
By: **Chair, Education, Health, and Environmental Affairs Committee (By
Request - Departmental - Maryland Institute for Emergency Medical
Services Systems)**

Introduced and read first time: January 16, 2006

Rules suspended

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable

Senate action: Adopted

Read second time: February 1, 2006

CHAPTER _____

1 AN ACT concerning

2 **Emergency Medical Services Providers - Licensing and Certification -**
3 **Repeal of Obsolete Provisions**

4 FOR the purpose of removing certain obsolete references to Emergency Medical
5 Technicians-Ambulance; defining certain terms; and generally relating to the
6 licensing and certification of emergency medical services providers.

7 BY repealing and reenacting, with amendments,
8 Article - Education
9 Section 13-516
10 Annotated Code of Maryland
11 (2004 Replacement Volume and 2005 Supplement)

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

14 **Article - Education**

15 13-516.

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

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

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

1 [(v)] (IV) An emergency medical technician-paramedic; or

2 [(vi)] (V) A first responder.

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

5 (i) Completed an emergency medical technician-ambulance course
6 approved 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 and certified as an EMT-A
10 by the EMS Board.]

11 [(8) (7) "Emergency medical technician-basic" (EMT-B) means an
12 individual who has:

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

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

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

19 [(9) (8) "Emergency medical technician-paramedic" (EMT-P) means an
20 individual who has:

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

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

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

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

29 [(10) (9) "First responder" means an individual who has:

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

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

1 [(11)] (10) "License" means a license issued by the EMS Board to provide
2 emergency medical services in the State, unless the context requires otherwise.

3 [(12)] (11) (i) "Medical direction" means the written or oral instruction
4 by a licensed physician to perform specified medical procedures or administer
5 specified medications or intravenous solutions.

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

9 [(13)] (12) "National registry" means the nonproprietary,
10 nongovernmental agency that provides standardized national testing and registration
11 for emergency medical technicians based on national training standards.

12 [(14)] (13) "Provider review panel" means the 13-member panel appointed
13 by the EMS Board in accordance with the provisions of subsection (e) of this section.

14 [(15)] (14) "Public safety personnel" means:

15 (i) Any career or volunteer member of a fire, rescue or EMS
16 department, company, squad or auxiliary;

17 (ii) Any law enforcement officer; or

18 (iii) The State Fire Marshal or a sworn member of the State Fire
19 Marshal's office.

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

23 (2) This section does not apply to:

24 (i) An individual who:

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

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

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

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

1 (2) Any regulations of the EMS Board relating to the practice of medicine
2 shall be adopted jointly with the Board of Physicians.

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

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

6 (ii) The provider review panel shall be appointed by the EMS
7 Board.

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

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

19 (4) One of the appointed members shall be a physician appointed by the
20 Board of Physicians.

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

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

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

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

29 (9) The EMS Board shall adopt regulations for the selection,
30 appointment, and terms of the members of the panel, including providing for the
31 staggering of terms.

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

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

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

4 (1) A cardiac rescue technician, [an emergency medical technician-A,]
5 an emergency medical technician-B, or an emergency medical technician-P may:

6 (i) Perform specified medical procedures as authorized by the EMS
7 Board;

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

9 (iii) Provide emergency medical transport;

10 (2) (i) An emergency medical dispatcher may:

11 1. Perform medical interrogation in order to determine the
12 type and level of response required at the scene of a medical emergency;

13 2. Provide prearrival instructions including instructions in
14 cardiopulmonary resuscitation; and

15 (ii) Participation in emergency medical dispatch programs by
16 jurisdictions is totally voluntary; and

17 (3) A first responder:

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

20 (ii) May not be the primary emergency medical services provider
21 during emergency medical transport.

22 (g) Subject to the rules, regulations, protocols, orders, and standards of the
23 EMS Board, an EMT-P may administer influenza and hepatitis B immunizations and
24 tuberculosis skin testing, in a nonemergency environment, to public safety personnel
25 within the jurisdiction of the EMT-P, if the services are:

26 (1) Authorized by a written agreement between the provider's
27 jurisdictional EMS operational program medical director and the county or city
28 health department in whose jurisdiction the services are performed, which shall
29 include provisions for documentation, referral and follow-up, and storage and
30 inventory of medicine;

31 (2) Under the direction of the jurisdictional EMS operational program
32 medical director; and

33 (3) Approved by the Institute.

34 (h) (1) Subject to the hearing provisions of subsection (i) of this section and
35 as a result of any conduct of an emergency medical services provider or an applicant

1 for a license or certificate under this section that is prohibited under the provisions of
2 this section or any regulations adopted under this section, the EMS Board may:

3 (i) Reprimand or place an emergency medical services provider on
4 probation;

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

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

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

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

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

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

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

21 (i) (1) The EMS Board may take action under subsection (h) of this section
22 only after:

23 (i) A review and recommendation by the provider review panel;
24 and

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

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

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

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

34 (j) (1) The EMS Board shall refer to the Board of Nursing any complaint
35 about an emergency medical services provider who, in addition to being licensed or

1 certified by the EMS Board, is licensed as a registered nurse or licensed practical
2 nurse by the Board of Nursing.

3 (2) The Board of Nursing may investigate and discipline a registered
4 nurse or licensed practical nurse for a violation of this section and a violation of Title
5 8 of the Health Occupations Article.

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

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

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

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

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

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

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

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

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

35 (3) Unless licensed or certified to provide emergency medical services
36 under this section, a person may not use the terms "cardiac rescue technician",
37 "CRT", "emergency medical dispatcher", "EMD", "emergency medical technician",
38 ["EMT-A",] "EMT-B", "EMT-P", "paramedic", or "first responder" or any other

1 words, letters, or symbols with the intent to represent that the person is authorized to
2 provide emergency medical services.

3 (m) (1) There is an EMS Board Provider Fund.

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

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

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

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

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

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

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

24 (n) (1) The EMS Board may delegate any portion of its authority under this
25 section to the Executive Director of the Institute unless specifically precluded by
26 statute.

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

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

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

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
35 effect October 1, 2006.

