

STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 2251

By: Paulk of the House

and

Leftwich of the Senate

COMMITTEE SUBSTITUTE

(Oklahoma Emergency Medical Services Act - amending 63
O.S. 1991, Sections 1-2503, 1-2509, and 1-2511 -
definitions - operation of ambulance service -
emergency)

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 63 O.S. 1991, Section 1-2503, is
amended to read as follows:

Section 1-2503. As used in ~~this act~~ the Oklahoma Emergency
Medical Services Act:

1. "Ambulance" means any ground, air or water vehicle which is
or should be approved by the State Commissioner of Health, designed
and equipped to transport a patient or patients and to provide
appropriate on-scene ~~and~~ or en route patient stabilization and care.
Vehicles used as ambulances shall meet such requirements as may be
required by the Commissioner for approval, and shall display
evidence of such approval at all times;

2. "Ambulance authority" means any public trust or nonprofit
corporation established by the state or any unit of local government
or combination of units of government for the express purpose of

providing, directly or by contract, emergency medical services in a specified area of the state;

3. "Ambulance patient" or "patient" means any person ~~or persons~~ who requires medical supervision or monitoring and who is or will be transported to or from a health care facility or a physician's office in an ambulance in a reclining position;

4. "Ambulance service" means any ~~private firm~~ person or governmental agency which is or should be licensed by the State Department of Health to provide Basic, Intermediate, Invalid, Paramedic or Specialized Mobile Intensive Care levels of transport or medical care;

5. "Ambulance service district" means any county, group of counties or parts of counties formed together to provide, operate and finance emergency medical services as provided by Section 9C of Article X of the Oklahoma Constitution or Sections 1201 through 1221 of Title 19 of the Oklahoma Statutes;

6. "Board" means the State Board of Health;

7. "Commissioner" means the State Commissioner of Health;

~~7.~~ 8. "Council" means the Oklahoma Emergency Medical Service Advisory Council;

~~8.~~ 9. "Department" means the State Department of Health;

~~9.~~ 10. "Emergency medical services system (EMSS)" means a system which provides for the organization and appropriate designation of personnel, facilities and equipment for the effective and coordinated local, regional and statewide delivery of health care services primarily under emergency conditions;

~~10.~~ 11. "Emergency Medical Technician/Basic, Emergency Medical Technician/Intermediate, Emergency Medical Technician/Advanced Cardiac, or Emergency Medical Technician/Paramedic" means an individual licensed by the Department to perform emergency medical services in accordance with this act and in accordance with the rules, ~~regulations~~ and standards promulgated by the State Board;

~~11.~~ 12. "First responder" means an individual certified by the Department to perform emergency medical services in accordance with ~~this act~~ the provisions of the Oklahoma Emergency Medical Services Act and in accordance with the rules, ~~regulations~~ and standards promulgated by the ~~State~~ Board;

~~12.~~ 13. "First response agency" means an organization of any type certified by the Department to provide emergency medical care, but not transport. First response agencies may utilize certified first responders or licensed emergency medical technicians; provided, however, that all personnel so utilized shall function under the direction of and consistent with guidelines for medical control;

~~13.~~ 14. "Invalid" means any individual who is classified as non-emergent and who requires no medical supervision or monitoring during transport between medical facilities, physician offices, homes or other public or private locations, but who cannot be transported by sitting in a vehicle seat, wheelchair or some other ordinary means of movement without distress;

15. "Invalid carrier" means any ground, air or water vehicle that is or should be approved by the Commissioner and that is designed and equipped to transport an invalid or invalids;

16. "Invalid carrier service" means any person or governmental agency which is or should be licensed by the Department to transport invalids only, and which is not licensed to provide medical care;

17. "Licensure" means the licensing of emergency medical care providers ~~and,~~ ambulance services and invalid carrier services pursuant to rules, ~~regulations~~ and standards promulgated by the ~~State~~ Board at one ~~or more~~ of the following levels:

- a. Basic life support,
- b. Invalid Transport,
- c. Intermediate life support,
- e. d. Paramedic life support, and

- ~~d.~~ e. Specialized Mobile Intensive Care, which shall be used solely for inter-hospital transport of patients requiring specialized en route medical monitoring and advanced life support which exceed the capabilities of the equipment and personnel provided by paramedic life support.

Requirements for each level of care shall be established by the ~~State~~ Board. Licensure at any level of care includes a license to operate at any lower level, including Invalid Transport, with the exception of licensure for Specialized Mobile Intensive Care; provided, however, that the highest level of care offered by an ambulance service shall be available twenty-four (24) hours each day, three hundred sixty-five (365) days per year.

