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

Introduced and read first time: January 27, 1997

Assigned to: Environmental Matters

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 or certified by the EMS Board before
7 providing emergency medical services; providing exceptions to the licensing and
8 certifying requirements of this Act; providing for licensing or certification fees,
9 subject to certain exceptions; specifying the types of services under this Act that
10 licensees or certificatees may perform; providing certain procedural due process
11 provisions; authorizing the EMS Board to adopt certain regulations, take certain
12 disciplinary actions, issue subpoenas, administer oaths, issue cease and desist
13 orders, and seek injunctive relief; creating a provider review panel to be appointed
14 by the EMS Board and specifying the duties of the panel; creating the Emergency
15 Medical Services Board Provider Fund and specifying the purpose and funding of
16 the Fund; providing that certain emergency medical services providers are not civilly
17 liable for giving assistance in certain circumstances; defining terms; providing for a
18 delayed effective date for certain provisions of this Act; and generally relating to the
19 regulation and licensure or certification of certain emergency medical services
20 providers.

21 BY repealing and reenacting, with amendments,

22 Article - Education
23 Section 13-510 and 13-515(c)
24 Annotated Code of Maryland
25 (1997 Replacement Volume)

26 BY adding to

27 Article - Education
28 Section 13-516
29 Annotated Code of Maryland
30 (1997 Replacement Volume)

31 BY repealing and reenacting, with amendments,

2

1 Article - Health Occupations
2 Section 14-301 and 14-306(b)
3 Annotated Code of Maryland
4 (1994 Replacement Volume and 1996 Supplement)

5 BY repealing and reenacting, with amendments,
6 Article - Courts and Judicial Proceedings
7 Section 5-309
8 Annotated Code of Maryland
9 (1995 Replacement Volume and 1996 Supplement)

10 BY repealing
11 Article - Health Occupations
12 Section 14-303 and 14-305
13 Annotated Code of Maryland
14 (1994 Replacement Volume and 1996 Supplement)

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

17 **Article - Education**

18 13-510.

19 In accordance with the Emergency Medical System plan and other relevant policies
20 adopted by the EMS Board, the Executive Director shall:

- 21 (1) Coordinate a statewide system of emergency medical services;
- 22 (2) Coordinate the five emergency medical service regions in this State;
- 23 (3) Coordinate the planning and operation of emergency medical services
24 with the federal, State, and county governments;
- 25 (4) Coordinate the training of all personnel in the Emergency Medical
26 Services System and develop the necessary standards for their certification OR
27 LICENSURE;
- 28 (5) Coordinate programs of research and education that relate to emergency
29 medical services;
- 30 (6) Coordinate the development of centers for treating emergency injuries
31 and illnesses;
- 32 (7) Coordinate the development of specialty referral centers for
33 resuscitation, treatment, and rehabilitation of the critically ill and injured;
- 34 (8) Work closely with the public and private agencies, health care
35 institutions and universities involved with emergency medical services, the Emergency
36 Medical Services Advisory Council, and the Medical Management Consultant Group;

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1 (9) Administer State and federal funds for emergency medical services in
2 this State;

3 (10) Work closely with the Maryland Fire and Rescue Institute, which is
4 responsible for basic training for emergency medical technicians;

5 (11) Assure continued improvement of transportation for emergency,
6 critically ill, and injured patients by supporting the goals of career and volunteer systems
7 throughout this State; and

8 (12) Implement all programmatic, operational, and administrative
9 components of the Institute.

10 13-515.

11 (c) (1) The Institute, in consultation with representatives of the ambulance
12 service industry in Maryland, shall adopt regulations necessary to establish a periodic
13 licensing system for ambulance services in the State.

14 (2) The regulations shall, at a minimum, require:

15 (i) Each ambulance operated by the ambulance service to be
16 equipped with adequate equipment and supplies to:

17 1. Care for the patients being transported; and

18 2. Communicate with the dispatcher;

19 (ii) At least 1 individual, in addition to the driver, be in attendance on
20 the ambulance during each transport who:

21 1. Is certified OR LICENSED by the State as an emergency
22 medical technician UNDER § 13-516 OF THIS SUBTITLE; or

23 2. Has successfully completed a course of training determined
24 by the Institute to be substantially equivalent to the training necessary for certification
25 OR LICENSURE as an emergency medical technician; and

26 (iii) Each ambulance operated by the ambulance service be inspected:

27 1. Once every 12 months by an inspection station licensed
28 under § 23-103 of the Transportation Article and be issued an inspection certificate by
29 the inspection station; or

30 2. In accordance with the requirements for the operation of an
31 ambulance owned, operated, or under the jurisdiction of a unit of State government, a
32 political subdivision of the State, or a volunteer fire company or volunteer rescue squad in
33 the jurisdiction where the ambulance service is located.

