
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

Committee Report: Favorable

House action: Adopted

Read second time: February 17, 1998

CHAPTER _____

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

1 (1994 Replacement Volume and 1997 Supplement)

2 BY repealing and reenacting, with amendments,

3 Article - Education

4 Section 13-516(a)(12) and (b)

5 Annotated Code of Maryland

6 (1997 Replacement Volume and 1997 Supplement)

7 (As enacted by Chapter 201 of the Acts of the General Assembly of 1997)

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

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

10 **Article 27 - Crimes and Punishments**

11 35D.

12 (a) (5) "Health care provider" means any person who is authorized to
13 practice under the Health Occupations Article OR § 13-516 OF THE EDUCATION
14 ARTICLE.

15 **Article - Family Law**

16 5-701.

17 (h) (1) "Health practitioner" includes any person who is authorized to
18 practice healing under the Health Occupations Article OR § 13-516 OF THE
19 EDUCATION ARTICLE.

20 (2) "HEALTH PRACTITIONER" DOES NOT INCLUDE AN EMERGENCY
21 MEDICAL DISPATCHER.

22 **Article - Health - General**

23 4-301.

24 (h) (1) "Health care provider" means:

25 (i) A person who is licensed, certified, or otherwise authorized
26 under the Health Occupations Article OR § 13-516 OF THE EDUCATION ARTICLE to
27 provide health care in the ordinary course of business or practice of a profession or in
28 an approved education or training program; or

29 (ii) A facility where health care is provided to patients or recipients,
30 including a facility as defined in § 10-101(e) of this article, a hospital as defined in §
31 19-301(f) of this article, a related institution as defined in § 19-301(n) of this article,
32 a health maintenance organization as defined in § 19-701(e) of this article, an
33 outpatient clinic, and a medical laboratory.

1 (2) "Health care provider" includes the agents, employees, officers, and
2 directors of a facility and the agents and employees of a health care provider.

3 5-601.

4 (h) "Emergency medical services `do not resuscitate order' " means a
5 physician's written order in a form established by protocol issued by the Maryland
6 Institute for Emergency Medical Services in conjunction with the State Board of
7 Physician Quality Assurance which, in the event of a cardiac or respiratory arrest of
8 a particular patient, authorizes certified OR LICENSED emergency medical services
9 personnel to withhold or withdraw cardiopulmonary resuscitation including cardiac
10 compression, endotracheal intubation, other advanced airway management
11 techniques, artificial ventilation, defibrillation, and other related life-sustaining
12 procedures.

13 (j) "Health care practitioner" means:

14 (1) An individual licensed or certified under the Health Occupations
15 Article OR § 13-516 OF THE EDUCATION ARTICLE to provide health care; or

16 (2) The administrator of a hospital or a person designated by the
17 administrator in accordance with hospital policy.

18 5-608.

19 (a) (1) Certified OR LICENSED emergency medical services personnel shall
20 be directed by protocol to follow emergency medical services "do not resuscitate
21 orders" pertaining to adult patients in the outpatient setting in accordance with
22 protocols established by the Maryland Institute for Emergency Medical Services
23 Systems in conjunction with the State Board of Physician Quality Assurance.

24 (2) Emergency medical services "do not resuscitate orders" may not
25 authorize the withholding of medical interventions, or therapies deemed necessary to
26 provide comfort care or to alleviate pain.

27 **Article - Education**

28 13-516.

29 (a) (12) (i) "Medical direction" means the written or oral instruction by a
30 [physician] licensed PHYSICIAN to perform specified medical procedures or
31 administer specified medications or intravenous solutions.

32 (ii) "Medical direction" includes the activities of a licensed
33 physician in the State serving as a medical director for an agency providing
34 emergency medical services including quality assurance, planning, and education.

35 (b) (1) Except as otherwise provided in this section, an individual may not
36 provide emergency medical services in the State unless issued a license or certificate
37 by the EMS Board under this section.

1 (2) This section does not apply to:

2 (i) An individual who:

3 1. Has completed an emergency medical services course or its
4 equivalent as determined by the EMS Board;

5 2. Is authorized to provide emergency medical services by
6 any state adjoining this State;

7 3. Is called on by a public safety agency providing emergency
8 medical services to render emergency medical services in this State or to transport
9 emergency patients from the adjoining state to a health care facility in this State;

10 4. Is providing emergency medical services within the scope
11 of the license or certificate issued to the individual by the other state; and

12 5. Is not affiliated with an emergency medical service in this
13 State or is not engaged in providing emergency medical services in this State on a
14 regular basis;

15 (ii) An individual who is enrolled in an emergency medical services
16 provider training program that meets the standards set by the EMS Board in the
17 course of that training;

18 (iii) An individual who is not engaged in providing emergency
19 medical services on a regular basis who provides emergency medical services at the
20 scene of a medical emergency in rare instances;

21 (iv) An individual who is a member of a volunteer fire or rescue
22 company and solely engaged in driving the emergency vehicle;

23 (v) An individual who assists an emergency medical services
24 provider but does not directly provide emergency medical services; or

25 (vi) An individual who has American Red Cross first aid training or
26 its equivalent and who provides services within the scope of that training, does not
27 respond to emergency calls, and does not transport patients.

28 (3) This subsection does not limit the right of an individual to practice a
29 health occupation that the individual is authorized to practice under the Health
30 Occupations Article.

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

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
35 effect December 31, 1998.

