

EMERGENCY MEDICAL SERVICES ACT - OMNIBUS AMENDMENTS

Act of Oct. 5, 1994, P.L. 557, No. 82

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Session of 1994

No. 1994-82

HB 1474

AN ACT

Amending the act of July 3, 1985 (P.L.164, No.45), entitled "An act relating to the prevention and reduction of premature death and disability in this Commonwealth; providing for assistance, coordination and support of the development and maintenance of a comprehensive emergency medical services system and for qualifications, eligibility and certification of emergency medical services personnel and licensing ambulance services; imposing powers and duties on the Department of Health; and making repeals," further providing for certification and recognition of emergency medical services personnel; adding and amending certain definitions; and providing for liability, for suspension and revocation, for advanced life support service and Commonwealth medical directors, for purposes of the operating fund and for regulations.

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

Section 1. The definition of "health professional" in section 3 of the act of July 3, 1985 (P.L.164, No.45), known as the Emergency Medical Services Act, is amended and the section is amended by adding definitions to read:

Section 3. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

\* \* \*

**"Advanced life support service medical director." A medical command physician or a physician meeting equivalent qualifications, as established by the Department of Health by regulation, who is employed by, contracts with or volunteers with, either directly or through an intermediary, an advanced life support service to provide medical guidance and advice to the ambulance service and to evaluate the quality of patient care provided by the emergency medical services personnel utilized by the ambulance service.**

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**"Commonwealth emergency medical director." A medical command physician or a physician meeting equivalent qualifications, as established by the Department of Health by regulation and approved by the Department of Health to advise, formulate and direct policy on matters pertaining to emergency medical services.**

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**"Emergency medical services training manual." A manual adopted by the Department of Health to aid advanced life support service medical directors in determining whether EMT-paramedics and prehospital registered nurses have demonstrated competency in the knowledge and skills necessary to be granted or maintain medical command authorization.**

\* \* \*

**"First responder." An individual who is certified by the Department of Health as a first responder.**

\* \* \*

"Health professional." A licensed physician [or professional registered nurse] who has education and continuing education in advanced life support and prehospital care **or a prehospital registered nurse.**

\* \* \*

"Prehospital registered nurse." A professional registered nurse who has the knowledge and skills to provide advanced life support services and is recognized as such by the Department of Health.

\* \* \*

Section 2. Sections 11 and 12(g) of the act are amended to read:

Section 11. Emergency medical services personnel.

(a) Education.--The department shall assist, encourage and coordinate the education of **first responders**, emergency medical technicians and EMT-paramedics, who shall be certified by the department upon successful completion of courses of instruction recognized by the department and written and practical skill examinations administered by the department or its designees.

(1) The department shall develop standards in the form of rules and regulations for the accreditation of appropriate educational institutes and shall be empowered to recognize such institutes as meeting such standards.

(2) [Emergency] **First responder, emergency** medical technician and EMT-paramedic students enrolled in courses recognized by the department shall be subject to the appropriate liability exemptions listed in this section, as shall participating institutes, organizations and facilities pursuant to the provisions of subsection (j) (3).

**(a.1) Certification of first responders.--**

(1) A first responder performs basic life support activities, as authorized by the Department of Health, to stabilize and improve a patient's condition in a prehospital setting until more highly trained emergency medical services personnel arrive at the scene.

(2) The department shall certify any person as a first responder who:

(i) Completes an application on a form prescribed by the department.

(ii) Is at least 16 years of age.

(iii) Successfully completes a first responder training course approved by the department.

(iv) Has taken and successfully passed a written examination prescribed by the department.

(v) Has taken and successfully passed a practical test of first responder skills prescribed by the department.

(3) A certification is valid for a period of three years, subject to disciplinary action pursuant to subsection (j.1). The department shall recertify as a first responder an individual who complies with all of the following:

(i) Completes an application on a form prescribed by the department.

(ii) Is or was previously certified as a first responder.

(iii) Successfully completes:

(A) a first responder practical skills and written knowledge examination prescribed by the department; or

(B) a continuing education program for first responders approved or recognized by the department.

