

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 924

Introduced by Riepe, 12.

Read first time January 09, 2018

Committee: Health and Human Services

1 A BILL FOR AN ACT relating to health and human services; to amend
2 sections 13-1801, 23-1821, 28-907, 28-929, 28-929.01, 28-930,
3 28-931, 28-931.01, 28-934, 38-122, 38-131, 38-1201, 38-1202,
4 38-1203, 38-1204, 38-1205, 38-1208, 38-1209, 38-1210, 38-1211,
5 38-1213, 38-1215, 38-1216, 38-1219, 38-1221, 38-1224, 38-1225,
6 38-1226, 38-1228, 38-1229, 38-1232, 38-1233, 38-1234, 38-1237,
7 38-2518, 38-2519, 38-2521, 48-115, 71-507, 71-509, 71-8226, 71-8227,
8 71-8249, and 71-8251, Reissue Revised Statutes of Nebraska, section
9 13-303, Revised Statutes Cumulative Supplement, 2016, and sections
10 38-1217 and 38-1218, Revised Statutes Supplement, 2017; to change
11 provisions relating to the form of credentials and criminal
12 background checks pursuant to the Uniform Credentialing Act; to
13 change licensure and continuing competency requirements under the
14 Occupational Therapy Practice Act; to add, change, and eliminate
15 provisions relating to the Emergency Medical Services Practice Act;
16 to define and redefine terms; to change provisions relating to
17 licensure; to provide, change, and eliminate duties of the Board of
18 Emergency Medical Services and the Department of Health and Human
19 Services; to harmonize provisions; and to repeal the original
20 sections.

21 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 13-303, Revised Statutes Cumulative Supplement,
2 2016, is amended to read:

3 13-303 The county boards of counties and the governing bodies of
4 cities and villages may establish an emergency medical service, including
5 the provision of scheduled and unscheduled ambulance service, as a
6 governmental service either within or without the county or municipality,
7 as the case may be. The county board or governing body may contract with
8 any city, person, firm, or corporation licensed as an emergency medical
9 service for emergency medical care by ~~out-of-hospital~~ emergency care
10 providers. Each may enter into an agreement with the other under the
11 Interlocal Cooperation Act or Joint Public Agency Act for the purpose of
12 establishing an emergency medical service or may provide a separate
13 service for itself. Public funds may be expended therefor, and a
14 reasonable service fee may be charged to the user. Before any such
15 service is established under the authority of this section, the county
16 board or the governing bodies of cities and villages shall hold a public
17 hearing after giving at least ten days' notice thereof, which notice
18 shall include a brief summary of the general plan for establishing such
19 service, including an estimate of the initial cost and the possible
20 continuing cost of operating such service. If the board or governing body
21 after such hearing determines that an emergency medical service for
22 emergency medical care by ~~out-of-hospital~~ emergency care providers is
23 needed, it may proceed as authorized in this section. The authority
24 granted in this section shall be cumulative and supplementary to any
25 existing powers heretofore granted. Any county board of counties and the
26 governing bodies of cities and villages may pay their cost for such
27 service out of available general funds or may levy a tax for the purpose
28 of providing the service, which levy shall be in addition to all other
29 taxes and shall be in addition to restrictions on the levy of taxes
30 provided by statute, except that when a rural or suburban fire protection
31 district provides the service, the county shall pay the cost for the

1 county service by levying a tax on that property not in the rural or
2 suburban fire protection district providing the service. The levy shall
3 be subject to subsection (10) of section 77-3442 or section 77-3443, as
4 applicable.

5 Sec. 2. Section 13-1801, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 13-1801 If any legal action shall be brought against any municipal
8 police officer, constable, county sheriff, deputy sheriff, firefighter,
9 ~~out-of-hospital~~ emergency care provider, or other elected or appointed
10 official of any political subdivision, who is an employee as defined in
11 section 48-115, whether such person is a volunteer or partly paid or
12 fully paid, based upon the negligent error or omission of such person
13 while in the performance of his or her lawful duties, the political
14 subdivision which employs, appoints, or otherwise designates such person
15 an employee as defined in section 48-115 shall defend him or her against
16 such action, and if final judgment is rendered against such person, such
17 political subdivision shall pay such judgment in his or her behalf and
18 shall have no right to restitution from such person.

19 A political subdivision shall have the right to purchase insurance
20 to indemnify itself in advance against the possibility of such loss under
21 this section, and the insurance company shall have no right of
22 subrogation against the person. This section shall not be construed to
23 permit a political subdivision to pay for a judgment obtained against a
24 person as a result of illegal acts committed by such person.

25 Sec. 3. Section 23-1821, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 23-1821 (1) Every hospital, emergency care facility, physician,
28 nurse, ~~out-of-hospital~~ emergency care provider, or law enforcement
29 officer shall immediately notify the county coroner in all cases when it
30 appears that an individual has died while being apprehended by or while
31 in the custody of a law enforcement officer or detention personnel.

1 (2) Any person who violates this section shall be guilty of a Class
2 IV misdemeanor.

3 Sec. 4. Section 28-907, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 28-907 (1) A person commits the offense of false reporting if he or
6 she:

7 (a) Furnishes material information he or she knows to be false to
8 any peace officer or other official with the intent to instigate an
9 investigation of an alleged criminal matter or to impede the
10 investigation of an actual criminal matter;

11 (b) Furnishes information he or she knows to be false alleging the
12 existence of the need for the assistance of an emergency medical service
13 or ~~out-of-hospital~~ emergency care provider or an emergency in which human
14 life or property are in jeopardy to any hospital, emergency medical
15 service, or other person or governmental agency;

16 (c) Furnishes any information, or causes such information to be
17 furnished or conveyed by electric, electronic, telephonic, or mechanical
18 means, knowing the same to be false concerning the need for assistance of
19 a fire department or any personnel or equipment of such department;

20 (d) Furnishes any information he or she knows to be false concerning
21 the location of any explosive in any building or other property to any
22 person; or

23 (e) Furnishes material information he or she knows to be false to
24 any governmental department or agency with the intent to instigate an
25 investigation or to impede an ongoing investigation and which actually
26 results in causing or impeding such investigation.

27 (2)(a) False reporting pursuant to subdivisions (1)(a) through (d)
28 of this section is a Class I misdemeanor; and

29 (b) False reporting pursuant to subdivision (1)(e) of this section
30 is an infraction.

31 Sec. 5. Section 28-929, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 28-929 (1) A person commits the offense of assault on an officer, an
3 emergency responder, a state correctional employee, a Department of
4 Health and Human Services employee, or a health care professional in the
5 first degree if:

6 (a) He or she intentionally or knowingly causes serious bodily
7 injury:

8 (i) To a peace officer, a probation officer, a firefighter, an ~~out-~~
9 ~~of-hospital~~ emergency care provider, or an employee of the Department of
10 Correctional Services;

11 (ii) To an employee of the Department of Health and Human Services
12 if the person committing the offense is committed as a dangerous sex
13 offender under the Sex Offender Commitment Act; or

14 (iii) To a health care professional; and

15 (b) The offense is committed while such officer, firefighter, ~~out-~~
16 ~~of-hospital~~ emergency care provider, or employee is engaged in the
17 performance of his or her official duties or while the health care
18 professional is on duty at a hospital or a health clinic.

