

AMENDMENTS TO LB924

Introduced by Health and Human Services.

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

3           Section 1. Section 38-122, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5           38-122 Every initial credential to practice a profession or engage  
6 in a business shall be in the form of a document under the name of the  
7 department ~~and signed by the director, the Governor, and the officers of~~  
8 ~~the appropriate board, if any.~~

9           Sec. 2. Section 38-131, Reissue Revised Statutes of Nebraska, is  
10 amended to read:

11           38-131 (1) An applicant for an initial license to practice as a  
12 registered nurse or a licensed practical nurse or to practice a  
13 profession which is authorized to prescribe controlled substances shall  
14 be subject to a criminal background check. A criminal background check  
15 may also be required for initial licensure or reinstatement of a license  
16 governed by the Uniform Credentialing Act if a criminal background check  
17 is required by an interstate licensure compact. Except as provided in  
18 subsection (3) of this section, the applicant shall submit with the  
19 application a full set of fingerprints which shall be forwarded to the  
20 Nebraska State Patrol to be submitted to the Federal Bureau of  
21 Investigation for a national criminal history record information check.  
22 The applicant shall authorize release of the results of the national  
23 criminal history record information check to the department. The  
24 applicant shall pay the actual cost of the fingerprinting and criminal  
25 background check.

26           (2) This section shall not apply to a dentist who is an applicant  
27 for a dental locum tenens under section 38-1122, to a physician or

1 osteopathic physician who is an applicant for a physician locum tenens  
2 under section 38-2036, or to a veterinarian who is an applicant for a  
3 veterinarian locum tenens under section 38-3335.

4 (3) An applicant for a temporary educational permit as defined in  
5 section 38-2019 shall have ninety days from the issuance of the permit to  
6 comply with subsection (1) of this section and shall have his or her  
7 permit suspended after such ninety-day period if the criminal background  
8 check is not complete or revoked if the criminal background check reveals  
9 that the applicant was not qualified for the permit.

10 Sec. 3. Section 38-1201, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12 38-1201 Sections 38-1201 to 38-1237 and sections 5, 7, 8, 9, 11, and  
13 12 of this act shall be known and may be cited as the Emergency Medical  
14 Services Practice Act.

15 Sec. 4. Section 38-1204, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

17 38-1204 For purposes of the Emergency Medical Services Practice Act  
18 and elsewhere in the Uniform Credentialing Act, unless the context  
19 otherwise requires, the definitions found in sections 38-1205 to 38-1214  
20 and sections 5, 7, 8, 9, 11, and 12 of this act apply.

21 Sec. 5. Advanced emergency medical technician practice of out-of-  
22 hospital emergency medical care means care provided in accordance with  
23 the knowledge and skill acquired through successful completion of an  
24 approved program for an advanced emergency medical technician. Such care  
25 includes, but is not limited to, (1) all of the acts that an emergency  
26 medical technician is authorized to perform and (2) complex  
27 interventions, treatments, and pharmacological interventions.

28 Sec. 6. Section 38-1205, Reissue Revised Statutes of Nebraska, is  
29 amended to read:

30 38-1205 Ambulance means any privately or publicly owned motor  
31 vehicle or aircraft that is especially designed, constructed or modified,

1 and equipped and is intended to be used and is maintained or operated for  
2 the overland or air transportation of patients upon the streets, roads,  
3 highways, airspace, or public ways in this state, ~~including funeral~~  
4 ~~coaches or hearses,~~ or any other motor vehicles or aircraft used for such  
5 purposes.

6 Sec. 7. Emergency medical responder practice of out-of-hospital  
7 emergency medical care means care provided in accordance with the  
8 knowledge and skill acquired through successful completion of an approved  
9 program for an emergency medical responder. Such care includes, but is  
10 not limited to, (1) contributing to the assessment of the health status  
11 of an individual, (2) simple, noninvasive interventions, and (3)  
12 minimizing secondary injury to an individual.

13 Sec. 8. Emergency medical technician practice of out-of-hospital  
14 emergency medical care means care provided in accordance with the  
15 knowledge and skill acquired through successful completion of an approved  
16 program for an emergency medical technician. Such care includes, but is  
17 not limited to, (1) all of the acts that an emergency medical responder  
18 can perform, and (2) simple invasive interventions, management and  
19 transportation of individuals, and nonvisualized intubation.

