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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Christopher D. Adams.

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## DIGEST

Proposed law creates the Louisiana Board of Emergency Medical Services (board) within the Department of Health and Hospitals.

Proposed law provides for definitions.

Proposed law provides the board is to be composed of 17 voting members appointed by the governor, subject to confirmation by the Senate, from the nominations submitted by certain groups as follows:

- (1) One member representing and nominated by the accredited EMS education programs in the state.
- (2) One EMS education program director representing emergency medical responders, emergency medical technicians and advanced emergency medical technicians educational programs nominated by the Louisiana Association of Nationally Registered Emergency Medical Technicians.
- (3) One EMS practitioner from a fire-based EMS system nominated by the Louisiana Fire Chief's Association.
- (4) One paramedic nominated by the Louisiana Association of Nationally Registered Emergency Medical Technicians.
- (5) One EMT nominated by the Louisiana Association of Nationally Registered Emergency Medical Technicians.
- (6) One representative from a private EMS provider nominated by the Louisiana Ambulance Alliance.
- (7) One representative from a public EMS provider nominated by the Louisiana Ambulance Alliance.
- (8) One representative from an air EMS provider nominated by the Louisiana Ambulance Alliance.
- (9) One representative nominated by the chairman of the EMS Certification Commission.
- (10) One representative from an industry-based EMS service nominated by the Louisiana Association of Nationally Registered Emergency Medical Technicians.

- (11) One EMS practitioner nominated by the Louisiana State Firemen Association.
- (12) One EMS practitioner nominated by the Professional Fire Fighters Association of Louisiana.
- (13) One registered nurse who is a state-licensed paramedic nominated by the Louisiana State Council of the Emergency Nurses Association.
- (14) One emergency physician nominated by the Louisiana Chapter of the American College of Emergency Physicians.
- (15) One physician representing the EMS physician medical directors nominated by the Louisiana State Medical Society.
- (16) One administrator of a public EMS provider nominated by the Louisiana State Medical Society.
- (17) One fire service administrator nominated by the Louisiana Municipal Association.

Proposed law establishes terms, procedure in determining initial terms, and term limits. Further establishes the procedure to fill a vacancy on the board and establishes a procedure to call a meeting of the board.

Proposed law provides for each day while performing his official duties, a member of the board may be reimbursed for expenses and mileage at the same rate set by the division of administration for state employees under present law.

Proposed law provides the board shall be domiciled in Baton Rouge, but offices for the purpose of administering proposed law may be established by the board in other locations.

Proposed law provides the governor shall remove a member of the board after a hearing by the board during which charges for removal have been established and provided that a majority of the members have recommended removal.

Proposed law provides there shall be no civil liability and no licensee or other individual shall have a cause of action or a claim for damages against any person or institution providing information to the board, its members, officers, designated agents or representatives, employees, where the individual or institution acts without malice and in the reasonable belief that such information is accurate. Further provides there shall be no liability on the part of and no action for damages against any member of the board, its officers, employees, agents, or representatives for any action undertaken or performed by such individual within the scope of the duties, powers, and functions of the board when acting without malice and in the reasonable belief that the action taken is within the board's and such individual's authority.

Proposed law provides the board with the following powers:

- (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 in accordance with the Administrative Procedure Act (APA) for the following:
  - (a) To define and authorize appropriate education programs based on national EMS education standards for emergency medical services practitioners. All such education programs shall meet or exceed national EMS education standards.
  - (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 Louisiana Emergency Medical Services Certification Commission (the commission) for emergency medical services practitioners.
- (8) Conduct investigations as requested by the 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 pursuant thereto as directed by the 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, which shall include a mailing address for each EMS practitioner but shall not include the home address or home telephone number of any EMS practitioner who does not authorize such inclusion in writing. The home address and telephone number of every EMS practitioner who does not authorize such inclusion shall be exempted from the Public Records Law.
- (12) Adopt continuing education requirements and standards for individuals seeking to renew a certificate.
- (13) Prepare an annual report detailing the activities of the board during the past fiscal year including the number and nature of the hearings conducted under the provisions of present law.
- (14) Adopt rules and regulations to implement the provisions of proposed law in accordance with the APA. Any rules or regulations promulgated by the department relative to the subject matter of proposed law shall remain in effect until revised or repealed by the board. Any rules or regulations promulgated by the commission, originally created by present law, shall remain in effect until revised or repealed by the board.
- (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 necessary to implement the board's directives, rules, and regulations and to assist the board in the implementation of proposed law.
- (17) Appoint an attorney at law 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) Have all other powers necessary and proper to the performance of its duties, including but not limited to the power to subpoena.

Proposed law provides the board the authority to:

- (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 any 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; however, nothing in proposed law shall require the licensure by the board of students during 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 rules and regulations in accordance with proposed law.
- (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 the proposed law. Additionally, the board shall have the authority to borrow funds with the approval of the State Bond Commission and to expend funds of the board for the acquisition of immovable property and improvements thereon. In the event that the board sells immovable property and improvements thereon, the revenue derived from the sale shall be retained by the board and shall not be subject to reversion to the state general fund.
- (7) Share any information in the custody of the board, including information not subject to the laws relative to public records pursuant to R.S. 44:4(48), with any regulatory or law enforcement agency upon written request of the regulatory or law enforcement agency.
- (8) Enter into any contract related to its responsibilities in compliance with proposed law and other state laws.
- (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 provides for licensure and license renewal.

Proposed law provides for emergency medical personnel training and licensure.

Proposed law provides for a fee schedule, which is in present law.

Proposed law provides the board with injunctive authority.

Proposed law provides that violators of proposed law shall, upon a first conviction, be fined not more than \$500 or imprisoned for not more than six months, or both. Proposed law further provides upon a second or subsequent conviction, the offender shall be imprisoned with or without hard labor for not more than two years and fined not more than \$500.

Proposed law does not apply to the practice of emergency medical services by a legally qualified emergency medical services practitioner who is employed by the United States government, or by any bureau, division, or agency thereof, while in the discharge of his official duties.

Proposed law provides for immunity from civil damages for certain entities.

Proposed law provides for duties of emergency medical personnel.

Proposed law amends present law to clarify the relationship with the commission and the board.

Proposed law provides for an exception to the Public Records Law.

Effective July 1, 2013.

(Amends R.S. 36:258(B), 259(E), R.S. 40:1232, 1232.2(G), 1232.3(A), 1232.6(intro para) and (14), 1232.7(A) and (D), 1232.8, 1236.5(C), and 1236.13(B), R.S. 44:4.1(B)(23) and (26); adds R.S. 37:3671-3685, R.S. 40:1236.8, and R.S. 44:4(48); repeals R.S. 40:1231-1231.2, 1231.1, 1232.4, 1232.5, 1233, 1234, 1234.1, and 1236.13(F))