

RONALD N. YOUNG

Legislative District 3
Frederick County

Budget and Taxation Committee

Chair, Executive Nominations Committee

Senate Chair, Joint Subcommittee on
Program Open Space/Agricultural Land
Preservation

Joint Committee on Administrative,
Executive, and Legislative Review



The Senate of Maryland

ANNAPOLIS, MARYLAND 21401

February 15, 2022

SB515 - SUPPORT

Park Services Associates - Certification as Emergency Medical Responders

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Dear Chair Pinsky, Vice Chair Kagan, and Members of the Senate Education, Health, and Environmental Affairs Committee,

SB515 is an Emergency Bill providing the Department of Natural Resources (DNR) Park Service Associates temporary status as Emergency Medical Responders (EMR) through December 2024. Park Service Associates (PSA) required coursework already includes EMR training, however due to a technicality in recognizing PSAs are a separate employment classification from Park Rangers, they have been denied EMR testing and licensing by the State Emergency Medical Services Board (Board).

Maryland averaged 2,603 COVID inpatients per day in January 2022, 48% higher than any other month during the pandemic.⁷ At the same time we saw an increase in staffing shortages in the hospitals' intensive care and emergency departments, reminding us that two years into the pandemic we need to make better use of our medical professional resources.⁴ The State's recent response in January 2022 was to mobilize 1,000 National Guard members to assist state and local health officers at coronavirus testing and vaccination sites and staffing at overwhelmed hospitals".² Shortly afterwards, two new executive orders were signed, one to increase the number of medical personnel by loosening restrictions on medical licensing regulations, the second was to bolster the Emergency Medical System workforce.³ The justification from the Governor was "While we can't manufacture doctors and nurses who don't exist, we have to continue to do everything we possibly can do at the state level to help our hospitals withstand this surge and to save lives".³

And yet we continue to bench upwards of 150 trained state employees from participating because of a technical misinterpretation.

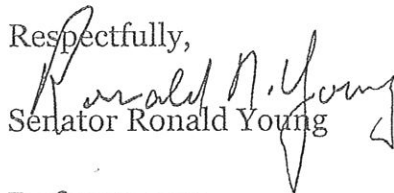
DNR currently employs PSA, Park Service Supervisors (PSS), and Park Service Managers (PSM) all of whom are required to complete the American Red Cross EMR training. Of these 150 civilian Park Service employees, seven (7) are also licensed Emergency Medical Technicians (EMT) and one (1) is also a licensed Paramedic. However, none of them are allowed to use these life saving skills and licenses when working at their DNR Park Service jobs.

The misunderstanding stems from a section of current law that excludes several professions, including law enforcement, from EMR licensing. To date, the Board has chosen to exclude PSAs

from licensure by viewing them as law enforcement. However, since 2005 PSAs have had separate employment classification from Park Rangers, the law enforcement branch of the Maryland Park Service. The attached Letter of Advice from the Office of the Attorney General clarifies on page 2 that “there is no evidence that an individual’s role as a PSA provides recognized status as a law enforcement officer under State law.” “Nor does an individual’s role as a PSA appear to qualify the individual as a “law enforcement officer” who may be exempt from the emergency medical services provided under ED 13-516(b)(2).”⁵

SB515 not only immediately adds 150 trained EMRs to Maryland’s medical resources, it puts PSAs on a path for permanent EMR licensure from the Board. And with my recommended amendment PSS and PSM, too. Over the next two (2) years SB515 requires the Board to review all civilian Park Service documentation and provide opportunities for testing towards EMR licensure. The goal is for all PSA, PSS, and PSMs with documented training to be granted emergency EMR status and allowed to complete the Board EMR training by December 2024.

I ask that you vote favorably on **SB515** to correct this misinterpretation and demonstrate that Maryland is willing to use all available resources to save lives in this pandemic.

Respectfully,

Senator Ronald Young

References:

1. Governor of Maryland. January 6, 2022. “Governor Hogan Tours New Testing Site at UM Laurel Medical Center, Announces 10 Hospital-Based Testing Sites To Open Next Week” (Jan. 7, 2022)
<https://governor.maryland.gov/2022/01/06/governor-hogan-tours-new-testing-site-at-um-laurel-medical-center-announces-10-hospital-based-testing-sites-to-open-next-week/>
2. Maryland Board of Public Works. Jan. 5, 2022. “Governor Hogan Provides Covid 19 Update.” (Feb 3, 2022) <https://www.youtube.com/watch?v=3FGoGp7NzKg>
3. Ovetta Wiggins and Rebecca Tan. Washington Post. January 4, 2022. “Hogan declares state of emergency as Maryland enters its ‘most challenging time’ of the pandemic”. (Jan 7 2022)
<https://www.washingtonpost.com/dc-md-va/2022/01/04/hogan-declares-emergency-corona-virus/>
4. Paul Schwartzman. December 24, 2021. WashingtonPost.com “Two Maryland hospitals declare ‘disaster’ as coronavirus cases rise” (Feb 3, 2022)
<https://www.washingtonpost.com/dc-md-va/2021/12/24/two-maryland-hospitals-declare-disaster-coronavirus-cases-rise/>
5. McCoy, Jeremy. Assistant Attorney General. Jan 19, 2022. The Attorney General of Maryland Letter of Advice to Senator Ronald Young (Young_R_01_19_22).
6. Maryland Institute for Emergency Medical Services System. Miemss.org “Maryland EMS Clinician Descriptions”. (Dec 28, 2021)
<https://www.miemss.org/home/Portals/0/Docs/EducationCert/EMS-Clinicians-Descriptions-2021-02.pdf?ver=2021-02-10-091808-893>
7. Maryland Hospital Association. February 2022. “Maryland Hospital Association COVID-19



SB0515/743823/1

AMENDMENTS
PREPARED
BY THE
DEPT. OF LEGISLATIVE
SERVICES

10 FEB 22
08:51:45

BY: Senator Young
(To be offered in the Education, Health, and Environmental
Affairs Committee)

AMENDMENTS TO SENATE BILL 515

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “**Associates**” and substitute “**Employees**”; in lines 5 and 7, in each instance, after “associate” insert “, supervisor, or manager”; in lines 9 and 10, in each instance, after “associates” insert “, supervisors, and managers”; and in line 11, strike “associates” and substitute “employees”.

