
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, OCTOBER 12, 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; PROVIDING <—
12 FOR PROVISIONAL LICENSES; FURTHER DEFINING "EMERGENCY MEDICAL
13 SERVICES COUNCIL"; AND excluding volunteer fire and ambulance
14 departments from certain provisions of the act.

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

17 SECTION 1. THE ~~DEFINITION OF~~ DEFINITIONS OF "EMERGENCY <—
18 MEDICAL SERVICES COUNCIL" AND "PENNSYLVANIA TRAUMA SYSTEMS
19 FOUNDATION" IN SECTION 3 OF THE ACT OF JULY 3, 1985 (P.L.164,
20 NO.45), KNOWN AS THE EMERGENCY MEDICAL SERVICES ACT, IS ARE <—

1 AMENDED TO READ:

2 SECTION 3. DEFINITIONS.

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

6 * * *

7 "EMERGENCY MEDICAL SERVICES COUNCIL." A NONPROFIT
8 INCORPORATED ENTITY OR APPROPRIATE EQUIVALENT WHOSE FUNCTION IS
9 TO PLAN, DEVELOP, MAINTAIN, EXPAND AND IMPROVE EMERGENCY MEDICAL
10 SERVICES SYSTEMS WITHIN A SPECIFIC GEOGRAPHICAL AREA OF THIS
11 COMMONWEALTH AND WHICH IS DEEMED BY THE DEPARTMENT AS BEING
12 REPRESENTATIVE OF THE HEALTH PROFESSIONS AND MAJOR PRIVATE AND
13 PUBLIC AND VOLUNTARY AGENCIES, ORGANIZATIONS AND INSTITUTIONS
14 CONCERNED WITH PROVIDING EMERGENCY MEDICAL SERVICES.

15 * * *

16 "PENNSYLVANIA TRAUMA SYSTEMS FOUNDATION." A NONPROFIT
17 PENNSYLVANIA CORPORATION WHOSE FUNCTION IS TO ACCREDIT TRAUMA
18 CENTERS IN THIS COMMONWEALTH. THE BOARD OF DIRECTORS OF THE
19 FOUNDATION SHALL CONSIST OF THE FOLLOWING 19 VOTING MEMBERS:
20 FIVE REPRESENTATIVES OF STATE ORGANIZATIONS THAT REPRESENT
21 PHYSICIANS; FIVE REPRESENTATIVES OF STATE ORGANIZATIONS THAT
22 REPRESENT HOSPITALS; TWO REPRESENTATIVES OF STATE ORGANIZATIONS
23 THAT REPRESENT REGISTERED PROFESSIONAL NURSES; TWO
24 REPRESENTATIVES OF OTHER STATEWIDE EMERGENCY MEDICAL SERVICE
25 ORGANIZATIONS WITH EXPERTISE IN DELIVERY OF TRAUMA SERVICES; THE
26 CHAIRMAN AND MINORITY CHAIRMAN OF THE HOUSE HEALTH AND WELFARE
27 COMMITTEE, OR THEIR DESIGNEES, FROM THE COMMITTEE MEMBERSHIP;
28 THE CHAIRMAN AND MINORITY CHAIRMAN OF THE SENATE PUBLIC HEALTH
29 AND WELFARE COMMITTEE, OR THEIR DESIGNEES, FROM THE COMMITTEE
30 MEMBERSHIP; AND THE SECRETARY OF HEALTH, OR HIS DESIGNEE. THE

1 BYLAWS OF THE FOUNDATION SHALL IDENTIFY A METHOD TO SELECT
2 MEMBERS TO ACHIEVE PROFESSIONAL AND GEOGRAPHIC BALANCE ON THE
3 BOARD. TERMS OF OFFICE SHALL BE LIMITED TO THREE YEARS [AND NO
4 PERSON SHALL BE ELIGIBLE FOR APPOINTMENT TO MORE THAN TWO
5 CONSECUTIVE TERMS].

6 * * *

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

9 SECTION 5. DUTIES OF DEPARTMENT.

10 * * *

11 (C) BYPASS PROTOCOLS.--THE DEPARTMENT SHALL ESTABLISH NOT
12 LATER THAN SEPTEMBER 30, 1988, AND REGIONAL COUNCILS SHALL
13 IMPLEMENT NOT LATER THAN DECEMBER 31, 1988, CRITERIA FOR
14 EVALUATION, TRIAGE, TREATMENT, TRANSPORT, TRANSFER AND REFERRAL,
15 INCLUDING BYPASS PROTOCOLS, OF ACUTELY ILL AND INJURED PERSONS
16 TO THE MOST APPROPRIATE FACILITY. REGIONAL COUNCILS SHALL NOT BE
17 ELIGIBLE FOR CONTRACT FUNDS OR STATE EMERGENCY MEDICAL SERVICES
18 OPERATING FUND DISBURSEMENTS UNLESS CRITERIA AND PROTOCOLS HAVE
19 BEEN ESTABLISHED.

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

22 SECTION 8. EMERGENCY MEDICAL SERVICES COUNCILS.

23 * * *

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

25 * * *

26 (7) ESTABLISH A MECHANISM TO PROVIDE FOR INPUT FROM
27 LOCAL EMERGENCY MEDICAL SERVICES PROVIDERS, IN DECISIONS
28 WHICH INCLUDE, BUT ARE NOT LIMITED TO, MEMBERSHIP ON ITS
29 GOVERNING BODY.

