

SENATE BILL NO. 500

BY SENATORS BUFFINGTON AND MILLS

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AN ACT

To amend and reenact 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)(2), (3), and (B), 1232.4(1), (3), and (5), 1232.5, the introductory paragraph of 1232.6 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, 1236.13(B) and (F), 1299.58.2(3), 1299.58.7(E), 1299.58.8(D), 1299.64.2(2), 1299.64.4(D), and 1299.64.5(B); to enact R.S. 40:1232.4(10) and 1232.6(15), and to repeal R.S. 40:1236.3, 1299.58.2(4), and 1299.64.2(3), relative to changes within the emergency medical services provisions; to provide for changes in references to emergency medical personnel; to provide with respect to title designations for certain licensees providing emergency medical services; to provide with respect to grounds for disciplinary proceedings relative to intentional falsification of documents; to provide relative to the duties of emergency medical personnel; to provide relative to the permissible functions which an emergency medical services practitioner student may perform and under what conditions those functions may be performed; to provide with respect to the certifications necessary for an emergency medical services practitioner to hold; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

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

§919.4. Transfer; Louisiana Emergency Medical Services Certification Commission

1 service which furnishes, operates, conducts, maintains, advertises, engages in,
2 proposes to engage in, or professes to engage in the business or service of
3 transporting, in ambulances, individuals who may need medical attention during
4 transport. However, "ambulance service" and "ambulance provider" shall not include
5 any of the following:

6 (a) An agency of the federal government.

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

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

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

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

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

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

25 (3.1) "Air ambulance service" means any person, firm, association, or
26 government entity owning, controlling, or operating any business or service which
27 furnishes, operates, conducts, maintains, advertises, engages in, proposes to engage
28 in, or professes to engage in the business or service of transporting, in air
29 ambulances, individuals who may need medical attention during transport.

30 (3.2) "Auto-injector" means a spring-loaded needle and syringe with a single

1 dose of epinephrine that will automatically release and inject the medicine.

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

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

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

11 (b) A ~~certified~~ **licensed** advanced emergency medical technician=
12 ~~intermediate~~.

13 (c) A ~~certified emergency medical technician-~~**licensed** paramedic.

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

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

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

29 (9) ~~(6)~~ **(6)** ~~"Certified first responder" means any individual who has successfully~~
30 ~~completed a training course developed and promulgated by the United States~~

1 Department of Transportation and adopted by the bureau and who is certified by the
 2 bureau. **"Licensed emergency medical responder" means any individual who has**
 3 **successfully completed an emergency medical responder education program**
 4 **based on National EMS Education Standards approved by the bureau and who**
 5 **is licensed by the bureau.**

6 ~~(10)~~ **(7)** "Commission" means the Louisiana Emergency Medical Services
 7 Certification Commission.

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

9 ~~(12)~~ "Emergency medical personnel" or "emergency service person(s)" means
 10 individuals who are certified first responders or certified emergency medical
 11 technicians.

12 ~~(13)~~ **(9)** "Emergency medical response vehicle" means a marked emergency
 13 vehicle with fully visual and audible warning signals operated by a certified
 14 ambulance service, the primary purpose of which is to respond to the scene of a
 15 medical emergency to provide emergency medical stabilization or support, or
 16 command, control, and communications, but which is not an ambulance designed or
 17 intended for the purpose of transporting a victim from the scene to a medical facility
 18 regardless of its designation. Included are such vehicles referred to but not limited
 19 to the designation as "sprint car", "quick response vehicle", "special response
 20 vehicle", "triage trucks", "staff cars", "supervisor units", and other similar
 21 designations. Emergency medical response vehicles shall not include fire apparatus
 22 and law enforcement patrol vehicles which carry first aid or emergency medical
 23 supplies and which respond to medical emergencies as part of their routine duties.

24 ~~(14)~~ **(10)** "Emergency medical services" or "EMS" means a system that
 25 represents the combined efforts of several professionals and agencies to provide
 26 prehospital emergency care to the sick and injured.

