

HOUSE BILL 1223

Unofficial Copy  
E4

2000 Regular Session  
Olr2746  
CF SB 247

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By: **Delegates Moe, Bozman, Conway, Frush, Glassman, Love, Malone,  
Menes, Mitchell, O'Donnell, Parrott, Rudolph, Stull, and Walkup**

Introduced and read first time: February 11, 2000

Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Emergency Medical Services - Public Safety Personnel - Immunizations**

3 FOR the purpose of authorizing emergency medical technician-paramedics to  
4 administer certain immunizations and tuberculosis skin testing in certain  
5 environments to public safety personnel within their jurisdiction under certain  
6 circumstances; defining a certain term; and generally relating to emergency  
7 medical services.

8 BY repealing and reenacting, with amendments,

9 Article - Education

10 Section 13-516

11 Annotated Code of Maryland

12 (1999 Replacement Volume)

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

15 **Article - Education**

16 13-516.

17 (a) (1) In this section the following words have the meanings indicated.

18 (2) "Cardiac rescue technician" (CRT) means an individual who has:

19 (i) Completed a cardiac rescue technician course approved by the  
20 EMS Board;

21 (ii) Demonstrated competence in medical protocols within this  
22 State as determined by the EMS Board; and

23 (iii) Been examined by the EMS Board and licensed as a CRT by the  
24 EMS Board.

1 (3) "Certificate" means a certificate issued by the EMS Board to provide  
2 emergency medical services in the State, except where the context requires otherwise.

3 (4) "Emergency medical dispatcher" (EMD) means an individual who  
4 has:

5 (i) Completed an emergency medical dispatcher course approved  
6 by the EMS Board or its equivalent as determined by the EMS Board;

7 (ii) Demonstrated competence in medical protocols as determined  
8 by the EMS Board; and

9 (iii) Been examined by the EMS Board or has been recognized as an  
10 emergency medical dispatcher by an emergency medical dispatcher program  
11 approved by the EMS Board and licensed as an emergency medical dispatcher by the  
12 EMS Board.

13 (5) "Emergency medical services" means:

14 (i) Medical services provided prehospital to prevent imminent  
15 death or aggravation of illness or injury whether or not transport to a hospital or  
16 appropriate facility occurs;

17 (ii) Transport from the scene of a medical emergency to a hospital  
18 or appropriate facility whether or not medical services are provided;

19 (iii) Medical interfacility transport services to an appropriate  
20 facility; or

21 (iv) Medical interfacility critical care transport to an appropriate  
22 facility.

23 (6) "Emergency medical services provider" means an individual licensed  
24 or certified by the EMS Board as:

25 (i) A cardiac rescue technician;

26 (ii) An emergency medical dispatcher;

27 (iii) An emergency medical technician-ambulance;

28 (iv) An emergency medical technician-basic;

29 (v) An emergency medical technician-paramedic; or

30 (vi) A first responder.

31 (7) "Emergency medical technician-ambulance" (EMT-A) means an  
32 individual who has:

1 (i) Completed an emergency medical technician-ambulance course  
2 approved by the EMS Board;

3 (ii) Demonstrated competence in medical protocols as determined  
4 by the EMS Board; and

5 (iii) Been examined by the EMS Board and certified as an EMT-A  
6 by the EMS Board.

7 (8) "Emergency medical technician-basic" (EMT-B) means an individual  
8 who has:

9 (i) Completed an emergency medical technician-basic course  
10 approved by the EMS Board;

11 (ii) Demonstrated competence in medical protocols as determined  
12 by the EMS Board; and

13 (iii) Been examined by the EMS Board and certified as an EMT-B  
14 by the EMS Board.

15 (9) "Emergency medical technician-paramedic" (EMT-P) means an  
16 individual who has:

17 (i) Completed an emergency medical technician-paramedic course  
18 approved by the EMS Board;

19 (ii) Been tested and registered by the National Registry of  
20 Emergency Medical Technicians, Inc. as an emergency medical  
21 technician-paramedic;

22 (iii) Demonstrated competence in medical protocols within this  
23 State as determined by the EMS Board; and

24 (iv) Been licensed as an EMT-P by the EMS Board.

25 (10) "First responder" means an individual who has:

26 (i) Completed a first responder course approved by the EMS  
27 Board; and

28 (ii) Been examined by the EMS Board and certified as a first  
29 responder by the EMS Board.

