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**By: Chairman, Environmental Matters Committee (Departmental - Md. Inst. of Emer. Medical Serv. Sys.)**

Introduced and read first time: February 6, 1996

Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Emergency Medical Services - Licensure of Providers - Transfer of Authority**

3 FOR the purpose of repealing the authority of the State Board of Physician Quality

4 Assurance as it relates to persons providing certain emergency medical services and  
5 transferring that authority to the Emergency Medical Services Board (EMS Board);  
6 providing that a person shall be licensed by the EMS Board before providing  
7 emergency medical services; providing exceptions to the licensing requirements of  
8 this Act; providing for licensing fees, subject to certain exceptions; specifying the  
9 types of services under this Act that licensees may perform; providing certain  
10 procedural due process provisions; authorizing the EMS Board to adopt certain  
11 regulations, take certain disciplinary actions, issue subpoenas, administer oaths,  
12 issue cease and desist orders, and seek injunctive relief; creating a provider review  
13 panel to be appointed by the EMS Board and specifying the duties of the panel;  
14 creating the Emergency Medical Systems Board Fund and specifying the purpose  
15 and funding of the Fund; defining terms; providing for a delayed effective date for  
16 certain provisions of this Act; and generally relating to the regulation and licensure  
17 of certain emergency medical services providers.

18 BY adding to

19 Article - Education  
20 Section 13-1D-16  
21 Annotated Code of Maryland  
22 (1992 Replacement Volume and 1995 Supplement)

23 BY repealing and reenacting, with amendments,

24 Article - Health Occupations  
25 Section 14-301 and 14-306(b)  
26 Annotated Code of Maryland  
27 (1994 Replacement Volume and 1995 Supplement)

28 BY repealing

29 Article - Health Occupations  
30 Section 14-303 and 14-305  
31 Annotated Code of Maryland

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1 (1994 Replacement Volume and 1995 Supplement)

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

4 **Article - Education**

5 13-1D-16.

6 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
7 INDICATED.

8 (2) "CARDIAC RESCUE TECHNICIAN" (CRT) MEANS AN INDIVIDUAL  
9 WHO:

10 (I) HAS COMPLETED A CARDIAC RESCUE TECHNICIAN COURSE  
11 APPROVED BY THE EMS BOARD;

12 (II) HAS DEMONSTRATED COMPETENCE IN MEDICAL PROTOCOLS  
13 AS DETERMINED BY THE EMS BOARD; AND

14 (III) HAS BEEN EXAMINED BY THE EMS BOARD AND LICENSED AS A  
15 CRT BY THE EMS BOARD.

16 (3) "EMERGENCY MEDICAL DISPATCHER" MEANS AN INDIVIDUAL WHO  
17 HAS:

18 (I) COMPLETED AN EMERGENCY MEDICAL DISPATCHER COURSE  
19 APPROVED BY THE EMS BOARD OR ITS EQUIVALENT AS DETERMINED BY THE EMS  
20 BOARD;

21 (II) DEMONSTRATED COMPETENCE IN MEDICAL PROTOCOLS AS  
22 DETERMINED BY THE EMS BOARD; AND

23 (III) BEEN EXAMINED BY THE EMS BOARD OR HAS BEEN  
24 RECOGNIZED AS AN EMERGENCY MEDICAL DISPATCHER BY AN EMERGENCY  
25 MEDICAL DISPATCH PROGRAM APPROVED BY THE EMS BOARD AND LICENSED AS  
26 AN EMERGENCY MEDICAL DISPATCHER BY THE EMS BOARD.

27 (4) "EMERGENCY MEDICAL SERVICES BOARD" (EMS BOARD) HAS THE  
28 MEANING STATED IN § 13-1D-01(F) OF THIS SUBTITLE.

