SLS 13RS-1801 **ENGROSSED**

Regular Session, 2013

SENATE BILL NO. 262 (Substitute of Senate Bill No. 198 by Senator White)

BY SENATOR WHITE AND REPRESENTATIVE ST. GERMAIN

HEALTH CARE. Provides for the Louisiana Board of Emergency Medical Services. (7/1/13)

AN ACT

To amend and reenact R.S. 36:258(B), 259(E), R.S. 40:1232, 1232.2(G), 1232.3(A), the introductory paragraph of 1232.6 and (14), 1232.7(A) and (D), 1232.8, 1236.5(C), 1236.13(B), and R.S. 44:4.1(B)(23) and (26), and to enact Chapter 60 of Title 37 of the Louisiana Revised Statutes of 1950, comprised of R.S. 37:3671 through 3685, R.S. 40:1236.8, and R.S. 44:4(48), and to repeal R.S. 40:1231 through 1231.2, 1232.1, 1232.4, 1232.5, 1233, 1234, 1234.1, and 1236.13(F), relative to emergency medical services; to provide for the creation of the Louisiana Board of Emergency Medical Services within the Department of Health and Hospitals; to provide for board membership, appointment, terms, and compensation; to provide for the function, powers, and duties of the board; to provide for licensure; to provide for a fee schedule; to provide for injunctive powers; to provide for prosecution; to provide for civil immunity; to provide for immunity from civil damages for certain entities; to provide for duties of EMS personnel; to provide for hazardous substance transportation emergencies; to provide for transition provisions; to provide for the Louisiana Emergency Medical Services Certification Commission; to provide for appointments to the Louisiana Emergency Medical Services Certification

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Commission; to provide for powers and duties of the Louisiana Emergency Medical Services Certification Commission; to provide for disciplinary proceedings and appeals by the Louisiana Emergency Medical Services Certification Commission; to provide for injunctive powers of the Louisiana Emergency Medical Services Certification Commission; to provide for the emergency medical technician fund; to provide for public records and exceptions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 36:258(B) and 259(E) are hereby amended and reenacted to read as follows:

§258. Offices; purposes and functions

* * *

B. The office of public health shall perform the functions of the state which relate to the general health of the people of the state, including but not limited to responsibility for the preparation and supervision of the Sanitary Code, local health units, sewage treatment and disposal within the state, physical fitness, supplemental food programs for women, infants, and children, emergency medical services **not provided for pursuant to the provisions of Chapter 60 of Title 37 of the Louisiana Revised Statutes of 1950**, and related functions affecting the public health. It shall also perform those functions of the state provided by law relating to environmental quality and pollution control which are related to the public health and which are specifically assigned to the department, including but not limited to functions relating to the treatment and disposal of sewage within the state, with the exception of those functions assigned to the Department of Environmental Quality including, but not limited to, the licensing of sewage sludge transporters or haulers.

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§259. Transfer of agencies and functions to Department of Health and Hospitals

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E. The following agencies, as defined in R.S. 36:3, are transferred to and hereafter shall be within the Department of Health and Hospitals, as provided in R.S.

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36:803:

* * *

(25) Louisiana Board of Emergency Medical Services

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Section 2. Chapter 60 of Title 37 of the Louisiana Revised Statutes of 1950, comprised of R.S. 37:3671 through 3685, is hereby enacted to read as follows:

CHAPTER 60. EMERGENCY MEDICAL SERVICES

§3671. Definitions

As used in this Chapter, the following terms shall have the following meaning:

~~R.S. 40:1231(5)~~ **(1)** "Auto-injector" means a spring-loaded needle and syringe with a single dose of epinephrine that will automatically release and inject the medicine.

(2) "Board" means the Louisiana Board of Emergency Medical Services.

~~R.S. 40:1231(8)~~**(3)** "Department" means the Department of Health and Hospitals.

~~R.S. 40:1231(10)~~ **(4)** "Emergency medical services" or "EMS" means a system that represents the combined efforts of several professionals and agencies to provide prehospital emergency care to the sick and injured.

~~R.S. 40:1231(11)~~ **(5)** "EMS medical director" means a physician licensed by the Louisiana State Board of Medical Examiners who has responsibility and authority to ensure quality of care and provide guidance for all medical aspects of EMS.

~~R.S. 40:1231(12)~~ **(6)** "EMS practitioner" means an individual who is a licensed emergency medical responder, licensed emergency medical technician, licensed advanced emergency medical technician, or a licensed paramedic.

~~R.S. 40:1231(15)~~ **(7)**"Licensed emergency medical responder" means any individual who has successfully completed an emergency medical responder education program based on ~~National EMS Education Standards~~ **national EMS**

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education standards approved by the ~~bureau~~ **board** and who is licensed by the ~~bureau~~ **board**.

~~R.S. 40:1231(16)~~ **(8)** "Licensed emergency medical services practitioner" means an individual who is a licensed emergency medical responder or who is nationally registered, who has successfully completed an emergency medical services practitioner education program based on national EMS education standards, and who is licensed as any one of the following:

(a) A licensed emergency medical technician.

(b) A licensed advanced emergency medical technician.

(c) A licensed paramedic.

~~R.S. 40:1231(17)~~ **(9)** "Moral turpitude" means an act of baseness, vileness, or depravity in the duties which one person owes another, or to society in general, which is contrary to the usual, accepted, and customary rule of right and duty which a person should follow.

~~R.S. 40:1231(18)~~ **(10)** "Municipal nonprofit organization" means an organization owned by a parish, municipality, or entity of a parish or municipality which in its regular course of business responds to a call for help and renders medical treatment and whose attendants are emergency medical personnel, a registered nurse, or a physician.

~~R.S. 40:1231(19)~~ **(11)** "National EMS education standards" means the document that outlines current nationally recognized EMS education standards, has been adopted by the ~~bureau~~ **board**, and defines terminal objectives for each nationally defined EMS licensing level.

~~R.S. 40:1231(20)~~ **(12)** "Physician" means a physician licensed to practice medicine by the Louisiana State Board of Medical Examiners.

~~R.S. 40:1231 (21)~~ **(13)** "Volunteer nonprofit organization" means an organization which in its regular course of business responds to a call for help and renders medical treatment and whose attendants are emergency medical personnel, a registered nurse, or a physician and which is chartered as a nonprofit organization

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under Section 501c of the United States Internal Revenue Code, as a volunteer fire department by the ~~Louisiana~~ state fire marshal's office, or as a nonprofit organization by the ~~Louisiana~~ secretary of state.

