
By: Chairman, Economic and Environmental Affairs Committee (Departmental - Md. Inst. of Emer. Medical Serv. Sys.)

Requested: October 12, 1995

Introduced and read first time: January 10, 1996

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Emergency Medical Services - Emergency Medical Services Providers**

3 FOR the purpose of transferring the authority of the Board of PhysicianQuality
4 Assurance, as it relates to persons providing certain emergency medical services, to
5 the Maryland Institute for Emergency Medical Services Systems; requiring a person
6 to have a license before providing certain emergency medical services; authorizing
7 the Maryland Institute for Emergency Medical Services Systems to adopt certain
8 regulations; authorizing the Maryland Institute for Emergency Medical Services
9 Systems to take certain disciplinary actions; providing for a certain delayed effective
10 date for certain provisions of this Act; defining certain terms; andgenerally relating
11 to the regulation of the provision of certain emergency medical services and the
12 Maryland Institute for Emergency Medical Services Systems.

13 BY adding to

14 Article - Education
15 Section 13-1D-16
16 Annotated Code of Maryland
17 (1992 Replacement Volume and 1995 Supplement)

18 BY repealing and reenacting, with amendments,

19 Article - Health Occupations
20 Section 14-301 and 14-306(b)
21 Annotated Code of Maryland
22 (1994 Replacement Volume and 1995 Supplement)

23 BY repealing

24 Article - Health Occupations
25 Section 14-303 and 14-305
26 Annotated Code of Maryland
27 (1994 Replacement Volume and 1995 Supplement)

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

2

1 **Article - Education**

2 13-1D-16.

3 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
4 INDICATED.

5 (2) "CARDIAC RESCUE TECHNICIAN" (CRT) MEANS AN INDIVIDUAL
6 WHO:

7 (I) HAS COMPLETED A COURSE APPROVED BY THE INSTITUTE;

8 (II) HAS DEMONSTRATED COMPETENCE IN MEDICAL PROTOCOLS
9 AS DETERMINED BY THE INSTITUTE; AND

10 (III) HAS BEEN EXAMINED BY THE INSTITUTE AND LICENSED AS A
11 CRT BY THE INSTITUTE.

12 (3) "EMERGENCY MEDICAL DISPATCHER" MEANS AN INDIVIDUAL WHO:

13 (I) HAS COMPLETED A COURSE APPROVED BY THE INSTITUTE;

14 (II) HAS DEMONSTRATED COMPETENCE IN MEDICAL PROTOCOLS
15 AS DETERMINED BY THE INSTITUTE; AND

16 (III) HAS BEEN EXAMINED BY THE INSTITUTE AND LICENSED AS AN
17 EMERGENCY MEDICAL DISPATCHER BY THE INSTITUTE.

18 (4) "EMERGENCY MEDICAL SERVICES" MEANS IMMEDIATE MEDICAL
19 SERVICES PROVIDED OUT-OF-HOSPITAL TO PREVENT DEATH OR AGGRAVATION OF
20 PHYSIOLOGICAL OR PSYCHOLOGICAL ILLNESS OR INJURY, INCLUDING
21 TRANSPORTATION TO AN APPROPRIATE MEDICAL FACILITY.

22 (5) "EMERGENCY MEDICAL SERVICES PROVIDER" MEANS AN
23 INDIVIDUAL LICENSED BY THE INSTITUTE AS:

24 (I) A CARDIAC RESCUE TECHNICIAN;

25 (II) AN EMERGENCY MEDICAL DISPATCHER;

26 (III) AN EMERGENCY MEDICAL TECHNICIAN - AMBULANCE;

27 (IV) AN EMERGENCY MEDICAL TECHNICIAN - BASIC;

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

29 (VI) A FIRST RESPONDER.

