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NEBRASKA DEPARTMENT OF
HEALTH AND HUMAN SERVICES

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TITLE 172 PROFESSIONAL AND OCCUPATIONAL LICENSURE

CHAPTER 98 ADVANCED PRACTICE REGISTERED NURSE LICENSURE

98-001 SCOPE AND AUTHORITY: These regulations govern the licensure of advanced practice registered nurses in the State of Nebraska. Statutory authority for these regulations is in the Advanced Practice Registered Nurse Licensure Act, the Nurse Licensure Compact, and the Uniform Licensing Law.

98-002 DEFINITIONS

APRN (Advanced Practice Registered Nurse) means a registered nurse who holds a current APRN license as a Certified Nurse Midwife, Certified Registered Nurse Anesthetist, Clinical Nurse Specialist, or Nurse Practitioner.

APRN-CNM means a registered nurse who holds a current APRN license as a Certified Nurse Midwife.

APRN-CNS means a registered nurse who holds a current APRN license as a Clinical Nurse Specialist.

APRN-CRNA means a registered nurse who holds a current APRN license as a Certified Registered Nurse Anesthetist.

APRN-NP means a registered nurse who holds a current APRN license as a Nurse Practitioner.

Board means the Board of Advanced Practice Registered Nurses.

Department means the Division of Public Health in the Department of Health and Human Services.

Expired license means a license whose expiration date has passed.

Inactive license means a license which the license holder has voluntarily placed on inactive status. An individual with an inactive license has terminated the right to practice or represent himself or herself as having an active license.

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.

98-003 SCHEDULE OF FEES

98-003.01 The following fees must be paid as a condition of issuance of licensure.

1. Initial License Fee: By an applicant for a license to practice as an APRN-CNM, APRN-CNS, APRN-CRNA, or APRN-NP, the fee of \$30. 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.

a. 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.

2. License Renewal Fee: By an applicant for renewal of a license to practice as an APRN-CNM, APRN-CNS, APRN-CRNA, or APRN-NP, the fee of \$30. If the applicant's primary state of residence is another compact state, s/he must also pay the Licensee Assistance Program fee of \$2.

3. Fee for Reinstatement from Expired or Inactive Status: By an applicant for reinstatement from expired or inactive status of a license to practice as an APRN-CNM, APRN-CNS, APRN-CRNA, or APRN-NP, the fee of \$35 in addition to the renewal fee.

4. Fee for Reinstatement Following Discipline: For reinstatement following suspension or revocation for disciplinary reasons, the fee of \$75.

5. 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.

6. 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.

7. Duplicate License Fee: For a duplicate of an original license document or reissued license, a fee of \$10.

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

98-004 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.

98-004.01 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.

98-004.02 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

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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.

98-004.03 Administrative Hearing: When a person contests the administrative penalty and requests a hearing, the Department will hold a hearing pursuant to the state Administrative Procedure Act and the Department's Rules of Practice and Procedure.

98-005 LAPSE OF APRN LICENSE: An APRN's license will lapse if s/he does not renew his or her license to practice as a registered nurse or is not authorized to practice as a registered nurse in this state under the Nurse Licensure Compact.