

2022 Regular Session

HOUSE BILL NO. 505

BY REPRESENTATIVE JEFFERSON

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AN ACT

To amend and reenact R.S. 40:1131(introductory paragraph), 1133.2(A)(1) and (B)(introductory paragraph), 1133.4(A)(4), 1133.5(2), 1133.8(D) and (E), 1133.10(introductory paragraph), 1133.13(A)(1), and 1203.1(introductory paragraph) and (5) and to enact R.S. 40:1131(24) through (26), 1133.2(B)(5), 1133.5(11) and (12), 1133.10(9), 1133.17, 1133.18, and 1135.1(A)(2)(e) and (8), relative to emergency medical services; to define certain terms for purposes of laws pertaining to emergency medical personnel; to require that certified ambulance operators receive certification from the bureau of emergency medical services of the Louisiana Department of Health; to provide conditions, procedures, and standards relative to certification of ambulance operators; to provide for fees for such certification; to provide for duties of certified ambulance operators and to establish grounds for disciplinary action against such personnel; to include certified ambulance operators within laws requiring criminal history checks on certain nonlicensed persons who provide health-related services and prohibiting hiring of such persons who have been convicted of certain offenses; to provide for civil immunity with respect to certified ambulance operators; to provide for staffing requirements of advanced life support ambulances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1131(introductory paragraph), 1133.2(A)(1) and (B)(introductory paragraph), 1133.4(A)(4), 1133.5(2), 1133.8(D) and (E), 1133.10(introductory paragraph), 1133.13(A)(1), and 1203.1(introductory paragraph) and (5) are hereby amended and reenacted and R.S. 40:1131(24) through (26), 1133.2(B)(5), 1133.5(11) and (12),

1 1133.10(9), 1133.17, 1133.18, and 1135.1(A)(2)(e) and (8) are hereby enacted to read as  
2 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 (25) "Advanced life support" or "ALS" means the provision of medically  
12 necessary supplies and services by EMS practitioners who are licensed at least to the  
13 level of advanced emergency technician or equivalent.

14 (26) "Basic life support" or "BLS" means the provision of medically  
15 necessary supplies and services by EMS practitioners who are licensed at least to the  
16 level of emergency medical technician.

17 \* \* \*

18 §1133.2. Fee schedule; fees for license prohibited

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

23 (a) Emergency medical services practitioners.

24 (b) Ambulance operators.

25 \* \* \*

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

29 \* \* \*

30 (5) Ambulance operator certification \$10.00

31 \* \* \*

1 §1133.4. Powers and duties of the commission; exceptions

2 A. The commission shall:

3 \* \* \*

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

6 \* \* \*

7 §1133.5. Powers and duties of the bureau

8 The bureau shall:

9 \* \* \*

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

12 \* \* \*

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

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

18 \* \* \*

19 §1133.8. Hearings of the commission; appeal of decision

20 \* \* \*

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

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

1 a stay. If an appeal is granted, the decision of the commission shall be suspended  
2 until a final disposition of the matter is ultimately rendered by the court affirming the  
3 decision of the commission.

4 \* \* \*

5 §1133.10. Violations

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

7 \* \* \*

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

10 \* \* \*

11 §1133.13. Civil immunity

12 A.(1) Any certified ambulance operator, certified pursuant to the provisions  
13 of this Part, or any emergency medical services practitioner, licensed pursuant to the  
14 provisions of this Part who renders emergency medical care to an individual while  
15 in the performance of his medical duties and following the instructions of a physician  
16 shall not be individually liable to ~~such an~~ the individual for civil damages as a result  
17 of acts or omissions in rendering the emergency medical care, except for acts or  
18 omissions intentionally designed to harm, or for grossly negligent acts or omissions  
19 which result in harm to ~~such an~~ the individual. Nothing ~~herein~~ in this Subsection  
20 shall relieve the driver of the emergency vehicle from liability arising from the  
21 operation or use of ~~such~~ the vehicle.

22 \* \* \*

23 §1133.17. Ambulance operators; requirements for certification; duties authorized

24 A. Each applicant for certification as an ambulance operator shall submit all  
25 of the following to the bureau:

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

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

30 (3) A copy of a current and valid American Heart Association Health Care

1           Provider credential, American Red Cross Professional Rescuer credential, or an  
2           equivalent cardio-pulmonary resuscitation certification approved by the department.

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

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

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

9           D. A certified ambulance operator may perform any of the following  
10          functions:

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

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

18          E. No licensed emergency medical services practitioner shall be required to  
19          hold a certification as an ambulance operator in order to operate an ambulance.

20          §1133.18. Certified ambulance operators; grounds for discipline

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

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

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

30          (3) Entering a plea of guilty or nolo contendere to a criminal charge

1 regardless of final disposition of the criminal proceeding, including but not limited  
2 to expungement or nonadjudication.

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

4 (5) Is mentally incompetent.

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

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

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

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

12 (10) Is guilty of moral turpitude.

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

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

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

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

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

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

25 §1135.1. Qualifications to operate ambulances; equipment; penalty

26 A.

27 \* \* \*

28 (2)

29 \* \* \*

30 (e) Notwithstanding the provisions of Subparagraph (a) of this Paragraph,  
31 a certified ambulance operator who is not a licensed emergency medical services

1           practitioner may operate an ambulance in compliance with federal, state, and local  
 2           law and assist with the handling and movement of a sick, injured, or disabled  
 3           individual if a licensed emergency medical technician, a licensed advance emergency  
 4           medical technician, a licensed paramedic, a registered nurse, or a physician directly  
 5           supervises the certified ambulance operator. No ambulance operator may administer  
 6           care procedures that a licensed emergency medical services practitioner is authorized  
 7           to administer unless he is trained and certified or licensed to do so.

\* \* \*

9           (8) Advanced life support ambulances shall be staffed by not less than two  
 10          people, at least one of which shall be licensed at a minimum to the level of advanced  
 11          emergency medical technician.

\* \* \*

§1203.1. Definitions

14           For the purposes of this Part, the following terms have the meaning ascribed  
 15          in this Section:

\* \* \*

17           (5) "Licensed ambulance personnel" means personnel who provide services,  
 18          either for compensation or volunteer services, as an emergency medical service  
 19          practitioner, including licensed emergency medical technicians, licensed advanced  
 20          emergency medical technicians, licensed paramedics, and licensed first emergency  
 21          medical responders. The term "licensed ambulance personnel" shall also include  
 22          certified ambulance operators.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_