

**SPONSOR SUBSTITUTE FOR SENATE BILL NO. 71
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - FIRST SESSION**

BY SENATORS LEMAN, FJHs

**Introduced: 2/26/93
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 intensive care
8 paramedics, and the medical services that they [EACH] may perform, including [BUT
9 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 an individual licensed by
9 the board who has successfully completed a paramedic training program certified under
10 AS 18.08 and is authorized by law to provide advanced life support under the direct
11 or indirect supervision of a physician;

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

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

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

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

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

29 (13) "paramedic" means a mobile intensive care paramedic licensed
30 under AS 08.64.

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

1 **Sec. 18.08.010. ADMINISTRATION.** The department is responsible for the
2 development, implementation, and maintenance of a statewide comprehensive
3 emergency medical services system and, accordingly, shall

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

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

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

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

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

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

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

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

25 (3) improve the delivery of prehospital and hospital emergency medical
26 services.

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

- 1 (1) type of medical emergency or nature of the call;
2 (2) response time; and
3 (3) prehospital treatment provided.

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

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

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

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

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

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

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

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

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

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

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

31 (2) one member who is a registered nurse with experience in

1 emergency nursing;

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

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

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

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

11 * Sec. 13. AS 18.08.080 is amended by adding a new subsection to read:

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

14 * Sec. 14. AS 18.08.082(a) is amended to read:

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

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

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

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

30 (4) authorization for [AUTHORIZES] an emergency medical service
31 certified under this chapter to provide under the written or oral direction of a physician

1 the advanced life support services enumerated on the certificate or enumerated on a
2 written document filed with the department by the medical director for the
3 emergency medical service and approved by the department under its regulations.

4 * Sec. 15. AS 18.08.084(a) is amended to read:

5 (a) One may not represent oneself, nor may an agency or business represent
6 an agent or employee of that agency or business, as an emergency medical
7 dispatcher, emergency medical technician, or emergency medical technician
8 instructor certified by the state unless the person represented is certified for that
9 occupation [AS AN EMERGENCY MEDICAL TECHNICIAN] under AS 18.08.082.

10 * Sec. 16. AS 18.08.084 is amended by adding new subsections to read:

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

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

18 * Sec. 17. AS 18.08.086(a) is amended to read:

19 (a) A person certified under AS 18.08.082 who administers emergency
20 medical services to an injured or sick person. [OR] a person or public agency that
21 employs, sponsors, directs, or controls the activities of persons certified under
22 AS 18.08.082 [,] who administer [ADMINISTERS] emergency medical services to
23 an injured or sick person, or a health care professional or emergency medical
24 dispatcher acting within the scope of the person's certification who directs or
25 advises a person to administer emergency medical services to an injured or sick
26 person is not liable for civil damages as a result of an act or omission in administering
27 those services or giving that advice or those directions [,] if the administering,
28 advising, and directing are done in good faith and [IF] the injured or sick person
29 reasonably seems to be [IS] in immediate danger of serious harm or death. This
30 subsection does not preclude liability for civil damages that are the proximate result
31 of gross negligence or intentional misconduct, nor preclude imposition of liability on

1 a person or public agency that employs, sponsors, directs, or controls the activities of
2 persons certified under AS 18.08.082 if the act or omission is a proximate result of a
3 breach of duty to act created under this chapter. For the purposes of this subsection,
4 "gross negligence" means reckless, wilful, or wanton misconduct.

5 * Sec. 18. AS 18.08.086 is amended by adding a new subsection to read:

6 (d) A person certified as an emergency medical technician instructor, a person
7 or entity certified to conduct a training course for mobile intensive care paramedics,
8 and a person who employs or contracts with a certified emergency medical technician
9 instructor or with a person or entity certified to conduct a training course for mobile
10 intensive care paramedics is not liable for civil damages as a result of a negligent act
11 or omission during a training course that injures the person or property of a person
12 participating in the training course.

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

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

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

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

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

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

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

8 (14) "trauma care" includes injury prevention, triage, prehospital care,
9 hospital care, and rehabilitative services for major single system or multisystem
10 injuries that require immediate medical or surgical intervention or treatment to prevent
11 death or permanent disability.