§3672. Louisiana Board of Emergency Medical Services; membership; qualifications; terms; vacancies; meetings; officers; compensation; domicile

A. The Louisiana Board of Emergency Medical Services is hereby created within the Department of Health and Hospitals and subject to the provisions of R.S. 36:803.

B.(1) The board shall be composed of seventeen voting members appointed by the governor as follows:

(a) One member representing and nominated by the accredited EMS education programs in the state.

(b) One EMS education program director representing emergency medical responders, emergency medical technicians and advanced emergency medical technicians educational programs nominated by the Louisiana Association of Nationally Registered Emergency Medical Technicians.

(c) One EMS practitioner from a fire-based EMS system nominated by the Louisiana Fire Chief's Association.

(d) One paramedic nominated by the Louisiana Association of Nationally Registered Emergency Medical Technicians.

(e) One EMT nominated by the Louisiana Association of Nationally Registered Emergency Medical Technicians.

(f) One representative from a private EMS provider nominated by the Louisiana Ambulance Alliance.

(g) One representative from a public EMS provider nominated by the Louisiana Ambulance Alliance.

(h) One representative from an air EMS provider nominated by the Louisiana Ambulance Alliance.

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(i) One representative nominated by the chairman of the EMS Certification Commission.

(j) One representative from an industry-based EMS service nominated by the Louisiana Association of Nationally Registered Emergency Medical Technicians.

(k) One EMS practitioner nominated by the Louisiana State Firemen Association.

(l) One EMS practitioner nominated by the Professional Fire Fighters Association of Louisiana.

(m) One registered nurse who is a state-licensed paramedic nominated by the Louisiana State Council of the Emergency Nurses Association.

(n) One emergency physician nominated by the Louisiana Chapter of the American College of Emergency Physicians.

(o) One physician representing the EMS physician medical directors nominated by the Louisiana State Medical Society.

(p) One administrator of a public EMS provider nominated by the Louisiana State Medical Society.

(q) One fire service administrator nominated by the Louisiana Municipal Association.

C. Each member of the board shall be a resident of Louisiana for at least one year, have had three years experience in his respective field of practice, and be actively engaged in the practice of emergency medical services at the time of his appointment.

D. Each appointment by the governor shall be submitted to the Senate for confirmation.

E. (1) Except as otherwise provided in this Section, each member shall serve a term of three years.

(2) The initial members of the board shall have initial terms, determine by lot at the first meeting after the effective date of this Section, as

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follows:

(a) Six shall serve until July 1, 2014.

(b) Six shall serve until July 1, 2015.

(c) Five shall serve until July 1, 2016.

(3) No individual shall serve more than two consecutive terms.

F. Subsequent to the appointment or placement of the initial members, the voting members shall be appointed from a list of two nominees for each appointment submitted by the appropriate nominating organization. No later than thirty days prior to the termination date of a member's term, the appropriate nominating organization shall submit a list of nominees to the governor. If the appropriate nominating organization fails to submit the required list of nominees to the governor within thirty days, the governor shall appoint the respective member to fill the vacancy without the nomination list required.

G. Each member shall serve until his successor has been appointed and confirmed.

H. Upon the expiration of the term of any member or in the event of a vacancy for any reason, the appropriate nominating organization shall submit to the governor the names of two qualified persons for each vacancy to be filled.

I. A vacancy occurring on the board for any reason shall be filled in the same manner as the original appointment was made. However, members appointed to fill vacancies shall serve only for the unexpired term of their predecessors.

J. The board shall hold its first meeting no later than sixty days after the appointment of the entire board with the first meeting being called by the governor. At the first meeting the board shall select a chairman and vice chairman. At a minimum, the board shall meet on a quarterly basis and, in addition, shall meet when called by the chairman or upon the written request of at least nine of the voting members of the board.

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K. For each day while performing his official duties, a member of the board may be reimbursed for expenses and mileage at the same rate set by the division of administration for state employees under the provisions of R.S. 39:231.

L. The board shall be domiciled in Baton Rouge, but offices for the purpose of administering the provisions of this Chapter may be established by the board in other locations.

M. The governor shall remove a member of the board after a hearing by the board during which charges for removal have been established and provided that a majority of the members have recommended removal.

N.(1) There shall be no civil liability and no licensee or other individual shall have a cause of action or a claim for damages against any person or institution providing information to the board, its members, officers, designated agents or representatives, employees, where the individual or institution acts without malice and in the reasonable belief that such information is accurate.

(2) There shall be no liability on the part of and no action for damages against any member of the board, its officers, employees, agents, or representatives for any action undertaken or performed by such individual within the scope of the duties, powers, and functions of the board when acting without malice and in the reasonable belief that the action taken is within the board's and such individual's authority.

§3673. Powers and duties of the board; exceptions

A. In order to establish and maintain a program for the improvement and regulation of emergency medical services in the state, the board shall:

(1) Develop a state plan for the prompt and efficient delivery of adequate emergency medical services to acutely sick and injured individuals.

(2) Serve as the primary agency for participation in any federal program involving emergency medical services and may receive and, pursuant to legislative appropriation, disburse available federal funds to implement any

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service program.

(3) Identify all public and private agencies, institutions, and individuals that are or may be engaged in emergency medical services training and set minimum standards for course approval, instruction, and examination.

(4) Promulgate rules and regulations in accordance with the Administrative Procedure Act for the following:

(a) To define and authorize appropriate education programs based on national EMS education standards for emergency medical services practitioners. All such education programs shall meet or exceed national EMS education standards.

(b) To specify minimum operational requirements that shall ensure medical direction, supervision, and control over emergency medical services.

(c) To specify minimum examination and continuing education requirements for all emergency medical services practitioners.

(d) To provide for the issuance of licenses, renewals of licenses, and requirements for emergency medical services practitioners.

(e) To establish fees for licensure and license renewal.

(5) Issue a license and renew a license to any duly qualified applicant for licensure and license renewal as an emergency medical services practitioner.

(6) Prescribe application forms for licensure and licensure renewal.

(7) Adopt requirements and standards of practice approved by the Louisiana Emergency Medical Services Certification Commission for emergency medical services practitioners.

(8) Conduct investigations as requested by the Louisiana Emergency Medical Services Certification Commission of alleged or suspected improper or prohibited behavior by emergency medical services practitioners or applicants.

(9) Deny, withhold, revoke, restrict, probate, suspend, or otherwise restrict licenses of individuals who violate this Chapter or the rules promulgated by the board pursuant thereto as directed by the Louisiana

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Emergency Medical Services Certification Commission.

(10) Cause the prosecution of any individual who violates any provision of this Chapter.

