

2022 Regular Session

HOUSE BILL NO. 505

BY REPRESENTATIVE JEFFERSON

HEALTH/EMERG MED SERVICE: Provides with respect to certified ambulance operators

1 AN ACT

2 To amend and reenact R.S. 40:1131(introductory paragraph), 1133.2(A)(1) and

3 (B)(introductory paragraph), 1133.4(A)(4), 1133.5(2), 1133.8(D) and (E),

4 1133.10(introductory paragraph), and 1203.1(introductory paragraph) and (5) and

5 to enact R.S. 40:1131(24), 1133.2(B)(5), 1133.5(11) and (12), 1133.10(9), 1133.17,

6 1133.18, and 1135.1(A)(2)(e), relative to emergency medical services; to define the

7 term certified ambulance operator for purposes of laws pertaining to emergency

8 medical personnel; to require that certified ambulance operators receive certification

9 from the bureau of emergency medical services of the Louisiana Department of

10 Health; to provide conditions, procedures, and standards relative to certification of

11 ambulance operators; to provide for fees for such certification; to provide for duties

12 of certified ambulance operators and to establish grounds for disciplinary action

13 against such personnel; to include certified ambulance operators within laws

14 requiring criminal history checks on certain nonlicensed persons who provide health-

15 related services and prohibiting hiring of such persons who have been convicted of

16 certain offenses; and to provide for related matters.

17 Be it enacted by the Legislature of Louisiana:

18 Section 1. R.S. 40:1131(introductory paragraph), 1133.2(A)(1) and (B)(introductory

19 paragraph), 1133.4(A)(4), 1133.5(2), 1133.8(D) and (E), 1133.10(introductory paragraph),

20 and 1203.1(introductory paragraph) and (5) are hereby amended and reenacted and R.S.

1 40:1131(24), 1133.2(B)(5), 1133.5(11) and (12), 1133.10(9), 1133.17, 1133.18, and
2 1135.1(A)(2)(e) are hereby enacted to read as follows:

3 §1131. Definitions

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

6 * * *

7 (24) "Certified ambulance operator" means an individual who is certified by
8 the bureau as a certified ambulance operator.

9 * * *

10 §1133.2. Fee schedule; fees for license prohibited

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

16 (a) Emergency medical services practitioners.

17 (b) Ambulance operators.

18 * * *

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

22 * * *

23 (5) Certification and certification renewal fees:

24 (a) Ambulance operator certification \$10.00

25 (b) Ambulance operator certification renewal \$5.00

26 * * *

27 §1133.4. Powers and duties of the commission; exceptions

28 A. The commission shall:

29 * * *

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

3 * * *

4 §1133.5. Powers and duties of the bureau

5 The bureau shall:

6 * * *

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

9 * * *

10 (11) Issue a certification and renew a certification to any duly qualified
11 applicant for certification and certification renewal as an ambulance operator.

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

15 * * *

16 §1133.8. Hearings of the commission; appeal of decision

17 * * *

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

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

1 until a final disposition of the matter is ultimately rendered by the court affirming the
2 decision of the commission.

3 * * *

4 §1133.10. Violations

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

6 * * *

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

9 * * *

10 §1133.17. Ambulance operators; requirements for certification; duties authorized

11 A. Each applicant for initial certification as an ambulance operator shall
12 submit all of the following to the bureau:

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

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

17 (3) A copy of a current and valid American Heart Association Health Care
18 Provider credential, American Red Cross Professional Rescuer credential, or an
19 equivalent cardio-pulmonary resuscitation certification approved by the department.

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

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

24 C. Each certified ambulance operator shall renew his ambulance operator
25 certification every three years. The person seeking renewal of his certification shall
26 meet all requirements for renewal established by the bureau prior to the expiration
27 date of his current certification.

28 D. A certified ambulance operator may perform any of the following
29 functions:

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

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

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

10 §1133.18. Certified ambulance operators; grounds for discipline

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

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

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

20 (3) Entering a plea of guilty or nolo contendere to a criminal charge
21 regardless of final disposition of the criminal proceeding, including but not limited
22 to expungement or nonadjudication.

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

24 (5) Is mentally incompetent.

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

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

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

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

4 (10) Is guilty of moral turpitude.

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

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

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

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

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

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

17 §1135.1. Qualifications to operate ambulances; equipment; penalty

18 A.

19 * * *

20 (2)

21 * * *

22 (e) Notwithstanding the provisions of Subparagraph (a) of this Paragraph,
23 a certified ambulance operator who is not a licensed emergency medical services
24 practitioner may operate an ambulance in compliance with federal, state, and local
25 law and assist with the handling and movement of a sick, injured, or disabled
26 individual if a licensed emergency medical technician, a licensed advance emergency
27 medical technician, a licensed paramedic, a registered nurse, or a physician directly
28 supervises the certified ambulance operator. No ambulance operator may administer

1 care procedures that a licensed emergency medical services practitioner is authorized
2 to administer unless he is trained and certified or licensed to do so.