29 (5) "EMERGENCY MEDICAL SERVICES PROVIDER" MEANS AN  
30 INDIVIDUAL LICENSED BY THE EMS BOARD AS:

31 (I) A CARDIAC RESCUE TECHNICIAN;

32 (II) AN EMERGENCY MEDICAL DISPATCHER;

33 (III) AN EMERGENCY MEDICAL TECHNICIAN-AMBULANCE;

34 (IV) AN EMERGENCY MEDICAL TECHNICIAN-BASIC;

35 (V) AN EMERGENCY MEDICAL TECHNICIAN-PARAMEDIC; OR

36 (VI) A FIRST RESPONDER.

3

1 (6) "EMERGENCY MEDICAL TECHNICIAN-AMBULANCE" (EMT-A)  
2 MEANS AN INDIVIDUAL WHO HAS:

3 (I) COMPLETED AN EMERGENCY MEDICAL  
4 TECHNICIAN-AMBULANCE COURSE APPROVED BY THE EMS BOARD;

5 (II) DEMONSTRATED COMPETENCE IN MEDICAL PROTOCOLS AS  
6 DETERMINED BY THE EMS BOARD; AND

7 (III) BEEN EXAMINED BY THE EMS BOARD AND LICENSED AS AN  
8 EMT-A BY THE EMS BOARD.

9 (7) "EMERGENCY MEDICAL TECHNICIAN-BASIC" (EMT-B) MEANS AN  
10 INDIVIDUAL WHO HAS:

11 (I) COMPLETED AN EMERGENCY MEDICAL TECHNICIAN-BASIC  
12 COURSE APPROVED BY THE EMS BOARD;

13 (II) DEMONSTRATED COMPETENCE IN MEDICAL PROTOCOLS AS  
14 DETERMINED BY THE EMS BOARD; AND

15 (III) BEEN EXAMINED BY THE EMS BOARD AND LICENSED AS AN  
16 EMT-B BY THE EMS BOARD.

17 (8) "EMERGENCY MEDICAL TECHNICIAN-PARAMEDIC" (EMT-P) MEANS  
18 AN INDIVIDUAL WHO HAS:

19 (I) COMPLETED AN EMERGENCY MEDICAL  
20 TECHNICIAN-PARAMEDIC COURSE AS APPROVED BY THE EMS BOARD;

21 (II) BEEN TESTED AND REGISTERED BY THE NATIONAL REGISTRY  
22 OF EMERGENCY MEDICAL TECHNICIANS, INC. AS AN EMERGENCY MEDICAL  
23 TECHNICIAN-PARAMEDIC;

24 (III) DEMONSTRATED COMPETENCE IN MEDICAL PROTOCOLS  
25 WITHIN THE STATE AS DETERMINED BY THE EMS BOARD; AND

26 (IV) BEEN LICENSED AS AN EMT-P BY THE EMS BOARD.

27 (9) "FIRST RESPONDER" MEANS AN INDIVIDUAL WHO HAS:

28 (I) COMPLETED A FIRST RESPONDER COURSE APPROVED BY THE  
29 EMS BOARD; AND

30 (II) BEEN EXAMINED BY THE EMS BOARD AND LICENSED AS A  
31 FIRST RESPONDER BY THE EMS BOARD.

32 (10) "INSTITUTE" MEANS THE MARYLAND INSTITUTE FOR EMERGENCY  
33 MEDICAL SERVICES SYSTEMS.

34 (11) "LICENSE" MEANS A LICENSE ISSUED BY THE EMS BOARD TO  
35 PROVIDE OUT-OF-HOSPITAL EMERGENCY MEDICAL SERVICES IN THE STATE.

36 (12) (I) "MEDICAL DIRECTION" MEANS THE WRITTEN OR ORAL  
37 INSTRUCTION BY A PHYSICIAN LICENSED BY THE STATE TO PERFORM CERTAIN

4  
1 MEDICAL PROCEDURES OR ADMINISTER CERTAIN MEDICATIONS OR INTRAVENOUS  
2 SOLUTIONS.

