

ACT No. 644

2022 Regular Session

HOUSE BILL NO. 505

BY REPRESENTATIVE JEFFERSON

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18

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.

* * *

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____