27 ~~(14.1)~~ **(11)** ~~"EMS professional" means an individual who is a certified first~~
 28 ~~responder or certified emergency medical technician.~~ **"EMS practitioner" means**
 29 **an individual who is a licensed emergency medical responder, licensed**
 30 **emergency medical technician, licensed advanced emergency medical**

1 technician, or a licensed paramedic.

2 ~~(15)~~ **(12)** "EMS task force" means the Emergency Medical Services Task
3 Force, composed of individuals ~~appointed by the assistant secretary of the office of~~
4 ~~public health~~, subject to the approval of the secretary of the department, which
5 advises and makes recommendations to the ~~office~~ **bureau of emergency medical**
6 **services** and the department on matters related to emergency medical services.

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

11 ~~(17)~~ **(13)** "Industrial ambulance" means any vehicle owned and operated by
12 an industrial facility and used for transporting any employee who becomes sick,
13 injured, or otherwise incapacitated in the course and scope of his employment from
14 a job site to an appropriate medical facility.

15 ~~(18)~~ **(14)** "Moral turpitude" means an act of baseness, vileness, or depravity
16 in the duties which one person owes another, or to society in general, which is
17 contrary to the usual, accepted, and customary rule of right and duty which a person
18 should follow.

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

24 ~~(20)~~ **(16)** "Physician" means a physician licensed to practice medicine by the
25 Louisiana State Board of Medical Examiners.

26 ~~(21)~~ **(17)** "Volunteer nonprofit organization" means an organization which
27 in its regular course of business responds to a call for help and renders medical
28 treatment and whose attendants are emergency medical personnel, a registered nurse,
29 or a physician and which is chartered as a nonprofit organization under Section 501c
30 of the United States Internal Revenue Code, as a volunteer fire department by the

1 Louisiana state fire marshal's office, or as a nonprofit organization by the Louisiana
2 secretary of state.

3 (18) "EMS medical director" means a physician licensed by the
4 Louisiana State Board of Medical Examiners who has responsibility and
5 authority to ensure quality of care and provide guidance for all medical aspects
6 of EMS.

7 (19) "National EMS education standards" means the document that
8 outlines current nationally recognized EMS education standards, has been
9 adopted by the bureau, and defines terminal objectives for each nationally
10 defined EMS licensing level.

11 §1231.1. Emergency medical services program; cooperation of other state
12 departments

13 A. The department shall establish and maintain a program for the
14 improvement and regulation of emergency medical services in the state. The
15 responsibility for implementation and conduct of this program shall be vested in the
16 ~~office of public health,~~ bureau of emergency medical services.

17 * * *

18 SUBPART B. EMERGENCY MEDICAL PERSONNEL

19 §1232. Emergency medical personnel training; certification

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

22 (1) To define and authorize appropriate ~~functions and pre-certification and~~
23 ~~post-certification training programs for emergency medical personnel. All such~~
24 ~~training programs shall meet or exceed the performance requirements developed by~~
25 ~~the United States Department of Transportation.~~ education programs based on
26 national EMS education standards for emergency medical services
27 practitioners. All such education programs shall meet or exceed national EMS
28 education standards.

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

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

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

(1) Test fees:	Fee
9 (a) First responder- <u>Emergency medical responder</u> - written only	\$ 15.00
10 (b) First responder- <u>Emergency medical responder</u> - written only	
11 (out of state)	15.00
12 (c) Basic <u>Emergency medical technician</u> initial written & practical	60.00
13 (d) Basic <u>Emergency medical technician</u> entire practical exam	30.00
14 (e) Basic <u>Emergency medical technician</u> partial practical	15.00
15 (f) Basic <u>Emergency medical technician</u> testing/retesting-written only	15.00
16 (g) Basic <u>Emergency medical technician</u> testing/retesting-written only	
17 (out of state)	15.00
18 (h) Intermediate <u>Advanced emergency medical technician</u> initial	
19 written & practical	75.00
20 (i) Intermediate <u>Advanced emergency medical technician</u> initial written	
21 & practical (out of state)	100.00
22 (j) Intermediate <u>Advanced emergency medical technician</u> retest entire	
23 practical	50.00
24 (k) Intermediate <u>Advanced emergency medical technician</u> retest entire	
25 practical (out of state)	65.00
26 (l) Intermediate <u>Advanced emergency medical technician</u> retest partial	
27 practical	30.00
28 (m) Intermediate <u>Advanced emergency medical technician</u> retest partial	
29 practical (out of state)	30.00
30 (n) Intermediate <u>Advanced emergency medical technician</u> testing/retesting-	