30 (11) "License" means a license issued by the EMS Board to provide  
31 emergency medical services in the State, unless the context requires otherwise.

32 (12) (i) "Medical direction" means the written or oral instruction by a  
33 licensed physician to perform specified medical procedures or administer specified  
34 medications or intravenous solutions.

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

4 (13) "National registry" means the nonproprietary, nongovernmental  
5 agency that provides standardized national testing and registration for emergency  
6 medical technicians based on national training standards.

7 (14) "Provider review panel" means the 13-member panel appointed by  
8 the EMS Board in accordance with the provisions of subsection (e) of this section.

9 (15) "PUBLIC SAFETY PERSONNEL" MEANS:

10 (I) ANY CAREER OR VOLUNTEER MEMBER OF A FIRE, RESCUE OR  
11 EMS DEPARTMENT, COMPANY, SQUAD OR AUXILIARY;

12 (II) ANY LAW ENFORCEMENT OFFICER; OR

13 (II) THE STATE FIRE MARSHAL OR A SWORN MEMBER OF THE  
14 STATE FIRE MARSHAL'S OFFICE.

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

18 (2) This section does not apply to:

19 (i) An individual who:

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

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

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

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

29 5. Is not affiliated with an emergency medical service in this  
30 State or is not engaged in providing emergency medical services in this State on a  
31 regular basis;

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

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

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

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

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

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

14 (4) A person who violates any provision of this subsection is guilty of a  
15 misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or  
16 imprisonment not exceeding 1 year or both.

17 (c) (1) To apply for a license or certificate, an individual shall:

18 (i) Submit an application on the form that the EMS Board  
19 requires; and

20 (ii) Pay to the EMS Board any application fee set by the EMS Board  
21 under subsection (l) of this section.

22 (2) The EMS Board may not charge a licensing, certifying, testing, or  
23 retesting fee to any individual who is a member or employee of any governmental or  
24 volunteer fire, rescue, or emergency medical services company at the date of  
25 application.

26 (3) The EMS Board shall provide for the term and renewal of licenses or  
27 certificates issued under this section.

28 (d) (1) The EMS Board may adopt rules, regulations, protocols, orders, and  
29 standards to carry out the provisions of this section.

30 (2) Any regulations of the EMS Board relating to the practice of medicine  
31 shall be adopted jointly with the Board of Physician Quality Assurance.

32 (3) Any regulations of the EMS Board relating to the practice of nursing  
33 shall be adopted in collaboration with the Board of Nursing.

34 (e) (1) (i) There is a provider review panel to the EMS Board.

35 (ii) The provider review panel shall be appointed by the EMS  
36 Board.

1           (2)     The provider review panel consists of 13 members, 11 voting  
2 members appointed by the EMS Board and two nonvoting members.

3           (3)     Eight of the appointed members shall be licensed or certified  
4 emergency medical service providers who are actively providing emergency medical  
5 services at the time of their appointment. Three shall be members of a governmental  
6 fire, rescue, or emergency medical services company, three shall be members of a  
7 volunteer fire, rescue, or emergency medical services company, one shall be an  
8 employee of a commercial ambulance service, and one shall be an emergency medical  
9 dispatcher. In appointing the provider representatives of the provider review panel,  
10 the Board shall give consideration to providing for reasonable representation from  
11 throughout the State.

12          (4)     One of the appointed members shall be a physician appointed by the  
13 Board of Physician Quality Assurance.

14          (5)     One of the appointed members shall be a medical director with  
15 emergency medical services experience.

16          (6)     One of the appointed members shall be a representative of the  
17 Medical and Chirurgical Faculty of the State of Maryland who has emergency medical  
18 services experience.

19          (7)     The Executive Director of the Institute and the State EMS Medical  
20 Director shall serve as nonvoting ex officio members.

21          (8)     The panel shall elect a chairman from among its members.

22          (9)     The EMS Board shall adopt regulations for the selection,  
23 appointment, and terms of the members of the panel, including providing for the  
24 staggering of terms.

25          (10)    (i)     The provider review panel shall review patient care and other  
26 allegations of misconduct against emergency medical services providers and provide  
27 recommendations to the EMS Board for further action as necessary.

28                   (ii)    The provider review panel shall perform any other duty or  
29 function that the EMS Board requires.

