

HOUSE BILL NO. 35

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES SHAW, McCabe, Schrage

Introduced: 2/18/21

Referred: Health and Social Services, Labor and Commerce

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to mobile intensive care paramedics; relating to duties of the State**
2 **Medical Board and the Department of Health and Social Services; and providing for an**
3 **effective date."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 * **Section 1.** AS 08.64.107 is amended to read:

6 **Sec. 08.64.107. Regulation of physician assistants [AND INTENSIVE**
7 **CARE PARAMEDICS].** The board shall adopt regulations regarding the licensure of
8 physician assistants [AND REGISTRATION OF MOBILE INTENSIVE CARE
9 PARAMEDICS,] and the medical services that they may perform, including the
10 (1) educational and other qualifications, including education in pain
11 management and opioid use and addiction;
12 (2) application and licensing [REGISTRATION] procedures;
13 (3) scope of activities authorized; and
14 (4) responsibilities of the supervising or training physician.

1 * **Sec. 2.** AS 08.64.170(a) is amended to read:

2 (a) A person may not practice medicine, podiatry, or osteopathy in the state
3 unless the person is licensed under this chapter, except that

4 (1) a physician assistant may examine, diagnose, or treat persons under
5 the supervision, control, and responsibility of either a physician licensed under this
6 chapter or a physician exempted from licensing under AS 08.64.370;

7 (2) [A MOBILE INTENSIVE CARE PARAMEDIC MAY RENDER
8 EMERGENCY LIFESAVING SERVICE;

9 (3)] a person who is licensed or authorized under another law of the
10 state [CHAPTER OF THIS TITLE] may engage in a practice that is authorized under
11 that law [CHAPTER]; and

12 (3) [(4)] a person may perform routine medical duties delegated under
13 AS 08.64.106.

14 * **Sec. 3.** AS 08.64.360 is amended to read:

15 **Sec. 08.64.360. Penalty for practicing without a license or in violation of**
16 **chapter.** Except for a physician assistant [, A MOBILE INTENSIVE CARE
17 PARAMEDIC,] or a person licensed or authorized under another law of the state
18 [CHAPTER OF THIS TITLE] who engages in practices for which that person is
19 licensed or authorized under that law [CHAPTER], a person practicing medicine or
20 osteopathy in the state without a valid license or permit is guilty of a class A
21 misdemeanor. Each day of illegal practice is a separate offense.

22 * **Sec. 4.** AS 08.64.369(d) is amended to read:

23 (d) In this section, "health care professional" includes an emergency medical
24 technician certified under AS 18.08, health aide, physician, nurse, mobile intensive
25 care paramedic licensed under AS 18.08, and physician assistant, but does not include
26 a practitioner of religious healing.

27 * **Sec. 5.** AS 12.55.185(11) is amended to read:

28 (11) "paramedic" means a mobile intensive care paramedic licensed
29 under AS 18.08 [AS 08.64];

30 * **Sec. 6.** AS 18.08.075 is amended to read:

31 **Sec. 18.08.075. Authority of emergency medical technician and mobile**

intensive care paramedic. (a) An emergency medical technician **or mobile intensive care paramedic** who responds to an emergency with an ambulance service or first responder service, who has in the technician's **or mobile intensive care paramedic's** possession a current emergency medical technician **or mobile intensive care paramedic** identification card [,] and who provides emergency medical care or other emergency medical service, has the authority to

(1) control and direct activities at the accident site or emergency until the arrival of law enforcement personnel;

(2) order a person other than the owner to leave a building or place in the vicinity of the accident or other emergency for the purpose of protecting the person from injury;

(3) temporarily block a public highway, street, or private right-of-way while at the scene of an accident, illness, or emergency;

(4) trespass upon property at or near the scene of an accident, illness, or emergency at any time of day or night;

(5) enter a building, including a private dwelling, or premises where a report of an injury or illness has taken place or where there is a reasonable cause to believe an individual has been injured or is ill to render emergency medical care; and

(6) direct the removal or destruction of a motor vehicle or other thing that the emergency medical technician **or mobile intensive care paramedic** determines is necessary to prevent further harm to injured or ill individuals.

