

Regular Session, 2012

SENATE BILL NO. 500

BY SENATOR BUFFINGTON

HEALTH SERVICES. Amends the emergency medical services provisions. (gov sig)

1 AN ACT
2 To amend and reenact R.S. 36:919.4 and R.S. 40:1231, 1231.1(A), 1232(A) and (B),
3 1232.1(A) and (B), 1232.2(B)(1)(b) and (d), (B)(2), and (G), 1232.3(A)(1) through
4 (3) and (B), 1232.4(1), (3), and (5), 1232.5, the introductory paragraph of 1232.6,
5 and 1232.6 (1), (2), and (12), 1232.7 (D) and (E), 1232.9, 1232.11, 1233, 1234,
6 1235(A)(1), (2)(a), (c), and (d), 1235.1(A), 1236, 1236.1, 1236.13(B) and (F),
7 1299.58.2(4), 1299.64.2(3); to enact R.S. 40:1232.4(10) and 1232.6(15), and to
8 repeal R.S. 40:1236.3, relative to the changes within the emergency medical services
9 provisions; to provide for changes in references to emergency medical personnel; to
10 provide with respect to title designations for certain licensee providing emergency
11 medical services; to provide with respect to grounds for disciplinary proceedings
12 relative to intentional falsification of documents; to provide relative to the duties of
13 emergency medical personnel; to provide relative to the permissible functions which
14 an emergency medical services practitioner student may perform and under what
15 conditions they may be performed; to provide with respect to the certifications
16 necessary for an emergency medical services practitioner to hold; and to provide for
17 related matters.

1 Be it enacted by the Legislature of Louisiana:

2 Section 1. R.S. 36:919.4 is hereby amended and reenacted to read as follows:

3 §919.4. Transfer; Louisiana Emergency Medical Services Certification Commission

4 The Louisiana Emergency Medical Services Certification Commission,
5 placed in the Department of Health and Hospitals by the provisions of R.S.
6 36:259(GG), shall exercise and perform its powers, duties, functions, and
7 responsibilities as provided for agencies transferred pursuant to this Part. However,
8 the commission shall advise the bureau of emergency medical services, ~~office of~~
9 ~~public health~~, on requirements and standards for certification of emergency medical
10 personnel and continuing education requirements for certification. The commission
11 shall retain the authority to approve requirements and standard of practice for
12 emergency medical personnel; conduct disciplinary hearings for emergency medical
13 personnel; and cause the prosecution of any individual who violates the provisions
14 of Subpart B of Part VII of Chapter 5 of Title 40 of the Louisiana Revised Statutes
15 of 1950.

16 Section 2. R.S. 40:1231, 1231.1(A), 1232(A) and (B), 1232.1(A) and (B),
17 1232.2(B)(1)(b) and (d), (B)(2), and (G), 1232.3(A)(1) through (3) and (B), 1232.4 (1), (3),
18 and (5), 1232.5, the introductory paragraph of 1232.6 and 1232.6 (1), (2), and (12), 1232.7
19 (D) and (E), 1232.9, 1232.11, 1233, 1234, 1235(A)(1), (2)(a), (c), and (d), 1235.1(A), 1236,
20 1236.1, 1236.13(B) and (F), 1299.58.2(4), 1299.64.2(3) are hereby amended and reenacted
21 and R.S. 40:1232.4 (10) and 1232.6 (15) are hereby enacted to read as follows:

22 PART VII. EMERGENCY MEDICAL SERVICES

23 SUBPART A. GENERAL PROVISIONS

24 §1231. Definitions

25 For purposes of this Part:

26 (1) "Ambulance" means any authorized emergency vehicle, equipped with
27 warning devices, designed and operated as a part of a regular course of conduct or
28 business to transport a sick or injured individual or which is advertised or otherwise
29 held out to the public as such. "Ambulance" shall not mean a hearse or other funeral

1 home vehicle utilized for the transportation of the dead.

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

9 (a) An agency of the federal government.

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

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

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

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

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

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

28 (3.1) "Air ambulance service" means any person, firm, association, or
29 government entity owning, controlling, or operating any business or service which

1 furnishes, operates, conducts, maintains, advertises, engages in, proposes to engage
2 in, or professes to engage in the business or service of transporting, in air
3 ambulances, individuals who may need medical attention during transport.

4 (3.2) "Auto-injector" means a spring-loaded needle and syringe with a single
5 dose of epinephrine that will automatically release and inject the medicine.

6 (4) "Bureau" means the Department of Health and Hospitals, ~~office of public~~
7 ~~health~~, bureau of emergency medical services.