30   (f)     Subject to the rules, regulations, protocols, orders, and standards of the  
31 EMS Board and subject to medical direction, while providing emergency medical  
32 services:

33           (1)     A cardiac rescue technician, an emergency medical technician-A, an  
34 emergency medical technician-B, or an emergency medical technician-P may:

35                   (i)     Perform specified medical procedures as authorized by the EMS  
36 Board;

37                   (ii)    Administer specified medications or intravenous solutions; and

- 1 (iii) Provide emergency medical transport;
- 2 (2) (i) An emergency medical dispatcher may:
- 3 1. Perform medical interrogation in order to determine the  
4 type and level of response required at the scene of a medical emergency;
- 5 2. Provide prearrival instructions including instructions in  
6 cardiopulmonary resuscitation; and
- 7 (ii) Participation in emergency medical dispatch programs by  
8 jurisdictions is totally voluntary; and

9 (3) A first responder:

10 (i) May perform specified medical procedures as defined by the  
11 EMS Board; and

12 (ii) May not be the primary emergency medical services provider  
13 during emergency medical transport.

14 (G) SUBJECT TO THE RULES, REGULATIONS, PROTOCOLS, ORDERS, AND  
15 STANDARDS OF THE EMS BOARD, AN EMT-P MAY ADMINISTER IMMUNIZATIONS AND  
16 TUBERCULOSIS SKIN TESTING, IN A NONEMERGENCY ENVIRONMENT, TO PUBLIC  
17 SAFETY PERSONNEL WITHIN THE JURISDICTION OF THE EMT-P, IF THE SERVICES  
18 ARE:

19 (1) AUTHORIZED BY A WRITTEN AGREEMENT BETWEEN THE  
20 PROVIDER'S JURISDICTIONAL EMS OPERATIONAL PROGRAM MEDICAL DIRECTOR  
21 AND THE COUNTY OR CITY HEALTH DEPARTMENT IN WHOSE JURISDICTION THE  
22 SERVICES ARE PERFORMED; AND

23 (2) UNDER THE DIRECTION OF THE JURISDICTIONAL EMS OPERATIONAL  
24 PROGRAM MEDICAL DIRECTOR.

25 [(g)] (H) (1) Subject to the hearing provisions of subsection (h) of this section  
26 and as a result of any conduct of an emergency medical services provider or an  
27 applicant for a license or certificate under this section that is prohibited under the  
28 provisions of this section or any regulations adopted under this section, the EMS  
29 Board may:

30 (i) Reprimand or place an emergency medical services provider on  
31 probation;

32 (ii) Suspend or revoke the license or certificate of an emergency  
33 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.

1                   (2)       On the application of an individual whose license or certificate has  
2 been suspended or revoked, the EMS Board may reinstate a suspended or revoked  
3 license or certificate.

4                   (3)       (i)       Unless the EMS Board agrees to accept the surrender of a  
5 license or certificate, a holder of a license or certificate may not surrender the license  
6 or certificate.

7                               (ii)       A license or certificate may not lapse by operation of law while  
8 the holder of the license or certificate is under investigation or while charges are  
9 pending against the holder of the license or certificate.

10                   (4)       The EMS Board may set conditions on its agreement with the holder  
11 of the license or certificate under investigation or against whom charges are pending  
12 to accept surrender of the license or certificate.

13       [(h)]       (I)       (1)       The EMS Board may take action under subsection (g) of this  
14 section only after:

15                               (i)       A review and recommendation by the provider review panel;  
16 and

17                               (ii)       After the individual against whom the action is contemplated  
18 has had an opportunity for a hearing in accordance with the provisions of Title 10,  
19 Subtitle 2 of the State Government Article.

20                   (2)       The EMS Board may not proceed with disciplinary cases concerning  
21 patient care except upon the affirmative recommendation of the provider review  
22 panel.

23                   (3)       The individual may be represented at the hearing by counsel.

24                   (4)       Any person aggrieved by a decision of the EMS Board may take any  
25 further appeal allowed under Title 10, Subtitle 2 of the State Government Article.

26       [(i)]       (J)       (1)       The EMS Board shall refer to the Board of Nursing any  
27 complaint about an emergency medical services provider who, in addition to being  
28 licensed or certified by the EMS Board, is licensed as a registered nurse or licensed  
29 practical nurse by the Board of Nursing.

