

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 515**

Introduced by Flood, 19.

Read first time January 21, 2009

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to the Emergency Medical Services Practice Act;  
2 to amend sections 38-1215, 38-1217, 38-1218, and 38-1224,  
3 Reissue Revised Statutes of Nebraska; to change titles  
4 of classifications for providers; to provide for skills  
5 competency tests and curricula; to harmonize provisions;  
6 and to repeal the original sections.  
7 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 38-1215, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           38-1215 (1) The board shall have seventeen members  
4 appointed by the Governor with the approval of a majority of  
5 the Legislature. The appointees may begin to serve immediately  
6 following appointment and prior to approval by the Legislature.

7           (2)(a) Seven members of the ~~Board of Emergency Medical~~  
8 ~~Services~~ board shall be active out-of-hospital emergency care  
9 providers at the time of and for the duration of their  
10 appointment, and each shall have at least five years of  
11 experience in his or her level of licensure at the time of  
12 his or her appointment or reappointment. Two of the seven  
13 members who are out-of-hospital emergency care providers shall  
14 be ~~first~~ emergency medical responders, two shall be emergency  
15 medical technicians, one shall be an advanced emergency medical  
16 ~~technician-intermediate,~~ technician, and two shall be ~~emergency~~  
17 ~~medical technicians-paramedic.~~ paramedics.

18           (b) Three of the members shall be qualified physicians  
19 actively involved in emergency medical care. At least one of the  
20 physician members shall be a board-certified emergency physician.

21           (c) Five members shall be appointed to include one member  
22 who is a representative of an approved training agency, one member  
23 who is a physician assistant with at least five years of experience  
24 and active in out-of-hospital emergency medical care education,  
25 one member who is a registered nurse with at least five years

1 of experience and active in out-of-hospital emergency medical care  
2 education, and two public members who meet the requirements of  
3 section 38-165 and who have an expressed interest in the provision  
4 of out-of-hospital emergency medical care.

5 (d) The remaining two members shall have any of the  
6 qualifications listed in subdivision (a), (b), or (c) of this  
7 subsection.

8 (e) In addition to any other criteria for appointment,  
9 among the members of the board there shall be at least one member  
10 who is a volunteer emergency medical care provider, at least one  
11 member who is a paid emergency medical care provider, at least  
12 one member who is a firefighter, at least one member who is a  
13 law enforcement officer, and at least one member who is active  
14 in the Critical Incident Stress Management Program. If a person  
15 appointed to the board is qualified to serve as a member in more  
16 than one capacity, all qualifications of such person shall be taken  
17 into consideration to determine whether or not the diversity in  
18 qualifications required in this subsection has been met.

19 (f) At least five members of the board shall be appointed  
20 from each congressional district, and at least one of such members  
21 shall be a physician member described in subdivision (b) of this  
22 subsection.

23 (3) Members shall serve five-year terms beginning on  
24 December 1 and may serve for any number of such terms. The terms of  
25 the members of the board appointed prior to December 1, 2008, shall

1 be extended by two years and until December 1 of such year. Each  
2 member shall hold office until the expiration of his or her term.  
3 Any vacancy in membership, other than by expiration of a term,  
4 shall be filled within ninety days by the Governor by appointment  
5 as provided in subsection (2) of this section.

6 (4) Special meetings of the board may be called by the  
7 department or upon the written request of any six members of the  
8 board explaining the reason for such meeting. The place of the  
9 meetings shall be set by the department.

10 (5) The Governor upon recommendation of the department  
11 shall have power to remove from office at any time any member  
12 of the board for physical or mental incapacity to carry out the  
13 duties of a board member, for continued neglect of duty, for  
14 incompetency, for acting beyond the individual member's scope of  
15 authority, for malfeasance in office, for any cause for which a  
16 professional credential may be suspended or revoked pursuant to the  
17 Uniform Credentialing Act, or for a lack of license required by the  
18 Emergency Medical Services Practice Act.