(11) Prepare, publish, and update at least annually a roster of all EMS practitioners in the state, which shall include a mailing address for each EMS practitioner but shall not include the home address or home telephone number of any EMS practitioner who does not authorize such inclusion in writing. The home address and telephone number of every EMS practitioner who does not authorize such inclusion shall be exempted from the Public Records Law.

(12) Adopt continuing education requirements and standards for individuals seeking to renew a certificate.

(13) Prepare an annual report detailing the activities of the board during the past fiscal year including the number and nature of the hearings conducted under the provisions of R.S. 37:3677.

(14) Adopt rules and regulations to implement the provisions of this Chapter in accordance with the Administrative Procedure Act. Any rules or regulations promulgated by the department relative to the subject matter of this Chapter shall remain in effect until revised or repealed by the board. Any rules or regulations promulgated by the former Louisiana Emergency Medical Services Certification Commission, originally created by Act 913 of the 1997 Regular Session of the Legislature, shall remain in effect until revised or repealed by the board.

(15) Adopt and amend the title and the definition of licensed emergency medical services practitioners.

(16) Employ an executive director who holds a current license as an EMS practitioner and other persons necessary to implement the board's directives, rules, and regulations and to assist the board in the implementation of this Chapter.

(17) Appoint an attorney at law to represent the board in all matters

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pertaining to the administration of the provisions of this Chapter, fix his compensation, and define his duties.

(18) Have all other powers necessary and proper to the performance of its duties, including but not limited to the power to subpoena.

B. The board shall have the authority to:

(1) Request and obtain state and national criminal history record information on any person applying for any license or permit which the board is authorized by law to issue, including permission to enroll as a student in clinical courses.

(2) Require any applicant for any license or permit which the board is authorized to issue, including permission to enroll as a student in clinical courses, to submit a full set of fingerprints, in a form and manner prescribed by the board, as a condition to the board's consideration of his application.

(3) Charge and collect from an applicant for any license or permit which the board is authorized to issue, including permission to enroll as a student in clinical courses, in addition to all other applicable fees and costs, such amount as may be incurred by the board in requesting and obtaining criminal history record information on the applicant.

(4) Regulate students in the clinical phase of their education; however, nothing in this Subsection shall require the licensure by the board of students during the clinical phase of their education.

(5) Enforce the rules and regulations in place on the effective date of this Chapter until such time as the board promulgates rules and regulations in accordance with this Section.

(6) Purchase, lease, maintain, or otherwise contract with respect to immovable property and improvements thereon as it may deem necessary or appropriate to accomplish the provisions of this Chapter. Additionally, the board shall have the authority to borrow funds with the approval of the State Bond Commission and to expend funds of the board for the acquisition of

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immovable property and improvements thereon. In the event that the board sells immovable property and improvements thereon, the revenue derived from the sale shall be retained by the board and shall not be subject to reversion to the state general fund.

(7) Share any information in the custody of the board, including information not subject to the laws relative to public records pursuant to R.S. 44:4(48), with any regulatory or law enforcement agency upon written request of the regulatory or law enforcement agency.

(8) Enter into any contract related to its responsibilities in compliance with this Chapter and other state laws.

(9) Apply for all available appropriate public funds and all available appropriate public and private federal grants, donations, or gifts of money or services from any available source.

(10) Accept grants, donations, or gifts of money or services from public or private organizations or from any other sources to be utilized for the purposes of the board.

(11) Publish documents and materials intended to further the mission or purpose of the board.

C. Except as they relate to scope of practice or patient care issues, the provisions of Paragraphs (A)(8), (10), and (11) of this Section shall not apply to anyone who is a volunteer of or employed by the state of Louisiana or another public entity, a municipal fire department, a fire protection district, or a volunteer fire department who has successfully completed an education program based on national EMS education standards and who possesses a current national certification and state license, until the board has forwarded the nonmedical practice complaint to the local governing body and received a response with investigative results and any disciplinary disposition. In the event that the local governing body does not send a response or request for extension to the board within sixty days after receipt of the complaint, the board may

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proceed with the powers and duties as defined in Subsection A of this Section. Notwithstanding any law to the contrary, in the event the board determines by a two-thirds vote of the seated membership of the board that public health and safety would be jeopardized by waiting for a response from the local governing authority, the board shall have the right to exercise its powers and duties as provided in Subsection A of this Section without receipt of an investigative report from the local governing authority or the expiration of the sixty day period as provided in this Subsection.

~~R.S. 40:1232.5.~~ **§3674.** License; requirements; renewal

A. Applicants for initial licensure as emergency medical services practitioners shall submit the following evidence to the ~~bureau~~ **board**:

(1) Completion of the required approved educational program.

(2) Documentation that the applicant meets the qualifications and requirements as established by the ~~bureau~~ **board**.

B. In lieu of the evidence required by Subsection A of this Section, an applicant may submit evidence that he has been duly licensed or certified in another state, territory, or country or has received military training and certification or license as emergency medical services practitioner as defined in R.S. ~~40:1231~~ **37:3670**, and meets the qualifications and requirements established by the ~~bureau~~ **board**.

C.(1) The license shall be renewed every two years provided the applicant seeking renewal completes the application and meets the requirements for renewal established by the ~~bureau~~ **board** prior to the expiration date on his current license.

(2) An individual whose license expires by his failure to renew as provided may be reinstated provided the applicant submits a completed application and meets any additional requirements established by the ~~bureau~~ **board** for an individual who has failed to timely renew his license.

§3675. Emergency medical personnel training; licensure

A. An individual petitioning for licensure or license renewal as an

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emergency medical services practitioner shall submit an application to the board on forms provided by the board. The application shall be accompanied by the appropriate fee.

B. The board shall affirmatively provide that there is no discrimination toward any individual in the licensure process on the basis of race, religion, creed, national origin, sex, or age.

~~R.S. 40:1232.1.~~ **§3676.** Fee schedule; fees for license prohibited

A.(1) The ~~bureau~~ **board** shall not require or collect any fee or charges for licensure or license renewal of emergency medical services practitioners who serve as such on a voluntary basis and who receive no compensation of any kind for such services.

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

(3) The ~~bureau~~ **board** shall not set the fee for license renewal of an emergency medical technician to exceed ten dollars for any individual who is an employee or volunteer of the state of Louisiana or another public entity, a municipal fire department, a fire protection district, a volunteer fire department, or a municipal law enforcement agency who does not perform emergency medical services outside of the individual's official governmental responsibilities for any form of compensation.