30 Section 4. Section 12(e)(4) AND (M) of the act of July 3, <—

1 ~~1985 (P.L.164, No.45), known as the Emergency Medical Services~~
2 ~~Act, is~~ ARE amended to read: <—

3 Section 12. Minimum standards for ambulance service.

4 * * *

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

8 * * *

9 (4) Three years after the effective date of this act,
10 all ambulances, when transporting a patient or patients,
11 except for routine transfer of convalescent or other
12 nonemergency cases, shall be staffed by at least two persons,
13 one of whom shall be an emergency medical technician, EMT-
14 paramedic or health professional, and one of whom shall, at
15 least, qualify as an ambulance attendant. The emergency
16 medical technician, EMT-paramedic or health professional
17 shall accompany the patient in the patient compartment. This
18 clause shall not be applicable to any ambulance operated by a
19 volunteer fire department or by a volunteer ambulance or
20 rescue service until July 3, 1990, AND SHALL THEREAFTER NOT <—
21 BE APPLICABLE TO ANY AMBULANCE OPERATED BY A VOLUNTEER FIRE
22 DEPARTMENT OR BY A VOLUNTEER AMBULANCE OR RESCUE SERVICE IF
23 SUCH DEPARTMENT OR SERVICE HAS A PROVISIONAL LICENSE TO
24 OPERATE WITHOUT COMPLYING WITH THIS SUBSECTION.

25 * * *

26 (M) PROVISIONAL LICENSE.--

27 (1) WHEN THERE ARE NUMEROUS DEFICIENCIES OR A SERIOUS
28 SPECIFIC DEFICIENCY IN COMPLIANCE WITH THIS ACT OR RULES OR
29 REGULATIONS PROMULGATED THEREUNDER, THE DEPARTMENT MAY ISSUE A
30 PROVISIONAL LICENSE FOR A PERIOD NOT TO EXCEED SIX MONTHS FOR

1 OPERATION OF AN AMBULANCE SERVICE WHEN THE DEPARTMENT DEEMS IT
2 IS IN THE PUBLIC INTEREST TO DO SO.

3 (2) IN ACCORDANCE WITH REGULATIONS, THE DEPARTMENT MAY RENEW
4 A PROVISIONAL LICENSE FOR A PERIOD NOT TO EXCEED SIX MONTHS,
5 EXCEPT THAT THE DEPARTMENT MAY RENEW A PROVISIONAL LICENSE FOR A
6 PERIOD OF 12 MONTHS IN THE CASE OF A VOLUNTEER FIRE DEPARTMENT
7 OR A VOLUNTEER AMBULANCE OR RESCUE SERVICE WHICH DOES NOT MEET
8 THE MINIMUM STANDARDS FOR STAFFING AT THE BASIC LIFE SUPPORT
9 LEVEL OF CARE.

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 [(C)] (D) PURPOSE OF FUND.--ALL MONEY FROM THE EMERGENCY <—
7 MEDICAL SERVICES OPERATING FUND SHALL BE DISBURSED BY THE
8 DEPARTMENT [FOR THE INITIATION, EXPANSION, MAINTENANCE AND
9 IMPROVEMENT OF EMERGENCY MEDICAL SERVICES.] TO ELIGIBLE
10 PROVIDERS OF EMERGENCY MEDICAL SERVICES, AS DETERMINED BY THE
11 DEPARTMENT BY REGULATION AND TO REGIONAL EMERGENCY MEDICAL
12 SERVICES COUNCILS FOR THE INITIATION, EXPANSION, MAINTENANCE AND
13 IMPROVEMENT OF EMERGENCY MEDICAL SERVICES, INCLUDING AMBULANCE
14 AND COMMUNICATIONS EQUIPMENT AND FOR TRAINING, EDUCATION AND
15 AMBULANCE LICENSURE PURPOSES. THESE FUNDS SHALL NOT BE USED FOR
16 ANY OTHER PURPOSES.

17 [(D)] (E) ALLOCATION TO CATASTROPHIC MEDICAL AND
18 REHABILITATION FUND.--TWENTY-FIVE PERCENT OF THE FUND SHALL BE
19 ALLOCATED TO A CATASTROPHIC MEDICAL AND REHABILITATION FUND FOR
20 VICTIMS OF TRAUMA. THE CATASTROPHIC FUND SHALL BE AVAILABLE TO
21 TRAUMA VICTIMS ~~WHO, ON OR AFTER JULY 1, 1984, INCURRED THE~~ <—
22 ~~TRAUMA,~~ TO PURCHASE MEDICAL, REHABILITATION AND ATTENDANT CARE
23 SERVICES WHEN ALL ALTERNATIVE FINANCIAL RESOURCES HAVE BEEN
24 EXHAUSTED. THE DEPARTMENT MAY, BY REGULATION, PRIORITIZE THE
25 DISTRIBUTION OF FUNDS BY CLASSIFICATION OF TRAUMATIC INJURY.

26 (F) AUDIT.--THE AUDITOR GENERAL SHALL REVIEW COLLECTIONS AND
27 EXPENDITURES MADE PURSUANT TO THE PROVISIONS OF THIS SECTION AND
28 REPORT ITS FINDINGS TO THE GENERAL ASSEMBLY ANNUALLY. THIS AUDIT
29 SHALL INCLUDE A REVIEW OF THE COLLECTIONS AND EXPENDITURES OF
30 THE EMERGENCY MEDICAL SERVICES COUNCILS.

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

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

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

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