

HEALTH AND HUMAN SERVICES COMMITTEE OF THE NEBRASKA LEGISLATURE

Report as required by Neb. Rev. Stat. 84-948

Committee Members

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Occupational Board Reform Act

The Legislature passed the Occupational Board Reform Act in 2018 (Neb. Rev. Stat. §§ 84-901 to 84-920) with an operative date of July 1, 2019. The act requires that:

“Beginning in 2019, each standing committee of the Legislature shall annually review and analyze approximately twenty percent of the occupational regulations within the jurisdiction of the committee and prepare and submit an annual report electronically to the Clerk of the Legislature by December 15 of each year as provided in this section. Each committee shall complete this process for all occupational regulations within its jurisdiction within five years and every five years thereafter. Each report shall include the committee's recommendations regarding whether the occupational regulations should be terminated, continued, or modified.” (Neb. Rev. Stat. § 84-948)

Committee Findings

Neb. Rev. Stat. 84-948 requires the report to include the following with answers in bold:

(3) A committee's report shall include, but not be limited to, the following:

(a) The title of the regulated occupation and the name of the occupational board responsible for enforcement of the occupational regulations.

The Board of Emergency Service regulates the following occupations: Temporary Paramedic, Temporary Emergency Medical Responder, Community Paramedic, Temporary Advanced Emergency Medical Technician, Temporary Community Paramedic, Critical Care Paramedic, Emergency Medical Technician Intermediate, Paramedic, Temporary Critical Care Paramedic, Emergency Medical Technician, Emergency Medical Service Instructor, Emergency Medical Responder, and Advanced Emergency Medical Technician.

(b) The statutory citation or other authorization for the creation of the occupational regulations and occupational board;

Neb. Rev. Stat. 38-1201 through 38-1237. Rules and regulations are found in Title 172, Chapters 9, 11-13.

(c) The number of members of the occupational board and how the members are appointed;
17 members appointed by Governor.

(d) The qualifications for membership on the occupational board;

Please see Neb. Rev. Stat. 38-1215

<https://nebraskalegislature.gov/laws/statutes.php?statute=38-1215>

(e) The number of times the occupational board is required to meet during the year and the number of times it actually met;

• Required FY 2024-2023:

1

- **Held FY 2024-2023:**

6

- **Required FY 2023-2022:**

1

- **Held FY 2023-2022:**

5

- **Required FY 2022-2021:**

1

- **Held FY 2022-2021:**

6

- **Required FY 2021-2020:**

1

- **Held FY 2021-2020:**

5

- **Required FY 2020-2019:**

1

- **Held FY 2020-2019:**

6

(f) Annual budget information for the occupational board for the five most recently completed fiscal years;

This profession has no licensing fee requirement. Funding is provided via Neb. Rev. Stat. 60-3,156 which covers the operational costs, including shared staff. There is no Board-specific budget. However, DHHS utilized general funds for any board expenses.

The Budget is 0 for the past 5 fiscal years (see above).

<https://nebraskalegislature.gov/laws/statutes.php?statute=60-3,156>

(g) For the immediately preceding five calendar years, or for the period of time less than five years for which the information is practically available, the number of government certifications, occupational licenses, and registrations the occupational board has issued, revoke, denied, or assessed penalties against, listed anonymously and separately per type of credential, and the reasons for such revocations, denials, other penalties.

Government Certificates Issued:

Emergency Medical Responder: 119

Emergency Medical Technician: 1409

Temporary Paramedic: 17

Temporary Emergency Medical Responder: 0

Community Paramedic: 0

Temporary Advanced Emergency Medical Technician: 2

Temporary Community Paramedic: 0

Critical Care Paramedic: 0

Emergency Medical Technician-Intermediate: 0

Paramedic: 699

Temporary Critical Care Paramedic: 0

Emergency Medical Service Instructor: 134

Advanced Emergency Medical Technician: 66

Temporary Emergency Medical Technician: 54

Denials:

Temporary Emergency Technician: 1

Emergency Medical Service Instructor: 1

Paramedic: 1

Emergency Medical Technician: 5

Reasons: felony/misdemeanor convictions, substance use disorder, failure to report convictions, failure to keep adequate records, practice beyond scope, probation violation, unprofessional conduct

Revocations:

