

2019 Regular Session

SENATE BILL NO. 210

BY SENATOR BOUDREAUX

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

HEALTH SERVICES. Provides relative to emergency medical services. (8/1/19)

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AN ACT

To amend and reenact R.S. 40:1131(6), 1133.2(B)(1), 1133.3(B)(1)(b), (2) and (D), 1133.14(A)(2) and (C), and R.S. 44:4.1(B)(26), and to enact R.S. 40:1131(24) through (26), 1133.4(A)(9) and (10), 1133.4.1, and R.S. 44:4 (57); to provide for definitions of emergency services professionals, inactive practitioners, and for reciprocity; to provide relative to fees and examinations required for licensing emergency services personnel; to provide relative to the Louisiana Emergency Medical Services Certification Commission; to provide relative to the powers and duties of the commission; to provide for authority for obtaining criminal history records in certain circumstances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1131(6), 1133.2(B)(1), 1133.3(B)(1)(b), (2) and (D), 1133.14(A)(2) and (C), are hereby amended and reenacted and R.S.40:1131(24) through (26), 1133.4(A)(9) and (10), and 1133.4.1 are hereby enacted to read as follows:

§1131. Definitions

For purposes of this Chapter:

* * *

1 (6) "Bureau" or "Bureau of EMS" means the Louisiana Department of
2 Health, bureau of emergency medical services.

3 * * *

4 (24) "EMS Professional" means an EMS Practitioner (paramedic,
5 advanced emergency medical technician, emergency medical technician, or
6 emergency medical responder) who is licensed to practice in the state of
7 Louisiana and is certified by the National Registry of EMTs, as applicable.

8 (25) "Inactive" means an EMS practitioner who is not employed by an
9 EMS provider or an EMS practitioner who does not have a medical director
10 who can verify psychomotor skill competency.

11 (26) "Reciprocity" means the application process by which an EMS
12 practitioner who is licensed or certified in another state or who has completed
13 the National Registry certification process in another state becomes licensed by
14 the Bureau of EMS in Louisiana.

15 * * *

16 §1133.2. Fee schedule; fees for license prohibited

17 A. * * *

18 B. Except as provided in Subsection A of this Section, the bureau shall assess
19 fees for testing and licenses based on the following schedule:

20 (1) ~~Test~~ Exam fees:

21 (a) ~~Emergency medical responder - written only~~ \$ 15.00

22 (b) ~~Emergency medical responder - written only (out of state)~~ 15.00

23 ~~(e)(a) Emergency medical technician initial written & practical~~ full
24 psychomotor exam 60.00

25 (d) ~~Emergency medical technician entire practical exam~~ 30.00

26 ~~(e)(b) Emergency medical technician partial practical~~ psychomotor exam
27 15.00

28 (f) ~~Emergency medical technician testing/retesting-written only~~ 15.00

29 (g) ~~Emergency medical technician testing/retesting-written only (out of~~

1	state) 15.00	
2	(h) (c) Advanced emergency medical technician initial written & practical full	
3	psychomotor exam	75.00
4	(i) (d) Advanced emergency medical technician initial written & practical full	
5	psychomotor exam (out of state)	100.00
6	(j) Advanced emergency medical technician retest entire practical	50.00
7	(k) Advanced emergency medical technician retest entire practical (out of	
8	state)	65.00
9	(l) (e) Advanced emergency medical technician retest partial practical	
10	psychomotor exam	30.00
11	(m) (f) Advanced emergency medical technician retest partial practical	
12	psychomotor exam (out of state)	30.00
13	(n) Advanced emergency medical technician testing/retesting-written only	
14	(exam only)	15.00
15	(o) Advanced emergency medical technician testing/retesting-written only	
16	(exam only) (out of state)	15.00
17	(p) (g) Paramedic initial written & practical full psychomotor exam	90.00
18	(q) (h) Paramedic initial written & practical full psychomotor exam (out of	
19	state)	125.00
20	(r) Paramedic retesting-entire practical	60.00
21	(s) Paramedic retesting-entire practical (out of state)	75.00
22	(t) (i) Paramedic retesting-partial practical psychomotor exam	35.00
23	(u) (j) Paramedic retesting-partial practical psychomotor exam	
24	(out of state)	40.00
25	(v) Paramedic testing/retesting written	15.00
26	(w) Paramedic testing/retesting written (out of state)	15.00

