

2022 Regular Session

HOUSE BILL NO. 505

BY REPRESENTATIVE JEFFERSON

HEALTH/EMERG MED SERVICE: Provides with respect to certified ambulance operators

1 AN ACT

2 To amend and reenact R.S. 40:1131(introductory paragraph), 1133.2(A)(1) and  
3 (B)(introductory paragraph), 1133.4(A)(4), 1133.5(2), 1133.8(D) and (E),  
4 1133.10(introductory paragraph), and 1203.1(introductory paragraph) and (5) and  
5 to enact R.S. 40:1131(24), 1133.2(B)(5), 1133.5(11) and (12), 1133.10(9), 1133.17,  
6 1133.18, and 1135.1(A)(2)(e), relative to emergency medical services; to define the  
7 term certified ambulance operator for purposes of laws pertaining to emergency  
8 medical personnel; to require that certified ambulance operators receive certification  
9 from the bureau of emergency medical services of the Louisiana Department of  
10 Health; to provide conditions, procedures, and standards relative to certification of  
11 ambulance operators; to provide for fees for such certification; to provide for duties  
12 of certified ambulance operators and to establish grounds for disciplinary action  
13 against such personnel; to include certified ambulance operators within laws  
14 requiring criminal history checks on certain nonlicensed persons who provide health-  
15 related services and prohibiting hiring of such persons who have been convicted of  
16 certain offenses; and to provide for related matters.

17 Be it enacted by the Legislature of Louisiana:

18 Section 1. R.S. 40:1131(introductory paragraph), 1133.2(A)(1) and (B)(introductory  
19 paragraph), 1133.4(A)(4), 1133.5(2), 1133.8(D) and (E), 1133.10(introductory paragraph),  
20 and 1203.1(introductory paragraph) and (5) are hereby amended and reenacted and R.S.

1 40:1131(24), 1133.2(B)(5), 1133.5(11) and (12), 1133.10(9), 1133.17, 1133.18, and  
2 1135.1(A)(2)(e) are hereby enacted to read as follows:

3 §1131. Definitions

4 For purposes of this Chapter, the following terms have the meaning ascribed  
5 to them in this Section:

6 \* \* \*

7 (24) "Certified ambulance operator" means an individual who is certified by  
8 the bureau as a certified ambulance operator. The term shall not include any  
9 individual employed by a fire department of any municipality, parish, or fire  
10 protection district or any volunteer firefighter of the state of Louisiana.

11 \* \* \*

12 §1133.2. Fee schedule; fees for license prohibited

13 A.(1) The bureau shall not require or collect any fee or charges for licensure,  
14 ~~or license renewal, or certification of emergency medical services practitioners~~ any  
15 of the following personnel who serve ~~as such~~ in their capacity on a voluntary basis  
16 and who receive no compensation of any kind for such services:

17 (a) Emergency medical services practitioners.

18 (b) Ambulance operators.

19 \* \* \*

20 B. Except as provided in Subsection A of this Section, the bureau shall  
21 assess fees for testing ~~and~~, licenses, and certifications based on the following  
22 schedule:

23 \* \* \*

24 (5) Ambulance operator certification \$10.00

25 \* \* \*

26 §1133.4. Powers and duties of the commission; exceptions

27 A. The commission shall:

28 \* \* \*

1           (4) Conduct disciplinary hearings for emergency medical personnel and  
2           certified ambulance operators.

3   \*           \*           \*

4           §1133.5. Powers and duties of the bureau

5                   The bureau shall:

6   \*           \*           \*

7                   (2) Prescribe application forms for emergency medical practitioner licensure  
8           and license renewal and ambulance operator certification.

9   \*           \*           \*

10                  (11) Issue a certification to any duly qualified applicant for certification as  
11           an ambulance operator.

12                  (12) Deny, withhold, revoke, restrict, probate, or suspend an ambulance  
13           operator certification as directed by the commission in accordance with the  
14           provisions of R.S. 40:1133.18.

15   \*           \*           \*

16           §1133.8. Hearings of the commission; appeal of decision

17   \*           \*           \*

18                   D. Notice of the commission's decision to revoke, restrict, suspend, or deny  
19           a license or certification shall be sent to the individual under investigation by  
20           registered mail, return receipt requested, at his last known address as it appears on  
21           the records of the bureau.

22                   E. An individual whose license or certification has been revoked, restricted,  
23           suspended, placed in probation, or denied may have the proceedings of the  
24           commission reviewed by a court of competent jurisdiction, provided that an appeal  
25           is made no later than thirty days after the date indicated on the registered mail receipt  
26           of the notice required by Subsection D of this Section. The decision of the  
27           commission shall remain in force until an appeal is granted unless the court orders  
28           a stay. If an appeal is granted, the decision of the commission shall be suspended

1 until a final disposition of the matter is ultimately rendered by the court affirming the  
2 decision of the commission.