19 (2) Assault on an officer, an emergency responder, a state
20 correctional employee, a Department of Health and Human Services
21 employee, or a health care professional in the first degree shall be a
22 Class ID felony.

23 Sec. 6. Section 28-929.01, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 28-929.01 For purposes of sections 28-929, 28-929.02, 28-930,
26 28-931, and 28-931.01:

27 (1) Emergency care provider means (a) an emergency medical
28 responder; (b) an emergency medical technician; (c) an emergency medical
29 technician-intermediate, (d) an advanced emergency medical technician; or
30 (e) a paramedic, as those persons are licensed and classified under the
31 Emergency Medical Services Practice Act;

1 (2) ~~(1)~~ Health care professional means a physician or other health
2 care practitioner who is licensed, certified, or registered to perform
3 specified health services consistent with state law who practices at a
4 hospital or a health clinic;

5 (3) ~~(2)~~ Health clinic has the definition found in section 71-416;
6 and

7 (4) ~~(3)~~ Hospital has the definition found in section 71-419. ~~;~~ and

8 ~~(4) Out-of-hospital emergency care provider means (a) an emergency~~
9 ~~medical responder; (b) an emergency medical technician; (c) an advanced~~
10 ~~emergency medical technician; or (d) a paramedic, as those persons are~~
11 ~~licensed and classified under the Emergency Medical Services Practice~~
12 ~~Act.~~

13 Sec. 7. Section 28-930, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 28-930 (1) A person commits the offense of assault on an officer, an
16 emergency responder, a state correctional employee, a Department of
17 Health and Human Services employee, or a health care professional in the
18 second degree if:

19 (a) He or she:

20 (i) Intentionally or knowingly causes bodily injury with a dangerous
21 instrument:

22 (A) To a peace officer, a probation officer, a firefighter, an ~~out-~~
23 ~~of-hospital~~ emergency care provider, or an employee of the Department of
24 Correctional Services;

25 (B) To an employee of the Department of Health and Human Services if
26 the person committing the offense is committed as a dangerous sex
27 offender under the Sex Offender Commitment Act; or

28 (C) To a health care professional; or

29 (ii) Recklessly causes bodily injury with a dangerous instrument:

30 (A) To a peace officer, a probation officer, a firefighter, an ~~out-~~
31 ~~of-hospital~~ emergency care provider, or an employee of the Department of

1 Correctional Services;

2 (B) To an employee of the Department of Health and Human Services if
3 the person committing the offense is committed as a dangerous sex
4 offender under the Sex Offender Commitment Act; or

5 (C) To a health care professional; and

6 (b) The offense is committed while such officer, firefighter, ~~out-~~
7 ~~of-hospital~~ emergency care provider, or employee is engaged in the
8 performance of his or her official duties or while the health care
9 professional is on duty at a hospital or a health clinic.

10 (2) Assault on an officer, an emergency responder, a state
11 correctional employee, a Department of Health and Human Services
12 employee, or a health care professional in the second degree shall be a
13 Class II felony.

14 Sec. 8. Section 28-931, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 28-931 (1) A person commits the offense of assault on an officer, an
17 emergency responder, a state correctional employee, a Department of
18 Health and Human Services employee, or a health care professional in the
19 third degree if:

20 (a) He or she intentionally, knowingly, or recklessly causes bodily
21 injury:

22 (i) To a peace officer, a probation officer, a firefighter, an ~~out-~~
23 ~~of-hospital~~ emergency care provider, or an employee of the Department of
24 Correctional Services;

25 (ii) To an employee of the Department of Health and Human Services
26 if the person committing the offense is committed as a dangerous sex
27 offender under the Sex Offender Commitment Act; or

28 (iii) To a health care professional; and

29 (b) The offense is committed while such officer, firefighter, ~~out-~~
30 ~~of-hospital~~ emergency care provider, or employee is engaged in the
31 performance of his or her official duties or while the health care

1 professional is on duty at a hospital or a health clinic.

2 (2) Assault on an officer, an emergency responder, a state
3 correctional employee, a Department of Health and Human Services
4 employee, or a health care professional in the third degree shall be a
5 Class IIIA felony.

6 Sec. 9. Section 28-931.01, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 28-931.01 (1) A person commits the offense of assault on an officer,
9 an emergency responder, a state correctional employee, a Department of
10 Health and Human Services employee, or a health care professional using a
11 motor vehicle if:

12 (a) By using a motor vehicle to run over or to strike an officer, an
13 emergency responder, a state correctional employee, a Department of
14 Health and Human Services employee, or a health care professional or by
15 using a motor vehicle to collide with an officer's, an emergency
16 responder's, a state correctional employee's, a Department of Health and
17 Human Services employee's, or a health care professional's motor vehicle,
18 he or she intentionally and knowingly causes bodily injury:

19 (i) To a peace officer, a probation officer, a firefighter, an ~~out-~~
20 ~~of-hospital~~ emergency care provider, or an employee of the Department of
21 Correctional Services;

22 (ii) To an employee of the Department of Health and Human Services
23 if the person committing the offense is committed as a dangerous sex
24 offender under the Sex Offender Commitment Act; or

25 (iii) To a health care professional; and

26 (b) The offense is committed while such officer, firefighter, ~~out-~~
27 ~~of-hospital~~ emergency care provider, or employee is engaged in the
28 performance of his or her official duties or while the health care
29 professional is on duty at a hospital or a health clinic.

30 (2) Assault on an officer, an emergency responder, a state
31 correctional employee, a Department of Health and Human Services

1 employee, or a health care professional using a motor vehicle shall be a
2 Class IIIA felony.

3 Sec. 10. Section 28-934, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 28-934 (1) Any person who knowingly and intentionally strikes any
6 public safety officer with any bodily fluid is guilty of assault with a
7 bodily fluid against a public safety officer.

8 (2) Except as provided in subsection (3) of this section, assault
9 with a bodily fluid against a public safety officer is a Class I
10 misdemeanor.

11 (3) Assault with a bodily fluid against a public safety officer is a
12 Class IIIA felony if the person committing the offense strikes with a
13 bodily fluid the eyes, mouth, or skin of a public safety officer and knew
14 the source of the bodily fluid was infected with the human
15 immunodeficiency virus, hepatitis B, or hepatitis C at the time the
16 offense was committed.

17 (4) Upon a showing of probable cause by affidavit to a judge of this
18 state that an offense as defined in subsection (1) of this section has
19 been committed and that identifies the probable source of the bodily
20 fluid or bodily fluids used to commit the offense, the judge shall grant
21 an order or issue a search warrant authorizing the collection of any
22 evidence, including any bodily fluid or medical records or the
23 performance of any medical or scientific testing or analysis, that may
24 assist with the determination of whether or not the person committing the
25 offense or the person from whom the person committing the offense
26 obtained the bodily fluid or bodily fluids is infected with the human
27 immunodeficiency virus, hepatitis B, or hepatitis C.

