

SENATE BILL NO. 71

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - FIRST SESSION

BY SENATOR LEMAN

Introduced: 1/27/93
Referred: HES, L&C, FIN

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to emergency medical services; and repealing obsolete references
2 to the Statewide Health Coordinating Council and health systems agencies."

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

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

5 Sec. 08.64.107. REGULATION OF PHYSICIAN ASSISTANTS [AND
6 INTENSIVE CARE PARAMEDICS]. The board shall adopt regulations regarding the
7 registration of physician assistants [AND PHYSICIAN-TRAINED MOBILE
8 INTENSIVE CARE PARAMEDICS,] and the medical services that they [EACH] may
9 perform, including [BUT NOT LIMITED TO]

- 10 (1) the educational and other qualifications,
- 11 (2) the application and registration procedures,
- 12 (3) the scope of activities authorized, and
- 13 (4) the responsibilities of the supervising or training physician.

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

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

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

6 (2) a [PHYSICIAN-TRAINED] mobile intensive care paramedic may
7 render emergency lifesaving service; and

8 (3) a person who is licensed or authorized under another chapter of this
9 title may engage in a practice that is authorized under that chapter.

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

11 Sec. 08.64.360. PENALTY FOR PRACTICING WITHOUT A LICENSE OR
12 IN VIOLATION OF CHAPTER. Except for a physician assistant, a
13 [PHYSICIAN-TRAINED] mobile intensive care paramedic [UNDER AS 08.64.170],
14 or a person licensed or authorized under another chapter of this title who engages in
15 practices for which that person is licensed or authorized under that chapter, a person
16 practicing medicine or osteopathy in the state without a valid license or permit is guilty
17 of a class A misdemeanor. Each day of illegal practice is a separate offense.

18 * Sec. 4. AS 08.64.366 is amended to read:

19 Sec. 08.64.366. LIABILITY FOR SERVICES RENDERED BY A
20 [PHYSICIAN-TRAINED] MOBILE INTENSIVE CARE PARAMEDIC. An act or
21 omission of a [PHYSICIAN-TRAINED] mobile intensive care paramedic done or
22 omitted in good faith while rendering emergency service to a person who is in need
23 of immediate aid in order to avoid serious harm or loss of life does not impose any
24 liability upon the [PHYSICIAN-TRAINED] mobile intensive care paramedic, the
25 supervising physician, a hospital, the officers, members of the staff, nurses, or other
26 employees of a hospital or upon a federal, state, borough, city or other local
27 governmental unit or upon other employees of a governmental unit; however, this
28 section does not relieve a physician or a hospital of a duty otherwise imposed by law
29 upon the physician or hospital for the designation or training of a
30 [PHYSICIAN-TRAINED] mobile intensive care paramedic or for the provision or
31 maintenance of equipment to be used by the [PHYSICIAN-TRAINED] mobile

1 intensive care paramedic.

2 * Sec. 5. AS 08.64.369(d) is amended to read:

3 (d) In this section, "health care professional" includes an emergency medical
4 technician certified under AS 18.08, health aide, physician, nurse, mobile intensive
5 care paramedic, and physician's assistant, but does not include a practitioner of
6 religious healing.

7 * Sec. 6. AS 08.64.380(4) is repealed and reenacted to read:

8 (4) "mobile intensive care paramedic" means a person who is licensed
9 as a mobile intensive care paramedic under AS 18.08;

10 * Sec. 7. AS 11.81.430(a)(5) is amended to read:

11 (5) A licensed physician, licensed mobile intensive care paramedic,
12 or registered nurse; or a person acting under the direction of a licensed physician,
13 licensed mobile intensive care paramedic, or registered nurse; or any person who
14 renders emergency care at the scene of an emergency, may use reasonable and
15 appropriate nondeadly force for the purpose of administering a recognized and lawful
16 form of treatment that [WHICH] is reasonably adapted to promoting the physical or
17 mental health of the patient if

18 (A) the treatment is administered with the consent of the patient
19 or, if the patient is a child under 18 years of age or an incompetent person,
20 with the consent of the parent, guardian, or other person entrusted with care
21 and supervision of the child or incompetent person; or

22 (B) the treatment is administered in an emergency if the person
23 administering the treatment reasonably believes that no one competent to
24 consent can be consulted under the circumstances and that a reasonable person,
25 wishing to safeguard the welfare of the patient, would consent.