1	written only (exam only)	15.00
2	(o) Intermediate <u>Advanced emergency medical technician</u> testing/retesting-	
3	written only (exam only) (out of state)	15.00
4	(p) Paramedic initial written & practical	90.00
5	(q) Paramedic initial written & practical (out of state)	125.00
6	(r) Paramedic retesting-entire practical	60.00
7	(s) Paramedic retesting-entire practical (out of state)	75.00
8	(t) Paramedic retesting-partial practical	35.00
9	(u) Paramedic retesting-partial practical (out of state)	40.00
10	(v) Paramedic testing/retesting written	15.00
11	(w) Paramedic testing/retesting written (out of state)	15.00
12	(2) Certification <u>License</u> fees	
13	(a) First responder <u>Emergency medical responder</u>	10.00
14	(b) Basic EMT <u>Emergency medical technician</u>	30.00
15	(c) Intermediate <u>Advanced emergency medical technician</u>	40.00
16	(d) Paramedic	50.00
17	(3) Recertification	
18	(a) First responder <u>Emergency medical responder</u>	5.00
19	(b) Basic EMT <u>Emergency medical technician</u>	25.00
20	(c) Intermediate <u>Advanced emergency medical technician</u>	35.00
21	(d) Paramedic	45.00
22	(4) Reciprocity	
23	(a) Basic EMT <u>Emergency medical technician</u>	60.00
24	(b) Intermediate <u>Advanced emergency medical technician</u>	80.00
25	(c) Paramedic	100.00
26	* * *	
27	§1232.2. Louisiana Emergency Medical Services Certification Commission;	
28	creation; membership; qualifications; terms; vacancies; meetings;	
29	officers; compensation; domicile	
30	* * *	

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

3 * * *

4 (b) Two ~~certified emergency medical technician=~~ **licensed** paramedics and
5 one **licensed** emergency medical technician=~~basic~~ who are ~~certified~~ **approved** as
6 emergency medical services ~~instructors~~ **educators** by the bureau. ~~Until November~~
7 ~~6, 2011, or the member's resignation from the commission, whichever is earlier, at~~
8 ~~least one of the members as provided in this Subparagraph shall be a full-time~~
9 ~~employee of a fire department. After November 6, 2011, or the member's resignation~~
10 ~~from the commission, at~~ **At** least one of the members as provided in this
11 Subparagraph shall be appointed by the Louisiana Fire Chiefs Association.

12 * * *

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

15 * * *

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

20 * * *

21 G.~~(1)~~ Subsequent to the appointment of the initial members, the voting
22 members shall be appointed from a list of two nominees for each appointment
23 submitted by the task force. No later than thirty days prior to the termination date of
24 a member's term, the task force ~~or, for the nonvoting member, the Louisiana State~~
25 ~~Nurses Association,~~ shall submit a list of nominees to the governor. If the Louisiana
26 State Nurses Association or the task force fails to submit the required list of
27 nominees to the governor within thirty days, the governor shall appoint the
28 respective member to fill the vacancy without the nomination list required.

29 ~~(2) A vacancy on the commission prior to the expiration of a term shall be~~
30 ~~filled for the remainder of the term. No later than thirty days after the occurrence of~~

1 a vacancy prior to the expiration of a term, the task force or, for the nonvoting
 2 member, the Louisiana State Nurses Association, shall submit a list of nominees to
 3 the governor. If the Louisiana State Nurses Association or the task force fails to
 4 submit the required list of nominees to the governor within thirty days, the governor
 5 shall appoint the respective member to fill the vacancy without the nomination list
 6 required.