28 (5) As used in this section:

29 (a) Bodily fluid means any naturally produced secretion or waste
30 product generated by the human body and shall include, but not be limited
31 to, any quantity of human blood, urine, saliva, mucus, vomitus, seminal

1 fluid, or feces; and

2 (b) Public safety officer includes any of the following persons who
3 are engaged in the performance of their official duties at the time of
4 the offense: A peace officer; a probation officer; a firefighter; an ~~out-~~
5 ~~of-hospital~~ emergency care provider as defined in section 28-929.01; an
6 employee of a county, city, or village jail; an employee of the
7 Department of Correctional Services; an employee of the secure youth
8 confinement facility operated by the Department of Correctional Services,
9 if the person committing the offense is committed to such facility; an
10 employee of the Youth Rehabilitation and Treatment Center-Geneva or the
11 Youth Rehabilitation and Treatment Center-Kearney; or an employee of the
12 Department of Health and Human Services if the person committing the
13 offense is committed as a dangerous sex offender under the Sex Offender
14 Commitment Act.

15 Sec. 11. Section 38-122, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 38-122 Every initial credential to practice a profession or engage
18 in a business shall be in the form of a document under the name of the
19 department ~~and signed by the director, the Governor, and the officers of~~
20 ~~the appropriate board, if any.~~

21 Sec. 12. Section 38-131, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 38-131 (1) An applicant for an initial license to practice as a
24 registered nurse or a licensed practical nurse or for an initial
25 multistate license or licensure by endorsement to practice as a
26 registered nurse or a licensed practical nurse shall be subject to a
27 criminal background check. An applicant for an initial license to
28 practice as ~~a registered nurse or a licensed practical nurse or to~~
29 ~~practice~~ a profession which is authorized to prescribe controlled
30 substances shall be subject to a criminal background check. Except as
31 provided in subsection (3) of this section, the applicant shall submit

1 with the application a full set of fingerprints which shall be forwarded
2 to the Nebraska State Patrol to be submitted to the Federal Bureau of
3 Investigation for a national criminal history record information check.
4 The applicant shall authorize release of the results of the national
5 criminal history record information check to the department. The
6 applicant shall pay the actual cost of the fingerprinting and criminal
7 background check.

8 (2) This section shall not apply to a dentist who is an applicant
9 for a dental locum tenens under section 38-1122, to a physician or
10 osteopathic physician who is an applicant for a physician locum tenens
11 under section 38-2036, or to a veterinarian who is an applicant for a
12 veterinarian locum tenens under section 38-3335.

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

19 Sec. 13. Section 38-1201, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 38-1201 Sections 38-1201 to 38-1237 and sections 17, 19, 20, 21, 22,
22 and 23 of this act shall be known and may be cited as the Emergency
23 Medical Services Practice Act.

24 Sec. 14. Section 38-1202, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 38-1202 It is the intent of the Legislature in enacting the
27 Emergency Medical Services Practice Act to (1) effectuate the delivery of
28 quality ~~out-of-hospital~~ emergency medical care in the state, (2)
29 eliminate duplication of statutory requirements, (3) merge the former
30 boards responsible for regulating ambulance services and emergency
31 medical care, (4) replace the former law regulating providers of and

1 services delivering emergency medical care, (5) provide for the
2 appropriate licensure of persons providing ~~emergency out-of-hospital~~
3 medical care and licensure of organizations providing emergency medical
4 services, (6) provide for the establishment of educational requirements
5 and permitted practices for persons providing ~~out-of-hospital~~ emergency
6 medical care, (7) provide a system for regulation of ~~out-of-hospital~~
7 emergency medical care which encourages ~~out-of-hospital~~ emergency care
8 providers and emergency medical services to provide the highest degree of
9 care which they are capable of providing, and (8) provide a flexible
10 system for the regulation of ~~out-of-hospital~~ emergency care providers and
11 emergency medical services that protects public health and safety.

12 The act shall be liberally construed to effect the purposes of,
13 carry out the intent of, and discharge the responsibilities prescribed in
14 the act.

15 Sec. 15. Section 38-1203, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 38-1203 The Legislature finds:

18 (1) That ~~out-of-hospital~~ emergency medical care is a primary and
19 essential health care service and that the presence of an adequately
20 equipped ambulance and trained ~~out-of-hospital~~ emergency care providers
21 may be the difference between life and death or permanent disability to
22 those persons in Nebraska making use of such services in an emergency;

23 (2) That effective delivery of ~~out-of-hospital~~ emergency medical
24 care may be assisted by a program of training and licensure of ~~out-of-~~
25 ~~hospital~~ emergency care providers and licensure of emergency medical
26 services in accordance with rules and regulations adopted by the board;

27 (3) That the Emergency Medical Services Practice Act is essential to
28 aid in advancing the quality of care being provided by ~~out-of-hospital~~
29 emergency care providers and by emergency medical services and the
30 provision of effective, practical, and economical delivery of ~~out-of-~~
31 ~~hospital~~ emergency medical care in the State of Nebraska;

1 (4) That the services to be delivered by ~~out-of-hospital~~ emergency
2 care providers are complex and demanding and that training and other
3 requirements appropriate for delivery of the services must be constantly
4 reviewed and updated; and

5 (5) That the enactment of a regulatory system that can respond to
6 changing needs of patients and ~~out-of-hospital~~ emergency care providers
7 and emergency medical services is in the best interests of the citizens
8 of Nebraska.

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

11 38-1204 For purposes of the Emergency Medical Services Practice Act
12 and elsewhere in the Uniform Credentialing Act, unless the context
13 otherwise requires, the definitions found in sections 38-1205 to 38-1214
14 and sections 17, 19, 20, 21, 22, and 23 of this act apply.

15 Sec. 17. Advanced emergency medical technician means an individual
16 who, under medical direction, (1) provides basic and limited advanced
17 emergency medical care and transportation for critical and emergency
18 patients who access the emergency medical system, (2) has the knowledge
19 associated with and is competent in all of the skills of an emergency
20 medical responder and emergency medical technician, (3) is able to
21 perform limited advanced skills and provide pharmacological
22 interventions, and (4) may perform medical transport services of patients
23 requiring care within the scope of practice. The scope of practice of an
24 advanced emergency medical technician includes basic, limited advanced,
25 and pharmacological interventions to reduce the morbidity and mortality
26 associated with acute medical and traumatic emergencies which may occur
27 at an emergency scene until transportation resources arrive, from an
28 emergency scene to a health care facility, between health care
29 facilities, or in other health care settings.

30 Sec. 18. Section 38-1205, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 38-1205 Ambulance means any privately or publicly owned motor
2 vehicle or aircraft that is especially designed, constructed or modified,
3 and equipped and is intended to be used and is maintained or operated for
4 the overland or air transportation of patients upon the streets, roads,
5 highways, airspace, or public ways in this state, ~~including funeral~~
6 ~~coaches or hearses,~~ or any other motor vehicles or aircraft used for such
7 purposes.

