

1 A bill to be entitled
2 An act relating to emergency medical services;
3 amending s. 401.23, F.S.; revising and providing
4 definitions; amending s. 401.272, F.S.; authorizing a
5 paramedic or emergency medical technician to provide
6 other treatment and transport options; revising a
7 definition; amending s. 401.35, F.S.; revising
8 requirements for rules adopted by the Department of
9 Health governing minimum standards for emergency
10 medical services vehicle equipment and supplies and
11 ambulance or vehicle design and construction;
12 requiring the department to adopt rules governing the
13 use of telemedicine by certain licensees; amending s.
14 401.445, F.S.; providing immunity from liability for
15 certain medical and law enforcement personnel
16 providing emergency examination and treatment of
17 incapacitated persons in certain circumstances;
18 amending s. 893.05, F.S.; authorizing a certified
19 paramedic to administer a controlled substance only
20 under the supervision of certain health care
21 practitioners; amending ss. 14.33, 252.515, 395.1027,
22 and 401.245, F.S.; conforming cross-references;
23 providing an effective date.

24
25 Be It Enacted by the Legislature of the State of Florida:

26
27 Section 1. Subsections (11) through (21) of section
28 401.23, Florida Statutes, are renumbered as subsections (12)
29 through (22), respectively, present subsections (1), (7), and
30 (19) are amended, and new subsections (11) and (23) are added to
31 that section, to read:

32 401.23 Definitions.—As used in this part, the term:

33 (1) "Advanced life support" means assessment or treatment
34 by a person qualified under this part through the use of
35 techniques such as endotracheal intubation, the administration
36 of drugs or intravenous fluids, telemetry, cardiac monitoring,
37 cardiac defibrillation, and other techniques described in the
38 EMT-Paramedic National Standard Curriculum or the National EMS
39 Education Standards of the United States Department of
40 Transportation for the paramedic level or other techniques
41 approved by the medical director, pursuant to ~~rules of the~~
42 department rule.

43 (7) "Basic life support" means the assessment or treatment
44 by a person qualified under this part through the use of
45 techniques described in the EMT-Basic National Standard
46 Curriculum or the National EMS Education Standards of the United
47 States Department of Transportation and approved by the
48 department or other techniques approved by the medical director.
49 The term includes the administration of oxygen and other
50 techniques that have been approved and are performed under

51 conditions specified by ~~rules of the~~ department rule.

52 (11) "Emergency" means a situation in which a person has a
53 medical condition manifesting itself by acute symptoms of
54 sufficient severity, which may include severe pain, such that
55 the absence of immediate medical attention could reasonably be
56 expected to jeopardize a person's health or result in serious
57 impairment to bodily functions or serious dysfunction of any
58 bodily organ or part.

59 ~~(20)~~~~(19)~~ "Physician" means a practitioner who is licensed
60 under the provisions of chapter 458 or chapter 459. For the
61 purpose of providing "medical direction" as defined in
62 subsection (15) ~~(14)~~ for the treatment of patients immediately
63 prior to or during transportation to a United States Department
64 of Veterans Affairs medical facility, the term "physician" also
65 means a practitioner employed by the United States Department of
66 Veterans Affairs.

67 (23) "Urgent" means a situation identified as such by
68 medical direction which requires prompt care but does not
69 require immediate action or transport to an emergency department
70 and is documented in the licensee's protocols, standing orders,
71 or medical guidelines.

72 Section 2. Subsections (1) and (2) of section 401.272,
73 Florida Statutes, are amended to read:

74 401.272 Emergency medical services community health care.—

75 (1) The purpose of this section is to decrease

76 | inappropriate use of emergency department services and encourage
77 | more effective use ~~utilization~~ of the skills of emergency
78 | medical technicians and paramedics by enabling them to perform~~7~~
79 | ~~in partnership with local county health departments,~~ specific
80 | additional health care tasks that are consistent with the public
81 | health and welfare.

