

Regular Session, 2010

HOUSE BILL NO. 1030

BY REPRESENTATIVES ST. GERMAIN, BOBBY BADON, BARROW, BILLIOT, BURRELL, DIXON, DOERGE, GISCLAIR, GUILLORY, HILL, JOHNSON, LAFONTA, MONToucET, NORTON, PUGH, GARY SMITH, PATRICIA SMITH, AND STIAES

HEALTH/EMERG MED SERVICE: Provides with respect to certain public employees and volunteers who render emergency medical services

1 AN ACT

2 To amend and reenact R.S. 40:1232.1(A)(2) and (3) and 1232.3, relative to emergency  
3 medical services; to set a maximum fee for an emergency medical technician-basic  
4 certification and recertification for any individual who is an employee or volunteer  
5 of the state of Louisiana or another public entity, a municipal fire department, a fire  
6 protection district, a volunteer fire department, or a municipal law enforcement  
7 agency; to exempt certain employees or volunteers of the state of Louisiana or  
8 another public entity, a municipal fire department, a fire protection district, or a  
9 volunteer fire department from the authority of the Louisiana Emergency Medical  
10 Services Certification Commission to conduct disciplinary hearings, request  
11 investigations, and initiate prosecution, with certain exceptions and conditions; and  
12 to provide for related matters.

13 Be it enacted by the Legislature of Louisiana:

14 Section 1. R.S. 40:1232.1(A)(2) and (3) and 1232.3 are hereby amended and  
15 reenacted to read as follows:

16 §1232.1. Fee schedule; fees for certification prohibited

17 A.

18 \* \* \*

1           (2) The bureau shall not set the fee for certification of an emergency medical  
2           technician-basic to exceed fifteen dollars for any individual who is an employee or  
3           volunteer of the state of Louisiana or another public entity, a municipal fire  
4           department, a fire protection district, a volunteer fire department, or a municipal law  
5           enforcement agency, ~~fire service, or fire protection district~~ who does not perform  
6           emergency medical services outside of the individual's official governmental  
7           responsibilities for any form of compensation.

8           (3) The bureau shall not set the fee for recertification of an emergency  
9           medical technician-basic to exceed ten dollars for any individual who is an employee  
10          or volunteer of the state of Louisiana or another public entity, a municipal fire  
11          department, a fire protection district, a volunteer fire department, or a municipal law  
12          enforcement agency, ~~fire service, or fire protection district~~ who does not perform  
13          emergency medical services outside of the individual's official governmental  
14          responsibilities for any form of compensation.

15   \*           \*           \*

16          §1232.3. Powers and duties of the commission; exceptions

17                   A. The commission shall:

18                   (1) Recommend to the bureau requirements and standards of practice for  
19                   individuals seeking to be certified under this Subpart.

20                   (2) Approve requirements and standards of practice submitted by the bureau  
21                   for emergency medical personnel consistent with this Subpart.

22                   (3) Recommend continuing education requirements and standards to the  
23                   bureau in accordance with criteria established by the National Registry of  
24                   Emergency Medical Technicians for individuals seeking to renew a certificate.

25                   (4) Conduct disciplinary hearings for emergency medical personnel.

26                   (5) Request that the bureau conduct investigations as necessary.

27                   (6) Cause the prosecution of any individual who violates any provision of  
28                   this Subpart.

29                   (7) Maintain a record of all commission proceedings.

1 (8) Adopt rules and regulations to implement the provisions of this Subpart  
2 in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

3 B. Except as they relate to scope of practice or patient care issues,  
4 Paragraphs (A)(4), (5), and (6) of this Section shall not apply to anyone who is a  
5 volunteer of or employed by the state of Louisiana or another public entity, a  
6 municipal fire department, a fire protection district, or a volunteer fire department  
7 who has successfully completed an emergency medical technician-basic, emergency  
8 medical technician-intermediate, emergency medical technician-paramedic, or first  
9 responder training program developed and promulgated by the United States  
10 Department of Transportation and who possesses a current national and state  
11 certification, until the commission has forwarded the nonmedical practice complaint  
12 to the local governing body and received a response with investigative results and  
13 any disciplinary disposition. In the event that the local governing body does not send  
14 a response or request for extension to the commission within sixty days after receipt  
15 of the complaint, the commission may proceed with the powers and duties as defined  
16 in Subsection A of this Section. Notwithstanding any law to the contrary, in the  
17 event the commission determines that public health and safety would be jeopardized  
18 by waiting for a response from the local governing authority, the commission shall  
19 have the right to exercise its powers and duties as provided in Subsection A of this  
20 Section without receipt of an investigative report from the local governing authority  
21 or the expiration of the sixty-day period as provided in this Subsection.

