

TITLE 172 PROFESSIONAL AND OCCUPATIONAL LICENSURE

CHAPTER 13 EMERGENCY MEDICAL SERVICES TRAINING AGENCIES

13-001 SCOPE AND AUTHORITY: These regulations govern the credentialing of Emergency Medical Services (EMS) Training Agencies, Emergency Medical Services Instructors, Cardiopulmonary Resuscitation Organizations, and Distributive Learning Courses under Neb. Rev. Stat. §§ 38-1201 to 38-1237 and the Uniform Credentialing Act (UCA).

13-002 DEFINITIONS:

Accredited means obtained accreditation from an accrediting body recognized by the United States Department of Education.

Act means Neb. Rev. Stat. §§ 38-1201 to 38-1237 known as the Emergency Medical Services Practices Act.

Active Addiction means current physical or psychological dependence on alcohol or a substance, which develops following the use of alcohol or a substance on a periodic or continuing basis.

Additional Skills Course means coursework that relates to the instruction of additional skills for Emergency Medical Responders and Emergency Medical Technicians that are listed in 172 NAC 11-009.01B and 11-009.02B, respectively.

Alcohol or substance abuse means a maladaptive pattern of alcohol or substance use leading to clinically significant impairment or distress as manifested by one or more of the following occurring at any time during the same 12-month period:

1. Recurrent alcohol or substance use resulting in a failure to fulfill major role obligations at work, school, or home;
2. Recurrent alcohol or substance use in situations in which it is physically hazardous;
3. Recurrent legal problems related to alcohol or substance use; or
4. Continued alcohol or substance use despite having persistent or recurrent social or interpersonal problems caused or exacerbated by the effects of the alcohol or substance use.

Approved Distributive Learning Organization means an educational institution, a national, state, regional, or local agency or association, a non-profit corporation, a for-profit corporation, a hospital, or any combination of the above who offer a distributive learning program or programs approved by the Department upon recommendation of the Board.

Approved Emergency Medical Services Training Agency means a person which is approved to conduct training by the Department upon recommendation of the Board.

Attest/Attestation means that the individual declares that all statements on the application/petition are true and complete.

Board means the Board of Emergency Medical Services.

Care and Treatment Standards means the more current standards established by a nationally recognized organization that, through research, accepted practice, and/or patient experience, issues guidelines for the care and treatment of patients in the emergency and/or out of hospital environment.

Business means a business providing the service of body art, cosmetology, emergency medical services, esthetics, funeral directing and embalming, massage therapy, or nail technology.

Clinical Training means instruction or training in a supervised practice of emergency medical skills in hospital settings such as critical care units, emergency departments, obstetrical units, or operating rooms or in other medical settings such as a clinic or office of an individual licensed to practice medicine and surgery.

Complete application means an application that contains all of the information requested on the application, with attestation to its truth and completeness, and that is submitted with the required fees and all required documentation.

Confidential information means information protected as privileged under applicable law.

Consumer means a person receiving health or health-related services or environmental services and includes a patient, client, resident, customer, or person with a similar designation.

Conviction means a plea or verdict of guilty or a conviction following a plea of nolo contendere or non vult contendere made to a formal criminal charge, or a judicial finding of guilt irrespective of the pronouncement of judgment or the suspension thereof, and includes instances in which the imposition or the execution of sentence is suspended following a judicial finding of guilt and the defendant is placed on probation.

Credential means a license, certificate, or registration.

Department means the Division of Public Health of the Department of Health and Human Services.

Dependence means a maladaptive pattern of alcohol or substance use, leading to clinically significant impairment or distress, as manifested by three or more of the following occurring at any time in the same 12-month period:

1. Tolerance as defined by either of the following:
 - a. A need for markedly increased amounts of alcohol or the substance to achieve intoxication or desired effect; or
 - b. A markedly diminished effect with continued use of the same amount of alcohol or the substance;
2. Withdrawal as manifested by either of the following:
 - a. The characteristic withdrawal syndrome for alcohol or the substance as referred in the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition, published by the

- American Psychiatric Association; or
- b. Alcohol or the same substance or a closely related substance is taken to relieve or avoid withdrawal symptoms;
 3. Alcohol or the substance is often taken in larger amounts or over a longer period than was intended;
 4. A persistent desire or unsuccessful efforts to cut down or control alcohol or substance use;
 5. A great deal of time is spent in activities necessary to obtain alcohol or the substance, to use alcohol or the substance; or to recover from the effects of use of alcohol or the substance;
 6. Important social, occupational, or recreational activities are given up or reduced because of alcohol or substance use; or
 7. Alcohol or substance use continues despite knowledge of having had a persistent or recurrent physical or psychological problem that was likely to have been caused or exacerbated by alcohol or the substance.

Director means the Director of Public Health of the Division of Public Health or his/her designee.

Distributive Learning means an instructional model that allows instructor, students, and content to be located in different non-centralized locations so that instruction and content occur independent of time and place and may be offered in one or more of the following strategies: print, internet, videotape, CD-ROM/DVD, satellite and television.

Distributive Learning Program means a course, class, and or printed material, offered for credit toward out-of-hospital emergency care provider license renewal, presented in the strategies consistent with the Distributive Learning definition, covers the subject matter of the EMS courses and follows the current care and treatment standards. A Distributive Learning Program is provided by an approved Distributive Learning Organization pursuant to 172 NAC 13-108.

EMS Courses means any one or more of the following courses as defined in Neb. Rev. Stat. § 38-1218 taught by an approved training agency as defined in 172 NAC 13-002.

1. Emergency Medical Responder Course means a course of instruction that meets the United States Department of Transportation, National Highway Traffic Safety Administration, National Emergency Medical Services Education Standards for Emergency Medical Responder Additional Skills Course Material.
2. Emergency Medical Responder Additional Skills Course means a course of instruction for licensed Emergency Medical Responders that meets the United States Department of Transportation, National Highway Traffic Safety Administration , National Emergency Medical Services Educational Standards for the Emergency Medical Technician level that relates to the topics of:
 - a. Medication administration of aspirin and epinephrine by auto injector,
 - b. Application of spinal and extremity immobilization devices,
 - c. Patient transport devices, and
 - d. Patient transport.

These topics may be instructed independently, grouped into two or three topics, or consolidated into one course. This course may only be taught to individuals licensed as emergency medical responders.

3. Emergency Medical Technician Course means a course of instruction that meets the United States Department of Transportation, National Highway Traffic Safety Administration, National Emergency Medical Services Education Standards for Emergency Medical Technician and will include documentation of five patient contacts that must be completed during at least ten hours of field experience. If the student cannot meet the five patient contacts during the field experience because of a low number of emergency/medical requests, these contacts may be obtained in a hospital emergency department, clinic, or physicians' office. This course will not include the Emergency Medical Technician Additional Skills Course.
4. Emergency Medical Technician Additional Skills Course means a course of instruction for licensed Emergency Medical Technician that meets the United States Department of Transportation, National Emergency Medical Services Educational Standards for the Advanced Emergency Medical Technician level as they relate to the topics of:
 - a. Non-visualized advanced airway management,
 - b. Impedance threshold device,
 - c. Intravenous fluid monitoring only,
 - d. Peripheral intravenous access and monitoring intravenous fluids,
 - e. Medication administration of albuterol by nebulizer and epinephrine by auto injector; and/or
 - f. Assessment utilizing a glucometer.

These topics may be instructed independently, grouped into two, three, or four topics, or consolidated into one course. This course may only be taught to individuals licensed as emergency medical technicians.

5. Pre-Hospital Emergency Care for Nurses Courses means a course of instruction to train Licensed Registered Nurses and Licensed Practical Nurses to become emergency medical technicians that meets the United States Department of Transportation, National Highway Traffic Safety Administration, National Emergency Medical Services Education Standards for Emergency Medical Technician specific to the educational material and psychomotor skills not taught in the nurses training.
6. Advanced Emergency Medical Technician Course means a course of instruction that meets the United States Department of Transportation, National Highway Traffic Safety Administration, National Emergency Medical Services Education Standards for Advanced Emergency Medical Technician. Included in this course is a foundational depth and foundational breadth of morphine sulfate and the antagonist agent used in overdose and the clinical behaviors/judgment to safely and effectively administer morphine sulfate. This course will include documentation of at least 25 patient contacts, at least 24 intravenous starts, and placement of at least 12 non-visualized airways that must be completed during a minimum of 150 hours of field experience. These requirements may also be completed in a hospital emergency department, clinic, or physician's office. If the student cannot meet the required patient contacts during the field/clinical experience because of a low number of emergency/medical requests, these patient contacts may be obtained in a classroom setting using manikins.
7. Paramedic Course means a course of instruction that meets the United States Department of Transportation, National Highway Traffic Safety Administration, National Emergency

Medical Services Education Standards for Paramedic. Included in this course is a complex depth and comprehensive breadth of;

- a. Pharmacologic agents use to assist or to facilitate advanced airway management; and
 - b. Airway anatomy as it relates to surgical cricothyrotomy and the clinical behaviors/judgment to safely and effectively perform the psychomotor skills of pharmacologically assisted endotracheal intubation, rapid sequence endotracheal intubation, and surgical cricothyrotomy.
8. Emergency Medical Responder Refresher Course means a course of instruction that meets the United States Department of Transportation, National Highway Traffic Safety Administration, National Emergency Medical Services Education for Emergency Medical Responder and covers the following content areas;
- a. Preparatory – at least 1 hour
 - b. Airway – at least 2 hours
 - c. Patient Assessment – at least 2 hours
 - d. Circulation – at least 3 hours
 - e. Illness and Injury – at least 3 hours
 - f. Childbirth and Children – at least 1 hours

At the end of each course will be an examination that includes:

- a. Fifty written questions that will cover all content areas; and
 - b. A practical skills examination covering the emergency medical responder licensing examination skills.
9. Emergency Medical Technician Refresher Course means a course of instruction that meets the United States Department of Transportation, National Highway Traffic Safety Administration, National Emergency Medical Services Education Standards for Emergency Medical Technician and covers the following areas:
- a. Preparatory – at least 1 hour
 - b. Airway – at least 2 hours
 - c. Obstetrics, Infants, Children – at least 2 hours
 - d. Patient Assessment – at least 3 hours
 - e. Medical Behavior – at least 4 hours
 - f. Trauma – at least 4 hours
 - g. Electives – at least 8 hours.