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

13 (1) "emergency medical and rescue personnel" means a trauma
14 technician, emergency medical technician, rescuer, or mobile intensive care
15 paramedic;

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

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

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

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

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

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

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

28 (B) THE STATEWIDE HEALTH COORDINATING
29 COUNCIL, ESTABLISHED BY AS 18.07.011, WHICH SHALL SUBMIT
30 TWO NOMINEES FROM AMONG THE MEMBERS].

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

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

- 5 (1) a physician or other licensed health care provider;
6 (2) a mental health professional as defined in AS 47.30.915(11) and
7 including a marital and family therapist licensed under AS 08.63;
8 (3) a pharmacist;
9 (4) an administrator of a nursing home, residential care or health care
10 facility;
11 (5) a guardian or conservator;
12 (6) a police officer;
13 (7) a village public safety officer;
14 (8) a village health aide;
15 (9) a social worker;
16 (10) a member of the clergy;
17 (11) a staff employee of a project funded by the Older Alaskans
18 Commission;
19 (12) an employee of a homemaker program or home health aide
20 program;
21 (13) an emergency medical technician or a mobile intensive care
22 paramedic [IN THE MOBILE INTENSIVE CARE PROGRAM].

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

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

- 29 (1) a physician or other licensed health care provider;
30 (2) a mental health professional as defined in AS 47.30.915 and
31 including a marital and family therapist licensed under AS 08.63;

- 1 (3) a pharmacist;
- 2 (4) an administrator or employee of a nursing home, residential care,
- 3 or health care facility;
- 4 (5) a caretaker of the disabled adult;
- 5 (6) a guardian or conservator of the disabled adult;
- 6 (7) a police officer as defined in AS 18.65.290;
- 7 (8) a village public safety officer;
- 8 (9) a village health aide;
- 9 (10) a social worker;
- 10 (11) a member of the clergy;
- 11 (12) a staff employee of a program or project serving disabled adults;
- 12 (13) a licensed foster care provider;
- 13 (14) a paid employee of a domestic violence and sexual assault
- 14 program or a crisis intervention and prevention program as defined in AS 18.66.900;
- 15 (15) an employee of a homemaker program or home health aide
- 16 program;
- 17 (16) an emergency medical technician or mobile intensive care
- 18 paramedic [IN THE MOBILE INTENSIVE CARE PROGRAM].

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

20 (b) Money available under this section shall be awarded by the department to
21 applicants on the basis of community need, but only [IF THE AWARD IS
22 CONSISTENT WITH THE ANNUAL IMPLEMENTATION PLAN DEVELOPED
23 UNDER 42 U.S.C. 3001-2(b)(2) (NATIONAL HEALTH RESOURCES PLANNING
24 AND DEVELOPMENT ACT OF 1974) BY THE HEALTH SYSTEMS AGENCY
25 FOR THE HEALTH SYSTEM AREA IN WHICH THE APPLICANT IS LOCATED
26 AND THE STATE HEALTH PLAN DEVELOPED BY THE STATEWIDE HEALTH
27 COORDINATING COUNCIL UNDER 42 U.S.C. 300m-3(c)(2)(A), AND ONLY] after
28 consideration of comment and advice of the Advisory Board on Alcoholism and Drug
29 Abuse. In awarding grants, the department shall further consider the amount of money
30 that is available for all applications and whether an application would contribute to the
31 wise development of a comprehensive program of alcoholic and drug abuse

1 rehabilitation and prevention.

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

4 * **Sec. 28. TRANSITIONAL PROVISIONS.** (a) Notwithstanding AS 18.08.020, as
5 amended by sec. 11 of this Act, and AS 18.08.030, as amended by sec. 12 of this Act, the
6 terms of the members of the Advisory Council on Emergency Medical Services who are
7 serving on the council on the day before the effective date of this Act do not expire, for
8 purposes of remaining on the Alaska Council on Emergency Medical Services, until the
9 termination date previously set for their membership on the Advisory Council on Emergency
10 Medical Services.

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

14 (c) Notwithstanding secs. 6 and 14 of this Act, the license of a mobile intensive care
15 paramedic licensed by the State Medical Board before the effective date of this Act remains
16 valid even though the licensee has not completed a certified training course as required under
17 those sections.