3 (II) "MEDICAL DIRECTION" INCLUDES THE ACTIVITIES OF A  
4 PHYSICIAN LICENSED BY THE STATE SERVING AS A MEDICAL DIRECTOR FOR AN  
5 AGENCY PROVIDING OUT-OF-HOSPITAL EMERGENCY MEDICAL SERVICES,  
6 INCLUDING QUALITY ASSURANCE, PLANNING, AND EDUCATION.

7 (13) "NATIONAL REGISTRY" MEANS THE NONPROPRIETARY,  
8 NONGOVERNMENTAL AGENCY THAT PROVIDES STANDARDIZED NATIONAL  
9 TESTING AND REGISTRATION FOR EMERGENCY MEDICAL TECHNICIANS BASED ON  
10 NATIONAL TRAINING STANDARDS.

11 (14) "OUT-OF-HOSPITAL EMERGENCY MEDICAL SERVICES" MEANS  
12 MEDICAL SERVICES PROVIDED OUT-OF-HOSPITAL TO PREVENT DEATH OR  
13 AGGRAVATION OF PHYSIOLOGICAL OR PSYCHOLOGICAL ILLNESS OR INJURY,  
14 INCLUDING TRANSPORTATION TO AN APPROPRIATE MEDICAL FACILITY.

15 (15) "PROVIDER REVIEW PANEL" MEANS THE 13 MEMBER PANEL  
16 APPOINTED BY THE EMS BOARD IN ACCORDANCE WITH THE PROVISIONS OF §  
17 13-1D-16(E).

18 (16) "PRACTICE" MEANS THE PRACTICE OF MEDICINE AS DEFINED IN §  
19 14-101(K) OF THE HEALTH OCCUPATIONS ARTICLE.

20 (B) (1) EXCEPT AS PROVIDED IN THIS SUBSECTION, AS OF JULY 1, 1997, AN  
21 INDIVIDUAL MAY NOT PROVIDE OUT-OF-HOSPITAL EMERGENCY MEDICAL  
22 SERVICES IN THE STATE UNLESS THE INDIVIDUAL IS ISSUED A LICENSE BY THE EMS  
23 BOARD UNDER THIS SECTION.

24 (2) THIS SUBSECTION DOES NOT APPLY:

25 (I) TO AN INDIVIDUAL WHO:

26 1. HAS COMPLETED AN OUT-OF-HOSPITAL EMERGENCY  
27 MEDICAL SERVICES COURSE OR ITS EQUIVALENT AS DETERMINED BY THE EMS  
28 BOARD;

29 2. IS AUTHORIZED TO PROVIDE OUT-OF-HOSPITAL  
30 EMERGENCY MEDICAL SERVICES BY ANY STATE ADJOINING THIS STATE;

31 3. IS CALLED ON BY A PUBLIC SAFETY AGENCY PROVIDING  
32 OUT-OF-HOSPITAL EMERGENCY MEDICAL SERVICES TO RENDER  
33 OUT-OF-HOSPITAL EMERGENCY MEDICAL SERVICES IN THIS STATE OR TO  
34 TRANSPORT EMERGENCY PATIENTS FROM THE ADJOINING STATE TO A HEALTH  
35 CARE FACILITY IN THIS STATE;

36 4. IS PROVIDING OUT-OF-HOSPITAL EMERGENCY MEDICAL  
37 SERVICES WITHIN THE SCOPE OF THE LICENSE ISSUED TO THE INDIVIDUAL BY THE  
38 OTHER STATE; AND

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1                               5. IS NOT AFFILIATED WITH AN EMERGENCY MEDICAL  
2 SERVICE IN THIS STATE OR IS NOT ENGAGED IN PROVIDING OUT-OF-HOSPITAL  
3 EMERGENCY MEDICAL SERVICES IN THIS STATE ON A REGULAR BASIS; OR