8 (5) ~~"Certified emergency medical technician" means an individual who is~~
9 ~~certified as any one of the following:~~ **"Licensed emergency medical services**
10 **practitioner" means an individual who is nationally registered, who has**
11 **successfully completed an emergency medical services practitioner education**
12 **program based on national EMS education standards, and who is licensed as**
13 **any one of the following:**

14 (a) A ~~certified~~ **licensed** emergency medical technician=~~basic~~.

15 (b) A ~~certified~~ **licensed** advanced emergency medical technician=
16 ~~intermediate~~.

17 (c) A ~~certified emergency medical technician~~=**licensed** paramedic.

18 (6) ~~"Certified emergency medical technician-basic" means an individual who~~
19 ~~has successfully completed an emergency medical technician-basic training program~~
20 ~~developed and promulgated by the United States Department of Transportation and~~
21 ~~adopted by the bureau, who is nationally registered, and who is certified by the~~
22 ~~bureau:~~

23 (7) ~~"Certified emergency medical technician-intermediate" means any~~
24 ~~individual who has successfully completed an emergency medical technician-~~
25 ~~intermediate training program developed and promulgated by the United States~~
26 ~~Department of Transportation and adopted by the bureau, who is nationally~~
27 ~~registered, and who is certified by the bureau:~~

28 (8) ~~"Certified emergency medical technician-paramedic" means any~~
29 ~~individual who has successfully completed an emergency medical technician-~~

1 ~~paramedic training program developed and promulgated by the United States~~
2 ~~Department of Transportation and adopted by the bureau, who is nationally~~
3 ~~registered, and who is certified by the bureau.~~

4 (9) ~~(6)~~ "Certified first responder" means any individual who has successfully
5 completed a training course developed and promulgated by the United States
6 Department of Transportation and adopted by the bureau and who is certified by the
7 bureau. **"Licensed emergency medical responder" means any individual who has**
8 **successfully completed an emergency medical responder education program**
9 **based on National EMS Education Standards.**

10 ~~(10)~~ ~~(7)~~ "Commission" means the Louisiana Emergency Medical Services
11 Certification Commission.

12 ~~(11)~~ ~~(8)~~ "Department" means the Department of Health and Hospitals.

13 ~~(12)~~ ~~"Emergency medical personnel" or "emergency service person(s)" means~~
14 ~~individuals who are certified first responders or certified emergency medical~~
15 ~~technicians.~~

16 ~~(13)~~ ~~(9)~~ "Emergency medical response vehicle" means a marked emergency
17 vehicle with fully visual and audible warning signals operated by a certified
18 ambulance service, the primary purpose of which is to respond to the scene of a
19 medical emergency to provide emergency medical stabilization or support, or
20 command, control, and communications, but which is not an ambulance designed or
21 intended for the purpose of transporting a victim from the scene to a medical facility
22 regardless of its designation. Included are such vehicles referred to but not limited
23 to the designation as "sprint car", "quick response vehicle", "special response
24 vehicle", "triage trucks", "staff cars", "supervisor units", and other similar
25 designations. Emergency medical response vehicles shall not include fire apparatus
26 and law enforcement patrol vehicles which carry first aid or emergency medical
27 supplies and which respond to medical emergencies as part of their routine duties.

28 ~~(14)~~ ~~(10)~~ "Emergency medical services" or "EMS" means a system that
29 represents the combined efforts of several professionals and agencies to provide

1 prehospital emergency care to the sick and injured.

2 ~~(14.1) (11) "EMS professional" means an individual who is a certified first~~
3 ~~responder or certified emergency medical technician.~~ **"EMS practitioner" means**
4 **an individual who is a licensed emergency medical technician, licensed advanced**
5 **emergency medical technician, or a licensed paramedic.**

6 ~~(15) (12) "EMS task force" means the Emergency Medical Services Task~~
7 ~~Force, composed of individuals appointed by the assistant secretary of the office of~~
8 ~~public health, subject to the approval of the secretary of the department, which~~
9 ~~advises and makes recommendations to the office~~ **Bureau of Emergency Medical**
10 **Services** and the department on matters related to emergency medical services.