3 \* \* \*

4 §1133.10. Violations

5 No person ~~or individual~~ shall engage in any of the following activities:

6 \* \* \*

7 (9) Operate as an ambulance operator unless certified to do so in accordance  
8 with the applicable provisions of this Part.

9 \* \* \*

10 §1133.17. Ambulance operators; requirements for certification; duties authorized

11 A. Each applicant for initial certification as an ambulance operator shall  
12 submit all of the following to the bureau:

13 (1) A copy of the applicant's valid, unrestricted driver's license at the  
14 appropriate level required by law.

15 (2) A copy of a current and valid defensive driving certificate issued by the  
16 National Safety Council or its equivalent as determined by the department.

17 (3) A copy of a current and valid American Heart Association Health Care  
18 Provider credential, American Red Cross Professional Rescuer credential, or an  
19 equivalent cardio-pulmonary resuscitation certification approved by the department.

20 (4) A copy of the applicant's current official driving record from the  
21 Department of Public Safety and Corrections.

22 B. Each applicant for certification in accordance with this Section shall be  
23 at least eighteen years of age.

24 C. An ambulance operator certification shall expire one year after it is issued  
25 and shall not be renewable.

26 D. A certified ambulance operator may perform any of the following  
27 functions:

28 (1) Operate an ambulance in compliance with federal, state, and local law.

1           (2) Assist with the handling and movement of a sick, injured, or disabled  
2           individual if a licensed emergency medical services practitioner, registered nurse,  
3           physician assistant, or physician directly supervises the operator. No ambulance  
4           operator may administer care procedures that a licensed emergency medical services  
5           practitioner is authorized to administer unless he is trained and certified or licensed  
6           to do so.

7           E. No licensed emergency medical services practitioner shall be required to  
8           hold a certification as an ambulance operator in order to operate an ambulance.  
9           §1133.18. Certified ambulance operators; grounds for discipline

10           The commission may discipline any certified ambulance operator for any of  
11           the following causes by directing the bureau to deny, withhold, revoke, restrict,  
12           probate, or suspend a certification to operate as an ambulance operator; imposing  
13           finances and assessing costs; or otherwise sanctioning the ambulance operator:

14           (1) Fraud or any misstatement of fact in the procurement of any certification  
15           or in any other statement or representation to the bureau or its representatives.

16           (2) Conviction of a crime or offense which reflects the inability of the  
17           individual to carry out his duties with due regard for the health and safety of clients  
18           or patients.

19           (3) Entering a plea of guilty or nolo contendere to a criminal charge  
20           regardless of final disposition of the criminal proceeding, including but not limited  
21           to expungement or nonadjudication.

22           (4) Is unfit or incompetent by reason of negligence, habit, or other cause.

23           (5) Is mentally incompetent.

24           (6) Is habitually intemperate in the use of or abuses alcohol or habit-forming  
25           drugs.

26           (7) Is guilty of aiding or abetting another person in violating any provision  
27           of this Part.

28           (8) Continuing or recurring practices which fail to meet the standards of  
29           ambulance operators in this state.

1           (9) Endeavors to deceive or defraud the public.

2           (10) Is guilty of moral turpitude.

3           (11) Has violated any rules and regulations of the commission or the bureau  
4 or any provision of this Part.

5           (12) Intentional falsification of any document related to the procurement of  
6 any certification or license.

7           (13) Operating any vehicle in violation of state or local traffic laws.

8           (14) Revocation, suspension, or any restriction of the ambulance operator's  
9 driver's license.

10          (15) Failure to maintain all current ambulance operator training standards as  
11 required by the bureau.

12          (16) Has had a certification or license to practice as an ambulance operator  
13 denied, revoked, suspended, or otherwise restricted in Louisiana or any other state  
14 or territory of the United States.

15 §1135.1. Qualifications to operate ambulances; equipment; penalty

16           A.

17                                   \*       \*       \*

18           (2)

19                                   \*       \*       \*

20          (e) Notwithstanding the provisions of Subparagraph (a) of this Paragraph,  
21 a certified ambulance operator who is not a licensed emergency medical services  
22 practitioner may operate an ambulance in compliance with federal, state, and local  
23 law and assist with the handling and movement of a sick, injured, or disabled  
24 individual if a licensed emergency medical technician, a licensed advance emergency  
25 medical technician, a licensed paramedic, a registered nurse, or a physician directly  
26 supervises the certified ambulance operator. No ambulance operator may administer  
27 care procedures that a licensed emergency medical services practitioner is authorized  
28 to administer unless he is trained and certified or licensed to do so.

29                                   \*       \*       \*

1 §1203.1. Definitions

2 For the purposes of this Part, the following terms have the meaning ascribed  
3 in this Section:

4 \* \* \*

5 (5) "Licensed ambulance personnel" means personnel who provide services,  
6 either for compensation or volunteer services, as an emergency medical service  
7 practitioner, including licensed emergency medical technicians, licensed advanced  
8 emergency medical technicians, licensed paramedics, and licensed first emergency  
9 medical responders. The term "licensed ambulance personnel" shall also include  
10 certified ambulance operators.