4                               (II) TO AN INDIVIDUAL WHO IS ENROLLED IN AN EMERGENCY  
5 MEDICAL SERVICES PROVIDER TRAINING PROGRAM THAT MEETS THE STANDARDS  
6 SET BY THE EMS BOARD IN THE COURSE OF THAT TRAINING;

7                               (III) TO AN INDIVIDUAL WHO IS NOT ENGAGED IN PROVIDING  
8 OUT-OF-HOSPITAL EMERGENCY MEDICAL SERVICES ON A REGULAR BASIS WHO  
9 PROVIDES OUT-OF-HOSPITAL EMERGENCY MEDICAL SERVICES AT THE SCENE OF A  
10 MEDICAL EMERGENCY IN RARE INSTANCES; OR

11                              (IV) TO INDIVIDUALS WHO ARE MEMBERS OF A VOLUNTEER FIRE  
12 OR RESCUE COMPANY AND SOLELY ENGAGED IN DRIVING AN EMERGENCY  
13 VEHICLE OF THE VOLUNTEER FIRE OR RESCUE COMPANY.

14                              (3) THIS SUBSECTION DOES NOT LIMIT THE RIGHT OF AN INDIVIDUAL  
15 TO PRACTICE A HEALTH OCCUPATION THAT THE INDIVIDUAL IS AUTHORIZED TO  
16 PRACTICE UNDER THE HEALTH OCCUPATIONS ARTICLE.

17                              (C) (1) TO APPLY FOR A LICENSE AN INDIVIDUAL SHALL:

18                              (I) SUBMIT AN APPLICATION ON THE FORM THAT THE EMS BOARD  
19 REQUIRES; AND

20                              (II) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,  
21 PAY TO THE EMS BOARD ANY APPLICATION FEE SET BY THE EMS BOARD.

22                              (2) A LICENSING FEE MAY NOT BE IMPOSED ON OR COLLECTED FROM  
23 ANY INDIVIDUALS WHO ARE CURRENT AND ACTIVE MEMBERS OF ANY  
24 GOVERNMENTAL OR VOLUNTEER FIRE, RESCUE, OR EMERGENCY MEDICAL  
25 SERVICES COMPANY AT THE TIME OF THE APPLICATION OF THAT INDIVIDUAL.

26                              (3) THE EMS BOARD SHALL PROVIDE FOR THE TERM AND RENEWAL OF  
27 LICENSES UNDER THIS SUBSECTION.

28                              (D) THE EMS BOARD MAY ADOPT RULES, REGULATIONS, PROTOCOLS,  
29 ORDERS, AND STANDARDS TO CARRY OUT THE PROVISIONS OF THIS SECTION.

30                              (E) (1) (I) THERE IS A PROVIDER REVIEW PANEL TO THE EMS BOARD.

31                              (II) THE REVIEW PANEL SHALL BE APPOINTED BY THE EMS  
32 BOARD.

33                              (2) THE PROVIDER REVIEW BOARD CONSISTS OF 13 MEMBERS, 11  
34 VOTING MEMBERS APPOINTED BY THE EMS BOARD AND 2 NONVOTING MEMBERS.

35                              (3) OF THE 11 APPOINTED MEMBERS:

36                              (I) 8 SHALL BE CERTIFIED OR LICENSED EMERGENCY MEDICAL  
37 SERVICES PROVIDERS WHO ARE ACTIVELY PROVIDING OUT-OF-HOSPITAL  
38 EMERGENCY MEDICAL SERVICES AT THE TIME OF THEIR APPOINTMENT;

1 1. OF THE 8 PROVIDER MEMBERS, 3 SHALL BE MEMBERS OF  
2 A GOVERNMENTAL FIRE, RESCUE, OR EMERGENCY MEDICAL SERVICES COMPANY, 3  
3 SHALL BE MEMBERS OF A VOLUNTEER FIRE, RESCUE, OR EMERGENCY MEDICAL  
4 SERVICES COMPANY, 1 SHALL BE AN EMPLOYEE OF A COMMERCIAL AMBULANCE  
5 SERVICE, AND 1 SHALL BE AN EMERGENCY MEDICAL DISPATCHER;

