

2024 Regular Session

SENATE BILL NO. 296

BY SENATOR BOUDREAUX

HEALTH CARE. Provides relative to emergency medical services. (gov sig)

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AN ACT

To amend and reenact R.S. 40:1131(10) and (12) through (26), 1133.1(E)(1), 1133.2(B)(1) and (3), 1133.3(A) and the introductory paragraph of 1133.3(B)(1), 1133.4(A)(1), (2), and (4), 1133.5(3), 1133.13(E), 1133.14(A)(2) and (C), 1135.3(C)(1)(d) and (3)(b), 1135.8(C)(4)(c), to enact R.S. 40:1131(27) and 1133.3(B)(1)(f), and to repeal R.S. 40:1133.3(B)(2), relative to emergency medical services; to provide for definitions; to provide for the renaming of the EMS certification commission; to provide for the commission's entitlement to emergency medical personnel criminal history records; to provide for the removal and renaming of certain testing fees; to provide for the number of voting commission members; to provide for duties of emergency medical personnel; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1131(10) and (12) through (26), 1133.1(E)(1), 1133.2(B)(1) and (3), 1133.3(A) and the introductory paragraph of 1133.3(B)(1), 1133.4(A)(1), (2), and (4), 1133.5(3), 1133.13(E), 1133.14(A)(2) and (C), 1135.3(C)(1)(d) and (3)(b), 1135.8(C)(4)(c) are hereby amended and reenacted and R.S. 40:1131(27) and 1133.3(B)(1)(f) are hereby enacted to read as follows:

1 §1131. Definitions

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

4 * * *

5 (10) "Commission" means the Louisiana Emergency Medical Services
6 Certification Commission.

7 * * *

8 **(12) "Emergency medical personnel" means EMS practitioners and**
9 **certified ambulance operators.**

10 **(13)** "Emergency medical response vehicle" means a marked emergency
11 vehicle with fully visual and audible warning signals operated by a certified
12 ambulance service, the primary purpose of which is to respond to the scene of a
13 medical emergency to provide emergency medical stabilization or support, or
14 command, control, and communications, but which is not an ambulance designed or
15 intended for the purpose of transporting a victim from the scene to a medical facility
16 regardless of its designation. Included are such vehicles referred to but not limited
17 to the designation as "sprint car", "quick response vehicle", "special response
18 vehicle", "triage trucks", "staff cars", "supervisor units", and other similar
19 designations. Emergency medical response vehicles shall not include fire apparatus
20 and law enforcement patrol vehicles which carry first aid or emergency medical
21 supplies and which respond to medical emergencies as part of their routine duties.

22 ~~(13)~~**(14)** "Emergency medical services" or "EMS" means a system that
23 represents the combined efforts of several professionals and agencies to provide
24 ~~prehospital~~ **out-of-hospital** emergency, **urgent, preventive, and non-emergent** care
25 to the sick and injured.

26 ~~(14)~~**(15)** "EMS medical director" means a physician licensed by the
27 Louisiana State Board of Medical Examiners who has responsibility and authority
28 to ensure quality of care and provide guidance for all medical aspects of EMS.

29 ~~(15)~~**(16)** "EMS practitioner" means an individual who is a licensed

1 emergency medical responder, licensed emergency medical technician, licensed
2 advanced emergency medical technician, or a licensed paramedic.

3 ~~(16)~~**(17)** "EMS task force" means the Emergency Medical Services Task
4 Force, composed of individuals subject to the approval of the secretary of the
5 department, which advises and makes recommendations to the bureau of emergency
6 medical services and the department on matters related to emergency medical
7 services.

8 ~~(17)~~**(18)** "Industrial ambulance" means any vehicle owned and operated by
9 an industrial facility and used for transporting any employee who becomes sick,
10 injured, or otherwise incapacitated in the course and scope of his employment from
11 a job site to an appropriate medical facility.

12 ~~(18)~~**(19)** "Licensed emergency medical responder" means any individual who
13 has successfully completed an emergency medical responder education program
14 based on National EMS Education Standards approved by the bureau and who is
15 licensed by the bureau.

16 ~~(19)~~**(20)** "Licensed emergency medical services practitioner" means an
17 individual who is a licensed emergency medical responder or who is nationally
18 registered, who has successfully completed an emergency medical services
19 practitioner education program based on national EMS education standards, and who
20 is licensed as any one of the following:

- 21 (a) A licensed emergency medical technician.
- 22 (b) A licensed advanced emergency medical technician.
- 23 (c) A licensed paramedic.

24 ~~(20)~~**(21)** "Moral turpitude" means an act of baseness, vileness, or depravity
25 in the duties which one person owes another, or to society in general, which is
26 contrary to the usual, accepted, and customary rule of right and duty which a person
27 should follow.

28 ~~(21)~~**(22)** "Municipal nonprofit organization" means an organization owned
29 by a parish, municipality, or entity of a parish or municipality which in its regular

1 course of business responds to a call for help and renders medical treatment and
2 whose attendants are emergency medical personnel, a registered nurse, or a
3 physician.

