



## THE REPORT OF THE DIRECTOR OF THE DIVISION OF PUBLIC HEALTH ON THE PROPOSAL TO MAKE CHANGES IN THE SCOPE OF PRACTICE OF RESPIRATORY THERAPISTS

Date: February 3, 2022

To: The Speaker of the Nebraska Legislature  
The Chairperson of the Executive Board of the Legislature  
The Chairperson and Members of the Legislative Health and Human  
Services Committee

From: Gary J. Anthon, MD  
Chief Medical Officer  
Director, Division of Public Health  
Department of Health and Human Services

### Introduction

The Regulation of Health Professions Act (as defined in Neb. Rev. Stat., Section 71-6201, et. seq.) is commonly referred to as the Credentialing Review Program. The Department of Health and Human Services Division of Public Health administers this Act. As Chief Medical Officer I am presenting this report under the authority of this Act.

### Summary of the Respiratory Therapy Proposal

Respiratory Therapists in Nebraska are seeking to upgrade and modernize their licensure statute to bring it up-to-date regarding current practice standards and practices.

The full text of their proposal can be found under the Respiratory Therapy review area of the credentialing review program link at

<https://dhhs.ne.gov/Licensure/Pages/Credentialing-Review.aspx>

## Summary of Technical Committee and Board of Health Recommendations

The technical review committee members recommended in favor of this proposal. The Board of Health also recommended in favor of this proposal. I concur with these recommendations, and my comments regarding my reasons for supporting the proposal follow, below.

## The Director's Recommendations on the Proposal

### Discussion on the six statutory criteria of the Credentialing Review Program as they relate to the Respiratory Therapy proposal

***Criterion one: The health, safety, and welfare of the public are inadequately addressed by the present scope of practice or limitations on the scope of practice.***

This profession's licensure statute is in need of an update and this proposal provides this. Without this update vital services such as ECMO could be jeopardized due to the fact that those Respiratory Therapists who staff these services are currently practicing outside of their statutory authority to do so, a situation that leaves both them and the ECMO services in question vulnerable to anyone who might lodge a complaint about discrepancies between their practice and their scope of practice.

***Criterion two: Enactment of the proposed change in scope of practice would benefit the health, safety, or welfare of the public.***

This proposal would benefit the public by ensuring that the Respiratory Therapy statute is updated in such a way that Respiratory Therapists can continue to provide the kinds of services they are already providing vis-à-vis such programs as ECMO, for example.

**Criterion three: *The proposed change in scope of practice does not create a significant new danger to the health, safety, or welfare of the public.***

Respiratory Therapists are already sufficiently well-educated and well-trained to provide all of the scope elements that would be added to their revised, updated statute by this proposal.

**Criterion four: *The current education and training for the health profession adequately prepares practitioners to perform the new skill or service.***

The education and training standards described in the applicants' proposal would adequately prepare Respiratory Therapy practitioners to provide all of the services they currently provide safely and effectively including ECMO, for example.

**Criterion five: *There are appropriate post-professional programs and competence assessment measures available to assure that the practitioner is competent to perform the new skill of service in a safe manner.***

Current post-professional programs and competency assessment measures would be able to provide assurance that Respiratory Therapists are competent to perform the new skills or services in a safe manner.

**Criterion six: *There are adequate measures to assess whether practitioners are competently performing the new skill or service and to take appropriate action if they are not performing competently.***

Current assessment measures pertinent to the evaluation and review of the services of Respiratory Therapists would be adequate to determine whether or not these professionals are practicing competently.

## **Final Thoughts**

Passing this proposal is vital to ensure the continuance of the services provided by these professionals in Nebraska including ECMO.