

CS for SB 531

THE STATE SENATE
Monday, February 26, 2007

Committee Substitute for
Senate Bill No. 531

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 531 - By: ANDERSON of the Senate and ROAN of the House.

[public health and safety - emergency response systems - effective date]

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

SECTION 1. AMENDATORY 63 O.S. 2001, Section 1-2503, as last amended by Section 1, Chapter 155, O.S.L. 2006 (63 O.S. Supp. 2006, 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 as required. 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

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

3 3. "Ambulance patient" or "patient" means any person who is or
4 will be transported in a reclining position to or from a health care
5 facility in an ambulance;

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

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

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

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

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

20 9. "Council" means the Oklahoma Emergency Response Systems
21 Development Advisory Council;

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

1 11. "Emergency Medical Dispatch (EMD)" means a process where
2 calls for emergency medical services are managed by personnel
3 trained in a Department-approved standard curriculum, using
4 Department-approved standard protocols and directed by a Department-
5 approved physician medical director;

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

11 ~~12.~~ 13. "Emergency Medical Technician/Basic, Emergency Medical
12 Technician/Intermediate, Emergency Medical Technician/Advanced
13 Cardiac, or Emergency Medical Technician/Paramedic" means an
14 individual licensed by the Department to perform emergency medical
15 services in accordance with the Oklahoma Emergency Response Systems
16 Development Act and in accordance with the rules and standards
17 promulgated by the Board;

18 ~~13.~~ 14. "First responder" means an individual certified by the
19 Department to perform emergency medical services in accordance with
20 the Oklahoma Emergency Response Systems Development Act and in
21 accordance with the rules and standards promulgated by the Board;

22 ~~14.~~ 15. "First response agency" means an organization of any
23 type certified by the Department to provide emergency medical care,

1 but not transport. First response agencies may utilize certified
2 first responders or licensed emergency medical technicians;
3 provided, however, that all personnel so utilized shall function
4 under the direction of and consistent with guidelines for medical
5 control;

6 ~~15.~~ 16. "Licensure" means the licensing of emergency medical
7 care providers and ambulance services pursuant to rules and
8 standards promulgated by the Board at one or more of the following
9 levels:

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

20 Requirements for each level of care shall be established by the
21 Board. Licensure at any level of care includes a license to operate
22 at any lower level, with the exception of licensure for Specialized
23 Mobile Intensive Care; provided, however, that the highest level of

1 care offered by an ambulance service shall be available twenty-four
2 (24) hours each day, three hundred sixty-five (365) days per year.

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

5 ~~16.~~ 17. "Medical control" means local, regional or statewide
6 medical direction and quality assurance of health care delivery in
7 an emergency medical service system. On-line medical control is the
8 medical direction given to emergency medical personnel and stretcher
9 aid van personnel by a physician via radio or telephone. Off-line
10 medical control is the establishment and monitoring of all medical
11 components of an emergency medical service system, which is to
12 include stretcher aid van service including, but not limited to,
13 protocols, standing orders, educational programs, and the quality
14 and delivery of on-line control;

15 ~~17.~~ 18. "Medical director" means a physician, fully licensed
16 without restriction, who acts as a paid or volunteer medical advisor
17 to a licensed ambulance service and who monitors and directs the
18 care so provided. Such physicians shall meet such qualifications
19 and requirements as may be promulgated by the Board;

20 ~~18.~~ 19. "Medical Emergency Resource Center (MERC)" means a
21 resource that operates to coordinate medical responders in times of
22 disaster or urgent public health needs;

1 20. "Region" or "emergency medical service region" means two or
2 more municipalities, counties, ambulance districts or other
3 political subdivisions exercising joint control over one or more
4 providers of emergency medical services and stretcher aid van
5 service through common ordinances, authorities, boards or other
6 means;