26 * Sec. 8. AS 12.55.185 is amended by adding a new paragraph to read:

27 (13) "paramedic" means a mobile intensive care paramedic licensed
28 under AS 18.08.

29 * Sec. 9. AS 18.08.010 is amended to read:

30 Sec. 18.08.010. ADMINISTRATION. The department is responsible for the
31 development, implementation, and maintenance of a statewide comprehensive

1 emergency medical services system and, accordingly, shall

2 (1) coordinate public and private agencies engaged in the planning and
3 delivery of emergency medical services, including trauma care, to plan an emergency
4 medical services system;

5 (2) assist public and private agencies to deliver emergency medical
6 services, including trauma care, through the award of grants in aid;

7 (3) conduct, encourage, and approve programs of education and
8 training designed to upgrade the knowledge and skills of health personnel
9 involved in emergency medical services, including trauma care;

10 (4) establish and maintain a process under which hospitals and
11 clinics could represent themselves to be trauma centers because they voluntarily
12 meet criteria adopted by the department; criteria adopted by the department to
13 implement this paragraph must be based on an applicable national evaluation
14 system.

15 * Sec. 10. AS 18.08 is amended by adding a new section to read:

16 Sec. 18.08.015. PATIENT INFORMATION SYSTEM. (a) The department
17 shall establish an emergency medical services patient care information system. The
18 purpose of the system is to

19 (1) collect data on the incidence, severity, and causes of trauma
20 injuries;

21 (2) integrate this data on trauma injuries with information available
22 from other public and private sources on trauma injuries; and

23 (3) improve the delivery of prehospital and hospital emergency medical
24 services.

25 (b) A person, organization, or government agency that provides a prehospital
26 emergency medical service through a certificate issued under this chapter shall
27 participate in the system by making available to the department the minimum data
28 requested on forms developed by the department to implement (a) of this section. The
29 minimum data must include the

30 (1) type of medical emergency or nature of the call;

31 (2) response time; and

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(3) prehospital treatment provided.

(c) A hospital that provides emergency medical services shall make available to the department an abstract of the records of all patients admitted to the hospital's trauma and general surgery services for trauma care. The abstracts must be on forms developed by the department and must include the minimum data requested by the department.

(d) The department shall consult with the Alaska Council on Emergency Medical Services in designing, implementing, and revising the system.

(e) The department may delegate the responsibility for collecting data under this section to other public agencies or to private persons on contract to the department.

(f) In this section, "system" means the emergency medical services patient care information system established under this section.

* Sec. 11. AS 18.08.020 is amended to read:

Sec. 18.08.020. ALASKA [ADVISORY] COUNCIL ON EMERGENCY MEDICAL SERVICES. There is established in the department the Alaska [AN ADVISORY] Council on Emergency Medical Services. The council shall

[(1)] advise the commissioner and the governor with regard to the planning and implementation of a statewide emergency medical services system [;

(2) ASSIST THE STATEWIDE HEALTH COORDINATING COUNCIL IN PERFORMING ITS DUTIES UNDER AS 18.07.011 RELATING TO EMERGENCY MEDICAL SERVICES].

* Sec. 12. AS 18.08.030 is amended to read:

Sec. 18.08.030. COMPOSITION. The council consists of 11 members appointed by the governor. The governor shall provide for appropriate geographical distribution in the appointments and shall appoint

(1) two members who are physicians with experience in emergency medicine or trauma care;

(2) one member who is a registered nurse with experience in emergency nursing;

(3) three members who are active as prehospital emergency care

1 providers:

2 (4) one member who is an emergency medical services
3 administrator;

4 (5) one member who is an administrator of a hospital or Native
5 health care organization; and

6 (6) three members who are consumers [FOUR OF THE MEMBERS
7 MUST BE CONSUMERS] of emergency medical services [, AND ONE FROM EACH
8 JUDICIAL DISTRICT IN THE STATE].

