

HOUSE BILL 1223

Unofficial Copy
E4

2000 Regular Session
(01r2746)

ENROLLED BILL

-- *Environmental Matters/Economic and Environmental Affairs* --

Introduced by **Delegates Moe, Bozman, Conway, Frush, Glassman, Love,
Malone, Menes, Mitchell, O'Donnell, Parrott, Rudolph, Stull, and
Walkup**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER 174

1 AN ACT concerning

2 **Emergency Medical Services - Public Safety Personnel - Immunizations**

3 FOR the purpose of authorizing emergency medical technician-paramedics to
4 administer certain immunizations and tuberculosis skin testing in certain
5 environments to public safety personnel within their jurisdiction under certain
6 circumstances; defining a certain term; and generally relating to emergency
7 medical services.

8 BY repealing and reenacting, with amendments,
9 Article - Education
10 Section 13-516
11 Annotated Code of Maryland
12 (1999 Replacement Volume)

1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article - Education**

4 13-516.

5 (a) (1) In this section the following words have the meanings indicated.

6 (2) "Cardiac rescue technician" (CRT) means an individual who has:

7 (i) Completed a cardiac rescue technician course approved by the
8 EMS Board;

9 (ii) Demonstrated competence in medical protocols within this
10 State as determined by the EMS Board; and

11 (iii) Been examined by the EMS Board and licensed as a CRT by the
12 EMS Board.

13 (3) "Certificate" means a certificate issued by the EMS Board to provide
14 emergency medical services in the State, except where the context requires otherwise.

15 (4) "Emergency medical dispatcher" (EMD) means an individual who
16 has:

17 (i) Completed an emergency medical dispatcher course approved
18 by the EMS Board or its equivalent as determined by the EMS Board;

19 (ii) Demonstrated competence in medical protocols as determined
20 by the EMS Board; and

21 (iii) Been examined by the EMS Board or has been recognized as an
22 emergency medical dispatcher by an emergency medical dispatcher program
23 approved by the EMS Board and licensed as an emergency medical dispatcher by the
24 EMS Board.

25 (5) "Emergency medical services" means:

26 (i) Medical services provided prehospital to prevent imminent
27 death or aggravation of illness or injury whether or not transport to a hospital or
28 appropriate facility occurs;

29 (ii) Transport from the scene of a medical emergency to a hospital
30 or appropriate facility whether or not medical services are provided;

31 (iii) Medical interfacility transport services to an appropriate
32 facility; or

33 (iv) Medical interfacility critical care transport to an appropriate
34 facility.

1 (6) "Emergency medical services provider" means an individual licensed
2 or certified by the EMS Board as:

- 3 (i) A cardiac rescue technician;
- 4 (ii) An emergency medical dispatcher;
- 5 (iii) An emergency medical technician-ambulance;
- 6 (iv) An emergency medical technician-basic;
- 7 (v) An emergency medical technician-paramedic; or
- 8 (vi) A first responder.

9 (7) "Emergency medical technician-ambulance" (EMT-A) means an
10 individual who has:

- 11 (i) Completed an emergency medical technician-ambulance course
12 approved by the EMS Board;
- 13 (ii) Demonstrated competence in medical protocols as determined
14 by the EMS Board; and
- 15 (iii) Been examined by the EMS Board and certified as an EMT-A
16 by the EMS Board.

17 (8) "Emergency medical technician-basic" (EMT-B) means an individual
18 who has:

- 19 (i) Completed an emergency medical technician-basic course
20 approved by the EMS Board;
- 21 (ii) Demonstrated competence in medical protocols as determined
22 by the EMS Board; and
- 23 (iii) Been examined by the EMS Board and certified as an EMT-B
24 by the EMS Board.

25 (9) "Emergency medical technician-paramedic" (EMT-P) means an
26 individual who has:

- 27 (i) Completed an emergency medical technician-paramedic course
28 approved by the EMS Board;
- 29 (ii) Been tested and registered by the National Registry of
30 Emergency Medical Technicians, Inc. as an emergency medical
31 technician-paramedic;
- 32 (iii) Demonstrated competence in medical protocols within this
33 State as determined by the EMS Board; and

1 (iv) Been licensed as an EMT-P by the EMS Board.

2 (10) "First responder" means an individual who has:

3 (i) Completed a first responder course approved by the EMS
4 Board; and

5 (ii) Been examined by the EMS Board and certified as a first
6 responder by the EMS Board.

7 (11) "License" means a license issued by the EMS Board to provide
8 emergency medical services in the State, unless the context requires otherwise.

9 (12) (i) "Medical direction" means the written or oral instruction by a
10 licensed physician to perform specified medical procedures or administer specified
11 medications or intravenous solutions.

