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; and
- 3. Persons whose license to practice in a health care profession has been denied or disciplined or is pending discipline.

100-003.04 Applicants listed in 172 NAC 100-003.03 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.

100-003.05 Temporary Permit: Applicants for licensure as an APRN may be granted a temporary permit.

- 1. Applicants who have not previously taken an approved credentialing examination and who meet all of the requirements for licensure as an APRN except having passed an approved examination may be granted a temporary permit pending the results of the first credentialing examination following graduation.
 - a. For applicants who have not previously taken an approved examination, the examination required for licensure in the State of Nebraska will be considered to be the first credentialing examination following graduation.
 - b. Only applicants who have registered for the credentialing examination will be issued a temporary permit.
 - c. Proof of registration for the examination must be by letter to the Department from the approved certifying body or by notarized copy of a document from the certifying body to the applicant stating that registration is completed and identifying the date of the examination.
 - d. The temporary permit will be issued for 60 days or until the results of the examination are known.
 - (1) The temporary permit is null and void if the applicant fails the

- examination.
- (a) The applicant must inform the Department immediately upon receipt of notification that s/he has failed the examination.
 - (2) The temporary permit is null and void if the applicant fails to take the scheduled examination, unless extended at the discretion of the Board. Circumstances that may result in extension of the permit include illness/injury of self or immediate family member, or death of an immediate family member immediately prior to or on the date(s) of the examination.
 - (a) A written request for extension of the permit must be made to the Board explaining the circumstances under which the extension is requested.
2. Applicants who meet all of the criteria for licensure as an APRN and who are lawfully authorized to practice as an APRN in another state may be issued a temporary permit pending completion of the application for a Nebraska license.
- a. S/he must submit:
 - (1) A completed application,
 - (2) The required licensure fee,
 - (3) Evidence of current authorization by another state:
 - (a) Evidence of lawful authorization in another state must be documented by submission of a notarized copy of a current license in another state or other official record.
 - (4) Proof of national certification:
 - (a) Evidence of national certification must be documented by submission of a notarized copy of current certification by an approved certifying body or other official record.
 - b. The temporary permit may be issued for up to 120 days and is valid until the license is issued, until the expiration date of the authorization in the other state, or until any final decision is made to deny the license.
3. Applicants who meet all the criteria for licensure except the continuing competency requirements and who require a reentry program or supervised practice may be issued a temporary permit pending completion of the reentry program or supervised practice.
- a. Only applicants who have submitted a completed application, the required licensure fee, who have completed an approved APRN program, and have 30 contact hours of education in pharmacotherapeutics will be issued a temporary permit.
 - b. A temporary permit issued pursuant to this section is valid for clinical practice undertaken as part of a reentry program and only for the duration of the program, or for clinical practice under the direct supervision of a physician or an APRN with a collaborating physician agreement and for a specified time determined by the Board.
 - c. The temporary permit is valid until the license is issued, or until any final decision is made to deny the license unless extended at the discretion of the Board.

100-003.06 The Department will act within 150 days upon all completed applications for licensure.

100-003.07 If the Department denies issuance of a license, the applicant will be given an opportunity for an administrative hearing before the Department which will be conducted in accordance with the Administrative Procedure Act and the Department's Rules of Practice and Procedure.

100-004 CONTINUING COMPETENCY: The criteria for demonstration of continuing competency and the documents required are as follows:

100-004.01 By a licensee seeking to renew or reinstate an APRN license:

1. National certification/recertification;
2. Documentation of a minimum of 2080 hours of practice as an APRN within the previous five years immediately preceding renewal:
 - a. At least 500 of the 2080 hours of practice must be in a clinical role in which there is a direct nurse/patient relationship.
 - b. Applicants who have been licensed in Nebraska or authorized by any other jurisdiction for less than five years will not be required to meet the practice requirement for license renewal; and
3. Documentation of 40 contact hours of continuing education in the clinical specialty area within the previous two years, 10 hours of which must be in pharmacotherapeutics.
 - a. Applicants who have been licensed in Nebraska or authorized by any other jurisdiction for less than two years will not be required to meet the continuing education for license renewal.
4. Applicants seeking reinstatement or renewal who can not meet these requirements must complete a reentry program approved by the Board. The reentry program must include a minimum of 2080 hours of practice within the previous five years, and 40 contact hours of continuing education within the previous two years, 10 hours of which must be in pharmacotherapeutics.
 - a. Applicants must obtain a temporary permit for the practice portion of the reentry program.