6 2. IN APPOINTING THE PROVIDER REPRESENTATIVES OF  
7 THE PROVIDER REVIEW PANEL, THE BOARD SHALL GIVE CONSIDERATION TO  
8 PROVIDING FOR GEOGRAPHICAL REPRESENTATION OF THE STATE;

9 (II) 1 SHALL BE A REPRESENTATIVE OF THE STATE BOARD OF  
10 PHYSICIAN QUALITY ASSURANCE;

11 (III) 1 SHALL BE A MEDICAL DIRECTOR WITH EMERGENCY  
12 MEDICAL SERVICES EXPERIENCE; AND

13 (IV) 1 SHALL BE A MEMBER OF THE EMS BOARD.

14 (4) THE NONVOTING MEMBERS SHALL BE EX OFFICIO, THE EXECUTIVE  
15 DIRECTOR OF THE INSTITUTE AND THE STATE EMS MEDICAL DIRECTOR.

16 (5) THE PANEL SHALL ELECT A CHAIR FROM AMONG ITS MEMBERSHIP.

17 (6) THE EMS BOARD SHALL DEVELOP REGULATIONS FOR THE  
18 SELECTION, APPOINTMENT, AND TERMS OF THE PANEL, INCLUDING PROVIDING FOR  
19 THE STAGGERING OF TERMS.

20 (7) (I) THE PROVIDER REVIEW PANEL SHALL REVIEW PATIENT CARE  
21 AND OTHER ALLEGATIONS OF MISCONDUCT AGAINST OUT-OF-HOSPITAL  
22 EMERGENCY MEDICAL SERVICES PROVIDERS AND PROVIDE RECOMMENDATIONS  
23 TO THE EMS BOARD FOR FURTHER ACTION AS NECESSARY.

24 (II) THE PROVIDER REVIEW PANEL SHALL PERFORM ANY OTHER  
25 DUTY OR FUNCTION THAT THE EMS BOARD REQUIRES.

26 (F) SUBJECT TO THE RULES, REGULATIONS, PROTOCOLS, ORDERS, AND  
27 STANDARDS OF THE EMS BOARD AND SUBJECT TO MEDICAL DIRECTION WHILE  
28 PROVIDING OUT-OF-HOSPITAL EMERGENCY MEDICAL SERVICES:

29 (1) A CARDIAC RESCUE TECHNICIAN, AN EMERGENCY MEDICAL  
30 TECHNICIAN-A, AN EMERGENCY MEDICAL TECHNICIAN-B, OR AN EMERGENCY  
31 MEDICAL TECHNICIAN-P MAY:

32 (I) PERFORM CERTAIN MEDICAL PROCEDURES AS AUTHORIZED  
33 BY THE EMS BOARD;

34 (II) ADMINISTER CERTAIN MEDICATIONS OR INTRAVENOUS  
35 SOLUTIONS; AND

36 (III) PROVIDE EMERGENCY MEDICAL TRANSPORT;

37 (2) (I) AN EMERGENCY MEDICAL DISPATCHER MAY:

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1                           1. PERFORM MEDICAL INTERROGATION IN ORDER TO  
2 DETERMINE THE TYPE AND LEVEL OF RESPONSE REQUIRED AT THE SCENE OF A  
3 MEDICAL EMERGENCY; AND

4                           2. PROVIDE PRE-ARRIVAL INSTRUCTIONS INCLUDING  
5 INSTRUCTIONS IN CARDIOPULMONARY RESUSCITATION;

6                           (II) PARTICIPATION IN EMERGENCY MEDICAL DISPATCH  
7 PROGRAMS BY JURISDICTIONS IS VOLUNTARY; AND

8                           (3) A FIRST RESPONDER:

9                           (I) MAY PERFORM CERTAIN MEDICAL PROCEDURES AS DEFINED  
10 BY THE EMS BOARD; AND

11                          (II) MAY NOT BE THE PRIMARY OUT-OF-HOSPITAL EMERGENCY  
12 MEDICAL SERVICES PROVIDER DURING EMERGENCY MEDICAL TRANSPORT.