11 ~~(16) "First aid certificate" means a certificate in the Emergency Response~~
12 ~~Course issued by the American Red Cross or other certificate in a first aid course~~
13 ~~approved by the bureau and issued to any individual who has successfully completed~~
14 ~~the required training and met the established standards of such organizations.~~

15 ~~(17) (13) "Industrial ambulance" means any vehicle owned and operated by~~
16 ~~an industrial facility and used for transporting any employee who becomes sick,~~
17 ~~injured, or otherwise incapacitated in the course and scope of his employment from~~
18 ~~a job site to an appropriate medical facility.~~

19 ~~(18) (14) "Moral turpitude" means an act of baseness, vileness, or depravity~~
20 ~~in the duties which one person owes another, or to society in general, which is~~
21 ~~contrary to the usual, accepted, and customary rule of right and duty which a person~~
22 ~~should follow.~~

23 ~~(19) (15) "Municipal nonprofit organization" means an organization owned~~
24 ~~by a parish, municipality, or entity of a parish or municipality which in its regular~~
25 ~~course of business responds to a call for help and renders medical treatment and~~
26 ~~whose attendants are emergency medical personnel, a registered nurse, or a~~
27 ~~physician.~~

28 ~~(20) (16) "Physician" means a physician licensed to practice medicine by the~~
29 ~~Louisiana State Board of Medical Examiners.~~

1 ~~the United States Department of Transportation:~~ **education programs based on**
 2 **national EMS education standards for emergency medical services**
 3 **practitioners. All such education programs shall meet or exceed national EMS**
 4 **education standards.**

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

7 (3) To specify minimum ~~testing~~ **examination** and continuing education
 8 requirements for all emergency medical ~~personnel~~ **services practitioners.**

9 (4) To provide for the issuance of ~~certificates and~~ **licenses,** renewals of
 10 ~~certificates~~ **licenses, and requirements** for emergency medical ~~personnel~~ **services**
 11 **practitioners.**

12 ~~(5) To specify initial certification and certification renewal requirements~~
 13 ~~consistent with the National Registry of Emergency Medical Technicians for each~~
 14 ~~level of emergency medical personnel.~~

15 ~~(6)~~ **(5)** To establish fees for ~~certification and certification~~ **license and license**
 16 renewal.

17 B. An individual petitioning for ~~certification or certification~~ **license or**
 18 **license** renewal as a ~~certified emergency medical technician or a certified first~~
 19 ~~responder~~ **an emergency medical services practitioner** shall submit an application
 20 to the bureau on forms provided by the bureau. The application shall be accompanied
 21 by the appropriate fee.

22 * * *

23 §1232.1. Fee schedule; fees for ~~certification~~ **license** prohibited

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

28 (2) The bureau shall not set the fee for ~~certification~~ **license** of an emergency
 29 ~~medical technician-basis~~ to exceed fifteen dollars for any individual who is an

1 employee or volunteer of the state of Louisiana or another public entity, a municipal
2 fire department, a fire protection district, a volunteer fire department, or a municipal
3 law enforcement agency who does not perform emergency medical services outside
4 of the individual's official governmental responsibilities for any form of
5 compensation.

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

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

15 (1) Test fees:	Fee
16 (a) First responder- Emergency medical responder - written only	\$ 15.00
17 (b) First responder- Emergency medical responder - written only	
18 (out of state)	15.00
19 (c) Basic Emergency medical technician initial written & practical	60.00
20 (d) Basic Emergency medical technician entire practical exam	30.00
21 (e) Basic Emergency medical technician partial practical	15.00
22 (f) Basic Emergency medical technician testing/retesting-written only	15.00
23 (g) Basic Emergency medical technician testing/retesting-written only	
24 (out of state)	15.00
25 (h) Intermediate Advanced emergency medical technician initial	
26 written & practical	75.00
27 (i) Intermediate Advanced emergency medical technician initial written	
28 & practical (out of state)	100.00
29 (j) Intermediate Advanced emergency medical technician retest entire	

1	practical	50.00
2	(k) Intermediate <u>Advanced emergency medical technician</u> retest entire	
3	practical (out of state)	65.00
4	(l) Intermediate <u>Advanced emergency medical technician</u> retest partial	
5	practical	30.00
6	(m) Intermediate <u>Advanced emergency medical technician</u> retest partial	
7	practical (out of state)	30.00
8	(n) Intermediate <u>Advanced emergency medical technician</u> testing/retesting-	
9	written only (exam only)	15.00
10	(o) Intermediate <u>Advanced emergency medical technician</u> testing/retesting-	
11	written only (exam only) (out of state)	15.00
12	(p) Paramedic initial written & practical	90.00
13	(q) Paramedic initial written & practical (out of state)	125.00
14	(r) Paramedic retesting-entire practical	60.00
15	(s) Paramedic retesting-entire practical (out of state)	75.00
16	(t) Paramedic retesting-partial practical	35.00
17	(u) Paramedic retesting-partial practical (out of state)	40.00
18	(v) Paramedic testing/retesting written	15.00
19	(w) Paramedic testing/retesting written (out of state)	15.00
20	(2) Certification fees	
21	(a) First responder <u>Emergency medical responder</u>	10.00
22	(b) Basic-EMT <u>Emergency medical technician</u>	30.00
23	(c) Intermediate <u>Advanced emergency medical technician</u>	40.00
24	(d) Paramedic	50.00
25	(3) Recertification	
26	(a) First responder <u>Emergency medical responder</u>	5.00
27	(b) Basic-EMT <u>Emergency medical technician</u>	25.00
28	(c) Intermediate <u>Advanced emergency medical technician</u>	35.00
29	(d) Paramedic	45.00