B. Except as provided in Subsection A of this Section, the ~~bureau~~ **board** shall assess fees for testing and licenses **in amounts not to exceed the amounts** ~~based~~ on the following schedule:

(1) Test fees:	Fee
(a) Emergency medical responder - written only	$ 15.00

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(b) Emergency medical responder - written only (out of state)	15.00
(c) Emergency medical technician initial written & practical	60.00
(d) Emergency medical technician entire practical exam	30.00
(e) Emergency medical technician partial practical	15.00
(f) Emergency medical technician testing/retesting-written only	15.00
(g) Emergency medical technician testing/retesting-written only (out of state)	15.00
(h) Advanced emergency medical technician initial written & practical	75.00
(i) Advanced emergency medical technician initial written & practical (out of state)	100.00
(j) Advanced emergency medical technician retest entire practical	50.00
(k) Advanced emergency medical technician retest entire practical (out of state)	65.00
(l) Advanced emergency medical technician retest partial practical	30.00
(m) Advanced emergency medical technician retest partial practical (out of state)	30.00
(n) Advanced emergency medical technician testing/retesting-written only (exam only)	15.00
(o) Advanced emergency medical technician testing/retesting-written only (exam only) (out of state)	15.00
(p) Paramedic initial written & practical	90.00
(q) Paramedic initial written & practical (out of state)	125.00
(r) Paramedic retesting-entire practical	60.00
(s) Paramedic retesting-entire practical (out of state)	75.00
(t) Paramedic retesting-partial practical	35.00

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(u) Paramedic retesting-partial practical (out of state)	40.00
(v) Paramedic testing/retesting written	15.00
(w) Paramedic testing/retesting written (out of state)	15.00
(2) License fees	
(a) Emergency medical responder	10.00
(b) Emergency medical technician	30.00
(c) Advanced emergency medical technician	40.00
(d) Paramedic	50.00
(3) Recertification	
(a) Emergency medical responder	5.00
(b) Emergency medical technician	25.00
(c) Advanced emergency medical technician	35.00
(d) Paramedic	45.00
(4) Reciprocity	
(a) Emergency medical technician	60.00
(b) Advanced emergency medical technician	80.00
(c) Paramedic	100.00

C. The ~~department~~ **board** may adopt rules and regulations in accordance with the Administrative Procedure Act to provide for the collection of fees required by the fee schedule provided in this Section.

D. All money paid to the board shall be held subject to the order of the board to be used only for the purpose of meeting necessary expenses incurred in the performance of this Chapter, and the duties imposed thereby.

~~R.S. 40:1232.9.~~ **§3677.** Violations

No person or individual shall engage in any of the following activities:

(1) Sell, or attempt to sell, falsely obtain, or furnish to any person any emergency medical services practitioner diploma, license document, or record, or aid or abet therein.

(2) Practice as an emergency medical services practitioner under any diploma

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or certificate illegally obtained or signed or issued unlawfully.

(3) Practice as an emergency medical services practitioner unless licensed to do so under the provisions of this ~~Subpart~~ **Chapter**.

(4) Use in connection with his name any designation tending to imply that he is an emergency medical services practitioner unless duly authorized to practice under the provisions of this ~~Subpart~~ **Chapter**.

(5) Practice as an emergency medical services practitioner during the time the license issued under the provisions of this ~~Subpart~~ **Chapter** is suspended or revoked.

(6) Practice as an emergency medical services practitioner during the time his license has lapsed by reason of his intentional failure to renew the license.

(7) Conduct or serve as an educator in conducting any course claiming to prepare students for license as emergency medical services practitioner under the provisions of this ~~Subpart~~ **Chapter**, unless both the course and the educator have been approved by the ~~bureau~~ **board**.

(8) Knowingly aid or abet another person in the violation of this ~~Subpart~~ **Chapter**.

§3678. Injunction

The board may obtain an injunction without bond forbidding any person from violating or continuing to violate any of the provisions of this Chapter. This injunction shall not be subject to release upon bond.

~~R.S. 40:1232.10.~~ **§3679.** Prosecution

A. Any person who violates the provisions of R.S. ~~40:1232.9~~ **37:3678** shall be subject to prosecution. This prosecution shall be brought in the name of the state, provided the provisions of this ~~Subpart~~ **Chapter** shall not prevent or interfere with a prosecution brought by the district attorney of a parish when a prosecution or a pre-prosecution proceeding has been initiated by the district attorney.

B. Whoever is found guilty of violating any provision of R.S. ~~40:1232.9~~ **37:3678** shall, upon a first conviction, be fined not more than five hundred dollars or imprisoned for not more than six months, or both. Upon a second or subsequent

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conviction, the offender shall be imprisoned with or without hard labor for not more than two years and fined not more than five thousand dollars.

§3680. Exceptions

This Chapter shall not apply to the practice of emergency medical services by a legally qualified emergency medical services practitioner who is employed by the United States government, or by any bureau, division, or agency thereof, while in the discharge of his official duties.

~~R.S. 40:1233.~~ **§3681.** Civil immunity

A.(1) Any emergency medical services practitioner, licensed pursuant to the provisions of this ~~Subpart~~ **Chapter** who renders emergency medical care to an individual while in the performance of his medical duties and following the instructions of a physician shall not be individually liable to such an individual for civil damages as a result of acts or omissions in rendering the emergency medical care, except for acts or omissions intentionally designed to harm, or for grossly negligent acts or omissions which result in harm to such an individual. Nothing herein shall relieve the driver of the emergency vehicle from liability arising from the operation or use of such vehicle.

(2) The immunity granted to emergency medical services practitioners by the provisions of this ~~Subpart~~ **Chapter** shall extend to parish governing authorities, police departments, sheriffs' offices, fire departments, or other public agencies engaged in rendering emergency medical services and its insurers with respect to such emergency medical services unless the emergency medical services practitioner employed by such agencies would be personally liable under the provisions of Paragraph (1) of this Subsection.

B. Any physician who provides instructions to any emergency medical services practitioner by use of electronic or other means of transmission in connection with the rendering of emergency medical services to an individual shall not be liable unto such practitioner or to an individual or both for civil damages arising from his opinion, judgments, actions, or duties, except for acts or omissions

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intentionally designed to harm, or for grossly negligent acts or omissions which result in harm to the individual, while exercising that degree of skill and care ordinarily employed by members of his profession in good standing.

C. No hospital facility which allows the use of telemetry or other equipment to maintain contact between an emergency medical services practitioner and a physician shall be liable for any civil damages arising out of the use of such equipment except for acts or omissions by hospital personnel that are grossly negligent which result in harm to an individual.

D. No registered nurse, licensed emergency medical services practitioner, or other health professional licensed in Louisiana who supervises, instructs, or trains emergency medical services practitioners in accordance with curricula developed or adopted by the ~~bureau~~ **board** shall be liable for any civil damages arising out of the actions or negligence of the emergency medical personnel whom he supervised, educated, or trained.

