

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 646**

Introduced by Christensen, 44.

Read first time January 19, 2011

Committee: Health and Human Services

A BILL

- 1 FOR AN ACT relating to emergency medical services; to amend sections
- 2 38-1207, 48-101.01, and 71-8215, Reissue Revised Statutes
- 3 of Nebraska; to redefine terms; to repeal the original
- 4 sections; and to declare an emergency.
- 5 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 38-1207, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           38-1207 Emergency medical service means the organization  
4 responding to a perceived individual need for ~~immediate~~ medical care  
5 in order to prevent loss of life or aggravation of physiological or  
6 psychological illness or injury.

7           Sec. 2. Section 48-101.01, Reissue Revised Statutes of  
8 Nebraska, is amended to read:

9           48-101.01 (1) Personal injury includes mental injuries  
10 and mental illness unaccompanied by physical injury for an employee  
11 who is a first responder if such first responder:

12           (a) Establishes, by a preponderance of the evidence, that  
13 the employee's employment conditions causing the mental injury or  
14 mental illness were extraordinary and unusual in comparison to the  
15 normal conditions of the particular employment; and

16           (b) Establishes, by a preponderance of the evidence, the  
17 medical causation between the mental injury or mental illness and the  
18 employment conditions by medical evidence.

19           (2) For purposes of this section, mental injuries and  
20 mental illness arising out of and in the course of employment  
21 unaccompanied by physical injury are not considered compensable if  
22 they result from any event or series of events which are incidental  
23 to normal employer and employee relations, including, but not limited  
24 to, personnel actions by the employer such as disciplinary actions,  
25 work evaluations, transfers, promotions, demotions, salary reviews,

1 or terminations.

2 (3) For purposes of this section, first responder means a  
3 sheriff, a deputy sheriff, a police officer, an officer of the  
4 Nebraska State Patrol, a volunteer or paid firefighter, or a  
5 volunteer or paid individual licensed under a licensure  
6 classification in subdivision (1) of section 38-1217 who provides  
7 ~~immediate~~ medical care in order to prevent loss of life or  
8 aggravation of physiological or psychological illness or injury.

9 Sec. 3. Section 71-8215, Reissue Revised Statutes of  
10 Nebraska, is amended to read:

11 71-8215 Emergency medical service means the organization  
12 responding to a perceived individual need for ~~immediate~~ medical care  
13 in order to prevent loss of life or aggravation of physiological or  
14 psychological illness or injury.

15 Sec. 4. Original sections 38-1207, 48-101.01, and  
16 71-8215, Reissue Revised Statutes of Nebraska, are repealed.

17 Sec. 5. Since an emergency exists, this act takes effect  
18 when passed and approved according to law.