- 1 (4) Reciprocity
- 2 (a) ~~Basic EMT~~ **Emergency medical technician** 60.00
- 3 (b) ~~Intermediate~~ **Advanced emergency medical technician** 80.00
- 4 (c) Paramedic 100.00

5 * * *

6 §1232.2. Louisiana Emergency Medical Services Certification Commission;
 7 creation; membership; qualifications; terms; vacancies; meetings;
 8 officers; compensation; domicile

9 * * *

10 B.(1) The commission shall be composed of eleven voting members
 11 appointed by the governor as follows:

12 * * *

13 (b) Two ~~certified emergency medical technician~~ **licensed** paramedics and
 14 one **licensed** emergency medical technician ~~basic~~ who are ~~certified~~ **approved** as
 15 emergency medical services ~~instructors~~ **educators** by the bureau. Until November
 16 6, 2011, or the member's resignation from the commission, whichever is earlier, at
 17 least one of the members as provided in this Subparagraph shall be a full-time
 18 employee of a fire department. After November 6, 2011, or the member's resignation
 19 from the commission, at least one of the members as provided in this Subparagraph
 20 shall be appointed by the Louisiana Fire Chiefs Association.

21 * * *

22 (d) One member who is, at a minimum, a state-certified emergency medical
 23 technician ~~basic~~ nominated by the Louisiana Municipal Association.

24 * * *

25 (2) The commission shall also have one ~~non~~voting member appointed by the
 26 governor who is a registered nurse and who is a state ~~certified~~ **licensed** paramedic
 27 to be nominated by the Louisiana State Nurses Association from a list of two names
 28 submitted by the Louisiana Emergency Nurses Association.

29 * * *

* * *

(5) Deny, withhold, revoke, restrict, probate, or suspend a ~~certificate~~ license as directed by the commission under the provisions of R.S. 40:1232.6.

* * *

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

§1232.5. ~~Certification~~ License; requirements; renewal

A. Applicants for initial ~~certification~~ license as emergency ~~personnel~~ medical services practitioners shall submit the following evidence to the bureau:

(1) Completion of the required approved educational program.

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

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 ~~personnel~~ services practitioner as defined in R.S. 40:1231, and meets the qualifications and requirements established by the bureau.

C.(1) The ~~certificate~~ 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 prior to the expiration date on his current ~~certificate~~ license.

(2) An individual whose ~~certificate~~ 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 for an individual who has failed to timely renew his ~~certificate~~ license.

§1232.6. Grounds for disciplinary proceedings

The commission may discipline emergency medical services ~~professionals~~ practitioners by directing the bureau to deny, withhold, revoke, restrict, probate, or suspend a ~~certificate~~ license to practice as a ~~certified emergency medical technician~~

1 or certified first responder **an emergency medical services practitioner**, impose
2 fines and assess costs, or otherwise discipline an **emergency medical services**
3 **practitioner**, and the commission may direct the bureau to limit, restrict, or deny a
4 student EMS professional **emergency medical services practitioner** from entering
5 or continuing the clinical phase of EMS education for the following causes:

6 (1) Conviction of selling or attempting to sell, falsely obtaining, or furnishing
7 to a person a ~~certified emergency medical technician or certified first responder~~
8 ~~certification~~ **licensed emergency medical services practitioner** document.

9 (2) Conviction of a crime or offense which reflects the inability of **an**
10 **emergency medical services practitioner** to provide emergency medical services
11 with due regard for the health and safety of clients or patients or enters a plea of
12 guilty or nolo contendere to a criminal charge regardless of final disposition of the
13 criminal proceeding, including but not limited to expungement or nonadjudication.

14 * * *

15 (12) Has had a certification or license to practice as an ~~EMS professional~~
16 **emergency medical services practitioner** or to practice as another health care
17 provider denied, revoked, suspended, or otherwise restricted.

18 * * *

19 **(15) Intentional falsification of any document related to license,**
20 **emergency medical services education, or related to the care of the patient.**

21 §1232.7. Hearings of the commission; appeal of decision

22 * * *

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

27 E. An individual whose ~~certification~~ **license** has been revoked, restricted,
28 suspended, placed in probation, or denied may have the proceedings of the
29 commission reviewed by a court of competent jurisdiction, provided that an appeal

1 is made no later than thirty days after the date indicated on the registered mail receipt
2 of the notice required by Subsection D of this Section. The decision of the
3 commission shall remain in force until an appeal is granted unless the court orders
4 a stay. If an appeal is granted, the decision of the commission shall be suspended
5 until a final disposition of the matter is ultimately rendered by the court affirming the
6 decision of the commission.