8 Sec. 19. Section 38-1208, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 ~~38-1208~~ Emergency Out-of-hospital emergency care provider includes
11 all licensure classifications of emergency care providers established
12 pursuant to the Emergency Medical Services Practice Act. Prior to
13 December 31, 2025, emergency care provider includes advanced emergency
14 medical technician, emergency medical responder, emergency medical
15 technician, emergency medical technician-intermediate, and paramedic. On
16 and after December 31, 2025, emergency care provider includes advanced
17 emergency medical technician, emergency medical responder, emergency
18 medical technician, and paramedic.

19 Sec. 20. Emergency medical responder means an emergency care
20 provider who (1) performs simple, noninvasive interventions, subject to
21 the oversight of a physician medical director, to (a) reduce the
22 morbidity and mortality associated with acute out-of-hospital medical and
23 traumatic emergencies and (b) minimize secondary injury and comfort the
24 patient and family while awaiting additional emergency medical service
25 resources and (2) may serve as a part of the crew on a transporting
26 emergency medical service.

27 Sec. 21. Emergency medical technician means an individual who
28 possesses the basic knowledge and skills, acquired through formal
29 education and training and examination, necessary to provide patient care
30 and transportation as part of a comprehensive emergency medical service
31 response, subject to the oversight of a physician medical director. The

1 scope of practice of an emergency medical technician includes basic
2 skills focused on the acute management and transportation of critical and
3 emergency patients at an emergency scene until transportation resources
4 arrive, from an emergency scene to a health care facility, between health
5 care facilities, or in other health care settings.

6 Sec. 22. Emergency medical technician-intermediate means an
7 individual who, under medical direction, (1) provides basic and limited
8 advanced emergency medical care and transportation for critical and
9 emergency patients who access the emergency medical system, (2) has the
10 knowledge associated with and is competent in all of the skills of an
11 emergency medical responder and emergency medical technician, (3) is able
12 to perform limited advanced skills and provide pharmacological
13 interventions, and (4) performs medical transport services of patients
14 requiring care within the scope of practice. The scope of practice of an
15 emergency medical technician-intermediate includes basic, limited
16 advanced, and pharmacological interventions to reduce the morbidity and
17 mortality associated with acute medical and traumatic emergencies which
18 occur at an emergency scene until transportation resources arrive, from
19 an emergency scene to a health care facility, between health care
20 facilities, or in other health care settings.

21 This section terminates on December 31, 2025.

22 Sec. 23. Paramedic means an individual who (1) provides basic and
23 advanced skills focused on the acute management and transportation of a
24 broad range of patients who access the emergency medical system, (2) has
25 the knowledge associated with and is competent in all of the skills of an
26 emergency medical responder, emergency medical technician, and advanced
27 emergency medical technician, and (3) has the ability to perform advanced
28 skills, based on an advanced assessment and the formulation of a field
29 impression, that are effective and can be performed safely in a setting
30 with medical oversight. The scope of practice of a paramedic includes
31 invasive and pharmacological interventions to reduce the morbidity and

1 mortality associated with acute medical and traumatic emergencies which
2 occur at an emergency scene until transportation resources arrive, from
3 an emergency scene to a health care facility, between health care
4 facilities, or in other health care settings.

5 Sec. 24. Section 38-1209, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 38-1209 Patient means an individual who either identifies himself or
8 herself as being in need of medical attention or upon assessment by an
9 ~~out-of-hospital~~ emergency care provider has an injury or illness
10 requiring treatment.

11 Sec. 25. Section 38-1210, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 38-1210 Physician medical director means a qualified physician who
14 is responsible for the medical supervision of ~~out-of-hospital~~ emergency
15 care providers and verification of skill proficiency of ~~out-of-hospital~~
16 emergency care providers pursuant to section 38-1217.

17 Sec. 26. Section 38-1211, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 38-1211 Protocol means a set of written policies, procedures, and
20 directions from a physician medical director to an ~~out-of-hospital~~
21 emergency care provider concerning the medical procedures to be performed
22 in specific situations.

23 Sec. 27. Section 38-1213, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 38-1213 Qualified physician surrogate means a qualified, trained
26 medical person designated by a qualified physician in writing to act as
27 an agent for the physician in directing the actions or renewal of
28 licensure of ~~out-of-hospital~~ emergency care providers.

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

31 38-1215 (1) The board shall have seventeen members appointed by the

1 Governor with the approval of a majority of the Legislature. The
2 appointees may begin to serve immediately following appointment and prior
3 to approval by the Legislature.

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

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

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

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

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

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

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

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

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

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

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

1 section 22 of this act when such licensure classification was a
2 qualification for appointment shall be permitted to continue to serve as
3 a member of the board until the expiration of his or her term.

4 Sec. 29. Section 38-1216, Reissue Revised Statutes of Nebraska, is
5 amended to read:

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

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

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

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

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

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

30 (5) ~~(6)~~ Identify communication needs of emergency medical services
31 and make recommendations for development of a communications plan for a

1 ~~communications network for out-of-hospital~~ emergency care providers and
2 emergency medical services.

3 Sec. 30. Section 38-1217, Revised Statutes Supplement, 2017, is
4 amended to read:

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

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

27 (2) Provide for temporary licensure of an ~~out-of-hospital~~ emergency
28 care provider who has completed the educational requirements for a
29 licensure classification enumerated in subdivision (1) ~~(1)(b)~~ of this
30 section but has not completed the testing requirements for licensure
31 under such subdivision. A temporary license shall allow the person to

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

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

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

29 (5) Authorize ~~out-of-hospital~~ emergency care providers to perform
30 any practice or procedure which they are authorized to perform with an
31 emergency medical service other than the service with which they are

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

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

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

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

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

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

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

1 ~~(11)~~ ~~(12)~~ Create licensure, renewal, and reinstatement requirements
2 for emergency medical service instructors. The rules and regulations
3 shall include the practices and procedures for licensure, renewal, and
4 reinstatement;

5 ~~(12)~~ ~~(13)~~ Establish criteria for emergency medical technicians-
6 intermediate, advanced emergency medical technicians, ~~emergency medical~~
7 ~~technicians-paramedic~~, or paramedics performing activities within their
8 scope of practice at a hospital or health clinic under ~~subsection (3) of~~
9 section 38-1224. Such criteria shall include, but not be limited to, ~~÷~~
10 ~~(a) Requirements for the orientation of registered nurses, physician~~
11 ~~assistants, and physicians involved in the supervision of such personnel;~~
12 ~~(b) supervisory and training requirements for the physician medical~~
13 ~~director or other person in charge of the medical staff at such hospital~~
14 ~~or health clinic; and (c) a requirement that such activities shall only~~
15 be performed at the discretion of, and with the approval of, the
16 governing authority of such hospital or health clinic. For purposes of
17 this subdivision, health clinic has the definition found in section
18 71-416 and hospital has the definition found in section 71-419; and

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

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

31 Sec. 31. Section 38-1218, Revised Statutes Supplement, 2017, is

1 amended to read:

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

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

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

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

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

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

31 (3) An applicant for licensure for a licensure classification listed

1 in subdivision (1) ~~(1)(b)~~ of section 38-1217 who is a military spouse may
2 apply for a temporary license as provided in section 38-129.01.

