TITLE 172 PROFESSIONAL AND OCCUPATIONAL LICENSURE

CHAPTER 11 LICENSURE OF EMERGENCY CARE PROVIDERS

001. SCOPE AND AUTHORITY. These regulations govern the licensure of emergency care providers under the Emergency Medical Services Practice Act Nebraska Revised Statute (Neb. Rev. Stat.) § 38-1201 to § 38-1237 and the Uniform Credentialing Act, Neb. Rev. Stat. § 38-101 to § 38-1,146.

002. DEFINITIONS. For purposes of these regulations, definitions in the Uniform Credentialing Act, the Emergency Medical Services Practice Act, 172 Nebraska Administrative Code (NAC) 10, 12, and 13, and the following definitions are hereby adopted.

002.01 COMMUNITY CARE PROVIDER. Community paramedic who has a current license as an emergency medical technician, advanced emergency care technician, emergency medical technician – intermediate, or a paramedic and holds a license to practice as a community paramedic.

002.02 DIRECT SUPERVISION. The supervisor is present with the patient visually monitoring, providing verbal direction, and overseeing patient care that is being provided by temporary licensee.

002.03 EMERGENCY MEDICAL SERVICE INSTRUCTOR. An individual who has a current license to practice as an emergency medical service instructor.

002.04 NATIONAL CONTINUED COMPETENCY PROGRAM. A program developed by the National Registry of Emergency Medical Technicians to ensure evidenced based continuing education for emergency care providers. As of the effective date this chapter, the National Continued Competency Program level requirements are adopted as part of the continuing competency requirements for renewal of emergency care provider licenses. A copy of the National Continued Competency Program is available on the Department's website or by contacting the Department at 301 Centennial Mall South, Lincoln, Nebraska.

002.05 NON-VISUALIZED AIRWAY MANAGEMENT. The insertion of a supraglottic airway device without visualization of airway anatomical structures and the removal of airway adjuncts as the sole means to provide for a patent airway.

002.06 SUPERVISOR. An individual who is a licensed emergency care provider, licensed healthcare practitioner or under the direction of a registered nurse, with an unencumbered license and is the same or higher level as the temporary licensee and is responsible for holders of temporary licenses.

003. INITIAL CREDENTIAL. To obtain a license an applicant must submit a complete application provided by the Department and provide documentation demonstrating the applicant meets the statutory requirements, 172 NAC 10, and this chapter.

003.01 LICENSURE EXAMINATION. The National Registry of Emergency Medical Technicians Cognitive Exam is the approved licensure examination for all levels except critical care paramedic and community care providers. The certification examination for Critical Care Paramedic or the Flight Paramedic Certification examination provided by The International Board of Specialty Certification is the approved licensure examination for critical care paramedic. The community care provider must take a community paramedicine certification examination provided by The International Board of Specialty Certification is the approved licensure examination for a community care provider. An applicant must have passed the licensure exam for the level of licensure for which the applicant is applying. The passing of a licensure examination is determined by The Standards for Educational and Psychological Testing.

003.02 APPLICATION. An applicant must be at least 18 years of age and submit documentation of having a current certificate for the level of license applied for or higher level from the National Registry of Emergency Medical Technicians as evidence of meeting the education and examination requirements. An applicant for a license as a critical care paramedic must have a license as a paramedic and have successfully completed the approved licensure examination for critical care paramedic. An applicant for a license as a community care provider must have a license as an emergency medical technician, advanced emergency medical technician, or paramedic and have successfully completed the approved licensure examination for a community care provider.

004. TEMPORARY LICENSE. An applicant for a temporary license must meet all statutory requirements, the requirements of 172 NAC 10, the requirements of this chapter and submit a complete application and documentation to the Department that the applicant meets all requirements, except for passing the required examination. An applicant must have an official certificate of completion from the training agency showing successful course completion with the date of completion sent directly to the Department from the originating program or institution.

004.01 PRACTICE UNDER A TEMPORARY LICENSE. An individual with a temporary license must be under direct supervision by the same or higher level of emergency care provider, licensed healthcare practitioner, or under the direction of a registered nurse, when performing practices or procedures at the level permitted by the temporary license.

