

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H

4

HOUSE BILL 327
Second Edition Engrossed 4/20/15
Senate Health Care Committee Substitute Adopted 6/11/15
Fourth Edition Engrossed 6/15/15

Short Title: Study EMS Safety/EMS Personnel Tech Changes.

(Public)

Sponsors:

Referred to:

March 24, 2015

A BILL TO BE ENTITLED

AN ACT TO (1) STUDY EMERGENCY MEDICAL SERVICE PERSONNEL SAFETY FROM HOSTILE THREATS AND WHAT DEFENSIVE RESOURCES SHOULD BE ALLOWED TO PREVENT INJURY TO THE EMERGENCY MEDICAL SERVICE PERSONNEL OR THE PATIENTS UNDER THEIR CARE AND (2) MAKE TECHNICAL AND CONFORMING CHANGES TO THE STATUTES GOVERNING THE REGULATION OF EMERGENCY MEDICAL SERVICES TO REFLECT NEW NATIONAL STANDARDS FOR EMERGENCY MEDICAL PERSONNEL.

The General Assembly of North Carolina enacts:

SECTION 1. The Department of Health and Human Services, Division of Health Service Regulation, in consultation with the North Carolina Medical Care Commission and the Department of Public Safety, Division of Emergency Management, shall study how emergency medical service personnel can reduce the threat of bodily harm to them when performing duties necessary for the health and safety of the public. The study shall address all of the following:

- (1) Crisis intervention courses.
- (2) Self-defense tactics.
- (3) Use of protective body garments and vests.
- (4) Nonlethal deterrents such as conducted electrical weapons.
- (5) Nonlethal deterrents such as chemical irritants, mace, pepper spray, and tear gas.
- (6) Lethal deterrents such as pistols and revolvers.

SECTION 2. The Division shall report its findings to the Joint Legislative Oversight Committee on Health and Human Services no later than April 1, 2016.

SECTION 3. G.S. 131E-155 reads as rewritten:

"§ 131E-155. Definitions.

As used in this Article, unless otherwise specified:

- (1) "Ambulance" means any privately or publicly owned motor vehicle, aircraft, or vessel that is specially designed, constructed, or modified and equipped and is intended to be used for and is maintained or operated for the transportation of patients on the streets or highways, waterways or airways of this State.
- (2) Repealed by Session Laws 1997-443, s. 11A.129C.
- (3) Redesignated as subdivision (13a).
- (4) "Commission" means the North Carolina Medical Care Commission.



* H 3 2 7 - V - 4 *

- 1 (5) "Emergency medical dispatcher" means an emergency telecommunicator
2 who has completed an educational program approved by the Department and
3 has been credentialed as an emergency medical dispatcher by the
4 Department.
- 5 (6) "Emergency medical services" means services rendered by emergency
6 medical services personnel in responding to improve the health and wellness
7 of the community and to address the individual's need for emergency
8 medical care within the scope of practice as defined by the North Carolina
9 Medical Board in accordance with G.S. 143-514 in order to prevent loss of
10 life or further aggravation of physiological or psychological illness or injury.
- 11 (6a) "Emergency medical services instructor" means an individual who has
12 completed educational requirements approved by the Department and has
13 been credentialed as an emergency medical services instructor by the
14 Department.
- 15 (6b) "Emergency Medical Services Peer Review Committee" means a panel
16 composed of EMS program representatives to be responsible for analyzing
17 patient care data and outcome measures to evaluate the ongoing quality of
18 patient care, system performance, and medical direction within the EMS
19 system. The committee membership shall include physicians, nurses, EMS
20 personnel, medical facility personnel, and county government officials.
21 Review of medical records by the EMS Peer Review Committee is
22 confidential and protected under G.S. 143-518. An EMS Peer Review
23 Committee, its members, proceedings, records and materials produced, and
24 materials considered shall be afforded the same protections afforded Medical
25 Review Committees, their members, proceedings, records, and materials
26 under G.S. 131E-95.
- 27 (7) "Emergency medical services personnel" means all the personnel defined in
28 subdivisions (5), (6a), (8), (9), (10), (12), (13), (14), and (15) of this section.
- 29 (8) "Emergency medical services-nurse practitioner" means a registered nurse
30 who is licensed to practice nursing in North Carolina and approved to
31 perform medical acts by the North Carolina Medical Board and the North
32 Carolina Board of Nursing. Upon successful completion of an orientation
33 program conducted under the authority of the medical director and approved
34 by the Department, emergency medical services-nurse practitioners shall be
35 approved by the medical director to issue instructions to EMS personnel.
36 These instructions shall be in accordance with protocols approved by the
37 EMS system and Office of Emergency Medical Services and under the
38 direction of the medical director.
- 39 (9) "Emergency medical services-physician assistant" means a physician
40 assistant who is licensed by the North Carolina Medical Board. Upon
41 successful completion of an orientation program conducted under the
42 authority of the medical director and approved by the Department,
43 emergency medical services-physician assistants shall be approved by the
44 medical director to issue instructions to EMS personnel. These instructions
45 shall be in accordance with protocols approved by the EMS system and
46 Office of Emergency Medical Services and under the direction of the
47 medical director.
- 48 (10) "Emergency medical technician" means an individual who has completed an
49 educational program in emergency medical care approved by the
50 Department and has been credentialed as an emergency medical technician
51 by the Department.