13                          (G) (1) SUBJECT TO THE HEARING PROVISIONS OF SUBSECTION (H) OF THIS  
14 SECTION AND AS A RESULT OF ANY CONDUCT OF AN EMERGENCY MEDICAL  
15 SERVICES PROVIDER OR AN APPLICANT FOR A LICENSE UNDER THIS SECTION THAT  
16 IS PROHIBITED UNDER THE PROVISIONS OF THIS SECTION OR ANY REGULATIONS  
17 ADOPTED UNDER THIS SECTION, THE EMS BOARD MAY:

18                          (I) REPRIMAND OR PLACE AN EMERGENCY MEDICAL SERVICES  
19 PROVIDER ON PROBATION;

20                          (II) SUSPEND OR REVOKE THE LICENSE OF AN EMERGENCY  
21 MEDICAL SERVICES PROVIDER;

22                          (III) DENY A LICENSE TO AN APPLICANT; OR

23                          (IV) REFUSE TO RENEW AN APPLICANT'S LICENSE.

24                          (2) ON THE APPLICATION OF AN INDIVIDUAL WHOSE LICENSE HAS  
25 BEEN SUSPENDED OR REVOKED, THE EMS BOARD MAY REINSTATE A SUSPENDED  
26 OR REVOKED LICENSE.

27                          (3) UNLESS THE EMS BOARD AGREES TO ACCEPT THE SURRENDER OF A  
28 LICENSE, A LICENSEE MAY NOT SURRENDER THE LICENSE NOR MAY THE LICENSE  
29 LAPSE BY OPERATION OF LAW WHILE THE LICENSEE IS UNDER INVESTIGATION OR  
30 WHILE CHARGES ARE PENDING AGAINST THE LICENSEE.

31                          (4) THE EMS BOARD MAY SET CONDITIONS ON ITS AGREEMENT WITH  
32 THE LICENSEE UNDER INVESTIGATION OR AGAINST WHOM CHARGES ARE PENDING  
33 TO ACCEPT SURRENDER OF THE LICENSE.

34                          (H) (1) THE EMS BOARD MAY TAKE ACTION UNDER SUBSECTION (G) OF  
35 THIS SECTION ONLY AFTER:

36                          (I) A REVIEW AND RECOMMENDATION BY THE PROVIDER  
37 REVIEW PANEL; AND

1 (II) AFTER THE INDIVIDUAL AGAINST WHOM THE ACTION IS  
2 CONTEMPLATED HAS HAD AN OPPORTUNITY FOR A HEARING IN ACCORDANCE  
3 WITH THE PROVISIONS OF TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT  
4 ARTICLE.

5 (2) THE EMS BOARD MAY NOT PROCEED WITH DISCIPLINARY CASES  
6 CONCERNING PATIENT CARE EXCEPT UPON THE AFFIRMATIVE RECOMMENDATION  
7 OF THE PROVIDER REVIEW PANEL.

8 (3) THE INDIVIDUAL MAY BE REPRESENTED AT THE HEARING BY  
9 COUNSEL.

10 (4) ANY PERSON AGGRIEVED BY A DECISION OF THE EMS BOARD MAY  
11 TAKE ANY FURTHER APPEAL ALLOWED BY TITLE 10, SUBTITLE 2 OF THE STATE  
12 GOVERNMENT ARTICLE.

