

CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 71(FIN) am

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE FINANCE COMMITTEE

Amended: 3/24/93

Offered: 3/22/93

Sponsor(s): SENATORS LEMAN, Ellis, Taylor, Duncan, Donley, Kerttula, Little, Zharoff, Lincoln

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 may establish an emergency medical services patient care information system. If the
20 department collects information on emergency medical services patient care, the
21 department shall establish a format for the data collection. The purpose of the system
22 is to

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

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

27 (3) improve the delivery of prehospital and hospital emergency medical
28 services.

29 (b) A person, organization, or government agency that provides a prehospital
30 emergency medical service through a certificate issued under this chapter shall
31 participate in the system by making available to the department the minimum data

1 requested in a format that is compatible with the format developed by the department
2 to implement (a) of this section. The minimum data must include the

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

6 (c) A hospital that provides emergency medical services shall make available
7 to the department an abstract of the records of all patients admitted to the hospital's
8 trauma and general surgery services for trauma care. The abstracts must be in a
9 format that is compatible with the format developed by the department under (a) of
10 this section.

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

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

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

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

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

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

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

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

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

31 (1) two members who are physicians with experience in emergency

- 1 medicine or trauma care;
- 2 (2) one member who is a registered nurse with experience in
- 3 emergency nursing;
- 4 (3) three members who are active as prehospital emergency care
- 5 providers, at least one of whom resides in a community that is not connected by
- 6 land or marine highway, or a combination of land and marine highway, to a
- 7 community in which a hospital is located; in this paragraph, "highway" has the
- 8 meaning given in AS 28.40.100;
- 9 (4) one member who is an emergency medical services
- 10 administrator;
- 11 (5) one member who is an administrator of a hospital or Native
- 12 health care organization; and
- 13 (6) three members who are consumers [FOUR OF THE MEMBERS
- 14 MUST BE CONSUMERS] of emergency medical services [, AND ONE FROM EACH
- 15 JUDICIAL DISTRICT IN THE STATE].

16 * Sec. 13. 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 of
 18 individuals and organizations under this chapter.

19 * Sec. 14. AS 18.08.082(a) is amended to read:
 20 (a) The department shall prescribe by regulation a course of training or other
 21 requirements prerequisite to the issuance of certificates that provide for the following:
 22 (1) certification of [CERTIFIES THAT] a person who meets the
 23 training and other requirements as an emergency medical technician, emergency
 24 medical technician instructor, or emergency medical dispatcher;
 25 (2) authorization for [AUTHORIZES] an emergency medical
 26 technician certified under this chapter to provide under the written or oral direction of
 27 a physician the advanced life support services enumerated on the certificate or
 28 enumerated on a written document filed with the department by the technician's
 29 medical director and approved by the department under its regulations;
 30 (3) certification [CERTIFIES] that a person, organization, or
 31 government agency that provides an emergency medical service, conducts a training

1 course for a mobile intensive care paramedic, or represents itself as a trauma
2 center meets the minimum [OPERATING] standards prescribed by the department for
3 that service, course, or designation; and

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

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

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

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

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

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

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

24 (a) A person certified under AS 18.08.082 who administers emergency
25 medical services to an injured or sick person. [OR] a person or public agency that
26 employs, sponsors, directs, or controls the activities of persons certified under
27 AS 18.08.082 [,] who administer [ADMINISTERS] emergency medical services to
28 an injured or sick person, or a health care professional or emergency medical
29 dispatcher acting within the scope of the person's certification who directs or
30 advises a person to administer emergency medical services to an injured or sick
31 person is not liable for civil damages as a result of an act or omission in administering

1 ~~those services or giving that advice or those directions~~ [.] if ~~the administering,~~
2 ~~advising, and directing are~~ done in good faith and [IF] the injured or sick person
3 ~~reasonably seems to be~~ [IS] in immediate danger of serious harm or death. This
4 subsection does not preclude liability for civil damages that are the proximate result
5 of gross negligence or intentional misconduct, nor preclude imposition of liability on
6 a person or public agency that employs, sponsors, directs, or controls the activities of
7 persons certified under AS 18.08.082 if the act or omission is a proximate result of a
8 breach of duty to act created under this chapter. For the purposes of this subsection,
9 "gross negligence" means reckless, wilful, or wanton misconduct.

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

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

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

19 Sec. 18.08.087. DISCLOSURE OF MEDICAL RECORDS. When requested
20 for the purpose of evaluating the performance of an emergency medical technician,
21 mobile intensive care paramedic, or physician who provided emergency medical care
22 or other assistance to a sick or injured person, a licensed physician, advanced nurse
23 practitioner, or physician assistant may disclose to an emergency medical technician,
24 a mobile intensive care paramedic, or physician the medical or hospital records of a
25 sick or injured person to whom the paramedic, technician, or physician is providing
26 or has rendered emergency medical care or assistance. However, the disclosing
27 physician, nurse practitioner, or physician assistant shall limit disclosure under this
28 subsection to the records that are considered necessary by the discloser for evaluation
29 of the paramedic's, technician's, or physician's performance in providing the
30 emergency medical care or assistance. A mobile intensive care paramedic, emergency
31 medical care technician, or physician to whom confidential records are disclosed under

1 this section may not further disclose the information to a person not entitled to receive
2 that information under this section or another law.

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

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

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

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

14 (13) "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 (14) "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. 300I-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. 300I-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 secs. 6 and 14 of this Act, the license of a mobile intensive care
25 paramedic licensed by the State Medical Board before the effective date of this Act remains
26 valid even though the licensee has not completed a certified training course as required under
27 those sections.