

AMENDMENTS TO LB 515

Introduced by Health and Human Services.

1           1. Strike the original sections and insert the following  
2 new sections:

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

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

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

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

1           (c) Five members shall be appointed to include one member  
2 who is a representative of an approved training agency, one member  
3 who is a physician assistant with at least five years of experience  
4 and active in out-of-hospital emergency medical care education,  
5 one member who is a registered nurse with at least five years  
6 of experience and active in out-of-hospital emergency medical care  
7 education, and two public members who meet the requirements of  
8 section 38-165 and who have an expressed interest in the provision  
9 of out-of-hospital emergency medical care.

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

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

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

1           (3) Members shall serve five-year terms beginning on  
2 December 1 and may serve for any number of such terms. The terms of  
3 the members of the board appointed prior to December 1, 2008, shall  
4 be extended by two years and until December 1 of such year. Each  
5 member shall hold office until the expiration of his or her term.  
6 Any vacancy in membership, other than by expiration of a term,  
7 shall be filled within ninety days by the Governor by appointment  
8 as provided in subsection (2) of this section.

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

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

22           (6) Except as provided in subsection (5) of this section  
23 and notwithstanding subsection (2) of this section, a member of  
24 the board who changes his or her licensure classification after  
25 appointment or has a licensure classification which is terminated  
26 under section 38-1217 when such licensure classification was a  
27 qualification for appointment shall be permitted to continue to

1 serve as a member of the board until the expiration of his or her  
2 term.

3 Sec. 2. Section 38-1217, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5 38-1217 The board shall adopt rules and regulations  
6 necessary to:

7 ~~(1) Create (1)(a) For licenses issued prior to September~~  
8 1, 2010, create the following licensure classifications of  
9 out-of-hospital emergency care providers: (a) (i) First responder;  
10 (b) (ii) emergency medical technician; (c) (iii) emergency  
11 medical technician-intermediate; and (d) (iv) emergency medical  
12 technician-paramedic; and (b) for licenses issued on or after  
13 September 1, 2010, create the following licensure classifications  
14 of out-of-hospital emergency care providers: (i) Emergency medical  
15 responder; (ii) emergency medical technician; (iii) advanced  
16 emergency medical technician; and (iv) paramedic. The rules  
17 and regulations creating the classifications shall include the  
18 practices and procedures authorized for each classification,  
19 training and testing requirements, renewal and reinstatement  
20 requirements, and other criteria and qualifications for each  
21 classification determined to be necessary for protection of public  
22 health and safety. A person holding a license issued prior to  
23 September 1, 2010, shall be authorized to practice in accordance  
24 with the laws, rules, and regulations governing the license for the  
25 term of the license;

26 (2) Provide for temporary licensure of an out-of-hospital  
27 emergency care provider who has completed the educational

1 requirements for a licensure classification enumerated in  
2 subdivision (1)(b) of this section but has not completed the  
3 testing requirements for licensure under such subdivision.  
4 Temporary licensure shall be valid for one year or until a license  
5 is issued under such subdivision and shall not be subject to  
6 renewal. The rules and regulations shall include qualifications  
7 and training necessary for issuance of a temporary license, the  
8 practices and procedures authorized for a temporary licensee, and  
9 supervision required for a temporary licensee;

10       ~~(2)~~ (3) Set standards for the licensure of basic life  
11 support services and advanced life support services. The rules and  
12 regulations providing for licensure shall include standards and  
13 requirements for: Vehicles, equipment, maintenance, sanitation,  
14 inspections, personnel, training, medical direction, records  
15 maintenance, practices and procedures to be provided by employees  
16 or members of each classification of service, and other criteria  
17 for licensure established by the board;

18       ~~(3)~~ (4) Authorize emergency medical services to  
19 provide differing practices and procedures depending upon the  
20 qualifications of out-of-hospital emergency care providers  
21 available at the time of service delivery. No emergency medical  
22 service shall be licensed to provide practices or procedures  
23 without the use of personnel licensed to provide the practices or  
24 procedures;

25       ~~(4)~~ (5) Authorize out-of-hospital emergency care  
26 providers to perform any practice or procedure which they are  
27 authorized to perform with an emergency medical service other than

1 the service with which they are affiliated when requested by the  
2 other service and when the patient for whom they are to render  
3 services is in danger of loss of life;

4 ~~(5)~~ (6) Provide for the approval of training agencies  
5 and establish minimum standards for services provided by training  
6 agencies;

7 ~~(6)~~ (7) Provide for the minimum qualifications of a  
8 physician medical director in addition to the licensure required by  
9 section 38-1212;

