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HB 1052/96 - ECM

1997 Regular Session  
7lr1113  
CF 7lr2812

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**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

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 4, 1997

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CHAPTER \_\_\_\_

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)

2

1 BY adding to

2 Article - Education

3 Section 13-516

4 Annotated Code of Maryland

5 (1997 Replacement Volume)

6 BY repealing and reenacting, with amendments,

7 Article - Health Occupations

8 Section 14-301 and 14-306(b)

9 Annotated Code of Maryland

10 (1994 Replacement Volume and 1996 Supplement)

11 BY repealing and reenacting, with amendments,

12 Article - Courts and Judicial Proceedings

13 Section 5-309

14 Annotated Code of Maryland

15 (1995 Replacement Volume and 1996 Supplement)

16 BY repealing

17 Article - Health Occupations

18 Section 14-303 and 14-305

19 Annotated Code of Maryland

20 (1994 Replacement Volume and 1996 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

22 MARYLAND, That the Laws of Maryland read as follows:

23 **Article - Education**

24 13-510.

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

27 (1) Coordinate a statewide system of emergency medical services;

28 (2) Coordinate the five emergency medical service regions in this State;

29 (3) Coordinate the planning and operation of emergency medical services  
30 with the federal, State, and county governments;

31 (4) Coordinate the training of all personnel in the Emergency Medical  
32 Services System and develop the necessary standards for their certification OR  
33 LICENSURE;

34 (5) Coordinate programs of research and education that relate to emergency  
35 medical services;

36 (6) Coordinate the development of centers for treating emergency injuries  
37 and illnesses;

3

1 (7) Coordinate the development of specialty referral centers for  
2 resuscitation, treatment, and rehabilitation of the critically ill and injured;

3 (8) Work closely with the public and private agencies, health care  
4 institutions and universities involved with emergency medical services, the Emergency  
5 Medical Services Advisory Council, and the Medical Management Consultant Group;

6 (9) Administer State and federal funds for emergency medical services in  
7 this State;

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

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

13 (12) Implement all programmatic, operational, and administrative  
14 components of the Institute.

15 13-515.

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

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

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

22 1. Care for the patients being transported; and

23 2. Communicate with the dispatcher;

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

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

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

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

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

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

4

1 13-516.

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

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

6 (I) COMPLETED A CARDIAC RESCUE TECHNICIAN COURSE  
7 APPROVED BY THE EMS BOARD;

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

10 (III) BEEN EXAMINED BY THE EMS BOARD AND LICENSED AS A CRT  
11 BY THE EMS BOARD.

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

15 (4) "EMERGENCY MEDICAL DISPATCHER" (EMD) MEANS AN  
16 INDIVIDUAL WHO HAS:

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

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

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

26 ~~(5) "EMERGENCY MEDICAL SERVICES" MEANS MEDICAL SERVICES~~  
27 ~~PROVIDED INTERFACILITY OR PREHOSPITAL TO PREVENT DEATH OR~~  
28 ~~AGGRAVATION OF ILLNESS OR INJURY, INCLUDING TRANSPORTATION TO AN~~  
29 ~~APPROPRIATE FACILITY.~~

30 (5) "EMERGENCY MEDICAL SERVICES" MEANS:

31 (I) MEDICAL SERVICES PROVIDED PREHOSPITAL TO PREVENT  
32 IMMINENT DEATH OR AGGRAVATION OF ILLNESS OR INJURY WHETHER OR NOT  
33 TRANSPORT TO A HOSPITAL OR APPROPRIATE FACILITY OCCURS;

34 (II) TRANSPORT FROM THE SCENE OF A MEDICAL EMERGENCY TO  
35 A HOSPITAL OR APPROPRIATE FACILITY WHETHER OR NOT MEDICAL SERVICES ARE  
36 PROVIDED;

37 (III) MEDICAL INTERFACILITY TRANSPORT SERVICES TO AN  
38 APPROPRIATE FACILITY; OR

5

1                   (IV) MEDICAL INTERFACILITY CRITICAL CARE TRANSPORT TO AN  
2 APPROPRIATE FACILITY.