At the end of each course will be an examination that includes:

- a. One hundred written questions that will cover all content areas; and
 - b. A practical skills examination covering the emergency medical technician licensing examination skills.
10. Advanced Emergency Medical Technician Refresher Course means a course of instruction that meets the United States Department of Transportation, National Highway Traffic Safety Administration, National Emergency Medical Services Education Standards for Advanced Emergency Medical Technician and covers the following content areas:
- a. Airway, Breathing, and Cardiology – at least 12 hours
 - b. Medical Emergencies – at least 6 hours
 - c. Trauma – at least 5 hours
 - d. Obstetrics and Pediatrics – at least 12 hours

- e. Operational Tasks – at least 1 hour

At the end of each course will be an examination that includes:

- a. One hundred written questions that will cover all content areas; and
- b. A practical skills examination covering the advanced emergency medical technician licensing examination skills.

11. Paramedic Refresher Course means a course of instruction that meets the United States Department of Transportation, National Highway Traffic Safety Administration, National Emergency Medical Services Education Standards for Paramedic and covers the following content areas:
- a. Airway, Breathing , and Cardiology – at least 16 hours
 - b. Medical Emergencies – at least 8 hours
 - c. Trauma – at least 6 hours
 - d. Obstetrics and Pediatrics – at least 16 hours
 - e. Operational Tasks – at least 2 hours

At the end of each course will be an examination that includes:

- a. One hundred written questions that will cover all content areas; and
- b. A practical skills examination covering the paramedic licensing examination skills.

12. Emergency Medical Responder to Emergency Medical Technician Bridge Course means a course of instruction to train licensed Emergency Medical Responders to become Emergency Medical Technicians that meets the United States Department of Transportation, National Highway Traffic Safety Administration, National Emergency Medical Services Education Standards for Emergency Medical Technician specific to the educational material and psychomotor skills not taught in the Emergency Medical Responder Course.

13. Emergency Medical Technician to Advanced Emergency Medical Technician Bridge Course means a course of instruction to train licensed Emergency Medical Technicians to become Advanced Emergency Medical Technicians that meets the United States Department of Transportation, National Highway Traffic Safety Administration, National Emergency Medical Services Education Standards for Advanced Emergency Medical Technician specific to the educational material and psychomotor skills not taught in the Emergency Medical Technician Course.

14. Advanced Emergency Medical Technician to Paramedic Bridge Course means a course of instruction to train licensed Advanced Emergency Medical Technicians to become Paramedics that meets the United States Department of Transportation, National Highway Traffic Safety Administration, National Emergency Medical Services Education Standards for Paramedic specific to the educational material and psychomotor skills not taught in the Advanced Emergency Medical Technician Course.

15. Nebraska Emergency Medical Service Instructor Course means a course of instruction developed by the Department to train licensed out-of-hospital emergency care providers to become licensed Emergency Medical Service Instructors based on the United States Department of Transportation, National Highway Traffic Safety Administration, National Emergency Medical Services Instructor Guidelines.

Emergency Medical Responder means an individual who has a current license to practice as an emergency medical responder.

Emergency Medical Service (EMS) means the organization responding to a perceived individual need for medical care in order to prevent loss of life or aggravation of physiological or psychological illness or injury and which is licensed either as a basic life support service or an advanced life support service.

Emergency Medical Service (EMS) Instructor means an individual who has a current license to practice as an EMS instructor.

Field Experience means a period of direct supervised experience when a student is mentored by a field supervisor while operating with an emergency medical service that responds to an emergency/medical request and proceeds from observation to providing care commensurate with the student's training.

Field Supervision means a period of direct supervision or indirect supervision of a temporary licensee by a field supervisor.

Field Supervisor means an individual who is a licensed out-of-hospital emergency care provider, with an unencumbered license and is the same or higher level of out-of-hospital emergency care provider as the temporary licensee or same or higher level as the student's course of study.

Higher level of out-of-hospital emergency care provider means an individual who is licensed as an out-of-hospital emergency care provider and who may provide additional care commensurate with his/her level of training.

Inactive credential means a credential which the credential holder has voluntarily placed on inactive status and by which action has terminated the right to practice or represent him/herself as having an active credential.

License means an authorization issued by the Department to an individual to engage in a profession to provide services which would otherwise be unlawful in this state in the absence of such authorization.

Licensure Examination means the cognitive and practical skills competency examination developed by the National Registry of Emergency Medical Technicians for emergency medical technicians, emergency medical responders, advanced emergency medical responders, emergency medical technician-intermediates, and paramedics.

Military Service means full-time duty in the active military service of the United States, or a National Guard call to active service for more than 30 consecutive days or active service as a commissioned officer of the Public Health Service or the National Oceanic and Atmospheric Administration. Military service may also include any period during which a service member is absent from duty on account of sickness, wounds, leave, or other lawful cause. (From the Servicemembers Civil Relief Act, 50 U.S.C. App. 501 et seq., as it existed on January 1, 2007.)

NAC means the Nebraska Administrative Code, the system for classifying State agency rules and regulations. These regulations are 172 NAC 13.

National Registry of Emergency Medical Technicians (NREMT) means the organization that develops minimum competency licensing examinations for EMS courses to be used as a requirement for licensure of Emergency Medical Responders, Emergency Medical Technicians, Advanced Emergency Medical Technicians and Paramedics.

Non-Visualized Advanced Airway Management means the insertion without visualization of airway anatomical structures and the removal of airway adjuncts not intended for placement into the trachea as the sole means to provide for a patient airway.

Official means issued by and under the original seal of the issuing agency.

Pattern of incompetent or negligent conduct means a continued course of incompetent or negligent conduct in performing the duties of the profession.

Person means an individual, firm, partnership, limited liability company, corporation, company, association, or joint-stock company or association or group of individuals acting together for a common purpose and includes the State of Nebraska and any agency or political subdivision of the state.

Primary Instructor means a licensed EMS instructor who must attend a majority of the class sessions to assure course continuity and identifies that students have the cognitive, affective and psychomotor skills necessary to function at the level being taught.

Profession means any profession or occupation named in subsection (1) or (2) of Neb. Rev. Stat. § 38-121.

Training Agency Medical Director means an individual licensed to practice medicine and surgery or osteopathic medicine and surgery pursuant to the Medicine and Surgery Practice Act and the Uniform Credentialing Act, and who is responsible for the medical supervision of the curriculum of an approved training agency and verification of the skill proficiency of the students.

13-003 REQUIREMENTS FOR APPROVAL AS AN EMERGENCY MEDICAL SERVICE TRAINING AGENCY: Any person or agency who intends to provide training, utilizing EMS courses as defined in 172 NAC 13-002 to prepare individuals for licensure as out-of-hospital emergency care providers must be approved by the Department.

13-003.01 Qualifications: An applicant applying to become an approved emergency medical service training agency must meet the following qualifications:

1. Be an accredited community college, college, university, or a school of nursing in this state that awards an academic degree to its graduates or a person as defined in 172 NAC 13-002;

By January 1, 2013, an approved emergency medical services training agency that provides training for paramedics must be accredited by the Committee on Accreditation of Educational Programs for the Emergency Medical Services Professions (CoAEMSP).

2. Have a written agreement with a qualified physician to serve as the training agency medical director;

3. Have written agreements with hospital(s) for clinical training of students for the level of training being conducted in accordance with the EMS courses as defined in 172 NAC 13-002;
4. Have written agreements with licensed emergency medical services for field experience for the level of training being conducted in accordance with the EMS courses as defined in 172 NAC 13-002;
5. Meet the standards for operating as defined in 172 NAC 13-004;
6. Admit individuals to EMS courses who meet the prerequisite requirements as identified in the EMS courses;
7. Utilize instructors who hold a certificate/license in or above the discipline that they are teaching or have demonstrated expertise in the subject matter being taught;
8. Teach EMS courses as defined in 172 NAC 13-002;
9. Provide adequate facilities, equipment, apparatus, supplies and staffing as required by the EMS course for each respective course as defined in 172 NAC 13-002;
10. Comply with local fire, building, health, and safety requirements, and be able to accommodate the educational requirement of the EMS courses being taught;
11. The owner(s) must not have any felony convictions if they hold any financial interest of 25% or more of the training agency;
12. Publish a catalog which includes at least the following information:
 - a. The full name and address of the school;
 - b. Names of owners and officers, including any governing boards;
 - c. A description of each authorized educational service offered, including courses or programs offered, tuition, fees, and length of courses.
 - d. Enrollment procedures and entrance requirements, including late enrollment if permitted;
 - e. A description of the training agencies placement assistance. If no assistance is offered, the school must state this fact;
 - f. Attendance policy including minimum attendance requirements;
 - g. The policy concerning satisfactory progress will include:
 - (1) How student progress is measured and evaluated, including an explanation of any system of grading used;
 - (2) The conditions under which the student may be readmitted if terminated for unsatisfactory progress;
 - (3) Explanation of any probation policy; and
 - (4) A description of the system used to make progress reports to students;
 - h. An explanation of the refund policy which also includes the training agencies method of determining the official date of termination;
 - i. A policy that addresses student harassment and training agency action if such harassment takes place.