10 ~~(7)~~ (8) Provide for the use of physician medical  
11 directors, qualified physician surrogates, model protocols,  
12 standing orders, operating procedures, and guidelines which may be  
13 necessary or appropriate to carry out the purposes of the Emergency  
14 Medical Services Practice Act. The model protocols, standing  
15 orders, operating procedures, and guidelines may be modified by  
16 the physician medical director for use by any out-of-hospital  
17 emergency care provider or emergency medical service before or  
18 after adoption;

19 ~~(8)~~ (9) Establish criteria for approval of organizations  
20 issuing cardiopulmonary resuscitation certification which shall  
21 include criteria for instructors, establishment of certification  
22 periods and minimum curricula, and other aspects of training and  
23 certification;

24 ~~(9)~~ (10) Establish renewal and reinstatement requirements  
25 for out-of-hospital emergency care providers and emergency  
26 medical services and establish continuing competency requirements.  
27 Continuing education is sufficient to meet continuing competency

1 requirements. The requirements may also include, but not be  
2 limited to, one or more of the continuing competency activities  
3 listed in section 38-145 which a licensed person may select  
4 as an alternative to continuing education. The reinstatement  
5 requirements for out-of-hospital emergency care providers shall  
6 allow reinstatement at the same or any lower level of licensure  
7 for which the out-of-hospital emergency care provider is determined  
8 to be qualified;

9 ~~(10)~~ (11) Establish criteria for deployment and use of  
10 automated external defibrillators as necessary for the protection  
11 of the public health and safety;

12 ~~(11)~~ (12) Create licensure, renewal, and reinstatement  
13 requirements for emergency medical service instructors. The rules  
14 and regulations shall include the practices and procedures for  
15 licensure, renewal, and reinstatement; and

16 ~~(12)~~ (13) Establish criteria for emergency medical  
17 technicians-intermediate, advanced emergency medical technicians,  
18 ~~and emergency medical technicians-paramedic, or paramedics~~  
19 performing activities within their scope of practice at a hospital  
20 or health clinic under subsection (3) of section 38-1224. Such  
21 criteria shall include, but not be limited to: (a) Requirements  
22 for the orientation of registered nurses, physician assistants,  
23 and physicians involved in the supervision of such personnel; (b)  
24 supervisory and training requirements for the physician medical  
25 director or other person in charge of the medical staff at  
26 such hospital or health clinic; and (c) a requirement that such  
27 activities shall only be performed at the discretion of, and with

1 the approval of, the governing authority of such hospital or health  
2 clinic. For purposes of this subdivision, health clinic has the  
3 definition found in section 71-416 and hospital has the definition  
4 found in section 71-419; and-

5 (14) Establish criteria and requirements for emergency  
6 medical technicians-intermediate to renew licenses issued prior  
7 to September 1, 2010, and continue to practice after such  
8 classification has otherwise terminated under subdivision (1)  
9 of this section. The rules and regulations shall include  
10 the qualifications necessary to renew emergency medical  
11 technicians-intermediate licenses after September 1, 2010, the  
12 practices and procedures authorized for persons holding and  
13 renewing such licenses, and the renewal and reinstatement  
14 requirements for holders of such licenses.

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 for the licensure classifications listed  
21 in subdivision ~~(1)~~ (1)(a) of section 38-1217 until modified by the  
22 board by rule and regulation. The Legislature adopts the United  
23 States Department of Transportation National Emergency Medical  
24 Services Education Standards and the National Emergency Medical  
25 Services Scope of Practice for the licensure classifications listed  
26 in subdivision (1)(b) of section 38-1217 until modified by the  
27 board by rule and regulation. The board may approve curricula for

1 the licensure classifications listed in subdivision (1) of section  
2 38-1217.

3 (2) The department and the board shall consider the  
4 following factors, in addition to other factors required or  
5 permitted by the Emergency Medical Services Practice Act, when  
6 adopting rules and regulations for a licensure classification:

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

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

15 (c) Whether morbidity can be reduced or recovery enhanced  
16 by the use of the practices and procedures to be authorized for the  
17 classification; and

18 (d) Whether continuing competency requirements  
19 are sufficient to maintain the skills authorized for the  
20 classification.