12 (ii) "Medical direction" includes the activities of a licensed
13 physician in the State serving as a medical director for an agency providing
14 emergency medical services including quality assurance, planning, and education.

15 (13) "National registry" means the nonproprietary, nongovernmental
16 agency that provides standardized national testing and registration for emergency
17 medical technicians based on national training standards.

18 (14) "Provider review panel" means the 13-member panel appointed by
19 the EMS Board in accordance with the provisions of subsection (e) of this section.

20 (15) "PUBLIC SAFETY PERSONNEL" MEANS:

21 (I) ANY CAREER OR VOLUNTEER MEMBER OF A FIRE, RESCUE OR
22 EMS DEPARTMENT, COMPANY, SQUAD OR AUXILIARY;

23 (II) ANY LAW ENFORCEMENT OFFICER; OR

24 ~~(H)~~ (III) THE STATE FIRE MARSHAL OR A SWORN MEMBER OF THE
25 STATE FIRE MARSHAL'S OFFICE.

26 (b) (1) Except as otherwise provided in this section, an individual may not
27 provide emergency medical services in the State unless issued a license or certificate
28 by the EMS Board under this section.

29 (2) This section does not apply to:

30 (i) An individual who:

31 1. Has completed an emergency medical services course or its
32 equivalent as determined by the EMS Board;

33 2. Is authorized to provide emergency medical services by
34 any state adjoining this State;

1 3. Is called on by a public safety agency providing emergency
2 medical services to render emergency medical services in this State or to transport
3 emergency patients from the adjoining state to a health care facility in this State;

4 4. Is providing emergency medical services within the scope
5 of the license or certificate issued to the individual by the other state; and

6 5. Is not affiliated with an emergency medical service in this
7 State or is not engaged in providing emergency medical services in this State on a
8 regular basis;

9 (ii) An individual who is enrolled in an emergency medical services
10 provider training program that meets the standards set by the EMS Board in the
11 course of that training;

12 (iii) An individual who is not engaged in providing emergency
13 medical services on a regular basis who provides emergency medical services at the
14 scene of a medical emergency in rare instances;

15 (iv) An individual who is a member of a volunteer fire or rescue
16 company and solely engaged in driving the emergency vehicle;

17 (v) An individual who assists an emergency medical services
18 provider but does not directly provide emergency medical services; or

19 (vi) An individual who has American Red Cross first aid training or
20 its equivalent and who provides services within the scope of that training, does not
21 respond to emergency calls, and does not transport patients.

22 (3) This subsection does not limit the right of an individual to practice a
23 health occupation that the individual is authorized to practice under the Health
24 Occupations Article.

25 (4) A person who violates any provision of this subsection is guilty of a
26 misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or
27 imprisonment not exceeding 1 year or both.

28 (c) (1) To apply for a license or certificate, an individual shall:

29 (i) Submit an application on the form that the EMS Board
30 requires; and

31 (ii) Pay to the EMS Board any application fee set by the EMS Board
32 under subsection (1) of this section.

33 (2) The EMS Board may not charge a licensing, certifying, testing, or
34 retesting fee to any individual who is a member or employee of any governmental or
35 volunteer fire, rescue, or emergency medical services company at the date of
36 application.

1 (3) The EMS Board shall provide for the term and renewal of licenses or
2 certificates issued under this section.

3 (d) (1) The EMS Board may adopt rules, regulations, protocols, orders, and
4 standards to carry out the provisions of this section.

5 (2) Any regulations of the EMS Board relating to the practice of medicine
6 shall be adopted jointly with the Board of Physician Quality Assurance.

7 (3) Any regulations of the EMS Board relating to the practice of nursing
8 shall be adopted in collaboration with the Board of Nursing.

9 (e) (1) (i) There is a provider review panel to the EMS Board.

10 (ii) The provider review panel shall be appointed by the EMS
11 Board.

12 (2) The provider review panel consists of 13 members, 11 voting
13 members appointed by the EMS Board and two nonvoting members.

14 (3) Eight of the appointed members shall be licensed or certified
15 emergency medical service providers who are actively providing emergency medical
16 services at the time of their appointment. Three shall be members of a governmental
17 fire, rescue, or emergency medical services company, three shall be members of a
18 volunteer fire, rescue, or emergency medical services company, one shall be an
19 employee of a commercial ambulance service, and one shall be an emergency medical
20 dispatcher. In appointing the provider representatives of the provider review panel,
21 the Board shall give consideration to providing for reasonable representation from
22 throughout the State.

23 (4) One of the appointed members shall be a physician appointed by the
24 Board of Physician Quality Assurance.

25 (5) One of the appointed members shall be a medical director with
26 emergency medical services experience.

27 (6) One of the appointed members shall be a representative of the
28 Medical and Chirurgical Faculty of the State of Maryland who has emergency medical
29 services experience.

