

SENATE BILL NO. 296

BY SENATOR BOUDREAUX

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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), the introductory paragraph of 1133.14(C), 1135.3(C)(1)(d) and (3)(b), and 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), the introductory paragraph of 1133.14(C), 1135.3(C)(1)(d) and (3)(b), and 1135.8(C)(4)(c) are hereby amended and reenacted and R.S.

1 40:1131(27) and 1133.3(B)(1)(f) are hereby enacted to read as follows:

2 §1131. Definitions

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

5 \* \* \*

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

8 \* \* \*

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

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

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

27 ~~(14)~~**(15)** "EMS medical director" means a physician licensed by the  
28 Louisiana State Board of Medical Examiners who has responsibility and authority  
29 to ensure quality of care and provide guidance for all medical aspects of ~~EMS~~: **EMS**  
30 **and who specializes in any of the following areas:**

1                    (a) Family practice.

2                    (b) Internal medicine.

3                    (c) General surgery.

4                    (d) Emergency medicine.

5                    (e) Emergency medical services.

6                    (f) Pediatrics.

7                    (g) General practice.

8                    ~~(15)~~**(16)** "EMS practitioner" means an individual who is a licensed  
9 emergency medical responder, licensed emergency medical technician, licensed  
10 advanced emergency medical technician, or a licensed paramedic.

11                   ~~(16)~~**(17)** "EMS task force" means the Emergency Medical Services Task  
12 Force, composed of individuals subject to the approval of the secretary of the  
13 department, which advises and makes recommendations to the bureau of emergency  
14 medical services and the department on matters related to emergency medical  
15 services.

16                   ~~(17)~~**(18)** "Industrial ambulance" means any vehicle owned and operated by  
17 an industrial facility and used for transporting any employee who becomes sick,  
18 injured, or otherwise incapacitated in the course and scope of his employment from  
19 a job site to an appropriate medical facility.

20                   ~~(18)~~**(19)** "Licensed emergency medical responder" means any individual who  
21 has successfully completed an emergency medical responder education program  
22 based on National EMS Education Standards approved by the bureau and who is  
23 licensed by the bureau.

24                   ~~(19)~~**(20)** "Licensed emergency medical services practitioner" means an  
25 individual who is a licensed emergency medical responder or who is nationally  
26 registered, who has successfully completed an emergency medical services  
27 practitioner education program based on national EMS education standards, and who  
28 is licensed as any one of the following:

29                    (a) A licensed emergency medical technician.

30                    (b) A licensed advanced emergency medical technician.

1 (c) A licensed paramedic.

2 ~~(20)~~**(21)** "Moral turpitude" means an act of baseness, vileness, or depravity  
3 in the duties which one person owes another, or to society in general, which is  
4 contrary to the usual, accepted, and customary rule of right and duty which a person  
5 should follow.

6 ~~(21)~~**(22)** "Municipal nonprofit organization" means an organization owned  
7 by a parish, municipality, or entity of a parish or municipality which in its regular  
8 course of business responds to a call for help and renders medical treatment and  
9 whose attendants are emergency medical personnel, a registered nurse, or a  
10 physician.

11 ~~(22)~~**(23)** "National EMS education standards" means the document that  
12 outlines current nationally recognized EMS education standards, has been adopted  
13 by the bureau, and defines terminal objectives for each nationally defined EMS  
14 licensing level.

15 ~~(23)~~**(24)** "Physician" means a physician licensed to practice medicine by the  
16 Louisiana State Board of Medical Examiners.

17 ~~(24)~~**(25)** "Public safety agency" means a functional division of a public or  
18 private agency which provides firefighting, police, medical, or other emergency  
19 services.

20 ~~(25)~~**(26)** "Public safety telecommunicator" means an individual answering  
21 911 emergency medical condition calls on behalf of a public safety agency who has  
22 authority, based on a protocol adopted by the agency, to provide telephone  
23 cardiopulmonary resuscitation (T-CPR) instructions to a caller before arrival of  
24 professional medical assistance by first responders.