7 * * *

8 §1232.3. Powers and duties of the commission; exceptions

9 A. The commission shall:

10 * * *

11 (2) Approve requirements and standards of practice submitted by the bureau
 12 for emergency medical ~~personnel~~ **services practitioners** consistent with this
 13 Subpart.

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

18 * * *

19 B. Except as they relate to scope of practice or patient care issues, Paragraphs
 20 (A)(4), (5), and (6) of this Section shall not apply to anyone who is a volunteer of or
 21 employed by the state of Louisiana or another public entity, a municipal fire
 22 department, a fire protection district, or a volunteer fire department who has
 23 successfully completed ~~an emergency medical technician-basic, emergency medical~~
 24 ~~technician-intermediate, emergency medical technician-paramedic, or first responder~~
 25 ~~training program developed and promulgated by the United States Department of~~
 26 ~~Transportation~~ **an education program based on national EMS education**
 27 **standards** and who possesses a current national ~~and state~~ certification **and state**
 28 **license**, until the commission has forwarded the nonmedical practice complaint to
 29 the local governing body and received a response with investigative results and any
 30 disciplinary disposition. In the event that the local governing body does not send a

1 response or request for extension to the commission within sixty days after receipt
 2 of the complaint, the commission may proceed with the powers and duties as defined
 3 in Subsection A of this Section. Notwithstanding any law to the contrary, in the event
 4 the commission determines by a two-thirds vote of the membership of the
 5 commission that public health and safety would be jeopardized by waiting for a
 6 response from the local governing authority, the commission shall have the right to
 7 exercise its powers and duties as provided in Subsection A of this Section without
 8 receipt of an investigative report from the local governing authority or the expiration
 9 of the sixty-day period as provided in this Subsection.

10 §1232.4. Powers and duties of the bureau

11 The bureau shall:

12 (1) Issue a ~~certificate~~ **license** and renew a ~~certificate~~ **license** to any duly
 13 qualified applicant for ~~certification or for certification~~ **licensure and license** renewal
 14 as ~~a certified first responder or certified emergency medical technician.~~ **an**
 15 **emergency medical services practitioner.**

16 * * *

17 (3) Adopt requirements and standards of practice approved by the
 18 commission for emergency medical ~~personnel~~ **services practitioners.**

19 * * *

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

22 * * *

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

25 §1232.5. ~~Certification~~ **License**; requirements; renewal

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

- 28 (1) Completion of the required approved educational program.
- 29 (2) Documentation that the applicant meets the qualifications and
- 30 requirements as established by the bureau.

1 B. In lieu of the evidence required by Subsection A of this Section, an
 2 applicant may submit evidence that he has been duly licensed or certified in another
 3 state, territory, or country or has received military training and certification or
 4 license as emergency medical ~~personnel~~ **services practitioner** as defined in R.S.
 5 40:1231, and meets the qualifications and requirements established by the bureau.

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

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

14 §1232.6. Grounds for disciplinary proceedings

15 The commission may discipline emergency medical services ~~professionals~~
 16 **practitioners** by directing the bureau to deny, withhold, revoke, restrict, probate, or
 17 suspend a ~~certificate~~ **license** to practice as a ~~certified emergency medical technician~~
 18 ~~or certified first responder~~ **an emergency medical services practitioner**, impose
 19 fines and assess costs, or otherwise discipline an ~~EMS professional~~ **emergency**
 20 **medical services practitioner**, and the commission may direct the bureau to limit,
 21 restrict, or deny a student ~~EMS professional~~ **emergency medical services**
 22 **practitioner** from entering or continuing the clinical phase of EMS education for the
 23 following causes:

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

27 (2) Conviction of a crime or offense which reflects the inability of **an**
 28 **emergency medical services practitioner** to provide emergency medical services
 29 with due regard for the health and safety of clients or patients or enters a plea of
 30 guilty or nolo contendere to a criminal charge regardless of final disposition of the

1 criminal proceeding, including but not limited to expungement or nonadjudication.