20 Sec. 9. Emergency medical technician-intermediate practice of out-  
21 of-hospital emergency medical care means care provided in accordance with  
22 the knowledge and skill acquired through successful completion of an  
23 approved program for an emergency medical technician-intermediate. Such  
24 care includes, but is not limited to, (1) all of the acts that an  
25 advanced emergency medical technician can perform, and (2) visualized  
26 intubation. This section terminates on December 31, 2025.

27 Sec. 10. Section 38-1208, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29 38-1208 Out-of-hospital emergency care provider includes all  
30 licensure classifications of emergency care providers established  
31 pursuant to the Emergency Medical Services Practice Act. Prior to

1 December 31, 2025, emergency care provider includes out-of-hospital  
2 advanced emergency medical technician, emergency medical responder,  
3 emergency medical technician, emergency medical technician-intermediate,  
4 and paramedic. On and after December 31, 2025, out-of-hospital emergency  
5 care provider includes advanced emergency medical technician, emergency  
6 medical responder, emergency medical technician, and paramedic.

7       Sec. 11. Paramedic practice of out-of-hospital emergency medical  
8 care means care provided in accordance with the knowledge and skill  
9 acquired through successful completion of an approved program for a  
10 paramedic. Such care includes, but is not limited to, (1) all of the acts  
11 that an emergency medical technician-intermediate can perform, and (2)  
12 surgical cricothyrotomy.

13       Sec. 12. Practice of out-of-hospital emergency medical care means  
14 the performance of any act using judgment or skill based upon the United  
15 States Department of Transportation education standards and guideline  
16 training requirements, the National Highway Traffic Safety  
17 Administration's National Emergency Medical Service Scope of Practice  
18 Model and National Emergency Medical Services Education Standards, and  
19 permitted practices and procedures for the level of licensure listed in  
20 section 38-1217. Such acts include the identification of and intervention  
21 in actual or potential health problems of individuals and are directed  
22 toward addressing such problems based on actual or perceived traumatic or  
23 medical circumstances prior to or during transportation to a hospital or  
24 for routine transportation between health care facilities or services.  
25 Such acts are provided under therapeutic regimens ordered by a physician  
26 medical director or through protocols as provided by the Emergency  
27 Medical Services Practice Act.

28       Sec. 13. Section 38-1215, Reissue Revised Statutes of Nebraska, is  
29 amended to read:

30       38-1215 (1) The board shall have seventeen members appointed by the  
31 Governor with the approval of a majority of the Legislature. The

1 appointees may begin to serve immediately following appointment and prior  
2 to approval by the Legislature.

3 (2)(a) Seven members of the board shall be active out-of-hospital  
4 emergency care providers at the time of and for the duration of their  
5 appointment, and each shall have at least five years of experience in his  
6 or her level of licensure at the time of his or her appointment or  
7 reappointment. Of the seven members who are out-of-hospital emergency  
8 care providers, two shall be emergency medical responders, two shall be  
9 emergency medical technicians, one shall be an advanced emergency medical  
10 technician, and two shall be paramedics.

11 (b) Three of the members shall be qualified physicians actively  
12 involved in emergency medical care. At least one of the physician members  
13 shall be a board-certified emergency physician, and at least one of the  
14 physician members shall specialize in pediatrics.

15 (c) Five members shall be appointed to include one member who is a  
16 representative of an approved training agency, one member who is a  
17 physician assistant with at least five years of experience and active in  
18 out-of-hospital emergency medical care education, one member who is a  
19 registered nurse with at least five years of experience and active in  
20 out-of-hospital emergency medical care education, and two public members  
21 who meet the requirements of section 38-165 and who have an expressed  
22 interest in the provision of out-of-hospital emergency medical care.