Licensure shall be granted or renewed for such periods and under such terms and conditions as may be promulgated by the ~~State~~ Board;

~~14.~~ 18. "Medical control" means local, regional or statewide medical direction and quality assurance of health care delivery in an emergency medical service system. On-line medical control is the medical direction given to emergency medical personnel by a physician via radio or telephone. Off-line medical control is the establishment and monitoring of all medical components of an emergency medical service system, including protocols, standing orders, educational programs, and the quality and delivery of on-line control;

~~15.~~ 19. "Medical director" means a physician, fully licensed without restriction, who acts as a paid or volunteer medical advisor to a licensed ambulance service and who monitors and directs the care so provided. Such physicians shall meet such qualifications and requirements as may be promulgated by the ~~State~~ Board;

~~16.~~ 20. "Region" or "emergency medical service region" means two or more municipalities, counties, ambulance districts or other political subdivisions exercising joint control over one or more

providers of emergency medical services through common ordinances, authorities, boards or other means, and which are established pursuant to the provisions of the Oklahoma Interlocal Cooperation Act, Section 1001 et seq. of Title 74 of the Oklahoma Statutes;

~~17.~~ 21. "Regional emergency medical services system (regional EMSS)" means a network of organizations, individuals, facilities and equipment which serve a region, subject to a unified set of regional standards, and ~~rules and regulations~~ which may exceed, but may not be in contravention of, those required by the state, under the medical direction of a single regional medical director and which participates directly in the delivery of the following services:

- a. medical call-taking and EMS dispatching, emergency and routine, including priority dispatching of first response agencies and ambulances,
- b. first response services provided by first response agencies,
- c. ambulance services, both emergency and routine, including, but not limited to the transport of patients in accordance with transport protocols approved by the regional medical director, and
- d. directions given by physicians directly via radio or telephone, or by written protocol, to first response agencies or ambulance personnel at the scene of an emergency or while en route to a hospital;

~~18.~~ 22. "Regional medical director" means a licensed physician, who meets or exceeds the qualifications of a medical director as defined by ~~this act~~ the Oklahoma Emergency Medical Services Act, chosen by an emergency medical service region to provide external medical oversight, quality control and related services to that region;

~~19.~~ 23. "Registration" means the listing of an ambulance service or an invalid carrier service in a registry maintained by

the Department. The registration shall not be deemed to be a license;

~~20. "State Board" means the State Board of Health; and~~

~~21.~~ 24. "Transport protocol" means the written instructions governing decision-making at the scene of medical emergencies by ambulance personnel regarding the selection of the hospital to which the patient shall be transported. Transport protocols shall be developed by the regional medical director for a regional EMSS or by the Department if no regional EMSS has been established. Such transport protocols shall adhere to, at a minimum, the following guidelines:

- a. nonemergency, routine transport shall be to the facility of the patient's choice,
- b. urgent or emergency transport not involving life-threatening medical illness or injury shall be to the nearest facility, or, subject to transport availability and system area coverage, to the facility of the patient's choice.
- c. life-threatening medical illness or injury shall require transport to the nearest health care facility appropriate to the needs of the patient as established by regional or state guidelines.

SECTION 2. AMENDATORY 63 O.S. 1991, Section 1-2509, is amended to read as follows:

Section 1-2509. A. No person, company, governmental entity or trust authority may operate an ambulance service or invalid carrier service within this state except as provided herein. The State Commissioner of Health, the district attorney of the county wherein the ambulance service or invalid carrier service operates or may be found, or the Attorney General of this state shall have

the authority to bring an action to enjoin the operation of any such ambulance service or invalid carrier service not in compliance with the provisions of ~~this act~~ the Oklahoma Emergency Medical Services Act.

B. The Commissioner shall have the authority to revoke or suspend any license, to issue probationary licenses, or to levy such administrative fines and penalties as may be deemed necessary, for violations of the provisions of ~~this act~~ the Oklahoma Emergency Medical Services Act, subject to the provisions of the Oklahoma Administrative Procedures Act. The powers afforded the Commissioner within the general enforcement provisions of the Public Health Code are additionally incorporated herein.

C. In addition to any other penalties, any person, company, governmental entity or trust authority who violates any of the provisions of ~~this act~~ the Oklahoma Emergency Medical Services Act relating to compliance with the provisions of ~~this~~ the act or of standards, specifications, procedures, and rules ~~and regulations~~ adopted by the ~~State~~ Board pursuant to the act may be punished by the assessment of a civil penalty of not more than One Hundred Dollars (\$100.00) for each violation. Each day a violation continues shall be considered a separate offense.

