

LEGISLATURE OF NEBRASKA
NINETY-SIXTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 498
FINAL READING

Introduced by Wickersham, 49; Jensen, 20

Read first time January 15, 1999

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to public health and welfare; to amend section
2 71-5178, Revised Statutes Supplement, 1998; to provide
3 for the use of automated external defibrillators; to
4 define terms; to provide for immunity from liability; to
5 provide for rules and regulations; to repeal the original
6 section; and to declare an emergency.

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

1 Section 1. (1) For purposes of this section:

2 (a) Automated external defibrillator means a device that:

3 (i) Is capable of recognizing the presence or absence of
4 ventricular fibrillation or rapid ventricular tachycardia and is
5 capable of determining, without intervention of an operator,
6 whether defibrillation should be performed; and

7 (ii) Automatically charges and requests delivery of an
8 electrical impulse to an individual's heart when it has identified
9 a condition for which defibrillation should be performed;

10 (b) Health care facility means an institution subject to
11 licensing under sections 71-2017 to 71-2029; and

12 (c) Health care professional means any person who is
13 licensed, certified, or registered by the Department of Health and
14 Human Services Regulation and Licensure and who is authorized
15 within his or her scope of practice to use an automated external
16 defibrillator.

17 (2) No person other than a health care professional shall
18 use an automated external defibrillator for emergency care or
19 treatment unless:

20 (a) The user of the defibrillator has received
21 appropriate training in the use of the defibrillator as established
22 by the Department of Health and Human Services Regulation and
23 Licensure; and

24 (b) The defibrillator is maintained and tested according
25 to the manufacturer's guidelines.

26 (3) Except for the action or omission of a health care
27 professional acting in such capacity or in a health care facility,
28 no person who delivers emergency care or treatment using an

1 automated external defibrillator as prescribed in subsection (2) of
2 this section shall be liable in any civil action to respond in
3 damages as a result of his or her acts of commission or omission
4 arising out of and in the course of rendering such care or
5 treatment in good faith. Nothing in this subsection shall be
6 deemed to (a) grant immunity for any willful, wanton, or grossly
7 negligent acts of commission or omission or (b) limit the immunity
8 provisions for certain health care professionals as provided in
9 section 71-5194.

10 Sec. 2. Section 71-5178, Revised Statutes Supplement,
11 1998, is amended to read:

12 71-5178. The department, with the approval of the board,
13 shall adopt and promulgate rules and regulations necessary to:

14 (1) Implement the Emergency Medical Services Act;

15 (2) Create the following certification classifications of
16 out-of-hospital emergency care providers: (a) First responder; (b)
17 emergency medical technician; (c) emergency medical
18 technician-intermediate; and (d) emergency medical
19 technician-paramedic. The rules and regulations creating the
20 classifications shall include the practices and procedures
21 authorized for each classification, training and testing
22 requirements, recertification requirements, and other criteria and
23 qualifications for each classification determined to be necessary
24 for protection of public health and safety;

25 (3) Provide for curricula which will allow
26 out-of-hospital emergency care providers and users of automated
27 external defibrillators as defined in section 1 of this act to be
28 trained for the delivery of practices and procedures in units of

1 limited subject matter which will encourage continued development
2 of abilities and use of such abilities through additional
3 authorized practices and procedures;

4 (4) Establish procedures and requirements for
5 applications for examination, certification, or recertification in
6 any of the certification classifications created pursuant to the
7 Emergency Medical Services Act;

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

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

24 (7) Authorize out-of-hospital emergency care providers to
25 perform any practice or procedure which they are authorized to
26 perform with an emergency medical service other than the service
27 with which they are affiliated when requested by the other service
28 and when the patient for whom they are to render services is in

1 danger of loss of life;

2 (8) Provide for the approval, inspection, review, and
3 termination of approval of training agencies and establish minimum
4 standards for services provided by training agencies. All training
5 for certification shall be provided through an approved or
6 accredited training agency;

7 (9) Provide for the minimum qualifications of a physician
8 medical director in addition to the licensure required by
9 subdivision (10) of section 71-5175;

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

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

23 (12) Establish recertification and renewal requirements
24 for out-of-hospital emergency care providers and emergency medical
25 services and provide for compliance with recertification
26 requirements by one of the following methods: (a) Continuing
27 education; (b) achieving a department-prescribed level of
28 performance on a written and practical skills test; or (c)

1 verification by a physician medical director or qualified physician
2 surrogate that the applicant is qualified for recertification. The
3 recertification requirements for out-of-hospital emergency care
4 providers shall allow recertification at the same or any lower
5 level of certification for which the out-of-hospital emergency care
6 provider is determined to be qualified. All certificates and
7 licenses issued under the act shall expire at midnight on December
8 31 the third year after issuance; and

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

12 Sec. 3. Original section 71-5178, Revised Statutes
13 Supplement, 1998, is repealed.

14 Sec. 4. Since an emergency exists, this act takes effect
15 when passed and approved according to law.