9 * **Sec. 13.** AS 18.08.080 is amended to read:

10 Sec. 18.08.080. **REGULATIONS; FEES.** The department shall adopt, with
11 the concurrence of the council [DEPARTMENT OF PUBLIC SAFETY], regulations
12 establishing standards and procedures for the issuance, renewal, reissuance, revocation,
13 and suspension of certificates and licenses required under this chapter
14 [AS 18.08.084], as well as other regulations necessary to carry out the purposes of this
15 chapter.

16 * **Sec. 14.** AS 18.08.080 is amended by adding a new subsection to read:

17 (b) The department may charge fees set by regulation for the certification and
18 licensure of personnel and organizations under this chapter.

19 * **Sec. 15.** AS 18.08.082 is amended to read:

20 Sec. 18.08.082. **ISSUANCE OF CERTIFICATES AND LICENSES.** (a) The
21 department shall prescribe by regulation a course of training or other requirements
22 prerequisite to the issuance of certificates or licenses that provide for the following:

23 (1) certification of [CERTIFIES THAT] a person who meets the
24 training and other requirements as an emergency medical technician, emergency
25 medical technician instructor, or emergency medical dispatcher;

26 (2) licensure of a person who meets the training and other
27 requirements as a mobile intensive care paramedic;

28 (3) authorization for [AUTHORIZES] an emergency medical
29 technician or a mobile intensive care paramedic certified or licensed under this
30 chapter to provide under the written or oral direction of a physician the advanced life
31 support services enumerated on the certificate or license or enumerated on a written

1 document filed with the department by the technician's or paramedic's medical
2 director and approved by the department under its regulations:

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

8 (5) authorization [(4) AUTHORIZES] an emergency medical
9 service certified under this chapter to provide under the written or oral direction of a
10 physician the advanced life support services enumerated on the certificate or
11 enumerated on a written document filed with the department by the medical
12 director for the emergency medical service and approved by the department
13 under its regulations.

14 (b) The department is the central certifying and licensing agency for personnel
15 and organizations certified or licensed under (a)(1) - (3) [(a)(1) AND (2)] of this
16 section and under regulations adopted under AS 18.08.080.

17 * Sec. 16. AS 18.08.084(a) is amended to read:

18 (a) One may not represent oneself, nor may an agency or business represent
19 an agent or employee of that agency or business, as an emergency medical
20 dispatcher, emergency medical technician, mobile intensive care paramedic, or
21 emergency medical technician instructor certified or licensed by the state unless the
22 person represented is certified or licensed for that occupation [AS AN
23 EMERGENCY MEDICAL TECHNICIAN] under AS 18.08.082.

24 * Sec. 17. AS 18.08.084 is amended by adding new subsections to read:

25 (e) A hospital, clinic, or other entity may not represent itself as being a trauma
26 center unless it is certified under AS 18.08.082 as meeting the criteria established for
27 a trauma center.

28 (f) A person, organization, or government agency may not offer or conduct a
29 training course that is represented as a course for mobile intensive care paramedics
30 unless the person, organization, or agency is certified under AS 18.08.082 to offer or
31 conduct that course.

1 * Sec. 18. AS 18.08.086(a) is amended to read:

2 (a) A person certified or licensed under AS 18.08.082 who administers
3 emergency medical services to an injured or sick person. [OR] a person or public
4 agency that employs, sponsors, directs, or controls the activities of persons certified
5 or licensed under AS 18.08.082 [,] who administer [ADMINISTERS] emergency
6 medical services to an injured or sick person, or a health care professional or
7 emergency medical dispatcher acting within the scope of the person's licensure or
8 certification who directs or advises a person to administer emergency medical
9 services to an injured or sick person is not liable for civil damages as a result of an
10 act or omission in administering those services or giving that advice or those
11 directions [,] if the administering, advising, and directing are done in good faith
12 and [IF] the injured or sick person reasonably seems to be [IS] in immediate danger
13 of serious harm or death. This subsection does not preclude liability for civil damages
14 that are the proximate result of gross negligence or intentional misconduct, nor
15 preclude imposition of liability on a person or public agency that employs, sponsors,
16 directs, or controls the activities of persons certified or licensed under AS 18.08.082
17 if the act or omission is a proximate result of a breach of duty to act created under this
18 chapter. For the purposes of this subsection, "gross negligence" means reckless, wilful,
19 or wanton misconduct.