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

25 (e) In addition to any other criteria for appointment, among the  
26 members of the board appointed after January 1, 2017, there shall be at  
27 least three members who are volunteer emergency medical care providers,  
28 at least one member who is a paid emergency medical care provider, at  
29 least one member who is a firefighter, at least one member who is a law  
30 enforcement officer, and at least one member who is active in the  
31 Critical Incident Stress Management Program. If a person appointed to the

1 board is qualified to serve as a member in more than one capacity, all  
2 qualifications of such person shall be taken into consideration to  
3 determine whether or not the diversity in qualifications required in this  
4 subsection has been met.

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

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

15 (4) Special meetings of the board may be called by the department or  
16 upon the written request of any six members of the board explaining the  
17 reason for such meeting. The place of the meetings shall be set by the  
18 department.

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

27 (6) Except as provided in subsection (5) of this section and  
28 notwithstanding subsection (2) of this section, a member of the board who  
29 changes his or her licensure classification after appointment or has a  
30 licensure classification which is terminated under section 38-1217 or  
31 section 9 of this act when such licensure classification was a

1 qualification for appointment shall be permitted to continue to serve as  
2 a member of the board until the expiration of his or her term.

3 Sec. 14. Section 38-1216, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 38-1216 In addition to any other responsibilities prescribed by the  
6 Emergency Medical Services Practice Act, the board shall:

7 (1) Promote the dissemination of public information and education  
8 programs to inform the public about out-of-hospital emergency medical  
9 care and other out-of-hospital medical information, including appropriate  
10 methods of medical self-help, first aid, and the availability of out-of-  
11 hospital emergency medical services training programs in the state;

12 (2) Provide for the collection of information for evaluation of the  
13 availability and quality of out-of-hospital emergency medical care,  
14 evaluate the availability and quality of out-of-hospital emergency  
15 medical care, and serve as a focal point for discussion of the provision  
16 of out-of-hospital emergency medical care;

17 ~~(3) Review and comment on all state agency proposals and~~  
18 ~~applications that seek funding for out-of-hospital emergency medical~~  
19 ~~care;~~

20 ~~(3)~~ (4) Establish model procedures for patient management in out-of-  
21 hospital medical emergencies that do not limit the authority of law  
22 enforcement and fire protection personnel to manage the scene during an  
23 out-of-hospital medical emergency;

24 ~~(4)~~ (5) Not less than once each five years, undertake a review and  
25 evaluation of the act and its implementation together with a review of  
26 the out-of-hospital emergency medical care needs of the citizens of the  
27 State of Nebraska and submit electronically a report to the Legislature  
28 with any recommendations which it may have; and

29 ~~(5)~~ (6) Identify communication needs of emergency medical services  
30 and make recommendations for development of a communications plan for a  
31 communications network for out-of-hospital emergency care providers and

1 emergency medical services.

2 Sec. 15. Section 38-1217, Revised Statutes Supplement, 2017, is  
3 amended to read:

4 38-1217 The board shall adopt rules and regulations necessary to:

5 (1) Create licensure requirements for advanced emergency medical  
6 technicians, emergency medical responders, emergency medical technicians,  
7 and paramedics and, until December 31, 2025, create renewal requirements  
8 for emergency medical technicians-intermediate. ~~(1)(a) For licenses~~  
9 issued prior to September 1, 2010, create the following licensure  
10 classifications of out-of-hospital emergency care providers: (i) First  
11 responder; (ii) emergency medical technician; (iii) emergency medical  
12 technician-intermediate; and (iv) emergency medical technician-paramedic;  
13 and (b) for licenses issued on or after September 1, 2010, create the  
14 following licensure classifications of out-of-hospital emergency care  
15 providers: (i) Emergency medical responder; (ii) emergency medical  
16 technician; (iii) advanced emergency medical technician; and (iv)  
17 paramedic. The rules and regulations creating the classifications shall  
18 include all the practices and procedures authorized for each  
19 classification, training and testing requirements, renewal and  
20 reinstatement requirements, and other criteria and qualifications for  
21 each classification determined to be necessary for protection of public  
22 health and safety. A person holding a license issued prior to September  
23 1, 2010, shall be authorized to practice in accordance with the laws,  
24 rules, and regulations governing the license for the term of the license;