30 (6) "EMERGENCY MEDICAL TECHNICIAN - AMBULANCE" (EMT-A)
31 MEANS AN INDIVIDUAL WHO:

32 (I) HAS COMPLETED A COURSE APPROVED BY THE INSTITUTE;

33 (II) HAS DEMONSTRATED COMPETENCE IN MEDICAL PROTOCOLS
34 AS DETERMINED BY THE INSTITUTE; AND

3

1 (III) HAS BEEN EXAMINED BY THE INSTITUTE AND LICENSED AS AN
2 EMT-A BY THE INSTITUTE.

3 (7) "EMERGENCY MEDICAL TECHNICIAN - BASIC" (EMT-B) MEANS AN
4 INDIVIDUAL WHO:

5 (I) HAS COMPLETED A COURSE APPROVED BY THE INSTITUTE;

6 (II) HAS DEMONSTRATED COMPETENCE IN MEDICAL PROTOCOLS
7 AS DETERMINED BY THE INSTITUTE; AND

8 (III) HAS BEEN EXAMINED BY THE INSTITUTE AND LICENSED AS AN
9 EMT-B BY THE INSTITUTE.

10 (8) "EMERGENCY MEDICAL TECHNICIAN - PARAMEDIC" (EMT-P)
11 MEANS AN INDIVIDUAL WHO:

12 (I) HAS COMPLETED AN EMERGENCY MEDICAL TECHNICIAN -
13 PARAMEDIC COURSE AS APPROVED BY THE INSTITUTE;

14 (II) HAS BEEN TESTED AND REGISTERED BY THE NATIONAL
15 REGISTRY OF EMERGENCY MEDICAL TECHNICIANS, INC. AS AN EMERGENCY
16 MEDICAL TECHNICIAN - PARAMEDIC;

17 (III) HAS DEMONSTRATED COMPETENCE IN MEDICAL PROTOCOLS
18 WITHIN THIS STATE AS DETERMINED BY THE INSTITUTE; AND

19 (IV) HAS BEEN LICENSED AS AN EMT-P BY THE INSTITUTE.

20 (9) "FIRST RESPONDER" MEANS AN INDIVIDUAL WHO:

21 (I) HAS COMPLETED A COURSE APPROVED BY THE INSTITUTE;
22 AND

23 (II) HAS BEEN EXAMINED BY THE INSTITUTE AND LICENSED AS A
24 FIRST RESPONDER BY THE INSTITUTE.

25 (10) "LICENSE" MEANS A LICENSE ISSUED BY THE INSTITUTE TO
26 PROVIDE EMERGENCY MEDICAL SERVICES IN THE STATE.

27 (11) "MEDICAL DIRECTION" MEANS THE WRITTEN OR ORAL
28 INSTRUCTION BY A MARYLAND LICENSED PHYSICIAN TO PERFORM CERTAIN
29 MEDICAL PROCEDURES OR ADMINISTER CERTAIN MEDICATIONS OR INTRAVENOUS
30 SOLUTIONS. MEDICAL DIRECTION ALSO REFERS TO THE ACTIVITIES OF A
31 MARYLAND LICENSED PHYSICIAN SERVING AS A MEDICAL DIRECTOR FOR AN
32 AGENCY PROVIDING EMERGENCY MEDICAL SERVICES, INCLUDING QUALITY
33 ASSURANCE, PLANNING, AND EDUCATION.

34 (12) "NATIONAL REGISTRY" MEANS THE NONPROPRIETARY,
35 NONGOVERNMENTAL AGENCY THAT PROVIDES STANDARDIZED NATIONAL
36 TESTING AND REGISTRATION FOR EMERGENCY MEDICAL TECHNICIANS BASED ON
37 NATIONAL TRAINING STANDARDS.

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1 (13) "PRACTICE" MEANS THE PRACTICE OF MEDICINE AS DEFINED IN §
2 14-101(K) OF THE HEALTH OCCUPATIONS ARTICLE.

