

STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1158

By: Corn

COMMITTEE SUBSTITUTE

An Act relating to emergency services; amending 63 O.S. 1991, Sections 1-2501, 1-2502, 1-2503, and 1-2511, as amended by Section 1, Chapter 236, O.S.L. 1994 (63 O.S. Supp. 1998, Section 1-2511), which relate to the Oklahoma Emergency Medical Services Act; changing name to the Oklahoma Emergency Response Systems Development Act; updating language; adding to legislative intent; adding to and modifying definitions; adding to powers and duties of the Commissioner of Health, repealing 63 O.S. 1991, Section 330.81, which relates to the powers and duties of the State Board of Health concerning certain emergency medical services; repealing 330.90, 330.91, 330.92, 330.93, 330.94, 330.95, as amended by Section 1, Chapter 198, O.S.L. 1997, and 330.96 (63 O.S. Supp. 1998, Section 330.95), which relate to the Emergency Medical Services and Care Systems Act; providing for recodification; and providing an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 1991, Section 1-2501, is amended to read as follows:

Section 1-2501. ~~Sections 5 through 18 of this act~~ 1-2502 through 1-2521 of this title shall be known and may be cited as the "Oklahoma Emergency ~~Medical Services~~ Response Systems Development Act".

SECTION 2. AMENDATORY 63 O.S. 1991, Section 1-2502, is amended to read as follows:

Section 1-2502. The Legislature hereby finds and declares that ~~there:~~

1. There is a critical shortage of ~~professionally trained~~ medical personnel providers of emergency care for:

1           a. the delivery of fast, efficient emergency medical care  
2           for the sick and injured at the scene of a medical  
3           emergency and during transport to a health care  
4           facility; and

5           b. the delivery of stabilizing and definitive care at a  
6           health care facility; and

7           2. ~~that~~ Improved emergency service is required to reduce the  
8 mortality rate during the first critical minutes immediately  
9 following the onset of a medical emergency.

10           SECTION 3.           AMENDATORY           63 O.S. 1991, Section 1-2503, is  
11 amended to read as follows:

12           Section 1-2503. As used in ~~this act~~ the Oklahoma Emergency  
13 Response Systems Development Act:

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

21           2. "Ambulance authority" means any public trust or nonprofit  
22 corporation established by the state or any unit of local government  
23 or combination of units of government for the express purpose of  
24 providing, directly or by contract, emergency medical services in a  
25 specified area of the state;

26           3. "Ambulance patient" or "patient" means any person ~~or persons~~  
27 who is or will be transported in a reclining position to or from a  
28 health care facility in an ambulance ~~in a reclining position;~~

29           4. "Ambulance service" means any private firm or governmental  
30 agency which is or should be licensed by the Department to provide  
31 ~~Basic, Intermediate, Paramedic or Specialized Mobile Intensive Care~~  
32

1 levels of medical care based on certification standards promulgated  
2 by the Board;

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

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

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

12 ~~6.~~ 8. "Commissioner" means the State Commissioner of Health;

13 ~~7.~~ 9. "Council" means the Oklahoma Emergency ~~Medical Service~~  
14 Response System Advisory Council;

15 ~~8.~~ 10. "Department" means the State Department of Health;

16 ~~9.~~ 11. "Emergency medical services system ~~(EMSS)~~" means a  
17 system which provides for the organization and appropriate  
18 designation of personnel, facilities and equipment for the effective  
19 and coordinated local, regional and statewide delivery of health  
20 care services primarily under emergency conditions;

21 ~~10.~~ 12. "Emergency Medical Technician/Basic, Emergency Medical  
22 Technician/Intermediate, Emergency Medical Technician/Advanced  
23 Cardiac, or Emergency Medical Technician/Paramedic" means an  
24 individual licensed by the Department to perform emergency medical  
25 services in accordance with ~~this act~~ the Oklahoma Emergency Response  
26 Systems Development Act and in accordance with the rules,  
27 ~~regulations~~ and standards promulgated by the ~~State~~ Board;

28 ~~11.~~ 13. "First responder" means an individual certified by the  
29 Department to perform emergency medical services in accordance with  
30 ~~this act~~ the Oklahoma Emergency Response Systems Development Act and  
31 in accordance with the rules,~~regulations~~ and standards promulgated  
32 by the ~~State~~ Board;

1       ~~12.~~ 14. "First response agency" means an organization of any  
2 type certified by the Department to provide emergency medical care,  
3 but not transport. First response agencies may utilize certified  
4 first responders or licensed emergency medical technicians;  
5 provided, however, that all personnel so utilized shall function  
6 under the direction of and consistent with guidelines for medical  
7 control;

8       ~~13.~~ 15. "Licensure" means the licensing of emergency medical  
9 care providers and ambulance services pursuant to rules, ~~regulations~~  
10 and standards promulgated by the ~~State~~ Board at one or more of the  
11 following levels:

- 12           a. Basic life support,
- 13           b. Intermediate life support,
- 14           c. Paramedic life support, and
- 15           d. Specialized Mobile Intensive Care, which shall be used  
16               solely for inter-hospital transport of patients  
17               requiring specialized en route medical monitoring and  
18               advanced life support which exceed the capabilities of  
19               the equipment and personnel provided by paramedic life  
20               support.