7 * * *

8 §1232.9. Violations

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

10 (1) Sell, or attempt to sell, falsely obtain, or furnish to any person any
11 emergency medical ~~personnel~~ **services practitioner** diploma, ~~certification~~ **license**
12 document, or record, or aid or abet therein.

13 (2) Practice as a ~~certified~~ **an** emergency medical ~~technician or certified first~~
14 ~~responder~~ **services practitioner** under any diploma or certificate illegally obtained
15 or signed or issued unlawfully.

16 (3) Practice as a ~~certified~~ **an** emergency medical ~~technician or certified first~~
17 ~~responder~~ **services practitioner** unless ~~certified~~ **license** to do so under the provisions
18 of this Subpart.

19 (4) Use in connection with his name any designation tending to imply that
20 he is a ~~certified~~ **an** emergency medical ~~technician or certified first responder~~ **services**
21 **practitioner** unless duly authorized to practice under the provisions of this Subpart.

22 (5) Practice as a ~~certified~~ **an** emergency medical ~~technician or certified first~~
23 ~~responder~~ **services practitioner** during the time the ~~certification~~ **license** issued under
24 the provisions of this Subpart is suspended or revoked.

25 (6) Practice as a ~~certified~~ **an** emergency medical ~~technician or certified first~~
26 ~~responder~~ **services practitioner** during the time his ~~certification~~ **license** has lapsed
27 by reason of his intentional failure to renew the ~~certification~~ **license**.

28 (7) Conduct or serve as an ~~assistant instructor~~ **educator** in conducting any
29 course claiming to prepare students for ~~certification~~ **license** as emergency medical

1 ~~personnel~~ **services practitioner** under the provisions of this Subpart, unless both the
2 course and the ~~instructor~~ **educator** have been approved by the bureau.

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

4 * * *

5 §1232.11. Exceptions

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

10 * * *

11 §1233. Civil immunity

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

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

28 B. Any physician who provides instructions to any emergency medical
29 ~~personnel~~ **services practitioner** by use of electronic or other means of transmission

1 in connection with the rendering of emergency medical services to an individual
 2 shall not be liable unto such ~~personnel~~ **practitioner** or to an individual or both for
 3 civil damages arising from his opinion, judgments, actions, or duties, except for acts
 4 or omissions intentionally designed to harm, or for grossly negligent acts or
 5 omissions which result in harm to the individual, while exercising that degree of skill
 6 and care ordinarily employed by members of his profession in good standing.

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

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

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

24 §1234. Duties of emergency medical personnel

25 A.(1) A ~~certified~~ **license** emergency medical ~~technician-basic~~ **services**
 26 **practitioner** may perform any of the following functions:

27 (a) ~~Rescue, first aid, resuscitation, and other services~~ **Services, treatment,**
 28 **and procedures consistent with national EMS education standards that have**
 29 **been approved and adopted by the bureau, and** to the extent that he has been

1 trained to perform such services ~~under the provisions of the National Standard EMT-~~
 2 ~~Basic training curriculum developed and promulgated by the United States~~
 3 ~~Department of Transportation that are adopted by the bureau.~~

4 (b) ~~When authorized by medical direction, an emergency medical technician-~~
 5 ~~basic or an emergency medical technician-intermediate may administer or aid the~~
 6 ~~patient in the administration of a dose of epinephrine from an auto-injector to treat~~
 7 ~~allergic reaction and anaphylaxis. Administration of other drugs or procedures~~
 8 ~~for which the licensed emergency medical services practitioner has received~~
 9 ~~training, license, and approval by the commission and which may be considered~~
 10 ~~necessary by the ordering physician.~~

11 (c) ~~Services which may be performed by a certified emergency medical~~
 12 ~~technician-intermediate as provided in Subsection B of this Section, but only while~~
 13 ~~he is enrolled in good standing in an approved emergency medical technician-~~
 14 ~~intermediate clinical or field internship program and while he is under the direct~~
 15 ~~supervision of a physician, registered nurse, certified emergency~~
 16 ~~technician-paramedic, or other preceptor approved by the bureau.~~

17 (d) ~~Services which may be performed by a certified emergency medical~~
 18 ~~technician-paramedic, as provided in Subsection C of this Section, but only while he~~
 19 ~~is enrolled in good standing in an approved emergency medical technician-paramedic~~
 20 ~~clinical or field internship program and while he is under the direct supervision of~~
 21 ~~a physician, registered nurse, certified emergency technician-paramedic, or other~~
 22 ~~preceptor approved by the bureau.~~