3 Sec. 32. Section 38-1219, Reissue Revised Statutes of Nebraska, is
4 amended to read:

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

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

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

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

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

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

28 Sec. 33. Section 38-1221, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 38-1221 ~~(1)~~—To be eligible for a license under the Emergency
31 Medical Services Practice Act, an individual shall have attained the age

1 of eighteen years and met the requirements established in accordance with
2 subdivision (1), ~~(2), or (15)~~ of section 38-1217.

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

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

12 Sec. 34. Section 38-1224, Reissue Revised Statutes of Nebraska, is
13 amended to read:

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

22 ~~(2) For purposes of this section, licensed health care practitioner~~
23 ~~means (a) a physician medical director or surrogate for purposes of~~
24 ~~supervision of an emergency care provider for an emergency medical~~
25 ~~service or (b) a physician, a physician assistant, a nurse practitioner,~~
26 ~~a certified nurse midwife, a certified registered nurse anesthetist, or a~~
27 ~~registered nurse for purposes of supervision of an emergency care~~
28 ~~provider for a hospital or health clinic.~~

29 ~~(2) An out-of-hospital emergency care provider may only practice the~~
30 ~~skills he or she is authorized to employ and which are covered by the~~
31 ~~license issued to such provider pursuant to the Emergency Medical~~

1 ~~Services Practice Act.~~

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. 35. 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. 36. Section 38-1226, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 38-1226 No ambulance shall transport any patient upon any street,
18 road, highway, airspace, or public way in the State of Nebraska unless
19 such ambulance, when so transporting patients, is occupied by at least
20 one licensed ~~out-of-hospital~~ emergency care provider. Such requirement
21 shall be met if any of the individuals providing the service is a
22 licensed physician, registered nurse, licensed physician assistant, or
23 licensed practical nurse functioning within the scope of practice of his
24 or her license.

25 Sec. 37. Section 38-1228, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 38-1228 The department, with the approval of the board, may,
28 whenever it deems appropriate, waive any rule, regulation, or standard
29 relating to the licensure of emergency medical services or ~~out-of-~~
30 ~~hospital~~ emergency care providers when the lack of a licensed emergency
31 medical service in a municipality or other area will create an undue

1 hardship in the municipality or other area in meeting the emergency
2 medical service needs of the people thereof.

3 Sec. 38. Section 38-1229, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 38-1229 The department, ~~with the recommendation of the board,~~ may
6 issue a license to any individual who has a current certificate from the
7 National Registry of Emergency Medical Technicians. ~~The level of such~~
8 ~~licensure shall be determined by the board.~~

9 Sec. 39. Section 38-1232, Reissue Revised Statutes of Nebraska, is
10 amended to read:

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

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

31 (3) No physician medical director shall incur any liability by

1 reason of his or her use of any unmodified protocol, standing order,
2 operating procedure, or guideline provided by the board pursuant to
3 subdivision (8) of section 38-1217.

4 Sec. 40. Section 38-1233, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 38-1233 No ~~out-of-hospital~~ emergency care provider shall be subject
7 to civil liability based solely upon failure to obtain consent in
8 rendering emergency medical, surgical, hospital, or health services to
9 any individual regardless of age when the patient is unable to give his
10 or her consent for any reason and there is no other person reasonably
11 available who is legally authorized to consent to the providing of such
12 care.

13 Sec. 41. Section 38-1234, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 38-1234 No act of commission or omission of any ~~out-of-hospital~~
16 emergency care provider while rendering emergency medical care within the
17 limits of his or her licensure or status as a trainee to a person who is
18 deemed by the provider to be in immediate danger of injury or loss of
19 life shall impose any liability on any other person, and this section
20 shall not relieve the ~~out-of-hospital~~ emergency care provider from
21 personal liability, if any.

22 Sec. 42. Section 38-1237, Reissue Revised Statutes of Nebraska, is
23 amended to read:

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

1 agency is approved pursuant to rules and regulations of the department
2 ~~board~~. It shall be unlawful for any person to operate an emergency
3 medical service unless such service is licensed.

4 Sec. 43. Section 38-2518, Reissue Revised Statutes of Nebraska, is
5 amended to read:

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

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

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

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

20 (2) Residency in this state shall not be a requirement of licensure.
21 A corporation, partnership, limited liability company, or association
22 shall not be licensed as an occupational therapist pursuant to the
23 Occupational Therapy Practice Act.

24 Sec. 44. Section 38-2519, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 38-2519 (1) An applicant applying for a license as an occupational
27 therapy assistant shall show to the satisfaction of the department that
28 he or she:

29 (a) Has successfully completed the academic requirements of an
30 educational program in occupational therapy recognized by the department
31 and approved by the board ~~accredited by a nationally recognized medical~~

1 ~~association or nationally recognized occupational therapy association;~~

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

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

9 (2) Residency in this state shall not be a requirement of licensure
10 as an occupational therapy assistant. A corporation, partnership, limited
11 liability company, or association shall not be licensed as an
12 occupational therapy assistant pursuant to the Occupational Therapy
13 Practice Act.

14 Sec. 45. Section 38-2521, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 38-2521 The department, with the recommendation of the board, may
17 waive continuing competency requirements, in part or in total, for any
18 two-year licensing period when a licensee submits documentation that
19 circumstances beyond his or her control prevented completion of such
20 requirements as provided in section 38-146. In addition to circumstances
21 determined by the department to be beyond the licensee's control pursuant
22 to such section, such circumstances shall include situations in which:

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

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

29 (3) The licensee has successfully completed two or more semester
30 hours of formal credit instruction biennially offered by a ~~an~~ ~~accredited~~
31 school or college approved by the board which contributes to meeting the

1 requirements of an advanced degree in a postgraduate program relating to
2 occupational therapy.

3 Sec. 46. Section 48-115, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 48-115 The terms employee and worker are used interchangeably and
6 have the same meaning throughout the Nebraska Workers' Compensation Act.
7 Such terms include the plural and all ages and both sexes. For purposes
8 of the act, employee or worker shall be construed to mean:

9 (1) Every person in the service of the state or of any governmental
10 agency created by it, including the Nebraska National Guard and members
11 of the military forces of the State of Nebraska, under any appointment or
12 contract of hire, expressed or implied, oral or written;

13 (2) Every person in the service of an employer who is engaged in any
14 trade, occupation, business, or profession as described in section 48-106
15 under any contract of hire, expressed or implied, oral or written,
16 including aliens and also including minors. Minors for the purpose of
17 making election of remedies under the Nebraska Workers' Compensation Act
18 shall have the same power of contracting and electing as adult employees.

19 As used in subdivisions (1) through (11) of this section, the terms
20 employee and worker shall not be construed to include any person whose
21 employment is not in the usual course of the trade, business, profession,
22 or occupation of his or her employer.