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

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

30       ~~14.~~ 16. "Medical control" means local, regional or statewide  
31 medical direction and quality assurance of health care delivery in  
32 an emergency medical service system. On-line medical control is the

1 medical direction given to emergency medical personnel by a  
2 physician via radio or telephone. Off-line medical control is the  
3 establishment and monitoring of all medical components of an  
4 emergency medical service system, including but not limited to  
5 protocols, standing orders, educational programs, and the quality  
6 and delivery of on-line control;

7 ~~15.~~ 17. "Medical director" means a physician, fully licensed  
8 without restriction, who acts as a paid or volunteer medical advisor  
9 to a licensed ambulance service and who monitors and directs the  
10 care so provided. Such physicians shall meet such qualifications  
11 and requirements as may be promulgated by the ~~State~~ Board;

12 ~~16.~~ 18. "Region" or "emergency medical service region" means  
13 two or more municipalities, counties, ambulance districts or other  
14 political subdivisions exercising joint control over one or more  
15 providers of emergency medical services through common ordinances,  
16 authorities, boards or other means, and which are established  
17 pursuant to the provisions of the Oklahoma Interlocal Cooperation  
18 Act, ~~Section 1001 et seq. of Title 74 of the Oklahoma Statutes;~~

19 ~~17.~~ 19. "Regional emergency medical services system (~~regional~~  
20 ~~EMSS~~)" means a network of organizations, individuals, facilities and  
21 equipment which serve a region, subject to a unified set of regional  
22 ~~standards, rules and regulations~~ standards which may exceed, but may  
23 not be in contravention of, those required by the state, under the  
24 medical direction of a single regional medical director and which  
25 participates directly in the delivery of the following services:

- 26 a. medical call-taking and ~~EMS~~ emergency medical services  
27 dispatching, emergency and routine, including priority  
28 dispatching of first response agencies and ambulances,
- 29 b. first response services provided by first response  
30 agencies,
- 31 c. ambulance services, both emergency and routine,  
32 including, but not limited to the transport of

1 patients in accordance with transport protocols  
2 approved by the regional medical director, and

3 d. directions given by physicians directly via radio or  
4 telephone, or by written protocol, to first response  
5 agencies or ambulance personnel at the scene of an  
6 emergency or while en route to a hospital;

7 ~~18.~~ 20. "Regional medical director" means a licensed physician,  
8 who meets or exceeds the qualifications of a medical director as  
9 defined by ~~this act~~ the Oklahoma Emergency Response Systems  
10 Development Act, chosen by an emergency medical service region to  
11 provide external medical oversight, quality control and related  
12 services to that region;

13 ~~19.~~ 21. "Registration" means the listing of an ambulance  
14 service in a registry maintained by the Department. The  
15 registration shall not be deemed to be a license;

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

17 ~~21.~~ 22. "Transport protocol" means the written instructions  
18 governing decision-making at the scene of medical emergencies by  
19 ambulance personnel regarding the selection of the hospital to which  
20 the patient shall be transported. Transport protocols shall be  
21 developed by the regional medical director for a regional ~~EMSS~~  
22 emergency medical services system or by the Department if no  
23 regional ~~EMSS~~ emergency medical services system has been  
24 established. Such transport protocols shall adhere to, at a  
25 minimum, the following guidelines:

26 a. nonemergency, routine transport shall be to the  
27 facility of the patient's choice,

28 b. urgent or emergency transport not involving life-  
29 threatening medical illness or injury shall be to the  
30 nearest facility, or, subject to transport  
31 availability and system area coverage, to the facility  
32 of the patient's choice.

1 c. life-threatening medical illness or injury shall  
2 require transport to the nearest health care facility  
3 appropriate to the needs of the patient as established  
4 by regional or state guidelines.

