

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2473 Session of
1988

INTRODUCED BY LLOYD, HAYES, HUTCHINSON, BELFANTI, SHOWERS, NOYE,
BOWSER, KUKOVICH, SCHULER, TELEK, RAYMOND, DISTLER, TIGUE,
JADLOWIEC, HESS, PUNT, BLACK, HASAY, McCALL, BOWLEY, HERMAN,
GODSHALL, SAURMAN, FOSTER, MERRY, LEVDANSKY, JACKSON, BUNT,
McVERRY, FARGO, MORRIS, HONAMAN, MOEHLMANN, STABACK, CARLSON,
SCHEETZ, HALUSKA, BELARDI, BURD, COLE, SERAFINI, DIETTERICK,
JOHNSON, S. H. SMITH, BATTISTO, MAINE, KASUNIC AND BROUJOS,
MAY 16, 1988

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, SEPTEMBER 26, 1988

AN ACT

1 Amending the act of July 3, 1985 (P.L.164, No.45), entitled "An
2 act relating to the prevention and reduction of premature
3 death and disability in this Commonwealth; providing for
4 assistance, coordination and support of the development and
5 maintenance of a comprehensive emergency medical services
6 system and for qualifications, eligibility and certification
7 of emergency medical services personnel and licensing
8 ambulance services; imposing powers and duties on the
9 Department of Health; and making repeals," FURTHER PROVIDING
10 FOR SUPPORT OF EMERGENCY MEDICAL SERVICES; REQUIRING BYPASS
11 PROTOCOLS; EXTENDING CERTAIN PROVISIONS OF THE ACT; AND
12 excluding volunteer fire and ambulance departments from
13 certain provisions of the act. <—

14 The General Assembly of the Commonwealth of Pennsylvania
15 hereby enacts as follows:

16 SECTION 1. THE DEFINITION OF "PENNSYLVANIA TRAUMA SYSTEMS
17 FOUNDATION" IN SECTION 3 OF THE ACT OF JULY 3, 1985 (P.L.164,
18 NO.45), KNOWN AS THE EMERGENCY MEDICAL SERVICES ACT, IS AMENDED
19 TO READ: <—

20 SECTION 3. DEFINITIONS.

1 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL
2 HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
3 CONTEXT CLEARLY INDICATES OTHERWISE:

4 * * *

5 "PENNSYLVANIA TRAUMA SYSTEMS FOUNDATION." A NONPROFIT
6 PENNSYLVANIA CORPORATION WHOSE FUNCTION IS TO ACCREDIT TRAUMA
7 CENTERS IN THIS COMMONWEALTH. THE BOARD OF DIRECTORS OF THE
8 FOUNDATION SHALL CONSIST OF THE FOLLOWING 19 VOTING MEMBERS:
9 FIVE REPRESENTATIVES OF STATE ORGANIZATIONS THAT REPRESENT
10 PHYSICIANS; FIVE REPRESENTATIVES OF STATE ORGANIZATIONS THAT
11 REPRESENT HOSPITALS; TWO REPRESENTATIVES OF STATE ORGANIZATIONS
12 THAT REPRESENT REGISTERED PROFESSIONAL NURSES; TWO
13 REPRESENTATIVES OF OTHER STATEWIDE EMERGENCY MEDICAL SERVICE
14 ORGANIZATIONS WITH EXPERTISE IN DELIVERY OF TRAUMA SERVICES; THE
15 CHAIRMAN AND MINORITY CHAIRMAN OF THE HOUSE HEALTH AND WELFARE
16 COMMITTEE, OR THEIR DESIGNEES, FROM THE COMMITTEE MEMBERSHIP;
17 THE CHAIRMAN AND MINORITY CHAIRMAN OF THE SENATE PUBLIC HEALTH
18 AND WELFARE COMMITTEE, OR THEIR DESIGNEES, FROM THE COMMITTEE
19 MEMBERSHIP; AND THE SECRETARY OF HEALTH, OR HIS DESIGNEE. THE
20 BYLAWS OF THE FOUNDATION SHALL IDENTIFY A METHOD TO SELECT
21 MEMBERS TO ACHIEVE PROFESSIONAL AND GEOGRAPHIC BALANCE ON THE
22 BOARD. TERMS OF OFFICE SHALL BE LIMITED TO THREE YEARS [AND NO
23 PERSON SHALL BE ELIGIBLE FOR APPOINTMENT TO MORE THAN TWO
24 CONSECUTIVE TERMS].