20 * Sec. 19. AS 18.08 is amended by adding a new section to read:

21 Sec. 18.08.087. DISCLOSURE OF MEDICAL RECORDS. A licensed
22 physician or other health care provider may disclose to an emergency medical
23 technician, a mobile intensive care paramedic, or another physician the medical or
24 hospital records of a sick or injured person to whom the paramedic, technician, or
25 physician is providing or has rendered emergency medical care or assistance for the
26 purpose of promoting the medical education of the specific person who provided the
27 care or assistance. A mobile intensive care paramedic, emergency medical care
28 technician, or physician to whom confidential records are disclosed under this section
29 may not further disclose the information to a person not entitled to receive that
30 information under this section or another law.

31 * Sec. 20. AS 18.08.090(8) is amended to read:

1 (8) "emergency medical services system" means a system that provides
2 for the arrangement of personnel, facilities, and equipment for the effective and
3 coordinated delivery of health care services, including trauma care, under emergency
4 conditions, occurring either as a result of the patient's condition or of natural disasters
5 or similar situations, and that is administered by a statewide network that has the
6 authority and resources to provide effective administration of the system;

7 * Sec. 21. AS 18.08.090 is amended by adding new paragraphs to read:

8 (12) "emergency medical dispatcher" means a trained public safety
9 telecommunicator with additional training and specific emergency medical knowledge
10 essential for the efficient management of emergency medical communications;

11 (13) "mobile intensive care paramedic" means an individual who has
12 successfully completed a paramedic training program and is authorized by law to
13 provide advanced life support under the direct or indirect supervision of a physician;

14 (14) "paramedic training program" means a training program prescribed
15 in regulations of the department that includes classroom, clinical, and field internship
16 components designed to provide an individual with the knowledge and skills necessary
17 to function as a mobile intensive care paramedic;

18 (15) "trauma care" includes injury prevention, triage, prehospital care,
19 hospital care, and rehabilitative services for major single system or multisystem
20 injuries that require immediate medical or surgical intervention or treatment to prevent
21 death or permanent disability.

22 * Sec. 22. AS 18.15.250(d)(1) is amended to read:

23 (1) "emergency medical and rescue personnel" means a trauma
24 technician, emergency medical technician, rescuer, or mobile intensive care
25 paramedic;

26 * Sec. 23. AS 18.26.030(a) is amended to read:

27 (a) The authority shall be managed and controlled by a seven-person board of
28 directors, who serve at the pleasure of the governor, consisting of

29 (1) the commissioner of revenue, who shall also chair the board;

30 (2) the commissioner of health and social services;

31 (3) the commissioner of community and regional affairs;

1 (4) four public members, appointed by the governor [FROM AMONG
2 THE NOMINEES SUBMITTED BY THE FOLLOWING:

3 (A) EACH HEALTH SYSTEMS AGENCY IN THE STATE,
4 ORGANIZED AND OPERATED IN ACCORDANCE WITH 42 U.S.C. 3001-1,
5 WHICH SHALL SUBMIT THREE NOMINEES FROM AMONG THE
6 MEMBERS OF THAT AGENCY;

7 (B) THE STATEWIDE HEALTH COORDINATING
8 COUNCIL, ESTABLISHED BY AS 18.07.011, WHICH SHALL SUBMIT
9 TWO NOMINEES FROM AMONG THE MEMBERS].

10 * Sec. 24. AS 47.24.010(a) is amended to read:

11 (a) The following persons who, in the performance of their professional duties,
12 have reasonable cause to believe that an elderly person has suffered harm shall, not
13 later than 24 hours after first having cause for the belief, report the harm to the
14 Department of Health and Social Services:

15 (1) a physician or other licensed health care provider;

16 (2) a mental health professional as defined in AS 47.30.915(11) and
17 including a marital and family therapist licensed under AS 08.63;

18 (3) a pharmacist;

19 (4) an administrator of a nursing home, residential care or health care
20 facility;

21 (5) a guardian or conservator;

22 (6) a police officer;

23 (7) a village public safety officer;

24 (8) a village health aide;

25 (9) a social worker;

26 (10) a member of the clergy;

27 (11) a staff employee of a project funded by the Older Alaskans
28 Commission;

29 (12) an employee of a homemaker program or home health aide
30 program;

31 (13) an emergency medical technician or a mobile intensive care

1 paramedic [IN THE MOBILE INTENSIVE CARE PROGRAM].

