

HB

896

"An Act relating to emergency medical services."

House Bill No. 896 does several things:

- (1) Prohibits all persons from rendering emergency medical care unless they have a certificate from the Department of Health and Social Services authorizing them to do so (page 1, lines 24 to 28).
- (2) Requires the Department of Health and Social Services to establish procedures for the issuance of certificates authorizing persons to provide emergency medical services and/or operate an ambulance (page 1, lines 16 to 23).
- (3) Provides that the Department of Health and Social Services with the concurrence of the Department of Public Safety shall adopt regulations to implement the Certification process (page 1, lines 9 to 14).
- (4) Provides immunity from liability for civil damages for persons certified under the Act for good faith acts or omissions while rendering care to persons in life threatening situations. The immunity is also extended to the employer of the certified person (page 1, lines 29 and page 2, lines 1 to 13).
- (5) Provide immunity from liability for civil damages to a physician who transfers a patient to a hospital that is better equipped to treat the patient and where a prior transfer agreement has been obtained (page 2, lines 14 to 29).

The Department supports the concept of establishing minimum standards for pre-hospital emergency care personnel, vehicles, and ambulance operators as well as the extension of liability to certified providers, and physicians who transfer patients. However, the Department feels that the language regarding the issuance of permits and requiring certificates is too vague. For example the section under "Certificate Required" could, technically, prohibit the "Good Samaritan" in an extreme case, and a ski patrol member in the very realistic case, from rendering emergency care. The Department believes that the present bill should be amended to provide for only the following:

- (1) A mechanism that would give the Department authority to certify medical technicians (EMTs) as having completed an approved training course, and to recertify those who have maintained their skills.

- (2) A mechanism whereby the Department can authorize specific emergency medical technicians to perform advanced life support techniques under the written or oral direction of a physician.
- (3) A mechanism whereby the Department can certify those organizations who meet minimum operating standards to provide ambulance services.

The suggested amendments are attached.

The intended effects of the bill, if amended as suggested, would be to:

1. Establish a uniform standard for emergency medical technicians in the State of Alaska and convey the recognition by the state as meeting that standard through a certification process. At present time EMT training is carried out by over a dozen institutions with half following one standard and half another.
2. Establish uniform standards of advanced life support training and require that in order to practice those skills one must be certified by the State. While most basic EMT courses are based on a standard 81 hour national curriculum, there is no standard for teaching advanced life support techniques, nor is there a standard establishing who may provide them and under what circumstances. Advanced life support skills are those normally provided by physicians and paramedics. It is the glamor area of emergency care which is currently being abused with no way to control it.
3. Establish minimum standards for the staffing, ambulance design, equipping, and operation of an ambulance service and provide a certificate to those services that meet the standard. Currently a majority of ambulances are adequately equipped; however, others are less than adequate. Certification would be voluntary except for those that wished to provide advanced life support services. Air ambulance services would be included.
4. Provide an incentive for ambulance services and other organizations that use emergency medical technicians to use certified EMTs and provide an incentive for ambulance services to become voluntarily certified by providing immunity from civil liability for damages to those so certified.
5. Provide an incentive for physicians in small hospitals to transfer critical patients to better equipped hospitals without the fear of being held liable if the patient deteriorates during the transfer. This is especially important in Alaska where most of our hospitals are not capable of definitive care for the critically injured.

Long transport times, unstable patients and the current medical-legal atmosphere all tend to encourage the conservative treatment approach of doing all that can be done at the local level. However, the critically injured patient needs aggressive care, the kind that is provided at major hospitals and medical centers. Modern inter-hospital transfer techniques can usually provide a level of life support similar to that provided by the small hospital. Hence, the benefits of transfer outweigh the risks involved.

The Department has no intention of regulating the first aid functions of ski patrols, search and rescue groups or other health care providers licensed, certified, or regulated by Alaska Statutes.

As in the original bill, all regulations established by the Department would be concurred with by the Department of Public Safety. They will be based on realistic standards developed by the State Emergency Medical Services Advisory Council. It is not the intent of the amendments to limit the provisions of quality services but to provide an incentive to improve services.

The Department would, by regulation, delegate the personnel certification process to the Division of Occupational Licensing, Department of Commerce and Economic Development.

Recommended by: Robert I. Fraser 4/5/78  
Robert I. Fraser, M.D., Director Date  
Division of Public Health

Approved by: Heleen D. Beiring 4/7/78  
Heleen D. Beiring, Commissioner Date  
Department of Health & Social Services

Amendments to House Bill 896 proposed by the Department of Health and Social Services.

Sec. 18.08.082. ISSUANCE OF CERTIFICATES. The department shall prescribe by regulation a course of training or other requirements prerequisite to the issuance of certificates which provide for the following:

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

(2) authorizes an emergency medical technician certified under this chapter to provide under the written or oral direction of a physician those advanced life support services enumerated on the certificate;

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

(4) authorizes an emergency medical service certified under this chapter to provide under the written or oral direction of a physician those advanced life support services enumerated on the certificate.

