

LEGISLATIVE BILL 190

Approved by the Governor March 1, 1988

Introduced by Scofield, 49

AN ACT relating to public health and welfare; to amend sections 71-2050, 71-2051, 71-6009, and 71-6038, Reissue Revised Statutes of Nebraska, 1943; to redefine care staff member; to authorize the administration of oxygen as prescribed; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 71-2050, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-2050. Nothing contained in sections 71-2017 to 71-2029 shall prohibit any rehabilitation or long-term-care facility operated by a hospital, as defined in section 71-2017.01 and in any rules and regulations relating to hospital standards adopted and promulgated by the department, from utilizing care staff members who are authorized to administer oral and external medication and oxygen as provided in section 5 of this act.

Sec. 2. That section 71-2051, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-2051. For purposes of sections 71-2050 to 71-2055, unless the context otherwise requires:

(1) Department shall mean the Department of Health; and

(2) Care staff member shall mean an individual who has been approved by a hospital which operates a rehabilitation or long-term-care facility and the department to administer oral and external medication and oxygen as provided in section 5 of this act and who has completed the prescribed course of training for care staff members.

Sec. 3. That section 71-6009, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-6009. Care staff member shall mean a nurse's aide who has been approved by the nursing home administrator and the department to administer oral medication and oxygen as provided in section 5 of this

act.

Sec. 4. That section 71-6038, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-6038. For purposes of sections 71-6038 to 71-6042, unless the context otherwise requires:

(1) Department shall mean the Department of Health;

(2) Care staff member shall mean a nursing assistant who meets the following qualifications: (a) Has attained the age of eighteen; (b) has completed a basic resident care course which shall be not less than twenty hours and an advanced course which shall be not less than seventy hours, including thirty hours in anatomy, oxygen administration by means of an oxygen concentrator, physiology, and advanced therapeutics and forty hours of pharmacology and medication administration; (c) has received a grade of eighty percent or higher in an advanced course approved by the department or has successfully completed a course in another state which has been approved by the department; and (d) has been approved by the nursing home administrator and the department to administer oral and external medication and oxygen as provided in section 5 of this act. An individual who has been approved by the department as a care staff member shall be retested every three years on medication administration and oxygen administration by means of an oxygen concentrator and shall receive a grade of eighty percent or higher on such test. Individuals who have not worked for a period of three years as an approved care staff member shall complete an approved forty-hour pharmacology and medication administration course and receive a grade of eighty percent or higher in such course. To maintain the status of an approved care staff member, such member shall attend, at least quarterly, inservice programs with topics dealing in medications or medication administration and oxygen administration by means of an oxygen concentrator; and

(3) Nursing assistant shall mean any person, other than a licensed registered or practical nurse, employed by a nursing home for the purpose of aiding a registered or licensed practical nurse through the performance of nonspecialized tasks related to the personal care and comfort of residents.

Sec. 5. Care staff members, as defined in sections 71-2051, 71-6009, and 71-6038, may only use a nasal cannula to apply oxygen by means of an oxygen concentrator to patients and may not administer more

than four liters of oxygen per minute to patients. An oxygen concentrator shall be set up only by a physician, licensed respiratory care practitioner, or licensed nurse. Care staff members shall not alter such setup in any way except to return it to the prescribed setting if it should be changed accidentally.

Sec. 6. That original sections 71-2050, 71-2051, 71-6009, and 71-6038, Reissue Revised Statutes of Nebraska, 1943, are repealed.