

2018 Regular Session

HOUSE BILL NO. 574

BY REPRESENTATIVE DUSTIN MILLER

BOARDS/COMMISSIONS: Creates the Louisiana Board of Emergency Medical Services

1 AN ACT

2 To amend and reenact R.S. 36:258(B) and R.S. 40:1131, 1133.3(G), 1133.4(A)(1) through

3 (5), 1133.7(introductory paragraph) and (14), 1133.8(A) and (D), 1133.9,

4 1135.1(A)(3), (C), and (E), 1135.2(B)(1) and (2) and (C), 1135.3(A)(introductory

5 paragraph) and (3), (B), (C)(1)(introductory paragraph) and (d) and (3)(introductory

6 paragraph) and (c), (E)(1) and (3), and (H), 1135.4(introductory paragraph), (3), and

7 (5), 1135.5(B)(1) and (C) through (E), 1135.8(A), (B), (C)(1) and (4)(introductory

8 paragraph) and (a)(introductory paragraph) and (ii), (E)(1) and (4), and (G)(2) and

9 (3), and 1135.10(C), to enact R.S. 36:259(E)(26), Chapter 61 of Title 37 of the

10 Louisiana Revised Statutes of 1950, to be comprised of R.S. 37:3721 through 3729,

11 and R.S. 44:4(55), and to repeal R.S. 40:1131.1, 1133.2, 1133.5, 1133.6, and

12 1133.8(C)(4)(a)(iii), relative to emergency medical services; to create the Louisiana

13 Board of Emergency Medical Services as an agency within the Louisiana

14 Department of Health; to provide for board membership, appointment, terms, and

15 compensation; to provide for the function, powers, and duties of the board; to

16 provide for licensing functions of the board; to provide for a fee schedule; to provide

17 for enforcement of licensing standards; to repeal provisions creating the bureau of

18 emergency medical services within the Louisiana Department of Health; to provide

19 for transition provisions; to provide relative to the Louisiana Emergency Medical

20 Services Certification Commission; to provide for disciplinary proceedings and

1 appeals by the commission; to provide for injunctive powers of the commission; to  
2 provide relative to the emergency medical technician fund; to provide for public  
3 records and exceptions to the Public Records Law; and to provide for related  
4 matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 36:258(B) is hereby amended and reenacted and R.S. 36:259(E)(26)  
7 is hereby enacted to read as follows:

8 §258. Offices; purposes and functions

9 \* \* \*

10 B. The office of public health shall perform the functions of the state which  
11 relate to the general health of the people of the state, including but not limited to  
12 responsibility for the preparation and supervision of the Sanitary Code, local health  
13 units, sewage treatment and disposal within the state, physical fitness, supplemental  
14 food programs for women, infants, and children, emergency medical services not  
15 provided for pursuant to the provisions of R.S. 37:3721 et seq. or R.S. 40:1131 et  
16 seq., and related functions affecting the public health. It shall also perform those  
17 functions of the state provided by law relating to environmental quality and pollution  
18 control which are related to the public health and which are specifically assigned to  
19 the department, including but not limited to functions relating to the treatment and  
20 disposal of sewage within the state, with the exception of those functions assigned  
21 by law to the Department of Environmental Quality including, but not limited to, the  
22 licensing of sewage sludge transporters or haulers.

23 \* \* \*

24 §259. Transfer of agencies and functions to Louisiana Department of Health

25 \* \* \*

26 E. The following agencies, as defined in R.S. 36:3, are transferred to and  
27 hereafter shall be within the Louisiana Department of Health, as provided in R.S.  
28 36:803:

29 \* \* \*

1           (26) Louisiana Board of Emergency Medical Services (R.S. 37:3721 et seq.)

2   \*         \*         \*

3           Section 2. Chapter 61 of Title 37 of the Louisiana Revised Statutes of 1950,  
4 comprised of R.S. 37:3721 through 3729, is hereby enacted to read as follows:

5                                 CHAPTER 61. EMERGENCY MEDICAL SERVICES

6           §3721. Definitions

7                         As used in this Chapter, the following terms have the meaning ascribed in  
8 this Section:

9                         (1) "Air ambulance" means any aircraft, either fixed-wing or rotary-winged,  
10 designed and operated as a part of a regular course of conduct or business to  
11 transport a sick or injured individual or which is advertised or otherwise held out to  
12 the public as such.

13                         (2) "Air ambulance service" means any person, firm, association, or  
14 government entity owning, controlling, or operating any business or service which  
15 furnishes, operates, conducts, maintains, advertises, engages in, proposes to engage  
16 in, or professes to engage in the business or service of transporting, in air  
17 ambulances, individuals who may need medical attention during transport.

18                         (3) "Ambulance" means any authorized emergency vehicle, equipped with  
19 warning devices, designed and operated as a part of a regular course of conduct or  
20 business to transport a sick or injured individual or which is advertised or otherwise  
21 held out to the public as such. "Ambulance" shall not mean a hearse or other funeral  
22 home vehicle utilized for the transportation of the dead.

23                         (4) "Ambulance service" or "ambulance provider" means any person, firm,  
24 association, or government entity owning, controlling, or operating any business or  
25 service which furnishes, operates, conducts, maintains, advertises, engages in,  
26 proposes to engage in, or professes to engage in the business or service of  
27 transporting, in ambulances, individuals who may need medical attention during  
28 transport. However, "ambulance service" and "ambulance provider" shall not  
29 include any of the following:

1           (a) An agency of the federal government.

2           (b) A volunteer nonprofit organization or municipal nonprofit organization  
3 operating an invalid coach or coaches.

4           (c) An entity rendering assistance to a licensed ambulance or ambulances in  
5 the case of a major disaster.

6           (d) A licensed hospital providing nonemergency, noncritical interhospital  
7 transfer and patient transportation for diagnostic and therapeutic purposes when such  
8 transportation originates at a licensed hospital.

9           (e) An entity operating an ambulance or ambulances from a location outside  
10 of the state to transport patients from a location outside of the state to a location  
11 inside the state or to transport a patient or patients from a medical facility inside of  
12 the state to a location outside of the state.

13           (f) An entity providing transportation to employees who become sick or  
14 injured during the course of their employment from a job site to the nearest  
15 appropriate medical facility.

16           (5) "Auto-injector" means a portable, disposable drug delivery device that  
17 contains a measured, single dose of epinephrine that is used to treat a person  
18 suffering a potentially life-threatening anaphylactic reaction.

19           (6) "Board" means the Louisiana Board of Emergency Medical Services.

20           (7) "Commission" means the Louisiana Emergency Medical Services  
21 Certification Commission.

22           (8) "Department" means the Louisiana Department of Health.

23           (9) "Emergency medical response vehicle" means a marked emergency  
24 vehicle with fully visual and audible warning signals operated by a certified  
25 ambulance service, the primary purpose of which is to respond to the scene of a  
26 medical emergency to provide emergency medical stabilization or support, or  
27 command, control, and communications, but which is not an ambulance designed or  
28 intended for the purpose of transporting a victim from the scene to a medical facility  
29 regardless of its designation. Included are such vehicles referred to but not limited

1 to the designation as "sprint car", "quick response vehicle", "special response  
2 vehicle", "triage trucks", "staff cars", "supervisor units", and other similar  
3 designations. Emergency medical response vehicles shall not include fire apparatus  
4 and law enforcement patrol vehicles which carry first aid or emergency medical  
5 supplies and which respond to medical emergencies as part of their routine duties.

