

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SECOND LEGISLATURE  
SECOND SESSION  
**LEGISLATIVE BILL 788**

Final Reading

Introduced by Campbell, 25.

Read first time January 05, 2012

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to the Respiratory Care Practice Act; to amend  
2 sections 38-3214 and 38-3215, Reissue Revised Statutes of  
3 Nebraska; to change requirements for the practice of  
4 respiratory care; and to repeal the original sections.  
5 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 38-3214, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           38-3214 Any health care facility or home care agency  
4 providing inpatient or outpatient respiratory care service shall  
5 designate a medical director, who shall be a licensed physician who  
6 has special interest and knowledge in the diagnosis and treatment of  
7 respiratory problems. Such physician shall (1) be an active medical  
8 staff member of a licensed health care facility, (2) whenever  
9 possible be qualified by special training or experience in the  
10 management of acute and chronic respiratory disorders, and (3) be  
11 competent to monitor and assess the quality, safety, and  
12 appropriateness of the respiratory care services which are being  
13 provided. The medical director shall be accessible to and assure the  
14 competency of respiratory care practitioners and shall require that  
15 respiratory care be ordered by a licensed physician, a licensed  
16 physician assistant, a nurse practitioner as defined in section  
17 38-2312, or a certified registered nurse anesthetist as defined in  
18 section 38-704, who has medical responsibility for any patient that  
19 needs such care.

20           Sec. 2. Section 38-3215, Reissue Revised Statutes of  
21 Nebraska, is amended to read:

22           38-3215 The practice of respiratory care shall be  
23 performed only under the direction of a medical director and upon the  
24 order of a licensed physician, a licensed physician assistant, a  
25 nurse practitioner as defined in section 38-2312, or a certified

1 registered nurse anesthetist as defined in section 38-704.

2                   Sec. 3. Original sections 38-3214 and 38-3215, Reissue

3 Revised Statutes of Nebraska, are repealed.