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Dry Chairman Environmental Matters Committee (Departmental Md

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

Introduced and read first time: January 19, 1998

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 Emergency Medical Services Providers

- 3 FOR the purpose of clarifying that certain definitions of "health care provider",
- 4 "health care practitioner", and "health practitioner" in the Code include certain
- 5 emergency medical services personnel; making technical corrections to certain
- 6 provisions of the Code pertaining to emergency medical services; establishing
- 7 certain penalties; defining certain terms; providing for a delayed effective date;
- 8 and generally relating to emergency medical services.
- 9 BY repealing and reenacting, with amendments,
- 10 Article 27 Crimes and Punishments
- 11 Section 35D(a)(5)
- 12 Annotated Code of Maryland
- 13 (1996 Replacement Volume and 1997 Supplement)
- 14 BY repealing and reenacting, with amendments,
- 15 Article Family Law
- 16 Section 5-701(h)
- 17 Annotated Code of Maryland
- 18 (1991 Replacement Volume and 1997 Supplement)
- 19 BY repealing and reenacting, with amendments,
- 20 Article Health General
- 21 Section 4-301(h), 5-601(h) and (j), and 5-608(a)
- 22 Annotated Code of Maryland
- 23 (1994 Replacement Volume and 1997 Supplement)
- 24 BY repealing and reenacting, with amendments,
- 25 Article Education
- 26 Section 13-516(a)(12) and (b)
- 27 Annotated Code of Maryland
- 28 (1997 Replacement Volume and 1997 Supplement)

1 (As enacted by Chapter 201 of the Acts of the General Assembly of 1997) 2 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 3 MARYLAND, That the Laws of Maryland read as follows: 4 **Article 27 - Crimes and Punishments** 5 35D. "Health care provider" means any person who is authorized to 6 7 practice under the Health Occupations Article OR § 13-516 OF THE EDUCATION 8 ARTICLE. 9 **Article - Family Law** 10 5-701. (h) "Health practitioner" includes any person who is authorized to 11 (1)12 practice healing under the Health Occupations Article OR § 13-516 OF THE 13 EDUCATION ARTICLE. 14 "HEALTH PRACTITIONER" DOES NOT INCLUDE AN EMERGENCY (2) 15 MEDICAL DISPATCHER. **Article - Health - General** 16 17 4-301. "Health care provider" means: 18 (h) (1) 19 A person who is licensed, certified, or otherwise authorized 20 under the Health Occupations Article OR § 13-516 OF THE EDUCATION ARTICLE to 21 provide health care in the ordinary course of business or practice of a profession or in 22 an approved education or training program; or 23 A facility where health care is provided to patients or recipients, (ii) 24 including a facility as defined in § 10-101(e) of this article, a hospital as defined in § 25 19-301(f) of this article, a related institution as defined in § 19-301(n) of this article, 26 a health maintenance organization as defined in § 19-701(e) of this article, an 27 outpatient clinic, and a medical laboratory. "Health care provider" includes the agents, employees, officers, and 28 29 directors of a facility and the agents and employees of a health care provider. 30 5-601. "Emergency medical services `do not resuscitate order' " means a 31 (h) 32 physician's written order in a form established by protocol issued by the Maryland 33 Institute for Emergency Medical Services in conjunction with the State Board of 34 Physician Quality Assurance which, in the event of a cardiac or respiratory arrest of

HOUSE BILL 129

1 a particular patient, authorizes certified OR LICENSED emergency medical services

3 4	personnel to withhold or withdraw cardiopulmonary resuscitation including cardiac compression, endotracheal intubation, other advanced airway management techniques, artificial ventilation, defibrillation, and other related life-sustaining procedures.
6	(j) "Health care practitioner" means:
7 8	(1) An individual licensed or certified under the Health Occupations Article OR § 13-516 OF THE EDUCATION ARTICLE to provide health care; or
9 10	(2) The administrator of a hospital or a person designated by the administrator in accordance with hospital policy.
11	5-608.
14 15	(a) (1) Certified OR LICENSED emergency medical services personnel shall be directed by protocol to follow emergency medical services "do not resuscitate orders" pertaining to adult patients in the outpatient setting in accordance with protocols established by the Maryland Institute for Emergency Medical Services Systems in conjunction with the State Board of Physician Quality Assurance.
	(2) Emergency medical services "do not resuscitate orders" may not authorize the withholding of medical interventions, or therapies deemed necessary to provide comfort care or to alleviate pain.
20	Article - Education
21	13-516.
	(a) (12) (i) "Medical direction" means the written or oral instruction by a [physician] licensed PHYSICIAN to perform specified medical procedures or administer specified medications or intravenous solutions.
	(ii) "Medical direction" includes the activities of a licensed physician in the State serving as a medical director for an agency providing emergency medical services including quality assurance, planning, and education.
	(b) (1) Except as otherwise provided in this section, an individual may not provide emergency medical services in the State unless issued a license or certificate by the EMS Board under this section.
31	(2) This section does not apply to:
32	(i) An individual who:
33 34	1. Has completed an emergency medical services course or its equivalent as determined by the EMS Board;

HOUSE BILL 129

1 2	2. Is authorized to provide emergency medical services by any state adjoining this State;
3 4 5	3. Is called on by a public safety agency providing emergency medical services to render emergency medical services in this State or to transport emergency patients from the adjoining state to a health care facility in this State;
6 7	4. Is providing emergency medical services within the scope of the license or certificate issued to the individual by the other state; and
	5. Is not affiliated with an emergency medical service in this State or is not engaged in providing emergency medical services in this State on a regular basis;
	(ii) An individual who is enrolled in an emergency medical services provider training program that meets the standards set by the EMS Board in the course of that training;
	(iii) An individual who is not engaged in providing emergency medical services on a regular basis who provides emergency medical services at the scene of a medical emergency in rare instances;
17 18	(iv) An individual who is a member of a volunteer fire or rescue company and solely engaged in driving the emergency vehicle;
19 20	(v) An individual who assists an emergency medical services provider but does not directly provide emergency medical services; or
	(vi) An individual who has American Red Cross first aid training or its equivalent and who provides services within the scope of that training, does not respond to emergency calls, and does not transport patients.
	(3) This subsection does not limit the right of an individual to practice a health occupation that the individual is authorized to practice under the Health Occupations Article.
	(4) A PERSON WHO VIOLATES ANY PROVISION OF THIS SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.
30 31	SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect December 31, 1998.