2 * * *

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

6 * * *

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

9 §1232.7. Hearings of the commission; appeal of decision

10 * * *

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

15 E. An individual whose ~~certification~~ license has been revoked, restricted,
16 suspended, placed in probation, or denied may have the proceedings of the
17 commission reviewed by a court of competent jurisdiction, provided that an appeal
18 is made no later than thirty days after the date indicated on the registered mail receipt
19 of the notice required by Subsection D of this Section. The decision of the
20 commission shall remain in force until an appeal is granted unless the court orders
21 a stay. If an appeal is granted, the decision of the commission shall be suspended
22 until a final disposition of the matter is ultimately rendered by the court affirming the
23 decision of the commission.

24 * * *

25 §1232.9. Violations

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

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

30 (2) Practice as a ~~certified~~ an emergency medical ~~technician or certified first~~

1 responder ~~services practitioner~~ under any diploma or certificate illegally obtained
2 or signed or issued unlawfully.

3 (3) Practice as a ~~certified~~ an emergency medical ~~technician or certified first~~
4 responder services practitioner unless ~~certified~~ licensed to do so under the
5 provisions of this Subpart.

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

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

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

15 (7) Conduct or serve as an ~~assistant instructor~~ educator in conducting any
16 course claiming to prepare students for ~~certification~~ license as emergency medical
17 ~~personnel~~ services practitioner under the provisions of this Subpart, unless both the
18 course and the ~~instructor~~ educator have been approved by the bureau.

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

20 * * *

21 §1232.11. Exceptions

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

26 §1233. Civil immunity

27 A.(1) Any emergency medical ~~person~~ ~~certified~~ services practitioner,
28 licensed pursuant to the provisions of this Subpart who renders emergency medical
29 care to an individual while in the performance of his medical duties and following
30 the instructions of a physician shall not be individually liable to such an individual

1 for civil damages as a result of acts or omissions in rendering the emergency medical
 2 care, except for acts or omissions intentionally designed to harm, or for grossly
 3 negligent acts or omissions which result in harm to such an individual. Nothing
 4 herein shall relieve the driver of the emergency vehicle from liability arising from
 5 the operation or use of such vehicle.

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

13 B. Any physician who provides instructions to any emergency medical
 14 ~~personnel~~ **services practitioner** by use of electronic or other means of transmission
 15 in connection with the rendering of emergency medical services to an individual
 16 shall not be liable unto such ~~personnel~~ **practitioner** or to an individual or both for
 17 civil damages arising from his opinion, judgments, actions, or duties, except for acts
 18 or omissions intentionally designed to harm, or for grossly negligent acts or
 19 omissions which result in harm to the individual, while exercising that degree of skill
 20 and care ordinarily employed by members of his profession in good standing.

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

26 D. No registered nurse, ~~certified emergency medical technician~~ **licensed**
 27 **emergency medical services practitioner**, or other health professional licensed in
 28 Louisiana who supervises, instructs, or trains emergency medical ~~personnel~~ **services**
 29 **practitioners** in accordance with curricula developed or adopted by the bureau shall
 30 be liable for any civil damages arising out of the actions or negligence of the

1 emergency medical personnel whom he supervised, ~~instructed~~ **educated**, or trained.

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

8 §1234. Duties of emergency medical personnel

9 A.(1) A ~~certified~~ **licensed** emergency medical ~~technician=~~**basic** ~~services~~
10 **practitioner** may perform any of the following functions:

11 (a) ~~Rescue, first aid, resuscitation, and other services~~ **Services, treatment,**
12 **and procedures consistent with national EMS education standards that have**
13 **been approved and adopted by the bureau, and** to the extent that he has been
14 trained to perform such services ~~under the provisions of the National Standard EMT=~~
15 ~~Basic training curriculum developed and promulgated by the United States~~
16 ~~Department of Transportation that are adopted by the bureau.~~

17 (b) ~~When authorized by medical direction, an emergency medical technician=~~
18 ~~basic or an emergency medical technician-intermediate may administer or aid the~~
19 ~~patient in the administration of a dose of epinephrine from an auto-injector to treat~~
20 ~~allergic reaction and anaphylaxis.~~ **Administration of other drugs or procedures**
21 **for which the licensed emergency medical services practitioner has received**
22 **training, license, and approval by the commission and which may be considered**
23 **necessary by the ordering physician.**

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

30 (d) ~~Services which may be performed by a certified emergency medical~~

1 technician-paramedic, as provided in Subsection C of this Section, but only while he
 2 is enrolled in good standing in an approved emergency medical technician-paramedic
 3 clinical or field internship program and while he is under the direct supervision of
 4 a physician, registered nurse, certified emergency technician-paramedic, or other
 5 preceptor approved by the bureau.