4 ~~(22)~~**(23)** "National EMS education standards" means the document that
5 outlines current nationally recognized EMS education standards, has been adopted
6 by the bureau, and defines terminal objectives for each nationally defined EMS
7 licensing level.

8 ~~(23)~~**(24)** "Physician" means a physician licensed to practice medicine by the
9 Louisiana State Board of Medical Examiners.

10 ~~(24)~~**(25)** "Public safety agency" means a functional division of a public or
11 private agency which provides firefighting, police, medical, or other emergency
12 services.

13 ~~(25)~~**(26)** "Public safety telecommunicator" means an individual answering
14 911 emergency medical condition calls on behalf of a public safety agency who has
15 authority, based on a protocol adopted by the agency, to provide telephone
16 cardiopulmonary resuscitation (T-CPR) instructions to a caller before arrival of
17 professional medical assistance by first responders.

18 ~~(26)~~**(27)** "Volunteer nonprofit organization" means an organization which in
19 its regular course of business responds to a call for help and renders medical
20 treatment and whose attendants are emergency medical personnel, a registered nurse,
21 or a physician and which is chartered as a nonprofit organization under Section 501c
22 of the United States Internal Revenue Code, as a volunteer fire department by the
23 Louisiana state fire marshal's office, or as a nonprofit organization by the Louisiana
24 secretary of state.

25 * * *

26 §1133.1. Emergency medical personnel training; licensure

27 * * *

28 E.(1) The **commission and** bureau shall be entitled to the criminal history
29 record and identification files of the Louisiana Bureau of Criminal Identification and

1 Information, located within the Department of Public Safety and Corrections, of any
 2 person who is ~~required~~ **seeking** to be licensed as an ~~emergency medical personnel~~
 3 **EMS practitioner or certified as an ambulance operator**. Fingerprints and other
 4 identifying information of the applicant shall be submitted to the Louisiana Bureau
 5 of Criminal Identification and Information for qualification and registry, and the
 6 Louisiana Bureau of Criminal Identification and Information shall, upon request of
 7 the bureau and after receipt of such fingerprint card and other identifying
 8 information from the applicant, make available to the bureau all arrest and conviction
 9 information contained in the Louisiana Bureau of Criminal Identification and
 10 Information's criminal history record and identification files which pertain to the
 11 applicant for licensure. In addition, the fingerprints shall be forwarded by the
 12 Louisiana Bureau of Criminal Identification and Information to the Federal Bureau
 13 of Investigation for a national criminal history record check.

14 * * *

15 §1133.2. Fee schedule; fees for license prohibited

16 * * *

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

(1) Test fees:	Fee
(a) Emergency medical responder - written only	\$ 15.00
(b) Emergency medical responder - written only (out of state)	15.00
(c) Emergency medical technician initial written & practical <u>psychomotor exam</u>	15.00 \$ 60.00
(d) Emergency medical technician entire practical exam	30.00
(e) (b) Emergency medical technician partial practical <u>psychomotor exam</u>	15.00 15.00
(f) Emergency medical technician testing/retesting-written only	15.00
(g) Emergency medical technician testing/retesting-written only (out of state)	15.00 15.00

1	(h) Advanced emergency medical technician initial	
2	written & practical	75.00
3	(i) Advanced emergency medical technician initial written &	
4	practical (out of state)	100.00
5	(j) Advanced emergency medical technician retest entire	
6	practical	50.00
7	(k) Advanced emergency medical technician retest	
8	entire practical (out of state)	65.00
9	(l) Advanced emergency medical technician retest partial practical	30.00
10	(m) Advanced emergency medical technician retest partial	
11	practical (out of state)	30.00
12	(n) Advanced emergency medical technician	
13	testing/retesting-written only (exam only)	15.00
14	(o) Advanced emergency medical technician	
15	testing/retesting-written only (exam only) (out of	
16	state)	15.00
17	(p) Paramedic initial written & practical	90.00
18	(q) Paramedic initial written & practical (out of state)	125.00
19	(r) Paramedic retesting-entire practical	60.00
20	(s) Paramedic retesting-entire practical (out of state)	75.00
21	(t) Paramedic retesting-partial practical	35.00
22	(u) Paramedic retesting-partial practical (out of state)	40.00
23	(v) Paramedic testing/retesting written	15.00
24	(w) Paramedic testing/retesting written (out of state)	15.00
25	* * *	
26	(3) Recertification <u>License renewal</u>	
27	(a) Emergency medical responder	5.00
28	(b) Emergency medical technician	25.00
29	(c) Advanced emergency medical technician	35.00

1 (d) Paramedic 45.00

2 * * *

3 §1133.3. Louisiana Emergency Medical Services ~~Certification~~ Commission;
4 creation; membership; qualifications; terms; vacancies; meetings;
5 officers; compensation; domicile

6 A. The Louisiana Emergency Medical Services ~~Certification~~ Commission is
7 hereby created within the Louisiana Department of Health.