30 (7) The Executive Director of the Institute and the State EMS Medical
31 Director shall serve as nonvoting ex officio members.

32 (8) The panel shall elect a chairman from among its members.

33 (9) The EMS Board shall adopt regulations for the selection,
34 appointment, and terms of the members of the panel, including providing for the
35 staggering of terms.

1 (10) (i) The provider review panel shall review patient care and other
2 allegations of misconduct against emergency medical services providers and provide
3 recommendations to the EMS Board for further action as necessary.

4 (ii) The provider review panel shall perform any other duty or
5 function that the EMS Board requires.

6 (f) Subject to the rules, regulations, protocols, orders, and standards of the
7 EMS Board and subject to medical direction, while providing emergency medical
8 services:

9 (1) A cardiac rescue technician, an emergency medical technician-A, an
10 emergency medical technician-B, or an emergency medical technician-P may:

11 (i) Perform specified medical procedures as authorized by the EMS
12 Board;

13 (ii) Administer specified medications or intravenous solutions; and

14 (iii) Provide emergency medical transport;

15 (2) (i) An emergency medical dispatcher may:

16 1. Perform medical interrogation in order to determine the
17 type and level of response required at the scene of a medical emergency;

18 2. Provide prearrival instructions including instructions in
19 cardiopulmonary resuscitation; and

20 (ii) Participation in emergency medical dispatch programs by
21 jurisdictions is totally voluntary; and

22 (3) A first responder:

23 (i) May perform specified medical procedures as defined by the
24 EMS Board; and

25 (ii) May not be the primary emergency medical services provider
26 during emergency medical transport.

27 (G) SUBJECT TO THE RULES, REGULATIONS, PROTOCOLS, ORDERS, AND
28 STANDARDS OF THE EMS BOARD, AN EMT-P MAY ADMINISTER INFLUENZA AND
29 HEPATITIS B IMMUNIZATIONS AND TUBERCULOSIS SKIN TESTING, IN A
30 NONEMERGENCY ENVIRONMENT, TO PUBLIC SAFETY PERSONNEL WITHIN THE
31 JURISDICTION OF THE EMT-P, IF THE SERVICES ARE:

32 (1) AUTHORIZED BY A WRITTEN AGREEMENT BETWEEN THE
33 PROVIDER'S JURISDICTIONAL EMS OPERATIONAL PROGRAM MEDICAL DIRECTOR
34 AND THE COUNTY OR CITY HEALTH DEPARTMENT IN WHOSE JURISDICTION THE
35 SERVICES ARE PERFORMED; ~~AND,~~ WHICH SHALL INCLUDE PROVISIONS FOR

1 DOCUMENTATION, REFERRAL AND FOLLOW-UP, AND STORAGE AND INVENTORY OF
 2 MEDICINE;

3 (2) UNDER THE DIRECTION OF THE JURISDICTIONAL EMS OPERATIONAL
 4 PROGRAM MEDICAL DIRECTOR; AND

5 (3) APPROVED BY THE INSTITUTE.

6 [(g)] (H) (1) Subject to the hearing provisions of subsection (h) of this section
 7 and as a result of any conduct of an emergency medical services provider or an
 8 applicant for a license or certificate under this section that is prohibited under the
 9 provisions of this section or any regulations adopted under this section, the EMS
 10 Board may:

11 (i) Reprimand or place an emergency medical services provider on
 12 probation;

13 (ii) Suspend or revoke the license or certificate of an emergency
 14 medical services provider;

15 (iii) Deny a license or certificate to an applicant; or

16 (iv) Refuse to renew an applicant's license or certificate.

17 (2) On the application of an individual whose license or certificate has
 18 been suspended or revoked, the EMS Board may reinstate a suspended or revoked
 19 license or certificate.

20 (3) (i) Unless the EMS Board agrees to accept the surrender of a
 21 license or certificate, a holder of a license or certificate may not surrender the license
 22 or certificate.

23 (ii) A license or certificate may not lapse by operation of law while
 24 the holder of the license or certificate is under investigation or while charges are
 25 pending against the holder of the license or certificate.

26 (4) The EMS Board may set conditions on its agreement with the holder
 27 of the license or certificate under investigation or against whom charges are pending
 28 to accept surrender of the license or certificate.

29 [(h)] (I) (1) The EMS Board may take action under subsection (g) of this
 30 section only after:

31 (i) A review and recommendation by the provider review panel;
 32 and

33 (ii) After the individual against whom the action is contemplated
 34 has had an opportunity for a hearing in accordance with the provisions of Title 10,
 35 Subtitle 2 of the State Government Article.