005. RECIPROCITY. To obtain a license based on reciprocity, an applicant must meet the requirements of Neb. Rev. Stat. § 38-129.02, 172 NAC 10, and this chapter.

005.01 RESIDENCY. All applicants receiving a license pursuant to 172 NAC 11 must submit documentation of establishing residency in Nebraska as required by Neb. Rev. Stat. § 38-129.02. Such documentation must be submitted within 90 days of establishment of residency

and consist of a rental or lease agreement with the signature of the owner or landlord and the applicant, a deed or title to residential real property with the name of the applicant as an owner, or documents with the name and address of the applicant such as mortgage bills, home utility bills, medical or employee documents or similar documents that show the applicant residing in Nebraska.

006. RENEWAL. To renew a license, an applicant must meet all statutory requirements, the requirements of 172 NAC 10, and this chapter. All emergency care provider licenses except emergency medical technicians issued by the Department expire on March 31 of each odd-numbered year. Emergency medical technicians expire on March 31 of each even-numbered year.

007. DOWNGRADE. An applicant may change licensure level at the time of renewal as set out below:

(A) Paramedics who do not meet the continuing competency requirements as provided in this chapter for their level of licensure may be licensed as an advanced emergency medical technician, emergency medical technician, or as an emergency medical responder if they meet the continuing competency requirements of the respective license;

(B) Emergency medical technician-intermediates who do not meet the continuing competency requirements as provided in this chapter for their level of licensure may be licensed as an advanced emergency medical technician, emergency medical technician, or an emergency medical responder if they meet the continuing competency requirements for the respective license;

(C) Advanced emergency medical technicians who do not meet the continuing competency requirements as provided in this chapter for their level may be licensed as an emergency medical technician, or an emergency medical responder if they meet the continuing competency requirements for the respective license; or

(D) Emergency medical technicians who do not meet the continuing competency requirements as provided in this chapter for their level of licensure may be licensed as an emergency medical responder if they meet the continuing competency requirements for that license.

008. CONTINUING COMPETENCY REQUIREMENTS. On or before the license expiration date, each licensed emergency care provider must complete continued competency requirements for their level of licensure as follows:

(A) Emergency medical responders must:

(i) Complete 8 hours of continuing education that meets the standards of the national component of the National Continuing Competency Program's continued competency requirements for emergency medical responders; or

(ii) Hold a current Emergency Medical Responder certificate from the National Registry of Emergency Medical Technicians.

(B) Emergency medical technicians must:

(i) Complete 20 hours of continuing education that meets the standards of the national component of the National Continuing Competency Program's continued competency requirements for emergency medical technicians; or

(ii) Hold a current Emergency Medical Technician certificate from the National Registry of Emergency Medical Technicians.

(C) Advanced emergency medical technicians must:

(i) Complete 25 hours of continuing education that meets the standards of the national component of the National Continuing Competency Program's continued competency requirements for advanced emergency medical technicians and have documentation from the physician medical director or qualified physician surrogate of demonstrated competency in peripheral IV access, non-visualized advanced airway management and administration of approved medications in a clinical, out-of-hospital, or educational setting; or

(ii) Hold a current Advanced Emergency Medical Technician certificate from the National Registry of Emergency Medical Technicians.

(D) Emergency medical technician-intermediates must attest to completing 30 hours of continuing education, 20 hours in the subject matter of the emergency medical technician course and 10 hours in the subject matter covering the emergency medical technician-intermediate practice and procedures and have documentation from a physician or qualified physician surrogate of demonstrated competency in peripheral IV administration and endotracheal intubation in a clinical, out-of-hospital, or educational setting.

(E) Paramedics must:

(i) Complete 30 hours of continuing education that meets the standards of the national component of the National Continuing Competency Program's continued competency requirements for paramedics and have documentation by a physician or qualified physician surrogate of demonstrated competency in peripheral IV administration, drug administration, cardiac skills, and endotracheal intubation in a clinical, out-of-hospital, or educational setting; or

(ii) Hold a current Paramedic certificate from the National Registry of Emergency Medical Technicians.

