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HB 1052/96 - ECM

1997 Regular Session
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CF HB 440

By: Senators Middleton and Amoss

Introduced and read first time: January 31, 1997
Assigned to: Economic and Environmental Affairs

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 18, 1997

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; requiring the EMS Board
15 to refer certain complaints regarding certain emergency medical services providers
16 to the State Board of Nursing under certain circumstances; creating the Emergency
17 Medical Services Board Provider Fund and specifying the purpose and funding of
18 the Fund; providing that certain emergency medical services providers are not civilly
19 liable for giving assistance in certain circumstances; defining terms; providing for a
20 delayed effective date for certain provisions of this Act; and generally relating to the
21 regulation and licensure or certification of certain emergency medical services
22 providers.

23 BY repealing and reenacting, with amendments,
24 Article - Education
25 Section 13-510 and 13-515(c)
26 Annotated Code of Maryland
27 (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 (I) MEDICAL SERVICES PROVIDED PREHOSPITAL TO PREVENT
31 IMMINENT DEATH OR AGGRAVATION OF ILLNESS OR INJURY WHETHER OR NOT
32 TRANSPORT TO A HOSPITAL OR APPROPRIATE FACILITY OCCURS;

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

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

38 (IV) MEDICAL INTERFACILITY CRITICAL CARE TRANSPORT TO AN
39 APPROPRIATE FACILITY.

5

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

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

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

- 11 (I) COMPLETED AN EMERGENCY MEDICAL
12 TECHNICIAN-AMBULANCE COURSE APPROVED BY THE EMS BOARD;
- 13 (II) DEMONSTRATED COMPETENCE IN MEDICAL PROTOCOLS AS
14 DETERMINED BY THE EMS BOARD; AND
- 15 (III) BEEN EXAMINED BY THE EMS BOARD AND CERTIFIED AS AN
16 EMT-A BY THE EMS BOARD.

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

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

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

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

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

6

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

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

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

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

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

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

20 (14) "PROVIDER REVIEW PANEL" MEANS THE ~~TWELVE-MEMBER~~
21 13-MEMBER PANEL APPOINTED BY THE EMS BOARD IN ACCORDANCE WITH THE
22 PROVISIONS OF SUBSECTION (E) OF THIS SECTION.

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

27 (2) THIS SECTION DOES NOT APPLY TO:

28 (I) AN INDIVIDUAL WHO:

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

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

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

37 4. IS PROVIDING EMERGENCY MEDICAL SERVICES WITHIN
38 THE SCOPE OF THE LICENSE OR CERTIFICATE ISSUED TO THE INDIVIDUAL BY THE
39 OTHER STATE; AND

7

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

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

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

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

13 (V) AN INDIVIDUAL WHO ASSISTS AN EMERGENCY MEDICAL
14 SERVICES PROVIDER BUT DOES NOT DIRECTLY PROVIDE EMERGENCY MEDICAL
15 SERVICES; OR

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

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

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

24 (I) SUBMIT AN APPLICATION ON THE FORM THAT THE EMS BOARD
25 REQUIRES; AND

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

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

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

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

36 (2) ANY REGULATIONS OF THE EMS BOARD RELATING TO THE
37 PRACTICE OF MEDICINE SHALL BE ADOPTED JOINTLY WITH THE BOARD OF
38 PHYSICIAN QUALITY ASSURANCE.

1 (3) ANY REGULATIONS OF THE EMS BOARD RELATING TO THE
 2 PRACTICE OF NURSING SHALL BE ADOPTED IN COLLABORATION WITH THE BOARD
 3 OF NURSING.

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

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

7 (2) THE PROVIDER REVIEW PANEL CONSISTS OF ~~TWELVE MEMBERS~~ 13
 8 MEMBERS, TEN 11 VOTING MEMBERS APPOINTED BY THE EMS BOARD AND TWO
 9 NONVOTING MEMBERS.

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

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

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

25 (6) ONE OF THE APPOINTED MEMBERS SHALL BE A REPRESENTATIVE
 26 OF THE MEDICAL AND CHIRURGICAL FACULTY OF THE STATE OF MARYLAND WHO
 27 HAS EMERGENCY MEDICAL SERVICES EXPERIENCE.

28 ~~(6)~~ (7) THE EXECUTIVE DIRECTOR OF THE INSTITUTE AND THE
 29 STATE EMS MEDICAL DIRECTOR SHALL SERVE AS NONVOTING EX OFFICIO
 30 MEMBERS.

31 ~~(7)~~ (8) THE PANEL SHALL ELECT A CHAIRMAN FROM AMONG ITS
 32 MEMBERS.

33 ~~(8)~~ (9) THE EMS BOARD SHALL ADOPT REGULATIONS FOR THE
 34 SELECTION, APPOINTMENT, AND TERMS OF THE MEMBERS OF THE PANEL,
 35 INCLUDING PROVIDING FOR THE STAGGERING OF TERMS.