3 (B) (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, AN
4 INDIVIDUAL MAY NOT PROVIDE EMERGENCY MEDICAL SERVICES IN THE STATE
5 UNLESS ISSUED A LICENSE BY THE INSTITUTE UNDER THIS SECTION.

6 (2) THIS SECTION DOES NOT APPLY:

7 (I) TO AN INDIVIDUAL WHO:

8 1. HAS COMPLETED AN EMERGENCY MEDICAL SERVICES
9 COURSE OR ITS EQUIVALENT AS DETERMINED BY THE INSTITUTE;

10 2. IS AUTHORIZED TO PROVIDE EMERGENCY MEDICAL
11 SERVICES BY ANY STATE ADJOINING THIS STATE;

12 3. IS CALLED ON BY A PUBLIC SAFETY AGENCY PROVIDING
13 EMERGENCY MEDICAL SERVICES TO RENDER EMERGENCY MEDICAL SERVICES IN
14 THIS STATE OR TO TRANSPORT EMERGENCY PATIENTS FROM THE ADJOINING
15 STATE TO A HEALTH CARE FACILITY IN THIS STATE;

16 4. IS PROVIDING EMERGENCY MEDICAL SERVICES WITHIN
17 THE SCOPE OF THE LICENSE ISSUED TO THE INDIVIDUAL BY THE OTHER STATE; AND

18 5. IS NOT AFFILIATED WITH AN EMERGENCY MEDICAL
19 SERVICE IN THIS STATE OR IS NOT ENGAGED IN PROVIDING EMERGENCY MEDICAL
20 SERVICES IN THIS STATE ON A REGULAR BASIS;

21 (II) TO AN INDIVIDUAL WHO IS ENROLLED IN AN EMERGENCY
22 MEDICAL SERVICES PROVIDER TRAINING PROGRAM THAT MEETS THE STANDARDS
23 SET BY THE INSTITUTE IN THE COURSE OF THAT TRAINING; OR

24 (III) TO AN INDIVIDUAL WHO DOES NOT VOLUNTEER OR IS NOT
25 EMPLOYED AS AN EMERGENCY MEDICAL SERVICES PROVIDER OR IS NOT
26 OTHERWISE ENGAGED IN PROVIDING EMERGENCY MEDICAL SERVICES ON A
27 REGULAR BASIS WHO PROVIDES EMERGENCY MEDICAL SERVICES AT THE SCENE OF
28 A MEDICAL EMERGENCY IN RARE INSTANCES.

29 (3) THIS SECTION DOES NOT LIMIT THE RIGHT OF AN INDIVIDUAL TO
30 PRACTICE A HEALTH OCCUPATION THAT THE INDIVIDUAL IS AUTHORIZED TO
31 PRACTICE UNDER THE HEALTH OCCUPATIONS ARTICLE.

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

33 (I) SUBMIT AN APPLICATION ON THE FORM THAT THE INSTITUTE
34 REQUIRES; AND

35 (II) PAY TO THE INSTITUTE ANY APPLICATION FEE SET BY THE
36 INSTITUTE.

37 (2) THE INSTITUTE SHALL PROVIDE FOR THE TERM AND RENEWAL OF
38 LICENSES UNDER THIS SECTION.

5

1 (D) THE INSTITUTE MAY ADOPT RULES, REGULATIONS, PROTOCOLS,
2 ORDERS, AND STANDARDS TO CARRY OUT THE PROVISIONS OF THIS SECTION.

3 (E) SUBJECT TO THE RULES, REGULATIONS, PROTOCOLS, ORDERS, AND
4 STANDARDS OF THE INSTITUTE AND SUBJECT TO MEDICAL DIRECTION, WHILE
5 PROVIDING EMERGENCY MEDICAL SERVICES:

6 (1) A CARDIAC RESCUE TECHNICIAN, AN EMERGENCY MEDICAL
7 TECHNICIAN-A, AN EMERGENCY MEDICAL TECHNICIAN-B, OR AN EMERGENCY
8 MEDICAL TECHNICIAN-P MAY:

9 (I) PERFORM CERTAIN MEDICAL PROCEDURES AS AUTHORIZED
10 BY THE INSTITUTE;

11 (II) ADMINISTER CERTAIN MEDICATIONS OR INTRAVENOUS
12 SOLUTIONS; AND

13 (III) PROVIDE EMERGENCY MEDICAL TRANSPORT.