34 13-516.

35 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
36 INDICATED.

4

1 (2) "CARDIAC RESCUE TECHNICIAN" (CRT) MEANS AN INDIVIDUAL WHO
2 HAS:

3 (I) COMPLETED A CARDIAC RESCUE TECHNICIAN COURSE
4 APPROVED BY THE EMS BOARD;

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

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

9 (3) "CERTIFICATE" MEANS A CERTIFICATE ISSUED BY THE EMS BOARD
10 TO PROVIDE EMERGENCY MEDICAL SERVICES IN THE STATE, EXCEPT WHERE THE
11 CONTEXT REQUIRES OTHERWISE.

12 (4) "EMERGENCY MEDICAL DISPATCHER" (EMD) MEANS AN
13 INDIVIDUAL WHO HAS:

14 (I) COMPLETED AN EMERGENCY MEDICAL DISPATCHER COURSE
15 APPROVED BY THE EMS BOARD OR ITS EQUIVALENT AS DETERMINED BY THE EMS
16 BOARD;

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

19 (III) BEEN EXAMINED BY THE EMS BOARD OR HAS BEEN
20 RECOGNIZED AS AN EMERGENCY MEDICAL DISPATCHER BY AN EMERGENCY
21 MEDICAL DISPATCHER PROGRAM APPROVED BY THE EMS BOARD AND LICENSED AS
22 AN EMERGENCY MEDICAL DISPATCHER BY THE EMS BOARD.

23 (5) "EMERGENCY MEDICAL SERVICES" MEANS MEDICAL SERVICES
24 PROVIDED INTERFACILITY OR PREHOSPITAL TO PREVENT DEATH OR
25 AGGRAVATION OF ILLNESS OR INJURY, INCLUDING TRANSPORTATION TO AN
26 APPROPRIATE FACILITY.

27 (6) "EMERGENCY MEDICAL SERVICES PROVIDER" MEANS AN
28 INDIVIDUAL LICENSED OR CERTIFIED BY THE EMS BOARD AS:

29 (I) A CARDIAC RESCUE TECHNICIAN;

30 (II) AN EMERGENCY MEDICAL DISPATCHER;

31 (III) AN EMERGENCY MEDICAL TECHNICIAN-AMBULANCE;

32 (IV) AN EMERGENCY MEDICAL TECHNICIAN-BASIC;

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

34 (VI) A FIRST RESPONDER.

35 (7) "EMERGENCY MEDICAL TECHNICIAN-AMBULANCE" (EMT-A) MEANS
36 AN INDIVIDUAL WHO HAS:

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

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

5 (III) BEEN EXAMINED BY THE EMS BOARD AND CERTIFIED AS AN
6 EMT-A BY THE EMS BOARD.

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

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

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

13 (III) BEEN EXAMINED BY THE EMS BOARD AND CERTIFIED AS AN
14 EMT-B BY THE EMS BOARD.

15 (9) "EMERGENCY MEDICAL TECHNICIAN-PARAMEDIC" (EMT-P) MEANS
16 AN INDIVIDUAL WHO HAS:

17 (I) COMPLETED AN EMERGENCY MEDICAL
18 TECHNICIAN-PARAMEDIC COURSE APPROVED BY THE EMS BOARD;

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

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

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

25 (10) "FIRST RESPONDER" MEANS AN INDIVIDUAL WHO HAS:

26 (I) COMPLETED A FIRST RESPONDER COURSE APPROVED BY THE
27 EMS BOARD; AND

28 (II) BEEN EXAMINED BY THE EMS BOARD AND CERTIFIED AS A
29 FIRST RESPONDER BY THE EMS BOARD.

30 (11) "LICENSE" MEANS A LICENSE ISSUED BY THE EMS BOARD TO
31 PROVIDE EMERGENCY MEDICAL SERVICES IN THE STATE.

32 (12) (I) "MEDICAL DIRECTION" MEANS THE WRITTEN OR ORAL
33 INSTRUCTION BY A PHYSICIAN LICENSED TO PERFORM SPECIFIED MEDICAL
34 PROCEDURES OR ADMINISTER SPECIFIED MEDICATIONS OR INTRAVENOUS
35 SOLUTIONS.

