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Referred: Health Education &
Social Services and Finance

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

1 IN THE HOUSE

CS HOUSE BILL NO. 896 (FINANCE) AMS

2
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to emergency medical services."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 * Section 1. AS 18.08.080 is repealed and re-enacted to read:

9 Sec. 18.08.080. REGULATIONS. The department shall adopt, with the
10 concurrence of the Department of Public Safety, regulations establishing
11 standards and procedures for the issuance, renewal, reissuance, revoca-
12 tion, and suspension of certificates required under sec. 82 of this
13 chapter, as well as other regulations necessary to carry out the pur-
14 poses of this chapter.

15 * Sec. 2. AS 18.08 is amended by adding new sections to read:

16 Sec. 18.08.082. ISSUANCE OF PERMITS. The department shall pre-
17 scribe by regulation a course of training or other requirements pre-
18 requisite to issuance of a certificate authorizing a person to provide
19 emergency medical services, including those services involved in ad-
20 vanced life support, or to operate an ambulance, or both. A certificate
21 authorizing a person to provide those emergency medical services which
22 are enumerated on the certificate, or to operate an ambulance, or both,
23 shall be issued upon successful completion of such requirements.

24 Sec. 18.08.084. CERTIFICATE REQUIRED. No person may provide,
25 offer or advertise to provide emergency medical services, including
26 advanced life support, nor operate, or offer or advertise to operate an
27 ambulance on a regular basis, unless authorized by a certificate issued
28 under sec. 82 of this chapter.

29 Sec. 18.08.086. IMMUNITY FROM LIABILITY. (a) No person certified

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1 under sec. 82 of this chapter, or person or public agency which employs,
2 sponsors or controls the activities of persons certified under sec. 82
3 of this chapter, who administers emergency medical services to an in-
4 jured or sick person may be liable for civil damages as a result of an
5 act or omission in administering those services, if done in good faith
6 and if the life of the injured or sick person is in danger. This sub-
7 section does not preclude liability for civil damages the proximate
8 result of gross negligence or intentional misconduct, nor preclude im-
9 position of liability on a person or public agency which employs, spon-
10 sors, or controls the activities of persons certified under sec. 82 of
11 this chapter if the act or omission is a proximate result of a breach of
12 duty to act created under this chapter. For the purposes of this sub-
13 section, "gross negligence" means reckless, wilful, or wanton misconduct.

14 (b) No physician who in good faith arranges for, requests, recom-
15 mends, or initiates the transfer of a patient from a hospital to another
16 hospital may be liable for civil damages as a result of arranging, re-
17 questing, recommending, or initiating the transfer if

18 (1) in the exercise of that degree of knowledge or skill pos-
19 sessed, or that degree of care ordinarily exercised by physicians prac-
20 ticing the same specialty in the same, or similar communities to that in
21 which the physician is practicing, the physician determines that treat-
22 ment of the patient's medical condition is beyond the capability of the
23 transferring hospital or the medical community in which the hospital is
24 located;

25 (2) the physician has confirmed that the receiving facility
26 is more capable of treating the patient; and

27 (3) the physician has secured a prior agreement from the
28 receiving facility to accept and render the necessary treatment to the
29 patient.

1 Sec. 18.08.088. PENALTY. Any person who violates a provision of
2 this chapter is guilty of a misdemeanor and upon conviction is punish-
3 able by a fine of not less than \$50 nor more than \$100, or by imprison-
4 ment for not less than 10 days nor more than 90 days, or by both. Each
5 violation is a separate offense.

6 * Sec. 3. AS 18.08.090 is amended by adding new paragraphs to read:

7 (7) "advanced life support" means a level of pre-hospital and
8 inter-hospital emergency care under the written or oral direction of a
9 physician, which includes, but is not limited to, basic life support
10 functions, cardiopulmonary resuscitation (CPR), cardiac monitoring,
11 cardiac defibrillation, administration of antiarrhythmic agents, intra-
12 venous therapy, administration of specific medications and drugs and
13 solutions, or use of adjunctive ventilation devices;

14 (8) "ambulance" means any publicly or privately owned means
15 of conveyance intended to be used and maintained or operated for the
16 transportation of persons who are sick, injured, wounded, or otherwise
17 helpless;

18 (9) "emergency medical services" means the services utilized
19 in responding to the perceived individual needs for immediate medical
20 care in order to prevent loss of life or aggravation of physiological or
21 psychological illness or injury.