23 (2) The functions authorized by Paragraph (1) of this Subsection may be
 24 performed by the certified **license** emergency medical technician-basic **services**
 25 **practitioner** under any of the following conditions:

26 (a) While he is **caring for a patient or** at the scene of a medical or other
 27 emergency where voice contact is established with a physician and under the
 28 physician's order; **or under a protocol that has been approved by the local parish**
 29 **medical society or the emergency medical services practitioner's medical**

1 **director, until voice communication with the physician is established.**

2 ~~(b) While he is at the scene of a life threatening emergency and under a~~
3 ~~protocol that has been approved by the local parish medical society, or its designee,~~
4 ~~until voice communication with the physician is established at the earliest possible~~
5 ~~time.~~

6 B.(1) ~~A certified emergency medical technician-intermediate may perform~~
7 ~~any of the following functions:~~ **An emergency medical services practitioner**
8 **student may perform any of the following functions while he is enrolled in good**
9 **standing in a state approved clinical or field internship program under the**
10 **direct supervision of a physician, registered nurse, paramedic, or other**
11 **preceptor recognized by the bureau:**

12 (a) ~~Any services to the extent that he has been trained to perform such~~
13 ~~services under the provisions of the National Standard EMT-Intermediate training~~
14 ~~curriculum developed and promulgated by the United States Department of~~
15 ~~Transportation that are adopted by the bureau.~~ **Services, treatments, and**
16 **procedures consistent with national EMS education standards that have been**
17 **approved and adopted by the bureau, and to the extent that he has been trained**
18 **to perform such services.**

19 (b) ~~Services which may be performed by a certified emergency medical~~
20 ~~technician-paramedic, as provided in Subsection C of this Section, but only while he~~
21 ~~is enrolled in good standing in an approved emergency medical technician-paramedic~~
22 ~~clinical or field internship program and while under the direct supervision of a~~
23 ~~physician, registered nurse, certified emergency technician-paramedic, or other~~
24 ~~preceptor approved by the bureau.~~

25 (2) ~~The functions authorized by Paragraph (1) of this Subsection may be~~
26 ~~performed by the certified emergency medical technician-intermediate under any of~~
27 ~~the following conditions:~~

28 (a) ~~While caring for a patient in a participating hospital under the direct~~
29 ~~supervision of a physician.~~

1 ~~(b) While he is at the scene of a medical or other emergency where voice~~
2 ~~contact is established with a physician and under the physician's orders.~~

3 ~~(c) While he is at the scene of a life threatening emergency and under a~~
4 ~~protocol that has been approved by the local parish medical society, or its designee,~~
5 ~~until voice communication with the physician is established at the earliest possible~~
6 ~~time.~~

7 ~~C.(1) A certified emergency medical technician-paramedic may perform any~~
8 ~~of the following functions:~~

9 ~~(a) Any services to the extent that he has been trained to perform such service~~
10 ~~under the provisions of the National Standard EMT-Paramedic training curriculum~~
11 ~~developed and promulgated by the United States Department of Transportation that~~
12 ~~are adopted by the bureau.~~

13 ~~(b) Administration of other drugs or procedures for which the certified~~
14 ~~emergency medical technician-paramedic has received training, certification, and~~
15 ~~approval by the commission and which may be considered necessary by the ordering~~
16 ~~physician.~~

17 ~~(2) The functions authorized by Paragraph (1) of this Subsection may be~~
18 ~~performed by a certified emergency medical technician-paramedic under any of the~~
19 ~~following conditions:~~

20 ~~(a) While his caring for a patient in a participating hospital under the direct~~
21 ~~supervision of a physician.~~

22 ~~(b) While he is at the scene of a medical or other emergency where voice~~
23 ~~contact is established with a physician and under the physician's orders.~~

24 ~~(c) While he is at the scene of a life threatening emergency and under a~~
25 ~~protocol that has been approved by the local parish medical society, or its designee,~~
26 ~~until voice communication with the physician is established at the earliest possible~~
27 ~~time.~~

28 ~~Ð C. A certified first responder may perform any of the following functions:~~

29 ~~(1) Rescue, first aid, resuscitation, and other services to the extent that he has~~

1 ~~been trained to perform such services under the provisions of the first responder~~
2 ~~training curriculum developed and adopted by the bureau.~~

3 (2) Administration of automated cardiac defibrillation in accordance with
4 rules and regulations promulgated by the bureau in accordance with the
5 Administrative Procedure Act and a protocol that shall be approved by the local
6 parish medical society, or its designee, and the local physician medical director.