23 If an employee subject to the Nebraska Workers' Compensation Act
24 suffers an injury on account of which he or she or, in the event of his
25 or her death, his or her dependents would otherwise have been entitled to
26 the benefits provided by such act, the employee or, in the event of his
27 or her death, his or her dependents shall be entitled to the benefits
28 provided under such act, if the injury or injury resulting in death
29 occurred within this state, or if at the time of such injury (a) the
30 employment was principally localized within this state, (b) the employer
31 was performing work within this state, or (c) the contract of hire was

1 made within this state;

2 (3) Volunteer firefighters of any fire department of any rural or
3 suburban fire protection district, city, village, or nonprofit
4 corporation, which fire department is organized under the laws of the
5 State of Nebraska. Such volunteers shall be deemed employees of such
6 rural or suburban fire protection district, city, village, or nonprofit
7 corporation while in the performance of their duties as members of such
8 department and shall be considered as having entered and as acting in the
9 regular course and scope of their employment from the instant such
10 persons commence responding to a call to active duty, whether to a fire
11 station or other place where firefighting equipment that their company or
12 unit is to use is located or to any activities that the volunteer
13 firefighters may be directed to do by the chief of the fire department or
14 some person authorized to act for such chief. Such volunteers shall be
15 deemed employees of such rural or suburban fire protection district,
16 city, village, or nonprofit corporation until their return to the
17 location from which they were initially called to active duty or until
18 they engage in any activity beyond the scope of the performance of their
19 duties, whichever occurs first.

20 Members of such volunteer fire department, before they are entitled
21 to benefits under the Nebraska Workers' Compensation Act, shall be
22 recommended by the chief of the fire department or some person authorized
23 to act for such chief for membership therein to the board of directors of
24 the rural or suburban fire protection district or nonprofit corporation,
25 the mayor and city commission, the mayor and council, or the chairperson
26 and board of trustees, as the case may be, and upon confirmation shall be
27 deemed employees of such entity. Members of such fire department after
28 confirmation to membership may be removed by a majority vote of the
29 entity's board of directors or governing body and thereafter shall not be
30 considered employees of such entity. Firefighters of any fire department
31 of any rural or suburban fire protection district, nonprofit corporation,

1 city, or village shall be considered as acting in the performance and
2 within the course and scope of their employment when performing
3 activities outside of the corporate limits of their respective districts,
4 cities, or villages, but only if directed to do so by the chief of the
5 fire department or some person authorized to act for such chief;

6 (4) Members of the Nebraska Emergency Management Agency, any city,
7 village, county, or interjurisdictional emergency management
8 organization, or any state emergency response team, which agency,
9 organization, or team is regularly organized under the laws of the State
10 of Nebraska. Such members shall be deemed employees of such agency,
11 organization, or team while in the performance of their duties as members
12 of such agency, organization, or team;

13 (5) Any person fulfilling conditions of probation, or community
14 service as defined in section 29-2277, pursuant to any order of any court
15 of this state who shall be working for a governmental body, or agency as
16 defined in section 29-2277, pursuant to any condition of probation, or
17 community service as defined in section 29-2277. Such person shall be
18 deemed an employee of the governmental body or agency for the purposes of
19 the Nebraska Workers' Compensation Act;

20 (6) Volunteer ambulance drivers and attendants and ~~out-of-hospital~~
21 emergency care providers who are members of an emergency medical service
22 for any county, city, village, rural or suburban fire protection
23 district, nonprofit corporation, or any combination of such entities
24 under the authority of section 13-303. Such volunteers shall be deemed
25 employees of such entity or combination thereof while in the performance
26 of their duties as ambulance drivers or attendants or ~~out-of-hospital~~
27 emergency care providers and shall be considered as having entered into
28 and as acting in the regular course and scope of their employment from
29 the instant such persons commence responding to a call to active duty,
30 whether to a hospital or other place where the ambulance they are to use
31 is located or to any activities that the volunteer ambulance drivers or

1 attendants or ~~out-of-hospital~~ emergency care providers may be directed to
2 do by the chief or some person authorized to act for such chief of the
3 volunteer ambulance service or ~~out-of-hospital~~ emergency care service.
4 Such volunteers shall be deemed employees of such county, city, village,
5 rural or suburban fire protection district, nonprofit corporation, or
6 combination of such entities until their return to the location from
7 which they were initially called to active duty or until they engage in
8 any activity beyond the scope of the performance of their duties,
9 whichever occurs first. Before such volunteer ambulance drivers or
10 attendants or ~~out-of-hospital~~ emergency care providers are entitled to
11 benefits under the Nebraska Workers' Compensation Act, they shall be
12 recommended by the chief or some person authorized to act for such chief
13 of the volunteer ambulance service or ~~out-of-hospital~~ emergency care
14 service for membership therein to the board of directors of the rural or
15 suburban fire protection district or nonprofit corporation, the governing
16 body of the county, city, or village, or combination thereof, as the case
17 may be, and upon such confirmation shall be deemed employees of such
18 entity or combination thereof. Members of such volunteer ambulance or
19 ~~out-of-hospital~~ emergency care service after confirmation to membership
20 may be removed by majority vote of the entity's board of directors or
21 governing body and thereafter shall not be considered employees of such
22 entity. Volunteer ambulance drivers and attendants and ~~out-of-hospital~~
23 emergency care providers for any county, city, village, rural or suburban
24 fire protection district, nonprofit corporation, or any combination
25 thereof shall be considered as acting in the performance and within the
26 course and scope of their employment when performing activities outside
27 of the corporate limits of their respective county, city, village, or
28 district, but only if directed to do so by the chief or some person
29 authorized to act for such chief;

30 (7) Members of a law enforcement reserve force appointed in
31 accordance with section 81-1438. Such members shall be deemed employees

1 of the county or city for which they were appointed;

2 (8) Any offender committed to the Department of Correctional
3 Services who is employed pursuant to section 81-1827. Such offender shall
4 be deemed an employee of the Department of Correctional Services solely
5 for purposes of the Nebraska Workers' Compensation Act;

6 (9) An executive officer of a corporation elected or appointed under
7 the provisions or authority of the charter, articles of incorporation, or
8 bylaws of such corporation who owns less than twenty-five percent of the
9 common stock of such corporation or an executive officer of a nonprofit
10 corporation elected or appointed under the provisions or authority of the
11 charter, articles of incorporation, or bylaws of such corporation who
12 receives annual compensation of more than one thousand dollars from such
13 corporation. Such executive officer shall be an employee of such
14 corporation under the Nebraska Workers' Compensation Act.

15 An executive officer of a corporation who owns twenty-five percent
16 or more of the common stock of such corporation or an executive officer
17 of a nonprofit corporation who receives annual compensation of one
18 thousand dollars or less from such corporation shall not be construed to
19 be an employee of the corporation under the Nebraska Workers'
20 Compensation Act unless such executive officer elects to bring himself or
21 herself within the provisions of the act. Such election shall be in
22 writing and filed with the secretary of the corporation and with the
23 workers' compensation insurer. Such election shall be effective upon
24 receipt by the insurer for the current policy and subsequent policies
25 issued by such insurer and shall remain in effect until the election is
26 terminated, in writing, by the officer and the termination is filed with
27 the insurer or until the insurer ceases to provide coverage for the
28 corporation, whichever occurs first. Any such termination of election
29 shall also be filed with the secretary of the corporation. If insurance
30 is provided through a master policy or a multiple coordinated policy
31 pursuant to the Professional Employer Organization Registration Act on or

1 after January 1, 2012, then such election or termination of election
2 shall also be filed with the professional employer organization. If
3 coverage under the master policy or multiple coordinated policy ceases,
4 then such election shall also be effective for a replacement master
5 policy or multiple coordinated policy obtained by the professional
6 employer organization and shall remain in effect for the new policy as
7 provided in this subdivision. If such an executive officer has not
8 elected to bring himself or herself within the provisions of the Nebraska
9 Workers' Compensation Act pursuant to this subdivision and a health,
10 accident, or other insurance policy covering such executive officer
11 contains an exclusion of coverage if the executive officer is otherwise
12 entitled to workers' compensation coverage, such exclusion is null and
13 void as to such executive officer.