6 (2) The functions authorized by Paragraph (1) of this Subsection may be
 7 performed by the certified **licensed** emergency medical technician-basic **services**
 8 **practitioner** under any of the following conditions:

9 (a) ~~While~~ **while** he is **caring for a patient or** at the scene of a medical or
 10 other emergency where voice contact is established with a physician and under the
 11 physician's order; **or under a protocol that has been approved by the local parish**
 12 **medical society or the emergency medical services practitioner's medical**
 13 **director, until voice communication with the physician is established.**

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

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

23 (a)(1) ~~Any services to the extent that he has been trained to perform such~~
 24 ~~services under the provisions of the National Standard EMT-Intermediate training~~
 25 ~~curriculum developed and promulgated by the United States Department of~~
 26 ~~Transportation that are adopted by the bureau~~ **Perform services, treatments, and**
 27 **procedures consistent with national EMS education standards that have been**
 28 **approved and adopted by the bureau, and to the extent that he has been trained**
 29 **to perform such services.**

30 (b) ~~Services which may be performed by a certified emergency medical~~

1 ~~technician-paramedic, as provided in Subsection C of this Section, but only while he~~
 2 ~~is enrolled in good standing in an approved emergency medical technician-paramedic~~
 3 ~~clinical or field internship program and while under the direct supervision of a~~
 4 ~~physician, registered nurse, certified emergency technician-paramedic, or other~~
 5 ~~preceptor approved by the bureau.~~

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

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

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

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

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

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

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

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

30 ~~(a) While his caring for a patient in a participating hospital under the direct~~

1 supervision of a physician.

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

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

8 ~~D. A certified first responder may perform any of the following functions:~~

9 (1) ~~Rescue, first aid, resuscitation, and other services to the extent that he has~~
 10 ~~been trained to perform such services under the provisions of the first responder~~
 11 ~~training curriculum developed and adopted by the bureau.~~

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

16 ~~EC.(1)~~ In a case of a life-threatening situation as determined by a ~~certified~~
 17 **licensed** emergency medical technician-intermediate or an emergency medical
 18 technician-paramedic **services practitioner**, when voice contact with a physician or
 19 ~~when telemetered electrocardiogram communication is delayed, not possible, or~~
 20 ~~when the delay in treatment could endanger the life of the patient, such a person may~~
 21 ~~render services, in accordance with a protocol that shall be established by the~~
 22 ~~emergency medical services committee or the executive committee of the parish or~~
 23 ~~component medical society, or its designee, until voice or telemetered~~
 24 ~~electrocardiogram communication can be established at the earliest possible time.~~

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

26 (a) ~~Cardiac arrest.~~

27 (b) ~~Ventricular tachycardia.~~

28 (c) ~~Supraventricular tachycardia.~~

29 (d) ~~Premature ventricular ectopy when greater than six per minute,~~
 30 ~~multifocal, bigeminal, occurring in bursts of two or more, falling on or close to the~~

1 T wave:

2 (e) ~~Severe, unrelieved, suspected cardiogenic chest pain, or suspected~~
3 ~~myocardial infarction:~~

4 (f) ~~Bradydysrhythmias:~~

5 (g) ~~Hypoglycemia:~~

6 (h) ~~Anaphylactic reactions:~~

7 (i) ~~Hypovolemic shock:~~

8 (j) ~~Unconsciousness, altered mental status, or respiratory depression from~~
9 ~~suspected drug overdose.~~

10 (k) ~~Treatment induced unconsciousness, altered mental status, hypotension,~~
11 ~~or respiratory depression from physician ordered or protocol appropriate paramedic~~
12 ~~administered narcotics:~~

