

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 HOUSE BILL 2428

By: Roan

4  
5 AS INTRODUCED

6 An Act relating to emergency medical services;  
7 amending 19 O.S. 2011, Section 1210, which relates to  
8 the Ambulance Service Districts Act; empowering  
9 county to raise revenue for ambulance services;  
10 exempting county from consumer sales tax limitation;  
11 empowering town or city to raise revenue for  
12 ambulance services; amending 63 O.S. 2011, Section 1-  
13 2511, which relates to the Oklahoma Emergency  
14 Response Systems Development Act; transferring duties  
15 and oversight to the Emergency Medical Services  
16 Board; amending 63 O.S. 2011, Section 1-2530.9, which  
17 relates to the Trauma Care Assistance Revolving Fund;  
18 directing how to allocate certain monies; amending 68  
19 O.S. 2011, Section 1370, which relates to county  
20 sales tax; providing exemption for consumer sales  
21 taxes levied for certain purpose; creating the  
22 Oklahoma Emergency Medical Services Act; defining  
23 terms; abolishing Division of Emergency Medical  
24 Services; transferring duties to Emergency Medical  
Services Board; abolishing certain duties of the  
State Commissioner of Health; transferring duties to  
Board or Administrator; establishing Emergency  
Medical Services Board; outlining Board membership;  
describing appointment procedures for Board;  
providing for removal of Board member; outlining  
terms for members; setting minimum meeting  
requirements; providing for annual election of chair  
and vice-chair; authorizing travel reimbursement;  
directing Board appoint an Administrator; authorizing  
Administrator to hire employees; stating how  
employees are classified; providing for succession of  
certain duties and functions; providing for  
continuation of contracts or agreements based on  
succession; stating certain orders and rules to  
remain in effect through succession; providing Board  
to succeed certain powers, duties and functions;

1 providing for succession of all records; and  
2 unexpended balances of fees; transferring employment;  
3 providing for retention of earned leave and  
4 retirement, longevity and other benefits; providing  
5 for continuous service of employees; directing  
6 Governor resolve any conflicts during transfer;  
7 providing Board succession of property and unexpended  
8 appropriations; retaining lawsuit rights following  
9 transfer; mandating Board duties; directing Board  
10 adopt rules; exempting certain rescue vehicles;  
11 permitting municipality to establish an emergency  
12 medical or ambulance service; allowing annual tax  
13 levy; directing tax levy procedures; prohibiting  
14 certain ambulance services in the county; permitting  
15 municipality to establish an emergency service  
16 communication system; allowing continuation of any  
17 previously established emergency medical or ambulance  
18 services; empowering municipality to take certain  
19 actions; permitting county to establish ambulance  
20 service taxing districts; limiting liability of  
21 certain medical professionals; prohibiting operation  
22 of an ambulance service without a permit; requiring  
23 medical director to oversee emergency medical  
24 services operations; describing permit application  
process; providing for terms of permit; providing for  
permit fees; requiring medic certificate or license;  
providing for medic certificate; requiring  
examination; stating application process; providing  
for expiration and renewal of certificate; outlining  
application and certification for EMS training  
programs; requiring certain supervision for training;  
outlining application and certification for  
instructors; prohibiting or revoking certification in  
certain cases; describing application and  
certification for training officer; barring  
certification in certain cases; authorizing Board to  
inspect operation of ambulance services; allowing  
municipality to license ambulance services; allowing  
Board to revoke or deny operator's permit for certain  
reasons; providing for revocation of medic or  
instructor certification; allowing temporary  
restrictions on permits pending a hearing; mandating  
continuous ambulance services year-round; exempting  
certain entities from act; prohibiting certain acts;  
declaring violations of act to be misdemeanors;  
creating emergency medical services operating fund;  
requiring deposit of all fees to the fund; directing

1 State Treasurer oversee fund; requiring Board to  
2 develop statewide data collection system;  
3 establishing how information is gathered; providing  
4 for confidentiality; limiting liability of certain  
5 operators; establishing a Rural Emergency Medical  
6 Service Survival Fund; directing Board administer  
7 Fund; providing for funding; establishing an  
8 Emergency Medical Technician and Paramedic  
9 Scholarship Program; providing funding for  
10 scholarship; directing Board administer scholarship  
11 program; outlining requirements of program; repealing  
12 63 O.S. 2011, Section 1-2510, which relates to the  
13 Division of Emergency Medical Services; providing for  
14 codification; and providing an effective date.

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

16 SECTION 1. AMENDATORY 19 O.S. 2011, Section 1210, is  
17 amended to read as follows:

18 Section 1210. A. Each county in which any of the area of a  
19 district is located shall pay its proportionate share of the cost of  
20 the district, based on the ratio which that part of the population  
21 of such district residing in the county bears to the total  
22 population of the district. Such cost shall be paid from the county  
23 treasury, ~~but shall not exceed the equivalent of one (1) mill on~~  
24 ~~each dollar of valuation in the district.~~ The county shall have the  
power or authority to raise revenue in any manner allowed by federal  
and state law including billing for charges for county-owned  
ambulance services, sales of ambulance subscriptions, ad valorem  
taxes as authorized by Section 9C of Article X of the Oklahoma  
Constitution, or assessments on gross proceeds or gross receipts

1 derived from all sales or services which are not tax exempt in the  
2 county to cover the cost of the district. The county shall not be  
3 subject to the two-percent limitation set by Section 1370 of Title  
4 68 of the Oklahoma Statutes for any consumer sales tax levied for  
5 the purpose of funding emergency medical services pursuant to the  
6 Ambulance Service Districts Act.

7 B. Any incorporated town or city that is a party to the  
8 district shall pay a proportionate share of the cost of the  
9 district<sub>7</sub>. The share shall be based on the ratio which that part of  
10 the population of such district residing in the town or city<sub>7</sub> bears  
11 to the total population of the district. Any incorporated town or  
12 city shall have the power or authority to raise revenue in any  
13 manner allowed under federal and state law including billing for  
14 charges for city-owned ambulance services, sales of ambulance  
15 subscriptions, a levy of sales taxes, municipal utility fees, ad  
16 valorem taxes as authorized by Section 9C of Article X of the  
17 Oklahoma Constitution, or assessments on gross proceeds or gross  
18 receipts derived from all sales or services which are not tax exempt  
19 in the town or city to cover the cost of the district.

20 C. Such cost shall include so much of the following as is not  
21 paid from revenues of the district:

22 1. All operating and maintenance expenses necessary or  
23 desirable for the prudent conduct of affairs of the district and the  
24 principal of and interest on the obligations issued or assumed by

1 the district in the performance of the purposes for which it was  
2 organized; and

3 2. Adequate reserves for the retirement of indebtedness,  
4 maintenance and other purposes necessary and expedient to meeting  
5 all obligations of the district.

6 D. Any revenue received by the district shall be devoted,  
7 first, to the payment of operating and maintenance expenses and the  
8 principal and interest on outstanding obligations and, thereafter,  
9 to such reserves for improvements, retirement of indebtedness, new  
10 construction, depreciation and contingencies as the board of  
11 directors may from time to time prescribe.

12 SECTION 2. AMENDATORY 63 O.S. 2011, Section 1-2511, is  
13 amended to read as follows:

14 Section 1-2511. The ~~State Commissioner of Health~~ Emergency  
15 Medical Services Board shall have the following powers and duties  
16 with regard to an Oklahoma Emergency Medical Services Improvement  
17 Program:

18 1. Administer and coordinate all federal and state programs,  
19 not specifically assigned by state law to other state agencies,  
20 which include provisions of the Federal Emergency Medical Services  
21 Systems Act and other federal laws and programs relating to the  
22 development of emergency medical services in this state. The  
23 administration and coordination of federal and state laws and  
24 programs relating to the development, planning, prevention,

1 improvement and management of emergency medical services, including  
2 but not limited to the staffing of the ~~Oklahoma Emergency Response~~  
3 ~~Systems Development Advisory Council~~ Emergency Medical Services  
4 Board, shall be conducted by the ~~Division of~~ Emergency Medical  
5 Services Board, as prescribed by Section ~~1-2510~~ 6 of this ~~title~~ act;

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

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

21 4. Prepare, maintain and utilize a comprehensive plan and  
22 program for emergency medical services development throughout the  
23 state to be ~~adopted by~~ provided to the State Board of Health and  
24 incorporated within the State Health Plan. The plan shall establish

1 goals, objectives and standards for a statewide integrated system  
2 and a timetable for accomplishing and implementing different  
3 elements of the system. The plan shall also include, but not be  
4 limited to, all components of an emergency medical services system;  
5 regional and statewide planning; the establishment of standards and  
6 the appropriate criteria for the designation of facilities; data  
7 collection and quality assurance; and funding;

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

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

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

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

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



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

4        11. 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. 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. Develop and monitor a statewide emergency medical services  
17 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  
23            c. monitor emergency patient care provided by emergency  
24            medical service and hospitals.

1 SECTION 3. AMENDATORY 63 O.S. 2011, Section 1-2530.9, is  
2 amended to read as follows:

3 Section 1-2530.9 A. There is hereby created in the State  
4 Treasury a revolving fund for the State Department of Health to be  
5 designated the "Trauma Care Assistance Revolving Fund". The fund  
6 shall be a continuing fund, not subject to fiscal year limitations,  
7 and shall consist of all monies received by the State Department of  
8 Health from monies apportioned thereto for purposes of this section.  
9 All monies accruing to the credit of the fund are hereby  
10 appropriated and may be budgeted and expended by the Department as  
11 follows:

12 1. Ninety percent (90%) of such monies shall be used for the  
13 Rural Emergency Medical Service Survival Fund, Emergency Medical  
14 Technician and Paramedic Scholarship Program and to reimburse  
15 recognized trauma facilities, licensed ambulance service providers  
16 and physicians for uncompensated trauma care expenditures as  
17 documented in the statewide emergency medical services and trauma  
18 analysis system developed pursuant to the provisions of Section 1-  
19 2511 of this title. In lieu of or in combination with reimbursement  
20 for uncompensated care, monies from the fund may also be used to  
21 support readiness costs incurred by recognized trauma facilities  
22 associated with ensuring a stable trauma care system with  
23 availability of twenty-four-hour physician services for the  
24 provision of trauma care. Any monies used for the treatment of

1 Medicaid-eligible patients that are subsequently used to establish  
2 federal matching fund requirements shall also be reimbursed to  
3 eligible trauma facilities, licensed ambulance service providers and  
4 physicians; and

5 2. Ten percent (10%) of such monies shall be used by the  
6 ~~Department~~ Emergency Medical Services Board in the furtherance of  
7 its powers and duties set forth in the Oklahoma Emergency Response  
8 Systems Development Act.