6 (10) "Emergency medical services" or "EMS" means a system that represents  
7 the combined efforts of several professionals and agencies to provide prehospital  
8 emergency care to the sick and injured.

9 (11) "EMS medical director" means a physician licensed by the Louisiana  
10 State Board of Medical Examiners who has responsibility and authority to ensure  
11 quality of care and provide guidance for all medical aspects of EMS.

12 (12) "EMS practitioner" means an individual who is a licensed emergency  
13 medical responder, licensed emergency medical technician, licensed advanced  
14 emergency medical technician, or a licensed paramedic.

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

19 (14) "Licensed emergency medical responder" means any individual who has  
20 successfully completed an emergency medical responder education program based  
21 on national EMS education standards approved by the board and who is licensed by  
22 the bureau.

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

28 (a) A licensed emergency medical technician.

29 (b) A licensed advanced emergency medical technician.

1           (c) A licensed paramedic.

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

6           (17) "Municipal nonprofit organization" means an organization owned by  
7           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          (18) "National EMS education standards" means the document that outlines  
12          current nationally recognized EMS education standards, has been adopted by the  
13          board, and defines terminal objectives for each nationally defined EMS licensing  
14          level.

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

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

24          §3722. Louisiana Board of Emergency Medical Services; membership;  
25          qualifications; terms; vacancies; meetings; officers; compensation; domicile

26          A. The Louisiana Board of Emergency Medical Services is hereby created  
27          within the Louisiana Department of Health and subject to the provisions of  
28          R.S. 36:803.

1           B. The board shall be composed of twelve voting members appointed by the  
2           governor as follows:

3           (1) One fire service practitioner employed by a fire-based transporting  
4           provider, nominated by the Professional Firefighters Association of Louisiana.

5           (2) One state credentialed educator, who is a Louisiana-certified instructor,  
6           nominated by the Louisiana EMS Educators Society.

7           (3) One industrial practitioner nominated by the Louisiana EMS Industrial  
8           Society.

9           (4) One EMS medical director nominated by the Louisiana Chapter of the  
10          American College of Emergency Physicians.

11          (5) One public practitioner employed by a governmental not-for-profit  
12          agency nominated by the Louisiana Ambulance Alliance.

13          (6) One private practitioner employed by a private, for profit corporation  
14          nominated by the Louisiana Ambulance Alliance.

15          (7) One paramedic employed by a state-licensed ALS service nominated by  
16          the Louisiana Association of Nationally Registered EMTs.

17          (8) One EMT employed by a state-licensed ALS or BLS service nominated  
18          by the Louisiana Association of Nationally Registered EMTs.

19          (9) One EMS practitioner nominated by the Louisiana Fire Chiefs  
20          Association.

21          (10) One aeromedical practitioner, employed by a state-licensed air  
22          ambulance provider, nominated by the Louisiana Ambulance Alliance.

23          (11) One volunteer fire service provider who serves as a first responder for  
24          a volunteer EMS agency nominated by the Louisiana State Firefighters Association.

25          (12) A consumer who is a citizen of the United States and has been a resident  
26          of Louisiana for at least one year immediately prior to appointment, has attained the  
27          age of majority, has not have ever been licensed by the Louisiana Bureau of EMS  
28          nor shall he have a spouse who has ever been licensed by the Louisiana Bureau of  
29          EMS.

1           C. Each member of the board shall have been a resident of Louisiana for at  
2           least one year immediately prior to his appointment. Except for the consumer  
3           member provided for in Paragraph (B)(12) of this Section, each member shall have  
4           had three years' experience in his respective field of practice, and be actively  
5           engaged in the practice of emergency medical services at the time of his  
6           appointment.

7           D.(1) Except as otherwise provided in this Section, each member shall serve  
8           a term of three years.

9           (2) The initial members of the board shall have initial terms, determined by  
10          lot at the first meeting after the effective date of this Section, as follows:

11          (a) Six members shall serve until July 1, 2022.

12          (b) Six members shall serve until July 1, 2023.

13          (3) No individual shall serve more than two consecutive terms.

14          E. Subsequent to the appointment or placement of the initial members, the  
15          voting members shall be appointed from a list of three nominees for each  
16          appointment submitted by the appropriate nominating organization. No later than  
17          thirty days prior to the termination date of a member's term, the appropriate  
18          nominating organization shall submit a list of nominees to the governor. If the  
19          appropriate nominating organization fails to submit the required list of nominees to  
20          the governor within thirty days, the governor shall appoint the respective member to  
21          fill the vacancy without the nomination list required.

22          F. Each member shall serve until his successor has been appointed and  
23          confirmed.

24          G. Upon the expiration of the term of any member or in the event of a  
25          vacancy for any reason, the appropriate nominating organization shall submit to the  
26          governor the names of three qualified persons for each vacancy to be filled.

27          H. A vacancy occurring on the board for any reason shall be filled in the  
28          same manner as the original appointment was made. However, members appointed  
29          to fill vacancies shall serve only for the unexpired term of their predecessors.



1           I. The board shall hold its first meeting no later than sixty days after the  
2           appointment of the entire board with the first meeting being called by the governor.  
3           At the first meeting the board shall select a chairman and vice chairman. At a  
4           minimum, the board shall meet on a quarterly basis and, in addition, shall meet when  
5           called by the chairman or upon the written request of at least six of the voting  
6           members of the board.

7           J. The board shall be domiciled in Baton Rouge, but may establish offices  
8           in other locations for the purpose of administering the provisions of this Chapter.

9           K. The governor shall remove a member of the board after a hearing by the  
10          board during which charges for removal have been established and if a majority of  
11          the members have recommended removal.

12          L.(1) There shall be no civil liability and no licensee or other individual shall  
13          have a cause of action or a claim for damages against any person or institution  
14          providing information to the board, its members, officers, designated agents or  
15          representatives, or employees, when the individual or institution acts without malice  
16          and in the reasonable belief that such information is accurate.

17          (2) There shall be no liability on the part of and no action for damages  
18          against any member of the board, its officers, employees, agents, or representatives  
19          for any action undertaken or performed by such individual within the scope of the  
20          duties, powers, and functions of the board when acting without malice and in the  
21          reasonable belief that the action taken is within the board's and such individual's  
22          authority.

23          §3723. Powers and duties of the board; exceptions

24          A. In order to establish and maintain a program for the improvement and  
25          regulation of emergency medical services in the state, the board shall do all of the  
26          following:

27                  (1) Develop a state plan for the prompt and efficient delivery of adequate  
28                  emergency medical services to acutely sick and injured individuals.

1           (2) Serve as the primary agency for participation in any federal program  
2           involving emergency medical services and may receive and, pursuant to  
3           legislative appropriation, disburse available federal funds to implement any service  
4           program.