21 Sec. 4. Section 38-1219, Reissue Revised Statutes of  
22 Nebraska, is amended to read:

23 38-1219 The department, with the recommendation of the  
24 board, shall adopt and promulgate rules and regulations necessary  
25 to:

26 (1) Administer the Emergency Medical Services Practice  
27 Act;

1           (2) Provide for curricula which will allow  
2 out-of-hospital emergency care providers and users of automated  
3 external defibrillators as defined in section 71-51,102 to be  
4 trained for the delivery of practices and procedures in units of  
5 limited subject matter which will encourage continued development  
6 of abilities and use of such abilities through additional  
7 authorized practices and procedures;

8           (3) Establish procedures and requirements for  
9 applications for licensure, renewal, and reinstatement in  
10 any of the licensure classifications created pursuant to the  
11 Emergency Medical Services Practice Act, including provisions for  
12 issuing an emergency medical responder license to a licensee  
13 renewing his or her first responder license after September 1,  
14 2010, and for issuing a paramedic license to a licensee renewing  
15 his or her emergency medical technician-paramedic license after  
16 September 1, 2010; and

17           (4) Provide for the inspection, review, and termination  
18 of approval of training agencies. All training for licensure shall  
19 be provided through an approved training agency.

20           Sec. 5. Section 38-1221, Reissue Revised Statutes of  
21 Nebraska, is amended to read:

22           38-1221 (1) To be eligible for a license under the  
23 Emergency Medical Services Practice Act, an individual shall have  
24 attained the age of eighteen years and met the requirements  
25 established in accordance with subdivision (1), (2), or (14) of  
26 section 38-1217.

27           (2) All licenses issued under the act other than

1 temporary licenses shall expire the second year after issuance.

2 (3) An individual holding a certificate under the  
3 Emergency Medical Services Act on December 1, 2008, shall be deemed  
4 to be holding a license under the Uniform Credentialing Act and  
5 the Emergency Medical Services Practice Act on such date. The  
6 certificate holder may continue to practice under such certificate  
7 as a license in accordance with the Uniform Credentialing Act until  
8 the certificate would have expired under its terms.

9 Sec. 6. Section 38-1224, Reissue Revised Statutes of  
10 Nebraska, is amended to read:

11 38-1224 (1) An out-of-hospital emergency care provider  
12 other than a first responder or an emergency medical responder as  
13 classified under section 38-1217 may not assume the duties incident  
14 to the title or practice the skills of an out-of-hospital emergency  
15 care provider unless he or she is employed by or serving as a  
16 volunteer member of an emergency medical service licensed by the  
17 department.

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

22 (3) An emergency medical technician-intermediate, ~~or~~  
23 an emergency medical technician-paramedic, an advanced emergency  
24 medical technician, or a paramedic may volunteer or be employed  
25 at a hospital as defined in section 71-419 or a health clinic  
26 as defined in section 71-416 to perform activities within his  
27 or her scope of practice within such hospital or health clinic

1 under the supervision of a registered nurse, a physician assistant,  
2 or a physician. Such activities shall be performed in a manner  
3 established in rules and regulations adopted and promulgated by the  
4 department, with the recommendation of the board.

5 Sec. 7. Section 38-1232, Reissue Revised Statutes of  
6 Nebraska, is amended to read:

7 38-1232 (1) No out-of-hospital emergency care provider,  
8 physician assistant, registered nurse, or licensed practical nurse  
9 who provides public emergency care shall be liable in any civil  
10 action to respond in damages as a result of his or her acts  
11 of commission or omission arising out of and in the course of  
12 his or her rendering in good faith any such care. Nothing in  
13 this subsection shall be deemed to grant any such immunity for  
14 liability arising out of the operation of any motor vehicle,  
15 aircraft, or boat or while such person was impaired by alcoholic  
16 liquor or any controlled substance enumerated in section 28-405 in  
17 connection with such care, nor shall immunity apply to any person  
18 causing damage or injury by his or her willful, wanton, or grossly  
19 negligent act of commission or omission.

20 (2) No qualified physician or qualified physician  
21 surrogate who gives orders, either orally or by communication  
22 equipment, to any out-of-hospital emergency care provider at the  
23 scene of an emergency, no out-of-hospital emergency care provider  
24 following such orders within the limits of his or her licensure,  
25 and no out-of-hospital emergency care provider trainee in an  
26 approved training program following such orders, shall be liable  
27 civilly or criminally by reason of having issued or followed such

1 orders but shall be subject to the rules of law applicable to  
2 negligence.

3 (3) No physician medical director shall incur any  
4 liability by reason of his or her use of any unmodified protocol,  
5 standing order, operating procedure, or guideline provided by the  
6 board pursuant to subdivision ~~(7)~~ (8) of section 38-1217.

7 Sec. 8. Original sections 38-1215, 38-1217, 38-1218,  
8 38-1219, 38-1221, 38-1224, and 38-1232, Reissue Revised Statutes of  
9 Nebraska, are repealed.