9 B. Expenditures from the fund shall be made upon warrants  
10 issued by the State Treasurer against claims filed as prescribed by  
11 law with the Director of the Office of State Finance for approval  
12 and payment.

13 C. The State Board of Health shall establish by rule a formula  
14 and procedure for the distribution of funds for uncompensated trauma  
15 care and/or readiness costs that shall provide for the allocation of  
16 funds to hospitals, ambulance service providers and physicians.

17 D. Annually, monies accumulated in the fund may be transferred  
18 to the Oklahoma Health Care Authority, by order of the State  
19 Commissioner of Health, to maximize Medicaid reimbursement of trauma  
20 care. The Oklahoma Health Care Authority shall use these funds with  
21 federal matching funds to reimburse hospitals, ambulance service  
22 providers and physicians for trauma care provided to severely  
23 injured patients who are participants in Medicaid.

24

1 E. An annual report detailing the disbursements from the fund  
2 shall be provided on January 1 of each year to the Speaker of the  
3 House of Representatives, the President Pro Tempore of the Senate,  
4 and the Chair of each health-related committee of both the House of  
5 Representatives and the Senate.

6 SECTION 4. AMENDATORY 68 O.S. 2011, Section 1370, is  
7 amended to read as follows:

8 Section 1370. A. Any county of this state may levy a sales tax  
9 of not to exceed two percent (2%) upon the gross proceeds or gross  
10 receipts derived from all sales or services in the county upon which  
11 a consumer's sales tax is levied by this state. Before a sales tax  
12 may be levied by the county, the imposition of the tax shall first  
13 be approved by a majority of the registered voters of the county  
14 voting thereon at a special election called by the board of county  
15 commissioners or by initiative petition signed by not less than five  
16 percent (5%) of the registered voters of the county who were  
17 registered at the time of the last general election. However, if a  
18 majority of the registered voters of a county voting fail to approve  
19 such a tax, the board of county commissioners shall not call another  
20 special election for such purpose for six (6) months. Any sales tax  
21 approved by the registered voters of a county shall be applicable  
22 only when the point of sale is within the territorial limits of such  
23 county. Any sales tax levied or any change in the rate of a sales  
24 tax levied pursuant to the provisions of this section shall become

1 effective on the first day of the calendar quarter following  
2 approval by the voters of the county unless another effective date,  
3 which shall also be on the first day of a calendar quarter, is  
4 specified in the ordinance or resolution levying the sales tax or  
5 changing the rate of sales tax.

6 B. The Oklahoma Tax Commission shall give notice to all vendors  
7 of a rate change at least sixty (60) days prior to the effective  
8 date of the rate change. Provided, for purchases from printed  
9 catalogs wherein the purchaser computed the tax based upon local tax  
10 rates published in the catalog, the rate change shall not be  
11 effective until the first day of a calendar quarter after a minimum  
12 of one hundred twenty (120) days' notice to vendors. Failure to  
13 give notice as required by this section shall delay the effective  
14 date of the rate change to the first day of the next calendar  
15 quarter.

16 C. Initiative petitions calling for a special election  
17 concerning county sales tax proposals shall be in accordance with  
18 Sections 2, 3, 3.1, 6, 18 and 24 of Title 34 of the Oklahoma  
19 Statutes. Petitions shall be submitted to the office of county  
20 clerk for approval as to form prior to circulation. Following  
21 approval, the petitioner shall have ninety (90) days to secure the  
22 required signatures. After securing the requisite number of  
23 signatures, the petitioner shall submit the petition and signatures  
24 to the county clerk. Following the verification of signatures, the

1 county clerk shall present the petition to the board of county  
2 commissioners. The special election shall be held within sixty (60)  
3 days of receiving the petition. The ballot title presented to the  
4 voters at the special election shall be identical to the ballot as  
5 presented in the initiative petition.

6 D. Subject to the provisions of Section 1357.10 of this title,  
7 all items that are exempt from the state sales tax shall be exempt  
8 from any sales tax levied by a county.

9 E. Any sales tax which may be levied by a county shall be  
10 designated for a particular purpose. Such purposes may include, but  
11 are not limited to, projects owned by the state, any agency or  
12 instrumentality thereof, the county and/or any political subdivision  
13 located in whole or in part within such county, regional  
14 development, economic development, common education, general  
15 operations, capital improvements, county roads, weather modification  
16 or any other purpose deemed, by a majority vote of the county  
17 commissioners or as stated by initiative petition, to be necessary  
18 to promote safety, security and the general well-being of the  
19 people, including any authorized purpose pursuant to the Oklahoma  
20 Community Economic Development Pooled Finance Act. The county shall  
21 identify the purpose of the sales tax when it is presented to the  
22 voters pursuant to the provisions of subsection A of this section.  
23 Except as otherwise provided in this section and except as required  
24 by the Oklahoma Community Economic Development Pooled Finance Act,

1 the proceeds of any sales tax levied by a county shall be deposited  
2 in the general revenue or sales tax revolving fund of the county and  
3 shall be used only for the purpose for which such sales tax was  
4 designated. If the proceeds of any sales tax levied by a county  
5 pursuant to this section are pledged for the purpose of retiring  
6 indebtedness incurred for the specific purpose for which the sales  
7 tax is imposed, the sales tax shall not be repealed until such time  
8 as the indebtedness is retired. However, in no event shall the life  
9 of the tax be extended beyond the duration approved by the voters of  
10 the county.

11 F. 1. Notwithstanding any other provisions of law, any county  
12 that has approved a sales tax for the construction, support or  
13 operation of a county hospital may continue to collect such tax if  
14 such hospital is subsequently sold. Such collection shall only  
15 continue if the county remains indebted for the past construction,  
16 support or operation of such hospital. The collection may continue  
17 only until the debt is repaid or for the stated term of the sales  
18 tax, whichever period is shorter.

19 2. If the construction, support or operation of a hospital is  
20 funded through the levy of a county sales tax pursuant to this  
21 section and such hospital is subsequently sold, the county levying  
22 the tax may dissolve the governing board of such hospital following  
23 the sale. Upon the sale of the hospital and dissolution of any  
24

1 governing board, the county is relieved of any future liability for  
2 the operation of such hospital.

3 G. Proceeds from any sales tax levied that is designated to be  
4 used solely by the sheriff for the operation of the office of  
5 sheriff shall be placed in the special revenue account of the  
6 sheriff.

7 H. The life of the tax could be limited or unlimited in  
8 duration. The county shall identify the duration of the tax when it  
9 is presented to the voters pursuant to the provisions of subsections  
10 A and C of this section. The maximum duration of a levy imposed  
11 pursuant to Section 14 of this act shall be no longer than allowed  
12 pursuant to the Oklahoma Community Economic Development Pooled  
13 Finance Act.

14 I. Except for the levies imposed pursuant to Section 14 of this  
15 act, there are hereby created one or more county sales tax revolving  
16 funds in each county which levies a sales tax under this section if  
17 any or all of the proceeds of such tax are not to be deposited in  
18 the general revenue fund of the county or comply with the provisions  
19 of subsection G of this section. Each such revolving fund shall be  
20 designated for a particular purpose and shall consist of all monies  
21 generated by such sales tax which are designated for such purpose.  
22 Monies in such funds shall only be expended for the purposes  
23 specifically designated as required by this section. A county sales  
24



1 tax revolving fund shall be a continuing fund not subject to fiscal  
2 year limitations.

3 J. In the case of a levy submitted for voter approval pursuant  
4 to Section 14 of this act, taxes levied by a county shall not become  
5 valid until the ordinance or resolution setting the rate of the levy  
6 shall have been approved by a majority vote of the registered voters  
7 of each such county voting on such question at a special election.  
8 Elections conducted pursuant to questions submitted pursuant to  
9 Section 14 of this act shall be conducted on the same date or in a  
10 sequence that provides that the last vote required for approval by  
11 all participating counties or municipalities occurs not later than  
12 thirty (30) days after the date upon which the first vote occurs.

13 K. The two-percent limitation on sales tax levies in subsection  
14 A of this section shall not apply to any consumer sales tax levied  
15 for the purpose of funding emergency medical services pursuant to  
16 the Ambulance Service Districts Act in Title 63 of the Oklahoma  
17 Statutes.

18 SECTION 5. NEW LAW A new section of law to be codified  
19 in the Oklahoma Statutes as Section 1-2450 of Title 63, unless there  
20 is created a duplication in numbering, reads as follows:

21 Sections 5 through 48 of this act shall be known and may be  
22 cited as the "Oklahoma Emergency Medical Services Act".  
23  
24

1 SECTION 6. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 1-2451 of Title 63, unless there  
3 is created a duplication in numbering, reads as follows:

4 As used in the Oklahoma Emergency Medical Services Act:

5 1. "Administrator" means the executive director of the  
6 Emergency Medical Services Board;

7 2. "Advanced emergency medical technician" means a person who  
8 holds an advanced emergency medical technician license pursuant to  
9 this act;

10 3. "Ambulance" means any privately or publicly owned motor  
11 vehicle, airplane or helicopter designed, constructed, prepared and  
12 equipped for use in transporting and providing emergency care for  
13 individuals who are ill or injured;

14 4. "Ambulance service" means any organization operated for the  
15 purpose of transporting sick or injured persons to or from a place  
16 where medical care is furnished, whether or not the persons may be  
17 in need of emergency or medical care in transit;

18 5. "Board" means the Emergency Medical Services Board  
19 established pursuant to this act;

20 6. "Coverage area" means the geographic area within which an  
21 emergency medical service or ambulance service provides emergency  
22 medical services.