5           (3) Identify all public and private agencies, institutions, and individuals that  
6           are or may be engaged in emergency medical services training and set minimum  
7           standards for course approval, instruction, and examination.

8           (4) Promulgate rules and regulations in accordance with the Administrative  
9           Procedure Act which provide for all of the following functions and purposes:

10           (a) To define and authorize appropriate education programs based on  
11           national EMS education standards for emergency medical services practitioners. All  
12           such education programs shall meet or exceed national EMS education standards.

13           (b) To specify minimum operational requirements that shall ensure medical  
14           direction, supervision, and control over emergency medical services.

15           (c) To specify minimum examination and continuing education requirements  
16           for all emergency medical services practitioners.

17           (d) To provide for the issuance of licenses, renewals of licenses, and  
18           requirements for emergency medical services practitioners.

19           (e) To establish fees for licensure and license renewal.

20           (5) Issue a license and renew a license to any duly qualified applicant for  
21           licensure and license renewal as an emergency medical services practitioner.

22           (6) Prescribe application forms for licensure and licensure renewal.

23           (7) Adopt requirements and standards of practice approved by the Louisiana  
24           Emergency Medical Services Certification Commission for emergency medical  
25           services practitioners.

26           (8) Conduct investigations as requested by the Louisiana Emergency  
27           Medical Services Certification Commission of alleged or suspected improper or  
28           prohibited behavior by emergency medical services practitioners or applicants.

1           (9) Deny, withhold, revoke, restrict, probate, suspend, or otherwise restrict  
2           licenses of individuals who violate this Chapter or the rules promulgated by the  
3           board pursuant hereto as directed by the Louisiana Emergency Medical Services  
4           Certification Commission.

5           (10) Cause the prosecution of any individual who violates any provision of  
6           this Chapter.

7           (11) Prepare, publish, and update at least annually a roster of all EMS  
8           practitioners in the state, which shall include a mailing address for each EMS  
9           practitioner but shall not include the home address or home telephone number of any  
10          EMS practitioner who does not authorize such inclusion in writing. The home  
11          address and telephone number of each EMS practitioner who does not authorize such  
12          inclusion shall be exempted from disclosure pursuant to the Public Records Law.

13          (12) Adopt continuing education requirements and standards for individuals  
14          seeking to renew a license.

15          (13) Prepare an annual report detailing the activities of the board during the  
16          past fiscal year including the number and nature of the hearings conducted pursuant  
17          to the provisions of R.S. 40:1133.8.

18          (14) Adopt rules and regulations to implement the provisions of this Chapter  
19          in accordance with the Administrative Procedure Act. Any rules or regulations  
20          promulgated by the department relative to the subject matter of this Chapter shall  
21          remain in effect until revised or repealed by the board. Any rules or regulations  
22          promulgated by the Louisiana Emergency Medical Services Certification  
23          Commission, originally created by Act 913 of the 1997 Regular Session of the  
24          Legislature, shall remain in effect until revised or repealed by the board.

25          (15) Adopt and amend the title and the definition of licensed emergency  
26          medical services practitioners.

27          (16) Employ an executive director who holds a current license as an EMS  
28          practitioner and other persons as necessary to implement the directives, rules, and  
29          regulations of the board and to assist the board in the implementation of this Chapter.

1           (17) Retain an attorney at law to represent the board in all matters pertaining  
2           to the administration of the provisions of this Chapter, fix his compensation, and  
3           define his duties.

4           (18) Grant, deny, or revoke initial licenses and license renewals for  
5           ambulance providers and air ambulance providers and collect fees as provided in  
6           R.S. 40:1135.1 et seq. This authority shall include the power to certify all  
7           emergency medical vehicles.

8           (19) Administer penalties and fines as stated in R.S. 40:1135.1 through  
9           1135.5.

10          (20) Have all other powers necessary and proper to the performance of its  
11          duties, including but not limited to the power to subpoena.

12           B. The board may do all of the following:

13           (1) Request and obtain state and national criminal history record information  
14           on any person applying for any license or permit which the board is authorized by  
15           law to issue, including permission to enroll as a student in clinical courses.

16           (2) Require an applicant for any license or permit which the board is  
17           authorized to issue, including permission to enroll as a student in clinical courses, to  
18           submit a full set of fingerprints, in a form and manner prescribed by the board, as a  
19           condition to the board's consideration of his application.

20           (3) Charge and collect from an applicant for any license or permit which the  
21           board is authorized to issue, including permission to enroll as a student in clinical  
22           courses, in addition to all other applicable fees and costs, such amount as may be  
23           incurred by the board in requesting and obtaining criminal history record information  
24           on the applicant.

25           (4) Regulate students in the clinical phase of their education; however,  
26           nothing in this Subsection shall require the licensure by the board of students during  
27           the clinical phase of their education.

1           (5) Enforce the rules and regulations in place on the effective date of this  
2           Chapter until such time as the board promulgates rules and regulations in accordance  
3           with this Section.

4           (6) Purchase, lease, maintain, or otherwise contract with respect to  
5           immovable property and improvements thereon as it may deem necessary or  
6           appropriate to accomplish the provisions of this Chapter. Additionally, the board  
7           may borrow funds with the approval of the State Bond Commission and may expend  
8           funds for the acquisition of immovable property and improvements thereon. In the  
9           event that the board sells immovable property and improvements thereon, the  
10           revenue derived from the sale shall be retained by the board and shall not be subject  
11           to reversion to the state general fund.

12           (7) Share any information in the custody of the board, including information  
13           not subject to the laws relative to public records pursuant to R.S. 44:4(55), with any  
14           regulatory or law enforcement agency upon written request of the regulatory or law  
15           enforcement agency.

16           (8) Enter into any contract related to its responsibilities in compliance with  
17           this Chapter and other state laws.

18           (9) Apply for all available appropriate public funds and all available  
19           appropriate public and private federal grants, donations, or gifts of money or services  
20           from any available source.

21           (10) Accept grants, donations, or gifts of money or services from public or  
22           private organizations or from any other sources to be utilized for the purposes of the  
23           board.

24           (11) Publish documents and materials intended to further the mission or  
25           purpose of the board.

26           C. Except as they relate to scope of practice or patient care issues, the  
27           provisions of Paragraphs (A)(8), (10), and (11) of this Section shall not apply to  
28           anyone who is a volunteer of or employed by the state of Louisiana or another public  
29           entity, a municipal fire department, a fire protection district, or a volunteer fire

1        department who has successfully completed an education program based on national  
2        EMS education standards and who possesses a current national certification and state  
3        license, until the board has forwarded the nonmedical practice complaint to the local  
4        governing body and received a response with investigative results and any  
5        disciplinary disposition. If the local governing body does not send a response or  
6        request for extension to the board within sixty days after receipt of the complaint, the  
7        board may proceed with the powers and duties as defined in Subsection A of this  
8        Section. Notwithstanding any law to the contrary, if the board determines by a  
9        two-thirds vote of the seated membership of the board that public health and safety  
10       would be jeopardized by waiting for a response from the local governing authority,  
11       the board shall have the right to exercise its powers and duties as provided in  
12       Subsection A of this Section without receipt of an investigative report from the local  
13       governing authority or the expiration of the sixty day period as provided in this  
14       Subsection.