100-004.02 By an applicant seeking initial licensure in this state:

1. Current national certification/recertification and, within the five years immediately preceding application:
 - a. Completion of an approved APRN program; or
 - b. 2080 hours of practice as an APRN in another state in a specific advanced practice role.
2. Applicants who do not meet these requirements must, within the two years

immediately preceding application, demonstrate continuing competency by:

- a. Successfully completing a reentry program that has been approved by the Board; or
- b. Passing an approved examination within the two years immediately preceding application and successfully completing supervised practice as specified by the Board.
- c. Applicants must obtain a temporary permit for the practice portion of the reentry program or for any required supervised practice.

100-005 REQUIREMENTS PRIOR TO COMMENCING PRACTICE

100-005.01 An APRN may not practice in an advanced role until s/he meets the following requirements:

1. Current licensure or temporary permit as an APRN issued by the Department;
2. Liability insurance of \$200,000 per incident and \$600,000 aggregate per year;
3. An Integrated Practice Agreement with a collaborating physician;
4. A master's or doctoral degree in nursing;
5. Separate course work in pharmacotherapeutics, advanced health assessment, and pathophysiology or psychopathology.
 - a. This requirement must be met by a minimum of 45 contact hours of graduate work in each of the identified areas; and
6. Practice as an APRN for a minimum of 2000 hours under the supervision of a physician.
 - a. APRNs who do not meet the requirements of having a master's or doctoral degree, separate course work, and having practiced under the supervision of a physician as required above will be required to have jointly approved protocols with a collaborating physician.

100-005.02 APRNs must submit to the Department:

1. A copy of an official document from the issuing institution documenting liability insurance of \$200,000 per incident and \$600,000 aggregate per year;
2. An Integrated Practice Agreement with a collaborating physician in which the APRN and physician verify items a-f following. The practice agreement must include the signatures of the APRN and the physician. If the license of the collaborating physician has a limitation or is on probationary status, the acceptance of the Integrated Practice Agreement will be subject to Board approval.
 - a. The APRN and collaborating physician practice collaboratively within the framework of their respective scopes of practice.
 - b. The APRN and collaborating physician are responsible for individual decisions in managing the health care of patients.
 - c. The APRN and collaborating physician have joint responsibility for patient care based upon the scope of practice of each practitioner.
 - d. The APRN and collaborating physician have jointly approved protocols which guide the APRN's practice if:

- (1) The APRN does not have a master's or doctoral degree in nursing;
 - (2) The APRN cannot demonstrate 45 contact hours of separate course work in pharmacotherapeutics, advanced health assessment, and pathophysiology or psychopathology; or
 - (3) The APRN does not have 2000 hours of practice under the supervision of a collaborating physician.
- e. The collaborating physician is responsible for supervision through ready availability for consultation and direction of the activities of the APRN within the APRN's defined scope of practice to ensure the quality of health care provided to patients.
 - f. The collaborating physician and the APRN have a duty to notify the Department upon termination of the agreement.
3. An official transcript showing a master's or doctoral degree in nursing, except for the clinical specialty of women's health or neonatal, and either:
 - a. An official record from an educational institution documenting 45 contact hours of course work in pharmacotherapeutics, advanced health assessment and advanced pathophysiology or psychopathology (course descriptions showing specific content or a letter from the program director indicating content hours and course descriptions indicating where each of the required subject areas were taught will be accepted); and
 - b. An attestation of completion of 2000 hours of practice under the supervision of a physician; or
 - c. If applicable, a statement attesting to jointly approved protocols agreed upon by the collaborating physician and the APRN.

100-005.03 Waiver: If, after a diligent effort to obtain an Integrated Practice Agreement, an APRN is unable to obtain an agreement with at least one physician, the Board may waive the requirement for an agreement based upon evidence that the applicant has a master's degree or a doctoral degree in nursing and has completed an approved nurse practitioner program, can demonstrate 45 contact hours of separate course work in pharmacotherapeutics, advanced health assessment, and pathophysiology or psychopathology, and has completed a minimum of 2000 hours of practice under the supervision of a physician.

1. The APRN must have made a diligent effort to obtain an Integrated Practice Agreement, and must agree to practice in a geographic area where there is a shortage of health care services as determined by the Board.
2. An applicant for waiver must submit a request to the Board.
3. Any waiver granted by the Board will be for the time specified by the Board.

100-006 RENEWAL OF A LICENSE

100-006.01 Expiration: All APRN licenses issued by the Department pursuant to the Act and these regulations expire on October 31 of each even-numbered year unless renewed as provided below.