19 (6) Except as provided in subsection (5) of this section  
20 and notwithstanding subsection (2) of this section, a member of  
21 the board who changes his or her licensure classification after  
22 appointment when such licensure classification was a qualification  
23 for appointment shall be permitted to continue to serve as a member  
24 of the board until the expiration of his or her term.

25 Sec. 2. Section 38-1217, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2           38-1217 The board shall adopt rules and regulations  
3 necessary to:

4           (1) Create the following licensure classifications of  
5 out-of-hospital emergency care providers: (a) ~~First~~ Emergency  
6 medical responder; (b) emergency medical technician; (c) advanced  
7 emergency medical ~~technician-intermediate~~; technician; and (d)  
8 ~~emergency medical technician-paramedic~~; paramedic. The rules  
9 and regulations creating the classifications shall include the  
10 practices and procedures authorized for each classification,  
11 training and testing requirements, renewal and reinstatement  
12 requirements, and other criteria and qualifications for each  
13 classification determined to be necessary for protection of public  
14 health and safety;

15           (2) Set standards for the licensure of basic life  
16 support services and advanced life support services. The rules and  
17 regulations providing for licensure shall include standards and  
18 requirements for: Vehicles, equipment, maintenance, sanitation,  
19 inspections, personnel, training, medical direction, records  
20 maintenance, practices and procedures to be provided by employees  
21 or members of each classification of service, and other criteria  
22 for licensure established by the board;

23           (3) Authorize emergency medical services to provide  
24 differing practices and procedures depending upon the  
25 qualifications of out-of-hospital emergency care providers

1 available at the time of service delivery. No emergency medical  
2 service shall be licensed to provide practices or procedures  
3 without the use of personnel licensed to provide the practices or  
4 procedures;

5 (4) Authorize out-of-hospital emergency care providers to  
6 perform any practice or procedure which they are authorized to  
7 perform with an emergency medical service other than the service  
8 with which they are affiliated when requested by the other service  
9 and when the patient for whom they are to render services is in  
10 danger of loss of life;

11 (5) Provide for the approval of training agencies and  
12 establish minimum standards for services provided by training  
13 agencies;

14 (6) Provide for the minimum qualifications of a physician  
15 medical director in addition to the licensure required by section  
16 38-1212;

17 (7) Provide for the use of physician medical directors,  
18 qualified physician surrogates, model protocols, standing orders,  
19 operating procedures, and guidelines which may be necessary or  
20 appropriate to carry out the purposes of the Emergency Medical  
21 Services Practice Act. The model protocols, standing orders,  
22 operating procedures, and guidelines may be modified by the  
23 physician medical director for use by any out-of-hospital emergency  
24 care provider or emergency medical service before or after  
25 adoption;

1           (8) Establish criteria for approval of organizations  
2     issuing cardiopulmonary resuscitation certification which shall  
3     include criteria for instructors, establishment of certification  
4     periods and minimum curricula, and other aspects of training and  
5     certification;

6           (9) Establish renewal and reinstatement requirements  
7     for out-of-hospital emergency care providers and emergency  
8     medical services and establish continuing competency requirements.  
9     Continuing education is sufficient to meet continuing competency  
10    requirements. The requirements may also include, but not be  
11    limited to, one or more of the continuing competency activities  
12    listed in section 38-145 which a licensed person may select  
13    as an alternative to continuing education. The reinstatement  
14    requirements for out-of-hospital emergency care providers shall  
15    allow reinstatement at the same or any lower level of licensure  
16    for which the out-of-hospital emergency care provider is determined  
17    to be qualified;

18          (10) Establish criteria for deployment and use of  
19    automated external defibrillators as necessary for the protection  
20    of the public health and safety;

21          (11) Create licensure, renewal, and reinstatement  
22    requirements for emergency medical service instructors. The rules  
23    and regulations shall include the practices and procedures for  
24    licensure, renewal, and reinstatement; and