13. Pass an on-site inspection; and
14. Hold a surety bond in the penal sum of \$20,000. Applicants who are accredited as defined in 172 NAC 13-002 and municipalities that are self-insured are exempt from the surety bond requirement.

13-003.02 Application: To apply for a credential to practice as an Emergency Medical Service Training Agency, and agency must submit a complete application to the Department. A complete application includes all required documentation and a written application. The applicant may obtain an application from the Department or construct an application that must contain the following information:

1. Written Application:
 - a. The full name and address of the business;
 - b. The full name and address of the owner of the business;
 - c. The name of each person in control of the business;
 - d. The Social Security Number of the business if the applicant is a sole proprietorship;
 - e. Telephone number including area code (optional);
 - f. E-Mail Address optional);
 - g. Fax Number (optional);
 - h. Name of the training agency medical director;
 - i. License number of the training agency medical director;
 - j. Mailing address of the training agency medical director;
 - k. Telephone number of the training agency medical director;
 - l. Signature of the applicant. If the applicant is a business, the application must be signed by:
 - (1) The owner or owners if the applicant is a sole proprietorship, a partnership, or a limited liability company that has only one member;
 - (2) Two of its members if the applicant is a limited liability company that has more than one member;
 - (3) Two of its officers if the applicant is a corporation;
 - (4) The head of the governmental unit having jurisdiction over the business if the applicant is a governmental unit; or
 - (5) If the applicant is not an entity described in 172 NAC 13-003.02 item 1l(1) to (4), the owner or owners or, if there is no owner, the chief executive officer or comparable official;
 - m. Attestation by the applicant:
 - (1) That the business has not operated in Nebraska before submitting the application; or
 - (2) To the actual number of days of operation in Nebraska before submitting the application;
 - (3) That any owner who holds financial interest of 25% or more has not had a felony conviction;
 - (4) That all statements on the application are true and complete; and
 - (5) If the applicant is a sole proprietorship, that s/he is;
 - (a) For purposes of Neb. Rev. Stat. §§4-108 to 4-114, a citizen of the United States or qualified alien under the Federal Immigration and Nationality Act; and
 - (b) For purposes of Neb. Rev. Stat. §38-129:

- (i.) A citizen of the United States;
 - (ii.) An alien lawfully admitted into the United States who is eligible for a credential under the Uniform Credentialing Act; or
 - (iii.) A nonimmigrant lawfully present in the United States who is eligible for a credential under the Uniform Credentialing Act.
2. Documentation: The applicant must submit the following documentation with the application.
- a. A copy of the training agency's accreditation certificate as defined in 172 NAC 13-003.01, item 1, if applicable;
 - b. A copy of the written agreement with the physician medical director;
 - c. A copy of the written agreement with the hospital(s), clinic(s), and/or physician office(s) that will provide clinical training;
 - d. A copy of the written agreement with the licensed emergency medical service that will provide field experience as applicable;
 - e. A listing of the names of persons who have financial interest in the school as defined in 172 NAC 13-003.01 item 11;
 - f. A copy of the training agencies catalogue as defined in 172 NAC 13-003.01, item 12;
 - g. If applicable, file with the Department a good and sufficient surety bond in the penal sum of \$20,000. The bond must be executed by the applicant as principal and by a surety company qualified and authorized to do business in this state. The bond must be conditioned to provide indemnification for any student or enrollee or his/her parent or guardian determined by the Department to have suffered loss or damage as a result of any act or practice which is a violation of these regulations by the school and that the surety also must pay any final judgment rendered by any court of this state having jurisdiction upon receipt of written notification of the judgment from the Department. Regardless of the number of years that the bond is in force, the aggregate liability of the surety thereon must in no event exceed the penal sum of the bond. The bond must be continuous; and
 - h. A list of names of the primary instructor(s) and their level of licensure.

13-003.03 Department Review:

The Department will:

1. Review the application to determine completeness. Applications must be received at least 90 days prior to when the training agency expects to commence training;
2. Notify the applicant of the need for additional information/documentation;
3. Forward the completed application to the Board for its review; and
4. Act within 150 days upon all completed applications.

13-003.04 Board Review:

The Board will:

1. Schedule an on-site inspection within 15 working days after it receives the application. The on-site inspection will be completed to determine if the training agency meets the standards as set out in 172 NAC 13-003.01 AND 13-004; and
2. Make its recommendations for approval or denial of the application at the next scheduled meeting of the Board.

13-003.05 Emergency Medical Service Training Agencies Approved Prior to March 7, 1999: All emergency medical services training agencies, who were approved emergency medical service training agencies prior to March 7, 1999, will continue to be approved at their current level of approval. Approved training agencies that request to change their level of training must reapply and meet the requirements as set out in 172 NAC 13-003.01.

13-003.06 Denial of Initial Approval: If an applicant for an initial approval to operate an emergency medical services training agency does not meet all of the standards as set out in 172 NAC 13-003.01 and 13-004 for the approval or if the applicant is found to have done any of the grounds listed in 172 NAC 13-008, the Department will deny issuance of an approval. To deny an approval, the Department will notify the applicant in writing of the denial and the reasons for the determination. The denial will become final 30 days after mailing the notice unless the applicant, within that 30-day period, requests a hearing in writing. The hearing will be conducted in accordance with the Administrative Procedure Act and 184 NAC 1, the Department's Rules of Practice and Procedure for Administrative Hearings.

13-003.07 Practice Prior to Approval: An emergency medical services training agency who practices prior to issuance of an approval is subject to assessment of an administrative penalty under 172 NAC 13-019 or such other action as provided in the statutes and regulations governing the credential.

13-003.08 Confidentiality: Social Security Numbers obtained under this section are not public information but may be shared by the Department for administrative purposes if necessary and only under appropriate circumstances to ensure against any unauthorized access to this information.

13-003.09 Address Information: Each credential holder must notify the Department of any change to the address of record.

13-004 STANDARDS FOR OPERATING AS AN APPROVED EMERGENCY MEDICAL SERVICE TRAINING AGENCY: Emergency medical service training agencies must meet the following standards:

13-004.01 All emergency medical services training agencies must meet the standards required by the EMS courses.

13-004.02 Approved emergency medical services training agencies may teach one or more of the EMS courses as defined in 172 NAC 13-002.

13-004.03 Emergency medical services training agencies must use primary instructors for the administration, coordination, and/or teaching of EMS courses as defined in 172 NAC 13-002.

13-004.04 Training agencies must conduct at the end of the course the practical skill component of the licensing examination for students enrolled in the following EMS courses.

1. Emergency Medical Technician course to include, when applicable, advanced airway management, intravenous administration and monitoring skills, and glucose monitoring devices;

2. Pre-Hospital Emergency Care Course for Nurses to include, when applicable, advanced airway management, intravenous administration and monitoring skills, and glucose monitoring devices;
3. Emergency Medical Responder course to include automatic/semi-automatic defibrillator; and
4. Emergency Medical Responder to Emergency Medical Technician-Bridge course to include, when applicable, advanced airway management, intravenous administration and monitoring skills, and glucose monitoring devices.

13-004.05 The practical skill evaluators for the practical skill component of the licensing examinations must meet the requirements as established by the National Registry of Emergency Medical Technicians for the practical skill component of the licensing examination.

13-004.06 Training agencies must provide official verification to individuals who have successfully completed any of the EMS courses. The official verification will include at a minimum the following:

1. Training agency name and location of central or headquarters office;
2. Signature and title or position of a training agency individual attesting to the official verification;
3. Date student completed EMS course;
4. A statement that indicates the student successfully completed the EMS course;
5. Student name including first and last name;
6. Name of EMS course as defined in 172 NAC 13-002 that was successfully completed;
7. Total number of hours that the EMS course provided. In addition, Advanced Emergency Medical Technician and Paramedic courses must show the number of didactic hours and clinical hours;
8. If the Emergency Medical Responder or Emergency Medical Technician Additional Skills course is taught by grouping only two or three skills or teaching a skill independently, the verification must identify the skills taught.

13-004.07 Training agencies must maintain, for a minimum of five years, the following records for EMS courses taught.

1. Student records that include:
 - a. Name and address for each student enrolled in EMS Courses;
 - b. Grades for each written examination;
 - c. Documentation of successful completion of each student's Practical Skill Evaluations, and Advanced Airway Management, Intravenous Monitoring, Automatic/Semi-Automatic Defibrillator, and Glucose Monitoring Devices Practical Skills as defined in 172 NAC 13-004.04; and
 - d. Copies of each student's documentation of entrance requirements to each course including a copy of the individual's CPR certification.
2. Instructor and course records that include:
 - a. Names and qualifications of the primary instructors;
 - b. Names and qualifications of other EMS course instructors;
 - c. Instructor evaluation records completed by students and training agency personnel;

- d. Names and qualifications of the practical skills evaluators for the EMS courses identified in 172 NAC 13-004.04;
- e. Names and qualifications of field internship supervisors; and
- f. Agreements with other entities for use of equipment needed to conduct an EMS course if the equipment is not provided by the training agency.

13-004.08 Conduct at least one EMS course each calendar year.

13-004.09 Obtain at least a 70% pass rate for a period of two consecutive years on the licensing written examination taken by students who successfully completed the emergency medical responder course, emergency medical technician course, the advanced emergency medical technician course, and paramedic course as defined in 172 NAC 13-002 taught by an approved agency.

13-004.10 If a training agency does not annually conduct an EMS course as identified in 172 NAC 13-004.08, it must document the rationale for non-compliance with these regulations.

