

Original sponsor: Health, Education and
Social Services Committee

Offered: 4/19/78
Referred: Finance

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 CS FOR HOUSE BILL NO. 896 (Fin)

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 AS 18.08.080 is repealed and re-enacted to read: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. (a) The department shall
17 prescribe by regulation a course of training or other requirements pre-
18 requisite to the issuance of certificates which provide for the follow-
19 ing:

20 (1) certifies that a person meets the training and other
21 requirements as an emergency medical technician;

22 (2) authorizes an emergency medical technician certified
23 under this chapter to provide under the written or oral direction of a
24 physician those advanced life support services enumerated on the certi-
25 ficate;

26 (3) certifies that a person, organization, or government
27 agency which provides an emergency medical service meets the minimum
28 operating standards prescribed by the department; and

29 (4) authorizes an emergency medical service certified under

1 this chapter to provide under the written or oral direction of a phy-
2 sician those advanced life support services enumerated on the certi-
3 ficate.

4 (b) The department shall be the central certifying agency for
5 personnel certified under (a)(1) and (2) of this chapter and under
6 regulations adopted under sec. 80 of this chapter.

7 Sec. 18.08.084. CERTIFICATE REQUIRED. (a) No person may repre-
8 sent himself, nor may an agency or business represent an agent or
9 employee of that agency or business, as an emergency medical technician
10 certified by the state unless the person represented is certified as an
11 emergency medical technician under sec. 82 of this chapter.

12 (b) No person, organization, or government agency may represent
13 itself as an emergency medical service or ambulance service certified
14 by the state unless the person, organization, or government agency is
15 certified as an emergency medical service under sec. 82 of this chapter.

16 (c) No person may provide, offer, or advertise to provide ad-
17 vanced life support services outside a hospital unless authorized by
18 law.

19 (d) No person, organization, or government agency which provides,
20 offers, or advertises to provide an emergency medical service may pro-
21 vide advanced life support services unless authorized under sec. 82 of
22 this chapter.

23 Sec. 18.08.086. IMMUNITY FROM LIABILITY. (a) No person certified
24 under sec. 82 of this chapter, or person or public agency which employs,
25 sponsors or controls the activities of persons certified under sec. 82
26 of this chapter, who administers emergency medical services to an in-
27 jured or sick person may be liable for civil damages as a result of an
28 act or omission in administering those services, if done in good faith
29 and if the life of the injured or sick person is in danger. This sub-

1 section does not preclude liability for civil damages which is the
2 proximate result of gross negligence or intentional misconduct, nor
3 preclude imposition of liability on a person or public agency which
4 employs, sponsors, or controls the activities of persons certified under
5 sec. 82 of this chapter if the act or omission is a proximate result of
6 a breach of duty to act created under this chapter. For the purposes of
7 this subsection, "gross negligence" means reckless, wilful, or wanton
8 misconduct.

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

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

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

22 (3) the physician has secured a prior agreement from the
23 receiving facility to accept and render the necessary treatment to the
24 patient.

25 (c) No registered nurse or licensed practical nurse who escorts a
26 patient in an aircraft not equipped as an ambulance may be liable for
27 civil damages as a result of an act or omission in administering patient
28 care services, if done in good faith and if the life of the injured or
29 sick person is in danger. This subsection does not preclude liability

1 for civil damages which are the result of gross negligence or inten-
2 tional misconduct.

3 Sec. 18.08.088. PENALTY. Any person who violates a provision of
4 this chapter is guilty of a misdemeanor and upon conviction is punish-
5 able by a fine of not more than \$1,000, or by imprisonment for not more
6 than 90 days, or by both. Each violation is a separate offense.

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

8 (7) "advanced life support" means emergency care techniques
9 provided under the written or oral orders of a physician which include,
10 but are not limited to, electric cardiac defibrillation, administration
11 of antiarrhythmic agents, intravenous therapy, intramuscular therapy, or
12 use of endotracheal intubation devices;

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

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

21 (10) "emergency medical technician" means a person trained in
22 emergency medical care and certified in accordance with the regulations
23 prescribed under sec. 80 of this chapter;

24 (11) "emergency medical service" means the provision of
25 emergency medical care and transportation of the sick and injured.
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