25          (12) Establish criteria for advanced emergency medical

1 ~~technicians-intermediate~~ technicians and ~~emergency medical~~  
2 ~~technicians-paramedic~~ paramedics performing activities within  
3 their scope of practice at a hospital or health clinic under  
4 subsection (3) of section 38-1224. Such criteria shall include,  
5 but not be limited to: (a) Requirements for the orientation of  
6 registered nurses, physician assistants, and physicians involved  
7 in the supervision of such personnel; (b) supervisory and training  
8 requirements for the physician medical director or other person  
9 in charge of the medical staff at such hospital or health clinic;  
10 and (c) a requirement that such activities shall only be performed  
11 at the discretion of, and with the approval of, the governing  
12 authority of such hospital or health clinic. For purposes of this  
13 subdivision, health clinic has the definition found in section  
14 71-416 and hospital has the definition found in section 71-419.

15           Sec. 3. Section 38-1218, Reissue Revised Statutes of  
16 Nebraska, is amended to read:

17           38-1218 (1) The Legislature adopts all parts of the  
18 United States Department of Transportation curricula, including  
19 appendices, and skills as the training requirements and permitted  
20 practices and procedures board shall annually review and adopt  
21 an approved curricula for the licensure classifications listed in  
22 subdivision (1) of section 38-1217 ~~until modified~~ by rule and  
23 regulation.

24           (2) The department and the board shall consider the  
25 following factors, in addition to other factors required or



1 permitted by the Emergency Medical Services Practice Act, when  
2 adopting rules and regulations for a licensure classification:

3 (a) Whether the initial training required for licensure  
4 in the classification is sufficient to enable the out-of-hospital  
5 emergency care provider to perform the practices and procedures  
6 authorized for the classification in a manner which is beneficial  
7 to the patient and protects public health and safety;

8 (b) Whether the practices and procedures to be authorized  
9 are necessary to the efficient and effective delivery of  
10 out-of-hospital emergency medical care;

11 (c) Whether morbidity can be reduced or recovery enhanced  
12 by the use of the practices and procedures to be authorized for the  
13 classification; and

14 (d) Whether continuing competency requirements  
15 are sufficient to maintain the skills authorized for the  
16 classification.

17 (3) The board shall establish a skills competency test  
18 for licensure of emergency medical responders and emergency medical  
19 technicians. For purposes of this section, skills competency test  
20 means a hands-on or oral test of the abilities to perform skills  
21 and develop a treatment plan within the practices and procedures  
22 for the classification being tested for an individual seeking  
23 licensure as an emergency medical responder or emergency medical  
24 technician.

25 Sec. 4. Section 38-1224, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2           38-1224 (1) An out-of-hospital emergency care provider  
3 other than a ~~first~~ an emergency medical responder as classified  
4 under section 38-1217 may not assume the duties incident to the  
5 title or practice the skills of an out-of-hospital emergency care  
6 provider unless he or she is employed by or serving as a volunteer  
7 member of an emergency medical service licensed by the department.

8           (2) An out-of-hospital emergency care provider may only  
9 practice the skills he or she is authorized to employ and which  
10 are covered by the license issued to such provider pursuant to the  
11 Emergency Medical Services Practice Act.

12           (3) An advanced emergency medical ~~technician-intermediate~~  
13 ~~or an emergency medical technician-paramedic~~ technician or a  
14 paramedic may volunteer or be employed at a hospital as defined in  
15 section 71-419 or a health clinic as defined in section 71-416 to  
16 perform activities within his or her scope of practice within such  
17 hospital or health clinic under the supervision of a registered  
18 nurse, a physician assistant, or a physician. Such activities shall  
19 be performed in a manner established in rules and regulations  
20 adopted and promulgated by the department, with the recommendation  
21 of the board.

22           Sec. 5. Original sections 38-1215, 38-1217, 38-1218, and  
23 38-1224, Reissue Revised Statutes of Nebraska, are repealed.