(F) Critical care paramedic must:

(i) Maintain a current Nebraska Paramedic License; and

(ii) Hold a current International Board of Specialty Certification Critical Care Paramedic Certification or Flight Paramedic Certification.

(G) Community care provider must:

(i) Maintain a current Nebraska emergency medical technician, advanced emergency medical technician, or paramedic license; and

(ii) Hold a current International Board of Specialty Certification Community Paramedic Certification.

009. ACCEPTABLE CONTINUING COMPETENCY. In order for an activity to be accepted for continuing competency to renew a license, the activity must meet the following criteria:

(A) Be a planned, formally organized program of learning which directly contributes to the professional competency of emergency care providers;

(B) Have objectives that demonstrate a reasonable connection to the practice of emergency medicine;

(C) Be made available on a specific date and time or be a distributive learning program;

(D) Have an instructor who has experience or training in the content area(s) of the course being taught;

(E) Have a course title consisting of content at least one-half hour in duration;
(F) Delineate the number of contact hours, excluding meals and breaks to be awarded at the completion of the activity, with proof of such completion being documented; and
(G) Have a mechanism that documents attendance and participation; and
(H) A licensee who is an instructor of an Emergency Medical Service Course, may receive continuing education hours for initial instruction of an Emergency Medical Service Course on an hour-for-hour basis. Credit will not be given to the licensee for subsequent instruction of the same Emergency Medical Service Course or continuing education course.

010. NON-ACCEPTABLE CONTINUING COMPETENCY. The following activities are not acceptable for continuing education to renew a license:
(A) Advanced National Incident Management System Training where the subject matter does not have an emergency medical service focus;
(B) Advanced scene management courses where the subject matter does not have an emergency medical service focus;
(C) Classes offered by Homeland Security where the subject matter does not have an emergency medical service focus;
(D) Courses where the subject matter does not demonstrate a reasonable connection to the practice of emergency medical care; or
(E) Fire training courses where the subject matter does not have an emergency medical service focus.

011. WAIVER OF CONTINUING EDUCATION. In addition to the waivers allowed by 172 NAC 10, the Department may waive continuing competency requirements, in whole or in part, upon submission by a credential holder of documentation that circumstances beyond their control have prevented completion of these requirements. These circumstances may include suffering from a serious or disabling illness or physical disability, which prevented completion of the continuing competency requirements during the 24 months immediately preceding the license renewal date. Waiver of continuing education may not be used for consecutive renewal periods.

012. PRACTICE WITH NON AFFILIATED SERVICES. An emergency care provider may perform any practice or procedure which they are authorized to perform with an emergency medical service other than the service with which they are affiliated when requested by the other service when the patient for whom they are to render services is in danger of loss of life.

013. EMERGENCY CARE PROVIDER UNPROFESSIONAL CONDUCT. Unprofessional conduct includes but is not limited to the acts set out in Neb. Rev. Stat. § 38-179 and the following:
(A) Providing or attempting to provide a service for which such provider is not trained or authorized by the physician medical director;
(B) Failure of a provider to be accountable, responsible, and answerable for decisions and action or inaction of self or others, and for the resultant patient outcomes related to decisions and actions or inactions;
(C) Failure for a provider to exhibit a state or quality of being competent or capable as a result of having the required knowledge, skills, and ability;
(D) Committing any act which endangers patient safety or welfare;