25 (2) Provide for temporary licensure of an out-of-hospital emergency  
26 care provider who has completed the educational requirements for a  
27 licensure classification enumerated in subdivision (1) ~~(1)(b)~~ of this  
28 section but has not completed the testing requirements for licensure  
29 under such subdivision. A temporary license shall allow the person to  
30 practice only in association with a licensed out-of-hospital emergency  
31 care provider under physician medical direction and shall be valid until



1 the date on which the results of the next licensure examination are  
2 available to the department. The temporary license shall expire  
3 immediately if the applicant has failed the examination. In no case may a  
4 temporary license be issued for a period extending beyond one year Such  
5 ~~temporary licensure shall be valid for one year or until a license is~~  
6 ~~issued under such subdivision and shall not be subject to renewal.~~ The  
7 rules and regulations shall include qualifications and training necessary  
8 for issuance of such temporary license, the practices and procedures  
9 authorized for a temporary licensee under this subdivision, and  
10 supervision required for a temporary licensee under this subdivision. The  
11 requirements of this subdivision and the rules and regulations adopted  
12 and promulgated pursuant to this subdivision do not apply to a temporary  
13 license issued as provided in section 38-129.01;

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

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

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

1 (6) Provide for the approval of training agencies and establish  
2 minimum standards for services provided by training agencies;

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

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

13 (9) Establish criteria for approval of organizations issuing  
14 cardiopulmonary resuscitation certification which shall include criteria  
15 for instructors, establishment of certification periods and minimum  
16 curricula, and other aspects of training and certification;

17 (10) Establish renewal and reinstatement requirements for out-of-  
18 hospital emergency care providers ~~and emergency medical services~~ and  
19 establish continuing competency requirements. Continuing education is  
20 sufficient to meet continuing competency requirements. The requirements  
21 may also include, but not be limited to, one or more of the continuing  
22 competency activities listed in section 38-145 which a licensed person  
23 may select as an alternative to continuing education. The reinstatement  
24 requirements for out-of-hospital emergency care providers shall allow  
25 reinstatement at the same or any lower level of licensure for which the  
26 out-of-hospital emergency care provider is determined to be qualified;

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

30 (11) ~~(12)~~ Create licensure, renewal, and reinstatement requirements  
31 for emergency medical service instructors. The rules and regulations

1 shall include the practices and procedures for licensure, renewal, and  
2 reinstatement;

3 ~~(12) (13)~~ Establish criteria for emergency medical technicians-  
4 intermediate, advanced emergency medical technicians, emergency medical  
5 technicians ~~technicians-paramedic~~, or paramedics performing activities  
6 within their scope of practice at a hospital or health clinic under  
7 ~~subsection (3) of section 38-1224~~. Such criteria shall include, but not  
8 be limited to, ~~:(a) Requirements for the orientation of registered~~  
9 ~~nurses, physician assistants, and physicians involved in the supervision~~  
10 ~~of such personnel; (b) supervisory and training requirements for the~~  
11 ~~physician medical director or other person in charge of the medical staff~~  
12 ~~at such hospital or health clinic; and (c) a requirement that such~~  
13 activities shall only be performed at the discretion of, and with the  
14 approval of, the governing authority of such hospital or health clinic.  
15 For purposes of this subdivision, health clinic has the definition found  
16 in section 71-416 and hospital has the definition found in section  
17 71-419; and

18 ~~(13) (14)~~ Establish model protocols for compliance with the Stroke  
19 System of Care Act by an emergency medical service and an ~~out-of-hospital~~  
20 emergency care provider. ~~;~~ and

21 ~~(15)~~ ~~Establish criteria and requirements for emergency medical~~  
22 ~~technicians-intermediate to renew licenses issued prior to September 1,~~  
23 ~~2010, and continue to practice after such classification has otherwise~~  
24 ~~terminated under subdivision (1) of this section. The rules and~~  
25 ~~regulations shall include the qualifications necessary to renew emergency~~  
26 ~~medical technicians-intermediate licenses after September 1, 2010, the~~  
27 ~~practices and procedures authorized for persons holding and renewing such~~  
28 ~~licenses, and the renewal and reinstatement requirements for holders of~~  
29 ~~such licenses.~~