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

- 5                   (I) A CARDIAC RESCUE TECHNICIAN;
- 6                   (II) AN EMERGENCY MEDICAL DISPATCHER;
- 7                   (III) AN EMERGENCY MEDICAL TECHNICIAN-AMBULANCE;
- 8                   (IV) AN EMERGENCY MEDICAL TECHNICIAN-BASIC;
- 9                   (V) AN EMERGENCY MEDICAL TECHNICIAN-PARAMEDIC; OR
- 10                  (VI) A FIRST RESPONDER.

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

- 13                  (I) COMPLETED AN EMERGENCY MEDICAL  
14 TECHNICIAN-AMBULANCE COURSE APPROVED 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 AND CERTIFIED AS AN  
18 EMT-A BY THE EMS BOARD.

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

- 21                  (I) COMPLETED AN EMERGENCY MEDICAL TECHNICIAN-BASIC  
22 COURSE APPROVED BY THE EMS BOARD;
- 23                  (II) DEMONSTRATED COMPETENCE IN MEDICAL PROTOCOLS AS  
24 DETERMINED BY THE EMS BOARD; AND
- 25                  (III) BEEN EXAMINED BY THE EMS BOARD AND CERTIFIED AS AN  
26 EMT-B BY THE EMS BOARD.

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

- 29                  (I) COMPLETED AN EMERGENCY MEDICAL  
30 TECHNICIAN-PARAMEDIC COURSE APPROVED BY THE EMS BOARD;
- 31                  (II) BEEN TESTED AND REGISTERED BY THE NATIONAL REGISTRY  
32 OF EMERGENCY MEDICAL TECHNICIANS, INC. AS AN EMERGENCY MEDICAL  
33 TECHNICIAN-PARAMEDIC;
- 34                  (III) DEMONSTRATED COMPETENCE IN MEDICAL PROTOCOLS  
35 WITHIN THIS STATE AS DETERMINED BY THE EMS BOARD; AND
- 36                  (IV) BEEN LICENSED AS AN EMT-P BY THE EMS BOARD.

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

2 (I) COMPLETED A FIRST RESPONDER COURSE APPROVED BY THE  
3 EMS BOARD; AND

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

6 (11) "LICENSE" MEANS A LICENSE ISSUED BY THE EMS BOARD TO  
7 PROVIDE EMERGENCY MEDICAL SERVICES IN THE STATE, UNLESS THE CONTEXT  
8 REQUIRES OTHERWISE.

9 (12) (I) "MEDICAL DIRECTION" MEANS THE WRITTEN OR ORAL  
10 INSTRUCTION BY A ~~PHYSICIAN LICENSED~~ LICENSED PHYSICIAN TO PERFORM  
11 SPECIFIED MEDICAL PROCEDURES OR ADMINISTER SPECIFIED MEDICATIONS OR  
12 INTRAVENOUS SOLUTIONS.

13 (II) "MEDICAL DIRECTION" INCLUDES THE ACTIVITIES OF A  
14 PHYSICIAN LICENSED IN THE STATE SERVING AS A MEDICAL DIRECTOR FOR AN  
15 AGENCY PROVIDING EMERGENCY MEDICAL SERVICES INCLUDING QUALITY  
16 ASSURANCE, PLANNING, AND EDUCATION.

17 (13) "NATIONAL REGISTRY" MEANS THE NONPROPRIETARY,  
18 NONGOVERNMENTAL AGENCY THAT PROVIDES STANDARDIZED NATIONAL  
19 TESTING AND REGISTRATION FOR EMERGENCY MEDICAL TECHNICIANS BASED ON  
20 NATIONAL TRAINING STANDARDS.