13 (I) (1) THE EMS BOARD MAY, OVER THE SIGNATURE OF THE CHAIR OF THE  
14 EMS BOARD, EXECUTIVE DIRECTOR OF THE INSTITUTE, CHAIR OF THE PROVIDER  
15 REVIEW PANEL, OR THE STATE EMS MEDICAL DIRECTOR, ISSUE SUBPOENAS AND  
16 ADMINISTER OATHS IN CONNECTION WITH ANY INVESTIGATION UNDER THIS  
17 SECTION AND ANY HEARINGS OR PROCEEDINGS BEFORE IT.

18 (2) IF, WITHOUT LAWFUL EXCUSE, A PERSON DISOBEYS A SUBPOENA OF  
19 THE EMS BOARD OR AN ORDER BY THE BOARD TO TAKE AN OATH OR TO TESTIFY  
20 OR ANSWER A QUESTION, A COURT OF COMPETENT JURISDICTION MAY PUNISH THE  
21 PERSON FOR CONTEMPT.

22 (3) IF, AFTER DUE NOTICE, THE INDIVIDUAL AGAINST WHOM AN  
23 ACTION IS CONTEMPLATED FAILS OR REFUSES TO APPEAR, THE EMS BOARD MAY  
24 HEAR AND DETERMINE THE MATTER.

25 (4) IF ENTRY IS NECESSARY TO CARRY OUT A DUTY UNDER THIS TITLE,  
26 ANY DULY AUTHORIZED AGENT OR INVESTIGATOR OF THE BOARD MAY ENTER AT  
27 ANY REASONABLE HOUR A PLACE OF BUSINESS OF A LICENSED EMERGENCY  
28 MEDICAL SERVICES PROVIDER OR PUBLIC PREMISES.

29 (5) THE EMS BOARD MAY ISSUE A CEASE AND DESIST ORDER OR  
30 OBTAIN INJUNCTIVE RELIEF FOR PROVIDING OUT-OF-HOSPITAL EMERGENCY  
31 MEDICAL SERVICES WITHOUT A LICENSE.

32 (J) AFTER JULY 1, 1997:

33 (1) A PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION IS  
34 GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT  
35 EXCEEDING \$1,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH;

36 (2) UNLESS LICENSED TO PROVIDE OUT-OF-HOSPITAL EMERGENCY  
37 MEDICAL SERVICES UNDER THIS SECTION, A PERSON MAY NOT REPRESENT TO THE  
38 PUBLIC THAT THE PERSON IS AUTHORIZED TO PROVIDE OUT-OF-HOSPITAL  
39 EMERGENCY MEDICAL SERVICES IN THIS STATE; AND

40 (3) UNLESS LICENSED TO PROVIDE OUT-OF-HOSPITAL EMERGENCY  
41 MEDICAL SERVICES UNDER THIS SECTION, A PERSON MAY NOT USE THE TERMS



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1 "CARDIAC RESCUE TECHNICIAN", "CRT", "EMERGENCY MEDICAL DISPATCHER",  
2 "EMD", "EMERGENCY MEDICAL TECHNICIAN", "EMT-A", "EMT-B", "EMT-P",  
3 "PARAMEDIC", "FIRST RESPONDER", OR ANY OTHER WORDS, LETTERS, OR SYMBOLS  
4 WITH THE INTENT TO REPRESENT THAT THE PERSON IS AUTHORIZED TO PROVIDE  
5 OUT-OF-HOSPITAL EMERGENCY MEDICAL SERVICES.

6 (K) (1) THERE IS AN EMS BOARD FUND.

7 (2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE  
8 EMS BOARD MAY SET REASONABLE FEES FOR THE INITIAL ISSUANCE OF LICENSES  
9 AND ITS OTHER SERVICES.