(E) Encouraging or promoting emergency medical care by untrained or unqualified persons;
(F) Failure to comply with emergency vehicle operating requirements pursuant to Neb. Rev. Stat. § 60-6,114;
(G) Failure to comply or follow the physician medical director's directives;
(H) Committing any of the following acts or behavior that do not safeguard the welfare of patients and maintain professional relationships with patients:
  (i) Failure to be aware of the intimacy and responsibilities inherent in the care of a patient and failure to avoid actions that seek to meet their personal needs at the expense of clients. Providers must avoid exploiting the trust of a patient and make every effort to avoid conditions that could impair professional judgment or increase the risk of exploitation of another person for one's own advantage;
  (ii) Failure to decline to carry out emergency medical care services that have been requested when the services are known to be contraindicated or unjustified;
  (iii) Failure to decline to carry out procedures that have been requested when the services are known to be outside of the emergency care provider's scope of practice;
  (iv) Verbally or physically abusing patients;
  (v) Falsification, unauthorized destruction, or failure to document patient care records;
  (vi) Attempting to provide diagnostic or treatment information to patient(s) that are beyond the emergency care provider's level of training and expertise; or
  (vii) Assigning to other personnel those patient related services when the clinical skills and expertise of an emergency care provider is required or is beyond the individual's scope of practice;
(I) Engaging in sexual harassment of patients or coworkers. Sexual harassment includes making unwelcome sexual advances, requesting sexual favors, and engaging in other verbal or physical conduct of a sexual nature as a condition of:
  (i) The provision or denial of emergency medical care to a patient;
  (ii) The provision or denial of employment;
  (iii) The provision or denial of promotions to a co-worker; or
  (iv) For the purpose or effect of creating an intimidating, hostile, or offensive environment for the patient or unreasonably interfering with a patient's ability to recover or for the purpose or effect of creating an intimidating, hostile, or offensive working environment or unreasonably interfering with the co-worker's ability to perform their work;
(J) Failure to follow employer or emergency medical service policies or procedures implemented in the practice to safeguard patient care;
(K) Failure to provide professional assistance to patients without discrimination on the basis of race, color, religion, sex, disability, marital status, national origin, age, familial status, and ancestry;
(L) Failure to safeguard the patient's dignity and right to privacy; or
(M) Failure of a licensee or applicant, who is the subject of a disciplinary investigation, to furnish the Board or its investigator with requested information or requested documents.

014. INITIAL EMERGENCY MEDICAL SERVICE INSTRUCTOR LICENSURE. Any person who wishes to represent themselves as an emergency medical service instructor must be licensed as such. To obtain a license, an applicant must submit a complete application provided by the

Department and provide documentation demonstrating the applicant meets the statutory requirements, 172 NAC 10, and this chapter.

014.01 QUALIFICATIONS. An applicant who wishes to be licensed as an emergency medical service instructor must meet the requirements described below:

(A) Be at least 18 years of age and of good character;

(B) Hold a current license as an emergency care provider at or above the level being taught or hold a current license as a registered nurse, advanced practice registered nurse, physician assistant, doctor of medicine, or doctor of osteopathy;

(C) Have successfully completed:

(i) The 1986, 1995, or 2002 U.S. Department of Transportation, National Highway Traffic Administration Emergency Medical Service Instructor Course;

(ii) A college or university program where the applicant received a bachelor's degree or above in education;

(iii) The National Fire Protection Agency 1041 Instructor 2 Course; or

(iv) An equivalent course as approved by the Board; and

(D) All applicants for an initial emergency medical services instructor must hold a current National Registry of Emergency Medical Technician certification at or above the level being instructed. An applicant currently licensed as a registered nurse, advanced practice registered nurse, physician assistant, doctor of medicine, or doctor of osteopathy is deemed to have met this requirement and must submit a copy of their current and unrestricted license.

015. EMERGENCY MEDICAL SERVICES INSTRUCTOR CONTINUING COMPETENCY REQUIREMENTS. Each emergency medical service instructor holding an active credential must, on or before the date of expiration of the credential, continue to meet the requirements for an initial license and comply with the continuing competency requirements for the instructor as set out in this chapter. Each licensee is responsible for maintaining certificates or records of continuing competency activities and:

015.01 CONTINUING EDUCATION. An emergency medical services instructor must complete a total of 8 hours of continuing education, within the 24 months preceding the license expiration date, in educational subject matter that at a minimum must include the following subjects:

(A) Emergency medical service course curriculum updates;

(B) Emergency medical service legislation and regulations;

(C) Emergency medical service evaluation methods; and

(D) Fundamentals of teaching adults.

015.02 TEACHING REQUIREMENTS. An emergency medical services instructor must teach at least 12 hours of adult education over emergency medical services care topics within 24 months prior to the expiration date of the license.