1 (2) The EMS Board may not proceed with disciplinary cases concerning
2 patient care except upon the affirmative recommendation of the provider review
3 panel.

4 (3) The individual may be represented at the hearing by counsel.

5 (4) Any person aggrieved by a decision of the EMS Board may take any
6 further appeal allowed under Title 10, Subtitle 2 of the State Government Article.

7 [(i)] (J) (1) The EMS Board shall refer to the Board of Nursing any
8 complaint about an emergency medical services provider who, in addition to being
9 licensed or certified by the EMS Board, is licensed as a registered nurse or licensed
10 practical nurse by the Board of Nursing.

11 (2) The Board of Nursing may investigate and discipline a registered
12 nurse or licensed practical nurse for a violation of this section and a violation of Title
13 8 of the Health Occupations Article.

14 (3) The Board of Nursing shall conduct any hearing required by this
15 section in accordance with § 8-317 of the Health Occupations Article.

16 (4) The EMS Board shall comply with any recommendation or order
17 issued by the Board of Nursing regarding the issuance of a license or certificate by the
18 EMS Board to an individual who is licensed as a registered nurse or licensed practical
19 nurse.

20 [(j)] (K) (1) The EMS Board may, over the signature of the chairman of the
21 EMS Board, Executive Director of the Institute, chairman of the provider review
22 panel, or State EMS Medical Director, issue subpoenas and administer oaths in
23 connection with any investigation under this section and any hearings or proceedings
24 before it.

25 (2) If, without lawful excuse, a person disobeys a subpoena of the EMS
26 Board or an order by the EMS Board to take an oath or to testify or answer a
27 question, a court of competent jurisdiction may punish the person for contempt.

28 (3) If, after due notice, the individual against whom an action is
29 contemplated fails or refuses to appear, the EMS Board may hear and determine the
30 matter.

31 (4) If the entry is necessary to carry out a duty under this section, any
32 duly authorized agent or investigator of the EMS Board may enter at any reasonable
33 hour a place of business of a licensed or certified emergency medical services provider
34 or public premises.

35 (5) The EMS Board may issue a cease and desist order or obtain
36 injunctive relief if a person provides emergency medical services without a license or
37 certificate.

1 [(k)] (L) (1) A person who violates any provision of this subsection is guilty
2 of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or
3 imprisonment not exceeding 1 year or both.

4 (2) Unless licensed or certified to provide emergency medical services
5 under this section, a person may not represent to the public that the person is
6 authorized to provide emergency medical services in this State.

7 (3) Unless licensed or certified to provide emergency medical services
8 under this section, a person may not use the terms "cardiac rescue technician",
9 "CRT", "emergency medical dispatcher", "EMD", "emergency medical technician",
10 "EMT-A", "EMT-B", "EMT-P", "paramedic", or "first responder" or any other words,
11 letters, or symbols with the intent to represent that the person is authorized to
12 provide emergency medical services.

13 [(l)] (M) (1) There is an EMS Board Provider Fund.

14 (2) Except as provided in paragraph (3) of this subsection, the EMS
15 Board may set reasonable fees for the initial issuance of licenses or certificates and its
16 other services.

17 (3) (i) The EMS Board may not charge an initial licensing fee, an
18 initial certifying fee, a fee for the renewal of a license, a fee for the renewal of a
19 certificate, a testing fee, or a retesting fee to an individual who is a member or
20 employee of any governmental or volunteer fire or rescue company at the time of that
21 individual's application.

22 (ii) The EMS Board shall pay all fees collected under the provisions
23 of this section to the Comptroller of the State.

24 (iii) The Comptroller of the State shall distribute the fees to the
25 EMS Board Provider Fund.

26 (4) The EMS Board Provider Fund shall be used exclusively to fund the
27 actual documented direct and indirect costs of fulfilling the statutory and regulatory
28 duties of the EMS Board as provided by the provisions of this section.

29 (5) (i) The EMS Board Provider Fund is a continuing, nonlapsing fund
30 and is not subject to § 7-302 of the State Finance and Procurement Article.

31 (ii) Any unspent portion of the EMS Board Provider Fund may not
32 be transferred or revert to the General Fund of the State but shall remain in the EMS
33 Board Provider Fund to be used for the purposes specified in this section.

34 [(m)] (N) (1) The EMS Board may delegate any portion of its authority under
35 this section to the Executive Director of the Institute unless specifically precluded by
36 statute.

37 (2) Notice of any delegation of authority made under this section shall be
38 published in the Maryland Register.

1 (3) The EMS Board may not delegate its authority to promulgate and
2 revise regulations, hear contested cases, or designate the provider review panel to the
3 Executive Director or the Institute.

4 (4) The EMS Board may delegate to the Office of Administrative
5 Hearings the authority to hear contested cases and issue recommendations.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2000.