

HOUSE BILL 215

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By: **Chair, Health and Government Operations Committee (By Request – Departmental – Maryland Institute for Emergency Medical Services Systems)**

Introduced and read first time: January 28, 2011

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **State Emergency Medical Services Board – Emergency Medical Services**
3 **Providers**

4 FOR the purpose of exempting certain law enforcement officers from certain
5 requirements relating to the provision of certain emergency medical services;
6 prohibiting the use of a certain term except under certain circumstances;
7 requiring the State Emergency Medical Services Board to adopt certain
8 regulations on or before a certain date; providing that certain emergency
9 medical services providers shall be deemed to be licensed or certified under this
10 Act until a certain event occurs; providing for a delayed effective date for certain
11 provisions of this Act; defining certain terms; altering and repealing certain
12 definitions; making certain conforming changes; and generally relating to
13 emergency medical services providers.

14 BY repealing and reenacting, with amendments,
15 Article – Education
16 Section 13–516
17 Annotated Code of Maryland
18 (2008 Replacement Volume and 2010 Supplement)

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

21 **Article – Education**

22 13–516.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (2) “Cardiac rescue technician” (CRT) means an individual who has:
- 2 (i) Completed a cardiac rescue technician course approved by
- 3 the EMS Board;
- 4 (ii) Demonstrated competence in medical protocols within this
- 5 State as determined by the EMS Board; and
- 6 (iii) Been examined by the EMS Board and licensed as a CRT by
- 7 the EMS Board.

8 (3) “Certificate” means a certificate issued by the EMS Board to

9 provide emergency medical services in the State, except where the context requires

10 otherwise.

11 (4) “Emergency medical dispatcher” (EMD) means an individual who

12 has:

13 (i) Completed an emergency medical dispatcher course

14 approved by the EMS Board or its equivalent as determined by the EMS Board;

15 (ii) Demonstrated competence in medical protocols as

16 determined by the EMS Board; and

17 (iii) Been examined by the EMS Board or has been recognized as

18 an emergency medical dispatcher by an emergency medical dispatcher program

19 approved by the EMS Board and licensed as an emergency medical dispatcher by the

20 EMS Board.

21 **(5) “EMERGENCY MEDICAL RESPONDER” MEANS AN INDIVIDUAL**

22 **WHO HAS:**

23 **(I) COMPLETED AN EMERGENCY MEDICAL RESPONDER**

24 **COURSE APPROVED BY THE EMS BOARD, OR ITS EQUIVALENT AS DETERMINED**

25 **BY THE EMS BOARD;**

26 **(II) DEMONSTRATED COMPETENCE IN MEDICAL**

27 **PROTOCOLS AS DETERMINED BY THE EMS BOARD;**

28 **(III) BEEN EXAMINED BY THE EMS BOARD OR BY A BASIC**

29 **LIFE SUPPORT EDUCATION PROGRAM APPROVED BY THE EMS BOARD; AND**

30 **(IV) BEEN CERTIFIED AS AN EMERGENCY MEDICAL**

31 **RESPONDER BY THE EMS BOARD.**

32 **[(5)] (6) “Emergency medical services” means:**

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

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

6 (iii) Medical interfacility transport services to an appropriate
7 facility; or

8 (iv) Medical interfacility critical care transport to an appropriate
9 facility.

10 **[(6)] (7)** “Emergency medical services provider” means an individual
11 licensed or certified by the EMS Board as:

12 (i) A cardiac rescue technician;

13 (ii) An emergency medical dispatcher;

14 (iii) **AN EMERGENCY MEDICAL RESPONDER;**

15 **(IV)** An emergency medical [technician–basic] **TECHNICIAN; OR**

16 **[(iv)] (v)** [An emergency medical technician–paramedic; or

17 (v) A first responder] **A PARAMEDIC.**

18 **[(7)] (8)** “Emergency medical [technician–basic] (EMT–B)]
19 **TECHNICIAN” (EMT)** means an individual who has:

20 (i) Completed an emergency medical [technician–basic]
21 **TECHNICIAN** course approved by the EMS Board;

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

24 (iii) Been examined by the EMS Board **OR BEEN EXAMINED**
25 **AND REGISTERED BY THE NATIONAL REGISTRY OF EMERGENCY MEDICAL**
26 **TECHNICIANS, INC. AS AN EMERGENCY MEDICAL TECHNICIAN** and certified as an
27 **[EMT–B] EMT** by the EMS Board.