23 7. "Critical care paramedic" means a person who holds a  
24 critical care paramedic certificate issued pursuant to this act;

1       8. "Emergency medical responder" means a person who holds an  
2 emergency medical responder certificate issued pursuant to this act;

3       9. "Emergency medical service" means the effective and  
4 coordinated delivery of care as may be required by an emergency  
5 which includes the care and transportation of individuals by  
6 ambulance services and the performance of authorized emergency care  
7 by a physician or medic;

8       10. "Emergency medical technician" means a person who holds an  
9 emergency medical technician license issued pursuant to this act;

10       11. "Hospital" means a hospital as defined by Section 1-701 of  
11 Title 63 of the Oklahoma Statutes;

12       12. "Instructor" means a person who is certified under this act  
13 to teach initial courses of certification and continuing education  
14 classes;

15       13. "Medic" means a first responder, emergency medical  
16 technician, advanced emergency medical technician, paramedic or a  
17 critical care paramedic certified or licensed pursuant to the  
18 Oklahoma Emergency Medical Services Act;

19       14. "Medical director" means a physician;

20       15. "Medical protocols" means written guidelines which  
21 authorize medics to perform certain medical procedures prior to  
22 contacting a physician;

23       16. "Municipality" means any city, county, township, fire  
24 district or ambulance service district;

1 17. "Nonemergency transportation" means the care and transport  
2 of a sick or injured person under a foreseen combination of  
3 circumstances calling for continuing care of the person. As used in  
4 this paragraph, transportation includes performance of the  
5 authorized level of services of the medic whether within or outside  
6 the vehicle as part of the transportation services;

7 18. "Operator" means a person or municipality who has a permit  
8 to operate an ambulance service in the State of Oklahoma;

9 19. "Paramedic" means a person who holds a paramedic license  
10 pursuant to this act;

11 20. "Person" means an individual, a partnership, an  
12 association, a joint-stock company or a corporation;

13 21. "Physician" means a person licensed as a medical doctor by  
14 the Oklahoma Medical Board or licensed as a doctor of osteopathy by  
15 the Oklahoma Board of Osteopathic Examiners to practice medicine and  
16 surgery;

17 22. "Physician assistant" means a person who is licensed under  
18 the Physician Assistant Act and who is acting under the direction of  
19 a responsible physician;

20 23. "Professional nurse" means a licensed professional nurse as  
21 defined by the Oklahoma Board of Nursing;

22 24. "Provider of training" means a corporation, partnership,  
23 accredited postsecondary education institution, ambulance service,  
24 fire department, hospital or municipality that conducts training

1 programs that include, but are not limited to, initial courses of  
2 instruction and continuing education for medics, instructors or  
3 training officers;

4 25. "Responsible physician" means a physician who has accepted  
5 continuous and ultimate responsibility for the medical services  
6 rendered and actions of the physician assistant while performing  
7 under the direction and supervision of the responsible physician;  
8 and

9 26. "Training officer" means a person who is certified pursuant  
10 to this act to teach initial courses of instruction for emergency  
11 medical responders and continuing education as prescribed by the  
12 Board; and

13 SECTION 7. NEW LAW A new section of law to be codified  
14 in the Oklahoma Statutes as Section 1-2452 of Title 63, unless there  
15 is created a duplication in numbering, reads as follows:

16 A. The State Department of Health Division of Emergency Medical  
17 Services established pursuant to Section 1-2510 of Title 63 of the  
18 Oklahoma Statutes shall be abolished and all of the powers, duties  
19 and functions of the Division as established pursuant to Section 1-  
20 2511 of Title 63 of the Oklahoma Statutes are transferred to and  
21 conferred and imposed upon the Emergency Medical Services Board  
22 established pursuant to the Oklahoma Emergency Medical Services Act.

23 B. The duties of the State Commissioner of Health at the State  
24 Department of Health as they relate to the Division of Emergency

1 Medical Services appointed pursuant to Section 1-2511 of Title 63 of  
2 the Oklahoma Statutes, shall be abolished and all of the powers,  
3 duties and functions of the State Commissioner of Health as they  
4 relate to the Division of Emergency Medical Services of the State  
5 Department of Health shall be transferred to and conferred and  
6 imposed upon the Emergency Medical Services Board or the  
7 Administrator thereof as provided by this act. The State  
8 Commissioner of Health and the State Department of Health shall  
9 continue to carry out the duties of that position until an  
10 Administrator is appointed and qualified pursuant to this act.

11 C. The Division of Emergency Medical Services established under  
12 Section 1-2510 of Title 63 of the Oklahoma Statutes, shall be  
13 abolished and all of the powers, duties and functions of the  
14 Oklahoma Emergency Response Systems Development Advisory Council are  
15 transferred to and conferred and imposed upon the Emergency Medical  
16 Services Board.

17 SECTION 8. NEW LAW A new section of law to be codified  
18 in the Oklahoma Statutes as Section 1-2453 of Title 63, unless there  
19 is created a duplication in numbering, reads as follows:

20 A. There is hereby established the Emergency Medical Services  
21 Board. The office of the Board shall be located in the city of  
22 Oklahoma City, Oklahoma.

23 B. The Emergency Medical Services Board shall be composed of  
24 nine (9) members to be appointed by the Governor as follows:

1           1. One member of the Oklahoma Medical Society who is actively  
2 involved in emergency medical services;

3           2. Two county commissioners of counties making a levy for  
4 ambulance service, at least one of whom shall be from a county  
5 having a population of less than fifteen thousand (15,000);

6           3. One instructor-coordinator;

7           4. One hospital administrator actively involved in emergency  
8 medical services;

9           5. One member of a firefighting unit which provides emergency  
10 medical services; and

11           6. Three licensed emergency medical technicians who are  
12 actively involved in emergency medical service. At least two levels  
13 of licensure of emergency medical technicians shall be represented.  
14 At least one of these members shall be from a service area having a  
15 population of less than five thousand (5,000).

16           C. All members of the Board shall be residents of the state.  
17 Appointments to the Board shall be made with due consideration that  
18 representation of the various geographical areas of the state is  
19 ensured. The Governor may remove any member of the Board upon  
20 recommendation of the Board. Any person appointed to a position on  
21 the Board shall forfeit the position upon vacating the office or  
22 position which qualified the person to be appointed as a member of  
23 the Board.

24

1 D. The members initially appointed to the Board shall be  
2 appointed as follows: three for terms of two (2) years, three for  
3 terms of three (3) years, and three for terms of four (4) years.  
4 Thereafter, members shall be appointed for terms of four (4) years  
5 and until their successors are appointed and qualified. In the case  
6 of a vacancy in the membership of the Board, the vacancy shall be  
7 filled for the unexpired term.

8 E. The Board shall meet at least six times annually and at  
9 least once each quarter and at the call of the chairperson or at the  
10 request of the Administrator of the Emergency Medical Services Board  
11 or of any six members of the Board. At the first meeting of the  
12 Board after January 1 each year, the members shall elect a  
13 chairperson and a vice-chairperson who shall serve for a term of one  
14 (1) year. The vice-chairperson shall exercise all of the powers of  
15 the chairperson in the absence of the chairperson. If a vacancy  
16 occurs in the office of the chairperson or vice-chairperson, the  
17 Board shall fill the vacancy by election of one of its members to  
18 serve the unexpired term of the office. Members of the Board  
19 attending meetings or subcommittee meetings of the Board shall be  
20 reimbursed pursuant to provisions of the State Travel Reimbursement  
21 Act in Title 74 of the Oklahoma Statutes.

22 F. Except as otherwise provided by law, all vouchers for  
23 expenditures of the Emergency Medical Services Board shall be  
24



1 approved by the Emergency Medical Services Board or a person  
2 designated by the Board.

3 SECTION 9. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 1-2454 of Title 63, unless there  
5 is created a duplication in numbering, reads as follows:

6 The executive director of the Emergency Medical Services Board  
7 shall be the Administrator of the Emergency Medical Services Board.  
8 The Emergency Medical Services Board shall appoint the executive  
9 director. The executive director shall be in the unclassified  
10 service under the Oklahoma Personnel Act in Title 74 of the Oklahoma  
11 Statutes and shall serve at the pleasure of the Board. The  
12 executive director shall administer the duties and responsibilities  
13 of the Emergency Medical Services Board as directed by the Board.  
14 The executive director shall hire other officers and employees as  
15 may be necessary to carry out the functions of the Emergency Medical  
16 Services Board. All the officers and employees shall serve within  
17 the classified service under the Oklahoma Personnel Act in Title 74  
18 of the Oklahoma Statutes.

19 SECTION 10. NEW LAW A new section of law to be codified  
20 in the Oklahoma Statutes as Section 1-2455 of Title 63, unless there  
21 is created a duplication in numbering, reads as follows:

22 A. Except as provided in the Oklahoma Emergency Medical  
23 Services Act, the Emergency Medical Services Board established shall  
24 be the successor in every way to the powers, duties and functions of

1 the State Department of Health Division of Emergency Medical  
2 Services established by Sections 1-2510 and 1-2511 of Title 63 of  
3 the Oklahoma Statutes, in which the same were vested prior to the  
4 effective date of this act.

5 B. Except as provided in this act, the Administrator of the  
6 Emergency Medical Services Board shall be the successor in every way  
7 to the powers, duties and functions of the State Commissioner of  
8 Health at the State Department of Health as they relate to the  
9 Division of Emergency Medical Services appointed pursuant to Section  
10 1-2511 of Title 63 of the Oklahoma Statutes, in which the same were  
11 vested prior to November 1, 2012.

12 C. Whenever the Division of Emergency Medical Services of the  
13 State Department of Health or similar words are referred to or  
14 designated by a statute, contract or other document, the reference  
15 or designation shall be deemed to apply to the Emergency Medical  
16 Services Board. Whenever the State Commissioner of Health or  
17 similar words are referred to or designated by a statute, contract  
18 or other document, related to emergency medical services, the  
19 reference or designation shall be deemed to apply to the Emergency  
20 Medical Services Board.

21 D. All orders and directives of the State Department of Health  
22 Division of Emergency Medical Services which relate to emergency  
23 medical services and which were adopted under Title 63 of the  
24 Oklahoma Statutes, Section 9 of Article X of the Oklahoma

1 Constitution and Chapter 641 of the Oklahoma Administrative Code,  
2 inclusive, in existence immediately prior to November 1, 2012, shall  
3 continue to be effective and shall be deemed to be the orders or  
4 directives of the Emergency Medical Services Board, until revised,  
5 amended, repealed or nullified pursuant to law. All rules and  
6 regulations of the State Department of Health Division of Emergency  
7 Medical Services which relate to emergency medical services and  
8 which were adopted under Title 63 of the Oklahoma Statutes, Section  
9 9 of Article X of the Oklahoma Constitution and Chapter 641 of the  
10 Oklahoma Administrative Code, inclusive, in existence immediately  
11 prior to November 1, 2012, shall continue to be effective and shall  
12 be deemed to be the rules of the Emergency Medical Services Board,  
13 until revised, amended, repealed or nullified pursuant to law.

14 SECTION 11. NEW LAW A new section of law to be codified  
15 in the Oklahoma Statutes as Section 1-2456 of Title 63, unless there  
16 is created a duplication in numbering, reads as follows:

17 A. Except as provided by the Oklahoma Emergency Medical  
18 Services Act, the Emergency Medical Services Board shall be the  
19 successor to the powers, duties and functions of the State  
20 Department of Health Division of Emergency Medical Services relating  
21 to approval of emergency medical services training and emergency  
22 medical training program approvals which were granted by the  
23 Division of Emergency Medical Services prior to the effective date  
24 of this act.