7 ED.(1) In a case of a life-threatening situation as determined by a ~~certified~~
8 **licensed** emergency medical ~~technician-intermediate or an emergency medical~~
9 ~~technician-paramedic~~ **services practitioner**, when voice contact with a physician ~~or~~
10 ~~when telemetered electrocardiogram communication~~ is delayed, not possible, or
11 when the delay in treatment could endanger the life of the patient, such a person may
12 render services, in accordance with a protocol that shall be established by the
13 emergency medical services committee or the executive committee of the parish or
14 component medical society, or its designee, until voice ~~or telemetered~~
15 ~~electrocardiogram~~ communication can be established at the earliest possible time.

16 (2) ~~Such services may be rendered for the following conditions:~~

17 (a) ~~Cardiac arrest.~~

18 (b) ~~Ventricular tachycardia.~~

19 (c) ~~Supraventricular tachycardia.~~

20 (d) ~~Premature ventricular ectopy when greater than six per minute,~~
21 ~~multifocal, bigeminal, occurring in bursts of two or more, falling on or close to the~~
22 ~~T-wave.~~

23 (e) ~~Severe, unrelieved, suspected cardiogenic chest pain, or suspected~~
24 ~~myocardial infarction.~~

25 (f) ~~Bradydysrhythmias.~~

26 (g) ~~Hypoglycemia.~~

27 (h) ~~Anaphylactic reactions.~~

28 (i) ~~Hypovolemic shock.~~

29 (j) ~~Unconsciousness, altered mental status, or respiratory depression from~~

1 suspected drug overdose.

2 ~~(k) Treatment induced unconsciousness, altered mental status, hypotension,~~
3 ~~or respiratory depression from physician ordered or protocol appropriate paramedic~~
4 ~~administered narcotics.~~

5 ~~(l) Respiratory failure or respiratory arrest.~~

6 ~~(m) Active seizure.~~

7 ~~(3) Nothing in this Subsection shall be construed to authorize a certified~~
8 ~~emergency medical technician-paramedic to administer any Schedule II narcotic~~
9 ~~without a direct order by a physician licensed to practice medicine by the Louisiana~~
10 ~~State Board of Medical Examiners or in accordance with an approved protocol~~
11 ~~adopted pursuant to Subsection E(1) and (2).~~

12 ~~F.(1) The bureau shall adopt rules and regulations to allow emergency~~
13 ~~medical personnel to institute a program for the delivery of automated cardiac~~
14 ~~defibrillation in the pre-hospital setting.~~

15 ~~(2) The bureau shall adopt rules and regulations for training to allow all~~
16 ~~levels of certified medical technicians to carry and administer epinephrine by auto-~~
17 ~~injectors to patients experiencing allergic reactions or anaphylaxis.~~

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

22 H F. In the event that there is no organized or functional local parish medical
23 society in a parish of the state, the provisions of this Section which require the
24 approval of an emergency medical service protocol by the local parish medical
25 society or its designee may be performed by a parish or multiparish medical society
26 which is adjacent or contiguous to the parish without an organized or functional local
27 parish medical society. In the absence of such adjacent or contiguous parish or
28 multiparish medical society, the district medical society shall approve an emergency
29 medical service protocol for the parish without an organized or functional local

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

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

12 * * *

13 SUBPART C. EMERGENCY MEDICAL TRANSPORTATION

14 §1235. Qualifications to operate ambulances; equipment; penalty

15 A.(1) No person or individual shall conduct, maintain, or operate an
 16 ambulance on any street, alley, or public way or place in the state unless the
 17 ambulance is staffed with a minimum of two persons, one of whom shall be a
 18 ~~certified~~ **licensed** emergency medical technician.

19 (2)(a) No person or individual shall provide services in any capacity on any
 20 ambulance unless he is a ~~certified first responder, a certified emergency medical~~
 21 ~~technician,~~ **licensed emergency medical responder, a licensed emergency medical**
 22 **technician, a licensed advance emergency medical technician, a licensed**
 23 **paramedic,** a licensed registered or practical nurse, or a physician.

24 * * *

25 (c) No individual shall provide services in any capacity on any ambulance
 26 ~~unless he holds a cardiopulmonary resuscitation provider card issued by the~~
 27 ~~American Heart Association or the American Red Cross~~ **without holding an**
 28 **American Heart Association Health Care Provider, or American Red Cross**
 29 **Professional Rescuer, or the equivalent cardio-pulmonary resuscitation**

1 certification that has been approved by the Ambulance Standards Committee.

2 (d) No individual shall transport any ill or injured person by ambulance
3 unless the sick or injured person is attended by a ~~certified emergency medical~~
4 ~~technician~~ **license emergency medical technician, a licensed advance emergency**
5 **medical technician, a licensed paramedic,** a registered nurse, or a physician in the
6 patient compartment.

