STATE OF NEBRASKA

DEPARTMENT OF HEALTH

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DIRECTOR

MEMORANDUM

TO: Senator Don Wesely, Chairman
Legislature's Health and Human Services Committee

FROM: Gregg F. Wright, M.D., M.Ed.
Director of Health

DATE: January 12, 1990

SUBJECT: Recommendations Regarding the Credentialing of First Responders in EMS

To complete the final report on the proposal for credentialing of First Responders, the Department has reviewed the application material, the information presented at the public hearing, the reports from both the technical committee and the Board of Health, and the Department's current regulatory authority and capability.

Recommendations

In their original proposal, the first responders of Nebraska requested certification for all first responders under a newly created board. During the review process the proposal was amended in such a way as to provide for the regulation of first responders under the Board of Ambulance Attendants. The technical committee recommended approval of the proposal as amended. The Board of Health concurred with this recommendation.

The Department also recommends approval of the proposal to certify first responders, and specifically endorses the idea of regulating first responders under the Board of Ambulance Attendants. This recommendation is based on the fact that the proposal essentially seeks to give formal recognition to a portion of the emergency medical system that is already in place. It is a well-conceived adjustment to this system, not a major modification of it.

Discussion

The proposal raises several questions. First, is there harm or potential for harm in the current situation of first responder services in Nebraska?

The review has shown that there is sufficient potential for harm inherent in the current situation to justify the establishment of certification for first responders. Under the current situation of first responder services, it is not clear whether first responders are liable for actions performed while providing

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assistance in emergency situations. The proposal will clarify this situation by specifically covering the emergency services of first responders under the liability protection currently being used by the governmental units that administer first responder services.

Without this clarification, first responder units may eventually have difficulty recruiting new members. The current proposal will resolve these uncertainties, and remove potential disincentives to volunteers serving on a first responder unit by giving better recognition to the system that is already in place.

By eliminating the uncertainties associated with the provision of first responder services, the proposal would give small, rural communities that cannot afford an ambulance service the encouragement to establish a first responder unit. This proposal would also make it easier for communities which currently have an ambulance service and are struggling to maintain it to reconstitute their EMS service in accordance with a first responder model.

The current situation of first responder services does not provide for uniform training standards for first responders. The proposal would eliminate this undesirable situation by requiring that all certified first responders demonstrate that they have passed a forty-hour training course, or pass the Nebraska Fire Service's fifty-two-hour firefighter first aid course.

Secondly, is the current proposal the best means of addressing the shortcomings of the current situation in first responder services?

The concerns about liability raised by the applicant group could be addressed in other ways than by certifying first responders. For example, first responders could be added to statute 35-107. This statute currently provides EMT-A's with liability protection. However, as I stated above, only certification can address the concerns about the uniform training standards for first responders. The principal benefit of the current proposal is that it provides for uniform training standards for all first responders in Nebraska. This provides the public with the greater assurance that those who provide first responder services in Nebraska are qualified to provide them.

The cost-effectiveness of the proposal was greatly improved by the amendment which called for first responders to be regulated under the Board of Ambulance Attendants. This amendment has made the proposal the most cost-effective means of addressing the problems identified in the application.

GFW/RB/all