13 (l) ~~Respiratory failure or respiratory arrest:~~

14 (m) ~~Active seizure:~~

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

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

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

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

30 **HE.** In the event that there is no organized or functional local parish medical

1 society in a parish of the state, the provisions of this Section which require the
 2 approval of an emergency medical service protocol by the local parish medical
 3 society or its designee may be performed by a parish or multiparish medical society
 4 which is adjacent or contiguous to the parish without an organized or functional local
 5 parish medical society. In the absence of such adjacent or contiguous parish or
 6 multiparish medical society, the district medical society shall approve an emergency
 7 medical service protocol for the parish without an organized or functional local
 8 parish medical society. In the event the district medical society does not approve an
 9 emergency medical service protocol for the parish without an organized or functional
 10 local parish medical society, the disaster and emergency medical services committee
 11 of the Louisiana State Medical Society shall approve an emergency medical service
 12 protocol for the parish without an organized or functional local parish medical
 13 society.

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

19 * * *

20 SUBPART C. EMERGENCY MEDICAL TRANSPORTATION

21 §1235. Qualifications to operate ambulances; equipment; penalty

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

26 (2)(a) No person or individual shall provide services in any capacity on any
 27 ambulance unless he is a ~~certified first responder, a certified emergency medical~~
 28 ~~technician, a licensed emergency medical responder, a licensed emergency medical~~
 29 ~~technician, a licensed advance emergency medical technician, a licensed~~
 30 ~~paramedic, a licensed respiratory therapist, a licensed nurse practitioner, a~~

1 licensed physician assistant, a licensed occupational therapist, a licensed
2 registered or practical nurse, or a physician.

3 * * *

4 (c) No individual shall provide services in any capacity on any ambulance
5 ~~unless he holds a cardiopulmonary resuscitation provider card issued by the~~
6 ~~American Heart Association or the American Red Cross~~ **without holding an**
7 **American Heart Association Health Care Provider, or American Red Cross**
8 **Professional Rescuer, or the equivalent cardio-pulmonary resuscitation**
9 **certification that has been approved by the Ambulance Standards Committee.**

10 (d) No individual shall transport any ill or injured person by ambulance
11 unless the sick or injured person is attended by a ~~certified emergency medical~~
12 ~~technician~~ **licensed emergency medical technician, a licensed advance emergency**
13 **medical technician, a licensed paramedic,** a registered nurse, or a physician in the
14 patient compartment.

15 * * *

16 §1235.1. Qualifications to operate emergency medical response vehicles; vehicle
17 requirements; equipment; penalties

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

23 (2) No person shall provide services in any capacity on an emergency
24 medical response vehicle unless he is ~~the holder of a certification by the Department~~
25 ~~of Health and Hospitals or its agent as a first responder; or a certification of an~~
26 ~~emergency medical technician issued by the National Registry of Emergency~~
27 ~~Medical Technicians~~ **at least a licensed emergency medical responder;** or a
28 **holder of a** certificate of licensure as a registered nurse or licensed practical nurse;
29 or is a physician or surgeon licensed to practice medicine by the Louisiana State
30 Board of Medical Examiners, **a licensed respiratory therapist, a licensed nurse**

1 **practitioner, a licensed physician assistant, or a licensed occupational therapist.**

2 No person shall provide services in any capacity **on these vehicles** without holding
3 ~~a valid certification of cardiopulmonary resuscitation issued by the American~~
4 ~~National Red Cross or the American Heart Association~~ **an American Heart**
5 **Association Health Care Provider, or American Red Cross Professional**
6 **Rescuer, or the equivalent cardio-pulmonary resuscitation certification that has**
7 **been approved by the Ambulance Standards Committee.**

8 * * *

9 §1236. Advanced emergency medical technicians

10 In addition to the requirements of R.S. 40:1235, any hospital, ancillary
11 medical facility, or ambulance service, whether public or private, may conduct a
12 program utilizing any ~~certified emergency medical technician-intermediate or~~
13 ~~certified emergency medical technician-paramedic~~ **services practitioner** to
14 supervise and direct the delivery of emergency medical care to the sick and injured
15 at the scene of an emergency during transport to a hospital, while in the hospital
16 emergency department, and until care responsibility is assumed by the regular
17 hospital staff.

