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 maybe 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.