7 * * *

8 §1235.1. Qualifications to operate emergency medical response vehicles; vehicle
9 requirements; equipment; penalties

10 A.(1) No person shall conduct, maintain, or operate an emergency medical
11 response vehicle as an emergency vehicle on any street, alley, or public way or place
12 in the state unless the vehicle is staffed with at least one individual who is a
13 ~~Louisiana state-certified nationally registered~~ **at least a licensed** emergency medical
14 ~~technician~~ **responder.**

15 (2) No person shall provide services in any capacity on an emergency
16 medical response vehicle unless he is the holder of a certification by the Department
17 of Health and Hospitals or its agent as a first responder; or a certification of an
18 emergency medical technician issued by the National Registry of Emergency
19 ~~Medical Technicians~~ **at least a licensed emergency medical responder;** or a **holder**
20 **of a** certificate of licensure as a registered nurse or licensed practical nurse; or is a
21 physician or surgeon licensed to practice medicine by the Louisiana State Board of
22 Medical Examiners. No person shall provide services in any capacity **on these**
23 **vehicles** without holding a valid certification of cardiopulmonary resuscitation issued
24 by the ~~American National Red Cross or the American Heart Association.~~ **an**
25 **American Heart Association Health Care Provider, or American Red Cross**
26 **Professional Rescuer, or the equivalent cardio-pulmonary resuscitation**
27 **certification that has been approved by the Ambulance Standards Committee.**

28 * * *

29 §1236. Advanced emergency medical technicians

1 ~~completed a training course developed and promulgated by the United States~~
 2 ~~Department of Transportation and adopted by the bureau of emergency medical~~
 3 ~~services of the Department of Health and Hospitals and who is certified by the~~
 4 ~~bureau.~~ **"Licensed emergency medical responder" means any individual who has**
 5 **successfully completed an emergency medical responder education program**
 6 **based on National EMS Education Standards and adopted by the bureau of**
 7 **emergency medical services of the Department of Health and Hospitals and who**
 8 **is licensed by the bureau.**

9 * * *

10 §1299.64.2. Definitions

11 As used in this Part, the following terms shall have the meanings ascribed to
 12 them unless the context clearly states otherwise:

13 * * *

14 (3) ~~"Certified first responder" means any person who has successfully~~
 15 ~~completed a training course developed and promulgated by the United States~~
 16 ~~Department of Transportation and adopted by the bureau of emergency medical~~
 17 ~~services of the Department of Health and Hospitals and who is certified by the~~
 18 ~~bureau.~~ **"Licensed emergency medical responder" means any individual who has**
 19 **successfully completed an emergency medical responder education program**
 20 **based on National EMS Education Standards and adopted by the bureau of**
 21 **emergency medical services of the Department of Health and Hospitals and who**
 22 **is licensed by the bureau.**

23 * * *

24 Section 3. R.S. 40:1236.3 is hereby repealed.

25 Section 4. This Act shall become effective upon signature by the governor or, if not
 26 signed by the governor, upon expiration of the time for bills to become law without signature
 27 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 28 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 29 effective on the day following such approval.

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

DIGEST

Proposed law implements suggestions developed from the emergency medical services professional working group created by SCR 40 of the 2011 Regular Session.

Proposed law makes changes within the present law to address the federally required changes governing emergency medical services.

Present law provides for the duties of emergency personnel. Proposed law clarifies these duties with respect to the administration of drugs or procedures by the licenced emergency medical services practitioner. Further, proposed law provides for qualifying emergency medical services practitioner students to perform specific functions.

Present law provides for the duties of emergency medical services practitioners when a life-threatening situation is present and communication with a physician is not possible, and present law provides for service by emergency medical services practitioners for specific medical conditions.

Proposed law provides when a life-threatening situation is present and communication with a physician is not possible, the emergency medical services practitioners may render service in accordance with an established protocol, and the proposed law removes the specific list of medical conditions.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 36:919.4 and R.S. 40:1231, 1231.1(A), 1232(A) and (B), 1232.1(A) and (B), 1232.2(B)(1)(b) and (d), (B)(2), and (G), 1232.3(A)(1) through (3) and (B), 1232.4(1), (3), and (5), 1232.5, 1232.6 (intro para) and 1232.6(1), (2), and (12), 1232.7 (D) and (E), 1232.9, 1232.11, 1233, 1234, 1235(A)(1), (2)(a), (c), and (d), 1235.1(A), 1236, 1236.1, 1236.13(B) and (F), 1299.58.2(4), and 1299.64.2(3); adds R.S. 40:1232.4(10) and 1232.6(15); repeals R.S. 40:1236.3)