28 **[(8)** “Emergency medical technician–paramedic” (EMT–P) means an
29 individual who has:

1 (i) Completed an emergency medical technician–paramedic
2 course approved by the EMS Board;

3 (ii) Been tested and registered by the National Registry of
4 Emergency Medical Technicians, Inc. as an emergency medical technician–paramedic;

5 (iii) Demonstrated competence in medical protocols within this
6 State as determined by the EMS Board; and

7 (iv) Been licensed as an EMT–P by the EMS Board.

8 (9) “First responder” means an individual who has:

9 (i) Completed a first responder course approved by the EMS
10 Board; and

11 (ii) Been examined by the EMS Board and certified as a first
12 responder by the EMS Board.]

13 [(10)] (9) “License” means a license issued by the EMS Board to
14 provide emergency medical services in the State, unless the context requires
15 otherwise.

16 [(11)] (10) (i) “Medical direction” means the written or oral
17 instruction by a licensed physician to perform specified medical procedures or
18 administer specified medications or intravenous solutions.

19 (ii) “Medical direction” includes the activities of a licensed
20 physician in the State serving as a medical director for an agency providing emergency
21 medical services including quality assurance, planning, and education.

22 [(12)] (11) “National registry” means the nonproprietary,
23 nongovernmental agency that provides standardized national testing and registration
24 for emergency medical technicians based on national training standards.

25 (12) “PARAMEDIC” MEANS AN INDIVIDUAL WHO HAS:

26 (I) COMPLETED A PARAMEDIC COURSE APPROVED BY THE
27 EMS BOARD;

28 (II) BEEN EXAMINED AND REGISTERED BY THE NATIONAL
29 REGISTRY OF EMERGENCY MEDICAL TECHNICIANS, INC. AS A PARAMEDIC;

30 (III) DEMONSTRATED COMPETENCE IN MEDICAL
31 PROTOCOLS WITHIN THIS STATE AS DETERMINED BY THE EMS BOARD; AND

1 **(IV) BEEN LICENSED AS A PARAMEDIC BY THE EMS BOARD.**

2 (13) “Provider review panel” means the 13–member panel appointed by
3 the EMS Board in accordance with the provisions of subsection (e) of this section.

4 (14) “Public safety personnel” means:

5 (i) Any career or volunteer member of a fire, rescue or EMS
6 department, company, squad or auxiliary;

7 (ii) Any law enforcement officer; or

8 (iii) The State Fire Marshal or a sworn member of the State Fire
9 Marshal’s office.

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

13 (2) This section does not apply to:

14 (i) An individual who:

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

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

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

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

25 5. Is not affiliated with an emergency medical service in
26 this State or is not engaged in providing emergency medical services in this State on a
27 regular basis;

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

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

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

6 (v) An individual who assists an emergency medical services
7 provider but does not directly provide emergency medical services; [or]

8 (vi) An individual who has American Red Cross first aid training
9 or its equivalent and who provides services within the scope of that training, does not
10 respond to emergency calls, and does not transport patients; **OR**

11 **(VII) A LAW ENFORCEMENT OFFICER WHO:**

12 **1. HAS SUCCESSFULLY COMPLETED A LAW**
13 **ENFORCEMENT EMERGENCY MEDICAL CARE COURSE APPROVED BY THE EMS**
14 **BOARD;**

15 **2. PROVIDES SERVICES WITHIN THE SCOPE OF THAT**
16 **TRAINING; AND**

17 **3. IS NOT DISPATCHED AS AN EMERGENCY MEDICAL**
18 **SERVICES PROVIDER.**

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

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

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

26 (i) Submit an application on the form that the EMS Board
27 requires; and

28 (ii) Pay to the EMS Board any application fee set by the EMS
29 Board under subsection (m) of this section.

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

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

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

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

7 (3) Any regulations of the EMS Board relating to the practice of
8 nursing 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 **EMS** Board shall give consideration to providing for reasonable representation
22 from throughout the State.

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

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.

1 (9) The EMS Board shall adopt regulations for the selection,
2 appointment, and terms of the members of the panel, including providing for the
3 staggering of terms.

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

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

9 (f) (1) Subject to the rules, regulations, protocols, orders, and standards
10 of the EMS Board and subject to medical direction, while providing emergency medical
11 services:

12 (i) A cardiac rescue technician, an emergency medical
13 **[technician–B] TECHNICIAN**, or **[an emergency medical technician–P] A PARAMEDIC**
14 may:

15 1. Perform specified medical procedures as authorized
16 by the EMS Board;

17 2. Administer specified medications or intravenous
18 solutions; and

19 3. Provide emergency medical transport;

20 (ii) An emergency medical dispatcher may:

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

23 2. Provide prearrival instructions including instructions
24 in cardiopulmonary resuscitation; and

25 (iii) **[A first] AN EMERGENCY MEDICAL** responder:

26 1. May perform specified medical procedures as defined
27 by the EMS Board; and

28 2. May not be the primary emergency medical services
29 provider during emergency medical transport.