5 SECTION 4. AMENDATORY 63 O.S. 1991, Section 1-2511, as  
6 amended by Section 1, Chapter 236, O.S.L. 1994 (63 O.S. Supp. 1998,  
7 Section 1-2511), is amended to read as follows:

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

11 1. Administer and coordinate all federal and state programs,  
12 not specifically assigned by state law to other state agencies,  
13 which include provisions of the Federal Emergency Medical Services  
14 Systems Act and other federal laws and programs relating to the  
15 development of emergency medical services in this state. The  
16 administration and coordination of federal and state laws and  
17 programs relating to the development, planning, prevention,  
18 improvement and management of emergency medical services, including  
19 but not limited to the staffing of the Oklahoma ~~EMS~~ Emergency  
20 Response System Advisory Council, shall be conducted by the Division  
21 of Emergency Medical Services, as prescribed by Section 1-2510 of  
22 this title;

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

29 3. Coordinate the efforts of local units of government to  
30 establish service districts and set up boards of trustees or other  
31 authorities to operate and finance emergency medical services in the  
32 state as provided under Section 9C of Article X of the Oklahoma

1 Constitution or under Sections 1201 through 1221 of Title 19 of the  
2 Oklahoma Statutes. The Commissioner shall evaluate all proposed  
3 district areas and operational systems to determine the feasibility  
4 of their economic and health services delivery;

5 4. Prepare, maintain and utilize a comprehensive plan and  
6 program for emergency medical services development throughout the  
7 state to be adopted by the State Board of Health and incorporated  
8 within the State Health Plan. The plan shall establish goals,  
9 objectives and standards for a statewide integrated system and a  
10 timetable for accomplishing and implementing different elements of  
11 the system. The plan shall also include, but not be limited to, all  
12 components of an emergency medical services system; regional and  
13 statewide planning; the establishment of standards and the  
14 appropriate criteria for the designation of facilities; data  
15 collection and quality assurance; and funding;

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

22 6. Develop a standard report form which may be used by local,  
23 regional and statewide emergency medical services and ~~EMS~~ emergency  
24 medical services systems to facilitate the collection of data  
25 related to the provision of emergency medical and trauma care. The  
26 Commissioner shall also develop a standardized ~~EMS~~ emergency medical  
27 services data set and an electronic submission standard which may,  
28 at the option of each ambulance service, be utilized in lieu of the  
29 standard report for the submission of required data. Each ambulance  
30 service shall submit the information required in this section  
31 through either the standard form or electronic data set at such  
32

1 intervals as may be prescribed by rules promulgated by the State  
2 Board of Health;

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

7 8. Provide an emergency medical technicians' and ambulance  
8 service licensure program;

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

15 a. the design of all medical aspects and components of  
16 emergency medical services systems,

17 b. the appropriateness of all standards for medical and  
18 patient care operations or services, treatment  
19 procedures and protocols,

20 c. the implementation and facilitation of regional EMS  
21 Systems, and

22 d. such other matters and activities as directed by the  
23 Commissioner or the Commissioner's designee;

24 10. Employ and prescribe the duties of employees as may be  
25 necessary to administer the provisions of ~~this act~~ the Oklahoma  
26 Emergency Response Systems Development Act; and

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

30 12. Develop a classification system for all hospitals that  
31 treat emergency patients. The classification system shall:  
32

- 1           a. identify stabilizing and definitive emergency services  
2           provided by each hospital;  
3           b. requires each hospital to notify the regional emergency  
4           medical services system control when treatment services  
5           are at maximum capacity and that emergency patients  
6           should be diverted to another hospital; and

7           13. Develop and monitor a statewide emergency medical services  
8 and trauma analysis system designed to:

- 9           a. identify emergency patients and severely injured trauma  
10           patients treated in Oklahoma;  
11           b. identify the total amount of uncompensated emergency  
12           care provided each fiscal year by each hospital and  
13           ambulance service in Oklahoma; and  
14           c. monitor emergency patient care provided by emergency  
15           medical service and hospitals.

16           SECTION 5.           RECODIFICATION           63 O.S. 1991, Sections 2451  
17 through 2455, shall be recodified as Sections 1-2517 through 1-2521  
18 of Title 63 of the Oklahoma Statutes, respectively, unless there is  
19 created a duplication in numbering.

20           SECTION 6.           REPEALER           63 O.S. 1991, Sections 330.81,  
21 330.90, 330.91, 330.92, 330.93, 330.94, 330.95, as amended by  
22 Section 1, Chapter 198, O.S.L. 1997, and 330.96 (63 O.S. Supp. 1998,  
23 Section 330.95), are hereby repealed.

24           SECTION 7.           This act shall become effective November 1, 1999.

26           47-1-6366           KSM           6/11/15