11 \* \* \*

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 505 Engrossed                      2022 Regular Session                      Jefferson

**Abstract:** Creates and provides for the role of certified ambulance operator within emergency medical services laws.

Proposed law provides that for purposes of present law and proposed law relative to emergency medical services, R.S. 40:1131 et seq., "certified ambulance operator" means an individual who is certified by the Bureau of Emergency Medical Services (Bureau of EMS) of the La. Department of Health (LDH) as a certified ambulance operator. Stipulates that the term shall not include any individual employed by a fire department of any municipality, parish, or fire protection district or any volunteer firefighter of the state of La.

Proposed law requires that each applicant for certification as an ambulance operator be at least 18 years of age and submit all of the following to the Bureau of EMS:

- (1) A copy of the applicant's valid, unrestricted driver's license at the appropriate level required by law.
- (2) A copy of a current and valid defensive driving certificate issued by the National Safety Council or its equivalent as determined by LDH.
- (3) A copy of a current and valid American Heart Association Health Care Provider credential, American Red Cross Professional Rescuer credential, or an equivalent cardio-pulmonary resuscitation certification approved by LDH.
- (4) A copy of the applicant's current official driving record from the La. Department of Public Safety and Corrections.

Proposed law authorizes the Bureau of EMS to assess a fee of \$10 for ambulance operator certification. Provides that the certification shall expire one year after it is issued and shall not be renewable.

Proposed law authorizes certified ambulance operators to perform any of the following functions:

- (1) Operate an ambulance in compliance with federal, state, and local law.
- (2) Assist with the handling and movement of a sick, injured, or disabled individual if a licensed emergency medical services practitioner, registered nurse, physician assistant, or physician directly supervises the operator.

Proposed law prohibits an ambulance operator from administering care procedures that a licensed emergency medical services practitioner is authorized to administer unless he is trained and certified or licensed to do so.

Proposed law stipulates that no licensed emergency medical services practitioner shall be required to hold a certification as an ambulance operator in order to operate an ambulance.

Proposed law authorizes the La. Emergency Medical Services Certification Commission to discipline any certified ambulance operator for any of the following causes by directing the Bureau of EMS to deny, withhold, revoke, restrict, probate, or suspend a certification to operate as an ambulance operator; imposing fines and assessing costs; or otherwise sanctioning the ambulance operator:

- (1) Fraud or any misstatement of fact in the procurement of any certification or in any other statement or representation to the Bureau of EMS or its representatives.
- (2) Conviction of a crime or offense which reflects the inability of the individual to carry out his duties with due regard for the health and safety of clients or patients.
- (3) Entering a plea of guilty or nolo contendere to a criminal charge regardless of final disposition of the criminal proceeding, including but not limited to expungement or nonadjudication.
- (4) Is unfit or incompetent by reason of negligence, habit, or other cause.
- (5) Is mentally incompetent.
- (6) Is habitually intemperate in the use of or abuses alcohol or habit-forming drugs.
- (7) Is guilty of aiding or abetting another person in violating any provision of present law or proposed law.
- (8) Continuing or recurring practices which fail to meet the standards of ambulance operators in this state.
- (9) Endeavors to deceive or defraud the public.
- (10) Is guilty of moral turpitude.
- (11) Has violated any rules and regulations of the commission or the bureau of EMS or any provision of present law or proposed law.
- (12) Intentional falsification of any document related to the procurement of any certification or license.



- (13) Operating any vehicle in violation of state or local traffic laws.
- (14) Revocation, suspension, or any restriction of the ambulance operator 's driver's license.
- (15) Failure to maintain all current ambulance operator training standards as required by the Bureau of EMS.
- (16) Has had a certification or license to practice as an ambulance operator denied, revoked, suspended, or otherwise restricted in La. or any other U.S. state or territory.

Present law, R.S. 40:1203.1 et seq., prohibits licensed healthcare facilities and providers from hiring certain nonlicensed persons when the results of a criminal history check reveal that the person has been convicted of any criminal offense enumerated in present law.

Proposed law adds certified ambulance operators to the list of nonlicensed persons to whom this prohibition on hiring applies.

(Amends R.S. 40:1131(intro. para.), 1133.2(A)(1) and (B)(intro. para.), 1133.4(A)(4), 1133.5(2), 1133.8(D) and (E), 1133.10(intro. para.), and 1203.1(intro. para.) and (5); Adds R.S. 40:1131(24), 1133.2(B)(5), 1133.5(11) and (12), 1133.10(9), 1133.17, 1133.18, and 1135.1(A)(2)(e))

#### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the original bill:

1. Delete all references in proposed law to renewal of ambulance operator certifications.
2. Provide that an ambulance operator certification shall expire one year after it is issued and shall not be renewable.
3. Provide that the term "certified ambulance operator" shall not include any individual employed by a fire department of any municipality, parish, or fire protection district or any volunteer firefighter of the state of La.