18 * * *

19 §1236.13. Persons in possession of AED's; training, testing, and notification
20 requirements; manufacturer responsibility; possession required

21 * * *

22 B. Any person or entity that possesses an AED shall notify the bureau of
23 emergency medical services ~~in the office of public health~~ of the Department of
24 Health and Hospitals and a local provider of emergency medical services, such as
25 911 service, local ambulance service, or the fire department of the acquisition,
26 location, and type of AED.

27 * * *

28 F. ~~The office of public health within the~~ Department of Health and Hospitals;
29 ~~through its center for community health, emergency medical services~~ shall
30 promulgate all necessary rules and regulations to implement the provisions of

1 Subsections D and E of this Section. Such rules and regulations shall, at a minimum,
2 provide for compliance, enforcement, and penalties.

3 * * *

4 §1299.58.2. Definitions

5 As used in this Part, the following words shall have the meanings ascribed
6 to them unless the context clearly states otherwise:

7 * * *

8 (3) "~~Certified emergency medical technician~~" "**Licensed emergency**
9 **medical services practitioner**" means a ~~certified emergency medical technician~~
10 **licensed emergency medical services practitioner** as defined in R.S. 40:1231.

11 * * *

12 §1299.58.7. Physician, health care provider, ~~certified emergency technician, and~~
13 ~~certified first responder~~ **and licensed emergency medical services**
14 **practitioner** responsibility

15 * * *

16 E. ~~Certified emergency medical technicians and certified first responders~~
17 **Licensed emergency medical services practitioners** shall make a reasonable effort
18 to detect the presence of a do-not-resuscitate identification bracelet on the patient.

19 §1299.58.8. Immunity from liability

20 * * *

21 D.(1) A ~~certified emergency medical technician or a certified first responder~~
22 **licensed emergency medical services practitioner** shall not be subject to criminal
23 prosecution or civil liability for withholding life-sustaining procedures from a
24 qualified patient who is wearing a do-not-resuscitate identification bracelet.

25 (2) A ~~certified emergency medical technician or a certified first responder~~
26 **licensed emergency medical services practitioner** shall not be subject to criminal
27 prosecution or civil liability for administering life-sustaining procedures to a
28 qualified patient who is not wearing the do-not-resuscitate identification bracelet.

29 * * *

30 §1299.64.2. Definitions

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

3 * * *

4 (2) "~~Certified emergency medical technician~~" "**Licensed emergency**
5 **medical services practitioner**" means a ~~certified emergency medical technician~~
6 **licensed emergency medical services practitioner** as defined in R.S. 40:1231.

7 * * *

8 §1299.64.4. Physician, health care provider, ~~certified emergency technician, and~~
9 ~~certified first responder~~ **and licensed emergency medical services**
10 **practitioner** responsibility

11 * * *

12 D. ~~Certified emergency medical technicians and certified first responders~~
13 **Licensed emergency medical services practitioners** shall make a reasonable effort
14 to detect the presence of an executed LaPOST form.

15 §1299.64.5. Immunity from liability

16 * * *

17 B.(1) A ~~certified emergency medical technician or a certified first responder~~
18 **licensed emergency medical services practitioner** shall not be subject to criminal
19 prosecution or civil liability for withholding life-sustaining procedures from a
20 patient who has duly executed a LaPOST form.

21 (2) A ~~certified emergency medical technician or a certified first responder~~
22 **licensed emergency medical services practitioner** shall not be subject to criminal
23 prosecution or civil liability for administering life-sustaining procedures to a patient
24 who has duly executed a LaPOST form when there is no reasonable means by which
25 the ~~certified emergency medical technician or certified first responder~~ **licensed**
26 **emergency medical services practitioner** could know or should have known that
27 the patient had executed such LaPOST form, or as a result of transferring a patient
28 to a provider with which the provisions of this Part can be effectuated.

29 Section 3. R.S. 40:1236.3, 1299.58.2(4), and 1299.64.2(3) are hereby repealed in
30 their entirety.

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

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____