(b) A person who knowingly refuses to comply with an order of an emergency medical technician **or mobile intensive care paramedic** authorized under (a) of this section is, upon conviction, guilty of a class B misdemeanor. In this subsection, "knowingly" has the meaning given in AS 11.81.900(a).

* **Sec. 7.** AS 18.08.080 is amended to read:

Sec. 18.08.080. Regulations. (a) The department shall adopt, with the concurrence of the Department of Public Safety, regulations establishing standards and procedures for the issuance, renewal, reissuance, revocation, and suspension of certificates **or licenses** required under AS 18.08.084, as well as other regulations necessary to carry out the purposes of this chapter.

(b) The department may charge fees set by regulation for the certification **or licensure** of individuals and organizations under this chapter.

* **Sec. 8.** AS 18.08.082(a) is amended to read:

(a) The department shall prescribe by regulation a course of training or other requirements prerequisite to the issuance of certificates **or licenses** that provide for the following:

(1) certification of a person who meets the training and other requirements as an emergency medical technician, emergency medical technician instructor, or emergency medical dispatcher;

(2) authorization for an emergency medical technician certified under this chapter to provide under the written or oral direction of a physician the advanced life support services enumerated on the certificate or enumerated on a written document filed with the department by the technician's medical director and approved by the department under its regulations;

(3) certification that a person, organization, or government agency that provides an emergency medical service, conducts a training course for a mobile intensive care paramedic, or represents itself as a trauma center meets the minimum standards prescribed by the department for that service, course, or designation; [AND]

(4) authorization for an emergency medical service certified under this chapter to provide under the written or oral direction of a physician the advanced life support services enumerated on the certificate or enumerated on a written document filed with the department by the medical director for the emergency medical service and approved by the department under its regulations; **and**

(5) licensure of a mobile intensive care paramedic and the medical services that a mobile intensive care paramedic may perform, including the

(A) educational and other qualifications, including education in pain management and opioid use and addiction;

(B) application and licensing procedures;

(C) scope of activities authorized; and

(D) responsibilities of a supervising or training physician.

* **Sec. 9.** AS 18.08.082(b) is amended to read:

(b) The department is the central certifying and licensing agency for persons, organizations, or governmental agencies that are [PERSONNEL] certified or licensed under (a) [(a)(1) AND (2)] of this section and under regulations adopted under AS 18.08.080.

* **Sec. 10.** AS 18.08.084(a) is amended to read:

(a) One may not represent oneself, nor may an agency or business represent an agent or employee of that agency or business, as an emergency medical dispatcher, emergency medical technician, mobile intensive care paramedic, or emergency medical technician instructor certified or licensed by the state unless the person represented is certified or licensed for that occupation under AS 18.08.082.

* **Sec. 11.** AS 18.08.086(a) is amended to read:

(a) A person certified or licensed under AS 18.08.082 who administers emergency medical services to an injured or sick person, a person or public agency that employs, sponsors, directs, or controls the activities of persons certified or licensed under AS 18.08.082 who administer emergency medical services to an injured or sick person, or a health care professional or emergency medical dispatcher acting within the scope of the person's certification who directs or advises a person to administer emergency medical services to an injured or sick person is not liable for civil damages as a result of an act or omission in administering those services or giving that advice or those directions if the administering, advising, and directing are done in good faith and the injured or sick person reasonably seems to be in immediate danger of serious harm or death. This subsection does not preclude liability for civil damages that are the proximate result of gross negligence or intentional misconduct, nor preclude imposition of liability on a person or public agency that employs, sponsors, directs, or controls the activities of persons certified or licensed under AS 18.08.082 if the act or omission is a proximate result of a breach of duty to act created under this chapter. In [FOR THE PURPOSES OF] this subsection, "gross negligence" means reckless, wilful, or wanton misconduct.