30 (2) Participation in emergency medical dispatch programs by
31 jurisdictions is totally voluntary.

1 (g) Subject to the rules, regulations, protocols, orders, and standards of the
2 EMS Board, [an EMT-P] A PARAMEDIC may administer influenza and hepatitis B
3 immunizations and tuberculosis skin testing, in a nonemergency environment, to
4 public safety personnel within the jurisdiction of the [EMT-P] PARAMEDIC, if the
5 services are:

6 (1) Authorized by a written agreement between the provider's
7 jurisdictional EMS operational program medical director and the county or city health
8 department in whose jurisdiction the services are performed, which shall include
9 provisions for documentation, referral and follow-up, and storage and inventory of
10 medicine;

11 (2) Under the direction of the jurisdictional EMS operational program
12 medical director; and

13 (3) Approved by the Institute.

14 (h) (1) Subject to the hearing provisions of subsection (i) of this section
15 and as a result of any conduct of an emergency medical services provider or an
16 applicant for a license or certificate under this section that is prohibited under the
17 provisions of this section or any regulations adopted under this section, the EMS
18 Board may:

19 (i) Reprimand or place an emergency medical services provider
20 on probation;

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

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

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

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

28 (3) (i) Unless the EMS Board agrees to accept the surrender of a
29 license or certificate, a holder of a license or certificate may not surrender the license
30 or certificate.

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

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

4 (i) (1) The EMS Board may take action under subsection (h) of this
5 section only after:

6 (i) A review and recommendation by the provider review panel;
7 and

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

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

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

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

17 (j) (1) The EMS Board shall refer to the Board of Nursing any complaint
18 about an emergency medical services provider who, in addition to being licensed or
19 certified by the EMS Board, is licensed as a registered nurse or licensed practical
20 nurse by the Board of Nursing.

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

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

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

30 (k) (1) The EMS Board may, over the signature of the chairman of the
31 EMS Board, Executive Director of the Institute, chairman of the provider review
32 panel, or State EMS Medical Director, issue subpoenas and administer oaths in
33 connection with any investigation under this section and any hearings or proceedings
34 before it.

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

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

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

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

14 (1) (1) A person who violates any provision of this subsection is guilty of a
15 misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or
16 imprisonment not exceeding 1 year or both.

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

20 (3) Unless licensed or certified to provide emergency medical services
21 under this section, a person may not use the terms “cardiac rescue technician”, “CRT”,
22 “emergency medical dispatcher”, “EMD”, **“EMERGENCY MEDICAL RESPONDER”**,
23 “emergency medical technician”, [“EMT–B”, “EMT–P”,] “paramedic”, or [“first
24 responder” or] any other words, letters, or symbols with the intent to represent that
25 the person is authorized to provide emergency medical services.

26 (m) (1) There is an EMS Board Provider Fund.

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

30 (3) (i) The EMS Board may not charge an initial licensing fee, an
31 initial certifying fee, a fee for the renewal of a license, a fee for the renewal of a
32 certificate, a testing fee, or a retesting fee to an individual who is a member or
33 employee of any governmental or volunteer fire or rescue company at the time of that
34 individual’s application.

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

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

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

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

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

11 (n) (1) The EMS Board may delegate any portion of its authority under
12 this section to the Executive Director of the Institute unless specifically precluded by
13 statute.

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

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

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

21 SECTION 2. AND BE IT FURTHER ENACTED, That the State Emergency
22 Medical Services Board (EMS Board) shall adopt regulations necessary to implement
23 this Act on or before July 1, 2012.

24 SECTION 3. AND BE IT FURTHER ENACTED, That an emergency medical
25 services provider who is licensed or certified by the EMS Board prior to July 1, 2012,
26 shall be deemed licensed or certified under the provisions of this Act until the
27 expiration of the license or certification.

28 SECTION 4. AND BE IT FURTHER ENACTED, That Sections 1 and 3 of this
29 Act shall take effect July 1, 2012.

30 SECTION 5. AND BE IT FURTHER ENACTED, That, except as provided in
31 Section 4 of this Act, this Act shall take effect July 1, 2011.