7 ~~19.~~ 21. "Regional emergency medical services system" means a
8 network of organizations, individuals, facilities and equipment
9 which serves a region, subject to a unified set of regional rules
10 and standards which may exceed, but may not be in contravention of,
11 those required by the state, which is under the medical direction of
12 a single regional medical director, and which participates directly
13 in the delivery of the following services:

- 14 a. medical call-taking and emergency medical services
15 dispatching, emergency and routine, including priority
16 dispatching of first response agencies, stretcher aid
17 van and ambulances,
18 b. first response services provided by first response
19 agencies,
20 c. ambulance services, both emergency, routine and
21 stretcher aid van including, but not limited to, the
22 transport of patients in accordance with transport

1 protocols approved by the regional medical director,
2 and

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

8 ~~20.~~ 22. "Regional medical director" means a licensed physician,
9 who meets or exceeds the qualifications of a medical director as
10 defined by the Oklahoma Emergency Response Systems Development Act,
11 chosen by an emergency medical service region to provide external
12 medical oversight, quality control and related services to that
13 region;

14 ~~21.~~ 23. "Regional Medical Response System (RMRS)" means a
15 Department-recognized system that coordinates multiple providers of
16 emergency medical services using a common medical director,
17 emergency dispatch services, treatment protocols and quality
18 improvement activities, both in daily operations and disaster
19 conditions;

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

1 ~~22.~~ 25. "Stretcher aid van" means any ground vehicle which is
2 or should be approved by the State Commissioner of Health, which is
3 designed and equipped to transport individuals on a stretcher or
4 gurney type apparatus. Vehicles used as stretcher aid vans shall
5 meet such standards as may be required by the State Board of Health
6 for approval and shall display evidence of such approval at all
7 times. Stretcher aid van services shall only be permitted and
8 approved by the Commissioner in emergency medical service regions,
9 ambulance service districts, or municipalities with populations in
10 excess of 300,000 people. Notwithstanding the provisions of this
11 paragraph, stretcher aid van transports may be made to and from any
12 federal or state veterans facility;

13 ~~23.~~ 26. "Stretcher aid van patient" means any person who is or
14 will be transported in a reclining position on a stretcher or
15 gurney, who is medically stable, non-emergent and does not require
16 any medical monitoring equipment or assistance during transport; and

17 ~~24.~~ 27. "Transport protocol" means the written instructions
18 governing decision-making at the scene of a medical emergency 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 emergency
22 medical services system or by the Department if no regional
23 emergency medical services system has been established. Such

1 transport protocols shall adhere to, at a minimum, the following
2 guidelines:

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

14 SECTION 2. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 1-2512.1 of Title 63, unless
16 there is created a duplication in numbering, reads as follows:

17 There is hereby created in the State Treasury a revolving fund
18 for the State Department of Health to be designated the "Oklahoma
19 Emergency Response Systems Development Revolving Fund". The fund
20 shall be a continuing fund, not subject to fiscal year limitations,
21 and shall consist of all monies received by the State Department of
22 Health from state and federal appropriations. All monies accruing
23 to the credit of said fund are hereby appropriated and may be

1 budgeted and expended by the Division of Emergency Medical Services
2 for the purpose of funding assessment activities, providing grants
3 for the development of regional emergency medical services systems,
4 and providing capital and equipment grants. Expenditures from said
5 fund shall be made upon warrants issued by the State Treasurer
6 against claims filed as prescribed by law with the Director of State
7 Finance for approval and payment.