E. There shall be no cause of action or civil liability, and no license holder or applicant shall have any cause of action or any claim for damages against any individual, person, or institution providing information to the commission or its agents or employees when that individual, person, or institution acts without malice and when there is a reasonable belief that such information is accurate.

F. The provisions of this Section shall not be interpreted to provide any additional immunities that were not provided by R.S. 40:1233 prior to the effective date of this Section.

~~R.S. 40:1231.2.~~ **§3682.** Immunity from civil damages

A. No parish, specialty, component, or state medical society or organization, or its designee, which is statutorily mandated by this ~~Part~~ **Chapter** to participate without compensation or gratuitously participates in an emergency services system, nor any committee of such parish, specialty, component, or state medical society or organization, including the individual members of such committee, or its designee, shall be liable for any civil damages as a result of any act or omission in the

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performance of their administrative duties or donated services with such emergency services system, including, without limitation, advice, instructions, or other duties regarding policy, protocol, administration, and efficiency of the emergency medical services system. The immunity extended to a parish, specialty, component, or state medical society or organization, or any committee thereof, including the individual members of such committee, including their insurers, or its designee, shall not be applicable for willful or wanton acts or omissions. The immunity extended herein shall be applicable only to an action brought by the person damaged as a result of the performance of any administrative duties or donated services rendered pursuant to the provisions of this Section.

B. The provisions of this Section shall not be interpreted to provide any additional immunities that were not provided by R.S. 40:1231.2 prior to the effective date of this Section.

~~R.S. 40:1234.~~ **§3683.** Duties of emergency medical personnel

A.(1) A licensed emergency medical services practitioner may perform any of the following functions:

(a) Services, treatment, and procedures consistent with national EMS education standards that have been approved and adopted by the ~~bureau~~ **board**, and to the extent that he has been trained to perform such services.

(b) Administration of other drugs or procedures for which the licensed emergency medical services practitioner has received training, license, and approval by the commission and which may be considered necessary by the ordering physician.

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

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physician is established.

B. An emergency medical services practitioner student may, while he is enrolled in good standing in a state approved clinical or field internship program under the direct supervision of a physician, registered nurse, paramedic, or other preceptor recognized by the ~~bureau~~ **board**:

(1) Perform services, treatments, and procedures consistent with national EMS education standards that have been approved and adopted by the ~~bureau~~ **board**, and to the extent that he has been trained to perform such services.

(2) Administer automated cardiac defibrillation in accordance with rules and regulations promulgated by the ~~bureau~~ **board** in accordance with the Administrative Procedure Act and a protocol that shall be approved by the local parish medical society, or its designee, and the local physician medical director.

C. In a case of a life-threatening situation as determined by a licensed emergency medical services practitioner, when voice contact with a physician is delayed, not possible, or when the delay in treatment could endanger the life of the patient, such a person may render services, in accordance with a protocol that shall be established by the emergency medical services committee or the executive committee of the parish or component medical society, or its designee, until voice communication can be established at the earliest possible time.

D. Any individual, education organization, organization, or other entity violating the provisions of this Section shall be guilty of a misdemeanor, conviction of which shall subject the offender to a fine of not less than five hundred dollars nor more than one thousand dollars for each separate offense.

E. In the event that there is no organized or functional local parish medical society in a parish of the state, the provisions of this Section which require the approval of an emergency medical service protocol by the local parish medical society or its designee may be performed by a parish or multiparish medical society which is adjacent or contiguous to the parish without an organized or functional local parish medical society. In the absence of such adjacent or contiguous parish or

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multiparish medical society, the district medical society shall approve an emergency medical service protocol for the parish without an organized or functional local parish medical society. In the event the district medical society does not approve an emergency medical service protocol for the parish without an organized or functional local parish medical society, the disaster and emergency medical services committee of the Louisiana State Medical Society shall approve an emergency medical service protocol for the parish without an organized or functional local parish medical society.

F. The department shall promulgate rules and regulations establishing basic guidelines for statewide emergency medical service protocols. Such rules and regulations shall be based on the recommendations of the Louisiana State Medical Society's disaster and emergency medical services committee, which shall serve as an advisory committee to the department for this purpose.

~~R.S. 40:1234.1.~~ **§3684.** Hazardous substance transportation emergencies; payment for emergency medical services

A. The person or entity who in the course of transporting hazardous substances or materials causes or contributes to a discharge of a hazardous substance or material that causes an emergency condition shall be obligated to pay the reasonable costs of any emergency medical services provider whose presence or service, including standby, is requested at such hazardous substance emergency by any person authorized by the Department of Public Safety and Corrections or the Department of Environmental Quality to respond to a hazardous substance transportation emergency. Nothing ~~is~~ **in** this Section shall affect the rights of any party to recover under any other provision of law.

B. The provisions of this Section shall not be interpreted to provide any additional immunities that were not provided by R.S. 40:1234.1 prior to the effective date of this Section.

§3685. Transition provisions

For one year following the effective date of this Chapter, the department

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shall provide to the board information technology and legal support functions, and shall provide technical assistance regarding purchasing, payroll, and budget matters.

Section 3. R.S. 40:1232, 1232.2(G), 1232.3(A), the introductory paragraph of 1232.6 and (14), 1232.7(A) and (D),1232.8, 1236.5(C) and 1236.13(B) are hereby amended and reenacted and R.S. 40:1236.8 is hereby enacted to read as follows:

SUBPART B. EMERGENCY MEDICAL PERSONNEL

§1232. ~~Emergency medical personnel training; certification~~ **Definitions**

~~A. The bureau shall promulgate rules and regulations in accordance with the Administrative Procedure Act for the following:~~

~~(1) To define and authorize appropriate education programs based on national EMS education standards for emergency medical services practitioners. All such education programs shall meet or exceed national EMS education standards.~~

~~(2) To specify minimum operational requirements which will ensure medical direction, supervision, and control over emergency medical services.~~

~~(3) To specify minimum examination and continuing education requirements for all emergency medical services practitioners.~~

~~(4) To provide for the issuance of licenses, renewals of licenses, and requirements for emergency medical services practitioners.~~

~~(5) To establish fees for licensure and license renewal.~~

~~B. An individual petitioning for licensure or license renewal as an emergency medical services practitioner shall submit an application to the bureau on forms provided by the bureau. The application shall be accompanied by the appropriate fee.~~

~~C. The bureau shall affirmatively provide that there is no discrimination toward any individual in the certification process on the basis of race, religion, creed, national origin, sex, or age.~~ **The words and terms not otherwise defined in this Subpart shall have the same meaning as provided in R.S. 37:3671.**

* * *

§1232.2. Louisiana Emergency Medical Services Certification Commission;

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creation; membership; qualifications; terms; vacancies; meetings; officers; compensation; domicile

* * *

G. Subsequent to the appointment of the initial members, the voting members shall be appointed from a list of two nominees for each appointment submitted by the ~~task force~~ **Louisiana Board of Emergency Medical Services**. No later than thirty days prior to the termination date of a member's term, the ~~task force~~ **Louisiana Board of Emergency Medical Services** shall submit a list of nominees to the governor. If the Louisiana State Nurses Association or the ~~task force~~ **Louisiana Board of Emergency Medical Services** fails to submit the required list of nominees to the governor within thirty days, the governor shall appoint the respective member to fill the vacancy without the nomination list required.