(iv) The department, in consultation with the State Advisory Council, shall review and update continuing education programs not less than biennially.

**(4) A person who has received certification as a first responder pursuant to the voluntary first responder certification program conducted by the department prior to the effective date of this amendatory act shall be deemed certified under the act. The certification shall be valid for three years after issued, and recertification requirements of paragraph (3) shall then apply.**

(b) Certification of emergency medical technician.--

**(1) The department shall certify any person as an emergency medical technician who:**

[(1)] **(i)** Has completed a basic training program for emergency medical technicians approved by the department, which program follows in accordance with the current national standard curriculum for emergency medical technicians as set forth in the rules and regulations promulgated by the department.

[(2)] **(ii)** Has taken and successfully passed a written examination prescribed by the department.

[(3)] **(iii)** Has taken and successfully passed a practical test of emergency medical technician skills prescribed by the department.

[(4)] **(iv)** Is at least 16 years of age.

**(2) A person who meets the requirements of this subsection shall be certified as an emergency medical technician within this Commonwealth for a period of three years, subject to disciplinary action pursuant to subsection (j.1).**

**(3) (i) A person certified as an emergency medical technician shall be recertified by filing with the department proof of successful completion of:**

**(A) a department-approved continuing education and training program; or**

**(B) having passed the department-approved written and practical skills recertification examinations.**

**(ii) The department, in consultation with the council, shall review and update continuing education and training programs not less than biennially.**

**(4) Notwithstanding the provisions of the act of July 20, 1974 (P.L.551, No.190), known as the Medical Practice Act of 1974, or the provisions of any act to the contrary, any person with a valid certification from the department as an emergency medical technician may, in the case of an emergency, perform those duties as deemed appropriate by the department in accordance with rules and regulations promulgated under this act.**

(c) Eligibility.--To be eligible to enroll in a course leading to certification as an EMT-paramedic, a person shall:

(1) be at least 18 years of age;

(2) have a high school diploma or its equivalent; and

(3) be currently certified by the department as an emergency medical technician.

(d) Certification of EMT-paramedic.--

**(1) The department shall certify a person as an EMT-paramedic, provided the person meets the requirements of subsection (c) and:**

[(1)] **(i)** Completes a training course for EMT-paramedics approved by the department, which course follows in accordance with the current national standard curriculum for emergency medical technician-paramedics as set forth in the rules and regulations promulgated by the department.

[(2)] **(ii)** Is verified as having demonstrated competency in all required skills.

[(3)] **(iii)** Takes and passes a written examination for EMT-paramedics prescribed by the department.

(2) A person who initially meets the requirements of paragraph (1) shall be considered permanently certified as an EMT-paramedic within this Commonwealth, subject to disciplinary action pursuant to subsection (j.1).

(i) The advanced life support service medical director shall have continued authority to grant or deny medical command authorization to an EMT-paramedic and shall review, document and advise each EMT-paramedic of his or her status at least once annually.

(ii) The advanced life support service medical director shall base a decision on whether to grant or deny medical command authorization upon:

(A) demonstrated competency in knowledge and skills by an EMT-paramedic as defined by the department through regulation and published in the emergency medical services training manual; and

(B) completion of continuing education requirements as adopted by department regulations.

Until such time as interim regulations are adopted by the department, an EMT-paramedic's receipt or annual retention of medical command authorization shall depend upon that person successfully demonstrating to the advanced life support service medical director the competence and skills to perform the functions of an emergency medical technician and the functions that an EMT-paramedic is authorized to perform pursuant to medical command authorization as set forth in department regulations.

(iii) The department, in consultation with the council, shall review and update continuing education requirements and the emergency medical services training manual not less than biennially.

(iv) An EMT-paramedic denied medical command authorization shall have the right to appeal the decision to the regional medical director and then to the department.

(v) Notwithstanding an EMT-paramedic certification to provide advanced life support services, an EMT-paramedic may not provide those services unless the EMT-paramedic has medical command authorization to do so.