13-004.11 All approved training agencies must develop and implement a quality assurance program for instruction. The quality assurance program must:

1. Establish and implement policies and procedures for periodic observation of all instructors;
2. Establish and implement a mentoring program for each new EMS instructor. Each new EMS instructor will be assigned a mentor who has a background in the course being taught or in teaching. The assigned mentor will complete an evaluation of his/her assignee at least once prior to renewal of the new instructor's license;
3. Establish and have completed student evaluations during and after each EMS course taught;
4. Establish and implement a remediation plan for all noted instructor deficiencies. Documentation of remediation must be maintained for five years; and
5. Conduct semi-annual meetings with each EMS course instructor for the purpose of discussing training issues and identifying any instruction needs. These meetings may be held face to face or by other means of telecommunication. These meetings must be documented. The documentation must be maintained for five years.

13-005 RESPONSIBILITIES OF EMERGENCY MEDICAL SERVICE TRAINING AGENCY MEDICAL DIRECTORS: The emergency medical service training agency medical director's responsibilities include, but not be limited to, the following:

1. The ultimate medical authority regarding course content, procedures, and protocols;
2. Acting as a liaison between the training agency and the medical community;
3. Reviewing the quality of care rendered by the out-of-hospital emergency care provider student in the field, hospital, clinic, and/or physicians offices;
4. Verifying student competence in the cognitive, affective and psychomotor domains; and
5. Reviewing all examinations.

13-006 REQUIREMENTS FOR CHANGES IN MEDICAL DIRECTOR, TRANSFERRING AND CLOSING AN EMERGENCY MEDICAL SERVICE TRAINING AGENCY: The following procedures must be followed by training agencies who wish to change their medical director, transfer control, or who wish to close their training agency.

13-006.01 A change in the medical director for an emergency medical service training agency requires the submission of a letter from the training agency which delineates the following:

1. Termination date of the current medical director;
2. Name of the new medical director;
3. Effective date of the appointment of the new medical director;
4. A statement from the new medical director that states that the training agency will operate in accordance with the current statutes, and regulations; and
5. The letter must be signed and dated by the new medical director.

13-006.02 If an emergency medical service training agency wants to transfer control of an approved training agency, the applicant must apply for an initial approval as an out-of-hospital emergency medical services training agency as defined in 172 NAC 13-003.

13-006.03 If a training agency wants to terminate its training approval, it must notify the Department at least six months in advance of the termination, when possible, and submits to the Department the plan for completion of the training or transfer of students currently enrolled in the approved training agency and the disposition of records of the approved training agency. All requirements for operation must be maintained until the approved training agency is officially closed.

13-006.04 The approval of the training agency is considered null and void by the Department immediately after the date the last enrolled student completes the EMS course being taken, is transferred to another approved training agency, or voluntarily withdraws from the approved training agency.

13-006.05 The person operating the training agency is responsible for notifying the Department of the method of retention, storage, or transfer of all of the training agency's emergency medical service training records.

13-006.06 Any change of ownership of an emergency medical service training agency requires a new application for approval.

13-007 REVIEW OF APPROVED EMERGENCY MEDICAL SERVICE TRAINING AGENCIES: Emergency medical service training agencies will have an on-site review, conducted by the Department or its designee, at least once every three years. Each review will evaluate compliance with 172 NAC 13-003.01 items 1 – 14 and 13-004.

13-008 GROUNDS ON WHICH THE DEPARTMENT MAY DENY APPROVAL OF AN EMERGENCY MEDICAL SERVICE TRAINING AGENCY

13-008.01 The Department will deny an application for approval when the applicant fails to meet the requirements specified in 172 NAC 13-003.

13-008.02 The Department may deny approval of an emergency medical service training agency for any of the following grounds:

1. Violation of the regulations promulgated thereto governing the approval of emergency medical service training agencies;
2. Acting negligently in performing the authorized services;

3. Fraud, forgery, or misrepresentation of material facts, in procuring or attempting to procure approval as an emergency medical services training program;
4. Permitting, aiding, or abetting the practice or profession or the performance of activities requiring a license or certification by a person not licensed or certified to do so;
5. Use of untruthful or improbable statements, or flamboyant, exaggerated, or extravagant claims concerning such training agency's professional excellence or abilities, in advertisements;
6. Providing EMS courses while the emergency medical service training agencies approval is suspended or in contravention of a limitation placed upon the approval.
7. Grossly immoral or dishonorable conduct evidencing unfitness or lack of proficiency sufficient to meet the standards required for operation of an approved emergency medical service training agency;
8. Operation of the emergency medical service training agency (a) fraudulently, (b) beyond its authorized scope, (c) with manifest incapacity, or (d) with gross incompetence or gross negligence, or (e) in a pattern of negligent conduct. Pattern of negligent conduct means a continued course of negligent conduct in performing the duties of the profession;
9. Conviction of fraudulent or misleading advertising or conviction of a violation of the Uniform Deceptive Trade Practices Act;
10. Distribution of intoxicating liquors, controlled substances, or drugs for any other than lawful purposes;
11. Willful or repeated violations of Neb. Rev. Stat. §§ 38-178 to 38-179 of the Uniform Credentialing Act or the rules and regulations of the Department relating to the training agencies operation of an emergency medical service training agency; and
12. Unprofessional conduct, as defined in Neb. Rev. Stat. § 38-179.

13-009 PROCEDURE FOR TERMINATION OF THE APPROVAL OF AN EMERGENCY MEDICAL SERVICE TRAINING AGENCY: Approval of an emergency medical service training agency will not be terminated except as provided hereafter:

1. If the Department determines that the emergency medical service training agency is not maintaining the standards required by the statutes and by these regulations, the emergency medical service training agency will be notified. Notice thereof will be given in writing by the Department to the approved training agency specifying the deficiency(ies).

The notice must:

- a. Be given by either registered or certified mail;
 - b. Specify the deficiency(ies); and
 - c. Specify the dates that the deficiencies are to be corrected.
2. The emergency medical service training agency will be given no more than 12 months in which to correct the deficiency(ies) in its program.
 3. If the emergency medical service training agency fails to make the necessary corrections within the prescribed period, the Department will terminate approval.
 4. If the Department proposes to terminate the approval to be an emergency medical services training agency, the training agency will be given an opportunity for a hearing before the Department and has the right to present evidence on it's own behalf. Hearings before the

Department will be conducted pursuant to 184 NAC 1, the Rules of Practice and Procedure for the Department.

5. If the emergency medical service training agency does not accept the Director's decision, it may appeal the decision to the District Court pursuant to Neb. Rev. Stat. §§ 84-901 to 84-920, Administrative Procedure Act.

13-010 REAPPLICATION REQUIREMENTS AND PROCEDURES FOR AN EMERGENCY MEDICAL SERVICE TRAINING AGENCY: An emergency medical service training agency whose approval has been terminated, must reapply to the Department as set forth in 172 NAC 13-003.

13-011 INITIAL EMERGENCY MEDICAL SERVICE INSTRUCTOR LICENSURE: Any person who wishes to represent himself/herself as an emergency medical service instructor must be licensed as such. The criteria for issuance of a license and the documentation required by the Department are set forth below.

13-011.01 Qualifications: An applicant who wishes to be licensed as an emergency medical service instructor must meet the requirements described below:

1. Be at least 18 years of age and of good character;
2. For purposes of Neb. Rev. Stat. §§4-108 to 4-114, a citizen of the United States or qualified alien under the Federal Immigration and Nationality Act. For purposes of Neb. Rev. Stat. §38-129, a citizen of the United States, an alien lawfully admitted into the United States who is eligible for a credential under the Uniform Credentialing Act, or a nonimmigrant lawfully present in the United States who is eligible for a credential under the Uniform Credentialing Act.;
3. Hold a current license as an out-of-hospital emergency care provider at or above the level being taught;
4. Have successfully completed:
 - a. The 1986, 1995, or 2002 U.S. Department of Transportation, National Highway Traffic Administration Emergency Medical Service Instructor Course; or
 - b. A college or university program where the applicant received a bachelor's degree or above in education; or
 - c. The National Fire Protection Agency 1041 Instructor 2 Course; or
 - d. The Nebraska EMS Instructor Course, or its equivalent.
5. Must have at least three years of field experience as an out-of-hospital emergency care provider immediately preceding the date the Department receives the emergency medical service instructor application; and
6. Demonstrate skill competency in the National Registry Skills at the level being taught by:
 - a. Having a current National Registry Certificate; OR
 - b. Submitting documentation of successfully completing a practical examination over the National Registry Skills conducted by a licensed EMS instructor, training agency medical director or training agency physician surrogate.