10 (3) A LICENSING FEE MAY NOT BE IMPOSED ON OR COLLECTED FROM  
11 ANY INDIVIDUAL WHO IS A CURRENT AND ACTIVE MEMBER OF ANY  
12 GOVERNMENTAL OR VOLUNTEER FIRE OR RESCUE COMPANY AT THE TIME OF  
13 THAT INDIVIDUAL'S APPLICATION:

14 (I) THE EMS BOARD SHALL PAY ALL FEES COLLECTED UNDER  
15 THE PROVISIONS OF THIS SECTION TO THE COMPTROLLER OF THE STATE; AND

16 (II) THE COMPTROLLER OF THE STATE SHALL DISTRIBUTE THE  
17 FEES TO THE EMS BOARD FUND.

18 (4) THE EMS BOARD FUND SHALL BE USED EXCLUSIVELY TO FUND THE  
19 ACTUAL DOCUMENTED DIRECT AND INDIRECT COSTS OF FULFILLING THE  
20 STATUTORY AND REGULATORY DUTIES OF THE EMS BOARD AS PROVIDED BY THE  
21 PROVISIONS OF THIS SECTION.

22 (5) (I) THE EMS BOARD FUND IS A CONTINUING, NONLAPSING FUND  
23 AND IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT  
24 ARTICLE.

25 (II) ANY UNSPENT PORTION OF THE EMS BOARD FUND MAY NOT  
26 BE TRANSFERRED OR REVERT TO THE GENERAL FUND OF THE STATE BUT SHALL  
27 REMAIN IN THE EMS BOARD FUND TO BE USED FOR THE PURPOSES SPECIFIED IN  
28 THIS SECTION.

29 (L) (1) THE EMS BOARD MAY DELEGATE ANY PORTION OF ITS AUTHORITY  
30 UNDER THIS SECTION TO THE EXECUTIVE DIRECTOR UNLESS SPECIFICALLY  
31 PRECLUDED BY STATUTE.

32 (2) NOTICE OF ANY DELEGATION MADE UNDER THIS SUBSECTION  
33 SHALL BE PUBLISHED IN THE MARYLAND REGISTER.

34 (3) THE EMS BOARD MAY NOT DELEGATE ITS AUTHORITY TO ADOPT  
35 AND REVISE REGULATIONS, HEAR CONTESTED CASES, OR DESIGNATE THE  
36 PROVIDER REVIEW PANEL TO THE EXECUTIVE DIRECTOR OR THE INSTITUTE.

37 (4) THE EMS BOARD MAY DELEGATE TO THE OFFICE OF  
38 ADMINISTRATIVE HEARINGS THE AUTHORITY TO HEAR CONTESTED CASES AND  
39 ISSUE RECOMMENDATIONS.

10

1           **Article - Health Occupations**

2 14-301.

3           Except as otherwise provided in this title OR § 13-1D-16 OF THE EDUCATION  
4 ARTICLE, an individual shall be licensed by the Board before the individual may practice  
5 medicine in this State.

6 14-306.

7           (b) The individuals to whom duties may be delegated under this section include  
8 any individual authorized to practice any other health occupation regulated under this  
9 article OR § 13-1D-16 OF THE EDUCATION ARTICLE.

10           SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 14-303 and  
11 14-305 of Article - Health Occupations of the Annotated Code of Maryland be repealed.

12           SECTION 3. AND BE IT FURTHER ENACTED, That the EMS Board shall  
13 adopt the regulations necessary to implement this Act by July 1, 1997.

14           SECTION 4. AND BE IT FURTHER ENACTED, That any emergency medical  
15 services provider certified by the EMS Board or the State Board of Physician Quality  
16 Assurance before July 1, 1997 shall be deemed to be licensed under the provisions of this  
17 Act until the expiration of the provider's certification.

18           SECTION 5. AND BE IT FURTHER ENACTED, That Section 2 of this Act  
19 shall take effect July 1, 1997.

20           SECTION 6. AND BE IT FURTHER ENACTED, That Sections 1, 3, and 4 of  
21 this Act shall take effect July 1, 1996.