* * *

§1232.3. Powers and duties of the commission; exceptions

A. The commission shall:

(1) Recommend to the ~~bureau~~ **Louisiana Board of Emergency Medical Services** requirements and standards of practice for individuals seeking to be certified ~~under this Subpart~~ **as EMS practitioners**.

(2) Approve requirements and standards of practice submitted by the ~~bureau~~ **Louisiana Board of Emergency Medical Services** for emergency medical services practitioners ~~consistent with this Subpart~~.

(3) Recommend continuing education requirements and standards to the ~~bureau~~ **Louisiana Board of Emergency Medical Services** in accordance with criteria established by the National Registry of Emergency Medical Technicians for individuals seeking to renew a license.

(4) Conduct disciplinary hearings for ~~emergency medical personnel~~ **EMS practitioners**.

(5) Request that the ~~bureau~~ **Louisiana Board of Emergency Medical Services** conduct investigations as necessary.

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

(7) Maintain a record of all commission proceedings.

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

* * *

§1232.6. Grounds for disciplinary proceedings

The commission may discipline emergency medical services practitioners by directing the ~~bureau~~ **Louisiana Board of Emergency Medical Services** to deny, withhold, revoke, restrict, probate, or suspend a license to practice as an emergency medical services practitioner, impose fines and assess costs, or otherwise discipline an emergency medical services practitioner, and the commission may direct the ~~bureau~~ **Louisiana Board of Emergency Medical Services** to limit, restrict, or deny a student emergency medical services practitioner from entering or continuing the clinical phase of EMS education for the following causes:

* * *

(14) Has violated any rules and regulations of the commission or the ~~bureau~~ **Louisiana Board of Emergency Medical Services** or any provision of this Subpart.

* * *

§1232.7. Hearings of the commission; appeal of decision

A. If the commission determines there are grounds for a disciplinary proceeding against an individual based upon an investigation by the ~~bureau~~ **Louisiana Board of Emergency Medical Services**, the chairman of the commission shall set a time and place for a hearing. No later than ten days prior to the date set for the hearing, the commission shall send notice of the time and place for the hearing and an explanation of the grounds for the disciplinary proceedings to the individual by registered mail, return receipt requested, at his last known address as it appears on the records of the ~~bureau~~ **Louisiana Board of Emergency Medical Services**.

* * *

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D. Notice of the commission's decision to revoke, restrict, suspend, or deny a license shall be sent to the individual under investigation by registered mail, return receipt requested, at his last known address as it appears on the records of the ~~bureau~~ **Louisiana Board of Emergency Medical Services**.

* * *

§1232.8. Injunction

The commission, through the ~~bureau~~ **Louisiana Board of Emergency Medical Services**, may obtain an injunction without bond forbidding any person from violating or continuing to violate any of the provisions of this Subpart. This injunction shall not be subject to release upon bond.

* * *

§1236.5. Emergency medical technician fund

* * *

C. The monies in the fund shall be appropriated to the ~~Department of Health and Hospitals~~ **Louisiana Board of Emergency Medical Services** solely for purchasing equipment for the testing of applicants for certification as an emergency medical technician and to cover other testing-related costs. All unexpended and unencumbered monies remaining in the fund at the close of each fiscal year shall remain in the fund. Monies in the fund shall be invested by the state treasurer in the same manner as monies in the state general fund. All interest earned from the investment of monies in the fund shall be deposited and remain to the credit of the fund.

* * *

§1236.8. Definitions

For purposes of this Subpart:

~~§1231(1)~~**(1)** "Air ambulance" means any aircraft, either fixed-wing or rotary-winged, designed and operated as a part of a regular course of conduct or business to transport a sick or injured individual or which is advertised or otherwise held out to the public as such.

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§1231(2)**(2)** "Air ambulance service" means any person, firm, association, or government entity owning, controlling, or operating any business or service which furnishes, operates, conducts, maintains, advertises, engages in, proposes to engage in, or professes to engage in the business or service of transporting, in air ambulances, individuals who may need medical attention during transport.

§1231(3)**(3)** "Ambulance" means any authorized emergency vehicle, equipped with warning devices, designed and operated as a part of a regular course of conduct or business to transport a sick or injured individual or which is advertised or otherwise held out to the public as such. "Ambulance" shall not mean a hearse or other funeral home vehicle utilized for the transportation of the dead.

§1231(4)**(4)** "Ambulance service" or "ambulance provider" means any person, firm, association, or government entity owning, controlling, or operating any business or service which furnishes, operates, conducts, maintains, advertises, engages in, proposes to engage in, or professes to engage in the business or service of transporting, in ambulances, individuals who may need medical attention during transport. However, "ambulance service" and "ambulance provider" shall not include any of the following:

(a) An agency of the federal government.

(b) A volunteer nonprofit organization or municipal nonprofit organization operating an invalid coach or coaches.

(c) An entity rendering assistance to a licensed ambulance or ambulances in the case of a major disaster.

(d) A licensed hospital providing nonemergency, noncritical interhospital transfer and patient transportation for diagnostic and therapeutic purposes when such transportation originates at a licensed hospital.

(e) An entity operating an ambulance or ambulances from a location outside of the state to transport patients from a location outside of the state to a location inside the state or to transport a patient or patients from a medical facility inside of the state to a location outside of the state.

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(f) An entity providing transportation to employees who become sick or injured during the course of their employment from a job site to the nearest appropriate medical facility.

~~§1231(8)~~**(5)** "Department" means the Department of Health and Hospitals.