8 B.(1) The commission shall be composed of ~~eleven~~ **twelve** voting members
9 appointed by the governor as follows:

10 * * *

11 **(f) One member who is a registered nurse and who is a state licensed**
12 **paramedic to be nominated by the Louisiana State Nurses Association from a**
13 **list of two names submitted by the Louisiana Emergency Nurses Association.**

14 * * *

15 §1133.4. Powers and duties of the commission; exceptions

16 A. The commission shall:

17 (1) Recommend to the bureau requirements and standards of practice for
18 individuals seeking to be **licensed or** certified under this Part.

19 (2) Approve requirements and standards of practice submitted by the bureau
20 for emergency medical ~~services practitioners~~ **personnel** consistent with this Part.

21 * * *

22 (4) Conduct disciplinary hearings for emergency medical personnel ~~and~~
23 ~~certified ambulance operators.~~

24 * * *

25 §1133.5. Powers and duties of the bureau

26 The bureau shall:

27 * * *

28 (3) Adopt requirements and standards of practice approved by the
29 commission for emergency medical ~~services practitioners~~ **personnel**.

1 * * *

2 §1133.13. Civil immunity

3 * * *

4 E. There shall be no cause of action or civil liability, and no license **or**
5 **certification** holder or applicant shall have any cause of action or any claim for
6 damages against any individual, person, or institution providing information to the
7 commission or its agents or employees when that individual, person, or institution
8 acts without malice and when there is a reasonable belief that such information is
9 accurate.

10 * * *

11 §1133.14. Duties of emergency medical ~~personnel~~ **services practitioners**

12 A. * * *

13 (2) The functions authorized by Paragraph (1) of this Subsection may be
14 performed by the licensed emergency medical services practitioner while ~~he is~~ caring
15 for a patient or at the scene of a medical or other emergency, ~~where voice contact is~~
16 ~~established with a physician and under the physician's order; or~~ **or during the**
17 **transport of a patient** under a protocol that has been approved by the ~~local parish~~
18 ~~medical society or the~~ emergency medical services practitioner's medical director;
19 ~~until voice communication with the physician is established.~~

20 * * *

21 C. In a case of a life-threatening situation as determined by a licensed
22 emergency medical services practitioner, ~~when voice contact with a physician is~~
23 ~~delayed or not possible, or when the delay in treatment could endanger the life of the~~
24 ~~patient,~~ such a person may render services in accordance with one of the following
25 protocols ~~until voice communication can be established at the earliest possible time:~~

26 * * *

27 §1135.3. Ambulance providers; licensure

28 * * *

29 C. An applicant seeking licensure as an ambulance provider shall:

1 (1) Submit a completed application to the department on such forms and
2 including such information and supporting documentation as required by the
3 department. Such information shall include:

4 * * *

5 (d) Copies of personnel **licenses and** certifications. However, the department
6 may provide for inspection and review of these certifications at an applicant's offices
7 by prior agreement between the applicant and the department.

8 * * *

9 (3) Successfully complete an inspection by the department which includes the
10 following:

11 * * *

12 (b) An inspection of all personnel **licenses and** certifications to verify that
13 they meet the requirements of law.

14 * * *

15 §1135.8. Air ambulance services; licensure

16 * * *

17 C. An applicant seeking licensure as an air ambulance service shall:

18 * * *

19 (4) Submit to and successfully complete an inspection by the department to
20 include the following:

21 * * *

22 (c) Review of **licenses and** certifications of all personnel to ensure that they
23 meet all Federal Aviation Administration requirements and local pilot and medical
24 personnel staffing protocols.

25 * * *

26 Section 2. R.S. 40:1133.3(B)(2) is hereby repealed.

27 Section 3. This Act shall become effective upon signature by the governor or, if not
28 signed by the governor, upon expiration of the time for bills to become law without signature
29 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

1 vetoed by the governor and subsequently approved by the legislature, this Act shall become
2 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Amanda Trapp.

DIGEST

SB 296 Engrossed

2024 Regular Session

Boudreaux

Present law provides for definitions regarding emergency medical services.

Proposed law makes changes to definitions and terminology.

Present law creates the emergency medical services certification commission.

Proposed law renames the commission.

Present law provides for entitlement of the bureau of emergency services in the Louisiana Department of Health to emergency medical personnel criminal history records.

Proposed law adds that the commission is also entitled to the records.

Proposed law removes and renames certain testing fees.

Proposed law increases the number of voting commission members from 11 to 12.

Present law provides for duties of emergency medical personnel.

Proposed law removes certain requirements provided in the duties.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 40:1131(10) and (12)-(26), 1133.1(E)(1), 1133.2(B)(1) and (3), 1133.3(A) and 1133.3(B)(1)(intro para), 1133.4(A)(1), (2), and (4), 1133.5(3), 1133.13(E), 1133.14(A)(2) and (C), 1135.3(C)(1)(d) and (3)(b), 1135.8 (C)(4)(c); adds R.S. 40:1131(27) and 1133.3(B)(1)(f); repeals R.S. 40:1133.3(B)(2))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Health and Welfare to the original bill

1. Makes a technical change.