15       §3724. License; requirements; renewal

16            A. Applicants for initial licensure as emergency medical services  
17       practitioners shall submit all of the following evidence to the board:

18            (1) Completion of the required approved educational program.

19            (2) Documentation that the applicant meets the qualifications and  
20       requirements as established by the board.

21            B. In lieu of the evidence required by Subsection A of this Section, an  
22       applicant may submit evidence that he has been duly licensed or certified in another  
23       state, territory, or country or has received military training and certification or  
24       license as emergency medical services practitioner as defined in R.S. 37:3721, and  
25       meets the qualifications and requirements established by the board.

26            C.(1) The license shall be renewed every two years provided the applicant  
27       seeking renewal completes the application and meets the requirements for renewal  
28       established by the board prior to the expiration date on his current license.

1           (2) An individual whose license expires by his failure to renew as provided  
2           may be reinstated provided the applicant submits a completed application and meets  
3           any additional requirements established by the board for an individual who has failed  
4           to timely renew his license.

5           §3725. Emergency medical personnel training; licensure

6           A. An individual petitioning for licensure or license renewal as an  
7           emergency medical services practitioner shall submit an application to the board on  
8           forms provided by the board. The application shall be accompanied by the  
9           appropriate fee.

10           B. The board shall affirmatively provide that there is no discrimination  
11           toward any individual in the licensure process on the basis of race, religion, creed,  
12           national origin, sex, or age.

13           §3726. Fee schedule; fees for license prohibited

14           A.(1) The board shall not require or collect any fee or charges for licensure  
15           or license renewal of emergency medical services practitioners who serve as such on  
16           a voluntary basis and who receive no compensation of any kind for such services.

17           (2) The board shall not set the fee for licensure of an emergency medical  
18           technician to exceed fifteen dollars for any individual who is an employee or  
19           volunteer of the state of Louisiana or another public entity, a municipal fire  
20           department, a fire protection district, a volunteer fire department, or a municipal law  
21           enforcement agency who does not perform emergency medical services outside of  
22           the individual's official governmental responsibilities for any form of compensation.

23           (3) The board shall not set the fee for license renewal of an emergency  
24           medical technician to exceed ten dollars for any individual who is an employee or  
25           volunteer of the state of Louisiana or another public entity, a municipal fire  
26           department, a fire protection district, a volunteer fire department, or a municipal law  
27           enforcement agency who does not perform emergency medical services outside of  
28           the individual's official governmental responsibilities for any form of compensation.

1	<u>B. Except as provided in Subsection A of this Section, the board shall assess</u>	
2	<u>fees for testing and licenses based on the following schedule:</u>	
3	<u>(1) Test fees:</u>	<u>Fee</u>
4	<u>(a) Emergency medical responder - written only</u>	<u>\$15.00</u>
5	<u>(b) Emergency medical responder - written only</u>	
6	<u>(out of state)</u>	<u>15.00</u>
7	<u>(c) Emergency medical technician initial written &amp; practical</u>	<u>60.00</u>
8	<u>(d) Emergency medical technician entire practical exam</u>	<u>30.00</u>
9	<u>(e) Emergency medical technician partial practical</u>	<u>15.00</u>
10	<u>(f) Emergency medical technician testing/retesting-written only</u>	<u>15.00</u>
11	<u>(g) Emergency medical technician testing/retesting-written only</u>	
12	<u>(out of state)</u>	<u>15.00</u>
13	<u>(h) Advanced emergency medical technician initial</u>	
14	<u>written &amp; practical</u>	<u>75.00</u>
15	<u>(i) Advanced emergency medical technician initial written</u>	
16	<u>&amp; practical (out of state)</u>	<u>100.00</u>
17	<u>(j) Advanced emergency medical technician retest entire</u>	
18	<u>practical</u>	<u>50.00</u>
19	<u>(k) Advanced emergency medical technician retest entire</u>	
20	<u>practical (out of state)</u>	<u>65.00</u>
21	<u>(l) Advanced emergency medical technician retest partial</u>	
22	<u>practical</u>	<u>30.00</u>
23	<u>(m) Advanced emergency medical technician retest partial</u>	
24	<u>practical (out of state)</u>	<u>30.00</u>
25	<u>(n) Advanced emergency medical technician testing/retesting-</u>	
26	<u>written only (exam only)</u>	<u>15.00</u>
27	<u>(o) Advanced emergency medical technician testing/retesting-</u>	
28	<u>written only (exam only) (out of state)</u>	<u>15.00</u>
29	<u>(p) Paramedic initial written &amp; practical</u>	<u>90.00</u>



1	<u>(q) Paramedic initial written &amp; practical (out of state)</u>	<u>125.00</u>
2	<u>(r) Paramedic retesting-entire practical</u>	<u>60.00</u>
3	<u>(s) Paramedic retesting-entire practical (out of state)</u>	<u>75.00</u>
4	<u>(t) Paramedic retesting-partial practical</u>	<u>35.00</u>
5	<u>(u) Paramedic retesting-partial practical (out of state)</u>	<u>40.00</u>
6	<u>(v) Paramedic testing/retesting written</u>	<u>15.00</u>
7	<u>(w) Paramedic testing/retesting written (out of state)</u>	<u>15.00</u>
8	<u>(2) License fees</u>	
9	<u>(a) Emergency medical responder</u>	<u>10.00</u>
10	<u>(b) Emergency medical technician</u>	<u>30.00</u>
11	<u>(c) Advanced emergency medical technician</u>	<u>40.00</u>
12	<u>(d) Paramedic</u>	<u>50.00</u>
13	<u>(3) Recertification</u>	
14	<u>(a) Emergency medical responder</u>	<u>5.00</u>
15	<u>(b) Emergency medical technician</u>	<u>25.00</u>
16	<u>(c) Advanced emergency medical technician</u>	<u>35.00</u>
17	<u>(d) Paramedic</u>	<u>45.00</u>
18	<u>(4) Reciprocity</u>	
19	<u>(a) Emergency medical technician</u>	<u>60.00</u>
20	<u>(b) Advanced emergency medical technician</u>	<u>80.00</u>
21	<u>(c) Paramedic</u>	<u>100.00</u>
22	<u>C. The board may adopt rules and regulations in accordance with the</u>	
23	<u>Administrative Procedure Act to provide for the collection of fees required by the fee</u>	
24	<u>schedule provided in this Section.</u>	
25	<u>D. All money paid to the board shall be held subject to the order of the board</u>	
26	<u>to be used only for the purpose of meeting necessary expenses incurred in the</u>	
27	<u>performance of the duties prescribed by and the implementation of this Chapter.</u>	

1        §3727. Injunction

2                The board may obtain an injunction without bond forbidding any person from  
3        violating or continuing to violate any of the provisions of this Chapter. This  
4        injunction shall not be subject to release upon bond.