016. EMERGENCY MEDICAL SERVICE INSTRUCTOR RENEWAL. To renew an emergency medical service instructor credential, an applicant must maintain a current emergency care provider license and meet all statutory requirements, the requirements of 172 NAC 10, and this

chapter. All emergency medical services instructor credentials issued by the Department will expire on March 31 of each odd-numbered year.

017. GROUNDS FOR DISCIPLINARY ACTION AGAINST A CREDENTIAL. A credential to practice as an emergency medical service instructor may have disciplinary actions taken against it on any of the following grounds:

017.01 EMERGENCY MEDICAL SERVICE INSTRUCTOR UNPROFESSIONAL CONDUCT. Unprofessional conduct includes but is not limited to the acts set out in Neb. Rev. Stat. § 38-179 and the following:

(A) Use of inappropriate language during the course of instruction, such as obscenities, vulgarisms, or other offensive language;
(B) Assigning duties to unqualified personnel for which the emergency medical service instructor is responsible;
(C) Engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation in the performance of duties involving instruction;
(D) Engaging in harassment or sexual harassment. Sexual harassment includes making unwelcome sexual advances, requesting sexual favors, and engaging in other verbal or physical conduct of a sexual nature for the purpose or effect of creating an intimidating, hostile, or offensive learning environment. Harassment includes but is not limited to creating an intimidating, hostile, or offensive learning environment;
(E) Teaching outside the scope of practice identified by the definition of emergency medical service courses as outlined in this chapter; or
(F) Failure of a licensee or applicant, who is the subject of a disciplinary investigation, to furnish the Department, Board, or its investigator with requested information or requested documents.

018. REINSTATEMENT. This section applies to individuals previously licensed in Nebraska who seek the authority to return to practice in Nebraska with a valid Nebraska license. In addition to the requirements outlined in 172 NAC 10, the applicant must submit documentation of meeting the following applicable requirements for the level applied for:

(A) If an emergency medical responder license has been expired for less than five years and the applicant did not meet the renewal requirements by the renewal expiration date, the applicant must submit the following:
  (i) A copy of the applicant's current National Registry of Emergency Medical Technicians Certificate for the level applied for; or
  (ii) Documentation of successful completion, within the two years preceding a renewal application, of a refresher course that meets the National Registry of Emergency Medical Technicians National Continuing Competency requirements for the level applied for as set out in this chapter.
(B) If an emergency medical responder license has been expired for more than five years, the applicant must submit a copy of the applicant's current National Registry of Emergency Medical Technicians Certificate for the level applied.
(C) If an emergency medical technician, advanced emergency medical technician, or a paramedic license has been expired for less than three years and did not meet the renewal requirements by the renewal expiration date, the applicant must submit the

following:

(i) A copy of the applicant's current National Registry of Emergency Medical Technicians Certificate for the level applied for; or

(ii) Documentation of successful completion, within the two years preceding a renewal application, of a refresher course that meets the National Registry of Emergency Medical Technicians National Continuing Competency requirements for the level applied as set out in this chapter.

(D) If a critical care paramedic license has been expired and did not meet the renewal requirements by the renewal expiration date, the applicant must submit the following:

(i) A copy of the applicant's current International Board of Specialty Certification Critical Care Paramedic or Flight Paramedic; and

(ii) Documentation of Nebraska paramedic licensure.

(E) If a community care provider license has been expired and did not meet the renewal requirements by the renewal expiration date, the applicant must submit the following:

(i) A copy of the applicant's current International Board of Specialty Certification Community Paramedicine certification; and

(ii) Documentation of a Nebraska emergency care provider license.

(F) If an emergency medical technician, advanced emergency medical technician, or paramedic license has been expired for more than three years, the applicant must submit a copy of the applicant's current National Registry of Emergency Medical Technicians Certificate for the level applied.

(G) If an emergency medical services instructor has been expired for less than five years and the applicant did not meet the renewal requirements by the renewal expiration date, the applicant must submit the following:

(i) Meet the requirements of 172 NAC 11-014.01(A), 014.01(B), and 014.01(D); and

(ii) Documentation of the current renewal period continuing competency requirements set forth in this chapter.

(H) If an emergency medical services instructor has been expired for more than five years, the applicant must meet the requirements for an initial license as set out in this chapter.