14 (2) AN EMERGENCY MEDICAL DISPATCHER MAY:

15 (I) PERFORM MEDICAL INTERROGATION IN ORDER TO
16 DETERMINE THE TYPE AND LEVEL OF RESPONSE REQUIRED AT THE SCENE OF A
17 MEDICAL EMERGENCY; AND

18 (II) PROVIDE PRE-ARRIVAL INSTRUCTIONS INCLUDING
19 CARDIOPULMONARY RESUSCITATION.

20 (3) A FIRST RESPONDER:

21 (I) MAY PERFORM CERTAIN MEDICAL PROCEDURES AS DEFINED
22 BY THE INSTITUTE; BUT

23 (II) MAY NOT BE THE PRIMARY EMERGENCY MEDICAL SERVICES
24 PROVIDER DURING EMERGENCY MEDICAL TRANSPORT.

25 (F) (1) SUBJECT TO THE HEARING PROVISIONS OF SUBSECTION (G) OF THIS
26 SECTION, THE INSTITUTE MAY REPRIMAND OR PLACE AN EMERGENCY MEDICAL
27 SERVICES PROVIDER ON PROBATION OR SUSPEND OR REVOKE THE LICENSE OF AN
28 EMERGENCY MEDICAL SERVICES PROVIDER FOR ANY CONDUCT PROHIBITED
29 UNDER THE PROVISIONS OF THIS SECTION OR PROHIBITED UNDER ANY
30 REGULATION ADOPTED PURSUANT TO THE PROVISIONS OF THIS SECTION.

31 (2) ON THE APPLICATION OF AN INDIVIDUAL WHOSE LICENSE HAS
32 BEEN SUSPENDED OR REVOKED, THE INSTITUTE MAY REINSTATE A REVOKED
33 LICENSE.

34 (3) UNLESS THE INSTITUTE AGREES TO ACCEPT THE SURRENDER OF A
35 LICENSE, A LICENSEE MAY NOT SURRENDER THE LICENSE NOR MAY THE LICENSE
36 LAPSE BY OPERATION OF LAW WHILE THE LICENSEE IS UNDER INVESTIGATION OR
37 WHILE CHARGES ARE PENDING AGAINST THE LICENSEE.

1 (4) THE INSTITUTE MAY SET CONDITIONS ON ITS AGREEMENT WITH
2 THE LICENSEE UNDER INVESTIGATION OR AGAINST WHOM CHARGES ARE PENDING
3 TO ACCEPT SURRENDER OF THE LICENSE.

4 (G) (1) BEFORE THE INSTITUTE TAKES ANY ACTION UNDER SUBSECTION (F)
5 OF THIS SECTION IT SHALL GIVE THE INDIVIDUAL AGAINST WHOM THE ACTION IS
6 CONTEMPLATED AN OPPORTUNITY FOR A HEARING IN ACCORDANCE WITH THE
7 PROVISIONS OF TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

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

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

13 (H) (1) THE INSTITUTE MAY ISSUE SUBPOENAS AND ADMINISTER OATHS IN
14 CONNECTION WITH ANY INVESTIGATION UNDER THIS SECTION AND ANY HEARINGS
15 OR PROCEEDINGS BEFORE IT.

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

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

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

27 (5) THE INSTITUTE MAY ISSUE A CEASE AND DESIST ORDER OR OBTAIN
28 OBJECTIVE RELIEF FOR PROVIDING EMERGENCY MEDICAL SERVICES WITHOUT A
29 LICENSE.