30                   (2)       The Board of Nursing may investigate and discipline a registered  
31 nurse or licensed practical nurse for a violation of this section and a violation of Title  
32 8 of the Health Occupations Article.

33                   (3)       The Board of Nursing shall conduct any hearing required by this  
34 section in accordance with § 8-317 of the Health Occupations Article.

35                   (4)       The EMS Board shall comply with any recommendation or order  
36 issued by the Board of Nursing regarding the issuance of a license or certificate by the



1 EMS Board to an individual who is licensed as a registered nurse or licensed practical  
2 nurse.

3 [(j)] (K) (1) The EMS Board may, over the signature of the chairman of the  
4 EMS Board, Executive Director of the Institute, chairman of the provider review  
5 panel, or State EMS Medical Director, issue subpoenas and administer oaths in  
6 connection with any investigation under this section and any hearings or proceedings  
7 before it.

8 (2) If, without lawful excuse, a person disobeys a subpoena of the EMS  
9 Board or an order by the EMS Board to take an oath or to testify or answer a  
10 question, a court of competent jurisdiction may punish the person for contempt.

11 (3) If, after due notice, the individual against whom an action is  
12 contemplated fails or refuses to appear, the EMS Board may hear and determine the  
13 matter.

14 (4) If the entry is necessary to carry out a duty under this section, any  
15 duly authorized agent or investigator of the EMS Board may enter at any reasonable  
16 hour a place of business of a licensed or certified emergency medical services provider  
17 or public premises.

18 (5) The EMS Board may issue a cease and desist order or obtain  
19 injunctive relief if a person provides emergency medical services without a license or  
20 certificate.

21 [(k)] (L) (1) A person who violates any provision of this subsection is guilty  
22 of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or  
23 imprisonment not exceeding 1 year or both.

24 (2) Unless licensed or certified to provide emergency medical services  
25 under this section, a person may not represent to the public that the person is  
26 authorized to provide emergency medical services in this State.

27 (3) Unless licensed or certified to provide emergency medical services  
28 under this section, a person may not use the terms "cardiac rescue technician",  
29 "CRT", "emergency medical dispatcher", "EMD", "emergency medical technician",  
30 "EMT-A", "EMT-B", "EMT-P", "paramedic", or "first responder" or any other words,  
31 letters, or symbols with the intent to represent that the person is authorized to  
32 provide emergency medical services.

33 [(l)] (M) (1) There is an EMS Board Provider Fund.

34 (2) Except as provided in paragraph (3) of this subsection, the EMS  
35 Board may set reasonable fees for the initial issuance of licenses or certificates and its  
36 other services.

37 (3) (i) The EMS Board may not charge an initial licensing fee, an  
38 initial certifying fee, a fee for the renewal of a license, a fee for the renewal of a  
39 certificate, a testing fee, or a retesting fee to an individual who is a member or

1 employee of any governmental or volunteer fire or rescue company at the time of that  
2 individual's application.

3 (ii) The EMS Board shall pay all fees collected under the provisions  
4 of this section to the Comptroller of the State.

5 (iii) The Comptroller of the State shall distribute the fees to the  
6 EMS Board Provider Fund.

7 (4) The EMS Board Provider Fund shall be used exclusively to fund the  
8 actual documented direct and indirect costs of fulfilling the statutory and regulatory  
9 duties of the EMS Board as provided by the provisions of this section.

10 (5) (i) The EMS Board Provider Fund is a continuing, nonlapsing fund  
11 and is not subject to § 7-302 of the State Finance and Procurement Article.

12 (ii) Any unspent portion of the EMS Board Provider Fund may not  
13 be transferred or revert to the General Fund of the State but shall remain in the EMS  
14 Board Provider Fund to be used for the purposes specified in this section.

15 [(m)] (N) (1) The EMS Board may delegate any portion of its authority under  
16 this section to the Executive Director of the Institute unless specifically precluded by  
17 statute.

18 (2) Notice of any delegation of authority made under this section shall be  
19 published in the Maryland Register.

20 (3) The EMS Board may not delegate its authority to promulgate and  
21 revise regulations, hear contested cases, or designate the provider review panel to the  
22 Executive Director or the Institute.

23 (4) The EMS Board may delegate to the Office of Administrative  
24 Hearings the authority to hear contested cases and issue recommendations.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
26 October 1, 2000.