25 * * *

26 SECTION 2. SECTION 5 OF THE ACT IS AMENDED BY ADDING A
27 SUBSECTION TO READ:

28 SECTION 5. DUTIES OF DEPARTMENT.

29 * * *

30 (C) BYPASS PROTOCOLS.--THE DEPARTMENT SHALL ESTABLISH NOT

1 LATER THAN SEPTEMBER 30, 1988, AND REGIONAL COUNCILS SHALL
2 IMPLEMENT NOT LATER THAN DECEMBER 31, 1988, CRITERIA FOR
3 EVALUATION, TRIAGE, TREATMENT, TRANSPORT, TRANSFER AND REFERRAL,
4 INCLUDING BYPASS PROTOCOLS, OF ACUTELY ILL AND INJURED PERSONS
5 TO THE MOST APPROPRIATE FACILITY. REGIONAL COUNCILS SHALL NOT BE
6 ELIGIBLE FOR CONTRACT FUNDS OR STATE EMERGENCY MEDICAL SERVICES
7 OPERATING FUND DISBURSEMENTS UNLESS CRITERIA AND PROTOCOLS HAVE
8 BEEN ESTABLISHED.

9 SECTION 3. SECTION 8(C) OF THE ACT IS AMENDED BY ADDING A
10 PARAGRAPH TO READ:

11 SECTION 8. EMERGENCY MEDICAL SERVICES COUNCILS.

12 * * *

13 (C) DUTIES.--EACH EMERGENCY MEDICAL SERVICES COUNCIL SHALL:

14 * * *

15 (7) ESTABLISH A MECHANISM TO PROVIDE FOR INPUT FROM
16 LOCAL EMERGENCY MEDICAL SERVICES PROVIDERS, IN DECISIONS
17 WHICH INCLUDE, BUT ARE NOT LIMITED TO, MEMBERSHIP ON ITS
18 GOVERNING BODY.

19 Section ~~4~~ 4. Section 12(e)(4) of the act ~~of July 3, 1985~~ <—
20 ~~(P.L.164, No.45), known as the Emergency Medical Services Act,~~
21 is amended to read:

22 Section 12. Minimum standards for ambulance service.

23 * * *

24 (e) Minimum standards for staffing.--Minimum staffing
25 standards for ambulance services which operate at the basic life
26 support level of care shall be as follows:

27 * * *

28 (4) Three years after the effective date of this act,
29 all ambulances, when transporting a patient or patients,
30 except for routine transfer of convalescent or other

1 nonemergency cases, shall be staffed by at least two persons,
2 one of whom shall be an emergency medical technician, EMT-
3 paramedic or health professional, and one of whom shall, at
4 least, qualify as an ambulance attendant. The emergency
5 medical technician, EMT-paramedic or health professional
6 shall accompany the patient in the patient compartment. This
7 clause shall not be applicable to any ambulance operated by a
8 volunteer fire department or by a volunteer ambulance or
9 rescue service until July 3, 1990.

10 * * *

11 ~~Section 2. This act shall take effect July 3, 1988.~~ <—

12 SECTION 5. SECTION 14 OF THE ACT IS AMENDED TO READ: <—

13 SECTION 14. SUPPORT OF EMERGENCY MEDICAL SERVICES.

14 (A) FINE.--A \$10 FINE SHALL BE LEVIED ON ALL [MOVING]
15 TRAFFIC VIOLATIONS EXCLUSIVE OF PARKING OFFENSES. THESE FINES
16 SHALL BE IN ADDITION TO OTHER FINES IMPOSED AT THE DISCRETION OF
17 THE COURT.