30 Sec. 16. Section 38-1218, Revised Statutes Supplement, 2017, is  
31 amended to read:

1           38-1218 (1) ~~The Legislature adopts all parts of the United States~~  
2 ~~Department of Transportation curricula, including appendices, and skills~~  
3 ~~as the training requirements and permitted practices and procedures for~~  
4 ~~the licensure classifications listed in subdivision (1)(a) of section~~  
5 ~~38-1217 until modified by the board by rule and regulation. The~~  
6 ~~Legislature adopts the United States Department of Transportation~~  
7 ~~National Emergency Medical Services Education Standards and the National~~  
8 ~~Emergency Medical Services Scope of Practice for the licensure~~  
9 ~~classifications listed in subdivision (1)(b) of section 38-1217 until~~  
10 ~~modified by the board by rule and regulation. The board may approve~~  
11 ~~curricula for the licensure classifications listed in the Emergency~~  
12 ~~Medical Services Practice Act subdivision (1) of section 38-1217.~~

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

17           (a) Whether the initial training required for licensure in the  
18 classification is sufficient to enable the out-of-hospital emergency care  
19 provider to perform the practices and procedures authorized for the  
20 classification in a manner which is beneficial to the patient and  
21 protects public health and safety;

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

25           (c) Whether morbidity can be reduced or recovery enhanced by the use  
26 of the practices and procedures to be authorized for the classification;  
27 and

28           (d) Whether continuing competency requirements are sufficient to  
29 maintain the skills authorized for the classification.

30           (3) An applicant for licensure for a licensure classification listed  
31 in subdivision (1) ~~(1)(b)~~ of section 38-1217 who is a military spouse may

1 apply for a temporary license as provided in section 38-129.01.

2 Sec. 17. Section 38-1219, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 38-1219 The department, with the recommendation of the board, shall  
5 adopt and promulgate rules and regulations necessary to:

6 (1) Administer the Emergency Medical Services Practice Act;

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

13 ~~(2) (3) Establish procedures and requirements for applications for~~  
14 ~~licensure, renewal, and reinstatement in any of the licensure~~  
15 ~~classifications created pursuant to the Emergency Medical Services~~  
16 ~~Practice Act; , including provisions for issuing an emergency medical~~  
17 ~~responder license to a licensee renewing his or her first responder~~  
18 ~~license after September 1, 2010, and for issuing a paramedic license to a~~  
19 ~~licensee renewing his or her emergency medical technician-paramedic~~  
20 ~~license after September 1, 2010; and~~

21 ~~(3) (4) Provide for the inspection, review, and termination of~~  
22 ~~approval of training agencies. All training for licensure shall be~~  
23 ~~provided through an approved training agency; and -~~

24 ~~(4) Provide for the inspection, review, and termination of basic~~  
25 ~~life support emergency medical services and advanced life support~~  
26 ~~emergency medical services.~~

27 Sec. 18. Section 38-1221, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29 38-1221 ~~(1)~~To be eligible for a license under the Emergency  
30 Medical Services Practice Act, an individual shall have attained the age  
31 of eighteen years and met the requirements established in accordance with

1 ~~subdivision (1), (2), or (15) of section 38-1217.~~

2 ~~(2) All licenses issued under the act other than temporary licenses~~  
3 ~~shall expire the second year after issuance.~~

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

11 Sec. 19. Section 38-1224, Reissue Revised Statutes of Nebraska, is  
12 amended to read:

13 38-1224 (1) An out-of-hospital emergency care provider other than a  
14 ~~first responder~~ or an emergency medical responder as classified under  
15 ~~section 38-1217~~ may not assume the duties incident to the title or  
16 practice the skills of an out-of-hospital emergency care provider unless  
17 he or she (a) is acting under the supervision of a licensed health care  
18 practitioner or under the direction of a registered nurse and (b) is  
19 employed by or serving as a ~~volunteer~~ member of an emergency medical  
20 service, a hospital, or a health clinic licensed by the department.

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

25 (3) For purposes of this section, licensed health care practitioner  
26 means (a) a physician medical director or physician surrogate for  
27 purposes of supervision of an out-of-hospital emergency care provider for  
28 an emergency medical service or (b) a physician, a physician assistant,  
29 or an advance practice registered nurse for purposes of supervision of an  
30 out-of-hospital emergency care provider for a hospital or health clinic.  
31 A registered nurse may direct an out-of-hospital emergency care provider

1 in a hospital or health clinic.