- 1 (11) Repealed by Session Laws 2003-392, s. 2(a), effective August 7, 2003.
- 2 (12) "~~Emergency medical technician intermediate~~" Advanced emergency
3 medical technician" means an individual who has completed an educational
4 program in emergency medical care approved by the Department and has
5 been credentialed as an ~~emergency medical technician intermediate~~
6 advanced emergency medical technician by the Department.
- 7 (13) "~~Emergency medical technician paramedic~~" Paramedic" means an
8 individual who has completed an educational program in emergency medical
9 care approved by the Department and has been credentialed as an ~~emergency~~
10 ~~medical technician paramedic~~ a paramedic by the Department.
- 11 (13a) "EMS provider" means a firm, corporation or association which engages in
12 or professes to provide emergency medical services.
- 13 (14) "~~Medical responder~~" Emergency medical responder" means an individual
14 who has completed an educational program in emergency medical care and
15 first aid approved by the Department and has been credentialed as a ~~an~~
16 emergency medical responder by the Department.
- 17 (15) "Mobile intensive care nurse" means a registered nurse who is licensed to
18 practice nursing in North Carolina and is approved by the medical director,
19 following successful completion of an orientation program conducted under
20 the authority of the medical director and approved by the Department, to
21 issue instructions to EMS personnel. These instructions shall be in
22 accordance with protocols approved by the EMS system and Office of
23 Emergency Medical Services and under the direction of the medical director.
- 24 (16) "Patient" means an individual who is sick, injured, wounded, or otherwise
25 incapacitated or helpless such that the need for some medical assistance
26 might be anticipated.
- 27 (17) "Practical examination" means a test where an applicant for credentialing as
28 an emergency medical technician, emergency medical responder, emergency
29 ~~medical technician intermediate,~~ or emergency medical
30 ~~technician paramedic~~ advanced emergency medical technician, or paramedic
31 demonstrates the ability to perform specified emergency medical care skills."

32 **SECTION 4.** G.S. 131E-158 reads as rewritten:

33 **"§ 131E-158. Credentialed personnel required.**

34 (a) Every ambulance when transporting a patient shall be occupied at a minimum by all
35 of the following:

- 36 (1) At least one emergency medical technician who shall be responsible for the
37 medical aspects of the mission prior to arrival at the medical facility,
38 assuming no other individual with higher credentials is available.
- 39 (2) One emergency medical responder who is responsible for the operation of
40 the vehicle and rendering assistance to the emergency medical technician.

41 An ambulance owned and operated by a licensed health care facility that is used solely to
42 transport sick or infirm patients with known nonemergency medical conditions between
43 facilities or between a residence and a facility for scheduled medical appointments is exempt
44 from the requirements of this subsection.

45 (b) The Commission shall adopt rules setting forth exemptions to the requirements
46 stated in (a) of this section applicable to situations where exemptions are considered by the
47 Commission to be in the public interest."