* **Sec. 12.** AS 18.08.089(a) is amended to read:

(a) A mobile intensive care paramedic licensed under this chapter, a [OR] physician assistant registered or licensed under AS 08.64.107, or an emergency

1 medical technician certified under this chapter may make a determination and
 2 pronouncement of death of a person under the following circumstances:

3 (1) the mobile intensive care paramedic or emergency medical
 4 technician is an active member of an emergency medical service certified under this
 5 chapter;

6 (2) neither a physician licensed under AS 08.64 nor a physician
 7 exempt from licensure under AS 08.64 is immediately available for consultation by
 8 radio or telephone communications;

9 (3) the mobile intensive care paramedic, physician assistant, or
 10 emergency medical technician has determined, based on acceptable medical standards,
 11 that the person has sustained irreversible cessation of circulatory and respiratory
 12 functions.

13 * **Sec. 13.** AS 18.08.200 is amended by adding a new paragraph to read:

14 (14) "mobile intensive care paramedic" means an individual licensed
 15 by the department who has completed a paramedic training program approved by the
 16 department and is authorized by law to provide advanced life support under the direct
 17 or indirect supervision of a physician.

18 * **Sec. 14.** AS 37.05.146(c)(77) is amended to read:

19 (77) the following fees, receipts, income, and monetary recoveries
 20 collected by the Department of Health and Social Services:

21 (A) receipts of the Department of Health and Social Services,
 22 Bureau of Vital Statistics;

23 (B) monetary recoveries of Medicaid expenditures from
 24 recipients, third parties, and providers under AS 47;

25 (C) the state's share of overpayments collected under
 26 AS 47.05.080;

27 (D) income received from a state or federal agency for children
 28 in foster care under AS 47.14.100;

29 (E) fees received or collected under AS 44.29.022 for nursing
 30 and planning services provided at health centers, genetic screening clinics and
 31 specialty clinics, the certification of x-ray machines, the alcohol safety action

1 program, and other public health programs and services;

2 (F) fees received under AS 18.08.080 for the certification or
 3 licensure of emergency medical technicians, emergency medical dispatchers,
 4 mobile intensive care paramedics, and emergency medical technician
 5 instructors;

6 (G) fees received under AS 47.32;

7 (H) the state's share of child support collections for
 8 reimbursement of the cost of the Alaska temporary assistance program as
 9 provided under AS 25.27.120, 25.27.130, and AS 47.27.040; and

10 (I) monetary recoveries under AS 09.58 (Alaska Medical
 11 Assistance False Claim and Reporting Act);

12 * **Sec. 15.** AS 08.64.366, 08.64.380(3), and 08.64.380(4) are repealed.

13 * **Sec. 16.** The uncodified law of the State of Alaska is amended by adding a new section to
 14 read:

15 TRANSITION: EXISTING REGISTRATIONS; REGULATIONS. (a)
 16 Notwithstanding the amendment to AS 08.64.107 made by sec. 1 of this Act, a registration of
 17 a mobile intensive care paramedic issued before the effective date of sec. 1 of this Act is valid
 18 until the registration

19 (1) expires under AS 08.64.107, as that section read on the day before the
 20 effective date of sec. 1 of this Act;

21 (2) is suspended or revoked; or

22 (3) is converted to a license under AS 18.08.082(a) and (b), as amended by
 23 secs. 8 and 9 of this Act.

24 (b) On January 1, 2022, the Department of Commerce, Community, and Economic
 25 Development and the State Medical Board shall transfer the files of all pending records and
 26 proceedings, including applications and disciplinary actions, relating to mobile intensive care
 27 paramedics to the Department of Health and Social Services.

28 (c) The Department of Health and Social Services shall adopt regulations necessary to
 29 implement this Act. The regulations must allow for the conversion of an unexpired
 30 registration of a mobile intensive care paramedic issued under regulations authorized by
 31 AS 08.64.107, as that section read on the day before the effective date of sec. 1 of this Act, to

- 1 a license under AS 18.08.082(a) and (b), as amended by secs. 8 and 9 of this Act.
- 2 * **Sec. 17.** Section 16(c) of this Act takes effect immediately under AS 01.10.070(c).
- 3 * **Sec. 18.** Except as provided in sec. 17 of this Act, this Act takes effect January 1, 2022.