2 ~~(3) An emergency medical technician intermediate, an emergency~~  
3 ~~medical technician-paramedic, an advanced emergency medical technician,~~  
4 ~~or a paramedic may volunteer or be employed at a hospital as defined in~~  
5 ~~section 71-419 or a health clinic as defined in section 71-416 to perform~~  
6 ~~activities within his or her scope of practice within such hospital or~~  
7 ~~health clinic under the supervision of a registered nurse, a physician~~  
8 ~~assistant, or a physician. Such activities shall be performed in a manner~~  
9 ~~established in rules and regulations adopted and promulgated by the~~  
10 ~~department, with the recommendation of the board.~~

11 Sec. 20. Section 38-1225, Reissue Revised Statutes of Nebraska, is  
12 amended to read:

13 38-1225 (1) No patient data received or recorded by an emergency  
14 medical service or an out-of-hospital emergency care provider shall be  
15 divulged, made public, or released by an emergency medical service or an  
16 out-of-hospital emergency care provider, except that patient data may be  
17 released for purposes of treatment, payment, and other health care  
18 operations as defined and permitted under the federal Health Insurance  
19 Portability and Accountability Act of 1996, as such act existed on  
20 January 1, 2018 ~~2007~~, or as otherwise permitted by law. Such data shall  
21 be provided to the department for public health purposes pursuant to  
22 rules and regulations of the department. For purposes of this section,  
23 patient data means any data received or recorded as part of the records  
24 maintenance requirements of the Emergency Medical Services Practice Act.

25 (2) Patient data received by the department shall be confidential  
26 with release only (a) in aggregate data reports created by the department  
27 on a periodic basis or at the request of an individual, (b) as case-  
28 specific data to approved researchers for specific research projects, (c)  
29 as protected health information to a public health authority, as such  
30 terms are defined under the federal Health Insurance Portability and  
31 Accountability Act of 1996, as such act existed on January 1, 2018 ~~2007~~,

1 and (d) as protected health information, as defined under the federal  
2 Health Insurance Portability and Accountability Act of 1996, as such act  
3 existed on January 1, 2018 ~~2007~~, to an emergency medical service, to an  
4 out-of-hospital emergency care provider, or to a licensed health care  
5 facility for purposes of treatment. A record may be shared with the  
6 emergency medical service or out-of-hospital emergency care provider that  
7 reported that specific record. Approved researchers shall maintain the  
8 confidentiality of the data, and researchers shall be approved in the  
9 same manner as described in section 81-666. Aggregate reports shall be  
10 public documents.

11 (3) No civil or criminal liability of any kind or character for  
12 damages or other relief or penalty shall arise or be enforced against any  
13 person or organization by reason of having provided patient data pursuant  
14 to this section.

15 Sec. 21. Section 38-1229, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

17 38-1229 The department, ~~with the recommendation of the board,~~ may  
18 issue a license to any individual who has a current certificate from the  
19 National Registry of Emergency Medical Technicians. ~~The level of such~~  
20 ~~licensure shall be determined by the board.~~

21 Sec. 22. Section 38-1237, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23 38-1237 It shall be unlawful for any person who has not been  
24 licensed pursuant to the Emergency Medical Services Practice Act to hold  
25 himself or herself out as an out-of-hospital emergency care provider, to  
26 use any other term to indicate or imply that he or she is an out-of-  
27 hospital emergency care provider, or to act as such a provider without a  
28 license therefor. It shall be unlawful for any person to operate a  
29 training agency for the initial training or renewal or reinstatement of  
30 licensure of out-of-hospital emergency care providers unless the training  
31 agency is approved pursuant to rules and regulations of the department



1 ~~board~~. It shall be unlawful for any person to operate an emergency  
2 medical service unless such service is licensed.