5        §3728. Exceptions

6                The provisions of this Chapter shall not apply to the practice of emergency  
7        medical services by a legally qualified emergency medical services practitioner who  
8        is employed by the United States government, or by any federal bureau, division, or  
9        agency thereof, while in the discharge of his official duties.

10       §3729. Transition provisions

11               For a minimum of one year following the effective date of this Chapter, the  
12       department shall provide to the board information technology and legal support  
13       functions and shall provide technical assistance regarding purchasing, payroll, and  
14       budget matters.

15        Section 3. R.S. 40:1131, 1133.3(G), 1133.4(A)(1) through (5), 1133.7(introductory  
16 paragraph) and (14), 1133.8(A) and (D), 1133.9, 1135.1(A)(3), (C), and (E), 1135.2(B)(1)  
17 and (2) and (C), 1135.3(A)(introductory paragraph) and (3), (B), (C)(1)(introductory  
18 paragraph) and (d) and (3)(introductory paragraph) and (c), (E)(1) and (3), and (H),  
19 1135.4(introductory paragraph), (3), and (5), 1135.5(B)(1) and (C) through (E), 1135.8(A),  
20 (B), (C)(1) and (4)(introductory paragraph) and (a)(introductory paragraph) and (ii), (E)(1)  
21 and (4), and (G)(2) and (3), and 1135.10(C) are hereby amended and reenacted as follows:

## 22        §1131. Definitions

23                For purposes of this Chapter:

24                ~~(1) "Air ambulance" means any aircraft, either fixed-wing or rotary-winged,~~  
25        ~~designed and operated as a part of a regular course of conduct or business to~~  
26        ~~transport a sick or injured individual or which is advertised or otherwise held out to~~  
27        ~~the public as such.~~

28                ~~(2) "Air ambulance service" means any person, firm, association, or~~  
29        ~~government entity owning, controlling, or operating any business or service which~~

1 ~~furnishes, operates, conducts, maintains, advertises, engages in, proposes to engage~~  
2 ~~in, or professes to engage in the business or service of transporting, in air~~  
3 ~~ambulances, individuals who may need medical attention during transport.~~

4 ~~(3) "Ambulance" means any authorized emergency vehicle, equipped with~~  
5 ~~warning devices, designed and operated as a part of a regular course of conduct or~~  
6 ~~business to transport a sick or injured individual or which is advertised or otherwise~~  
7 ~~held out to the public as such. "Ambulance" shall not mean a hearse or other funeral~~  
8 ~~home vehicle utilized for the transportation of the dead.~~

9 ~~(4) "Ambulance service" or "ambulance provider" means any person, firm,~~  
10 ~~association, or government entity owning, controlling, or operating any business or~~  
11 ~~service which furnishes, operates, conducts, maintains, advertises, engages in,~~  
12 ~~proposes to engage in, or professes to engage in the business or service of~~  
13 ~~transporting, in ambulances, individuals who may need medical attention during~~  
14 ~~transport. However, "ambulance service" and "ambulance provider" shall not include~~  
15 ~~any of the following:~~

16 ~~(a) An agency of the federal government.~~

17 ~~(b) A volunteer nonprofit organization or municipal nonprofit organization~~  
18 ~~operating an invalid coach or coaches.~~

19 ~~(c) An entity rendering assistance to a licensed ambulance or ambulances in~~  
20 ~~the case of a major disaster.~~

21 ~~(d) A licensed hospital providing nonemergency, noncritical interhospital~~  
22 ~~transfer and patient transportation for diagnostic and therapeutic purposes when such~~  
23 ~~transportation originates at a licensed hospital.~~

24 ~~(e) An entity operating an ambulance or ambulances from a location outside~~  
25 ~~of the state to transport patients from a location outside of the state to a location~~  
26 ~~inside the state or to transport a patient or patients from a medical facility inside of~~  
27 ~~the state to a location outside of the state.~~

1           ~~(f) An entity providing transportation to employees who become sick or~~  
2           ~~injured during the course of their employment from a job site to the nearest~~  
3           ~~appropriate medical facility.~~

4           ~~(5) "Auto-injector" means a portable, disposable drug delivery device that~~  
5           ~~contains a measured, single dose of epinephrine that is used to treat a person~~  
6           ~~suffering a potentially life-threatening anaphylactic reaction.~~

7           ~~(6) "Bureau" means the Louisiana Department of Health, bureau of~~  
8           ~~emergency medical services.~~

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

11          ~~(8) "Department" means the Louisiana Department of Health.~~

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

24          ~~(10) "Emergency medical services" or "EMS" means a system that represents~~  
25          ~~the combined efforts of several professionals and agencies to provide prehospital~~  
26          ~~emergency care to the sick and injured.~~

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

1           ~~(12) "EMS practitioner" means an individual who is a licensed emergency~~  
2           ~~medical responder, licensed emergency medical technician, licensed advanced~~  
3           ~~emergency medical technician, or a licensed paramedic.~~

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

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

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

16          ~~(16) "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          ~~(17) "Moral turpitude" means an act of baseness, vileness, or depravity in the~~  
25          ~~duties which one person owes another, or to society in general, which is contrary to~~  
26          ~~the usual, accepted, and customary rule of right and duty which a person should~~  
27          ~~follow.~~

28          ~~(18) "Municipal nonprofit organization" means an organization owned by~~  
29          ~~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 (19) ~~"National EMS education standards" means the document that outlines~~  
5 ~~current nationally recognized EMS education standards, has been adopted by the~~  
6 ~~bureau, and defines terminal objectives for each nationally defined EMS licensing~~  
7 ~~level.~~

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

10 (21) ~~"Volunteer nonprofit organization" means an organization which in its~~  
11 ~~regular course of business responds to a call for help and renders medical treatment~~  
12 ~~and whose attendants are emergency medical personnel, a registered nurse, or a~~  
13 ~~physician and which is chartered as a nonprofit organization under Section 501(c)~~  
14 ~~of the United States Internal Revenue Code, as a volunteer fire department by the~~  
15 ~~Louisiana state fire marshal's office, or as a nonprofit organization by the Louisiana~~  
16 ~~secretary of state.~~

17 The words and terms not otherwise defined in this Chapter shall have the  
18 meaning ascribed in R.S. 37:3721.

19 \* \* \*

20 §1133.3. Louisiana Emergency Medical Services Certification Commission;  
21 creation; membership; qualifications; terms; vacancies; meetings; officers;  
22 compensation; domicile

23 \* \* \*

24 G. Subsequent to the appointment of the initial members, the voting  
25 members shall be appointed from a list of two nominees for each appointment  
26 submitted by the ~~task force~~ board. No later than thirty days prior to the termination  
27 date of a member's term, the ~~task force~~ board shall submit a list of nominees to the  
28 governor. If the Louisiana State Nurses Association or the ~~task force~~ board fails  
29 to submit the required list of nominees to the governor within thirty days, the

1 governor shall appoint the respective member to fill the vacancy without the  
2 nomination list required.

3 \* \* \*

4 §1133.4. Powers and duties of the commission; exceptions

5 A. The commission shall:

6 (1) Recommend to the ~~bureau~~ board requirements and standards of practice  
7 for individuals seeking to be certified ~~under this Part~~ as EMS practitioners.