1 B. The Emergency Medical Services Board shall succeed to all  
2 records which were used for or pertain to the performance of the  
3 powers, duties and functions transferred to the Board pursuant to  
4 subsection A of this section. Any conflict as to the proper  
5 disposition of records arising under this section shall be resolved  
6 by the Governor, whose decision shall be final.

7 C. The Board shall succeed to the unexpended balance of any fee  
8 or fund money relating to the powers, duties and functions  
9 transferred to the Board pursuant to subsection A of this section.  
10 Any conflict as to the proper disposition of the money shall be  
11 resolved by the Governor, whose decision shall be final.

12 SECTION 12. NEW LAW A new section of law to be codified  
13 in the Oklahoma Statutes as Section 1-2457 of Title 63, unless there  
14 is created a duplication in numbering, reads as follows:

15 Officers and employees who were engaged immediately prior to  
16 November 1, 2012, in the performance of powers, duties and  
17 functions, which are transferred pursuant to the provisions of this  
18 act, and who, in the opinion of the Emergency Medical Services  
19 Board, are necessary to perform the powers, duties and functions of  
20 the Board shall become officers and employees of the Board. Any  
21 officer or employee shall retain all retirement benefits, including  
22 the right to retain active participation in the retirement system  
23 which the officer or employee belonged to on November 1, 2012, and  
24 all rights of civil service including but not limited to, earned

1 annual, sick and compensatory leave and longevity pay, which had  
2 accrued to or vested in the officer or employee prior to November 1,  
3 2012. The service of each officer and employee so transferred shall  
4 be deemed to have been continuous. All transfers and any  
5 abolishment of personnel in the classified service under the  
6 Oklahoma Personnel Act in Title 74 of the Oklahoma Statutes shall be  
7 in accordance with personnel laws and any rules adopted thereunder.

8 SECTION 13. NEW LAW A new section of law to be codified  
9 in the Oklahoma Statutes as Section 1-2458 of Title 63, unless there  
10 is created a duplication in numbering, reads as follows:

11 Whenever any conflict arises as to the disposition of any power,  
12 duty or function as a result of any abolishment or transfer made by  
13 the Oklahoma Emergency Medical Services Act, the conflict shall be  
14 resolved by the Governor, and the decision of the Governor shall be  
15 final.

16 SECTION 14. NEW LAW A new section of law to be codified  
17 in the Oklahoma Statutes as Section 1-2459 of Title 63, unless there  
18 is created a duplication in numbering, reads as follows:

19 The Emergency Medical Services Board shall succeed to all  
20 property and records which were used for, or pertain to, the  
21 performance of the powers, duties and functions transferred to the  
22 Board pursuant to the Oklahoma Emergency Medical Services Act. The  
23 unexpended balances of any appropriations for the State Department  
24 of Health Division of Emergency Medical Services, abolished by this

1 act, shall be transferred to the Emergency Medical Services Board to  
2 be used by the Board to carry out the powers, duties and functions  
3 transferred by this act. Any conflict as to the proper disposition  
4 of property or records or the unexpended balance of any  
5 appropriation arising under this section shall be determined by the  
6 Governor, and the decision of the Governor shall be final.

7 SECTION 15. NEW LAW A new section of law to be codified  
8 in the Oklahoma Statutes as Section 1-2460 of Title 63, unless there  
9 is created a duplication in numbering, reads as follows:

10 No suit, action or other proceeding, judicial or administrative,  
11 lawfully commenced, or which could have been commenced, by or  
12 against the State Department of Health Division of Emergency Medical  
13 Services abolished by the Oklahoma Emergency Medical Services Act,  
14 or by or against any officer or employee of the Division in the  
15 official capacity of the officer or employee or in relation to the  
16 discharge of official duties of the officer or employee, shall abate  
17 by reason of the governmental reorganization effected under the  
18 provisions of this act. The court may allow any suit, action or  
19 other proceeding to be maintained by or against the successor of the  
20 state agency or any officer or employee affected.

21 SECTION 16. NEW LAW A new section of law to be codified  
22 in the Oklahoma Statutes as Section 1-2461 of Title 63, unless there  
23 is created a duplication in numbering, reads as follows:

24 A. The Emergency Medical Services Board shall:

- 1           1. Adopt any rules necessary to carry out the provisions of the  
2 Oklahoma Emergency Medical Services Act, including:
- 3           a. a classification of the different types of ambulance  
4           services,
  - 5           b. requirements as to equipment necessary for ambulances  
6           and rescue vehicles,
  - 7           c. qualifications and training of attendants, instructor-  
8           coordinators and training officers,
  - 9           d. requirements for the licensure and renewal of  
10           licensure for ambulances and rescue vehicles,
  - 11           e. records and equipment to be maintained by operators,  
12           instructor-coordinators, training officers, providers  
13           of training and attendants, and
  - 14           f. other matters as the Board deems necessary to  
15           implement and administer the provisions of this act;
- 16           2. Review and approve the allocation and expenditure of monies  
17 appropriated for emergency medical services;
- 18           3. Conduct hearings for all regulatory matters concerning  
19 ambulance services, attendants, instructor-coordinators, training  
20 officers and providers of training;
- 21           4. Submit a budget to the Oklahoma Legislature for the  
22 operation of the Board;
- 23           5. Develop a state plan for the delivery of emergency medical  
24 services;

1           6. Enter into contracts as may be necessary to carry out the  
2 duties and functions of the Board under this act;

3           7. Review and approve all requests for state and federal  
4 funding involving emergency medical services projects in the state  
5 or delegate the duties to the Administrator;

6           8. Approve all training programs for emergency medical  
7 responders and emergency medical technicians of all levels,  
8 instructors and training officers and prescribe certification  
9 application fees by rules and regulations;

10          9. Approve methods of examination for certification or  
11 licensure of emergency medical responders, emergency medical  
12 technicians of all levels, instructors and training officers and  
13 prescribe examination fees by rules;

14          10. Approve requirements for initial and renewal of  
15 certifications and licensures of emergency medical responders,  
16 emergency medical technicians of all levels, instructors and  
17 training officers and prescribe initial and renewal fees by rules;

18          11. Appoint a medical consultant for the Board, who shall be a  
19 person licensed to practice medicine and surgery and shall be active  
20 in the field of emergency medical services; and

21          12. Approve providers of training by prescribing standards and  
22 requirements by rules and withdraw or modify approval in accordance  
23 with the Administrative Procedures Act and the rules of the Board.

24



1 B. The Emergency Medical Services Board may grant a temporary  
2 variance from an identified rule when a literal application or  
3 enforcement of the rule would result in serious hardship and the  
4 relief granted would not result in any unreasonable risk to the  
5 public interest, safety or welfare.

6 C. The provisions of the Oklahoma Emergency Medical Services  
7 Act shall not apply to rescue vehicles operated by a fire  
8 department.

9 SECTION 17. NEW LAW A new section of law to be codified  
10 in the Oklahoma Statutes as Section 1-2462 of Title 63, unless there  
11 is created a duplication in numbering, reads as follows:

12 A. The governing body of any municipality may establish,  
13 operate and maintain an emergency medical service or ambulance  
14 service as provided in the Oklahoma Emergency Medical Services Act  
15 as a municipal function, may establish an emergency medical service  
16 coverage area and may contract with any person, other municipality  
17 or Board of a county hospital for the purpose of furnishing  
18 emergency medical services or ambulance services within or without  
19 the boundaries of the municipality upon the terms and conditions and  
20 for the compensation as may be agreed upon which shall be payable  
21 from the general fund of the municipality or from a special fund for  
22 which a tax is levied under the provisions of this act.

23 B. The governing body of the municipality may make an annual  
24 tax levy of not to exceed three (3) mills upon all of the taxable

1 tangible property within the coverage area for the establishment,  
2 operation and maintenance of an emergency medical service or  
3 ambulance service under this act and to pay a portion of the  
4 principal and interest on bonds issued.

5 C. No tax shall be levied under the provisions of subsection B  
6 of this section until the governing body of the municipality adopts  
7 an ordinance or resolution authorizing the levy of the tax. The  
8 ordinance or resolution shall be published once each week for three  
9 (3) consecutive weeks in the official newspaper of the municipality.  
10 If within sixty (60) days following the last publication of the  
11 ordinance or resolution, a petition in opposition to the levy of the  
12 tax, signed by a number of the qualified electors of the  
13 municipality equal to not less than five percent (5%) of the  
14 electors of the municipality who voted for the office of Secretary  
15 of State at the last general election, is filed with the county  
16 election officer of the county in which the municipality is located,  
17 the question of whether the levy shall be made shall be submitted to  
18 the electors of the municipality at the next primary or general  
19 election within the municipality, or if the primary or general  
20 election does not take place within sixty (60) days after the date  
21 the petition was filed, the question may be submitted at a special  
22 election called and held therefor. If no petition has been filed  
23 and the time prescribed for filing the petition expires prior to  
24 August 1 in any year, or if the petition was filed and a majority of

1 the electors voting on the question of levying the tax vote in favor  
2 thereof at an election held prior to August 1 in any year, the  
3 governing body of the municipality may levy in that year and in each  
4 succeeding year in the amount specified in the ordinance or  
5 resolution, but not exceeding three (3) mills. If no petition has  
6 been filed and the time prescribed for filing the petition expires  
7 after September 30 in any year, or if the petition was filed and a  
8 majority of the electors voting on the question of levying the tax  
9 vote in favor thereof at an election held after September 30 in any  
10 year, the governing body of the municipality may levy in the next  
11 succeeding year and in each succeeding year thereafter the amount  
12 specified in the ordinance or resolution, but not exceeding three  
13 (3) mills.

14 D. In the case of a county, the board of county commissioners  
15 shall not provide ambulance service under the provisions of this act  
16 in any part of the county which receives ambulance service, but the  
17 county shall reimburse any taxing district which on the effective  
18 date of this act provides ambulance services to the district with  
19 its proportionate share of the county general fund or special tax  
20 levy fund budgeted for ambulance services within the county. The  
21 reimbursement shall be based on the amount that the assessed  
22 tangible taxable valuation of the taxing district bears to the total  
23 taxable tangible valuation of the county, but in no event shall the  
24 taxing district receive from the county more than the district's

1 cost of furnishing ambulance services. Any taxing district  
2 establishing ambulance service in any part of a county under the  
3 provisions of this act on or after November 1, 2012, shall not be  
4 entitled to receive reimbursement pursuant to this subsection until  
5 a final order of the Emergency Medical Services Board ordering the  
6 reimbursement is issued following the furnishing of notice and an  
7 opportunity for a hearing to the interested parties. No order for  
8 reimbursement shall be issued unless the Emergency Medical Services  
9 Board finds that the establishment shall enhance or improve  
10 ambulance service provided to the residents of the taxing district  
11 as determined in accordance with criteria established by rules  
12 adopted by the Board.