13-011.02 Application: To apply for a credential to practice as an emergency medical service instructor, the individual must submit a complete application to the Department. A complete application includes all required documentation and a written application. The applicant may obtain an application from the Department or construct an application that must contain the following information:

1. Written Application:
 - a. Personal Information:
 - (1) The legal name of the applicant, maiden name (if applicable), and any other names by which the applicant is known;
 - (2) Date of birth (month, day, and year);
 - (3) Place of birth (city and state or country if not born in the United States);
 - (4) Mailing address (street, rural route, or post office address; and city, state, and zip code, or country information);
 - (5) The applicant's:
 - (a) Social Security Number (SSN);
 - (b) Alien Registration Number ("A#"); or
 - (c) Form I-94 (Arrival-Departure Record) number.Certain applicants may have both a SSN and an A# or I-94 number, and if so, must report both.
 - (6) The applicant's telephone number including area code (optional);
 - (7) The applicant's e-mail address (optional);
 - (8) The applicant's fax number (optional);
 - (9) Out-of-hospital emergency care provider license number;
 - (10) Level that will be taught;
 - (11) List the emergency medical services where you practiced for the past three years as an out-of-hospital emergency care provider, the dates you were practicing and the name of the service officer;
 - b. Practice Before Application: The applicant must state:
 - (1) That s/he has not practiced as a primary emergency medical service instructor in Nebraska before submitting the application; or
 - (2) If s/he has practiced as a primary emergency medical service instructor in Nebraska before submitting the application, the actual number of days practiced in Nebraska before submitting the application for a credential and the name and location of practice; and
 - c. Attestation: The applicant must attest that:
 - (1) S/he has read the application or has had the application read to him/her;
 - (2) All statements on the application are true and complete;
 - (3) S/he is of good character;
 - (4) S/he has not committed any act that would be grounds for denial under 172 NAC 13-014 or if an act(s) was committed, provide an explanation of all such acts; and
 - (5) S/he is;
 - (a) For purposes of Neb. Rev. Stat. §§4-108 to 4-114, a citizen of the United States or qualified alien under the Federal Immigration and Nationality Act; and
 - (b) For purposes of Neb. Rev. Stat. §38-129:
 - (i.) A citizen of the United States;
 - (ii.) An alien lawfully admitted into the United States who is eligible for a credential under the Uniform Credentialing Act; or

- (iii.) A nonimmigrant lawfully present in the United States who is eligible for a credential under the Uniform Credentialing Act.
2. Documentation: The applicant must submit the following documentation with the application:
- a. Evidence of age, such as:
 - (1) Driver's license;
 - (2) Birth certificate;
 - (3) Marriage license that provides date of birth;
 - (4) Transcript that provides date of birth;
 - (5) U.S. State identification card;
 - (6) Military identification; or
 - (7) Other similar documentation;
 - b. Evidence of good character, including:
 - (1) Other Credential Information: If the applicant holds a credential to provide health services, health-related services, or environmental services in Nebraska or in another jurisdiction, the applicant must submit the state, credential number, type of credential, date issued, and expiration date of each credential where the applicant has been or is currently credentialed. The applicant must have the licensing agency submit to the Department a certification of his/her credential;
 - (2) Disciplinary Action: A list of any disciplinary actions taken against the applicant's credential and a copy of the disciplinary action(s), including charges and disposition;
 - (3) Denial: If the applicant was denied a credential or denied the right to take a credentialing examination, an explanation of the basis for the denial;
 - (4) Conviction Information: If the applicant has been convicted of a felony or misdemeanor, the applicant must submit to the Department:
 - (a) A list of any misdemeanor or felony convictions;
 - (b) A copy of the court record, which includes charges and disposition;
 - (c) Explanation from the applicant of the events leading to the conviction (what, when, where, why) and a summary of actions the applicant has taken to address behaviors/actions related to the conviction;
 - (d) All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required;
 - (e) A letter from the probation officer addressing probationary conditions and current status, if the applicant is currently on probation; and
 - (f) Any other information as requested by the Board/Department;
 - c. Evidence that the applicant is:
 - (1) For purposes of Neb. Rev. Stat. §§4-108 to 4-114, a citizen of the United States or qualified alien under the Federal Immigration and Nationality Act; and
 - (2) For purposes of Neb. Rev. Stat. §38-129, a citizen of the United States, an alien lawfully admitted into the United States who is eligible for a credential under the Uniform Credentialing Act, or a nonimmigrant lawfully present in the United States who is eligible for a credential under the Uniform Credentialing Act
 - d. Evidence of citizenship, lawful presence, and/or immigration status may include a copy of:
 - (1) A U.S. Passport (unexpired or expired);
 - (2) A birth certificate issued by a state, county, municipal authority or outlying possession of the United States bearing an official seal;
 - (3) An American Indian Card (I-872);

- (4) A Certificate of Naturalization (N-550 or N-570);
- (5) A Certificate of Citizenship (N-560 or N-561);
- (6) Certification of Report of Birth (DS-1350);
- (7) A Consular Report of Birth Abroad of a Citizen of the United States of America (FS-240);
- (8) Certification of Birth Abroad (FS-545 or DS-1350);
- (9) A United States Citizen Identification Card (I-197 or I-179);
- (10) A Northern Mariana Card (I-873);
- (11) A Green Card, otherwise known as a Permanent Resident Card (Form I-551), both front and back of the card;
- (12) An unexpired foreign passport with an unexpired Temporary I-551 stamp bearing the same name as the passport;
- (13) A document showing an Alien Registration Number ("A#"). An Employment Authorization Card/Document is not acceptable; or
- (14) A Form I-94 (Arrival-Departure Record);
- e. Documentation of EMS Instructor Course, including:
 - (1) Name and date of EMS Instructor Course;
 - (2) Name of training agency, school, college, university that awarded certificate; and
 - (3) Certificate of Completion issued by entity that awarded the certificate.
- f. Documentation of Completed Practice Examination:
 - (1) Current National Registry certification at the level being taught or;
 - (2) Verification from a certified EMS Instructor, Training Agency Medical Director or Training Agency Physician Surrogate that the applicant has successfully completed a practical examination over the National Registry Skills for the level being taught; and
- g. Documentation of Board Approved Basic Cardiac Life Support Instructor or Advanced Cardiac Life Support Certification as specified in 172 NAC 13-017.

13-011.03 Department Review: The Department will act within 150 days upon all completed applications for initial credentialing.

13-011.04 Denial of Initial Credential: If an applicant for an initial credential does not meet all of the requirements for a credential, the Department will deny issuance of a credential. If the applicant is found to have committed any act which would be grounds for denial of a credential as listed in 172 NAC 13-014, the Department may deny issuance of a credential. To deny a credential, the Department will notify the applicant in writing of the denial and the reasons for the determination. The denial will become final 30 days after mailing the notice unless the applicant, within that 30-day period, requests a hearing in writing. The hearing will be conducted in accordance with the Administrative Procedure Act and 184 NAC 1, the Department's Rules of Practice and Procedure for Administrative Hearings.

13-011.05 Withdrawn Applications: An applicant for a credential who withdraws his/her application or whose application is rejected by the Department prior to administration of the examination will be allowed the return of his/her fee, except for a \$25 administrative fee to be retained by the Department.

13-011.06 Practice Prior to Credential: An individual who practices prior to issuance of a credential is subject to assessment of an administrative penalty under 172 NAC 13-019 or such other action as provided in the statutes and regulations governing the credential.

13-011.07 Confidentiality: Social Security Numbers obtained under this section are not public information but may be shared by the Department for administrative purposes if necessary and only under appropriate circumstances to ensure against any unauthorized access to this information.

13-011.08 Address Information: Each credential holder must notify the Department of any change to the address of record.

13-011.09 Non-English Documents: Any documents written in a language other than English must be accompanied by a complete translation into the English language. The translation must be an original document and contain the notarized signature of the translator. An individual may not translate his/her own documents.

13-012 EMS INSTRUCTOR CONTINUING COMPETENCY REQUIREMENTS: Each person holding an active credential within the state must, on or before the date of expiration of the credential, comply with the continuing competency requirements for his/her profession, unless such requirements are waived in accordance with 172 NAC 13-013.03 and 13-013.04. Each credentialed individual is responsible for maintaining certificates or records of continuing competency activities.

13-012.01 On or before the credential expiration date, the emergency medical service instructor must meet the following continued competency requirements:

1. Hold a current license as an out-of-hospital emergency care provider. The license must be at or above the level being taught by the EMS instructor;
2. Complete 12 hours of continuing education, within the 24 months preceding the license expiration date, in educational subject matter that includes all of the following subjects:
 - a. EMS Course Curriculum Updates;
 - b. EMS Legislation and Regulations;
 - c. EMS Evaluation Methods; and
 - d. Fundamentals of Teaching Adults.
3. Hold a current certificate as a basic cardiac life support instructor or advance cardiac life support instructor or above; and
4. Teach at least 12 hours of adult education over public safety or health care within 24 months prior to the expiration date of the license.

13-013 EMS INSTRUCTOR RENEWAL: An individual who wants to renew his/her emergency medical service instructor credential must maintain a current out-of-hospital emergency care provider license. All emergency medical services instructor credentials issued by the Department will expire on December 31 of each even-numbered year or expire the second year after issuance. Renewal period for emergency medical services instructor licenses that expire on December 31, 2011 will be renewed for one year. Continuing education obtained in the year 2010 will be allowed towards the renewal in 2011.

13-013.01 Renewal Notice: At least 30 days before the expiration of a credential, the Department will notify each credential holder at the last known address of record. The renewal notice will include:

1. The type of credential;
2. The credential number;
3. The expiration date;
4. Continuing competency requirements for renewal; and
5. Information on how to request renewal.

13-013.02 Renewal Procedures: The request for renewal may be submitted in person or by mail or Internet, and must include all required documentation. The applicant may obtain an application from the Department or construct an application.