D. The operation or maintenance of an ambulance service or invalid carrier service in violation of ~~this act~~ the Oklahoma Emergency Medical Services Act, or the rules ~~and regulations~~ promulgated by the ~~State~~ Board pursuant to the act, is declared a public nuisance inimical to the public welfare. The Commissioner, in the name of the people of the state, through the Attorney General, or the district attorney of the county in which the

ambulance service or invalid carrier service is located, may, in addition to other remedies herein provided, bring action for an injunction to restrain such violation or to enjoin the future operation or maintenance of any such ambulance service or invalid carrier service.

SECTION 3. AMENDATORY 63 O.S. 1991, Section 1-2511, as amended by Section 1, Chapter 236, O.S.L. 1994 (63 O.S. Supp. 1995, Section 1-2511), is amended to read as follows:

Section 1-2511. The State Commissioner of Health shall have the following powers and duties for the creation and implementation of an Oklahoma Emergency Medical Services Improvement Program:

1. Administer and coordinate all federal and state programs, not specifically assigned by state law to other state agencies, which include provisions of the Federal Emergency Medical Services Systems Act and other federal laws and programs relating to the development of emergency medical services in this state. The administration and coordination of federal and state laws and programs relating to the development, planning, prevention, improvement and management of emergency medical services, including the staffing of the Oklahoma EMS Advisory Council, shall be conducted by the Division of Emergency Medical Services within the State Department of Health, as prescribed by Section 1-2510 of this title;

2. Assist private and public organizations, emergency medical and health care providers, ambulance authorities, district boards and other interested persons or groups in improving emergency medical services (EMS) at the local, municipal, district or state levels. This assistance shall be through professional advice and technical assistance;

3. Coordinate the efforts of local units of government to establish service districts and set up boards of trustees or other authorities to operate and finance emergency medical services in the

state as provided under Section 9C of Article X of the Oklahoma Constitution or under Sections 1201 through 1221 of Title 19 of the Oklahoma Statutes. The Commissioner shall evaluate all proposed district areas and operational systems to determine the feasibility of their economic and health services delivery;

4. Prepare, maintain and utilize a comprehensive plan and program for emergency medical services development throughout the state to be adopted by the State Board of Health and incorporated within the State Health Plan. The plan shall establish goals, objectives and standards for a statewide integrated system and a timetable for accomplishing and implementing different elements of the system. The plan shall also include, but not be limited to 7:

- a. all components of an emergency medical services system 7,
- b. regional and statewide planning 7,
- c. the establishment of standards and the appropriate criteria for the designation of facilities 7,
- d. data collection and quality assurance 7 and
- e. funding;

5. Maintain a comprehensive registry of all ambulance services and invalid carrier services operating within the state, to be published annually. All ambulance service providers and invalid carrier services shall register annually with the Commissioner on forms supplied by the State Department of Health, containing such requests for information as may be deemed necessary by the Commissioner;

6. Develop a standard report form which may be used by local, regional and statewide emergency medical services and EMS systems to facilitate the collection of data related to the provision of emergency medical and trauma care. The Commissioner shall also develop a standardized EMS data set and an electronic submission standard which may, at the option of each ambulance service, be

utilized in lieu of the standard report for the submission of required data. Each ambulance service shall submit the information required in this section through either the standard form or electronic data set at such intervals as may be prescribed by rules promulgated by the Board;

7. Evaluate and certify all emergency medical services training programs and emergency medical technician training courses and operational services in accordance with specifications and procedures approved by the Board;

8. Provide an emergency medical technicians', invalid carrier service, and ambulance service licensure program;

9. Create a standing Medical Direction Subcommittee of the Council to be composed entirely of physicians who are or who have been medical directors or regional medical directors. Members of the Subcommittee shall be appointed by and shall serve at the pleasure of the Commissioner. The Subcommittee shall advise the Commissioner or the Commissioner's designee on the following:

- a. the design of all medical aspects and components of emergency medical services systems,
- b. the appropriateness of all standards for medical and patient care operations or services, treatment procedures and protocols,
- c. the implementation and facilitation of regional EMS Systems, and
- d. such other matters and activities as directed by the Commissioner or the Commissioner's designee;

10. Employ and prescribe the duties of employees as may be necessary to administer the provisions of ~~this act~~ the Oklahoma Emergency Medical Services Act; and

11. Apply for and accept public and private gifts, grants, donations and other forms of financial assistance designed for the support of emergency medical services.

SECTION 4. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

45-2-2686

CJ