30 (I) (1) A PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION IS
31 GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT
32 EXCEEDING \$1,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.

33 (2) UNLESS LICENSED TO PROVIDE EMERGENCY MEDICAL SERVICES
34 UNDER THIS SECTION, A PERSON MAY NOT REPRESENT TO THE PUBLIC THAT THE
35 PERSON IS AUTHORIZED TO PROVIDE EMERGENCY MEDICAL SERVICES IN THIS
36 STATE.

37 (3) UNLESS LICENSED TO PROVIDE EMERGENCY MEDICAL SERVICES
38 UNDER THIS SECTION, A PERSON MAY NOT USE THE TERMS "EMERGENCY MEDICAL
39 TECHNICIAN", "CARDIAC RESCUE TECHNICIAN", "EMERGENCY MEDICAL
40 DISPATCHER", "EMT-A", "EMT-B", "EMT-P", "EMD", "CRT", "PARAMEDIC", OR "FIRST
41 RESPONDER" OR ANY OTHER WORDS, LETTERS, OR SYMBOLS WITH THE INTENT TO

7
1 REPRESENT THAT THE PERSON IS AUTHORIZED TO PROVIDE EMERGENCY MEDICAL
2 SERVICES.

3 (J) (1) THERE IS A MARYLAND INSTITUTE FOR EMERGENCY MEDICAL
4 SERVICES SYSTEMS FUND.

5 (2) THE INSTITUTE MAY SET REASONABLE FEES FOR THE ISSUANCE
6 AND RENEWAL OF LICENSES AND ITS OTHER SERVICES.

7 (3) (I) THE INSTITUTE SHALL PAY ALL FEES COLLECTED UNDER THE
8 PROVISIONS OF THIS SECTION TO THE COMPTROLLER OF THE STATE.

9 (II) THE COMPTROLLER OF THE STATE SHALL DISTRIBUTE THE
10 FEES TO THE MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS
11 FUND.

12 (4) THE FUND SHALL BE USED EXCLUSIVELY TO COVER THE ACTUAL
13 DOCUMENTED DIRECT AND INDIRECT COSTS OF FULFILLING THE STATUTORY AND
14 REGULATORY DUTIES OF THE INSTITUTE AS PROVIDED BY THE PROVISIONS OF
15 THIS SECTION.

16 (5) (I) THE FUND IS A CONTINUING NONLAPSING FUND, NOT SUBJECT
17 TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

18 (II) ANY UNSPENT PORTION OF THE FUND MAY NOT BE
19 TRANSFERRED OR REVERT TO THE GENERAL FUND OF THE STATE BUT SHALL
20 REMAIN IN THE FUND TO BE USED FOR THE PURPOSES SPECIFIED IN THIS SECTION.

21 (K) THE EMS BOARD MAY DELEGATE ANY PORTION OF ITS RESPONSIBILITIES
22 UNDER THIS SECTION TO THE INSTITUTE UNLESS SPECIFICALLY PRECLUDED BY
23 STATUTE.

24 **Article - Health Occupations**

25 14-301.

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

29 14-306.

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

33 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 14-303 and
34 14-305 of Article - Health Occupations of the Annotated Code of Maryland be repealed.

35 SECTION 3. AND BE IT FURTHER ENACTED, That the Institute shall adopt
36 the regulations necessary to implement this Act by July 1, 1997.

37 SECTION 4. AND BE IT FURTHER ENACTED, That any emergency medical
38 services provider certified by the Institute and/or the Board of Physician Quality

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1 Assurance prior to July 1, 1997 shall be deemed to be licensed under the provisions of this
2 Act until the expiration of their certification.

3 SECTION 5. AND BE IT FURTHER ENACTED, That Sections 1, 2, and 4 of
4 this Act shall take effect July 1, 1997.

5 SECTION 6. AND BE IT FURTHER ENACTED, That Section 3 of this Act
6 shall take effect July 1, 1996.