

LEGISLATURE OF NEBRASKA  
ONE HUNDRED EIGHTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 422**

Introduced by Kauth, 31.

Read first time January 13, 2023

Committee:

- 1 A BILL FOR AN ACT relating to the Medicine and Surgery Practice Act; to
- 2 amend section 38-2037, Reissue Revised Statutes of Nebraska; to
- 3 exempt certain activities from disciplinary action; and to repeal
- 4 the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 38-2037, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 38-2037 (1) In addition to the grounds for disciplinary action  
4 found in sections 38-178 and 38-179, a license to practice medicine and  
5 surgery or osteopathic medicine and surgery or a license to practice as a  
6 physician assistant may be denied, refused renewal, limited, revoked, or  
7 suspended or have other disciplinary measures taken against it in  
8 accordance with section 38-196 when the applicant or licensee fails to  
9 comply with the provisions of section 71-603.01, 71-604, 71-605, or  
10 71-606 relating to the signing of birth and death certificates.

11 (2) A license to practice medicine and surgery or osteopathic  
12 medicine and surgery shall not be subject to any disciplinary measures as  
13 a result of the applicant or licensee expressing an opinion or providing  
14 medical advice that disagrees with the medical consensus on an issue of  
15 health or disease unless the opinion or advice is disseminated with  
16 malicious intent or an intent to deceive.

17 Sec. 2. Original section 38-2037, Reissue Revised Statutes of  
18 Nebraska, is repealed.