13 SECTION 18. NEW LAW A new section of law to be codified  
14 in the Oklahoma Statutes as Section 1-2463 of Title 63, unless there  
15 is created a duplication in numbering, reads as follows:

16 The governing body of any municipality may establish, operate  
17 and maintain a centralized emergency service communication system as  
18 a municipal function, within or without the boundaries of the  
19 municipality, for the purpose of furnishing those services required  
20 to establish, operate and maintain an emergency medical service or  
21 ambulance service, and the emergency communication system may  
22 include a county or city fire dispatch communication service for the  
23 purpose of providing a common communication network for all  
24 firefighting facilities, equipment and personnel. The emergency

1 communications system may provide for coordinated communication  
2 between all law enforcement agencies, ambulances, ambulance services  
3 and dispatchers, emergency receiving centers, fire dispatcher  
4 services, fire departments, health care institutions, medical  
5 practitioners, motor vehicle repair and towing services, and other  
6 persons and service agencies as may be required.

7 SECTION 19. NEW LAW A new section of law to be codified  
8 in the Oklahoma Statutes as Section 1-2464 of Title 63, unless there  
9 is created a duplication in numbering, reads as follows:

10 The governing body of any municipality is hereby authorized to  
11 continue, in accordance with the provisions of the Oklahoma  
12 Emergency Medical Services Act, operation of any emergency medical  
13 service or ambulance service or centralized emergency service  
14 communications system previously established, operated and  
15 maintained, or continue any contract with any person, other  
16 municipality or board of a county hospital for the furnishing of  
17 emergency medical services or ambulance service previously executed,  
18 pursuant to the authority of any statute repealed by this act. The  
19 governing body is hereby authorized to continue to levy under  
20 authority of this section any tax for the operation and maintenance  
21 of the services or contracts previously authorized and levied  
22 pursuant to any statute repealed by this act in any amount not  
23 exceeding the amount specified in the ordinance or resolution  
24 providing for the levy in the municipality under the repealed

1 statute. No increase in the amount of the tax previously authorized  
2 for the operation and maintenance of the services or contracts shall  
3 be levied until the governing body of the municipality adopts a new  
4 ordinance or resolution which authorizes the increase.

5 SECTION 20. NEW LAW A new section of law to be codified  
6 in the Oklahoma Statutes as Section 1-2465 of Title 63, unless there  
7 is created a duplication in numbering, reads as follows:

8 In addition to other powers set forth in the Oklahoma Emergency  
9 Medical Services Act, the governing body of any municipality  
10 operating an emergency medical service or ambulance service shall  
11 have the power:

12 1. To acquire by gift, bequest, purchase or lease from public  
13 or private sources, and to plan, construct, operate and maintain the  
14 services, equipment and facilities which are incidental or necessary  
15 to the establishment, operation and maintenance of an emergency  
16 medical service or ambulance service;

17 2. To enter into contracts including, but not limited to, the  
18 power to enter into contracts for the construction, operation,  
19 management, maintenance and supervision of emergency medical  
20 services or ambulance services with any person or governmental  
21 entity;

22 3. To make application for and to receive any contributions,  
23 monies or properties from the state or federal government or any  
24 agency thereof or from any other public or private source;

1 4. To contract or otherwise agree to combine or coordinate its  
2 activities, facilities and personnel with those of any person or  
3 governmental entity for the purpose of furnishing the emergency  
4 medical services or ambulance services within or without the  
5 municipality;

6 5. To establish and collect any charges to be made for  
7 emergency medical services or ambulance services within or without  
8 the municipality and to provide for an audit of the records of the  
9 emergency medical services operation or ambulance services; and

10 6. To perform all other necessary and incidental functions  
11 necessary to accomplish the purposes of this act.

12 SECTION 21. NEW LAW A new section of law to be codified  
13 in the Oklahoma Statutes as Section 1-2466 of Title 63, unless there  
14 is created a duplication in numbering, reads as follows:

15 If the governing body of a municipality establishes an emergency  
16 medical service or ambulance service as provided in the Oklahoma  
17 Emergency Medical Services Act, it shall establish a minimum set of  
18 standards for the operation of the service, for its facilities and  
19 equipment, and for the qualifications and training of personnel.

20 SECTION 22. NEW LAW A new section of law to be codified  
21 in the Oklahoma Statutes as Section 1-2467 of Title 63, unless there  
22 is created a duplication in numbering, reads as follows:

23 Whenever the board of county commissioners of any county which  
24 is furnishing ambulance services within the county under the

1 authority of the Oklahoma Emergency Medical Services Act shall  
2 determine that the service can best be provided by the creation of  
3 an ambulance service taxing district, the board shall by resolution  
4 create and establish the district and define the boundaries thereof.  
5 The boundaries of the district shall include the territory receiving  
6 ambulance service provided by the county on the date of the adoption  
7 of the resolution creating the district. The board of county  
8 commissioners or a board appointed by the board of county  
9 commissioners shall be the governing body of the district and shall  
10 have the authority, powers and duties granted to boards of county  
11 commissioners under the authority of this act, except that all costs  
12 incurred by the governing body of the district in providing  
13 ambulance services in the district shall be paid from the proceeds  
14 of the tax levies of the district hereinafter authorized. The  
15 provisions of this act shall govern the operation of ambulances  
16 providing services within districts established under the provisions  
17 of this section. The governing body of each ambulance service  
18 taxing district is hereby authorized to levy an annual tax not to  
19 exceed three (3) mills upon all taxable tangible property in the  
20 district. The county treasurer shall receive and have custody of  
21 all of the funds of the district and shall expend the same upon the  
22 order of the governing body of the district as provided by law.

23  
24



1           SECTION 23.           NEW LAW           A new section of law to be codified  
2 in the Oklahoma Statutes as Section 1-2468 of Title 63, unless there  
3 is created a duplication in numbering, reads as follows:

4           A. No physician, physician assistant or licensed professional  
5 nurse who gives emergency instructions to a critical care paramedic,  
6 emergency medical technician, advanced emergency medical technician  
7 or paramedic during an emergency shall be liable for any civil  
8 damages as a result of issuing the instructions, except the damages  
9 which may result from gross negligence in giving the instructions.

10          B. No mobile critical care paramedic, emergency medical  
11 technician, advanced emergency medical technician or paramedic who  
12 renders emergency care during an emergency pursuant to instructions  
13 given by a physician, the responsible physician for a physician  
14 assistant or licensed professional nurse shall be liable for civil  
15 damages as a result of implementing the instructions, except the  
16 damages which may result from gross negligence or by willful or  
17 wanton acts or omissions on the part of the mobile critical care  
18 paramedic, emergency medical technician, advanced emergency medical  
19 technician or paramedic rendering the emergency care.

20          C. No first responder who renders emergency care during an  
21 emergency shall be liable for civil damages as a result of rendering  
22 the emergency care, except for the damages which may result from  
23 gross negligence or from willful or wanton acts or omissions on the  
24 part of the first responder rendering the emergency care.

1 D. No person certified as an instructor and no training officer  
2 shall be liable for any civil damages which may result from the  
3 instructor's or training officer's course of instruction, except the  
4 damages which may result from gross negligence or by willful or  
5 wanton acts or omissions on the part of the instructor or training  
6 officer.

7 E. No medical adviser who reviews, approves and monitors the  
8 activities of medics shall be liable for any civil damages as a  
9 result of the review, approval or monitoring, except damages which  
10 may result from gross negligence in reviewing, approval or  
11 monitoring.

12 SECTION 24. NEW LAW A new section of law to be codified  
13 in the Oklahoma Statutes as Section 1-2469 of Title 63, unless there  
14 is created a duplication in numbering, reads as follows:

15 It shall be unlawful for any person or municipality to operate  
16 an ambulance service within this state without obtaining a permit  
17 pursuant to the Oklahoma Emergency Medical Services Act.

18 SECTION 25. NEW LAW A new section of law to be codified  
19 in the Oklahoma Statutes as Section 1-2470 of Title 63, unless there  
20 is created a duplication in numbering, reads as follows:

21 Each emergency medical service shall have a medical director  
22 appointed by the operator of the service to oversee, review, approve  
23 and monitor the activities of the medics. The Emergency Medical  
24

1 Services Board may approve an alternative procedure for medical  
2 oversight if no medical director is available.

3 SECTION 26. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 1-2471 of Title 63, unless there  
5 is created a duplication in numbering, reads as follows:

6 A. Application for a permit to operate an ambulance service  
7 shall be made to the Emergency Medical Services Board by the  
8 operator of the ambulance service upon forms provided by the  
9 Administrator of the Emergency Medical Services Board and shall be  
10 accompanied by a permit fee which shall be a base amount plus an  
11 amount for each vehicle used by the operator in the operator's  
12 ambulance service and which shall be fixed by rules of the Board to  
13 cover all or any part of the cost of regulation of ambulance  
14 services.

15 B. The application shall state the name of the operator, the  
16 names of the medics of the ambulance service, the primary territory  
17 for which the permit is sought, the type of service offered, the  
18 location and physical description of the facility whereby calls for  
19 service will be received, the facility wherein vehicles are to be  
20 garaged, a description of vehicles and other equipment to be used by  
21 the service and other information as the Board may require.

22 C. Nothing in the Oklahoma Emergency Medical Services Act shall  
23 be construed as granting an exclusive territorial right to operate  
24 an ambulance service. Upon change of ownership of an ambulance

1 service the permit issued to the service shall expire sixty (60)  
2 days after the change of ownership.

3 SECTION 27. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 1-2472 of Title 63, unless there  
5 is created a duplication in numbering, reads as follows:

6 A. A permit shall not be issued to an operator unless the  
7 Emergency Medical Services Board finds the ambulance service is or  
8 will be staffed and equipped in accordance with the rules  
9 promulgated by the Board pursuant to Chapter 641 of the Oklahoma  
10 Administrative Code. If the Board determines that an applicant is  
11 not qualified, the applicant shall be notified of the denial of the  
12 application with a statement of the reasons for denial. The  
13 applicant may reapply upon submission of evidence that the  
14 disqualifying factor alleged by the Board has been corrected. No  
15 fee shall be required for the first reapplication made if it is  
16 submitted to the Board within one (1) year of the date of the denial  
17 of the application.