14 It is the intent of the Legislature that the changes made to this
15 subdivision by Laws 2002, LB 417, shall apply to policies of insurance
16 against liability arising under the act with an effective date on or
17 after January 1, 2003, but shall not apply to any such policy with an
18 effective date prior to January 1, 2003;

19 (10) Each individual employer, partner, limited liability company
20 member, or self-employed person who is actually engaged in the individual
21 employer's, partnership's, limited liability company's, or self-employed
22 person's business on a substantially full-time basis who elects to bring
23 himself or herself within the provisions of the Nebraska Workers'
24 Compensation Act. Such election shall be in writing and filed with the
25 workers' compensation insurer. Such election shall be effective upon
26 receipt by the insurer for the current policy and subsequent policies
27 issued by such insurer and shall remain in effect until the election is
28 terminated, in writing, by such person and the termination is filed with
29 the insurer or until the insurer ceases to provide coverage for the
30 business, whichever occurs first. If insurance is provided through a
31 master policy or a multiple coordinated policy pursuant to the

1 Professional Employer Organization Registration Act on or after January
2 1, 2012, then such election or termination of election shall also be
3 filed with the professional employer organization. If coverage under the
4 master policy or multiple coordinated policy ceases, then such election
5 shall also be effective for a replacement master policy or multiple
6 coordinated policy obtained by the professional employer organization and
7 shall remain in effect for the new policy as provided in this
8 subdivision. If any such person who is actually engaged in the business
9 on a substantially full-time basis has not elected to bring himself or
10 herself within the provisions of the Nebraska Workers' Compensation Act
11 pursuant to this subdivision and a health, accident, or other insurance
12 policy covering such person contains an exclusion of coverage if such
13 person is otherwise entitled to workers' compensation coverage, such
14 exclusion shall be null and void as to such person; and

15 (11) An individual lessor of a commercial motor vehicle leased to a
16 motor carrier and driven by such individual lessor who elects to bring
17 himself or herself within the provisions of the Nebraska Workers'
18 Compensation Act. Such election is made if he or she agrees in writing
19 with the motor carrier to have the same rights as an employee only for
20 purposes of workers' compensation coverage maintained by the motor
21 carrier. For an election under this subdivision, the motor carrier's
22 principal place of business must be in this state and the motor carrier
23 must be authorized to self-insure liability under the Nebraska Workers'
24 Compensation Act. Such an election shall (a) be effective from the date
25 of such written agreement until such agreement is terminated, (b) be
26 enforceable against such self-insured motor carrier in the same manner
27 and to the same extent as claims arising under the Nebraska Workers'
28 Compensation Act by employees of such self-insured motor carrier, and (c)
29 not be deemed to be a contract of insurance for purposes of Chapter 44.
30 Section 48-111 shall apply to the individual lessor and the self-insured
31 motor carrier with respect to personal injury or death caused to such

1 individual lessor by accident or occupational disease arising out of and
2 in the course of performing services for such self-insured motor carrier
3 in connection with such lease while such election is effective.

4 Sec. 47. Section 71-507, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 71-507 For purposes of sections 71-507 to 71-513:

7 (1) Alternate facility means a facility other than a health care
8 facility that receives a patient transported to the facility by an
9 emergency services provider;

10 (2) Department means the Department of Health and Human Services;

11 (3) Designated physician means the physician representing the
12 emergency services provider as identified by name, address, and telephone
13 number on the significant exposure report form. The designated physician
14 shall serve as the contact for notification in the event an emergency
15 services provider believes he or she has had significant exposure to an
16 infectious disease or condition. Each emergency services provider shall
17 designate a physician as provided in subsection (2) of section 71-509;

18 (4) Emergency services provider means an ~~out-of-hospital~~ emergency
19 care provider licensed pursuant to the Emergency Medical Services
20 Practice Act, a sheriff, a deputy sheriff, a police officer, a state
21 highway patrol officer, a funeral director, a paid or volunteer
22 firefighter, a school district employee, and a person rendering emergency
23 care gratuitously as described in section 25-21,186;

24 (5) Funeral director means a person licensed under section 38-1414
25 or an employee of such a person with responsibility for transport or
26 handling of a deceased human;

27 (6) Funeral establishment means a business licensed under section
28 38-1419;

29 (7) Health care facility has the meaning found in sections 71-419,
30 71-420, 71-424, and 71-429 or any facility that receives patients of
31 emergencies who are transported to the facility by emergency services

1 providers;

2 (8) Infectious disease or condition means hepatitis B, hepatitis C,
3 meningococcal meningitis, active pulmonary tuberculosis, human
4 immunodeficiency virus, diphtheria, plague, hemorrhagic fevers, rabies,
5 and such other diseases as the department may by rule and regulation
6 specify;

7 (9) Patient means an individual who is sick, injured, wounded,
8 deceased, or otherwise helpless or incapacitated;

9 (10) Patient's attending physician means the physician having the
10 primary responsibility for the patient as indicated on the records of a
11 health care facility;

12 (11) Provider agency means any law enforcement agency, fire
13 department, emergency medical service, funeral establishment, or other
14 entity which employs or directs emergency services providers or public
15 safety officials;

16 (12) Public safety official means a sheriff, a deputy sheriff, a
17 police officer, a state highway patrol officer, a paid or volunteer
18 firefighter, a school district employee, and any civilian law enforcement
19 employee or volunteer performing his or her duties, other than those as
20 an emergency services provider;

21 (13) Responsible person means an individual who has been designated
22 by an alternate facility to carry out the facility's responsibilities
23 under sections 71-507 to 71-513. A responsible person may be designated
24 on a case-by-case basis;

25 (14) Significant exposure means a situation in which the body
26 fluids, including blood, saliva, urine, respiratory secretions, or feces,
27 of a patient or individual have entered the body of an emergency services
28 provider or public safety official through a body opening including the
29 mouth or nose, a mucous membrane, or a break in skin from cuts or
30 abrasions, from a contaminated needlestick or scalpel, from intimate
31 respiratory contact, or through any other situation when the patient's or

1 individual's body fluids may have entered the emergency services
2 provider's or public safety official's body or when an airborne pathogen
3 may have been transmitted from the patient or individual to the emergency
4 services provider or public safety official; and

5 (15) Significant exposure report form means the form used by the
6 emergency services provider to document information necessary for
7 notification of significant exposure to an infectious disease or
8 condition.