1. Application: The applicant on his/her application:
 - a. Must provide the following information:
 - (1) The legal name of the applicant, maiden name (if applicable), and any other names by which the applicant is known;
 - (2) Mailing address (street, rural route, or post office address; and city, state, and zip code, or country information);
 - (3) The applicant's:
 - (a) Social Security Number (SSN); or
 - (b) Alien Registration Number (A#) or
 - (c) Form I-94 (Arrival-Departure Record) number.Certain applicants may have both a SSN and an A# or I-94 number, and if so, must report both;
 - b. May provide the following information about him/herself:
 - (1) The applicant's telephone number including area code;
 - (2) The applicant's e-mail address; and
 - (3) The applicant's fax number;
 - c. Must attest that s/he:
 - (1) Is of good character;
 - (2) Has met the continuing competency requirements specified in 172 NAC 13-012 or has requested a waiver if s/he meets the requirements of 172 NAC 13-013.03 and/or 13-013.04
 - (3) Has not, since the last renewal of the credential, committed any act which would be grounds for action against a credential as specified in 172 NAC 13-014, or if an act(s) was committed, provide an explanation of all such acts; and
 - (4) For purposes of Neb. Rev. Stat. §§4-108 to 4-114, a citizen of the United States or qualified alien under the Federal Immigration and Nationality Act; and
 - (5) For purposes of Neb. Rev. Stat. §38-129, a citizen of the United States, an alien lawfully admitted into the United States who is eligible for a credential under the Uniform Credentialing Act, or a nonimmigrant lawfully present in the United States who is eligible for a credential under the Uniform Credentialing Act.
2. Documentation: The applicant must submit the following documentation with the application:
 - a. Alien or Non-Immigrant: Evidence of lawful presence, and/or immigration status may include a copy of:
 - (1) A Green Card otherwise known as a Permanent Resident Card (Form I-551),

- both front and back of the card;
- (2) An unexpired foreign passport with an unexpired Temporary I-551 stamp bearing the same name as the passport;
 - (3) A document showing an Alien Registration Number ("A#"). An Employment Authorization Card/Document is not acceptable; or
 - (4) A Form I-94 (Arrival-Departure Record);
- b. Other Credential Information: If the applicant holds a credential to provide health services, health-related services, or environmental services in Nebraska or in another jurisdiction, the applicant must submit the state, credential number, type of credential, date issued, and expiration date of each credential where the applicant has been or is currently credentialed;
 - c. Disciplinary Action: A list of any disciplinary actions taken against the applicant's credential and a copy of the disciplinary action(s), including charges and disposition;
 - d. Denial: If the applicant was denied a credential or denied the right to take a credentialing examination, an explanation of the basis for the denial;
 - e. Conviction Information: If the applicant has been convicted of a felony or misdemeanor since his/her last renewal or during the time period since initial credentialing if such occurred within the previous two years, the applicant must submit to the Department:
 - (1) A list of any misdemeanor or felony convictions;
 - (2) A copy of the court record, which includes charges and disposition;
 - (3) Explanation from the applicant of the events leading to the conviction (what, when, where, why) and a summary of actions the applicant has taken to address the behaviors/actions related to the convictions;
 - (4) All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required;
 - (5) A letter from the probation officer addressing probationary conditions and current status, if the applicant is currently on probation; and
 - (6) Any other information as requested by the Board/Department;

13-013.03 Waivers for Military Service: A credential holder who has served in the regular armed forces of the United States during part of the credentialing period immediately preceding the renewal date, or is actively engaged in military service as defined in 172 NAC 13-002, is not required to pay the renewal fee or to meet the continuing competency requirements if acceptable documentation is submitted to the Department. The individual must document his/her military service by submitting to the Department:

1. Military identification proving that s/he is in active service;
2. Military orders; or
3. A letter from his/her Commanding Officer indicating that s/he is on active duty.

Upon receipt of acceptable documentation, the Department will waive the fee and the continuing competency requirements and renew the credential. The credential will remain active until the next renewal period.

13-013.04 Waiver of Continuing Competency Requirements: The Department waives continuing competency requirements for individuals who were first credentialed within the 24-month period immediately preceding the renewal date.

13-013.04A The Department may waive continuing competency requirements, in whole or in part, upon submission by a credential holder of documentation that circumstances beyond his/her 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 certification renewal date.

13-013.05 Audit of Continuing Competency Requirements: The Department or the Board may biennially select, in a random manner, a sample of the renewal applications for audit of continuing competency requirements. Each credential holder selected for audit must produce documentation of the continuing competency activities.

13-013.05A The Department will notify each selected credential holder by mail. Failure to notify the Department of a current mailing address will not absolve the credential holder from the requirement for audit.

13-013.05B Within 30 days, each selected credential holder must respond by submitting documentation that s/he has met the requirements for continuing competency. An extension beyond 30 days for submission of the documentation may be granted at the discretion of the Department. Documentation submitted by the credential holder will not be returned.

13-013.05C Acceptable documentation that the credential holder has met the continuing competency requirements include:

1. Certificates of completion; and
2. Letters from training agencies or equivalent agencies attesting that the credential holder taught at least 12 hours of adult education over public safety or health care.

13-013.05D The Department/Board will review the submitted documentation to determine if the credential holder has met the requirements for continuing competency activities for renewal of the credential. Only documented activities/hours that meet the continuing competency requirements will be counted toward the total requirements for renewal.

13-013.05E The Department will notify the credential holder upon satisfactory completion of the audit.

13-013.05F The credential of any person who fails to comply with the conditions of the audit will expire 30 days after notice and an opportunity for a hearing.

13-013.05G The Board reserves the right to audit continuing competency requirements of any credential holder by notifying the credential holder and requesting that s/he produce the required documentation of attendance at or participation in acceptable continuing competency programs within 30 days of mailing.

13-013.06 Department Review: The Department will act within 150 days upon all completed applications for renewal.

13-013.06A False Information: The Department may refuse to renew a credential for falsification of any information submitted for renewal of a credential. The refusal will be

made according to 184 NAC 1, the Department's Rules of Practice and Procedure for Administrative Hearings.

13-013.07 Address Information: Each credential holder must notify the Department of any change to the address of record.

13-013.08 Expiration of a Credential: A credential expires if a credential holder fails to:

1. Notify the Department that s/he wants to place his/her credential on inactive status upon its expiration;
2. Meet the requirements for renewal on or before the date of expiration of his/her credential; or
3. Otherwise fails to renew his/her credential.

13-013.08A Failure to Renew: A credential automatically expires without further notice or opportunity for hearing if a credential holder fails by the expiration date of the credential to submit documentation of continuing competency.

13-013.08B Failure to Meet Continuing Competency Requirements: The Department will refuse to renew a credential, after notice and opportunity for hearing, if a credential holder fails to meet the continuing competency requirements for renewal by the expiration date of the credential.

13-013.08C Right to Practice: When an individual's credential expires, the right to represent him/herself as a credential holder and to practice as an EMS instructor terminates.

13-013.08D Practice After Expiration: An individual who practices after expiration of his/her credential is subject to assessment of an administrative penalty under 172 NAC 13-019 or such other action as provided in the statutes and regulations governing the credential.

13-013.08E Reinstatement of an Expired Credential: If a credential holder wants to resume the practice of EMS instructor after failing to renew his/her credential by the expiration date, s/he must apply to the Department for reinstatement as specified in 172 NAC 11-012.

13-013.09 Inactive Status: When an individual wants to have his/her credential placed on inactive status, s/he must notify the Department in writing. There is no fee to have a credential placed on inactive status and continuing competency is not required.

13-013.09A Request for Inactive Status: When the Department has received notification that an individual wants to have his/her credential placed on inactive status, the Department will notify the credential holder in writing of the acceptance or denial of the request.

13-013.09B Placement on Inactive Status: When an individual's credential is placed on inactive status, the credential holder must not engage in the practice of an emergency medical services instructor, but may represent him/herself as having an inactive credential.

13-013.09C Return to Active Status: A credential may remain on inactive status for an indefinite period of time. An individual who wants to have his/her EMS Instructor license returned to active status must hold a current out-of-hospital emergency care provider license and must apply to the Department for reinstatement and meet the requirements specified in

172 NAC 11-012.01 items 1, 2 and 8.

13-014 DISCIPLINARY ACTIONS

13-014.01 Grounds for Action Against a Credential: A credential to practice as an EMS Instructor may have disciplinary actions taken against it on any of the following grounds:

1. Misrepresentation of material facts in procuring or attempting to procure a credential;
2. Immoral or dishonorable conduct evidencing unfitness to practice the profession in this state;
3. Abuse of, dependence on, or active addiction to alcohol, any controlled substance, or any mind-altering substance;
4. Failure to comply with a treatment program or an aftercare program, including, but not limited to, a program entered into under the Licensee Assistance Program established pursuant to Neb. Rev. Stat. § 38-175;
5. Conviction of:
 - a. A misdemeanor or felony under Nebraska law or federal law, or
 - b. A crime in any jurisdiction which, if committed within this state, would have constituted a misdemeanor or felony under Nebraska law and which has a rational connection with the fitness or capacity of the applicant or credential holder to practice the profession;
6. Practice of the profession:
 - a. Fraudulently,
 - b. Beyond its authorized scope,
 - c. With gross incompetence or gross negligence, or
 - d. In a pattern of incompetent or negligent conduct;
7. Practice of the profession while the ability to practice is impaired by alcohol, controlled substances, drugs, mind-altering substances, physical disability, mental disability, or emotional disability;
8. Physical or mental incapacity to practice the profession as evidenced by a legal judgment or a determination by other lawful means;
9. Illness, deterioration, or disability that impairs the ability to practice the profession;
10. Permitting, aiding, or abetting the practice of a profession or the performance of activities requiring a credential by a person not credentialed to do so;
11. Having had his/her credential denied, refused renewal, limited, suspended, revoked, or disciplined in any manner similar to 172 NAC 13-014.05 by another state or jurisdiction based upon acts by the applicant or credential holder similar to acts described in this part;
12. Use of untruthful, deceptive, or misleading statements in advertisements;
13. Conviction of fraudulent or misleading advertising or conviction of a violation of the Uniform Deceptive Trade Practices Act;
14. Distribution of intoxicating liquors, controlled substances, or drugs for any other than lawful purposes;
15. Violations of the Uniform Credentialing Act or the rules and regulations relating to the particular profession;
16. Unlawful invasion of the field of practice of any profession regulated by the Uniform Credentialing Act which the credential holder is not credentialed to practice;
17. Violation of the Uniform Controlled Substances Act or any rules and regulations adopted pursuant to the act;
18. Failure to file a report required by Neb. Rev. Stat. §§ 38-1,124 or 38-1,125;

19. Failure to maintain the requirements necessary to obtain a credential;
20. Violation of an order issued by the Department;
21. Violation of an assurance of compliance entered into under Neb. Rev. Stat. § 38-1,108;
22. Failure to pay an administrative penalty;
23. Unprofessional conduct as defined in 172 NAC 13-014.02; or
24. Violation of the Automated Medication Systems Act.