8 (2) Approve requirements and standards of practice submitted by the ~~bureau~~  
9 Louisiana Board of Emergency Medical Services for ~~emergency medical services~~  
10 EMS practitioners ~~consistent with this Part~~.

11 (3) Recommend continuing education requirements and standards to the  
12 ~~bureau~~ board in accordance with criteria established by the National Registry of  
13 Emergency Medical Technicians for individuals seeking to renew a license.

14 (4) Conduct disciplinary hearings for ~~emergency medical personnel~~ EMS  
15 practitioners.

16 (5) Request that the ~~bureau~~ board conduct investigations as necessary.

17 §1133.7. Grounds for disciplinary proceedings

18 The commission may discipline emergency medical services practitioners by  
19 directing the ~~bureau~~ board to deny, withhold, revoke, restrict, probate, or suspend a  
20 license to practice as an emergency medical services practitioner, impose fines and  
21 assess costs, or otherwise discipline an emergency medical services practitioner, and  
22 the commission may direct the ~~bureau~~ board to limit, restrict, or deny a student  
23 emergency medical services practitioner from entering or continuing the clinical  
24 phase of EMS education for the following causes:

25 \* \* \*

26 (14) Has violated any rules and regulations of the commission or the ~~bureau~~  
27 board or any provision of this Part.

28 \* \* \*

1 §1133.8. Hearings of the commission; appeal of decision

2 A. If the commission determines there are grounds for a disciplinary  
3 proceeding against an individual based upon an investigation by the ~~bureau~~ board,  
4 the chairman of the commission shall set a time and place for a hearing. No later  
5 than ten days prior to the date set for the hearing, the commission shall send notice  
6 of the time and place for the hearing and an explanation of the grounds for the  
7 disciplinary proceedings to the individual by registered mail, return receipt  
8 requested, at his last known address as it appears on the records of the ~~bureau~~ board.

9 \* \* \*

10 D. Notice of the commission's decision to revoke, restrict, suspend, or deny  
11 a license shall be sent to the individual under investigation by registered mail, return  
12 receipt requested, at his last known address as it appears on the records of the ~~bureau~~  
13 board.

14 \* \* \*

15 §1133.9. Injunction

16 The commission, through the ~~bureau~~ board, may obtain an injunction without  
17 bond forbidding any person from violating or continuing to violate any of the  
18 provisions of this Part. This injunction shall not be subject to release upon bond.

19 \* \* \*

20 §1135.1. Qualifications to operate ambulances; equipment; penalty

21 A.

22 \* \* \*

23 (3)(a) The ~~Louisiana Department of Health~~ board shall promulgate rules and  
24 regulations establishing a list of required medical and safety equipment which shall  
25 be carried as part of the regular equipment of every ambulance. No person shall  
26 conduct, maintain, or operate an ambulance which does not carry with it, in fully  
27 operational condition, all of the equipment included in the list, which shall be  
28 consistent with the scope of practice for emergency medical technicians established  
29 in R.S. 40:1133.14.



1 (b) After its initial establishment, the list shall be subject to review after four  
2 years and at any time thereafter. The list shall not be changed more often than once  
3 every four years. However, nothing in this Paragraph shall prohibit the ~~department~~  
4 board from supplementing the list with state-of-the-art, newly developed devices,  
5 equipment, or medications that may be carried in lieu of other items on the list.

6 \* \* \*

7 C. The ~~department~~ board shall conduct or may authorize another public  
8 agency to conduct an inspection of any ambulance service provider or invalid coach  
9 provider and to report any violation to the appropriate district attorney's office.

10 \* \* \*

11 E. The provisions of this Section shall apply to all parishes or municipalities  
12 except those electing not to comply as expressed to the ~~department~~ board in a written  
13 resolution by the governing body of such parish or municipality. If any parish or  
14 municipality elects to be excluded from this Section, it may later elect to be included  
15 by resolution. The election of any parish to be included or excluded from this  
16 Section shall in no way affect the election of any municipality to be included or  
17 excluded.

18 \* \* \*

19 §1135.2. Qualifications to operate emergency medical response vehicles; vehicle  
20 requirements; equipment; penalties

21 \* \* \*

22 B. No person shall conduct, maintain, or operate an emergency medical  
23 response vehicle as an emergency vehicle which:

24 (1) Does not carry with it as part of its regular equipment the list of  
25 equipment for emergency medical response vehicles as prescribed in rules and  
26 regulations promulgated by the ~~Louisiana Department of Health~~ board. This list  
27 shall be based upon the recommendations of the American College of Surgeons as  
28 provided in R.S. 40:1135.1(A)(3). The list shall be consistent with the scope of  
29 practice for emergency medical technicians established in R.S. 40:1133.14. After

1 initial promulgation, such list shall be subject to review after four years and anytime  
2 thereafter. The list shall not be changed more often than once every four years.  
3 However, nothing shall preclude the ~~Louisiana Department of Health~~ board from  
4 supplementing the list with state of the art, newly developed devices, equipment, or  
5 medications that may be carried in lieu of other items on the list of equipment.

6 (2) Is not marked with the company name or logo on both sides and the rear  
7 and does not have fully visible and audible warning signals in accordance with rules  
8 and regulations promulgated by the ~~Louisiana Department of Health~~ board.

9 \* \* \*

10 C.(1) The ~~Louisiana Department of Health~~ board or its designee shall be  
11 empowered to conduct inspections of emergency medical response vehicles. The  
12 ~~department~~ board shall certify such vehicles and shall have the authority to deny,  
13 probate, suspend, or revoke certifications. The ~~department~~ board shall also have the  
14 authority to report any violations to the appropriate district attorney's office.

15 (2) Certification issued by the ~~Louisiana Department of Health~~ board shall  
16 serve as authorization of the ambulance service to operate the emergency medical  
17 response vehicle pursuant to the provisions of this Section.

18 \* \* \*

19 §1135.3. Ambulance providers; licensure

20 A. No person, firm, corporation, association, or government entity shall  
21 conduct, manage, operate, or maintain an ambulance service in Louisiana without a  
22 valid current license from the ~~department~~ board, except that no license shall be  
23 required for any hospital that operates a vehicle solely for the purpose of moving its  
24 own patients between parts of its own campus, provided that all of the following  
25 conditions are met:

26 \* \* \*

27 (3) The vehicle utilized by the hospital for transport contains the same  
28 equipment as is required for a licensed ambulance and successfully completes an

1 inspection by the ~~department~~ board to determine that it is in a safe and working  
2 order.

3 B. The application for such license shall be submitted to the ~~department~~  
4 board on forms provided for that purpose. The application shall provide  
5 documentation that the applicant meets the appropriate requirements for an  
6 ambulance provider as specified by regulations promulgated by the ~~department~~ under  
7 board in accordance with the Administrative Procedure Act.

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

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

12 \* \* \*

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

16 \* \* \*

17 (3) Successfully complete an inspection by the ~~department~~ board which  
18 includes the following:

19 \* \* \*

20 (c) Inspection and, when deemed necessary by the ~~department~~ board,  
21 verification of the information provided as required by Paragraph (1) of this  
22 Subsection and that such information remains current.