21 (14) "PROVIDER REVIEW PANEL" MEANS THE ~~TWELVE~~ THIRTEEN  
22 MEMBER PANEL APPOINTED BY THE EMS BOARD IN ACCORDANCE WITH THE  
23 PROVISIONS OF SUBSECTION (E) OF THIS SECTION.

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

28 (2) THIS SECTION DOES NOT APPLY TO:

29 (I) AN INDIVIDUAL WHO:

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

32 2. IS AUTHORIZED TO PROVIDE EMERGENCY MEDICAL  
33 SERVICES BY ANY STATE ADJOINING THIS STATE;

34 3. IS CALLED ON BY A PUBLIC SAFETY AGENCY PROVIDING  
35 EMERGENCY MEDICAL SERVICES TO RENDER EMERGENCY MEDICAL SERVICES IN  
36 THIS STATE OR TO TRANSPORT EMERGENCY PATIENTS FROM THE ADJOINING  
37 STATE TO A HEALTH CARE FACILITY IN THIS STATE;

7

1 4. IS PROVIDING EMERGENCY MEDICAL SERVICES WITHIN  
2 THE SCOPE OF THE LICENSE OR CERTIFICATE ISSUED TO THE INDIVIDUAL BY THE  
3 OTHER STATE; AND

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

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

10 (III) AN INDIVIDUAL WHO IS NOT ENGAGED IN PROVIDING  
11 EMERGENCY MEDICAL SERVICES ON A REGULAR BASIS WHO PROVIDES  
12 EMERGENCY MEDICAL SERVICES AT THE SCENE OF A MEDICAL EMERGENCY IN  
13 RARE INSTANCES;

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

16 (V) AN INDIVIDUAL WHO ASSISTS AN EMERGENCY MEDICAL  
17 SERVICES PROVIDER BUT DOES NOT DIRECTLY PROVIDE EMERGENCY MEDICAL  
18 SERVICES; OR

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

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

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

27 (I) SUBMIT AN APPLICATION ON THE FORM THAT THE EMS BOARD  
28 REQUIRES; AND

29 (II) PAY TO THE EMS BOARD ANY APPLICATION FEE SET BY THE  
30 EMS BOARD UNDER SUBSECTION ~~(K)~~ (L) OF THIS SECTION.

31 (2) THE EMS BOARD MAY NOT CHARGE A LICENSING ~~OR~~ CERTIFYING,  
32 TESTING, OR RETESTING FEE TO ANY INDIVIDUAL WHO IS A ~~CURRENT~~ MEMBER OR  
33 EMPLOYEE OF ANY GOVERNMENTAL OR VOLUNTEER FIRE, RESCUE, OR  
34 EMERGENCY MEDICAL SERVICES COMPANY AT THE DATE OF APPLICATION.

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

37 (D) (1) THE EMS BOARD MAY ADOPT RULES, REGULATIONS, PROTOCOLS,  
38 ORDERS, AND STANDARDS TO CARRY OUT THE PROVISIONS OF THIS SECTION.

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1 (2) REGULATIONS CONCERNING THE PRACTICE OF MEDICINE SHALL BE  
 2 ADOPTED JOINTLY WITH THE BOARD OF PHYSICIAN QUALITY ASSURANCE.

3 (3) REGULATIONS CONCERNING THE PRACTICE OF NURSING SHALL BE  
 4 ADOPTED IN COLLABORATION WITH THE BOARD OF NURSING.

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

6 (II) THE PROVIDER REVIEW PANEL SHALL BE APPOINTED BY THE  
 7 EMS BOARD.

8 (2) THE PROVIDER REVIEW PANEL CONSISTS OF ~~TWELVE~~ THIRTEEN  
 9 MEMBERS, ~~TEN~~ ELEVEN VOTING MEMBERS APPOINTED BY THE EMS BOARD AND  
 10 TWO NONVOTING MEMBERS.

