

HOUSE BILL 1223

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2000 Regular Session
Olr2746
CF SB 247

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

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 29, 2000

CHAPTER _____

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;

- 1 (ii) Demonstrated competence in medical protocols within this
2 State as determined by the EMS Board; and
- 3 (iii) Been examined by the EMS Board and licensed as a CRT by the
4 EMS Board.
- 5 (3) "Certificate" means a certificate issued by the EMS Board to provide
6 emergency medical services in the State, except where the context requires otherwise.
- 7 (4) "Emergency medical dispatcher" (EMD) means an individual who
8 has:
- 9 (i) Completed an emergency medical dispatcher course approved
10 by the EMS Board or its equivalent as determined 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 or has been recognized as an
14 emergency medical dispatcher by an emergency medical dispatcher program
15 approved by the EMS Board and licensed as an emergency medical dispatcher by the
16 EMS Board.
- 17 (5) "Emergency medical services" means:
- 18 (i) Medical services provided prehospital to prevent imminent
19 death or aggravation of illness or injury whether or not transport to a hospital or
20 appropriate facility occurs;
- 21 (ii) Transport from the scene of a medical emergency to a hospital
22 or appropriate facility whether or not medical services are provided;
- 23 (iii) Medical interfacility transport services to an appropriate
24 facility; or
- 25 (iv) Medical interfacility critical care transport to an appropriate
26 facility.
- 27 (6) "Emergency medical services provider" means an individual licensed
28 or certified by the EMS Board as:
- 29 (i) A cardiac rescue technician;
- 30 (ii) An emergency medical dispatcher;
- 31 (iii) An emergency medical technician-ambulance;
- 32 (iv) An emergency medical technician-basic;
- 33 (v) An emergency medical technician-paramedic; or

1 (vi) A first responder.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 (i) Completed a first responder course approved by the EMS
30 Board; and

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

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

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

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

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

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

12 (15) "PUBLIC SAFETY PERSONNEL" MEANS:

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

15 (II) ANY LAW ENFORCEMENT OFFICER; OR

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

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

21 (2) This section does not apply to:

22 (i) An individual who:

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

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

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

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

32 5. Is not affiliated with an emergency medical service in this
33 State or is not engaged in providing emergency medical services in this State on a
34 regular basis;

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

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

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

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

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

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

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

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

21 (i) Submit an application on the form that the EMS Board
22 requires; and

23 (ii) Pay to the EMS Board any application fee set by the EMS Board
24 under subsection (1) of this section.

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

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

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

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

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

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

2 (ii) The provider review panel shall be appointed by the EMS
3 Board.

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

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

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

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

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

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

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

25 (9) The EMS Board shall adopt regulations for the selection,
26 appointment, and terms of the members of the panel, including providing for the
27 staggering of terms.

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

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

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

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

- 1 (i) Perform specified medical procedures as authorized by the EMS
 2 Board;
- 3 (ii) Administer specified medications or intravenous solutions; and
- 4 (iii) Provide emergency medical transport;
- 5 (2) (i) An emergency medical dispatcher may:
- 6 1. Perform medical interrogation in order to determine the
 7 type and level of response required at the scene of a medical emergency;
- 8 2. Provide prearrival instructions including instructions in
 9 cardiopulmonary resuscitation; and
- 10 (ii) Participation in emergency medical dispatch programs by
 11 jurisdictions is totally voluntary; and
- 12 (3) A first responder:
- 13 (i) May perform specified medical procedures as defined by the
 14 EMS Board; and
- 15 (ii) May not be the primary emergency medical services provider
 16 during emergency medical transport.
- 17 (G) SUBJECT TO THE RULES, REGULATIONS, PROTOCOLS, ORDERS, AND
 18 STANDARDS OF THE EMS BOARD, AN EMT-P MAY ADMINISTER INFLUENZA AND
 19 HEPATITIS B IMMUNIZATIONS AND TUBERCULOSIS SKIN TESTING, IN A
 20 NONEMERGENCY ENVIRONMENT, TO PUBLIC SAFETY PERSONNEL WITHIN THE
 21 JURISDICTION OF THE EMT-P, IF THE SERVICES ARE:
- 22 (1) AUTHORIZED BY A WRITTEN AGREEMENT BETWEEN THE
 23 PROVIDER'S JURISDICTIONAL EMS OPERATIONAL PROGRAM MEDICAL DIRECTOR
 24 AND THE COUNTY OR CITY HEALTH DEPARTMENT IN WHOSE JURISDICTION THE
 25 SERVICES ARE PERFORMED; ~~AND, WHICH SHALL INCLUDE PROVISIONS FOR~~
 26 DOCUMENTATION, REFERRAL AND FOLLOW-UP, AND STORAGE AND INVENTORY OF
 27 MEDICINE;
- 28 (2) UNDER THE DIRECTION OF THE JURISDICTIONAL EMS OPERATIONAL
 29 PROGRAM MEDICAL DIRECTOR; AND
- 30 (3) APPROVED BY THE INSTITUTE.
- 31 [(g)] (H) (1) Subject to the hearing provisions of subsection (h) of this section
 32 and as a result of any conduct of an emergency medical services provider or an
 33 applicant for a license or certificate under this section that is prohibited under the
 34 provisions of this section or any regulations adopted under this section, the EMS
 35 Board may:

1 (i) Reprimand or place an emergency medical services provider on
2 probation;

3 (ii) Suspend or revoke the license or certificate of an emergency
4 medical services provider;

5 (iii) Deny a license or certificate to an applicant; or

6 (iv) Refuse to renew an applicant's license or certificate.

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

10 (3) (i) Unless the EMS Board agrees to accept the surrender of a
11 license or certificate, a holder of a license or certificate may not surrender the license
12 or certificate.

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

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

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

21 (i) A review and recommendation by the provider review panel;
22 and

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

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

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

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

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

1 (2) The Board of Nursing may investigate and discipline a registered
2 nurse or licensed practical nurse for a violation of this section and a violation of Title
3 8 of the Health Occupations Article.

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

6 (4) The EMS Board shall comply with any recommendation or order
7 issued by the Board of Nursing regarding the issuance of a license or certificate by the
8 EMS Board to an individual who is licensed as a registered nurse or licensed practical
9 nurse.

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

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

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

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

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

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

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

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

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

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

5 (3) (i) The EMS Board may not charge an initial licensing fee, an
6 initial certifying fee, a fee for the renewal of a license, a fee for the renewal of a
7 certificate, a testing fee, or a retesting fee to an individual who is a member or
8 employee of any governmental or volunteer fire or rescue company at the time of that
9 individual's application.

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

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

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

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

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

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

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

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

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

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