36 (II) "MEDICAL DIRECTION" INCLUDES THE ACTIVITIES OF A
37 PHYSICIAN LICENSED IN THE STATE SERVING AS A MEDICAL DIRECTOR FOR AN

6

1 AGENCY PROVIDING EMERGENCY MEDICAL SERVICES INCLUDING QUALITY
2 ASSURANCE, PLANNING, AND EDUCATION.

3 (13) "NATIONAL REGISTRY" MEANS THE NONPROPRIETARY,
4 NONGOVERNMENTAL AGENCY THAT PROVIDES STANDARDIZED NATIONAL
5 TESTING AND REGISTRATION FOR EMERGENCY MEDICAL TECHNICIANS BASED ON
6 NATIONAL TRAINING STANDARDS.

7 (14) "PROVIDER REVIEW PANEL" MEANS THE TWELVE MEMBER PANEL
8 APPOINTED BY THE EMS BOARD IN ACCORDANCE WITH THE PROVISIONS OF
9 SUBSECTION (E) OF THIS SECTION.

10 (B) (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, AN
11 INDIVIDUAL MAY NOT PROVIDE EMERGENCY MEDICAL SERVICES IN THE STATE
12 UNLESS ISSUED A LICENSE OR CERTIFICATE BY THE EMS BOARD UNDER THIS
13 SECTION.

14 (2) THIS SECTION DOES NOT APPLY TO:

15 (I) AN INDIVIDUAL WHO:

16 1. HAS COMPLETED AN EMERGENCY MEDICAL SERVICES
17 COURSE OR ITS EQUIVALENT AS DETERMINED BY THE EMS BOARD;

18 2. IS AUTHORIZED TO PROVIDE EMERGENCY MEDICAL
19 SERVICES BY ANY STATE ADJOINING THIS STATE;

20 3. IS CALLED ON BY A PUBLIC SAFETY AGENCY PROVIDING
21 EMERGENCY MEDICAL SERVICES TO RENDER EMERGENCY MEDICAL SERVICES IN
22 THIS STATE OR TO TRANSPORT EMERGENCY PATIENTS FROM THE ADJOINING
23 STATE TO A HEALTH CARE FACILITY IN THIS STATE;

24 4. IS PROVIDING EMERGENCY MEDICAL SERVICES WITHIN
25 THE SCOPE OF THE LICENSE OR CERTIFICATE ISSUED TO THE INDIVIDUAL BY THE
26 OTHER STATE; AND

27 5. IS NOT AFFILIATED WITH AN EMERGENCY MEDICAL
28 SERVICE IN THIS STATE OR IS NOT ENGAGED IN PROVIDING EMERGENCY MEDICAL
29 SERVICES IN THIS STATE ON A REGULAR BASIS;

30 (II) AN INDIVIDUAL WHO IS ENROLLED IN AN EMERGENCY
31 MEDICAL SERVICES PROVIDER TRAINING PROGRAM THAT MEETS THE STANDARDS
32 SET BY THE EMS BOARD IN THE COURSE OF THAT TRAINING;

33 (III) AN INDIVIDUAL WHO IS NOT ENGAGED IN PROVIDING
34 EMERGENCY MEDICAL SERVICES ON A REGULAR BASIS WHO PROVIDES
35 EMERGENCY MEDICAL SERVICES AT THE SCENE OF A MEDICAL EMERGENCY IN
36 RARE INSTANCES;

37 (IV) AN INDIVIDUAL WHO IS A MEMBER OF A VOLUNTEER FIRE OR
38 RESCUE COMPANY AND SOLELY ENGAGED IN DRIVING THE EMERGENCY VEHICLE;

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1 (V) AN INDIVIDUAL WHO ASSISTS AN EMERGENCY MEDICAL
2 SERVICES PROVIDER BUT DOES NOT DIRECTLY PROVIDE EMERGENCY MEDICAL
3 SERVICES; OR

4 (VI) AN INDIVIDUAL WHO HAS AMERICAN RED CROSS FIRST AID
5 TRAINING OR ITS EQUIVALENT AND WHO PROVIDES SERVICES WITHIN THE SCOPE
6 OF THAT TRAINING, DOES NOT RESPOND TO EMERGENCY CALLS, AND DOES NOT
7 TRANSPORT PATIENTS.

