

STATE OF OKLAHOMA

2nd Session of the 47th Legislature (2000)

2ND CONFERENCE COMMITTEE
SUBSTITUTE FOR ENGROSSED
HOUSE BILL NO. 1922

By: Paulk of the House

and

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2ND CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to public health and safety; amending 63 O.S. 1991, Section 1-2503, as amended by Section 3, Chapter 156, O.S.L. 1999 (63 O.S. Supp. 1999, Section 1-2503), which relates to the Oklahoma Emergency Response Systems Development Act; modifying definitions; adding definitions; amending 63 O.S. 1991, Section 1-2512, which relates to the Oklahoma Emergency Response Systems Development Act; clarifying language; specifying certain rules; requiring certain rules for the licensing of nonemergency transport aid vans; prohibiting such vans from providing certain services except under certain conditions; amending Section 2, Chapter 236, O.S.L. 1994, as amended by Section 1, Chapter 62, O.S.L. 1996 (63 O.S. Supp. 1999, Section 1-2516), which relates to the Oklahoma Emergency Response Systems Development Advisory Council; modifying name of Council; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 63 O.S. 1991, Section 1-2503, as amended by Section 3, Chapter 156, O.S.L. 1999 (63 O.S. Supp. 1999, Section 1-2503), is amended to read as follows:

Section 1-2503. As used in the Oklahoma Emergency Response Systems Development 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 en route patient stabilization and care.

Vehicles used as ambulances shall meet such standards as may be required by the State Board of Health 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 who is or will be transported in a reclining position to or from a health care facility in an ambulance;

4. "Ambulance service" means any private firm or governmental agency which is or should be licensed by the State Department of Health to provide levels of medical care based on certification standards promulgated by the Board;

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. "Classification" means an inclusive standardized identification of stabilizing and definitive emergency services provided by each hospital that treats emergency patients;

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

9. "Council" means the Oklahoma Emergency Response ~~System~~ Systems Development Advisory Council;

10. "Department" means the State Department of Health;

11. "Emergency medical services system" 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;

12. "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 the Oklahoma Emergency Response Systems Development Act and in accordance with the rules and standards promulgated by the Board;

13. "First responder" means an individual certified by the Department to perform emergency medical services in accordance with the Oklahoma Emergency Response Systems Development Act and in accordance with the rules and standards promulgated by the Board;

14. "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;

15. "Licensure" means the licensing of emergency medical care providers ~~and~~, ambulance services and nonemergency transport aid vans pursuant to rules and standards promulgated by the Board at one or more of the following levels:

- a. Basic routine nonemergency transportation,
- b. basic life support,
- ~~b.~~ Intermediate
- c. intermediate life support,
- ~~e.~~ Paramedic
- 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 Board. Licensure at any level of care includes a license to operate at any lower level, 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;

16. "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 but not limited to protocols, standing orders, educational programs, and the quality and delivery of on-line control;

17. "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 Board;

18. "Nonemergency transport aid van" means any ground vehicle approved by the State Commissioner of Health for providing routine transportation to a nonemergency transport aid van patient. Vehicles used as aid vans shall meet such standards as may be required by the State Board of Health for approval and shall display evidence of such approval at all times. Aid van status shall only be allowed in and approved by the State Commissioner of Health in

municipalities with populations exceeding three hundred thousand (300,000) persons according to the last federal Decennial Census.

19. "Nonemergency transport aid van patient" means any person who is or will be transported in a reclining position to or from a health care facility, who is medically stable nonemergent and who needs to be transported on a stretcher or gurney type apparatus, but does not need any monitoring equipment, or on scene or en route stabilization and care.

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;~~

~~19.~~ 21. "Regional emergency medical services system" means a network of organizations, individuals, facilities and equipment which ~~serve~~ serves a region, subject to a unified set of regional rules and standards which may exceed, but may not be in contravention of, those required by the state, which is 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 emergency medical services 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;

~~20.~~ 22. "Regional medical director" means a licensed physician, who meets or exceeds the qualifications of a medical director as defined by the Oklahoma Emergency Response Systems Development Act, chosen by an emergency medical service region to provide external medical oversight, quality control and related services to that region;

~~21.~~ 23. "Registration" means the listing of an ambulance service in a registry maintained by the Department. ~~The; provided,~~ however, registration shall not be deemed to be a license; and

~~22.~~ 24. "Transport protocol" means the written instructions governing decision-making at the scene of a medical ~~emergencies~~ emergency 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 emergency medical services system or by the Department if no regional emergency medical services system 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 ~~, and~~ and
- 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 1-2512, is amended to read as follows:

Section 1-2512. A. The State Board of Health shall ~~have the duty to promulgate, adopt and publish~~ rules and regulations to carry out the requirements of the Oklahoma Emergency ~~Medical Services Response Systems Development~~ Act.