13.014.02 Unprofessional Conduct: Unprofessional conduct means any departure from or failure to conform to the standards of acceptable and prevailing practice of a profession or the ethics of the profession, regardless of whether a person, consumer, or entity is injured, but does not include a single act of ordinary negligence. Unprofessional conduct also means conduct that is likely to deceive or defraud the public or is detrimental to the public interest. Unprofessional conduct includes but is not limited to:

1. Receipt of fees on the assurance that an incurable disease can be permanently cured;
2. Division of fees, or agreeing to split or divide the fees, received for professional services with any person for bringing or referring a consumer other than:
 - a. With a partner or employee of the applicant or credential holder or his/her office or clinic;
 - b. With a landlord of the applicant or credential holder pursuant to a written agreement that provides for payment of rent based on gross receipts;
 - b. With a former partner or employee of the applicant or credential holder based on a retirement plan or separation agreement; or
 - c. By a person credentialed pursuant to the Water Well Standards and Contractors' Practice Act.
3. Obtaining any fee for professional services by fraud, deceit, or misrepresentation, including, but not limited to, falsification of third-party claim documents;
4. Cheating on or attempting to subvert the credentialing examination;
5. Assisting in the care or treatment of a consumer without the consent of the consumer or his/her legal representative;
6. Use of any letters, words, or terms, either as a prefix, affix, or suffix, on stationery, in advertisements, or otherwise, indicating that the person is entitled to practice a profession for which s/he is not credentialed;
7. Performing, procuring, or aiding and abetting in the performance or procurement of a criminal abortion;
8. Knowingly disclosing confidential information except as otherwise permitted by law;
9. Commission of any act of sexual abuse, misconduct, or exploitation related to the practice of the profession of the applicant or credential holder;
10. Failure to keep and maintain adequate records of treatment or service;
11. Prescribing, administering, distributing, dispensing, giving, or selling any controlled substance or other drug recognized as addictive or dangerous for other than a medically accepted therapeutic purpose;
12. Prescribing any controlled substance to:
 - a. Oneself; or
 - b. Except in the case of a medical emergency:
 - (1) One's spouse;
 - (2) One's child;
 - (3) One's parent;
 - (4) One's sibling; or
 - (5) Any other person living in the same household as the prescriber;

13. Failure to comply with any federal, state, or municipal law, ordinance, rule, or regulation that pertains to the applicable profession;
14. Disruptive behavior, whether verbal or physical, which interferes with consumer care or could reasonably be expected to interfere with the care;
15. Use of inappropriate language during the course of instruction, such as obscenities, vulgarisms, or other offensive language;
16. Assigning duties to unqualified personnel for which the EMS instructor is responsible;
17. Engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation in the performance of duties involving instruction;
18. Engaging in sexual harassment of students. 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; and
19. Teaching outside the scope of practice identified by the definition of EMS courses as outlined in 172 NAC 13-002.

13-014.03 Temporary Suspension or Limitation

13-014.03A The Department may temporarily suspend or temporarily limit any credential issued by the Department without notice or a hearing if the Director determines that there is reasonable cause to believe that grounds exist under 172 NAC 13-014.01 for the revocation, suspension, or limitation of the credential and that the credential holder's continuation in practice or operation would constitute an imminent danger to the public health and safety. Simultaneously with the action, the Department will institute proceedings for a hearing on the grounds for revocation, suspension, or limitation of the credential. The hearing will be held no later than 15 days from the date of the temporary suspension or temporary limitation of the credential.

13-014.03B A continuance of the hearing will be granted by the Department upon the written request of the credential holder, and the continuance must not exceed 30 days unless waived by the credential holder. A temporary suspension or temporary limitation order by the Director will take effect when served upon the credential holder.

13-014.03C A temporary suspension or temporary limitation of a credential under 172 NAC 13-014.03 will not be in effect for more than 90 days unless waived by the credential holder. If a decision is not reached within 90 days, the credential will be reinstated unless and until the Department reaches a decision to revoke, suspend, or limit the credential or otherwise discipline the credential holder.

13-014.04 Department Action: The Department will follow the procedures delineated in the Uniform Credentialing Act to notify credential holders of any disciplinary action to be imposed and the time and place of the hearing.

13-014.05 Sanctions: Upon the completion of any hearing held regarding discipline of a credential, the Director may dismiss the action or impose the following sanctions:

1. Censure;
2. Probation;
3. Limitation;
4. Civil Penalty;

5. Suspension; or
6. Revocation.

13-014.05A Additional Terms and Conditions of Discipline: If any discipline is imposed pursuant to 172 NAC 13-014.05, the Director may, in addition to any other terms and conditions of that discipline:

1. Require the credential holder to obtain additional professional training and to pass an examination upon the completion of the training. The examination may be written or oral or both and may be a practical or clinical examination or both or any or all of the combinations of written, oral, practical, and clinical, at the option of the Director;
2. Require the credential holder to submit to a complete diagnostic examination by one or more physicians or other qualified professionals appointed by the Director. If the Director requires the credential holder to submit to an examination, the Director will receive and consider any other report of a complete diagnostic examination given by one or more physicians or other qualified professionals of the credential holder's choice if the credential holder chooses to make available the report or reports by his/her physician or physicians or other qualified professionals; and
3. Limit the extent, scope, or type of practice of the credential holder.

13-015 VOLUNTARY SURRENDER OR LIMITATION: A credential holder may offer to voluntarily surrender or limit a credential issued by the Department. The credential holder must make the offer in writing on a form provided by the Department or constructed by the credential holder, which must include the following information:

1. Personal Information:
 - a. First, middle and last name;
 - b. Mailing address (street, rural route, or post office address), city, state, and zip code;
 - c. Telephone number; and
 - d. Fax number.
2. Information Regarding the Credential Being Offered for Surrender or Limitation:
 - a. List credential(s) and credential number(s) that would be surrendered or limited;
 - b. Indicate the desired time frame for offered surrender or limitation:
 - (1) Permanently;
 - (2) Indefinitely; or
 - (3) Definite period of time (specify);
 - c. Specify reason for offered surrender or limit of credential; and
 - d. Specify any terms and conditions that the credential holder wishes to have the Department consider and apply to the offer.
3. Attestation: The credential holder must:
 - a. Attest that all the information on the offer is true and complete; and
 - b. Provide the credential holder's signature and date.

13-015.01 The Department may accept an offer of voluntary surrender or limitation of a credential based on:

1. An offer made by the credential holder on his/her own volition;
2. An offer made with the agreement of the Attorney General or the legal counsel of the Department to resolve a pending disciplinary matter;

3. A decision by the Attorney General to negotiate a voluntary surrender or limitation in lieu of filing a petition for disciplinary action; or
4. A decision by the legal counsel of the Department to negotiate a voluntary surrender or limitation in response to a notice of disciplinary action.

13-015.02 The Department may reject an offer of voluntary surrender of a credential under circumstances which include, but are not limited to, when the credential:

1. Is under investigation;
2. Has a disciplinary action pending but a disposition has not been rendered; or
3. Has had a disciplinary action taken against it.

13-015.03 When the Department either accepts or rejects an offer of voluntary surrender or limitation, the Director will issue the decision in a written order. The order will be issued within 30 days after receipt of the offer of voluntary surrender or limitation and will specify:

1. Whether the Department accepts or rejects the offer of voluntary surrender; and
2. The terms and conditions under which the voluntary surrender is accepted or the basis for the rejection of an offer of voluntary surrender. The terms and conditions governing the acceptance of a voluntary surrender will include, but not be limited to:
 - a. Duration of the surrender;
 - b. Whether the credential holder may apply to have the credential reinstated; and
 - c. Any terms and conditions for reinstatement.

13-015.04 A limitation may be placed on the right of the credential holder to practice a profession or operate a business to the extent, for the time, and under the conditions as imposed by the Director.

13-015.05 Violation of any of the terms and conditions of a voluntary surrender or limitation by the credential holder will be due cause for the refusal of renewal of the credential, for the suspension or revocation of the credential, or for refusal to restore the credential.

13-015.06 Reinstatement following voluntary surrender is set out in 172 NAC 11-012.

13-016 REINSTATEMENT FOR EMS INSTRUCTOR: Information on reinstatement may be found in 172 NAC 11-012.