* * *

§1133.3. Louisiana Emergency Medical Services Certification Commission;
creation; membership; qualifications; terms; vacancies; meetings;

1 officers; compensation; domicile

2 A. * * *

3 B.(1) The commission shall be composed of ~~eleven~~ **fourteen** voting members
4 appointed by the governor as follows:

5 * * *

6 (b) ~~Two~~ **Five EMS practitioners** ~~licensed paramedics and one licensed~~
7 ~~emergency medical technician who are approved as emergency medical services~~
8 **educators affiliated with an EMS education program approved** by the bureau. At
9 least one of the members as provided in this Subparagraph shall be appointed by the
10 Louisiana Fire Chiefs Association.

11 * * *

12 (2) ~~The commission shall also have one voting~~ **One** member appointed by the
13 ~~governor~~ who is a registered nurse and who is a state-licensed paramedic ~~to be~~
14 nominated by the Louisiana State Nurses Association from a list of two names
15 submitted by the Louisiana Emergency Nurses Association.

16 * * *

17 D.~~(1)~~ The initial voting members of the commission shall be appointed no
18 later than October 1, 1997, from a list of two nominees for each appointment
19 submitted by the task force. If the task force fails to submit a list of nominees to the
20 governor by September 1, 1997, the governor shall appoint the respective members
21 of the commission without the nomination list required by this Section.

22 ~~(2) The nonvoting member shall be appointed to serve terms of three years.~~
23 ~~The initial member shall be appointed by the governor to an initial term of three~~
24 ~~years by October 1, 1997 or within thirty days of receipt of the list from the~~
25 ~~Louisiana State Nurses Association, whichever is later.~~

26 * * *

27 §1133.4. Powers and duties of the commission; exceptions

28 A. The commission shall:

29 (1) * * *

1 **(9) Approve scope of practice for EMS practitioners within the limits set**
2 **forth in R.S. 40:1133.14(A).**

3 **(10) Have the authority to:**

4 **(a) Request and obtain state and national criminal history record**
5 **information on any person applying for any license or permit which the**
6 **commission or the bureau is authorized by law to issue, including permission**
7 **to enroll as a student EMS practitioner in clinical EMS courses.**
8 **Notwithstanding any provision of Code of Criminal Procedure Article 973 to the**
9 **contrary, the commission may require that such applicants disclose information**
10 **concerning expunged arrests and convictions, and may receive and obtain**
11 **criminal history records regarding such records on a confidential basis.**

12 **(b) Regulate student EMS practitioners in the clinical phase of EMS**
13 **education.**

14 **(c) Upon finding of sufficient evidence that the public health and safety**
15 **are at risk, require licensees and applicants for licensure to submit to a physical**
16 **or mental examination by a healthcare provider designated by the commission**
17 **who is licensed to perform such examinations. The licensee or applicant may**
18 **request a second healthcare provider to perform an independent medical**
19 **examination. Refusal of or failure by the licensee or applicant to submit to such**
20 **examination and to sign for release of the findings of that examination to the**
21 **commission shall constitute sufficient evidence of any relevant allegations.**

22 **(d) Maintain the confidentiality of any records, writings, accounts,**
23 **letters, letter books, photographs, or copies or memoranda thereof, and any**
24 **report or reports concerning the fitness of any person to receive or to continue**
25 **to hold a license to practice as an EMS practitioner in the custody or control of**
26 **the commission or bureau of EMS; however, any action taken by the**
27 **commission or the bureau and any legal grounds upon which such action is**
28 **based, relative to the fitness of any person to receive, or continue to hold, a**
29 **license to practice as an EMS practitioner shall be a public record.**