(vi) An EMT-paramedic who does not maintain medical command authorization and who chooses to function at the basic life support service level must apply to the department for certification as an emergency medical technician in accordance with department regulations. An EMT-paramedic who is certified as an emergency medical technician under this provision shall retain paramedic certification and must apply to an advanced life support service medical director for medical command authorization prior to returning to paramedic status. While practicing without medical command authorization, EMT-paramedics shall not hold themselves out as paramedics to patients and emergency medical service personnel and shall function as emergency medical technicians in all respects.

(vii) An EMT-paramedic shall register biennially with the department.

(3) Notwithstanding the provisions of the Medical Practice Act of 1974, or the provisions of any other act to the contrary, any person with a valid certification from the department as an EMT-paramedic may, in the case of an emergency, perform those duties as deemed appropriate by the department in accordance with rules and regulations promulgated under this act.

(e) Scope of practice of emergency medical technician and EMT-paramedic.--The services provided by an emergency medical

technician or EMT-paramedic are limited to the services required in responding to the perceived needs of an individual for immediate medical care in order to prevent loss of life or aggravation of physiological or psychological illness or injury. Such services shall only be delivered in a prehospital, interhospital or emergency care setting in a hospital, shall not include diagnosis and treatment of nonurgent care and shall be subject to rules and regulations promulgated by the department.

**(e.1) Prehospital registered nurses.--**

(1) The department shall permanently recognize a registered nurse in good standing in this Commonwealth as a prehospital registered nurse, subject to disciplinary action pursuant to subsection (j.1), who:

(i) Is at least 18 years of age.

(ii) Holds current acknowledgments evidencing successful completion of basic and advanced cardiac life support training programs recognized by the department.

(iii) Demonstrates successful completion of a prehospital registered nurse program recognized or approved by the department or a knowledge and skills assessment process developed by the department upon consideration of the Emergency Nurses Association National Standard Curriculum Guidelines for Prehospital Nursing or similar program.

(iv) Successfully completes an emergency medical technician practical skills examination approved by the department.

(v) Successfully completes an advanced life support written examination approved by the department.

A person who has received recognition as a health professional registered nurse pursuant to the voluntary health professional registered nurse recognition program conducted by the department prior to the effective date of this amendatory act shall be deemed to have department recognition as a prehospital registered nurse under the act.

(2) A prehospital registered nurse who is certified as an emergency medical technician or EMT-paramedic shall retain certification consistent with other provisions of this act.

(3) The advanced life support service medical director shall have continued authority to grant or deny medical command authorization to a prehospital registered nurse and shall review, document and advise each prehospital registered nurse of his or her status at least one time annually. The advanced life support service medical director shall base a decision on whether to grant or deny medical command authorization upon:

(i) demonstrated competency in knowledge and skills as defined by the department through regulations; and

(ii) completion of continuing education requirements as adopted by department regulations.

Until such time as interim regulations are adopted by the department, a prehospital registered nurse's receipt or annual retention of medical command authorization shall depend upon that person successfully demonstrating to the advanced life support service medical director the competence and skills to perform the functions of an emergency medical technician and the functions that an EMT-paramedic is authorized to perform pursuant to medical command authorization as set forth in department regulations.

(4) A prehospital registered nurse denied medical command authorization shall have the right to appeal the decision to the regional medical director and then to the department.

(5) A prehospital registered nurse who does not maintain medical command authorization and who chooses to function at the basic life support services level must apply to the department for recognition as an emergency medical technician in accordance with department regulations.

(6) The department, in consultation with the council, shall update the current prehospital registered nurse educational program not less than biennially.

(7) Consistent with the provisions of this act, a prehospital registered nurse's practice scope shall be governed by the provisions of the act of May 22, 1951 (P.L.317, No.69), known as The Professional Nursing Law, and 49 Pa. Code Ch. 21 (relating to State Board of Nursing).

(8) A prehospital registered nurse shall register biennially with the department.