82 | (2) Notwithstanding any other provision of law to the
83 | contrary:

84 | (a) Paramedics or emergency medical technicians may
85 | provide ~~perform~~ health promotion and wellness activities, and
86 | blood pressure screenings, and other treatment and transport
87 | options ~~in a nonemergency environment,~~ within the scope of their
88 | training,~~and~~ under the direction of a medical director. As used
89 | in this paragraph, the term "health promotion and wellness"
90 | means the provision of public health programs pertaining to the
91 | prevention or reduction of illness and injury.

92 | (b) Paramedics may administer immunizations in a
93 | nonemergency environment~~7~~, within the scope of their training~~7~~
94 | ~~and~~ under the direction of a medical director. There must be a
95 | written agreement between the paramedic's medical director and
96 | the county health department located in each county in which the
97 | paramedic administers immunizations. This agreement must
98 | establish the protocols, policies, and procedures under which
99 | the paramedic must operate.

100 | Section 3. Paragraphs (c), (d), and (k) of subsection (1)

101 of section 401.35, Florida Statutes, are amended to read:

102 401.35 Rules.—The department shall adopt rules, including
103 definitions of terms, necessary to carry out the purposes of
104 this part.

105 (1) The rules must provide at least minimum standards
106 governing:

107 (c) ~~Ground~~ Ambulance and emergency medical services
108 vehicle equipment and supplies required by the medical director
109 of the licensee to provide basic and advanced life support
110 services at least as comprehensive as those published in the
111 most current edition of the American College of Surgeons,
112 Committee on Trauma, list of essential equipment for ambulances,
113 as interpreted by rules of the department.

114 (d) ~~Ground~~ Ambulance and emergency medical services ~~or~~
115 vehicle design and construction based on national standards in
116 effect on the date the rule is adopted and at least equal to
117 those most currently recommended by the United States General
118 Services Administration as interpreted by rules of the
119 department rule.

120 (k) Optional use of telemetry and telemedicine by
121 licensees.

122 Section 4. Subsection (1) of section 401.445, Florida
123 Statutes, is amended to read:

124 401.445 Emergency examination and treatment of
125 incapacitated persons.—

126 (1) No recovery is ~~shall be~~ allowed in any court in this
 127 state against any emergency medical technician, paramedic, or
 128 physician as defined in this chapter, any advanced practice
 129 registered nurse licensed under s. 464.012, or any physician
 130 assistant licensed under s. 458.347 or s. 459.022, or any law
 131 enforcement personnel ~~person~~ acting at the request of or under
 132 the direct medical supervision of any a physician, emergency
 133 medical technician, paramedic, advanced registered nurse
 134 practitioner, or physician assistant, in any ~~an~~ action brought
 135 for examining or treating a patient without his or her informed
 136 consent if:

137 (a) The patient at the time of examination or treatment is
 138 intoxicated, under the influence of drugs, or otherwise
 139 incapable of providing informed consent as provided in s.
 140 766.103;

141 (b) The patient at the time of examination or treatment is
 142 experiencing an emergency medical condition; and

143 (c) The patient would reasonably, under all the
 144 surrounding circumstances, undergo such examination, treatment,
 145 or procedure if he or she were advised by the emergency medical
 146 technician, paramedic, physician, advanced practice registered
 147 nurse, or physician assistant in accordance with s. 766.103(3).

148
 149 Examination and treatment provided under this subsection shall
 150 be limited to reasonable examination of the patient to determine

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151 the medical condition of the patient and treatment reasonably
152 necessary to alleviate the emergency medical condition or to
153 stabilize the patient.

154 Section 5. Paragraph (a) of subsection (1) of section
155 893.05, Florida Statutes, is amended to read:

156 893.05 Practitioners and persons administering controlled
157 substances in their absence.—

158 (1) (a) A practitioner, in good faith and in the course of
159 his or her professional practice only, may prescribe,
160 administer, dispense, mix, or otherwise prepare a controlled
161 substance, or the practitioner may cause the controlled
162 substance to be administered by a licensed nurse, a certified
163 paramedic, or an intern practitioner under his or her direction
164 and supervision only.