AMENDMENT NO. 2

On page 2 in line 16 and on page 3 in line 6, in each instance, after “ASSOCIATE” insert “, PARK SERVICES SUPERVISOR, OR PARK SERVICES MANAGER”.

On page 3, in lines 13 and 19, in each instance, after “associate” insert “, park services supervisor, or park services manager”; and in line 27, after “associates” insert “, park services supervisors, and park services managers”.

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ASSISTANT ATTORNEY GENERAL

January 19, 2022

The Honorable Ronald N. Young
Maryland Senate
301 James Senate Office Building
Annapolis, Maryland 21401

Dear Senator Young:

You have inquired as to whether a Park Service Associate (“PSA”) with the Department of Natural Resources (“DNR”), who provides documentation of having completed training as an Emergency Medical Responder (“EMR”) can be denied certification to provide emergency medical services in the State by the State Emergency Medical Services Board (“Board”) under § 13-516(b) of the Education Article (“ED”).

If an individual does not satisfy the EMR certification requirements of the Board, or does not fall within one of the exempted enumerated classes under ED § 13-516(b), the individual is prohibited from providing emergency medical services in the State. While an individual who works as a PSA and who satisfies the EMR certification requirements under ED § 13-516(a) may be certified by the Board as an EMR, an individual who works as a PSA does not appear to categorically fall within any of the practice exemptions of ED § 13-516(b) based on the individual’s status as a PSA. A PSA does not appear to fall within the law enforcement officer exemption because a PSA does not constitute a law enforcement officer under State law.

Under ED § 13-516(a)(5), an EMR is an individual who has: (1) completed an EMR course, or its equivalent, approved by the Board; (2) demonstrated competence in medical protocols as determined by the Board; (3) been examined by the Board or a basic life support education program approved by the Board; and (4) been certified as an EMR by the Board. Under ED § 13-516(b), subject to certain exemptions, “an individual may not provide emergency medical services in the State unless issued a license or certificate” by the Board under that section.

The exemptions to the emergency medical services prohibition include: (1) an adjoining state-authorized emergency medical services provider rendering authorized emergency medical services in this State; (2) an individual enrolled in an emergency medical services provider training program that meets the Board's standards; (3) an individual who provides emergency medical services at the scene of an emergency in rare instances; (4) a volunteer fire and rescue company driver of an emergency vehicle; (5) an individual who is assisting an emergency medical provider; (6) an individual with first aid training, who provides services within the scope of that training during an emergency; or (7) a law enforcement officer who has successfully completed a course: (i) in first aid and CPR; (ii) that meets the requirements of the National Emergency Medical Services Education Standards and Instructional Guidelines of EMRs; or (ii) that is approved for law enforcement officers by the Board. A law enforcement officer providing allowable medical services under those circumstances must do so within the scope of that training and must not have been dispatched as an emergency medical services provider. ED 13-516(b)(2).

A PSA is not recognized as a law enforcement officer under State law. Under § 5-206(b) of the Natural Resources Article ("NR"), the Secretary of Natural Resources may commission "forest, park, and wildlife rangers" to exercise the powers of a Natural Resources police officer or a law enforcement officer of the State on certain property in the State. Under NR § 5-206(c), a PSA "who is not commissioned as a law enforcement officer" is authorized to issue parking citations on certain property in the State. There is no evidence that an individual's role as a PSA provides recognized status as a law enforcement officer under State law. *See e.g.*, NR § 5-206(e) (authority to exercise law enforcement authority on certain property through a memorandum of understanding with another law enforcement agency extends only a forest, park, or wildlife ranger); NR § 5-206(g) (whenever Natural Resources police officers receive a salary or grade or step increase, forest and park rangers receive corresponding increases). *See also* Md. Code Ann., Criminal Procedure Article, § 2-101(c) (defining "police officer" with arrest authority to include members of the Natural Resources Police Force and State Forest and Park Service Police Force of the Department of Natural Resources).

While an individual who serves as a PSA may be certified as an EMR under ED § 13-516(b) if the individual meets the criteria for certification, an individual's status as a PSA does not itself provide any authority to provide emergency medical services or qualify the individual as an EMR under ED § 13-516(b). Nor does an individual's role as a PSA appear to qualify the individual as a "law enforcement officer" who may be exempt from the emergency medical services prohibition under ED 13-516(b)(2). Although "law enforcement officer" is not expressly defined in the exemption in ED 13-516(b)(2), a PSA does not appear to be recognized as a law enforcement officer under the Natural Resources Article or other State law, which specifically recognizes the law enforcement authority of other police officers and forest, park, and wildlife rangers.

The Honorable Ronald N. Young
January 19, 2022
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I hope this is responsive to your request. If you have any questions or need any additional information, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeremy M. McCoy".

Jeremy M. McCoy
Assistant Attorney General