11 (3) EIGHT OF THE APPOINTED MEMBERS SHALL BE LICENSED OR  
 12 CERTIFIED EMERGENCY MEDICAL SERVICE PROVIDERS WHO ARE ACTIVELY  
 13 PROVIDING EMERGENCY MEDICAL SERVICES AT THE TIME OF THEIR  
 14 APPOINTMENT. THREE SHALL BE MEMBERS OF A GOVERNMENTAL FIRE, RESCUE,  
 15 OR EMERGENCY MEDICAL SERVICES COMPANY, THREE SHALL BE MEMBERS OF A  
 16 VOLUNTEER FIRE, RESCUE, OR EMERGENCY MEDICAL SERVICES COMPANY, ONE  
 17 SHALL BE AN EMPLOYEE OF A COMMERCIAL AMBULANCE SERVICE, AND ONE SHALL  
 18 BE AN EMERGENCY MEDICAL DISPATCHER. IN APPOINTING THE PROVIDER  
 19 REPRESENTATIVES OF THE PROVIDER REVIEW PANEL, THE BOARD SHALL GIVE  
 20 CONSIDERATION TO PROVIDING FOR REASONABLE REPRESENTATION FROM  
 21 THROUGHOUT THE STATE.

22 (4) ONE OF THE APPOINTED MEMBERS SHALL BE A ~~REPRESENTATIVE~~  
 23 ~~OF~~ PHYSICIAN FROM THE BOARD OF PHYSICIAN QUALITY ASSURANCE.

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

26 (6) ONE OF THE APPOINTED MEMBERS SHALL BE A REPRESENTATIVE  
 27 OF THE MEDICAL AND CHIRURGICAL FACULTY OF MARYLAND WITH EMERGENCY  
 28 MEDICAL SERVICES EXPERIENCE.

29 ~~(6)~~ (7) THE EXECUTIVE DIRECTOR OF THE INSTITUTE AND THE  
 30 STATE EMS MEDICAL DIRECTOR SHALL SERVE AS NONVOTING EX OFFICIO  
 31 MEMBERS.

32 ~~(7)~~ (8) THE PANEL SHALL ELECT A CHAIRMAN FROM AMONG ITS  
 33 MEMBERS.

34 ~~(8)~~ (9) THE EMS BOARD SHALL ADOPT REGULATIONS FOR THE  
 35 SELECTION, APPOINTMENT, AND TERMS OF THE MEMBERS OF THE PANEL,  
 36 INCLUDING PROVIDING FOR THE STAGGERING OF TERMS.

37 ~~(9)~~ (10) (I) THE PROVIDER REVIEW PANEL SHALL REVIEW PATIENT  
 38 CARE AND OTHER ALLEGATIONS OF MISCONDUCT AGAINST EMERGENCY MEDICAL  
 39 SERVICES PROVIDERS AND PROVIDE RECOMMENDATIONS TO THE EMS BOARD FOR  
 40 FURTHER ACTION AS NECESSARY.



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

3 (F) SUBJECT TO THE RULES, REGULATIONS, PROTOCOLS, ORDERS, AND  
4 STANDARDS OF THE EMS BOARD 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 SPECIFIED MEDICAL PROCEDURES AS AUTHORIZED  
10 BY THE EMS BOARD;

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

13 (III) PROVIDE EMERGENCY MEDICAL TRANSPORT;

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

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

18 2. PROVIDE PREARRIVAL INSTRUCTIONS INCLUDING  
19 INSTRUCTIONS IN CARDIOPULMONARY RESUSCITATION; AND

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

22 (3) A FIRST RESPONDER:

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

25 (II) MAY NOT BE THE PRIMARY EMERGENCY MEDICAL SERVICES  
26 PROVIDER DURING EMERGENCY MEDICAL TRANSPORT.