~~§1231(9)~~**(6)** "Emergency medical response vehicle" means a marked emergency vehicle with fully visual and audible warning signals operated by a certified ambulance service, the primary purpose of which is to respond to the scene of a medical emergency to provide emergency medical stabilization or support, or command, control, and communications, but which is not an ambulance designed or intended for the purpose of transporting a victim from the scene to a medical facility regardless of its designation. Included are such vehicles referred to but not limited to the designation as "sprint car", "quick response vehicle", "special response vehicle", "triage trucks", "staff cars", "supervisor units", and other similar designations. Emergency medical response vehicles shall not include fire apparatus and law enforcement patrol vehicles which carry first aid or emergency medical supplies and which respond to medical emergencies as part of their routine duties.

~~§1231(14)~~**(7)**"Industrial ambulance" means any vehicle owned and operated by an industrial facility and used for transporting any employee who becomes sick, injured, or otherwise incapacitated in the course and scope of his employment from a job site to an appropriate medical facility.

~~§1231(18)~~**(8)** "Municipal nonprofit organization" means an organization owned by a parish, municipality, or entity of a parish or municipality which in its regular course of business responds to a call for help and renders medical treatment and whose attendants are emergency medical personnel, a registered nurse, or a physician.

~~§1231(20)~~**(9)** "Physician" means a physician licensed to practice medicine by the Louisiana State Board of Medical Examiners.

~~§1231(21)~~**(10)** "Volunteer nonprofit organization" means an organization which in its regular course of business responds to a call for help and renders

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medical treatment and whose attendants are emergency medical personnel, a registered nurse, or a physician and which is chartered as a nonprofit organization under Section 501c of the United States Internal Revenue Code, as a volunteer fire department by the Louisiana state fire marshal's office, or as a nonprofit organization by the Louisiana secretary of state.

* * *

§1236.13. Persons in possession of AED's; training, testing, and notification requirements; manufacturer responsibility; possession required

* * *

B. Any person or entity that possesses an AED shall notify ~~the bureau of emergency medical services of the Department of Health and Hospitals and~~ a local provider of emergency medical services, such as 911 service, local ambulance service, or the fire department of the acquisition, location, and type of AED.

* * *

Section 4. R.S. 44:4.1(23) and (26) are hereby amended and reenacted and R.S. 44:4(48) is hereby enacted to read as follows:

§4. Applicability

This Chapter shall not apply:

* * *

(48) To any records, writings, accounts, letters, letter books, photographs or copies or memoranda thereof, and any report or reports concerning the fitness of any person to receive, or continue to hold, a license to practice as an EMS practitioner in the custody or control of the Louisiana Board of Emergency Medical Services or the Louisiana Emergency Medical Services Certification Commission; however, any action taken by the Louisiana Board of Emergency Medical Services or the Louisiana Emergency Medical Services Certification Commission, and any legal grounds upon which such action is based, relative to the fitness of any person to receive, or continue to hold, a license to practice as an EMS practitioner shall be a public record.

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* * *

§4.1. Exceptions

* * *

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

* * *

(23) R.S. 37:74, 86, 90, 147, 691, 711.10, 763, 763.1, 781, 920.1, 969.1, 1277, 1278, 1285, 1326, 1518, 1745.15, 1747, 1806, 2156.1, 2406, 2505.1, 3481, 3507.1**, 3677**

* * *

(26) R.S. 40:3.1, 31.14, 31.27, 39.1, 41, 73, 526, 528, 1007, 1098.8, ~~1232.7,~~ 1299.6, 1299.35.10, 1299.44, 1299.85, 1299.87, 1300.14, 1300.54, 1379.3, 2009.8, 2009.14, 2010.5, 2017.9, 2018, 2019, 2020, 2106, 2109.1, 2138, 2532, 2845.1.

* * *

Section 5. R.S. 40:1231 through 1231.2, 1232.1, 1232.4, 1232.5, 1233, 1234, 1234.1, and 1236.13(F) are hereby repealed.

Section 6. This Act shall become effective on July 1, 2013.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Christopher D. Adams.

DIGEST

White (SB 262)

Proposed law creates the Louisiana Board of Emergency Medical Services (board) within the Department of Health and Hospitals.

Proposed law provides for definitions.

Proposed law provides the board is to be composed of 17 voting members appointed by the governor, subject to confirmation by the Senate, from the nominations submitted by certain groups as follows:

(1) One member representing and nominated by the accredited EMS education programs in the state.

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(2) One EMS education program director representing emergency medical responders, emergency medical technicians and advanced emergency medical technicians educational programs nominated by the Louisiana Association of Nationally Registered Emergency Medical Technicians.

(3) One EMS practitioner from a fire-based EMS system nominated by the Louisiana Fire Chief's Association.

(4) One paramedic nominated by the Louisiana Association of Nationally Registered Emergency Medical Technicians.

(5) One EMT nominated by the Louisiana Association of Nationally Registered Emergency Medical Technicians.

(6) One representative from a private EMS provider nominated by the Louisiana Ambulance Alliance.

(7) One representative from a public EMS provider nominated by the Louisiana Ambulance Alliance.

(8) One representative from an air EMS provider nominated by the Louisiana Ambulance Alliance.

(9) One representative nominated by the chairman of the EMS Certification Commission.

(10) One representative from an industry-based EMS service nominated by the Louisiana Association of Nationally Registered Emergency Medical Technicians.

(11) One EMS practitioner nominated by the Louisiana State Firemen Association.

(12) One EMS practitioner nominated by the Professional Fire Fighters Association of Louisiana.

(13) One registered nurse who is a state-licensed paramedic nominated by the Louisiana State Council of the Emergency Nurses Association.

(14) One emergency physician nominated by the Louisiana Chapter of the American College of Emergency Physicians.

(15) One physician representing the EMS physician medical directors nominated by the Louisiana State Medical Society.

(16) One administrator of a public EMS provider nominated by the Louisiana State Medical Society.

(17) One fire service administrator nominated by the Louisiana Municipal Association.

Proposed law establishes terms, procedure in determining initial terms, and term limits. Further establishes the procedure to fill a vacancy on the board and establishes a procedure to call a meeting of the board.

Proposed law provides for each day while performing his official duties, a member of the board may be reimbursed for expenses and mileage at the same rate set by the division of administration for state employees under present law.

Proposed law provides the board shall be domiciled in Baton Rouge, but offices for the purpose of administering proposed law may be established by the board in other locations.

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Proposed law provides the governor shall remove a member of the board after a hearing by the board during which charges for removal have been established and provided that a majority of the members have recommended removal.

Proposed law provides there shall be no civil liability and no licensee or other individual shall have a cause of action or a claim for damages against any person or institution providing information to the board, its members, officers, designated agents or representatives, employees, where the individual or institution acts without malice and in the reasonable belief that such information is accurate. Further provides there shall be no liability on the part of and no action for damages against any member of the board, its officers, employees, agents, or representatives for any action undertaken or performed by such individual within the scope of the duties, powers, and functions of the board when acting without malice and in the reasonable belief that the action taken is within the board's and such individual's authority.