23 \* \* \*

24 E. In order to renew an ambulance provider license, the applicant shall:

25 (1) Submit a renewal application to the ~~department~~ board not more than  
26 thirty days prior to expiration of the license.

27 \* \* \*

1           (3) Successfully complete a review of any required documentation and any  
2 inspection or verification of any documentation of any vehicle as deemed appropriate  
3 by the ~~department~~ board.

4   \*       \*       \*

5           H. Any person whose license has been revoked, suspended, or denied by the  
6 ~~department~~ board shall have the right to have the proceedings of the ~~department~~  
7 board reviewed by a court of competent jurisdiction, provided that such appeal is  
8 made within thirty days after the notice of the decision of the ~~department~~ board. If  
9 an appeal is granted, the decision of the ~~department~~ board shall not be implemented  
10 until a decision affirming the ~~department~~ decision of the board is rendered on judicial  
11 review. The department's decision shall remain in force until an appeal is granted  
12 unless the court orders a stay. Judicial review shall be by trial de novo.

13   \*       \*       \*

14 §1135.4. Ambulance services; fees

15           Any person, partnership, corporation, unincorporated association, or other  
16 legal entity currently operating or planning to operate an ambulance service shall pay  
17 the following fees to the ~~department~~ board, as applicable:

18   \*       \*       \*

19           (3) A delinquent fee of one hundred dollars for failure to timely pay an  
20 annual license renewal fee. Such delinquent fee shall be assessed and shall become  
21 due and payable at 12:01 a.m. on the thirty-sixth day following the date of the  
22 invoice by which the ~~department~~ board bills the applicant or licensee for the annual  
23 license renewal fee.

24   \*       \*       \*

25           (5) A delinquent fee of one hundred dollars for each ambulance and  
26 emergency medical response vehicle, for failure to timely pay a vehicle inspection  
27 fee. Such delinquent fee shall be assessed and shall become due and payable at

1 12:01 a.m. on the thirty-sixth day following the date of the invoice by which the  
2 ~~department~~ board bills the applicant or licensee for the vehicle inspection fee.

3 \* \* \*

4 §1135.5. Ambulance services; violations; penalties; fines; notices; hearings; appeals

5 \* \* \*

6 B.(1) Any person or entity violating the provisions of this Chapter when such  
7 violation poses a threat to the health, safety, rights, or welfare of a patient or client  
8 may be liable to civil fines and other penalties, to be assessed by the ~~department~~  
9 board, in addition to any criminal action which may be brought under other  
10 applicable laws. The ~~department~~ board shall adopt rules, in accordance with the  
11 Administrative Procedure Act, which define specific classifications of violations,  
12 articulate factors in assessing civil fines including mitigating circumstances, and  
13 explain the treatment of continuing and repeat deficiencies.

14 \* \* \*

15 C. The ~~department~~ board shall adopt rules and regulations, in accordance  
16 with the Administrative Procedure Act, to provide notice to the ambulance service  
17 of any violation, of its right to an informal reconsideration process, and of the  
18 available appeal procedure, including judicial review. Such appeal shall be  
19 suspensive.

20 D. The ambulance service shall furnish, with an appeal, bond in the  
21 minimum amount of one and one-half times the amount of the fine imposed by the  
22 ~~department~~ board. The bond shall provide in substance that it is furnished as security  
23 that the ambulance service will prosecute its appeal and that any judgment against  
24 it, including court costs, will be paid or satisfied from the amount furnished. The  
25 appeal shall be heard as a summary proceeding which shall be given precedence over  
26 other pending matters.

27 E. The ~~department~~ board may institute all necessary civil court action to  
28 collect fines imposed and not timely appealed. No ambulance service may claim  
29 imposed fines as reimbursable costs, nor increase charges to patients or clients as a

1 result of such fines. Interest shall begin to accrue on any fine at the current judicial  
2 rate on the day following the date on which the fine becomes due and payable.

3 \* \* \*

4 §1135.8. Air ambulance services; licensure

5 A. No person, firm, corporation, association, or governmental entity shall  
6 conduct, manage, operate, or maintain an air ambulance service in the state without  
7 a valid current license from the ~~department~~ board.

8 B. The application for such license shall be submitted to the ~~department~~  
9 board on forms provided for this purpose. The application shall provide  
10 documentation that the applicant meets the appropriate requirements for an air  
11 ambulance service as specified by regulations promulgated by the department in  
12 accordance with the Administrative Procedure Act.

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

14 (1) Submit a completed application to the ~~department~~ board on such forms  
15 and including such information as specified by the ~~department~~ board.

16 \* \* \*

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

19 (a) An inspection of all aircraft utilized as air ambulances to ensure that all  
20 required medical and safety equipment is present and operational. The medical and  
21 safety equipment shall conform to local protocol as established by the medical  
22 director of the air ambulance service. The list of required medical and safety  
23 equipment shall be established under rules promulgated by the ~~department~~ board and  
24 shall be based upon the recommendations of an advisory committee to be composed  
25 of the following persons:

26 \* \* \*

27 (ii) The director of the ~~bureau~~ board.

28 \* \* \*

1 E. In order to renew a license for an air ambulance service, the applicant  
2 shall:

3 (1) Submit a renewal application to the ~~department~~ board not more than  
4 ninety days before the expiration of the license.

5 \* \* \*

6 (4) Successfully complete a review of any required documentation and any  
7 inspection or verification of any documentation of any airplane deemed appropriate  
8 by the ~~department~~ board.

9 \* \* \*

10 G.

11 \* \* \*

12 (2) Failure to comply with any of the provisions of this Section shall  
13 constitute grounds for probation, suspension, revocation of license, or other  
14 administrative sanction in accordance with rules and regulations established by the  
15 ~~department~~ board.

16 (3) Any person whose license has been revoked, suspended, or denied by the  
17 ~~department~~ board shall have the right to have the proceedings of the ~~department~~  
18 board reviewed by a court of competent jurisdiction, provided that such appeal is  
19 made within thirty days after the notice of the decision of the ~~department~~ board. If  
20 an appeal is granted, the decision of the ~~department~~ board shall not be implemented  
21 until a decision affirming the ~~department~~ decision of the board is rendered on judicial  
22 review. The ~~department's~~ decision of the board shall remain in force until an appeal  
23 is granted unless the court orders a stay. Judicial review shall be by trial de novo.

24 \* \* \*

25 §1135.10. Emergency medical technician fund

26 \* \* \*

27 C. The monies in the fund shall be appropriated to the ~~Louisiana Department~~  
28 ~~of Health~~ board solely for purchasing equipment for the testing of applicants for  
29 certification as an emergency medical technician and to cover other testing-related

1 costs. All unexpended and unencumbered monies remaining in the fund at the close  
2 of each fiscal year shall remain in the fund. Monies in the fund shall be invested by  
3 the state treasurer in the same manner as monies in the state general fund. All  
4 interest earned from the investment of monies in the fund shall be deposited and  
5 remain to the credit of the fund.

