

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

HOUSE BILL 2760

By: Osborn (Leslie)

AS INTRODUCED

An Act relating to public health; amending 63 O.S. 2011, Section 1-2503, as last amended by Section 1, Chapter 30, O.S.L. 2017 (63 O.S. Supp. 2017, Section 1-2503), which relates to definitions used in the Oklahoma Emergency Response Systems Development Act; limiting authority related to the establishment of certain standards; modifying definition; providing standards related to certain licensure; and declaring an emergency.

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

SECTION 1. AMENDATORY 63 O.S. 2011, Section 1-2503, as last amended by Section 1, Chapter 30, O.S.L. 2017 (63 O.S. Supp. 2017, Section 1-2503), is amended to read as follows:

Section 1-2503. As used in the Oklahoma Emergency Response Systems Development Act:

1. "Ambulance" means any ground, air or water vehicle which is or should be approved by the Commissioner of Health, designed and equipped to transport a patient or patients and to provide appropriate on-scene and en route patient stabilization and care as required. Vehicles used as ambulances shall meet such standards as

1 may be required by the State Board of Health for approval, and shall  
2 display evidence of such approval at all times;

3 2. "Ambulance authority" means any public trust or nonprofit  
4 corporation established by the state or any unit of local government  
5 or combination of units of government for the express purpose of  
6 providing, directly or by contract, emergency medical services in a  
7 specified area of the state;

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

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

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

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

21 7. "Certified emergency medical responder" means an individual  
22 certified by the Department to perform emergency medical services in  
23 accordance with the Oklahoma Emergency Response Systems Development  
24

1 Act and in accordance with the rules and standards promulgated by  
2 the Board;

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

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

13 10. "CoAEMSP" means the Committee on Accreditation of  
14 Educational Programs for the Emergency Medical Services Professions;

15 11. "Commissioner" means the State Commissioner of Health;

16 12. "Council" means the Trauma and Emergency Response Advisory  
17 Council created in Section 1-103a.1 of this title;

18 13. "Critical care paramedic" or "CCP" means a licensed  
19 paramedic who has successfully completed critical care training and  
20 testing requirements in accordance with the Oklahoma Emergency  
21 Response Systems Development Act and in accordance with the rules  
22 and standards promulgated by the Board;

23 14. "Department" means the State Department of Health;

24

1        15. "Emergency medical services system" means a system which  
2 provides for the organization and appropriate designation of  
3 personnel, facilities and equipment for the effective and  
4 coordinated local, regional and statewide delivery of health care  
5 services primarily under emergency conditions;

6        16. "Letter of review" means the official designation from  
7 CoAEMSP to a paramedic program that is in the "becoming accredited"  
8 process;

9        17. "Licensed emergency medical personnel" means an emergency  
10 medical technician (EMT), an intermediate, an advanced emergency  
11 medical technician (AEMT), or a paramedic licensed by the Department  
12 to perform emergency medical services in accordance with the  
13 Oklahoma Emergency Response Systems Development Act and the rules  
14 and standards promulgated by the Board;

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

- 18            a. Basic life support,
- 19            b. Intermediate life support,
- 20            c. Paramedic life support,
- 21            d. Advanced life support,
- 22            e. Stretcher van, and
- 23            f. Specialty care, which shall be used solely for  
24            interhospital transport of patients requiring

1 specialized en route medical monitoring and advanced  
2 life support which exceed the capabilities of the  
3 equipment and personnel provided by paramedic life  
4 support.

5 Requirements for each level of care shall be established by the  
6 Board; provided, however, that the Board shall not establish  
7 standards for stretcher vans beyond or in conflict with the  
8 standards contained in paragraph 25 of this section, or as required  
9 by federal law. Licensure at any level of care includes a license  
10 to operate at any lower level, with the exception of licensure for  
11 specialty care; provided, however, that the highest level of care  
12 offered by an ambulance service shall be available twenty-four (24)  
13 hours each day, three hundred sixty-five (365) days per year.