Proposed law provides the board with the following powers:

(1) Develop a state plan for the prompt and efficient delivery of adequate emergency medical services to acutely sick and injured individuals.

(2) Serve as the primary agency for participation in any federal program involving emergency medical services and may receive and, pursuant to legislative appropriation, disburse available federal funds to implement any service program.

(3) Identify all public and private agencies, institutions, and individuals that are or may be engaged in emergency medical services training and set minimum standards for course approval, instruction, and examination.

(4) Promulgate rules and regulations in accordance with the Administrative Procedure Act (APA) for the following:

    (a) To define and authorize appropriate education programs based on national EMS education standards for emergency medical services practitioners. All such education programs shall meet or exceed national EMS education standards.

    (b) To specify minimum operational requirements that shall ensure medical direction, supervision, and control over emergency medical services.

    (c) To specify minimum examination and continuing education requirements for all emergency medical services practitioners.

    (d) To provide for the issuance of licenses, renewals of licenses, and requirements for emergency medical services practitioners.

    (e) To establish fees for licensure and license renewal.

(5) Issue a license and renew a license to any duly qualified applicant for licensure and license renewal as an emergency medical services practitioner.

(6) Prescribe application forms for licensure and licensure renewal.

(7) Adopt requirements and standards of practice approved by the Louisiana Emergency Medical Services Certification Commission (the commission) for emergency medical services practitioners.

(8) Conduct investigations as requested by the commission of alleged or suspected improper or prohibited behavior by emergency medical services practitioners or

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applicants.

(9) Deny, withhold, revoke, restrict, probate, suspend, or otherwise restrict licenses of individuals who violate proposed law or the rules promulgated by the board pursuant thereto as directed by the commission.

(10) Cause the prosecution of any individual who violates any provision of proposed law.

(11) Prepare, publish, and update at least annually a roster of all EMS practitioners in the state, which shall include a mailing address for each EMS practitioner but shall not include the home address or home telephone number of any EMS practitioner who does not authorize such inclusion in writing. The home address and telephone number of every EMS practitioner who does not authorize such inclusion shall be exempted from the Public Records Law.

(12) Adopt continuing education requirements and standards for individuals seeking to renew a certificate.

(13) Prepare an annual report detailing the activities of the board during the past fiscal year including the number and nature of the hearings conducted under the provisions of present law.

(14) Adopt rules and regulations to implement the provisions of proposed law in accordance with the APA. Any rules or regulations promulgated by the department relative to the subject matter of proposed law shall remain in effect until revised or repealed by the board. Any rules or regulations promulgated by the commission, originally created by present law, shall remain in effect until revised or repealed by the board.

(15) Adopt and amend the title and the definition of licensed emergency medical services practitioners.

(16) Employ an executive director who holds a current license as an EMS practitioner and other persons necessary to implement the board's directives, rules, and regulations and to assist the board in the implementation of proposed law.

(17) Appoint an attorney at law to represent the board in all matters pertaining to the administration of the provisions of proposed law, fix his compensation, and define his duties.

(18) Have all other powers necessary and proper to the performance of its duties, including but not limited to the power to subpoena.

Proposed law provides the board the authority to:

(1) Request and obtain state and national criminal history record information on any person applying for any license or permit which the board is authorized by law to issue, including permission to enroll as a student in clinical courses.

(2) Require any applicant for any license or permit which the board is authorized to issue, including permission to enroll as a student in clinical courses, to submit a full set of fingerprints, in a form and manner prescribed by the board, as a condition to the board's consideration of his application.

(3) Charge and collect from an applicant for any license or permit which the board is authorized to issue, including permission to enroll as a student in clinical courses, in addition to all other applicable fees and costs, such amount as may be incurred by the board in requesting and obtaining criminal history record information on the

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applicant.

(4) Regulate students in the clinical phase of their education; however, nothing in proposed law shall require the licensure by the board of students during the clinical phase of their education.

(5) Enforce the rules and regulations in place on the effective date of proposed law until such time as the board promulgates rules and regulations in accordance with proposed law.

(6) Purchase, lease, maintain, or otherwise contract with respect to immovable property and improvements thereon as it may deem necessary or appropriate to accomplish the provisions of the proposed law. Additionally, the board shall have the authority to borrow funds with the approval of the State Bond Commission and to expend funds of the board for the acquisition of immovable property and improvements thereon. In the event that the board sells immovable property and improvements thereon, the revenue derived from the sale shall be retained by the board and shall not be subject to reversion to the state general fund.

(7) Share any information in the custody of the board, including information not subject to the laws relative to public records pursuant to R.S. 44:4(48), with any regulatory or law enforcement agency upon written request of the regulatory or law enforcement agency.

(8) Enter into any contract related to its responsibilities in compliance with proposed law and other state laws.

(9) Apply for all available appropriate public funds and all available appropriate public and private federal grants, donations, or gifts of money or services from any available source.

(10) Accept grants, donations, or gifts of money or services from public or private organizations or from any other sources to be utilized for the purposes of the board.

(11) Publish documents and materials intended to further the mission or purpose of the board.

Proposed law provides for licensure and license renewal.

Proposed law provides for emergency medical personnel training and licensure.

Proposed law provides for a fee schedule, which is in present law.

Proposed law provides the board with injunctive authority.

Proposed law provides that violators of proposed law shall, upon a first conviction, be fined not more than $500 or imprisoned for not more than six months, or both. Proposed law further provides upon a second or subsequent conviction, the offender shall be imprisoned with or without hard labor for not more than two years and fined not more than $500.

Proposed law does not apply to the practice of emergency medical services by a legally qualified emergency medical services practitioner who is employed by the United States government, or by any bureau, division, or agency thereof, while in the discharge of his official duties.

Proposed law provides for immunity from civil damages for certain entities.

Proposed law provides for duties of emergency medical personnel.

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Proposed law amends present law to clarify the relationship with the commission and the board.

Proposed law provides for an exception to the Public Records Law.

Effective July 1, 2013.

(Amends R.S. 36:258(B), 259(E), R.S. 40:1232, 1232.2(G), 1232.3(A), 1232.6(intro para) and (14), 1232.7(A) and (D), 1232.8, 1236.5(C), and 1236.13(B), R.S. 44:4.1(B)(23) and (26); adds R.S. 37:3671-3685, R.S. 40:1236.8, and R.S. 44:4(48); repeals R.S. 40:1231-1231.2, 1232.1, 1232.4, 1232.5, 1233, 1234, 1234.1, and 1236.13(F))

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