18 (B) ACCELERATED REHABILITATIVE DISPOSITION FEE.--A FEE OF
19 \$25 SHALL BE IMPOSED AS COSTS UPON PERSONS ADMITTED TO PROGRAMS
20 FOR ACCELERATED REHABILITATIVE DISPOSITION FOR OFFENSES
21 ENUMERATED IN 75 PA.C.S. § 3731 (RELATING TO DRIVING UNDER
22 INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE).

23 ~~[(B)]~~ (C) EMERGENCY MEDICAL SERVICES OPERATING FUND.--MONEY
24 COLLECTED SHALL BE PAID TO THE COURT IMPOSING THE FINE, OR FEE,
25 WHICH SHALL FORWARD IT TO THE STATE TREASURER FOR DEPOSIT INTO A
26 SPECIAL [REVOLVING] FUND TO BE KNOWN AS THE EMERGENCY MEDICAL
27 SERVICES OPERATING FUND. MONEYS IN THE FUND SHALL BE
28 APPROPRIATED ANNUALLY BY THE GENERAL ASSEMBLY.

29 ~~[(C)]~~ (D) PURPOSE OF FUND.--ALL MONEY FROM THE EMERGENCY
30 MEDICAL SERVICES OPERATING FUND SHALL BE DISBURSED BY THE

1 DEPARTMENT DIRECTLY TO PROVIDERS OF EMERGENCY MEDICAL SERVICES
2 FOR THE INITIATION, EXPANSION, MAINTENANCE AND IMPROVEMENT OF
3 EMERGENCY MEDICAL SERVICES AND SHALL NOT BE USED FOR DEPARTMENT
4 OF HEALTH OR REGIONAL EMERGENCY MEDICAL SERVICES COUNCIL
5 ADMINISTRATIVE COSTS.

6 [(D)] (E) ALLOCATION TO CATASTROPHIC MEDICAL AND
7 REHABILITATION FUND.--TWENTY-FIVE PERCENT OF THE FUND SHALL BE
8 ALLOCATED TO A CATASTROPHIC MEDICAL AND REHABILITATION FUND FOR
9 VICTIMS OF TRAUMA. THE CATASTROPHIC FUND SHALL BE AVAILABLE TO
10 TRAUMA VICTIMS WHO, ON OR AFTER JULY 1, 1984, INCURRED THE
11 TRAUMA, TO PURCHASE MEDICAL, REHABILITATION AND ATTENDANT CARE
12 SERVICES WHEN ALL ALTERNATIVE FINANCIAL RESOURCES HAVE BEEN
13 EXHAUSTED. THE DEPARTMENT MAY, BY REGULATION, PRIORITIZE THE
14 DISTRIBUTION OF FUNDS BY CLASSIFICATION OF TRAUMATIC INJURY.

15 (F) AUDIT.--THE AUDITOR GENERAL SHALL REVIEW COLLECTIONS AND
16 EXPENDITURES MADE PURSUANT TO THE PROVISIONS OF THIS SECTION AND
17 REPORT ITS FINDINGS TO THE GENERAL ASSEMBLY ANNUALLY. THIS AUDIT
18 SHALL INCLUDE A REVIEW OF THE COLLECTIONS AND EXPENDITURES OF
19 THE EMERGENCY MEDICAL SERVICES COUNCILS.

20 SECTION 6. SECTION 4 OF THIS ACT (AMENDING SECTION 12(E)(4) <—
21 OF THE ACT) SHALL BE RETROACTIVE TO JULY 3, 1988.

22 SECTION ~~6~~ 7. THIS ACT SHALL TAKE EFFECT AS FOLLOWS: <—

23 (1) SECTION 4 OF THIS ACT ~~SHALL~~ (AMENDING SECTION <—
24 12(E)(4) OF THE ACT) AND SECTION 5 OF THIS ACT (AMENDING
25 SECTION 14 OF THE ACT), SHALL, WITH THE EXCEPTION OF THE
26 PORTION ADDING SECTION 14(B) (RELATING TO ACCELERATED
27 REHABILITATIVE DISPOSITION FEE), TAKE EFFECT IMMEDIATELY.

28 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 60
29 DAYS.