(f) Physician communication.--Any licensed physician who is approved for such responsibility by the regional emergency medical services council, which shall notify the department of such approval, may give appropriate medical commands via radio or other telecommunications device to **a first responder**, an emergency medical technician or EMT-paramedic or health professional consistent with respective levels of skill and education and regulations promulgated pursuant to this act.

(g) Drug administration.--Every licensed physician giving a medical command to an EMT-paramedic or health professional requiring administration of a drug shall first identify the drug and then specify the dosage and the manner of administration.

(h) Standing orders.--When specified in the approved emergency medical services council transfer and medical treatment protocols established pursuant to rules and regulations, **a first responder**, an emergency medical technician, EMT-paramedic or health professional may perform specific emergency skills and treatment prior to the initiation of medical command.

(i) Care where communications are disrupted.--If telecommunications cannot be established between **a first responder**, an emergency medical technician or an EMT-paramedic, or a health professional and a licensed physician, or if telecommunications once established are interrupted and cannot be reestablished, **a first responder**, an emergency medical technician or an EMT-paramedic or health professional may initiate and continue emergency medical care in accordance with the approved emergency medical services council transfer and medical treatment protocols established pursuant to rules and regulations.

(j) Liability.--

(1) No authorized medical command physician who in good faith gives instructions to **a first responder**, an emergency medical technician or EMT-paramedic or health professional shall be liable for any civil damages as a result of issuing the instructions, unless guilty of gross or willful negligence.

(2) No **first responder**, emergency medical technician or EMT-paramedic or health professional who in good faith attempts to render or facilitate emergency medical care authorized by this act shall be liable for civil damages as a result of any acts or omissions, unless guilty of gross or willful negligence. This provision shall apply to students enrolled in approved courses of instruction and supervised pursuant to rules and regulations.

(3) No approved emergency medical services training institute nor any entity participating as part of any approved educational program offered by such institute as authorized by this act shall be liable for any civil damages as a result of primary and continuing educational practice by duly enrolled

students under proper supervision, unless guilty of gross or willful negligence.

(4) No medical command facility recognized by the department which in good faith provides medical commands to a **first responder**, an emergency medical technician, EMT-paramedic or health professional in accordance with this act shall be liable for any civil damages as a result of issuing instructions, unless guilty of gross or willful negligence.

(5) No **first responder**, emergency medical technician or EMT-paramedic or health professional who in good faith attempts to render emergency care authorized by this act at an emergency scene while enroute to a place of employment shall receive any form of reprimand or penalty by an employer as a result of late arrival at the place of employment. An employer may request written verification from any such **first responder**, emergency medical technician [or], EMT-paramedic or health professional, who shall obtain the written verification from either the police officer or ambulance personnel who is in charge at the emergency scene.

(6) No advanced life support service medical director or regional medical director who in good faith gives instructions to or provides primary and continuing educational training to a first responder, an emergency medical technician, EMT-paramedic or health professional shall be liable for any civil damages for issuing the instructions, education or training unless guilty of gross or willful negligence.

(j.1) Suspension, revocation or refusal of department certification or recognition.--

(1) The department may suspend, revoke or refuse to issue or renew the certification or recognition of emergency medical services personnel upon investigation, hearing and disposition for the following reasons:

(i) Demonstrated incompetence to provide adequate services.

(ii) Deceptive or fraudulent procurement of certification credentials.

(iii) Willful or negligent practice beyond the scope of certification authorization.

(iv) Abuse or abandonment of a patient.

(v) The rendering of services while under the influence of alcohol or illegal drugs.

(vi) The operation of an emergency vehicle in a reckless manner or while under the influence of illegal drugs or alcohol.

(vii) Disclosure of medical or other information where prohibited by Federal or State law.

(viii) Willful preparation or filing of false medical reports or records or the inducement of others to do so.

(ix) Destruction of medical records required to be maintained.

(x) Refusal to render emergency medical care because of a patient's race, sex, creed, national origin, sexual preference, age, handicap, medical problem or financial inability to pay.

(xi) Failure to comply with department-approved regional emergency medical service council treatment and transfer protocols.

(xii) Failure to comply with ambulance trip reporting requirements as established by the department.