18 B. A permit to operate an ambulance service shall be valid for  
19 a term fixed by the Board not to exceed twenty-four (24) months and  
20 may be renewed upon payment of a fee in the amount fixed by the  
21 Board. The Board may prorate to the nearest whole month the fee  
22 fixed under this subsection as necessary to implement the provisions  
23 of this subsection.

24

1 C. All fees received pursuant to the provisions of this section  
2 shall be remitted to the State Treasurer. Upon receipt of each  
3 remittance, the State Treasurer shall deposit the entire amount in  
4 the State Treasury to the credit of the emergency medical services  
5 operating fund.

6 SECTION 28. NEW LAW A new section of law to be codified  
7 in the Oklahoma Statutes as Section 1-2473 of Title 63, unless there  
8 is created a duplication in numbering, reads as follows:

9 A. Application for a medic's license shall be made to the  
10 Emergency Medical Services Board. The Board shall not grant a  
11 medic's license unless the applicant meets the following  
12 requirements:

13 1. Has successfully completed coursework required by the rules  
14 and regulations adopted by the Board, or has successfully completed  
15 coursework in another jurisdiction that is substantially equivalent  
16 to that required by the rules adopted by the Board; and

17 2. Has passed the examination required by the rules adopted by  
18 the Board, or has passed the licensing examination in another  
19 jurisdiction that has been approved by the Board.

20 B. If the applicant is licensed as a medic in another  
21 jurisdiction, but the applicant's coursework is determined not to be  
22 substantially equivalent to that required by the Board, a temporary  
23 license shall be valid for one (1) year from the date of issuance or  
24

1 until the applicant has completed the required coursework, whichever  
2 occurs first.

3 C. An applicant who has been granted a temporary license shall  
4 be under the direct supervision of a physician, a physician's  
5 assistant, or a medic holding a certificate at the same level or  
6 higher than that of the applicant.

7 D. A medic's license shall expire on the date prescribed by the  
8 Board. A medic's license may be renewed upon presentation of  
9 satisfactory proof that the medic has successfully met the  
10 requirements for certification with the National Registry of EMTs  
11 pursuant to subchapter 5 of Chapter 641 of the Oklahoma  
12 Administrative Code. State-certified emergency medical responders  
13 shall be required to retake state written and skills examinations  
14 once upon presentation of satisfactory proof that the emergency  
15 medical responder has successfully met the requirements for renewal.

16 E. All fees received pursuant to the provisions of this section  
17 shall be remitted to the State Treasurer. Upon receipt of each  
18 remittance, the State Treasurer shall deposit the entire amount in  
19 the State Treasury to the credit of the emergency medical services  
20 operating fund.

21 F. Licensed medics shall be required to maintain National  
22 Registry certification at their state-licensed level pursuant to  
23 subchapter 5 of Chapter 641 of the Oklahoma Administrative Code.

24

1           SECTION 29.           NEW LAW           A new section of law to be codified  
2 in the Oklahoma Statutes as Section 1-2474 of Title 63, unless there  
3 is created a duplication in numbering, reads as follows:

4           A.   Application for a certificate to initial EMS training  
5 programs shall be made to the Emergency Medical Services Board by an  
6 accredited institution upon forms provided by the Administrator of  
7 the Emergency Medical Services Board and shall be accompanied by a  
8 certificate fee which shall be a base amount plus an amount for each  
9 facility, which classes will be held by the institution and which  
10 shall be fixed by rules and regulations of the Board to cover all or  
11 any part of the cost of regulation of EMS training institutions.

12           B.   The application shall state the name of the institution, the  
13 names of the instructors of the institution, the level of EMS  
14 education for which the certificate is sought, the location and  
15 physical description of the facilities whereby classes will be held,  
16 the facility wherein laboratory skills will be practiced, a  
17 description of equipment to be used by the institution and other  
18 information as the Board may require.

19           C.   Nothing in the Oklahoma Emergency Medical Services Act shall  
20 be construed as granting an exclusive territorial right to offer an  
21 EMS training program. Upon change of ownership of an institution  
22 the permit issued to the service shall expire sixty (60) days after  
23 the change of ownership.

24

1 D. Approved training programs shall be required to achieve at  
2 least the national average first-time pass rate on the National  
3 Registry of Emergency Medical Technicians exam as defined by rules  
4 and regulations adopted by the Board.

5 E. Education programs approved for training emergency medical  
6 technician, advanced emergency medical technician and paramedic  
7 level courses shall be colleges, universities, community colleges,  
8 tribal entities or technology centers.

9 F. Effective January 1, 2016, the Board shall revoke or  
10 suspend the certification of any EMS program which does not have a  
11 student average, first-time pass rate of seventy percent (70%) or  
12 the national average whichever is the lesser number, on the National  
13 Registry examination in three (3) of the last five (5) years.

14 G. Effective January 1, 2016, all persons applying for initial  
15 license as a paramedic without the minimum of an associate's degree  
16 shall be granted a provisional license valid for only two (2) years.  
17 Upon renewal of the paramedic license, applicants shall be required  
18 to possess a minimum of an associate's degree. Renewal applicants  
19 failing to meet this requirement shall not be granted an advanced  
20 emergency medical technician license. Paramedics licensed prior to  
21 January 1, 2016, are exempt from this subsection.

22 SECTION 30. NEW LAW A new section of law to be codified  
23 in the Oklahoma Statutes as Section 1-2475 of Title 63, unless there  
24 is created a duplication in numbering, reads as follows:



1           A. While engaged in a course of training or continuing  
2 education approved by the Emergency Medical Services Board within a  
3 medical care facility, a student or medic engaged in the training or  
4 continuing education shall be under the supervision of a medic who  
5 is at the minimum licensed to provide the level of care for which  
6 the student is seeking certification or the medic receiving the  
7 training is licensed or shall be under the direct supervision of a  
8 physician. While engaged in training or continuing education in  
9 emergency or nonemergency transportation outside a medical care  
10 facility, a student or medic shall be under the direct supervision  
11 of a medic who is at the minimum licensed to provide the level of  
12 care for which the student is seeking certification or the medic  
13 receiving the training is licensed or shall be under the direct  
14 supervision of a physician.

15           B. Nothing in the provisions of Chapter 641 of the Oklahoma  
16 Administrative Code or acts amendatory of the provisions thereof or  
17 supplemental thereto shall be construed to preclude the provision of  
18 authorized activities by students enrolled in a training program  
19 while engaged in the program.

20           SECTION 31.           NEW LAW           A new section of law to be codified  
21 in the Oklahoma Statutes as Section 1-2476 of Title 63, unless there  
22 is created a duplication in numbering, reads as follows:

23           A. Application for an instructor's certificate shall be made to  
24 the Emergency Medical Services Board upon forms provided by the

1 Administrator of the Board. The Board may grant an instructor's  
2 certificate to a medic who:

3 1. Has two (2) years experience at their current licensure  
4 level prior to applying for the certificate;

5 2. Has made application within one (1) year after successfully  
6 completing the training, approved by the Board, in instructing and  
7 coordinating medic training programs;

8 3. Has passed an examination prescribed by the Board; and

9 4. Has paid a fee as prescribed by rules of the Board.

10 B. An instructor's certificate shall expire on the expiration  
11 date of the medic's license. An instructor's certificate may be  
12 renewed for the same period as the medic's license upon payment of a  
13 fee as prescribed by rule and regulation of the Board and upon  
14 presentation of satisfactory proof that the instructor has  
15 successfully completed continuing education as prescribed by the  
16 Board. The Board may prorate to the nearest whole month the fee  
17 fixed under this subsection as necessary to implement the provisions  
18 of this subsection.

19 C. An instructor's certificate may be denied, revoked, limited,  
20 modified or suspended by the Board or the Board may refuse to renew  
21 the certificate if the individual:

22 1. Does not hold a medic's license;

23 2. Has made misrepresentations intentionally in obtaining a  
24 license or renewing a license;

1           3. Has demonstrated incompetence or engaged in unprofessional  
2 conduct as defined by rules and regulations adopted by the Board;

3           4. Has violated or aided and abetted in the violation of any  
4 provision of this act or rules adopted by the Board; or

5           5. Has been convicted of any state or federal crime that is  
6 related substantially to the qualifications, functions and duties of  
7 an instructor or any crime punishable as a felony under any state or  
8 federal statute, and the Board determines that the individual has  
9 not been sufficiently rehabilitated to warrant the public trust. A  
10 conviction means a plea of guilty, a plea of nolo contendere or a  
11 verdict of guilty. The Board may take disciplinary action pursuant  
12 to this section when the time for appeal has elapsed, or after the  
13 judgment of conviction is affirmed on appeal or when an order  
14 granting probation is made suspending the imposition of sentence.

15           D. The Board may limit, modify, revoke or suspend a certificate  
16 or the Board may refuse to renew the certificate in accordance with  
17 the provisions of the Administrative Procedures Act.

18           E. All fees received pursuant to this section shall be remitted  
19 to the State Treasurer. Upon receipt of each remittance, the State  
20 Treasurer shall deposit the entire amount in the State Treasury to  
21 the credit of the emergency medical services operating fund.

22           F. If a person who was previously certified as an instructor  
23 applies for an instructor's certificate within two (2) years of the  
24 date of its expiration, the Board may grant a certificate without

1 the person completing the training or passing an examination if the  
2 person complies with the other provisions of subsection A of this  
3 section and completes continuing education requirements prescribed  
4 by the Board.

5 G. Effective January 1, 2016, paramedic instructors shall be  
6 nationally certified EMS educators and possess a minimum of an  
7 associate's degree.

8 SECTION 32. NEW LAW A new section of law to be codified  
9 in the Oklahoma Statutes as Section 1-2477 of Title 63, unless there  
10 is created a duplication in numbering, reads as follows:

11 A. Application for a training officer's certificate shall be  
12 made to the Emergency Medical Services Board upon forms provided by  
13 the Administrator of the Board. The Board may grant a training  
14 officer's certificate to an applicant who:

15 1. Is a licensed emergency medical technician, advanced  
16 emergency medical technician or paramedic with two (2) years of  
17 experience at their current licensure level;

18 2. Successfully completes an initial course of training  
19 approved by the Board;

20 3. Passes an examination prescribed by the Board;

21 4. Is appointed by a provider of training approved by the  
22 Board; and

23 5. Has paid a fee established by the Board.  
24

1 B. A training officer's certificate shall expire on the  
2 expiration date of the medic's license. A training officer's  
3 certificate may be renewed for the same period as the medic's  
4 license upon payment of a fee as prescribed by rules and upon  
5 presentation of satisfactory proof that the training officer has  
6 successfully completed continuing education prescribed by the Board  
7 and is currently licensed as an emergency medical technician,  
8 advanced emergency medical technician or paramedic. The Board may  
9 prorate to the nearest whole month the fee fixed under this  
10 subsection as necessary to implement the provisions of this  
11 subsection.