3 Sec. 23. Section 38-2518, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 38-2518 (1) An applicant applying for a license as an occupational  
6 therapist shall show to the satisfaction of the department that he or  
7 she:

8 (a) Has successfully completed the academic requirements of an  
9 educational program in occupational therapy recognized by the department  
10 and accredited by a nationally recognized medical association or  
11 nationally recognized occupational therapy association;

12 (b) Has successfully completed a period of supervised fieldwork  
13 experience at an educational institution approved by the department and  
14 where the applicant's academic work was completed or which is part of a  
15 training program approved by such educational institution. A minimum of  
16 six months of supervised fieldwork experience shall be required for an  
17 occupational therapist; and

18 (c) Has passed an examination as provided in section 38-2520.

19 (2) In the case of an applicant who has been trained as an  
20 occupational therapist in a foreign country, the applicant shall:

21 (a) Present documentation of completion of an educational program in  
22 occupational therapy that is substantially equivalent to an approved  
23 program accredited by the Accreditation Council for Occupational Therapy  
24 Education or by an equivalent accrediting agency as determined by the  
25 board;

26 (b) Present proof of proficiency in the English language; and

27 (c) Have passed an examination as provided in section 38-2520.

28 (3) (-2) Residency in this state shall not be a requirement of  
29 licensure. A corporation, partnership, limited liability company, or  
30 association shall not be licensed as an occupational therapist pursuant  
31 to the Occupational Therapy Practice Act.

1           Sec. 24. Section 38-2519, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3           38-2519 (1) An applicant applying for a license as an occupational  
4 therapy assistant shall show to the satisfaction of the department that  
5 he or she:

6           (a) Has successfully completed the academic requirements of an  
7 educational program in occupational therapy recognized by the department  
8 and accredited by a nationally recognized medical association or  
9 nationally recognized occupational therapy association;

10           (b) Has successfully completed a period of supervised fieldwork  
11 experience at an educational institution approved by the department and  
12 where the applicant's academic work was completed or which is part of a  
13 training program approved by such educational institution. A minimum of  
14 two months of supervised fieldwork experience shall be required for an  
15 occupational therapy assistant; and

16           (c) Has passed an examination as provided in section 38-2520.

17           (2) In the case of an applicant who has been trained as an  
18 occupational therapy assistant in a foreign country, the applicant shall:

19           (a) Present documentation of completion of an educational program  
20 for occupational therapy assistants that is substantially equivalent to  
21 an approved program accredited by the Accreditation Council for  
22 Occupational Therapy Education or by an equivalent accrediting agency as  
23 determined by the board;

24           (b) Present proof of proficiency in the English language; and

25           (c) Have passed an examination as provided in section 38-2520.

26           (3) ~~(2)~~ Residency in this state shall not be a requirement of  
27 licensure as an occupational therapy assistant. A corporation,  
28 partnership, limited liability company, or association shall not be  
29 licensed as an occupational therapy assistant pursuant to the  
30 Occupational Therapy Practice Act.

31           Sec. 25. Section 38-2521, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 38-2521 The department, with the recommendation of the board, may  
3 waive continuing competency requirements, in part or in total, for any  
4 two-year licensing period when a licensee submits documentation that  
5 circumstances beyond his or her control prevented completion of such  
6 requirements as provided in section 38-146. In addition to circumstances  
7 determined by the department to be beyond the licensee's control pursuant  
8 to such section, such circumstances shall include situations in which:

9 (1) The licensee holds a Nebraska license but does not reside or  
10 practice in Nebraska;

11 (2) The licensee has submitted proof that he or she was suffering  
12 from a serious or disabling illness or physical disability which  
13 prevented completion of the required continuing competency activities  
14 during the twenty-four months preceding the license renewal date; and

15 (3) The licensee has successfully completed two or more semester  
16 hours of formal credit instruction biennially offered by a ~~an~~ accredited  
17 school or college approved by the board which contributes to meeting the  
18 requirements of an advanced degree in a postgraduate program relating to  
19 occupational therapy.

20 Sec. 26. Original sections 38-122, 38-131, 38-1201, 38-1204,  
21 38-1205, 38-1208, 38-1215, 38-1216, 38-1219, 38-1221, 38-1224, 38-1225,  
22 38-1229, 38-1237, 38-2518, 38-2519, and 38-2521, Reissue Revised Statutes  
23 of Nebraska, and sections 38-1217 and 38-1218, Revised Statutes  
24 Supplement, 2017, are repealed.