(xiii) Failure to meet recertification requirements.

(xiv) Conviction of a felony or crime involving moral turpitude. Conviction includes a judgment of guilt, a plea of guilty or a plea of nolo contendere.

(xv) A willful or consistent pattern of failure to complete details on a patient's medical record.

(xvi) Misuse or misappropriation of drugs or medication.

(xvii) Having a certification or other authorization to practice a health care profession or occupation revoked, suspended or subjected to disciplinary sanction.

(xviii) Failure to comply with skill maintenance requirements established by the department.

(xix) Violating a duty imposed by this act, a regulation promulgated under this act or an order of the department previously entered in a disciplinary proceeding.

(xx) Other reasons as determined by the department which pose a threat to the health and safety of the public.

(2) If the department is empowered to take disciplinary or corrective action against an individual under this section, the department may do any of the following:

(i) Deny the application for certification or recognition.

(ii) Administer a written reprimand with or without probation.

(iii) Revoke, suspend, limit or otherwise restrict the certification or recognition.

(iv) Require the person to take refresher educational courses.

(v) Stay enforcement of any suspension and place the individual on probation with the right to vacate the probationary order for noncompliance.

(k) Continuity of care.--Until rules and regulations are promulgated under this act, certified prehospital personnel shall comply with the rules and regulations in effect on the effective date of this act.

Section 12. Minimum standards for ambulance service.

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(g) Staff for advanced life support [vehicle] **service**--

(1) Upon the effective date of this act, each advanced life support service shall require that at least two persons shall respond to calls for assistance. This staff shall consist of one of the following:

(i) Two health professionals.

(ii) One health professional and either one emergency medical technician or one EMT-paramedic.

(iii) One emergency medical technician and one EMT-paramedic.

**(iv) Two EMT-paramedics.**

(2) Paragraph (1) shall not apply as follows:

(i) Temporary licenses may be issued to advanced life support services which are not generally able to provide this service 24 hours per day and 7 days per week in accordance with subsection (n).

(ii) An advanced life support ambulance service may be staffed by one EMT-paramedic or one health professional when responding to calls for assistance, provided that the minimum advanced life support staffing requirements set forth in this subsection are met during emergency medical treatment and transport of the patient.

**(3) An advanced life support service shall have an advanced life support service medical director.**

\* \* \*

Section 3. Section 14(d) of the act, amended October 21, 1988 (P.L.1055, No.121), is amended to read:

Section 14. Support of emergency medical services.

\* \* \*



(d) Purpose of fund.--All money from the Emergency Medical Services Operating Fund shall be disbursed by the department to eligible providers of emergency medical services, as determined by the department by regulation, **to the State Advisory Council** and to regional emergency medical services councils for the initiation, expansion, maintenance and improvement of emergency medical services, including ambulance and communications equipment and for training, education and ambulance licensure purposes. These funds shall not be used for any other purposes.

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Section 4. The act is amended by adding a section to read:

**Section 17.1. Rules and regulations.**

**The Department of Health, in consultation with the State Advisory Council, may promulgate rules and regulations as may be necessary to carry out the provisions of this act.**

Section 5. The provisions of 28 Pa. Code §§ 1003.23(b)(3) (relating to certification requirements) and 1003.24(d) (relating to recertification requirements) are abrogated.

Section 6. The Department of Health, upon the conclusion of at least one public hearing, shall publish interim regulations in the Pennsylvania Bulletin within 120 days of the effective date of this act. The interim regulations shall not be subject to the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act, or to the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law. These interim regulations shall be effective until such time as final regulations are promulgated by the department pursuant to the Commonwealth Documents Law, the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act, and the Regulatory Review Act, but in no event shall the interim regulations remain in effect for longer than 18 months from the effective date of this act.

Section 7. This act shall take effect as follows:

(1) The amendment of section 14(d) of the act and this section shall take effect immediately.

(2) The remainder of this act shall take effect in 60 days.

APPROVED--The 5th day of October, A. D. 1994.

ROBERT P. CASEY