9 Sec. 48. Section 71-509, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 71-509 (1) If a health care facility or alternate facility
12 determines that a patient treated or transported by an emergency services
13 provider has been diagnosed or detected with an infectious airborne
14 disease, the health care facility or alternate facility shall notify the
15 department as soon as practical but not later than forty-eight hours
16 after the determination has been made. The department shall investigate
17 all notifications from health care facilities and alternate facilities
18 and notify as soon as practical the physician medical director of each
19 emergency medical service with an affected ~~out-of-hospital~~ emergency
20 medical services provider employed by or associated with the service, the
21 fire chief of each fire department with an affected firefighter employed
22 by or associated with the department, the head of each law enforcement
23 agency with an affected peace officer employed by or associated with the
24 agency, the funeral director of each funeral establishment with an
25 affected individual employed by or associated with the funeral
26 establishment, and any emergency services provider known to the
27 department with a significant exposure who is not employed by or
28 associated with an emergency medical service, a fire department, a law
29 enforcement agency, or a funeral establishment. Notification of affected
30 individuals shall be made as soon as practical.

31 (2) Whenever an emergency services provider believes he or she has

1 had a significant exposure while acting as an emergency services
2 provider, he or she may complete a significant exposure report form. A
3 copy of the completed form shall be given by the emergency services
4 provider to the health care facility or alternate facility, to the
5 emergency services provider's supervisor, and to the designated
6 physician.

7 (3) Upon receipt of the significant exposure form, if a patient has
8 been diagnosed during the normal course of treatment as having an
9 infectious disease or condition or information is received from which it
10 may be concluded that a patient has an infectious disease or condition,
11 the health care facility or alternate facility receiving the form shall
12 notify the designated physician pursuant to subsection (5) of this
13 section. If the patient has not been diagnosed as having an infectious
14 disease or condition and upon the request of the designated physician,
15 the health care facility or alternate facility shall request the
16 patient's attending physician or other responsible person to order the
17 necessary diagnostic testing of the patient to determine the presence of
18 an infectious disease or condition. Upon such request, the patient's
19 attending physician or other responsible person shall order the necessary
20 diagnostic testing subject to section 71-510. Each health care facility
21 shall develop a policy or protocol to administer such testing and assure
22 confidentiality of such testing.

23 (4) Results of tests conducted under this section and section 71-510
24 shall be reported by the health care facility or alternate facility that
25 conducted the test to the designated physician and to the patient's
26 attending physician, if any.

27 (5) Notification of the patient's diagnosis of infectious disease or
28 condition, including the results of any tests, shall be made orally to
29 the designated physician within forty-eight hours of confirmed diagnosis.
30 A written report shall be forwarded to the designated physician within
31 seventy-two hours of confirmed diagnosis.

1 (6) Upon receipt of notification under subsection (5) of this
2 section, the designated physician shall notify the emergency services
3 provider of the exposure to infectious disease or condition and the
4 results of any tests conducted under this section and section 71-510.

5 (7) The notification to the emergency services provider shall
6 include the name of the infectious disease or condition diagnosed but
7 shall not contain the patient's name or any other identifying
8 information. Any person receiving such notification shall treat the
9 information received as confidential and shall not disclose the
10 information except as provided in sections 71-507 to 71-513.

11 (8) The provider agency shall be responsible for the costs of
12 diagnostic testing required under this section and section 71-510, except
13 that if a person renders emergency care gratuitously as described in
14 section 25-21,186, such person shall be responsible for the costs.

15 (9) The patient's attending physician shall inform the patient of
16 test results for all tests conducted under such sections.

17 Sec. 49. Section 71-8226, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 71-8226 Physician medical director means a qualified physician who
20 is responsible for the medical supervision of ~~out-of-hospital~~ emergency
21 care providers and verification of skill proficiency of ~~out-of-hospital~~
22 emergency care providers.

23 Sec. 50. Section 71-8227, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 71-8227 Qualified physician surrogate means a qualified, trained
26 medical person, designated by a qualified physician in writing to act as
27 an agent for the physician in directing the actions of ~~out-of-hospital~~
28 emergency care providers.

29 Sec. 51. Section 71-8249, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 71-8249 (1) All data collected under section 71-8248 shall be held

1 confidential pursuant to sections 81-663 to 81-675. Confidential patient
2 medical record data shall only be released as (a) Class I, II, or IV
3 medical records under sections 81-663 to 81-675, (b) aggregate or case-
4 specific data to the regional trauma system quality assurance program and
5 the regional trauma advisory boards, (c) protected health information to
6 a public health authority, as such terms are defined under the federal
7 Health Insurance Portability and Accountability Act of 1996, as such act
8 existed on January 1, 2018 ~~2008~~, and (d) protected health information, as
9 defined under the federal Health Insurance Portability and Accountability
10 Act of 1996, as such act existed on January 1, 2018 ~~2008~~, to an emergency
11 medical service, to an ~~out-of-hospital~~ emergency care provider, to a
12 licensed health care facility, or to a center that will treat or has
13 treated a specific patient.

14 A record may be shared with the emergency medical service, the ~~out-~~
15 ~~of-hospital~~ emergency care provider, the licensed health care facility,
16 or center that reported that specific record.

17 (2) Patient care quality assurance proceedings, records, and reports
18 developed pursuant to this section and section 71-8248 are confidential
19 and are not subject to discovery by subpoena or admissible as evidence in
20 any civil action, except pursuant to a court order which provides for the
21 protection of sensitive information of interested parties, including the
22 department, pursuant to section 25-12,123.

23 Sec. 52. Section 71-8251, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 71-8251 The department shall establish a regional trauma advisory
26 board within each trauma care region. The department shall appoint
27 members, to be comprised of a balance of hospital representatives and
28 ~~out-of-hospital~~ emergency care ~~services~~ providers, local elected
29 officials, consumers, local law enforcement representatives, and local
30 government agencies involved in the delivery of emergency medical
31 services and trauma care recommended by the local emergency medical

1 services providers and medical facilities located within the region. All
2 members of the board may be reimbursed for their actual and necessary
3 expenses incurred in the performance of their duties as such members
4 pursuant to sections 81-1174 to 81-1177.

5 Sec. 53. Original sections 13-1801, 23-1821, 28-907, 28-929,
6 28-929.01, 28-930, 28-931, 28-931.01, 28-934, 38-122, 38-131, 38-1201,
7 38-1202, 38-1203, 38-1204, 38-1205, 38-1208, 38-1209, 38-1210, 38-1211,
8 38-1213, 38-1215, 38-1216, 38-1219, 38-1221, 38-1224, 38-1225, 38-1226,
9 38-1228, 38-1229, 38-1232, 38-1233, 38-1234, 38-1237, 38-2518, 38-2519,
10 38-2521, 48-115, 71-507, 71-509, 71-8226, 71-8227, 71-8249, and 71-8251,
11 Reissue Revised Statutes of Nebraska, section 13-303, Revised Statutes
12 Cumulative Supplement, 2016, and sections 38-1217 and 38-1218, Revised
13 Statutes Supplement, 2017, are repealed.