6 Section 4. R.S. 44:4(55) is hereby enacted to read as follows:

7 §4. Applicability

8 This Chapter shall not apply:

9 \* \* \*

10 (55) To any records, writings, accounts, letters, letter books, photographs or  
11 copies or memoranda thereof, and any report or reports concerning the fitness of any  
12 person to receive, or continue to hold, a license to practice as an EMS practitioner  
13 in the custody or control of the Louisiana Board of Emergency Medical Services or  
14 the Louisiana Emergency Medical Services Certification Commission; however, any  
15 action taken by the Louisiana Board of Emergency Medical Services or the  
16 Louisiana Emergency Medical Services Certification Commission, and any legal  
17 grounds upon which such action is based, relative to the fitness of any person to  
18 receive, or continue to hold, a license to practice as an EMS practitioner shall be a  
19 public record.

20 Section 5. R.S. 40:1131.1, 1133.2, 1133.5, 1133.6, and 1133.8(C)(4)(a)(iii) are  
21 hereby repealed in their entirety.

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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 574 Original

2018 Regular Session

Dustin Miller

**Abstract:** Creates the Louisiana Board of Emergency Medical Services as the successor of the bureau of emergency medical services.

Proposed law creates the La. Board of Emergency Medical Services, referred to hereafter as the "board", as the successor of the bureau of emergency medical services of the La. Department of Health. Repeals present law creating the bureau of emergency medical services.



Proposed law provides for board membership, appointment, terms, and compensation.

Proposed law requires that in order to establish and maintain a program for the improvement and regulation of emergency medical services in La., the board shall do all of the following:

- (1) Develop a state plan for the prompt and efficient delivery of adequate emergency medical services to acutely sick and injured individuals.
- (2) Serve as the primary agency for participation in any federal program involving emergency medical services and may receive and, pursuant to legislative appropriation, disburse available federal funds to implement any service program.
- (3) Identify all public and private agencies, institutions, and individuals that are or may be engaged in emergency medical services training and set minimum standards for course approval, instruction, and examination.
- (4) Promulgate rules and regulations providing for all of the following functions and purposes:
  - (a) To define and authorize appropriate education programs based on national EMS education standards for emergency medical services practitioners.
  - (b) To specify minimum operational requirements that shall ensure medical direction, supervision, and control over emergency medical services.
  - (c) To specify minimum examination and continuing education requirements for all emergency medical services practitioners.
  - (d) To provide for the issuance of licenses, renewals of licenses, and requirements for emergency medical services practitioners.
  - (e) To establish fees for licensure and license renewal.
- (5) Issue a license and renew a license to any duly qualified applicant for licensure and license renewal as an emergency medical services practitioner.
- (6) Prescribe application forms for licensure and licensure renewal.
- (7) Adopt requirements and standards of practice approved by the La. Emergency Medical Services Certification Commission for emergency medical services practitioners.
- (8) Conduct investigations as requested by the La. Emergency Medical Services Certification Commission of alleged or suspected improper or prohibited behavior by emergency medical services practitioners or applicants.
- (9) Deny, withhold, revoke, restrict, probate, suspend, or otherwise restrict licenses of individuals who violate proposed law or the rules promulgated by the board as directed by the La. Emergency Medical Services Certification Commission.
- (10) Cause the prosecution of any individual who violates any provision of proposed law.
- (11) Prepare, publish, and update at least annually a roster of all EMS practitioners in the state.
- (12) Adopt continuing education requirements and standards for individuals seeking to renew a license.

- (13) Prepare an annual report detailing the activities of the board during the prior fiscal year.
- (14) Adopt rules and regulations to implement proposed law.
- (15) Adopt and amend the title and the definition of licensed emergency medical services practitioners.
- (16) Employ an executive director who holds a current license as an EMS practitioner and other persons as necessary to implement the directives, rules, and regulations of the board and to assist the board in the implementation of proposed law.
- (17) Retain an attorney to represent the board in all matters pertaining to the administration of the provisions of proposed law, fix his compensation, and define his duties.
- (18) Grant, deny, or revoke initial licenses and license renewals for ambulance providers and air ambulance providers.
- (19) Administer penalties and fines.
- (20) Have all other powers necessary and proper to the performance of its duties, including but not limited to the power to subpoena.

Proposed law authorizes the board to do all of the following:

- (1) Request and obtain state and national criminal history record information on any person applying for any license or permit which the board is authorized by law to issue, including permission to enroll as a student in clinical courses.
- (2) Require an applicant for any license or permit which the board is authorized to issue, including permission to enroll as a student in clinical courses, to submit a full set of fingerprints, in a form and manner prescribed by the board, as a condition to the board's consideration of his application.
- (3) Charge and collect from an applicant for any license or permit which the board is authorized to issue, including permission to enroll as a student in clinical courses, in addition to all other applicable fees and costs, such amount as may be incurred by the board in requesting and obtaining criminal history record information on the applicant.
- (4) Regulate students in the clinical phase of their education.
- (5) Enforce the rules and regulations in place on the effective date of proposed law until such time as the board promulgates new rules and regulations.
- (6) Purchase, lease, maintain, or otherwise contract with respect to immovable property and improvements thereon as it may deem necessary or appropriate to accomplish the provisions of proposed law.
- (7) Share any information in the custody of the board, including information not subject to present law relative to public records, with any regulatory or law enforcement agency upon written request of the agency.
- (8) Enter into any contract related to its responsibilities in compliance with present law and proposed law.

- (9) Apply for all available appropriate public funds and all available appropriate public and private federal grants, donations, or gifts of money or services from any available source.
- (10) Accept grants, donations, or gifts of money or services from public or private organizations or from any other sources to be utilized for the purposes of the board.
- (11) Publish documents and materials intended to further the mission or purpose of the board.

Proposed law stipulates that its provisions shall not apply to the practice of emergency medical services by a legally qualified emergency medical services practitioner who is employed by the U.S. government while in the discharge of his official duties.

Proposed law requires that for a minimum of one year following the effective date of proposed law, the La. Department of Health shall provide to the board information technology and legal support functions and shall provide technical assistance regarding purchasing, payroll, and budget matters.

(Amends R.S. 36:258(B) and R.S. 40:1131, 1133.3(G), 1133.4(A)(1)-(5), 1133.7(intro. para.) and (14), 1133.8(A) and (D), 1133.9, 1135.1(A)(3), (C), and (E), 1135.2(B)(1) and (2) and (C), 1135.3(A)(intro. para.) and (3), (B), (C)(1)(intro. para.) and (d) and (3)(intro. para.) and (c), (E)(1) and (3), and (H), 1135.4(intro. para.), (3), and (5), 1135.5(B)(1) and (C)-(E), 1135.8(A), (B), (C)(1) and (4)(intro. para.) and (a)(intro. para.) and (ii), (E)(1) and (4), and (G)(2) and (3), and 1135.10(C); Adds R.S. 36:259(E)(26), R.S. 37:3721-3729, and R.S. 44:4(55); Repeals R.S. 40:1131.1, 1133.2, 1133.5, 1133.6, and 1133.8(C)(4)(a)(iii))