8 SECTION 3. AMENDATORY 63 O.S. 2001, Section 1-2511, as
9 amended by Section 3, Chapter 204, O.S.L. 2005 (63 O.S. Supp. 2006,
10 Section 1-2511), is amended to read as follows:

11 Section 1-2511. The State Commissioner of Health shall have the
12 following powers and duties with regard to an Oklahoma Emergency
13 Medical Services Improvement Program:

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

1 Division of Emergency Medical Services, as prescribed by Section 1-
2 2510 of this title;

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

9 3. Coordinate the efforts of local units of government to
10 establish service districts and set up boards of trustees or other
11 authorities to operate and finance emergency medical services in the
12 state as provided under Section 9C of Article X of the Oklahoma
13 Constitution or under Sections 1201 through 1221 of Title 19 of the
14 Oklahoma Statutes. The Commissioner shall evaluate all proposed
15 district areas and operational systems to determine the feasibility
16 of their economic and health services delivery;

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

1 components of an emergency medical services system; regional and
2 statewide planning; the establishment of standards and the
3 appropriate criteria for the designation of facilities; data
4 collection and quality assurance; and funding;

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

11 6. Develop a standard report form which may be used by local,
12 regional and statewide emergency medical services and emergency
13 medical services systems to facilitate the collection of data
14 related to the provision of emergency medical and trauma care. The
15 Commissioner shall also develop a standardized emergency medical
16 services data set and an electronic submission standard. Each
17 ambulance service shall submit the information required in this
18 section at such intervals as may be prescribed by rules promulgated
19 by the State Board of Health;

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

- 1 8. Provide an emergency medical technicians' and ambulance
2 service licensure program;
- 3 9. Develop and maintain a comprehensive training program for
4 emergency medical services medical directors;
- 5 10. Create a standing Medical Direction Subcommittee of the
6 Advisory Council to be composed entirely of physicians who are or
7 who have been medical directors or regional medical directors,
8 including the medical directors of each Regional Medical Response
9 System. Members of the Subcommittee shall be appointed by and shall
10 serve at the pleasure of the Commissioner. The Subcommittee shall
11 advise the Commissioner or the Commissioner's designee on the
12 following:
- 13 a. the design of all medical aspects and components of
14 emergency medical services systems,
 - 15 b. the appropriateness of all standards for medical and
16 patient care operations or services, treatment
17 procedures and protocols,
 - 18 c. the implementation and facilitation of regional EMS
19 Systems, and
 - 20 d. such other matters and activities as directed by the
21 Commissioner or the Commissioner's designee;

1 ~~10.~~ 11. Employ and prescribe the duties of employees as may be
2 necessary to administer the provisions of the Oklahoma Emergency
3 Response Systems Development Act;

4 ~~11.~~ 12. Apply for and accept public and private gifts, grants,
5 donations and other forms of financial assistance designed for the
6 support of emergency medical services;

7 ~~12.~~ 13. Develop a classification system for all hospitals that
8 treat emergency patients. The classification system shall:

- 9 a. identify stabilizing and definitive emergency services
10 provided by each hospital,
- 11 b. requires each hospital to notify the regional
12 emergency medical services system control when
13 treatment services are at maximum capacity and that
14 emergency patients should be diverted to another
15 hospital; ~~and~~

16 ~~13.~~ 14. Develop and monitor a statewide emergency medical
17 services and trauma analysis system designed to:

- 18 a. identify emergency patients and severely injured
19 trauma patients treated in Oklahoma,
- 20 b. identify the total amount of uncompensated emergency
21 care provided each fiscal year by each hospital and
22 ambulance service in Oklahoma, and

1 c. monitor emergency patient care provided by emergency
2 medical service and hospitals;

3 15. Establish and administer Regional Medical Response Systems
4 (RMRSS) statewide to coordinate medical responses in cooperation
5 with other emergency management agencies;

6 16. Establish a transition plan to ensure that the operations
7 of the Medical Emergency Response Centers shall not cease to exist
8 in the event of a loss of federal funding; and

9 17. Establish a transition plan to ensure that the operations
10 of the regional emergency medical services disaster response teams
11 as developed under the United States Health Resources and Services
12 Administration grants shall not cease to exist in the event of a
13 loss of federal funding.

14 SECTION 4. This act shall become effective November 1, 2007.

15 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-21-07 - DO
16 PASS, As Amended and Coauthored.