B. ~~By October 1, 1991, the State Board of Health~~ 1. Rules shall ~~adopt rules and regulations specifying~~ specify which vehicles of licensed ambulance service providers shall be considered authorized emergency vehicles pursuant to the provisions of Section 1-103 of Title 47 of the Oklahoma Statutes. The ~~regulations~~ rules shall provide that vehicles transporting licensed ambulance service personnel or life saving equipment ~~and which~~ that meet all other specifications required by the Board shall be considered authorized emergency vehicles.

2. By October 1, 2000, the State Board of Health shall have promulgated rules which will provide for the licensing of nonemergency transport aid vans. Rules promulgated pursuant to this paragraph shall provide that such vans meet all specifications required by the Board necessary to transport nonemergency transport aid van patients. A nonemergency transport aid van shall not provide transportation services unless licensed by the Board.

SECTION 3. AMENDATORY Section 2, Chapter 236, O.S.L. 1994, as amended by Section 1, Chapter 62, O.S.L. 1996 (63 O.S. Supp. 1999, Section 1-2516), is amended to read as follows:

Section 1-2516. A. 1. There ~~shall be~~ is hereby created the Oklahoma ~~EMS~~ Emergency Response Systems Development Advisory Council until July 1, 2002, in accordance with the provisions of the Oklahoma Sunset Law, ~~Section 3901 et seq. of Title 74 of the Oklahoma Statutes,~~ to be composed of physicians, health service

providers, consumers of health care, other health care professionals, and persons involved in the education and training of emergency medical personnel.

2. The Council shall consist of nineteen (19) persons, eight of whom shall be persons representing rural areas of this state and counties with populations under fifty thousand (50,000). Members of the Council shall be appointed as follows:

~~1. Six~~

a. six members shall be appointed by the Governor~~;~~

~~2. Five,~~

b. five members shall be appointed by the Commissioner~~;~~

~~3. Four,~~

c. four members shall be appointed by the Speaker of the House of Representatives~~;~~ and

~~4. Four~~

d. four members shall be appointed by the President Pro Tempore of the Senate.

3. Two of the appointees of each appointing authority shall represent rural areas of this state and counties with populations under fifty thousand (50,000). Initially, three of the appointees of the Governor, two appointees of the State Commissioner of Health, and one appointee each of the Speaker of the House of Representatives and the President Pro Tempore of the Senate shall be appointed for a term of one (1) year. The remaining appointees of the Council shall be appointed for a term of two (2) years. Thereafter, all appointees shall be appointed for a term of two (2) years. All appointees shall be eligible for reappointment, but in no case shall any appointee serve for more than six (6) years on the Council.

4. The current members of the Council shall continue to serve as members of the Council until a majority of the appointments are

made under this section and such current members shall be eligible for reappointment.

B. Persons on the Council shall at all times serve without compensation, but shall be reimbursed for their actual and necessary travel expenses from funds available for the operation of the State Department of Health and in accordance with the provisions of the State Travel Reimbursement Act, ~~Section 500.1 et seq. of Title 74 of the Oklahoma Statutes~~. The Council shall advise the Commissioner or the Commissioner's designee on the following:

1. Training program specifications for emergency medical personnel, the types of medical care procedures which may be performed by emergency medical personnel, and qualifications for licensure and certification of emergency medical personnel;

2. Patient care equipment for ambulances, ambulance specifications, criteria and standards for the classification of emergency medical services rendered by providers, including communications and reporting requirements, and operational procedures for providers of ambulance services;

3. Design of the statewide communications system, including procedures for summoning and dispatching emergency medical service, including 911;

4. Projects, programs, and legislation needed to improve emergency medical services in the state; and

5. Such other matters and activities as directed by the Commissioner or the Commissioner's designee.

SECTION 4. This act shall become effective July 1, 2000.

SECTION 5. 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.

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