12 C. A training officer's certificate may be denied, revoked,  
13 limited, modified or suspended by the Board or the Board may refuse  
14 to renew the certificate if the individual:

15 1. Fails to maintain licensure as an emergency medical  
16 technician, advanced emergency medical technician or paramedic;

17 2. Fails to maintain support of provider of training who  
18 appointed the individual pursuant to paragraph 4 of subsection A of  
19 this section;

20 3. Fails to successfully complete continuing education;

21 4. Has made intentional misrepresentations in obtaining a  
22 licensure or renewing a licensure;

23 5. Has demonstrated incompetence or engaged in unprofessional  
24 conduct as defined by rules and regulations adopted by the Board;

1           6. Has violated or aided and abetted in the violation of any  
2 provision of this act or the rules promulgated by the Board; or

3           7. Has been convicted of any state or federal crime that is  
4 related substantially to the qualifications, functions and duties of  
5 a training officer or any crime punishable as a felony under any  
6 state or federal statute and the Board determines that the  
7 individual has not been sufficiently rehabilitated to warrant public  
8 trust. A conviction means a plea of guilty, a plea of nolo  
9 contendere or a verdict of guilty. The Board may take disciplinary  
10 action pursuant to this section when the time for appeal has  
11 elapsed, or after the judgment of conviction is affirmed on appeal  
12 or when an order granting probation is made suspending the  
13 imposition of sentence.

14           D. The Board may revoke, limit, modify or suspend a certificate  
15 or the Board may refuse to renew the certificate in accordance with  
16 the provisions of the Administrative Procedures Act.

17           E. If a person who previously was certified as a training  
18 officer applies for a training officer's certificate within two (2)  
19 years of the date of its expiration, the Board may grant a  
20 certificate without the person completing an initial course of  
21 training or taking an examination if the person complies with the  
22 other provisions of subsection A of this section and completes  
23 continuing education requirements.

1           SECTION 33.           NEW LAW           A new section of law to be codified  
2 in the Oklahoma Statutes as Section 1-2478 of Title 63, unless there  
3 is created a duplication in numbering, reads as follows:

4           The Emergency Medical Services Board may inquire into the  
5 operation of ambulance services and the conduct of medics, and may  
6 conduct periodic inspections of facilities, communications services,  
7 materials and equipment at any time without notice. The Board may  
8 issue subpoenas to compel an operator holding a permit to make  
9 access to or for the production of records regarding services  
10 performed and to furnish other information as the Board may require  
11 to carry out the provisions of this act to the same extent and  
12 subject to the same limitations as would apply if the subpoenas were  
13 issued or served in aid of a civil action in the district court. A  
14 copy of the records shall be kept in the operator's files for a  
15 period of not less than three (3) years. The Board also may require  
16 operators to submit lists of personnel employed and to notify the  
17 Board of any changes in personnel or in ownership of the ambulance  
18 service.

19           SECTION 34.           NEW LAW           A new section of law to be codified  
20 in the Oklahoma Statutes as Section 1-2479 of Title 63, unless there  
21 is created a duplication in numbering, reads as follows:

22           Nothing in the Oklahoma Emergency Medical Services Act shall be  
23 construed to preclude any municipality from licensing and regulating  
24 ambulance services located within its jurisdiction, but any

1 licensing requirements or regulations imposed by a municipality  
2 shall be in addition to and not in lieu of the provisions of this  
3 act and the rules promulgated thereunder.

4 SECTION 35. NEW LAW A new section of law to be codified  
5 in the Oklahoma Statutes as Section 1-2480 of Title 63, unless there  
6 is created a duplication in numbering, reads as follows:

7 A. An operator's permit may be denied, revoked, limited,  
8 modified or suspended by the Emergency Medical Services Board upon  
9 proof that the operator or any agent or employee:

10 1. Has been guilty of misrepresentation in obtaining the permit  
11 or in the operation of the ambulance service;

12 2. Has engaged or attempted to engage in, or represented  
13 themselves as entitled to perform, any ambulance service not  
14 authorized in the permit;

15 3. Has demonstrated incompetence as defined by rules adopted by  
16 the Board or has shown themselves otherwise unable to provide  
17 adequate ambulance service;

18 4. Has failed to keep and maintain the records required by the  
19 provisions of this act, or the rules promulgated thereunder, or has  
20 failed to make reports when and as required;

21 5. Has knowingly operated faulty or unsafe equipment; or

22 6. Has violated or aided and abetted in the violation of any  
23 provision of this act or the rules promulgated thereunder.

24



1 B. The Board shall not limit, modify, revoke or suspend any  
2 operator's permit pursuant to this section without first conducting  
3 a hearing in accordance with the provisions of the Administrative  
4 Procedures Act.

5 SECTION 36. NEW LAW A new section of law to be codified  
6 in the Oklahoma Statutes as Section 1-2481 of Title 63, unless there  
7 is created a duplication in numbering, reads as follows:

8 A. A medic's license or instructor's certificate may be denied,  
9 revoked, limited, modified or suspended by the Emergency Medical  
10 Services Board or the Board may refuse to renew the license or  
11 certificate upon proof that the individual:

12 1. Has made intentional misrepresentations in obtaining or  
13 renewing a license or certificate;

14 2. Has performed or attempted to perform activities not  
15 authorized by statute at the level of licensing or certification  
16 held by the individual;

17 3. Has demonstrated incompetence as defined by rules and  
18 regulations adopted by the Board or has provided inadequate patient  
19 care as determined by the Board;

20 4. Has violated or aided and abetted in the violation of any  
21 provision of this act or the rules promulgated thereunder;

22 5. Has been convicted of a felony and, after investigation by  
23 the Board, it is determined that the person has not been  
24 sufficiently rehabilitated to warrant the public trust;

1           6. Has demonstrated an inability to perform authorized  
2 activities with reasonable skill and safety by reason of illness,  
3 alcoholism, excessive use of drugs, controlled substances or any  
4 physical or mental condition; or

5           7. Has engaged in unprofessional conduct, as defined by rules  
6 adopted by the Board.

7           B. The Board may limit, modify, revoke or suspend a medic's  
8 license or instructor's certificate or the Board may refuse to renew  
9 the license or certificate in accordance with the provisions of the  
10 Administrative Procedures Act.

11           SECTION 37.       NEW LAW       A new section of law to be codified  
12 in the Oklahoma Statutes as Section 1-2482 of Title 63, unless there  
13 is created a duplication in numbering, reads as follows:

14           An operator's permit may be temporarily limited or restricted by  
15 the Emergency Medical Services Board, pending a hearing, upon  
16 receipt of a complaint indicating the public health, safety or  
17 welfare to be in imminent danger. If an inspection proves the  
18 complaint to be invalid, or that the cause therefor has been  
19 corrected, the limitation or restriction shall be terminated.

20 Proceedings under this section may be initiated by the Board or by  
21 any person filing written charges with the Board. The Board shall  
22 not limit nor restrict any permit pursuant to this section without  
23 first conducting a hearing in accordance with the provisions of the  
24 Administrative Procedures Act.

1 SECTION 38. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 1-2483 of Title 63, unless there  
3 is created a duplication in numbering, reads as follows:

4 A. All ambulance services providing emergency care as defined  
5 by the rules adopted by the Emergency Medical Services Board shall  
6 offer service twenty-four (24) hours per day every day of the year.

7 B. Whenever an operator is required to have a permit, at least  
8 one person on each vehicle providing emergency medical service shall  
9 be a medic licensed as an emergency medical technician, advanced  
10 emergency medical technician or paramedic.

11 SECTION 39. NEW LAW A new section of law to be codified  
12 in the Oklahoma Statutes as Section 1-2484 of Title 63, unless there  
13 is created a duplication in numbering, reads as follows:

14 A. Nothing in the Oklahoma Emergency Medical Services Act shall  
15 be construed:

16 1. To prevent the operation of a police emergency vehicle;

17 2. To affect any statute or regulatory authority vested in the  
18 Department of Transportation concerning automotive equipment and  
19 safety requirements;

20 3. To prohibit any privately owned vehicles and aircraft not  
21 ordinarily used in the ambulance service business from transporting  
22 persons who are sick, injured, wounded or otherwise incapacitated or  
23 helpless;

24

1           4. To prevent any vehicle from being pressed into service as an  
2 ambulance when the operator determines an emergency exists and  
3 provides written notification to the Board within seventy-two (72)  
4 hours after the use of the vehicle;

5           5. To prohibit any ambulance lawfully operating under the laws  
6 of a state adjoining Oklahoma from providing emergency  
7 transportation of a patient from a municipality not otherwise served  
8 by an ambulance service located in Oklahoma to a location within or  
9 outside the State of Oklahoma when the governing body of the  
10 municipality declares a hardship. The governing body or board shall  
11 notify the Board thirty (30) days prior to the initiation of the  
12 out-of-state service;

13           6. To preclude any municipality from licensing or otherwise  
14 regulating first responders operating within its jurisdiction, but  
15 any licensing requirements or regulations imposed by a municipality  
16 shall be in addition to and not in lieu of the provisions of this  
17 act and the rules adopted pursuant to this act;

18           7. To preclude any person certified as a medic from providing  
19 emergency medical services to persons requiring the services; or

20           8. To preclude any individual who is not a certified first  
21 responder from providing assistance during an emergency so long as  
22 the individual does not represent himself or herself to be a  
23 certified first responder.

1 B. Ambulances owned and operated by an agency of the United  
2 States government shall be exempt from the provisions of this act.

3 C. Any ambulance based outside of this state receiving a  
4 patient within the state for transportation to a location within  
5 this state or receiving a patient within this state for emergency  
6 transportation to a location outside this state shall comply with  
7 the provisions of this act except when the ambulance is rendering  
8 service in the case of a major catastrophe, the ambulance is making  
9 a prearranged hospital-to-hospital transfer, or except as otherwise  
10 provided by rules adopted by the Emergency Medical Services Board.

11 SECTION 40. NEW LAW A new section of law to be codified  
12 in the Oklahoma Statutes as Section 1-2485 of Title 63, unless there  
13 is created a duplication in numbering, reads as follows:

14 Any person violating any provision of the Oklahoma Emergency  
15 Medical Services Act or any rule and regulation issued hereunder  
16 shall be deemed guilty of a misdemeanor.