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

11 (C) (1) TO APPLY FOR A LICENSE OR CERTIFICATE, AN INDIVIDUAL SHALL:

12 (I) SUBMIT AN APPLICATION ON THE FORM THAT THE EMS BOARD
13 REQUIRES; AND

14 (II) PAY TO THE EMS BOARD ANY APPLICATION FEE SET BY THE
15 EMS BOARD UNDER SUBSECTION (K) OF THIS SECTION.

16 (2) THE EMS BOARD MAY NOT CHARGE A LICENSING OR CERTIFYING
17 FEE TO ANY INDIVIDUAL WHO IS A CURRENT MEMBER OR EMPLOYEE OF ANY
18 GOVERNMENTAL OR VOLUNTEER FIRE, RESCUE, OR EMERGENCY MEDICAL
19 SERVICES COMPANY AT THE DATE OF APPLICATION.

20 (3) THE EMS BOARD SHALL PROVIDE FOR THE TERM AND RENEWAL OF
21 LICENSES OR CERTIFICATES ISSUED UNDER THIS SECTION.

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

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

25 (II) THE PROVIDER REVIEW PANEL SHALL BE APPOINTED BY THE
26 EMS BOARD.

27 (2) THE PROVIDER REVIEW PANEL CONSISTS OF TWELVE MEMBERS,
28 TEN VOTING MEMBERS APPOINTED BY THE EMS BOARD AND TWO NONVOTING
29 MEMBERS.

30 (3) EIGHT OF THE APPOINTED MEMBERS SHALL BE LICENSED OR
31 CERTIFIED EMERGENCY MEDICAL SERVICE PROVIDERS WHO ARE ACTIVELY
32 PROVIDING EMERGENCY MEDICAL SERVICES AT THE TIME OF THEIR
33 APPOINTMENT. THREE SHALL BE MEMBERS OF A GOVERNMENTAL FIRE, RESCUE,
34 OR EMERGENCY MEDICAL SERVICES COMPANY, THREE SHALL BE MEMBERS OF A
35 VOLUNTEER FIRE, RESCUE, OR EMERGENCY MEDICAL SERVICES COMPANY, ONE
36 SHALL BE AN EMPLOYEE OF A COMMERCIAL AMBULANCE SERVICE, AND ONE SHALL
37 BE AN EMERGENCY MEDICAL DISPATCHER. IN APPOINTING THE PROVIDER
38 REPRESENTATIVES OF THE PROVIDER REVIEW PANEL, THE BOARD SHALL GIVE
39 CONSIDERATION TO PROVIDING FOR REASONABLE REPRESENTATION FROM
40 THROUGHOUT THE STATE.

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1 (4) ONE OF THE APPOINTED MEMBERS SHALL BE A REPRESENTATIVE
2 OF THE BOARD OF PHYSICIAN QUALITY ASSURANCE.

3 (5) ONE OF THE APPOINTED MEMBERS SHALL BE A MEDICAL DIRECTOR
4 WITH EMERGENCY MEDICAL SERVICES EXPERIENCE.

5 (6) THE EXECUTIVE DIRECTOR OF THE INSTITUTE AND THE STATE EMS
6 MEDICAL DIRECTOR SHALL SERVE AS NONVOTING EX OFFICIO MEMBERS.

7 (7) THE PANEL SHALL ELECT A CHAIRMAN FROM AMONG ITS MEMBERS.

8 (8) THE EMS BOARD SHALL ADOPT REGULATIONS FOR THE SELECTION,
9 APPOINTMENT, AND TERMS OF THE MEMBERS OF THE PANEL, INCLUDING
10 PROVIDING FOR THE STAGGERING OF TERMS.

11 (9) (I) THE PROVIDER REVIEW PANEL SHALL REVIEW PATIENT CARE
12 AND OTHER ALLEGATIONS OF MISCONDUCT AGAINST EMERGENCY MEDICAL
13 SERVICES PROVIDERS AND PROVIDE RECOMMENDATIONS TO THE EMS BOARD FOR
14 FURTHER ACTION AS NECESSARY.