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#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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St. Germain

HB No. 1030

**Abstract:** Sets a maximum fee for an emergency medical technician-basic certification and recertification for any individual who is an employee or volunteer of the state of La. or another public entity, a municipal fire department, a fire protection district, a volunteer fire department, or a municipal law enforcement agency. Exempts certain employees and volunteers of the state of La. or another public entity, a municipal fire

department, a fire protection district, or a volunteer fire department from the authority of the La. Emergency Medical Services Certification Commission to conduct disciplinary hearings, request investigations, and initiate prosecution, unless they relate to scope of practice or patient care issues. Allows the commission to conduct disciplinary hearings, request investigations, and initiate prosecution on nonmedical issues after the commission has forwarded a nonmedical complaint to the local governing body and received a response with investigative results and any disciplinary disposition. Additionally allows the commission to conduct disciplinary hearings, request investigations, and initiate prosecution if no response from the local governing authority has been received within 60 days or if the commission determines waiting for a response would jeopardize public health and safety.

Present law provides that the Dept. of Health and Hospitals, office of public health, bureau of emergency medical services, shall not set the fee for certification of an emergency medical technician-basic to exceed \$15 for any individual who is an employee of a municipal law enforcement agency, fire service, or fire protection district who does not perform emergency medical services outside of the individual's official governmental responsibilities for any form of compensation.

Proposed law adds anyone employed by or a volunteer of the state of La. or another public entity, a municipal fire department, a fire protection district, or a volunteer fire department to the list of persons for whom the fee is capped at \$15.

Present law provides that the Dept. of Health and Hospitals, office of public health, bureau of emergency medical services, shall not set the fee for recertification of an emergency medical technician-basic to exceed \$10 for any individual who is an employee of a municipal law enforcement agency, fire service, or fire protection district who does not perform emergency medical services outside of the individual's official governmental responsibilities for any form of compensation.

Proposed law adds anyone employed by or a volunteer of the state of La. or another public entity, a municipal fire department, a fire protection district, or a volunteer fire department to the list of persons for whom the fee is capped at \$10.

Present law provides that the La. Emergency Medical Services Certification Commission shall:

- (1) Recommend to the bureau requirements and standards of practice for individuals seeking to be certified.
- (2) Approve requirements and standards of practice submitted by the bureau.
- (3) Recommend continuing education requirements and standards to the bureau in accordance with criteria established by the National Registry of Emergency Medical Technicians for individuals seeking to renew a certificate.
- (4) Conduct disciplinary hearings for emergency medical personnel.
- (5) Request that the bureau conduct investigations as necessary.
- (6) Cause the prosecution of any individual who violates any provision of present law.
- (7) Maintain a record of all commission proceedings.
- (8) Adopt rules and regulations to implement the provisions of present law.

Proposed law exempts certain employees and volunteers of the state of La. or another public entity, a municipal fire department, a fire protection district, or a volunteer fire department

from the authority of the commission to conduct disciplinary hearings, request investigations, and initiate prosecution, except when the hearings, investigations, or prosecutions pertain to scope of practice or patient care issues.

Proposed law allows the commission to conduct disciplinary hearings, request investigations, and initiate prosecution on nonmedical issues after the commission has forwarded a nonmedical complaint to the local governing body and received a response with investigative results and any disciplinary disposition. Proposed law further allows the commission to conduct disciplinary hearings, request investigations, and initiate prosecution if no response from the local governing authority has been received within 60 days or if the commission determines that waiting for a response would jeopardize public health and safety.

(Amends R.S. 40:1232.1(A)(2) and (3) and 1232.3)

#### Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Health and Welfare to the original bill.

1. Added volunteers of the state of La. or another public entity, a municipal fire department, a fire protection district, or a volunteer fire department to the groups of persons whose fee for certification and recertification of emergency technician-basic cannot exceed \$15 and \$10, respectively.
2. Provided that certain employees and volunteers are exempt from the authority of the commission to conduct disciplinary hearings, request investigations, and initiate prosecution, except when the hearings, investigations, or prosecutions pertain to scope of practice or patient care issues.
3. Added that the commission may conduct disciplinary hearings, request investigations, and initiate prosecution on nonmedical issues after the commission has forwarded a nonmedical complaint to the local governing body and received a response with investigative results and any disciplinary disposition.
4. Added that the commission may conduct disciplinary hearings, request investigations, and initiate prosecution on nonmedical issues if no response from the local governing authority has been received within 60 days or if the commission determines that waiting for a response would jeopardize public health and safety.