17 SECTION 41. NEW LAW A new section of law to be codified  
18 in the Oklahoma Statutes as Section 1-2486 of Title 63, unless there  
19 is created a duplication in numbering, reads as follows:

20 A. It shall be unlawful for any individual to represent himself  
21 or herself as a medic or instructor unless the individual holds a  
22 valid certificate or license pursuant to the Oklahoma Emergency  
23 Medical Services Act.

24

1 B. Any violation of subsection A of this section shall  
2 constitute a misdemeanor.

3 SECTION 42. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 1-2487 of Title 63, unless there  
5 is created a duplication in numbering, reads as follows:

6 There shall be created in the State Treasury an emergency  
7 medical services operating fund. Expenditures from the emergency  
8 medical services operating fund shall be made in accordance with  
9 appropriations and reports issued pursuant to vouchers approved by  
10 the chairperson of the Emergency Medical Services Board or by a  
11 person or persons designated by the chairperson.

12 SECTION 43. NEW LAW A new section of law to be codified  
13 in the Oklahoma Statutes as Section 1-2488 of Title 63, unless there  
14 is created a duplication in numbering, reads as follows:

15 The Emergency Medical Services Board shall remit all monies  
16 received by or for the Board from fees, charges or penalties to the  
17 State Treasurer. Upon receipt of each remittance, the State  
18 Treasurer shall deposit the entire amount in the State Treasury to  
19 the credit of the emergency medical services operating fund. All  
20 expenditures from the emergency medical services operating fund  
21 shall be made in accordance with appropriations and reports issued  
22 pursuant to vouchers approved by the Administrator of the Board or  
23 by a person or persons designated by the Administrator.

24

1 SECTION 44. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 1-2489 of Title 63, unless there  
3 is created a duplication in numbering, reads as follows:

4 A. Within the limits of appropriations, the Emergency Medical  
5 Services Board shall develop and maintain a statewide data  
6 collection system to collect and analyze emergency medical services  
7 information, including, but not limited to, dispatch, demographics,  
8 patient data, assessment, treatment, disposition, financial and any  
9 other pertinent information that will assist the Board in improving  
10 the quality of emergency medical services.

11 B. Each operator of an ambulance service shall collect and  
12 report to the Board emergency medical services information pursuant  
13 to rules and regulations adopted by the Board. The Board shall  
14 adopt rules and regulations which use the most efficient, least  
15 intrusive means for collecting emergency medical services  
16 information consistent with ensuring the quality, timeliness,  
17 completeness and confidentiality of the system.

18 SECTION 45. NEW LAW A new section of law to be codified  
19 in the Oklahoma Statutes as Section 1-2490 of Title 63, unless there  
20 is created a duplication in numbering, reads as follows:

21 A. Any emergency medical services information provided to the  
22 Emergency Medical Services Board shall be confidential and shall not  
23 be disclosed or made public, upon subpoena or otherwise, except the  
24 information may be disclosed if:

1 1. No person is identified in the information to be disclosed  
2 and the disclosure is for statistical purposes;

3 2. All persons who are identifiable in the information to be  
4 disclosed consent in writing to the disclosure; or

5 3. The disclosure is necessary, and only to the extent  
6 necessary, to protect the public health and does not identify  
7 specific persons, operators or ambulance services.

8 B. Except as provided in subsection C of this section, reports  
9 generated by the Board utilizing emergency medical services  
10 information shall be available.

11 C. Notwithstanding subsection B of this section, individually  
12 identifiable health information shall be confidential and shall not  
13 be disclosed except that the Board may disclose the information to  
14 individuals, organizations or governmental agencies engaged in  
15 research that benefits the public's health, safety or welfare if the  
16 Board is satisfied that the information will remain confidential and  
17 adequately protected from disclosure. For purposes of this section,  
18 "individually identifiable health information" shall have the same  
19 meaning as in 45 C.F.R., Section 160.103.

20 SECTION 46. NEW LAW A new section of law to be codified  
21 in the Oklahoma Statutes as Section 1-2491 of Title 63, unless there  
22 is created a duplication in numbering, reads as follows:

23 Any operator who reports emergency medical services information  
24 in good faith and in accordance with the requirements of the



1 Oklahoma Emergency Medical Services Act and the rules prescribed by  
2 the Board, shall have immunity from any liability, civil or  
3 criminal, which might otherwise be incurred or imposed in an action  
4 resulting from the information. Nothing in this section shall be  
5 construed to apply to the unauthorized disclosure of confidential  
6 information when the disclosure is due to gross negligence or  
7 willful misconduct.

8 SECTION 47. NEW LAW A new section of law to be codified  
9 in the Oklahoma Statutes as Section 1-2492 of Title 63, unless there  
10 is created a duplication in numbering, reads as follows:

11 A. There shall be created in the State Treasury a Rural  
12 Emergency Medical Service Survival Fund. The fund shall be a  
13 continuing fund, not subject to fiscal year limitations, and shall  
14 consist of all monies received by the Emergency Medical Services  
15 Board for implementation of the Rural Emergency Medical Service  
16 Survival Fund Program. All monies credited to the Rural Emergency  
17 Medical Service Survival Fund shall be used by the Emergency Medical  
18 Services Board to ensure the access of emergency care to rural and  
19 medically underserved areas of this state. All expenditures from  
20 the Rural Emergency Medical Service Survival Fund shall be made in  
21 accordance with appropriation procedures of the Oklahoma Emergency  
22 Medical Services Act.

23 B. The Rural Emergency Medical Service Survival Fund shall be  
24 administered by the Emergency Medical Services Board as defined by

1 rules adopted by the Board and shall be funded based on an annual  
2 estimate of need as determined by the Board.

3 C. Funding for the Rural Emergency Medical Service Survival  
4 Fund Program shall not exceed one-half (1/2) of the funds generated  
5 by the Tobacco Prevention and Cessation Revolving Fund in Section 1-  
6 105d of Title 63 of the Oklahoma Statutes from the Trauma Care  
7 Assistance Revolving Fund in Section 1-2530.9 of Title 63 of the  
8 Oklahoma Statutes.

9 D. The Rural Emergency Medical Service Survival Fund shall be  
10 available to emergency medical services or ambulance services:

11 1. With a current Oklahoma permit to operate an ambulance  
12 service; and

13 2. That are in danger of closing or unable to provide quality  
14 emergency medical services to the public they serve.

15 E. To qualify for the Rural Emergency Medical Service Survival  
16 Fund an emergency medical service or ambulance service provider  
17 shall provide to the Board:

18 1. Financial statements from the previous two (2) years; and

19 2. A statement of need that:

20 a. requests funds no less than Fifty Thousand Dollars  
21 (\$50,000.00) and no more than Two Hundred Fifty  
22 Thousand Dollars (\$250,000.00), and

23 b. describes how the funds will be appropriated.

24

1 F. All monies accruing to the credit of the fund shall be  
2 appropriated and may be budgeted and expended by the Emergency  
3 Medical Services Board pursuant to subsections A through E of this  
4 section.

5 G. Expenditures from the fund shall be made upon warrants  
6 issued by the State Treasurer against claims filed as prescribed by  
7 law with the Director of the Office of State Finance for approval  
8 and payment.

9 SECTION 48. NEW LAW A new section of law to be codified  
10 in the Oklahoma Statutes as Section 1-2493 of Title 63, unless there  
11 is created a duplication in numbering, reads as follows:

12 A. There shall be established in the State Treasury an  
13 Emergency Medical Technician and Paramedic Scholarship Fund. The  
14 fund shall be a continuing fund, not subject to fiscal year  
15 limitations, and shall consist of all monies received by the State  
16 Department of Health for implementation of the Rural Emergency  
17 Medical Technician and Paramedic Scholarship Program. The purpose  
18 of the Program is to encourage persons to enter an emergency medical  
19 technician program or a paramedic education program that leads to an  
20 Associate Degree from a nationally accredited EMS program and to  
21 serve in rural or medically underserved areas of this state. The  
22 program shall ensure statewide access by utilizing distance learning  
23 resources.

24

1 B. The Rural Emergency Medical Technician and Paramedic  
2 Scholarship Program shall be administered by the Emergency Medical  
3 Services Board pursuant to rules adopted by the Board and shall be  
4 funded based on an annual estimate of need as determined by the  
5 Board.

6 C. Awards made pursuant to the Program shall be subject to the  
7 availability of funds. The amount of each award shall not exceed  
8 the cost of books, tuition and fees as determined by the Board based  
9 on an annual estimate of need and availability of funds.

10 D. Funding for the Rural Emergency Medical Technician and  
11 Paramedic Scholarship Program shall not exceed one-half (1/2) of the  
12 proceeds of the Tobacco Prevention and Cessation Revolving Fund in  
13 Section 1-105d of Title 63 of the Oklahoma Statutes from the Trauma  
14 Care Assistance Revolving Fund in Section 1-2530.9 of Title 63 of  
15 the Oklahoma Statutes.

16 E. Only students who are residents of this state and who have  
17 been admitted as a student in an emergency medical technician  
18 program or a nationally accredited paramedic program and agree to  
19 work two (2) years for a licensed emergency medical service provider  
20 shall be eligible to participate in the Rural Emergency Medical  
21 Technician and Paramedic Scholarship Program.

22 F. A person who receives Rural Emergency Medical Technician and  
23 Paramedic Scholarship Program monies that fails to fully comply with  
24 the provisions of the contract:

1           1. Shall refund to the State Department of Health all monies  
2 received pursuant to the provisions of the contract plus interest at  
3 a rate that equals the prime interest rate plus one percent (1%)  
4 from the date of disbursement of the funds; and

5           2. Shall be liable for any other liquidated damages as  
6 specified in the contract.

7           G. A person who fails to refund, in full, monies received under  
8 the Program shall not be able to renew their medic license until  
9 either:

10           1. All funds have been repaid in full; or

11           2. Payment arrangements acceptable to the Board have been made  
12 and maintained according to any Board-approved payment agreement.

13           H. All monies accruing to the credit of the fund are hereby  
14 appropriated and may be budgeted and expended by the Emergency  
15 Medical Services Board for the scholarships as may be provided for  
16 pursuant to the Rural Emergency Medical Technician and Paramedic  
17 Scholarship Program.

18           I. Expenditures from the fund shall be made upon warrants  
19 issued by the State Treasurer against claims filed as prescribed by  
20 law with the Director of the Office of State Finance for approval  
21 and payment.

22           SECTION 49.           REPEALER           63 O.S. 2011, Section 1-2510, is  
23 hereby repealed.

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SECTION 50. This act shall become effective November 1, 2012.

53-2-7968           EK           01/17/12