

Report on Findings and Recommendations

By the

Nebraska Board of Health

on the Change of Scope of Practice

for Care Staff Members

by the

Nebraska Health Care Association

to the

Director of Health

and the

Nebraska Legislature

January 25, 1988



## Introduction

The Nebraska Regulation of Health Professions Act created a three-tier process for the review of proposals pertaining to the credentialing of health occupations. These three tiers are the technical review committees, the Board of Health, and the Director of Health. The Board of Health reviews specific proposals for credentialing only after the technical review committees have completed their reports on these proposals. After the Board completes its reports on the proposals, these reports, and those of the technical review committees are presented to the Director of Health, who in turn prepares his own report on them. All reports are submitted to the Nebraska Legislature for its consideration.

Each of these three review bodies issues reports that represent the advice of their membership on the proposals in question. Each report is a separate, independent response to the proposals, and is in no way dependent upon the reports that have preceded it.

The Board of Health reviews credentialing proposals only after receiving a preliminary recommendation on each proposal from an advisory committee selected from its own membership. This committee met on November 4, 1987, in order to give the full Board its advice on the proposal of the care staff members. The full Board of Health met on November 16, 1987, and formulated its own, independent report on this proposal. The following pages constitute the body of this report.



### Recommendations

In their application, the Nebraska Health Care Association sought a change in scope of practice for care staff members such that the administration of oxygen by means of an oxygen concentrator be added to their current authorization to administer oral and external medications. The education and supervision of the members of this occupation will otherwise remain the same. The technical review committee approved the proposal with the modification that care staff members be limited to the use of a nasal cannula and that they should never apply more than four liters of oxygen per minute to a patient. The Board of Health approved the proposal, with the same modifications as were made by the technical review committee.

### Discussion

The 407 Advisory Committee discussed the issues raised by the proposal. The committee members agreed with the technical review committee recommendations in support of the proposal. The only point of contention that emerged in the discussion was the committee's recommendation that care staff members be statutorily restricted to the use of a cannula, and statutorily prohibited from administering more than four liters of oxygen per minute to patients. Those who opposed the inclusion of this provision in statute stated that the inclusion of the restriction in rules and regulations would sufficiently protect the public, and at the same time would provide for greater flexibility regarding the services that care staff members provide to patients. Those who favored a statutory restriction stated that the inclusion of the restriction in statute would provide the public with greater protection from harm, and would enable the Department to regulate this activity more effectively.



After listening to both pro and con arguments on this issue, the members of the advisory committee unanimously recommended that the full Board of Health support the technical review committee's decision to recommend that the restriction in question be placed specifically in statute.

The Board of Health agreed with the technical review committee and its advisory committee regarding the need for a change in scope of practice in this area. Regarding the three criteria of LB 407, Dr. Powell moved that the Care Staff Member proposal satisfies the LB 407 criteria. Dr. Nelson seconded the motion. Voting aye were: Nelson, Quinn, Clark, Adickes, Powell, Rhodes, Masek, Kenney, Coleman, and Hilkemann. There were no nay votes. By this action, the Board of Health recommended the approval of the proposal.