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

32 (I) REPRIMAND OR PLACE AN EMERGENCY MEDICAL SERVICES  
33 PROVIDER ON PROBATION;

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

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

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

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

4 (3) (I) UNLESS THE EMS BOARD AGREES TO ACCEPT THE SURRENDER  
5 OF A LICENSE OR CERTIFICATE, A HOLDER OF A LICENSE OR CERTIFICATE MAY NOT  
6 SURRENDER THE LICENSE OR CERTIFICATE.

7 (II) A LICENSE OR CERTIFICATE MAY NOT LAPSE BY OPERATION  
8 OF LAW WHILE THE HOLDER OF THE LICENSE OR CERTIFICATE IS UNDER  
9 INVESTIGATION OR WHILE CHARGES ARE PENDING AGAINST THE HOLDER OF THE  
10 LICENSE OR CERTIFICATE.

11 (4) THE EMS BOARD MAY SET CONDITIONS ON ITS AGREEMENT WITH  
12 THE HOLDER OF THE LICENSE OR CERTIFICATE UNDER INVESTIGATION OR  
13 AGAINST WHOM CHARGES ARE PENDING TO ACCEPT SURRENDER OF THE LICENSE  
14 OR CERTIFICATE.

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

17 (I) A REVIEW AND RECOMMENDATION BY THE PROVIDER  
18 REVIEW PANEL; AND

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

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

26 (3) THE INDIVIDUAL MAY BE REPRESENTED AT THE HEARING BY  
27 COUNSEL.

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

31 (I) (1) THE EMS BOARD SHALL REFER TO THE BOARD OF NURSING ANY  
32 COMPLAINT ABOUT AN EMERGENCY MEDICAL SERVICES PROVIDER WHO, IN  
33 ADDITION TO BEING LICENSED OR CERTIFIED BY THE EMS BOARD, IS LICENSED AS  
34 A REGISTERED NURSE OR LICENSED PRACTICAL NURSE BY THE BOARD OF  
35 NURSING.

36 (2) THE BOARD OF NURSING MAY INVESTIGATE AND DISCIPLINE A  
37 REGISTERED NURSE OR A LICENSED PRACTICAL NURSE FOR A VIOLATION OF THIS  
38 SECTION AND FOR A VIOLATION OF TITLE 8 OF THE HEALTH OCCUPATIONS  
39 ARTICLE.

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1 (3) THE BOARD OF NURSING SHALL CONDUCT ANY HEARING  
 2 REQUIRED BY THIS SECTION IN ACCORDANCE WITH § 8-317 OF THE HEALTH  
 3 OCCUPATIONS ARTICLE.

4 (4) THE EMS BOARD SHALL FOLLOW ANY RECOMMENDATION OR  
 5 ORDER ISSUED BY THE BOARD OF NURSING REGARDING A LICENSE OR  
 6 CERTIFICATE ISSUED BY THE EMS BOARD TO AN INDIVIDUAL WHO ALSO IS  
 7 LICENSED AS A REGISTERED NURSE OR LICENSED PRACTICAL NURSE BY THE  
 8 BOARD OF NURSING.

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

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

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

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

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

29 ~~(J) (K) AFTER DECEMBER 31, 1998:~~

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

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

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

12

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

3 ~~(K)~~ (L) (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  
9 ~~OR~~, A FEE FOR THE RENEWAL OF A CERTIFICATE, A TESTING FEE, OR A RETESTING  
10 FEE TO AN INDIVIDUAL WHO IS A ~~CURRENT~~ MEMBER OR EMPLOYEE OF ANY  
11 GOVERNMENTAL OR VOLUNTEER FIRE OR RESCUE COMPANY AT THE TIME OF  
12 THAT INDIVIDUAL'S APPLICATION.

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

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

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

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

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

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

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

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

13

**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 IN ACCORDANCE WITH  
34 § 13-516 OF THE EDUCATION ARTICLE;

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

14

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 subject to Section 5 of this Act, this Act shall take effect December 31, 1998.