100-006.02 Requirements: Before his/her license will be renewed an APRN must:

1. Have a current registered nurse license in Nebraska or authority to practice as an RN in this state pursuant to the Nurse Licensure Compact;
2. Meet the following requirements for continuing competency (attestation of meeting continuing competency requirements satisfies the documentation requirement of Neb. Rev. Stat. § 71-1724):
 - a. Current national certification/recertification;
 - b. Documentation of a minimum of 2080 hours of practice as an APRN within the five years immediately preceding renewal:
 - (1) At least 500 of the 2080 hours of practice must be in a clinical role in which there is a direct nurse/patient relationship.
 - (2) Applicants who have been licensed in Nebraska or authorized by any other jurisdiction for less than five years will not be required to meet the practice requirement for license renewal; and
 - c. Documentation of 40 contact hours of continuing education in the clinical specialty area within the previous two years, 10 hours of which must be in pharmacotherapeutics.
 - (1) Applicants who have been licensed in Nebraska or authorized by any other jurisdiction for less than two years will not be required to meet the continuing education or practice requirement for license renewal.
 - d. Applicants seeking renewal who can not meet these requirements must complete a reentry program approved by the Board. The reentry program must include a minimum of 2080 hours of practice within the previous five years, and 40 contact hours of continuing education within the previous two years, ten hours of which must be in pharmacotherapeutics.
 - (1) Applicants must obtain a temporary permit for the practice portion of the reentry program; and
3. Pay the renewal fee.

100-006.03 Procedures

100-006.03A First Notice: On or before August 1 of even-numbered years, the Department will send a renewal notice and a notice of requirement for documentation of continuing competency 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.

1. The renewal notice will specify:
 - a. The name of the licensee;
 - b. The licensee's last known address of record;
 - c. The license number;
 - d. The expiration date of the license;
 - d. The renewal fee as prescribed in 172 NAC 100-009;

- e. The attestation of continuing competency;
 - f. The option to place the license on lapsed status; and
 - g. The attestation of primary state of residence.
2. The licensee must apply for renewal by submitting to the Department:
 - a. The renewal notice;
 - b. The renewal fee;
 - c. The licensee's Social Security number;
 - d. Attestation of meeting the continuing competency requirements within the required time period or application for waiver of continuing competency; and
 - e. Documentation relating to misdemeanor or felony conviction(s) or licensure revocation, suspension, limitation or disciplinary action (if applicable).
 3. If the licensee wishes to place her/his license on lapsed status s/he must:
 - a. Request that her/his license be placed on lapsed status by submitting to the Department the renewal notice with a check in the box marked lapsed.
 4. 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 status.
 5. A licensee whose license is on lapsed status must not practice in this state.

100-006.03B Second Notice: The Department will send to each licensee who fails to renew her/his license or place the license on lapsed status in response to the first notice, a second notice of renewal in accordance with the requirements of 172 100-006.03A 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 100-010 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;
6. That upon failure to receive \$25 in addition to the renewal fee, and documentation of continuing competency, the license will be lapsed.

100-006.03C 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:

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- 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).

100-006.03D If the licensee wishes to place her/his license on lapsed status s/he must request that her/his license be placed on lapsed status by submitting to the Department the renewal notice with a check in the box marked lapsed.

100-006.03E 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 status.

100-007 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.

100-007.01 Eligibility

100-007.01A An individual whose credential has been previously:

1. Placed on lapsed status;
2. Suspended or limited for disciplinary reasons; or
3. 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.

100-007.01B 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.

100-007.01C An individual who practices prior to re-credentialing, is subject to:

1. Assessment of an administrative penalty pursuant to 172 NAC 100-010, 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.

100-007.02 Requirements to Move a Credential from Lapsed to Active Status: A person whose credential has been placed on lapsed status may have her/his credential moved from lapsed to active status 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.

100-007.03 Procedures for Moving from Lapsed to Active Status: To move a credential from lapsed status to active status, 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; and
 - f. Verification that the continuing competency requirements for renewal have been met;

2. The renewal fee and the late fee; and
3. 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.

100-007.03A If an applicant has practiced while her/his credential was lapsed the Department may:

1. Assess an administrative penalty pursuant to 172 NAC 100-010;
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.

100-007.03B 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.

100-007.03C In either event pursuant to 172 NAC 100-007.03A or 100-007.03B, a notice and the opportunity for hearing will be given to the applicant.

100-007.03D The Department will act within 150 days on all completed applications.

100-007.04 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.

100-007.05 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 100-010 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 100-007.05G.

100-007.05A 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.