25 ~~(26)~~**(27)** "Volunteer nonprofit organization" means an organization which in  
26 its regular course of business responds to a call for help and renders medical  
27 treatment and whose attendants are emergency medical personnel, a registered nurse,  
28 or a physician and which is chartered as a nonprofit organization under Section 501c  
29 of the United States Internal Revenue Code, as a volunteer fire department by the  
30 Louisiana state fire marshal's office, or as a nonprofit organization by the Louisiana

1 secretary of state.

2 \* \* \*

3 §1133.1. Emergency medical personnel training; licensure

4 \* \* \*

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

20 \* \* \*

21 §1133.2. Fee schedule; fees for license prohibited

22 \* \* \*

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

25	(1) Test fees:	Fee
26	(a) <del>Emergency medical responder - written only</del>	<del>\$ 15.00</del>
27	(b) <del>Emergency medical responder - written only (out of state)</del>	<del>15.00</del>
28	(c) <del>Emergency medical technician initial written &amp; practical</del>	
29	<b><u>pyschomotor exam</u></b>	\$ 60.00
30	(d) <del>Emergency medical technician entire practical exam</del>	<del>30.00</del>

1	<del>(e)</del> <b>(b)</b> Emergency medical technician partial practical	
2	<b><u>psychomotor exam</u></b>	15.00
3	<del>(f)</del> Emergency medical technician testing/retesting-written only	15.00
4	<del>(g)</del> Emergency medical technician testing/retesting-written	
5	only (out of state)	15.00
6	<del>(h)</del> Advanced emergency medical technician initial	
7	written & practical	75.00
8	<del>(i)</del> Advanced emergency medical technician initial written &	
9	practical (out of state)	100.00
10	<del>(j)</del> Advanced emergency medical technician retest entire	
11	practical	50.00
12	<del>(k)</del> Advanced emergency medical technician retest	
13	entire practical (out of state)	65.00
14	<del>(l)</del> Advanced emergency medical technician retest partial practical	30.00
15	<del>(m)</del> Advanced emergency medical technician retest partial	
16	practical (out of state)	30.00
17	<del>(n)</del> Advanced emergency medical technician	
18	testing/retesting-written only (exam only)	15.00
19	<del>(o)</del> Advanced emergency medical technician	
20	testing/retesting-written only (exam only) (out of	
21	state)	15.00
22	<del>(p)</del> Paramedic initial written & practical	90.00
23	<del>(q)</del> Paramedic initial written & practical (out of state)	125.00
24	<del>(r)</del> Paramedic retesting-entire practical	60.00
25	<del>(s)</del> Paramedic retesting-entire practical (out of state)	75.00
26	<del>(t)</del> Paramedic retesting-partial practical	35.00
27	<del>(u)</del> Paramedic retesting-partial practical (out of state)	40.00
28	<del>(v)</del> Paramedic testing/retesting written	15.00
29	<del>(w)</del> Paramedic testing/retesting written (out of state)	15.00
30	* * *	

- 1 (3) ~~Recertification~~ **License renewal**
- 2 (a) Emergency medical responder 5.00
- 3 (b) Emergency medical technician 25.00
- 4 (c) Advanced emergency medical technician 35.00
- 5 (d) Paramedic 45.00

6 \* \* \*

7 §1133.3. Louisiana Emergency Medical Services ~~Certification~~ Commission;  
8 creation; membership; qualifications; terms; vacancies; meetings;  
9 officers; compensation; domicile

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

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

14 \* \* \*

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

18 \* \* \*

19 §1133.4. Powers and duties of the commission; exceptions

20 A. The commission shall:

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

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

25 \* \* \*

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

28 \* \* \*

29 §1133.5. Powers and duties of the bureau

30 The bureau shall:

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

\* \* \*

§1133.13. Civil immunity

\* \* \*

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

\* \* \*

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

A.

\* \* \*

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

\* \* \*

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

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§1135.3. Ambulance providers; licensure



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

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

\* \* \*

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

\* \* \*

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

\* \* \*

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

\* \* \*

§1135.8. Air ambulance services; licensure

\* \* \*

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

\* \* \*

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

\* \* \*

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

\* \* \*

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

Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature

1 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
2 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
3 effective on the day following such approval.

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

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