2 * Sec. 25. AS 47.24.110(a) is amended to read:

3 (a) The following persons who, in the performance of their professional duties,
4 have reasonable cause to believe that a disabled adult is a victim of assault under
5 AS 11.41.200 - 11.41.230 or sexual assault under AS 11.41.410 - 11.41.420, and that
6 the disabled adult is unable to report the crime, shall promptly report the crime to the
7 nearest law enforcement agency:

8 (1) a physician or other licensed health care provider;

9 (2) a mental health professional as defined in AS 47.30.915 and
10 including a marital and family therapist licensed under AS 08.63;

11 (3) a pharmacist;

12 (4) an administrator or employee of a nursing home, residential care,
13 or health care facility;

14 (5) a caretaker of the disabled adult;

15 (6) a guardian or conservator of the disabled adult;

16 (7) a police officer as defined in AS 18.65.290;

17 (8) a village public safety officer;

18 (9) a village health aide;

19 (10) a social worker;

20 (11) a member of the clergy;

21 (12) a staff employee of a program or project serving disabled adults;

22 (13) a licensed foster care provider;

23 (14) a paid employee of a domestic violence and sexual assault
24 program or a crisis intervention and prevention program as defined in AS 18.66.900;

25 (15) an employee of a homemaker program or home health aide
26 program;

27 (16) an emergency medical technician or mobile intensive care
28 paramedic [IN THE MOBILE INTENSIVE CARE PROGRAM].

29 * Sec. 26. AS 47.30.475(b) is amended to read:

30 (b) Money available under this section shall be awarded by the department to
31 applicants on the basis of community need, but only [IF THE AWARD IS

1 **CONSISTENT WITH THE ANNUAL IMPLEMENTATION PLAN DEVELOPED**
2 **UNDER 42 U.S.C. 3001-2(b)(2) (NATIONAL HEALTH RESOURCES PLANNING**
3 **AND DEVELOPMENT ACT OF 1974) BY THE HEALTH SYSTEMS AGENCY**
4 **FOR THE HEALTH SYSTEM AREA IN WHICH THE APPLICANT IS LOCATED**
5 **AND THE STATE HEALTH PLAN DEVELOPED BY THE STATEWIDE HEALTH**
6 **COORDINATING COUNCIL UNDER 42 U.S.C. 300m-3(c)(2)(A), AND ONLY]** after
7 consideration of comment and advice of the Advisory Board on Alcoholism and Drug
8 Abuse. In awarding grants, the department shall further consider the amount of money
9 that is available for all applications and whether an application would contribute to the
10 wise development of a comprehensive program of alcoholic and drug abuse
11 rehabilitation and prevention.

12 * **Sec. 27.** AS 18.07.011, 18.07.111(7), 18.07.111(10); AS 18.08.040(b), 18.08.090(11); and
13 AS 47.30.475(e)(4) are repealed.

14 * **Sec. 28. TRANSITIONAL PROVISIONS.** (a) Notwithstanding AS 18.08.020, as
15 amended by sec. 11 of this Act, and AS 18.08.030, as amended by sec. 12 of this Act, the
16 terms of the members of the Advisory Council on Emergency Medical Services who are
17 serving on the council on the day before the effective date of this Act do not expire, for
18 purposes of remaining on the Alaska Council on Emergency Medical Services, until the
19 termination date previously set for their membership on the Advisory Council on Emergency
20 Medical Services.

21 (b) For all legal purposes, the Alaska Council on Emergency Medical Services
22 established under this Act shall be considered to be a continuation of the Advisory Council
23 on Emergency Medical Services.

24 (c) Notwithstanding sec. 1 of this Act, the regulations adopted by the State Medical
25 Board that govern licensure of mobile intense care paramedics remain in effect until new
26 regulations are adopted by the Department of Health and Social Services under AS 18.08, as
27 amended by this Act. However, the paramedic licensing regulations of the State Medical
28 Board that remain in effect under this subsection shall be administered by the Department of
29 Health and Social Services rather than the State Medical Board.