1 administrative rule by the bureau or the commission, the commission shall
 2 require as a condition of licensure, that an applicant obtain from the BCII a
 3 complete criminal history record as defined in this Section, and provide that
 4 information to the Bureau of EMS or to the commission. The commission may,
 5 by rules promulgated in accordance with the Administrative Procedure Act,
 6 R.S. 49:490, et seq., limit the categories of applicants to which this requirement
 7 applies.

8 C. Any criminal history record information obtained by the commission
 9 or the Bureau of EMS which is not, at the time that it is received, a matter of
 10 public record, shall be deemed nonpublic and confidential information,
 11 restricted to the exclusive use of the commission or the bureau, their members,
 12 officers, investigators, agents, and attorneys, in evaluating the applicant's
 13 eligibility or disqualification for licensure. No such information or records
 14 related thereto shall, except with the written consent of the applicant or by
 15 order of a court of competent jurisdiction, be released or otherwise disclosed by
 16 the commission or bureau to any other person, agency, or entity.

17 * * *

18 §1133.14 Duties of emergency medical personnel

19 A.(1) * * *

20 (2) The functions authorized by Paragraph (1) of this Subsection may be
 21 performed by the licensed emergency medical services practitioner while he is caring
 22 for a patient or at the scene of a medical or other emergency where voice contact is
 23 established with a physician and under the physician's order; or under a protocol that
 24 has been approved by the local parish medical society or the emergency medical
 25 services practitioner's medical director, ~~until voice communication with the~~
 26 ~~physician is established.~~

27 B. * * *

28 C. In a case of a life-threatening situation as determined by a licensed
 29 emergency medical services practitioner, when voice contact with a physician is

1 delayed, not possible, or when the delay in treatment could endanger the life of the
2 patient, such a person may render services, in accordance with a protocol that shall
3 be established by the emergency medical services committee or the executive
4 committee of the parish or component medical society, ~~or its designee, until voice~~
5 ~~communication can be established at the earliest possible time.~~

6 * * *

7 Section 2. R.S. 44:4.1(B)(26) is hereby amended and reenacted and R.S. 44:4(57)
8 is hereby enacted to read as follows:

9 §4. Applicability

10 This Chapter shall not apply:

11 (1) * * *

12 **(57) To any records, writings, accounts, letters, letter books, photographs**
13 **or copies or memoranda thereof, and any report or reports concerning the**
14 **fitness of any person to receive, or to continue to hold, a license to practice as**
15 **an EMS practitioner in the custody or control of the Louisiana Emergency**
16 **Medical Services Certification Commission or Department of Health, office of**
17 **public health, Bureau of EMS; however, any action taken by the commission or**
18 **the bureau and any legal grounds upon which such action is based, relative to**
19 **the fitness of any person to receive, or to continue to hold, a license to practice**
20 **as an EMS practitioner shall be a public record.**

21 §4.1. Exceptions

22 A. * * *

23 B. The legislature further recognizes that there exist exceptions, exemptions,
24 and limitations to the laws pertaining to public records throughout the revised
25 statutes and codes of this state. Therefore, the following exceptions, exemptions, and
26 limitations are hereby continued in effect by incorporation into this Chapter by
27 citation:

28 * * *

29 (26) R.S. 40:3.1, 31.14, 31.27, 39.1, 41, 73, 95, 96, 526, 528, 1007, 1061.21,

Effective August 1, 2019.

(Amends R.S. 40:1131(6), 1133.2(B)(1), 1133.3(B)(1)(b), (2) and (D), 1133.14(A)(2) and (C), and R.S. 44:4.1(B)(26); adds R.S. 40:1131(24)-(26), 1133.4(A)(9) and (10), 1133.4.1 and R.S. 44:4(57))