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

17 (F) SUBJECT TO THE RULES, REGULATIONS, PROTOCOLS, ORDERS, AND
18 STANDARDS OF THE EMS BOARD AND SUBJECT TO MEDICAL DIRECTION, WHILE
19 PROVIDING EMERGENCY MEDICAL SERVICES:

20 (1) A CARDIAC RESCUE TECHNICIAN, AN EMERGENCY MEDICAL
21 TECHNICIAN-A, AN EMERGENCY MEDICAL TECHNICIAN-B, OR AN EMERGENCY
22 MEDICAL TECHNICIAN-P MAY:

23 (I) PERFORM SPECIFIED MEDICAL PROCEDURES AS AUTHORIZED
24 BY THE EMS BOARD;

25 (II) ADMINISTER SPECIFIED MEDICATIONS OR INTRAVENOUS
26 SOLUTIONS; AND

27 (III) PROVIDE EMERGENCY MEDICAL TRANSPORT;

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

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

32 2. PROVIDE PREARRIVAL INSTRUCTIONS INCLUDING
33 INSTRUCTIONS IN CARDIOPULMONARY RESUSCITATION; AND

34 (II) PARTICIPATION IN EMERGENCY MEDICAL DISPATCH
35 PROGRAMS BY JURISDICTIONS IS TOTALLY VOLUNTARY; AND

36 (3) A FIRST RESPONDER:

9

1 (I) MAY PERFORM SPECIFIED MEDICAL PROCEDURES AS DEFINED
2 BY THE EMS BOARD; AND

3 (II) MAY NOT BE THE PRIMARY EMERGENCY MEDICAL SERVICES
4 PROVIDER DURING EMERGENCY MEDICAL TRANSPORT.

5 (G) (1) SUBJECT TO THE HEARING PROVISIONS OF SUBSECTION (H) OF THIS
6 SECTION AND AS A RESULT OF ANY CONDUCT OF AN EMERGENCY MEDICAL
7 SERVICES PROVIDER OR AN APPLICANT FOR A LICENSE OR CERTIFICATE UNDER
8 THIS SECTION THAT IS PROHIBITED UNDER THE PROVISIONS OF THIS SECTION OR
9 ANY REGULATIONS ADOPTED UNDER THIS SECTION, THE EMS BOARD MAY:

10 (I) REPRIMAND OR PLACE AN EMERGENCY MEDICAL SERVICES
11 PROVIDER ON PROBATION;

12 (II) SUSPEND OR REVOKE THE LICENSE OR CERTIFICATE OF AN
13 EMERGENCY MEDICAL SERVICES PROVIDER;

14 (III) DENY A LICENSE OR CERTIFICATE TO AN APPLICANT; OR

15 (IV) REFUSE TO RENEW AN APPLICANT'S LICENSE OR CERTIFICATE.

16 (2) ON THE APPLICATION OF AN INDIVIDUAL WHOSE LICENSE OR
17 CERTIFICATE HAS BEEN SUSPENDED OR REVOKED, THE EMS BOARD MAY
18 REINSTATE A SUSPENDED OR REVOKED LICENSE OR CERTIFICATE.

19 (3) (I) UNLESS THE EMS BOARD AGREES TO ACCEPT THE SURRENDER
20 OF A LICENSE OR CERTIFICATE, A HOLDER OF A LICENSE OR CERTIFICATE MAY NOT
21 SURRENDER THE LICENSE OR CERTIFICATE.

22 (II) A LICENSE OR CERTIFICATE MAY NOT LAPSE BY OPERATION
23 OF LAW WHILE THE HOLDER OF THE LICENSE OR CERTIFICATE IS UNDER
24 INVESTIGATION OR WHILE CHARGES ARE PENDING AGAINST THE HOLDER OF THE
25 LICENSE OR CERTIFICATE.

26 (4) THE EMS BOARD MAY SET CONDITIONS ON ITS AGREEMENT WITH
27 THE HOLDER OF THE LICENSE OR CERTIFICATE UNDER INVESTIGATION OR
28 AGAINST WHOM CHARGES ARE PENDING TO ACCEPT SURRENDER OF THE LICENSE
29 OR CERTIFICATE.

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

32 (I) A REVIEW AND RECOMMENDATION BY THE PROVIDER
33 REVIEW PANEL; AND

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

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

4 (3) THE INDIVIDUAL MAY BE REPRESENTED AT THE HEARING BY
5 COUNSEL.

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

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

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

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

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

25 (5) THE EMS BOARD MAY ISSUE A CEASE AND DESIST ORDER OR
26 OBTAIN INJUNCTIVE RELIEF IF A PERSON PROVIDES EMERGENCY MEDICAL
27 SERVICES WITHOUT A LICENSE OR CERTIFICATE.

28 (J) AFTER DECEMBER 31, 1998:

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

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

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

11

1 SYMBOLS WITH THE INTENT TO REPRESENT THAT THE PERSON IS AUTHORIZED TO
2 PROVIDE EMERGENCY MEDICAL SERVICES.

3 (K) (1) THERE IS AN EMS BOARD PROVIDER FUND.