13-017 REQUIREMENTS FOR APPROVING ORGANIZATIONS ISSUING A CARDIOPULMUNARY RESUSCITATION CERTIFICATION: The Board will annually review and approve any nationally recognized organization, issuing cardiopulmonary resuscitation certificates to out-of-hospital emergency medical care providers, whose course meets the following criteria:

1. A Cardiopulmonary Resuscitation course curriculum must include but not be limited to the following components:
 - a. Two person adult resuscitation;
 - b. One person adult resuscitation;
 - c. Procedure for treating an adult with an obstructed airway;
 - d. One person child resuscitation;
 - e. Procedure for treating a child with an obstructed airway;
 - f. One person infant resuscitation;

- g. Procedure for treating an infant with an obstructed airway;
 - h. Using barrier devices; and
 - i. Requiring a written and practical skills evaluation for each student.
2. A Cardiopulmonary Resuscitation course must be taught by an individual: Recognized as:
 - a. An American Heart Association Basic Life Support Instructor;
 - b. An American Heart Association Basic Life Support Instructor Trainer;
 - c. An American Heart Association Basic Life Support Regional Faculty;
 - d. An American Heart Association Basic Life Support National Faculty;
 - e. An American Red Cross Professional Rescuer Instructor Trainer;
 - f. An American Red Cross CPR for the Professional Rescuer Instructor;
 - g. A National Safety Council Basic Life Support Instructor;
 - h. A National Safety Council Basic Life Support Instructor Trainer; or
 - i. An individual who has completed and passed an instructor course which trains instructors to teach a cardiopulmonary resuscitation course which includes the components identified in 172 NAC 13-010 item 1.
3. The organization issuing the cardiopulmonary resuscitation certificate must issue a certificate to each individual who completes the course that identifies the following:
 - a. Name of the course;
 - b. Name of the person passing the course;
 - c. Date the certificate was issued;
 - d. Date the certificate expires;
 - e. Name of the organization issuing the certificate; and
 - f. Identification of the instructor.
4. The cardiopulmonary resuscitation certificate issued by an approved organization will expire no more than two years from the date of issuance.
5. The organization issuing the cardiopulmonary resuscitation certificate maintains the records of the training for three years. The records are to include:
 - a. Course rosters indicating attendance at each session of the course;
 - b. Course curricula;
 - c. Documentation of successful completion of the skills evaluation; and
 - d. Documentation of successful completion of the written evaluation.
6. The records of the course must be available for inspection and copying by the Department.

13-018 REQUIREMENTS FOR APPROVAL AS A DISTRIBUTIVE LEARNING ORGANIZATION:

Any organization who intends to provide distributive learning programs for the purpose of issuing certificates of completion and/or award hours to be used towards the renewal of out-of-hospital emergency care provider licensure must be approved by the Department.

13-018.01 An applicant applying to become an approved distributive learning organization must:

1. Be accredited by the Continuing Education Coordinating Board of Emergency Medical Services (CECBEMS); or

2. Be an educational institution, a national, state, regional, or local agency or any combination of the above;
3. Conduct and document an assessment of each distributive learning program. An assessment must be completed on each distributive learning program annually or prior to initial distribution. The assessment must include:
 - a. Review of each distributive learning program's objectives for adherence to care and treatment standards;
 - b. Review of the media in which the distributive learning program is produced to ensure it is of good quality in appearance and has not been edited or tampered with by an unauthorized third party;
 - c. Review of student evaluations of its distributive learning programs by mail, electronic mail, Internet, or direct voice comment. Each test should:
 - (1) Cover the distributive learning program's objectives;
 - (2) Be knowledge appropriate for the targeted level of out-of-hospital emergency care provider; and
 - (3) Require a score of pass/fail for each student before a certificate of completion is awarded.
4. Test each student who completes a distributive learning program and maintain records of individual scores;
5. Utilize a quality assurance (QA) and/or quality improvement (QI) model with each distributive learning program that will delineate the areas that need improvement. The QA/QI model must include:
 - a. Student satisfaction surveys. The surveys must include questions that indicate if:
 - (1) The program's instruction is of high quality;
 - (2) The media used was clear; and
 - (3) The program was easy to use.
 - b. An evaluation of test pass rates for:
 - (1) Each individual distributive learning program; and
 - (2) All distributive learning program offerings authored/instructed by the same individual or group of authors/instructors.
 - c. Test group or committee evaluations of each new distributive learning program. The evaluations will contain:
 - (1) Review of the security for awarding certificates of completion to ensure that only students who complete the program requirements are awarded such certificates; and
 - (2) Review of the organization's management of:
 - (a) Compliance with the requirements of these regulations;
 - (b) Record keeping maintenance;
 - (c) New program development; and
 - (d) Instructor/author development.
6. Have a program coordinator;
7. Utilize individual(s) trained in educational delivery and/or expert(s) in the specific distributive learning program contents to develop the program's objectives, content, instructional style or authorship, and method of delivery. The program may utilize

- professional narrators and actors to professionally deliver the program under the direction of the program's development expert;
8. Clearly display the organizational name, address, phone number, program, author/instructors names in any information regarding each distributive learning program;
 9. Have a secured system to protect all electronic transfers of student information, test score results, certificates of completion, and evaluations; and
 10. Have a system for awarding certificates of completion for each individual that successfully completes one of the organization's distributive learning programs; and
 11. Submit an application provided by the Department for approval as a distributive learning organization or on an alternate format which includes:
 - a. The organization name;
 - b. The organization address and telephone number;
 - c. The organization program coordinator name; and
 - d. The following attachments
 - (1) Copy of the policy and procedure addressing the security system for protecting all electronic transfers of student information, test score results, certificates of completion and evaluations;
 - (2) Copy of completed assessment of a distributed learning program;
 - (3) Copy of a test for a distributive learning program;
 - (4) Copy of a distributive learning program;
 - (5) Copy of the organization's Quality Assurance/Improvement policy and process;
 - (6) Sample of a certificate of completion; and
 - (7) List of the organizations instructors/authors and each individual's qualifications; or
 - (8) A copy of the Certificate of Accreditation from CECBEMS.

13-018.02 A representative or designee of the Department may request information from the distributive learning organization with these regulations if a complaint has been received that alleges that the distributive learning organization has violated the Emergency Medical Services Practice Act or these regulations.

13-018.03 The distributive learning organization may submit the additional information as the applicant may consider relevant to the application and compliance with the provisions of these regulations.

13-018.04 In the event that an application is determined to be incomplete, the Department will notify the applicant of the information necessary to complete the application and retain the application submitted pending receipt of the additional information. The applicant will have ten days in which to provide the information necessary to complete the application. Should an applicant fail to complete the application within the ten day period, all materials will be returned and a new application will be necessary.

13-018.05 Grounds for Denial of Approval as a Distributive Learning Organization: The Department will deny an application for approval as a distributive learning organization or will suspend or revoke approval as a distributive learning organization on any of the following grounds:

1. Fraud or misrepresentation of information in the application; or
2. Distributive learning organization fails to meet the requirements as specified in 172 NAC 13-018.

13-018.06 Once a distributive learning organization is granted approval by the Department reapproval will not be required, except if approval has been suspended or revoked.

13-018.07 The Department may grant or deny an application for approval as a distributive learning organization. Should the Department determine to deny an application for approval as a distributive learning organization, it will send to the applicant by either certified or registered mail to the last address of record in the Department, a notice setting forth the reason/reasons for the determination. The denial will become final 30 days after the mailing of the notice unless the applicant within the 30 day period gives written notice to the Department requesting a hearing. The hearing will be conducted in accordance with the Administrative Procedure Act and 184 NAC 1 of the Rules of Practice and Procedure for the Department.

13-019 ADMINISTRATIVE PENALTY: The Department may assess an administrative penalty when evidence exists of practice without a credential to practice a profession or operate a business. Practice without a credential for the purpose of this regulation means practice:

1. Prior to the issuance of a credential;
2. Following the expiration of a credential; or
3. Prior to the reinstatement of a credential.

13-019.01 Evidence of Practice: The Department will consider any of the following conditions as prima facie evidence of practice without credentialed:

1. The person admits to engaging in practice;
2. Staffing records or other reports from the employer of the person or indicate that the person was engaged in practice;
3. Billing or payment records document the provision of service, care, or treatment by the person;
4. Service, care, treatment records document the provision of service, care, or treatment by the person;
5. Appointment records indicate that the person was engaged in practice;
6. Government records indicate that the person was engaged in practice; and
7. The person opens a business or practice site and announces or advertises that the business or site is open to provide service, care, or treatment.

For purposes of this regulation prima facie evidence means a fact presumed to be true unless disproved by some evidence to the contrary.

13-019.02 Penalty: The Department may assess an administrative penalty in the amount of \$10 per day, not to exceed a total of \$1,000 for practice without a credential. To assess the penalty, the Department will:

1. Provide written notice of the assessment to the person. The notice must specify:
 - a. The total amount of the administrative penalty;
 - b. The evidence on which the administrative penalty is based;
 - c. That the person may request, in writing, a hearing to contest the assessment of

- an administrative penalty;
- d. That the Department will within 30 days following receipt of the payment of the administrative penalty, remit the penalty to the State Treasurer to be disposed of in accordance with Article VII, section 5 of the Constitution of Nebraska;
 - e. That an unpaid administrative penalty constitutes a debt to the State of Nebraska which may be collected in the manner of a lien foreclosure or sued for and recovered in a proper form of action in the name of the state in the District Court of the county in which the violator resides or owns property. The Department may also collect in such action attorney's fees and costs incurred directly in the collection of the administrative penalty; and
 - f. Failure to pay an administrative penalty may result in disciplinary action.
2. Send by certified mail, a written notice of the administrative penalty to the last known address of the person or entity to whom the penalty is assessed.

13-019.03 Administrative Hearing: When a person contests the administrative penalty and requests a hearing, the Department will hold a hearing pursuant to the Administrative Procedure Act and 184 NAC 1, the Department's Rules of Practice and Procedure for Administrative Hearings.

13-020 FEES: Fees referred to in these regulations are set out in 172 NAC 2, unless otherwise specified.

These amended rules and regulations replace Title 172 NAC 13, Emergency Medical Services Training Agencies, effective December 27, 2005 and Section 13-008 Repealed (Effective date October 4, 2006).

Approved by the Attorney General:

July 30, 2012

Approved by Governor:

September 4, 2012

Filed with Secretary of State of Nebraska:

September 4, 2012

Effective Date:

September 9, 2012

Forms may be obtained by contacting the Licensure Unit or by accessing the website at:

http://dhhs.ne.gov/publichealth/Pages/crl_profindex1.aspx