165 Section 6. Subsection (1) of section 14.33, Florida
166 Statutes, is amended to read:

167 14.33 Medal of Heroism.—

168 (1) The Governor may award a Medal of Heroism of
169 appropriate design, with ribbons and appurtenances, to a law
170 enforcement, correctional, or correctional probation officer, as
171 defined in s. 943.10(14); a firefighter, as defined in s.
172 112.191(1)(b); an emergency medical technician, as defined in s.
173 401.23 ~~s. 401.23(11)~~; or a paramedic, as defined in s. 401.23 ~~s.~~
174 ~~401.23(17)~~. A recipient must have distinguished himself or
175 herself conspicuously by gallantry and intrepidity, must have

176 | risked his or her life deliberately above and beyond the call of
177 | duty while performing duty in his or her respective position,
178 | and must have engaged in hazardous or perilous activities to
179 | preserve lives with the knowledge that such activities might
180 | result in great personal harm.

181 | Section 7. Paragraph (a) of subsection (3) of section
182 | 252.515, Florida Statutes, is amended to read:

183 | 252.515 Postdisaster Relief Assistance Act; immunity from
184 | civil liability.—

185 | (3) As used in this section, the term:

186 | (a) "Emergency first responder" means:

- 187 | 1. A physician licensed under chapter 458.
- 188 | 2. An osteopathic physician licensed under chapter 459.
- 189 | 3. A chiropractic physician licensed under chapter 460.
- 190 | 4. A podiatric physician licensed under chapter 461.
- 191 | 5. A dentist licensed under chapter 466.
- 192 | 6. An advanced practice registered nurse licensed under s.
193 | 464.012.
- 194 | 7. A physician assistant licensed under s. 458.347 or s.
195 | 459.022.
- 196 | 8. A worker employed by a public or private hospital in
197 | the state.
- 198 | 9. A paramedic as defined in s. 401.23 ~~s. 401.23(17)~~.
- 199 | 10. An emergency medical technician as defined in s.
200 | 401.23 ~~s. 401.23(11)~~.

201 11. A firefighter as defined in s. 633.102.

202 12. A law enforcement officer as defined in s. 943.10.

203 13. A member of the Florida National Guard.

204 14. Any other personnel designated as emergency personnel
205 by the Governor pursuant to a declared emergency.

206 Section 8. Subsection (5) of section 395.1027, Florida
207 Statutes, is amended to read:

208 395.1027 Regional poison control centers.—

209 (5) By October 1, 1999, each regional poison control
210 center shall develop a prehospital emergency dispatch protocol
211 with each licensee as defined in s. 401.23 ~~by s. 401.23(13)~~ in
212 the geographic area covered by the regional poison control
213 center. The prehospital emergency dispatch protocol shall be
214 developed by each licensee's medical director in conjunction
215 with the designated regional poison control center responsible
216 for the geographic area in which the licensee operates. The
217 protocol shall define toxic substances and describe the
218 procedure by which the designated regional poison control center
219 may be consulted by the licensee. If a call is transferred to
220 the designated regional poison control center in accordance with
221 the protocol established under this section and s. 401.268, the
222 designated regional poison control center shall assume
223 responsibility and liability for the call.

224 Section 9. Paragraph (b) of subsection (2) of section
225 401.245, Florida Statutes, is amended to read:

226 401.245 Emergency Medical Services Advisory Council.—
227 (2)
228 (b) Representation on the Emergency Medical Services
229 Advisory Council shall include: two licensed physicians who are
230 ~~"medical directors"~~ as defined in s. 401.23 ~~s. 401.23(15)~~ or
231 whose medical practice is closely related to emergency medical
232 services; two emergency medical service administrators, one of
233 whom is employed by a fire service; two certified paramedics,
234 one of whom is employed by a fire service; two certified
235 emergency medical technicians, one of whom is employed by a fire
236 service; one emergency medical services educator; one emergency
237 nurse; one hospital administrator; one representative of air
238 ambulance services; one representative of a commercial ambulance
239 operator; and two laypersons who are in no way connected with
240 emergency medical services, one of whom is a representative of
241 the elderly. Ex officio members of the advisory council from
242 state agencies shall include, but shall not be limited to,
243 representatives from the Department of Education, the Department
244 of Management Services, the State Fire Marshal, the Department
245 of Highway Safety and Motor Vehicles, the Department of
246 Transportation, and the Division of Emergency Management.
247 Section 10. This act shall take effect July 1, 2019.