4 (2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE
5 EMS BOARD MAY SET REASONABLE FEES FOR THE INITIAL ISSUANCE OF LICENSES
6 OR CERTIFICATES AND ITS OTHER SERVICES.

7 (3) (I) THE EMS BOARD MAY NOT CHARGE AN INITIAL LICENSING
8 FEE OR AN INITIAL CERTIFYING FEE OR A FEE FOR THE RENEWAL OF A LICENSE OR
9 A FEE FOR THE RENEWAL OF A CERTIFICATE TO AN INDIVIDUAL WHO IS A
10 CURRENT MEMBER OR EMPLOYEE OF ANY GOVERNMENTAL OR VOLUNTEER FIRE
11 OR RESCUE COMPANY AT THE TIME OF THAT INDIVIDUAL'S APPLICATION.

12 (II) THE EMS BOARD SHALL PAY ALL FEES COLLECTED UNDER
13 THE PROVISIONS OF THIS SECTION TO THE COMPTROLLER OF THE STATE.

14 (III) THE COMPTROLLER OF THE STATE SHALL DISTRIBUTE THE
15 FEES TO THE EMS BOARD PROVIDER FUND.

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

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

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

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

30 (2) NOTICE OF ANY DELEGATION OF AUTHORITY MADE UNDER THIS
31 SECTION SHALL BE PUBLISHED IN THE MARYLAND REGISTER.

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

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

12

1 **Article - Health Occupations**

2 14-301.

3 Except as otherwise provided in this title OR § 13-516 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 § 13-516 OF THE EDUCATION ARTICLE.

10 **Article - Courts and Judicial Proceedings**

11 5-309.

12 (a) A person described in subsection (b) of this section is not civilly liable for any
13 act or omission in giving any assistance or medical care, if:

14 (1) The act or omission is not one of gross negligence;

15 (2) The assistance or medical care is provided without fee or other
16 compensation; and

17 (3) The assistance or medical care is provided:

18 (i) At the scene of an emergency;

19 (ii) In transit to a medical facility; or

20 (iii) Through communications with personnel providing emergency
21 assistance.

22 (b) Subsection (a) of this section applies to the following:

23 (1) An individual who is licensed by this State to provide medical care;

24 (2) A member of any State, county, municipal, or volunteer fire department,
25 ambulance and rescue squad or law enforcement agency or of the National Ski Patrol
26 System, or a corporate fire department responding to a call outside of its corporate
27 premises, if the member:

28 (i) Has completed an American Red Cross course in advanced first
29 aid and has a current card showing that status;

30 (ii) Has completed an equivalent of an American Red Cross course in
31 advanced first aid, as determined by the Secretary of Health and Mental Hygiene; or

32 (iii) Is certified OR LICENSED by this State as an emergency medical
33 [technician or cardiac rescue technician] SERVICES PROVIDER;

34 (3) A volunteer fire department, ambulance and rescue squad whose
35 members have immunity; and

13

1 (4) A corporation when its fire department personnel are immune under
2 paragraph (2) of this subsection.

3 (c) An individual who is not covered otherwise by this section is not civilly liable
4 for any act or omission in providing assistance or medical aid to a victim at the scene of
5 an emergency, if:

6 (1) The assistance or aid is provided in a reasonably prudent manner;

7 (2) The assistance or aid is provided without fee or other compensation; and

8 (3) The individual relinquishes care of the victim when someone who is
9 licensed or certified by this State to provide medical care or services becomes available to
10 take responsibility.

11 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 14-303 and
12 14-305 of Article - Health Occupations of the Annotated Code of Maryland be repealed.

13 SECTION 3. AND BE IT FURTHER ENACTED, That the Emergency Medical
14 Services Board shall adopt the regulations necessary to implement this Act by December
15 31, 1998.

16 SECTION 4. AND BE IT FURTHER ENACTED, That all emergency medical
17 services providers certified by the EMS Board or the Board of Physician Quality
18 Assurance prior to December 31, 1998 shall be deemed to be licensed or certified under
19 the provisions of this Act until the expiration of their certification.

20 SECTION 5. AND BE IT FURTHER ENACTED, That Section 3 of this Act
21 shall take effect July 1, 1997.

22 SECTION 6. AND BE IT FURTHER ENACTED, That Sections 1, 2, and 4 of
23 this Act shall take effect December 31, 1998.