
By: Senators Middleton and Amoss

Introduced and read first time: January 31, 1997

Assigned to: Economic and Environmental Affairs

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,

32 Article - Health Occupations

2

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

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

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

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

16 **Article - Education**

17 13-510.

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

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

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

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

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

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

29 (6) Coordinate the development of centers for treating emergency injuries
30 and illnesses;

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

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

36 (9) Administer State and federal funds for emergency medical services in
37 this State;

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

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

6 (12) Implement all programmatic, operational, and administrative
7 components of the Institute.

8 13-515.

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

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

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

15 1. Care for the patients being transported; and

16 2. Communicate with the dispatcher;

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

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

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

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

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

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

32 13-516.

33 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
34 INDICATED.

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

4

1 (I) COMPLETED A CARDIAC RESCUE TECHNICIAN COURSE
2 APPROVED BY THE EMS BOARD;

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

5 (III) BEEN EXAMINED BY THE EMS BOARD AND LICENSED AS A CRT
6 BY THE EMS BOARD.

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

10 (4) "EMERGENCY MEDICAL DISPATCHER" (EMD) MEANS AN
11 INDIVIDUAL WHO HAS:

12 (I) COMPLETED AN EMERGENCY MEDICAL DISPATCHER COURSE
13 APPROVED BY THE EMS BOARD OR ITS EQUIVALENT AS DETERMINED BY THE EMS
14 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
18 RECOGNIZED AS AN EMERGENCY MEDICAL DISPATCHER BY AN EMERGENCY
19 MEDICAL DISPATCHER PROGRAM APPROVED BY THE EMS BOARD AND LICENSED AS
20 AN EMERGENCY MEDICAL DISPATCHER BY THE EMS BOARD.

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

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

27 (I) A CARDIAC RESCUE TECHNICIAN;

28 (II) AN EMERGENCY MEDICAL DISPATCHER;

29 (III) AN EMERGENCY MEDICAL TECHNICIAN-AMBULANCE;

30 (IV) AN EMERGENCY MEDICAL TECHNICIAN-BASIC;

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

32 (VI) A FIRST RESPONDER.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (I) COMPLETED A FIRST RESPONDER COURSE APPROVED BY THE
25 EMS BOARD; AND

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

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

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

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

6

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

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

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

12 (2) THIS SECTION DOES NOT APPLY TO:

13 (I) AN INDIVIDUAL WHO:

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

16 2. IS AUTHORIZED TO PROVIDE EMERGENCY MEDICAL
17 SERVICES BY ANY STATE ADJOINING THIS STATE;

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

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

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

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

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

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

37 (V) AN INDIVIDUAL WHO ASSISTS AN EMERGENCY MEDICAL
38 SERVICES PROVIDER BUT DOES NOT DIRECTLY PROVIDE EMERGENCY MEDICAL
39 SERVICES; OR

7

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

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

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

9 (I) SUBMIT AN APPLICATION ON THE FORM THAT THE EMS BOARD
10 REQUIRES; AND

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

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

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

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

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

22 (II) THE PROVIDER REVIEW PANEL SHALL BE APPOINTED BY THE
23 EMS BOARD.

24 (2) THE PROVIDER REVIEW PANEL CONSISTS OF TWELVE MEMBERS,
25 TEN VOTING MEMBERS APPOINTED BY THE EMS BOARD AND TWO NONVOTING
26 MEMBERS.

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

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

8

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

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

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

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

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

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

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

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

21 (I) PERFORM SPECIFIED MEDICAL PROCEDURES AS AUTHORIZED
22 BY THE EMS BOARD;

23 (II) ADMINISTER SPECIFIED MEDICATIONS OR INTRAVENOUS
24 SOLUTIONS; AND

25 (III) PROVIDE EMERGENCY MEDICAL TRANSPORT;

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

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

30 2. PROVIDE PREARRIVAL INSTRUCTIONS INCLUDING
31 INSTRUCTIONS IN CARDIOPULMONARY RESUSCITATION; AND

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

34 (3) A FIRST RESPONDER:

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

9

1 (II) MAY NOT BE THE PRIMARY EMERGENCY MEDICAL SERVICES
2 PROVIDER DURING EMERGENCY MEDICAL TRANSPORT.

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

8 (I) REPRIMAND OR PLACE AN EMERGENCY MEDICAL SERVICES
9 PROVIDER ON PROBATION;

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

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

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

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

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

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

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

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

30 (I) A REVIEW AND RECOMMENDATION BY THE PROVIDER
31 REVIEW PANEL; AND

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

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

10

1 (3) THE INDIVIDUAL MAY BE REPRESENTED AT THE HEARING BY
2 COUNSEL.

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

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

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

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

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

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

25 (J) AFTER DECEMBER 31, 1998:

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

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

33 (3) UNLESS LICENSED OR CERTIFIED TO PROVIDE EMERGENCY
34 MEDICAL SERVICES UNDER THIS SECTION, A PERSON MAY NOT USE THE TERMS
35 "CARDIAC RESCUE TECHNICIAN", "CRT", "EMERGENCY MEDICAL DISPATCHER",
36 "EMD", "EMERGENCY MEDICAL TECHNICIAN", "EMT-A", "EMT-B", "EMT-P",
37 "PARAMEDIC", OR "FIRST RESPONDER" OR ANY OTHER WORDS, LETTERS, OR
38 SYMBOLS WITH THE INTENT TO REPRESENT THAT THE PERSON IS AUTHORIZED TO
39 PROVIDE EMERGENCY MEDICAL SERVICES.

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

11

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

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

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

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

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

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

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

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

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

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

33 (4) THE EMS BOARD MAY DELEGATE TO THE OFFICE OF
34 ADMINISTRATIVE HEARINGS THE AUTHORITY TO HEAR CONTESTED CASES AND
35 ISSUE RECOMMENDATIONS.

36 **Article - Health Occupations**

37 14-301.

38 Except as otherwise provided in this title OR § 13-516 OF THE EDUCATION
39 ARTICLE, an individual shall be licensed by the Board before the individual may practice
40 medicine in this State.

12

1 14-306.

2 (b) The individuals to whom duties may be delegated under this section include
3 any individual authorized to practice any other health occupation regulated under this
4 article OR § 13-516 OF THE EDUCATION ARTICLE.

5 **Article - Courts and Judicial Proceedings**

6 5-309.

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

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

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

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

13 (i) At the scene of an emergency;

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

15 (iii) Through communications with personnel providing emergency
16 assistance.

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

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

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

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

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

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

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

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

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

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

13

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

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

5 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 14-303 and
6 14-305 of Article - Health Occupations of the Annotated Code of Maryland be repealed.

7 SECTION 3. AND BE IT FURTHER ENACTED, That the Emergency Medical
8 Services Board shall adopt the regulations necessary to implement this Act by December
9 31, 1998.

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

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

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