3 * * *

4 §1203.1. Definitions

5 For the purposes of this Part, the following terms have the meaning ascribed
6 in this Section:

7 * * *

8 (5) "Licensed ambulance personnel" means personnel who provide services,
9 either for compensation or volunteer services, as an emergency medical service
10 practitioner, including licensed emergency medical technicians, licensed advanced
11 emergency medical technicians, licensed paramedics, and licensed first emergency
12 medical responders. The term "licensed ambulance personnel" shall also include
13 certified ambulance operators.

14 * * *

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)]

HB 505 Original 2022 Regular Session Jefferson

Abstract: Creates and provides for the role of certified ambulance operator within emergency medical services laws.

Proposed law provides that for purposes of present law and proposed law relative to emergency medical services, R.S. 40:1131 et seq., "certified ambulance operator" means an individual who is certified by the Bureau of Emergency Medical Services (Bureau of EMS) of the La. Department of Health (LDH) as a certified ambulance operator.

Proposed law requires that each applicant for initial certification as an ambulance operator be at least 18 years of age and submit all of the following to the Bureau of EMS:

- (1) A copy of the applicant's valid, unrestricted driver's license at the appropriate level required by law.
- (2) A copy of a current and valid defensive driving certificate issued by the National Safety Council or its equivalent as determined by LDH.
- (3) A copy of a current and valid American Heart Association Health Care Provider credential, American Red Cross Professional Rescuer credential, or an equivalent cardio-pulmonary resuscitation certification approved by LDH.

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

Proposed law requires that each certified ambulance operator renew his ambulance operator certification every three years. Provides that such person seeking renewal meet all requirements for renewal established by the Bureau of EMS prior to the expiration date of his current certification.

Proposed law authorizes certified ambulance operators to perform any of the following functions:

- (1) Operate an ambulance in compliance with federal, state, and local law.
- (2) Assist with the handling and movement of a sick, injured, or disabled individual if a licensed emergency medical services practitioner, registered nurse, physician assistant, or physician directly supervises the operator.

Proposed law prohibits an ambulance operator from administering care procedures that a licensed emergency medical services practitioner is authorized to administer unless he is trained and certified or licensed to do so.

Proposed law stipulates that no licensed emergency medical services practitioner shall be required to hold a certification as an ambulance operator in order to operate an ambulance.

Proposed law authorizes the La. Emergency Medical Services Certification Commission to discipline any certified ambulance operator for any of the following causes by directing the Bureau of EMS to deny, withhold, revoke, restrict, probate, or suspend a certification to operate as an ambulance operator; imposing fines and assessing costs; or otherwise sanctioning the ambulance operator:

- (1) Fraud or any misstatement of fact in the procurement of any certification or in any other statement or representation to the Bureau of EMS or its representatives.
- (2) Conviction of a crime or offense which reflects the inability of the individual to carry out his duties with due regard for the health and safety of clients or patients.
- (3) Entering a plea of guilty or nolo contendere to a criminal charge regardless of final disposition of the criminal proceeding, including but not limited to expungement or nonadjudication.
- (4) Is unfit or incompetent by reason of negligence, habit, or other cause.
- (5) Is mentally incompetent.
- (6) Is habitually intemperate in the use of or abuses alcohol or habit-forming drugs.
- (7) Is guilty of aiding or abetting another person in violating any provision of present law or proposed law.
- (8) Continuing or recurring practices which fail to meet the standards of ambulance operators in this state.
- (9) Endeavors to deceive or defraud the public.
- (10) Is guilty of moral turpitude.
- (11) Has violated any rules and regulations of the commission or the bureau of EMS or any provision of present law or proposed law.

- (12) Intentional falsification of any document related to the procurement of any certification or license.
- (13) Operating any vehicle in violation of state or local traffic laws.
- (14) Revocation, suspension, or any restriction of the ambulance operator 's driver's license.
- (15) Failure to maintain all current ambulance operator training standards as required by the Bureau of EMS.
- (16) Has had a certification or license to practice as an ambulance operator denied, revoked, suspended, or otherwise restricted in La. or any other U.S. state or territory.

Proposed law authorizes the Bureau of EMS to assess the following fees:

- (1) Ambulance operator certification \$10.00
- (2) Ambulance operator certification renewal \$5.00

Present law, R.S. 40:1203.1 et seq., prohibits licensed healthcare facilities and providers from hiring certain nonlicensed persons when the results of a criminal history check reveal that the person has been convicted of any criminal offense enumerated in present law.

Proposed law adds certified ambulance operators to the list of nonlicensed persons to whom this prohibition on hiring applies.

(Amends R.S. 40:1131(intro. para.), 1133.2(A)(1) and (B)(intro. para.), 1133.4(A)(4), 1133.5(2), 1133.8(D) and (E), 1133.10(intro. para.), and 1203.1(intro. para.) and (5); Adds R.S. 40:1131(24), 1133.2(B)(5), 1133.5(11) and (12), 1133.10(9), 1133.17, 1133.18, and 1135.1(A)(2)(e))