Emergency Medical Technician: 6

Paramedic: 2

Reasons: felony/misdemeanor convictions, substance use disorder, failure to report convictions, failure to keep adequate records, practice beyond scope, probation violation, unprofessional conduct

Penalties Against:

Paramedic: 2

Emergency Medical Technician: 12

Reasons: misdemeanor convictions, probation violations, failure to comply with treatment recommendations, active addictions, misrepresentation of material facts, disciplinary action by another state, failure to comply with investigation, failure to meet educational requirements

(h) A review of the basic assumptions underlying the creation of the occupational regulations;

Please see Neb. Rev. Stat. 38-1202 and 38-1203:

<https://nebraskalegislature.gov/laws/statutes.php?statute=38-1202>

<https://nebraskalegislature.gov/laws/statutes.php?statute=38-1203>

(i) A statement from the occupational board on the effectiveness of the occupational regulations

The Chair of the Board of Emergency Medical Services found the new rules and regulations effective, stating “Nebraska EMS board members traveled to over a dozen

cities throughout Nebraska holding open forums to identify the needs, concerns, challenges, and difficulties EMS providers, services, and training agencies were experiencing. The EMS Board then held its first ever strategic planning session in the spring of 2015 and established subcommittees to address those items identified during our listening sessions, specifically changes that were needed to the current rules and regulations. The EMS Board worked with State Senators, DHHS, and numerous stakeholders to pass legislation required to allow the rules and regulations to be altered. As a result, a total rewrite of the three chapters of the Nebraska EMS rules and regulations were completed in 3 2019 and are currently in the AG office for approval. During public comment sessions for the pending new rules and regulations there was no opposition to the changes recommended.” (2020)

(j) A comparison of whether and how other states regulate the occupation;

All states require licensure for EMTs. Please also see link from the National Association of State Emergency Medical Services Officials:

https://www.nasemso.org/content.aspx?page_id=22&club_id=157064&module_id=701974

(4) Subject to subsection)5) of this section, each committee shall also analyze, and include in its report, whether the occupational regulations meet the policies stated in section 84-946 considering the following recommended courses of action for meeting such policies:

The regulations appear to be consistent with the statutes.

- (a) If the need is to protect consumers against fraud, the likely recommendation will be to strengthen powers under the Uniform Deceptive Trade Practices Act or require disclosures that will reduce misleading attributes of the specific goods or services:

N/A

- (b) If the need is to protect consumers unclean facilities or to promote general health and safety, the likely recommendation will be to require periodic inspections of such facilities;

N/A

- (c) If the need is protect consumers against potential damages from failure by providers to complete a contract fully or up to standards, the likely recommendation will be to require that providers be bonded:

N/A

- (d) If the need is to protect a person who is not party to a contract between the provider and consumer, the likely recommendation will be to require that the provider have insurance;

N/A

- (e) If the need is to protect consumers against potential damages by transient providers, the likely recommendation will be to require that providers register their businesses with the Secretary of State;

N/A

- (f) If the need is to protect consumers against a shortfall or imbalance of knowledge about the goods or services relative to the providers' knowledge, the likely recommendation will be to enact government certification; and

N/A

- (g) If the need is to address a systematic information shortfall such that a reasonable consumer is unable to distinguish between the quality of providers, there is an absence of institutions that provide adequate guidance to the consumer, and the consumer's inability to distinguish between providers and the lack of adequate guidance allows for undue risk of present, significant, and substantiated harms, the likely recommendation will be to enact an occupational license.

N/A

(5) If a lawful occupation is subject to the Nebraska Regulation of Health Professions Act, the analysis under subsection (4) of this section shall be made using the least restrictive method of regulation as set out in section 71-6222.

N/A

(6) In developing recommendations under this section, the committee shall review any report issued to the Legislature pursuant to the Nebraska Regulation of Health Professions Act, if applicable, and consider any findings or recommendations of such report related to the occupational regulations under review.

N/A

(7) If the committee finds that it is necessary to change occupational regulations, the committee shall recommend the least restrictive regulation consistent with the public interest and the policies in this section and section 84-946.

NA

Conclusion

The licenses under the Emergency Medical Services Practice Act are intended to protect the health, safety, and welfare of Nebraskans. As a whole, regulation of these occupations under the EMS Board is appropriate and balanced and does not need modification at this time.