100-007.05B 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.

100-007.05C 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.

100-007.05D If the Board recommends reinstatement of the credential, no public hearing need be held on the petition.

100-007.05E 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.

100-007.05E1 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.

100-007.05E2 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.

100-007.05F 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.

100-007.05G 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.

100-007.05G1 If the Board recommends reinstatement of the credential:

1. The Board will send its 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.

100-007.05G2 If the Board recommends reinstatement of the credential with terms, conditions, or restrictions:

1. The Board will send its 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.

100-007.05G3 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.

100-007.06 Procedures for Restoration of Credentials Voluntarily Surrendered or Limited for an Indefinite Period of Time

100-007.06A 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.

100-007.06A1 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.

100-007.06A2 If an applicant has practiced while her/his credential was voluntarily surrendered, the Department may:

1. Assess an administrative penalty pursuant to 172 NAC 100-010;
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.

100-007.06A3 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:

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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.

100-007.06A4 In either event pursuant to 172 NAC 100-007.06A2 or 100-007.06A3, a notice and the opportunity for hearing will be given to the applicant.

100-007.06A5 The Department will act within 150 days on all completed applications.

100-007.07 Procedures for Restoration of Credentials Voluntarily Surrendered or Limited for a Specific and Definite Period of Time

100-007.07A 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.

100-007.07B 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 100-010.

100-007.08 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.

100-008 GROUNDS ON WHICH THE DEPARTMENT MAY DENY, REFUSE RENEWAL OF, OR DISCIPLINE A LICENSE

100-008.01 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.

100-008.02 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 unprofessional conduct, which term includes but is not limited to:

1. Misappropriating medications, supplies, or personal items of a patient or agency;
2. Violating the confidentiality of information or knowledge concerning the patient.
3. Committing any act which endangers patient safety or welfare;
4. Failure to seek consultation and collaboration or failure to refer a patient when warranted by patient condition;
5. Practice of the profession without a current active license or temporary permit;
6. Failure of a licensee, who is subject of a disciplinary investigation, to furnish the Board or its investigator with requested information or requested documents;
7. Falsification or misrepresentation of material facts in attempting to procure employment as an APRN;

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8. Intentional falsification of material facts in a material document connected with the practice of advanced practice nursing;
9. Kissing, fondling, touching or engaging in any other activities of a sexual nature with a patient; and
10. Violating any term of probation, condition, or limitation imposed on the licensee by the Department.

100-009 SCHEDULE OF FEES

100-009.01 The following fees have been set by the Department by this regulation to be paid as a condition of issuance of licensure.

1. Initial License Fee: By an applicant for a license to practice as an APRN, the fee of \$100. If the applicant's primary state of residence is another compact state, s/he must also pay the Licensee Assistance Program fee of \$1 for each year remaining in the current biennial renewal period.
2. Proration of Initial License Fee: For issuance of a license that will expire within 180 days after its initial issuance date, the Department will collect \$25 and the Licensee Assistance Program fee of \$1, and the license will be valid until the next subsequent renewal date.
3. License Renewal Fee: By an applicant for renewal of a license to practice as an APRN, the fee of \$75. If the applicant's primary state of residence is another compact state, s/he must also pay the Licensee Assistance Program fee of \$2.
4. Reinstatement from Lapsed Status Fee: By an applicant for reinstatement from lapsed status of a license to practice as an APRN, the fee of \$25 in addition to the renewal fee.
5. Reinstatement Following Discipline Fee: For reinstatement following suspension, limitation or revocation for disciplinary reasons, the fee of \$75.
6. 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.
7. Verification of License Fee: For issuance of a verification of a license, the fee of \$5. The verification includes written confirmation as to whether the license was valid at the time the request was made.
8. Duplicate License Fee: For a duplicate of an original license document or reissued license, a fee of \$10.
9. Late Fee: By an applicant for renewal on a biennial basis of a license who fails

to pay the renewal fee on or before the expiration date of his/her license, the fee of \$25 as a late fee in addition to the renewal fee.

10. Administrative Fee: For a denied license or a withdrawn application, an administrative fee of \$25 will be retained by the Department.

100-010 ADMINISTRATIVE PENALTY: The Department may assess an administrative penalty when evidence exists that a person practiced 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.

100-010.01 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.

100-010.02 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.

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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.

100-010.03 Administrative Hearing: When a person contests the administrative penalty and requests a hearing, the Department must hold a hearing pursuant to Neb. Rev. Stat. §§ 84-901 to 84-920 and the Department's Rules of Practice and Procedure.