36 ~~(9)~~ (10) (I) THE PROVIDER REVIEW PANEL SHALL REVIEW PATIENT
 37 CARE AND OTHER ALLEGATIONS OF MISCONDUCT AGAINST EMERGENCY MEDICAL
 38 SERVICES PROVIDERS AND PROVIDE RECOMMENDATIONS TO THE EMS BOARD FOR
 39 FURTHER ACTION AS NECESSARY.

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

9

1 (F) SUBJECT TO THE RULES, REGULATIONS, PROTOCOLS, ORDERS, AND
2 STANDARDS OF THE EMS BOARD AND SUBJECT TO MEDICAL DIRECTION, WHILE
3 PROVIDING EMERGENCY MEDICAL SERVICES:

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

7 (I) PERFORM SPECIFIED MEDICAL PROCEDURES AS AUTHORIZED
8 BY THE EMS BOARD;

9 (II) ADMINISTER SPECIFIED MEDICATIONS OR INTRAVENOUS
10 SOLUTIONS; AND

11 (III) PROVIDE EMERGENCY MEDICAL TRANSPORT;

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

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

16 2. PROVIDE PREARRIVAL INSTRUCTIONS INCLUDING
17 INSTRUCTIONS IN CARDIOPULMONARY RESUSCITATION; AND

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

20 (3) A FIRST RESPONDER:

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

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

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

30 (I) REPRIMAND OR PLACE AN EMERGENCY MEDICAL SERVICES
31 PROVIDER ON PROBATION;

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

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

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

10

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 ANY COMPLAINT REGARDING AN
32 EMERGENCY MEDICAL SERVICES PROVIDER WHO IS LICENSED AS A REGISTERED
33 NURSE OR LICENSED PRACTICAL NURSE BY THE BOARD OF NURSING.

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

37 (3) ANY HEARING CONDUCTED BY THE BOARD OF NURSING AS
38 REQUIRED UNDER THIS SECTION, SHALL BE CONDUCTED IN ACCORDANCE WITH §
39 8-317 OF THE HEALTH OCCUPATIONS ARTICLE.

1 (4) THE EMS BOARD SHALL COMPLY WITH ANY RECOMMENDATION OR
2 ORDER ISSUED BY THE BOARD OF NURSING REGARDING THE ISSUANCE OF A
3 LICENSE OR CERTIFICATE BY THE EMS BOARD TO AN INDIVIDUAL WHO IS LICENSED
4 AS A REGISTERED NURSE OR LICENSED PRACTICAL NURSE.

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

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

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

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

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

24 ~~(K) AFTER DECEMBER 31, 1998:~~

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

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

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

39 ~~(L)~~ (L) (1) THERE IS AN EMS BOARD PROVIDER FUND.

12

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
6 ~~OR~~, A FEE FOR THE RENEWAL OF A CERTIFICATE, A TESTING FEE, OR A RETESTING
7 FEE TO AN INDIVIDUAL WHO IS A ~~CURRENT~~ MEMBER OR EMPLOYEE OF ANY
8 GOVERNMENTAL OR VOLUNTEER FIRE OR RESCUE COMPANY AT THE TIME OF
9 THAT INDIVIDUAL'S APPLICATION.

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

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

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

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

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

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

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

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

34 (4) THE EMS BOARD MAY DELEGATE TO THE OFFICE OF
35 ADMINISTRATIVE HEARINGS THE AUTHORITY TO HEAR CONTESTED CASES AND
36 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 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
11 read as follows:

12 **Article - Courts and Judicial Proceedings**

13 5-309.

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

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

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

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

20 (i) At the scene of an emergency;

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

22 (iii) Through communications with personnel providing emergency
23 assistance.

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

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

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

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

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

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

14

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

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

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

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

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

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

13 SECTION ~~2-~~ 3. AND BE IT FURTHER ENACTED, That Section(s) 14-303 and
14 14-305 of Article - Health Occupations of the Annotated Code of Maryland be repealed.

15 SECTION ~~3-~~ 4. AND BE IT FURTHER ENACTED, That the Emergency
16 Medical Services Board shall adopt the regulations necessary to implement this Act by
17 December 31, 1998.

18 SECTION ~~4-~~ 5. AND BE IT FURTHER ENACTED, That all emergency medical
19 services providers certified by the EMS Board or the Board of Physician Quality
20 Assurance prior to December 31, 1998 shall be deemed to be licensed or certified under
21 the provisions of this Act until the expiration of their certification.

22 SECTION ~~5-~~ 6. AND BE IT FURTHER ENACTED, That ~~Section 3~~ Sections 2
23 and 4 of this Act shall take effect July 1, 1997.

24 SECTION ~~6-~~ 7. AND BE IT FURTHER ENACTED, That ~~Sections 1, 2, and 4 of~~
25 subject to Section 6 of this Act, this Act shall take effect December 31, 1998.