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

16 19. "Medical control" means local, regional or statewide  
17 medical direction and quality assurance of health care delivery in  
18 an emergency medical service system. On-line medical control is the  
19 medical direction given to licensed emergency medical personnel,  
20 certified emergency medical responders and stretcher van personnel  
21 by a physician via radio or telephone. Off-line medical control is  
22 the establishment and monitoring of all medical components of an  
23 emergency medical service system, which is to include stretcher van  
24 service including, but not limited to, protocols, standing orders,

1 educational programs, and the quality and delivery of on-line  
2 control;

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

8 21. "Region" or "emergency medical service region" means two or  
9 more municipalities, counties, ambulance districts or other  
10 political subdivisions exercising joint control over one or more  
11 providers of emergency medical services and stretcher van service  
12 through common ordinances, authorities, boards or other means;

13 22. "Regional emergency medical services system" means a  
14 network of organizations, individuals, facilities and equipment  
15 which serves a region, subject to a unified set of regional rules  
16 and standards which may exceed, but may not be in contravention of,  
17 those required by the state, which is under the medical direction of  
18 a single regional medical director, and which participates directly  
19 in the delivery of the following services:

20 a. medical call-taking and emergency medical services  
21 dispatching, emergency and routine, including priority  
22 dispatching of first response agencies, stretcher van  
23 and ambulances,  
24

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

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

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

25. a. "Stretcher van" means any ground vehicle which is or should be approved by the State Commissioner of Health, which is designed and equipped to transport

1 individuals on a stretcher or gurney ~~type apparatus~~  
2 and locking system that also:

3 (1) has a mounted seat with seat belts for the  
4 patient care attendant or attendants,

5 (2) has mounted storage for the purpose of storing  
6 supplies and equipment,

7 (3) has mounted and rear loading lights,

8 (4) has the capability to contact 911 should an  
9 emergency arise while transporting a passenger,

10 (5) displays exterior markings in six-inch letters in  
11 a contrasting color on the rear and sides of the  
12 vehicle identifying:

13 (a) the vehicle as a stretcher van, and

14 (b) the business name, and

15 (6) is in good mechanical and serviceable conditions,  
16 including satisfactory scores related to interior  
17 carbon monoxide testing.

18 b. Vehicles used as stretcher vans shall ~~meet such~~  
19 ~~standards as may be required by the Board for approval~~  
20 ~~and shall~~ display evidence of ~~such approval~~ licensure  
21 at all times, provided that such licensure may be  
22 suspended due to:

23 (1) inadequate sanitation, including the presence of  
24 contamination by blood and/or bodily fluids,



- 1           (2) inoperable heater or air conditioner as detailed  
2           within the vehicle manufacturing standards and  
3           specifications,  
4           (3) inoperable automated external defibrillator,  
5           (4) tires that do not meet the requirements of  
6           Section 12-405 of Title 47 of the Oklahoma  
7           Statutes,  
8           (5) carbon monoxide levels greater than fifty (50)  
9           ppm,  
10          (6) lapse of vehicle liability insurance,  
11          (7) lapse of workers' compensation insurance,  
12          (8) inability to affix the licensure permit to the  
13          vehicle, and  
14          (9) the vehicle's lack of statutorily required safety  
15          equipment.

16       c.   Stretcher van services shall only be permitted and  
17       approved by the Commissioner in emergency medical  
18       service regions, ambulance service districts, or  
19       counties with populations in excess of five hundred  
20       thousand (500,000) people. Notwithstanding the  
21       provisions of this paragraph, stretcher van transports  
22       may be made to and from any federal or state veterans  
23       facility;  
24

1        26. "Stretcher van passenger" means any person who is or will  
2 be transported in a reclining position on a stretcher or gurney, who  
3 is medically stable, nonemergent and does not require any medical  
4 monitoring equipment or assistance during transport, except oxygen  
5 in instances where the patient has a standing medical order for  
6 oxygen. Passengers must be authorized as qualified to be  
7 transported by stretcher van. Passengers shall be authorized  
8 through screening provided by a certified medical dispatching  
9 protocol approved by the Department. All patients being transported  
10 to or from any medically licensed facility shall be screened before  
11 transport. Any patient transported without screening shall be a  
12 violation of Board rule by the transporting company and subject to  
13 administrative procedures of the Department; and

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

- 23            a. nonemergency, routine transport shall be to the  
24                facility of the patient's choice,

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

SECTION 2. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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