48 **SECTION 5.** G.S. 131E-159 reads as rewritten:

49 **"§ 131E-159. Credentialing requirements.**

50 (a) Individuals seeking credentials as an emergency medical technician, ~~emergency~~
51 ~~medical technician intermediate,~~ ~~emergency medical technician paramedic,~~ advanced

1 emergency medical technician, paramedic, emergency medical responder, emergency medical
2 dispatcher, or emergency medical services instructor shall apply to the Department using forms
3 prescribed by that agency. The Department's representatives shall examine the applicant by
4 either written, practical, or written and practical examination. The Department shall issue
5 appropriate credentials to the applicant who meets all the requirements set forth in this Article
6 and the rules adopted for this Article and who successfully completes the examinations
7 required for credentialing. Emergency medical technician, ~~emergency medical responder,~~
8 emergency medical dispatcher, ~~emergency medical technician intermediate, emergency~~
9 ~~medical technician paramedic~~ advanced emergency medical technician, paramedic,
10 and emergency medical services instructor credentials shall be valid for a period not to exceed four
11 years and may be renewed if the holder meets the requirements set forth in the rules of the
12 Commission. The Department is authorized to revoke or suspend these credentials at any time
13 it determines that the holder no longer meets the qualifications prescribed.

14 (b) The Commission shall adopt rules setting forth the qualifications required for
15 credentialing of emergency medical responders, emergency medical technicians, ~~emergency~~
16 ~~medical technician intermediates, emergency medical technician paramedics, advanced~~
17 emergency medical technicians, paramedics, emergency medical dispatchers, and emergency
18 medical services instructors.

19 (c) Individuals currently credentialed as an emergency medical technician, ~~emergency~~
20 ~~medical technician intermediate, emergency medical technician paramedic, advanced~~
21 emergency medical technician, paramedic, emergency medical responder, and emergency
22 medical services instructor by the National Registry of Emergency Medical Technicians or by
23 another state where the education/credentialing requirements have been approved for legal
24 recognition by the Department of Health and Human Services, in accordance with rules
25 promulgated by the Medical Care Commission, and who is either currently residing in North
26 Carolina or affiliated with a permitted EMS provider offering service within North Carolina,
27 may be eligible for credentialing as an emergency medical technician, ~~emergency medical~~
28 ~~technician intermediate, emergency medical technician paramedic, advanced emergency~~
29 medical technician, paramedic, emergency medical responder, and emergency medical services
30 instructor without examination. This credentialing shall be valid for a period not to exceed the
31 length of the applicant's original credentialing or four years, whichever is less.

32 ...

33 (f) The Department may deny, suspend, amend, or revoke the credentials of ~~a~~an
34 emergency medical responder, emergency medical technician, ~~emergency medical~~
35 ~~technician intermediate, emergency medical technician paramedic, advanced emergency~~
36 medical technician, paramedic, emergency medical dispatcher, or emergency medical services
37 instructor in any case in which the Department finds that there has been a substantial failure to
38 comply with the provisions of this Article or the rules issued under this Article. Prior to
39 implementation of any of the above disciplinary actions, the Department shall consider the
40 recommendations of the EMS Disciplinary Committee pursuant to G.S. 143-519. The
41 Department's decision to deny, suspend, amend, or revoke credentials may be appealed by the
42 applicant or credentialed personnel pursuant to the provisions of Article 3 of Chapter 150B of
43 the General Statutes, the Administrative Procedure Act.

44"

45 **SECTION 6.** G.S 14-276.1 reads as rewritten:

46 **"§ 14-276.1. Impersonation of firemen or emergency medical services personnel.**

47 It is a Class 3 misdemeanor, for any person, with intent to deceive, to impersonate a
48 fireman or any emergency medical services personnel, whether paid or voluntary, by a false
49 statement, display of insignia, emblem, or other identification on his person or property, or any
50 other act, which indicates a false status of affiliation, membership, or level of training or
51 proficiency, if:

- 1 (1) The impersonation is made with intent to impede the performance of the
2 duties of a fireman or any emergency medical services personnel, or
3 (2) Any person reasonably relies on the impersonation and as a result suffers
4 injury to person or property.

5 For purposes of this section, emergency medical services personnel means ~~a~~an emergency
6 medical responder, emergency medical technician, ~~emergency medical technician~~
7 intermediates, ~~emergency medical technician paramedics, advanced emergency medical~~
8 technician, paramedic, or other member of a rescue squad or other emergency medical
9 organization."

10 **SECTION 7.** The North Carolina Medical Care Commission shall amend its
11 applicable rules consistent with Sections 3 through 5 of this act no later than December 31,
12 2015.

13 **SECTION 8.** This act is effective when it becomes law.