2. Page 1, lines 24 to 28 are deleted and replaced with the following:

Sec. 18.08.082. CERTIFICATE REQUIRED. (a) No person may represent himself, nor may an agency or business represent an agent or employee of that agency or business as an emergency medical technician certified by the State of Alaska unless the person represented is certified as an emergency medical technician under sec. 82 of this chapter.

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

(c) No person may provide, offer, or advertise to provide advanced life support services outside a hospital unless authorized under sec. 82 of this chapter or other chapters of these statutes.

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

3. Page 2, line 7 is amended to read:

"section does not preclude liability for civil damages which is the proximate"

4. Page 2, line 27 is amended to read:

"(3) the physician has secured a prior written agreement from the"

5. Page 3, lines 7 to 13 are deleted and replaced with the following:

(7) "advanced life support services" means emergency care techniques provided under the written or oral orders of a physician which include, but are not limited to, cardiac defibrillation, administration of antiarrhythmic agents, intravenous therapy, administration of specific medications and drugs and solutions, intramuscular therapy, or use of adjunctive ventilation devices;

6. Page 3, line 18 is amended to read:

"(9) "emergency medical care" means the services utilized"

7. Page 3, line 21 is amended to read:

"psychological illness or injury;"

8. Page 3, line 22. Add the following:

(10) "emergency medical service" means the provision of emergency medical care and transportation of the sick and injured. For the purposes of this chapter organized ski patrols and search and rescue teams are not included under the definition;

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

NORTON  
SOUND  
HEALTH  
CORPORATION

P. O. Box 966

Nome, Alaska 99762

443-2261

March 29, 1978

Representative Charlie Parr  
Pouch V  
Juneau, Alaska 99811

Subject: House Bill 896

Dear Representative Parr:

The Norton Sound Health Corporation expresses its support of the intent of House Bill No. 896; however, as currently stated, it is confusing and conflicting. For example: Sec. 18.08.084 Certificate required, No person may provide, offer or advertise to provide emergency medical services, including advanced life support, nor operate, or offer or advertise to operate an ambulance on a regular basis, unless authorized by a certificate issued under Section 82 of this chapter.

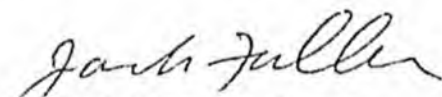
This implies that a citizen could not administer CPR or stop bleeding by applying direct pressure in an emergency on the street without prior authorization by the State. This would be totally disastrous and we cannot believe this is your intent.

In addition, the Health Aides in the villages have individual degrees of knowledge and proficiency. Because of the high degree of turnover in their ranks, many new aides function for a time without formal training until they can be brought into Nome for Community Health Aide classes.

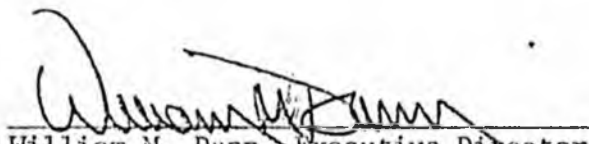
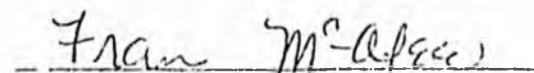
Under the bill as it now reads these people who provide the only health care in the village including emergency care would be guilty of a misdemeanor.

House Bill Number 896 as now stated just might have made the first "Good Samaritan" go right on by.

Sincerely,



Jack Fuller, Chairman  
Board of Directors  
Norton Sound Health Corporation

  
William M. Dann, Executive Director  
Norton Sound Health Corporation  
Fran McAfee, Coordinator  
Emergency Medical Services  
Norton Sound Health Corporation

cc: Myrtle Johnson, Office of the Governor  
Nome

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*Copies returned*

# Fairbanks Memorial Hospital

1650 Cowles St.

FAIRBANKS, ALASKA 99701

OPERATED BY  
LUTHERAN HOSPITALS AND HOMES SOCIETY  
FARGO, NORTH DAKOTA 58102

March 29, 1978

Representative Charlie Parr  
Legislative Affairs  
State Building, Rm. 144  
Fairbanks, AK 99701

RE: House Bill 896

Dear Representative Parr:

We are very concerned that this bill dealing with transporting patients addresses both emergency medical technicians and physicians, but does not address the liability of nurses.

I would suggest that our hospital probably transports patients as much as any hospital in the State. I would guess that in 90 percent of these cases, a nurse accompanies the patient. We are very interested in getting this bill amended to cover nurses as well as physicians and emergency medical technicians.

Sincerely,

*Tom Minger*  
Tom Minger  
Administrator

TM/ed

# Fairbanks Memorial Hospital

1650 Cowles St.

FAIRBANKS, ALASKA 99701

March 30, 1978

OPERATED BY  
LUTHERAN HOSPITALS AND HOMES SOCIETY  
FARGO, NORTH DAKOTA 58102

Charlie Parr  
Alaska Legislature  
Pouch V  
Juneau, Alaska 99801

Dear Charlie,

Recently I obtained a copy of House Bill #896 and it is my understanding that the Hess Committee will be reviewing this bill next week.

Under Section 18.08.086 (b) the physician is protected from liability when arranging for the transfer of patients from one hospital to another as outlined in the bill. I would advocate that nurses who accompany the patients during transfer be included in the immunity from liability.

In practice physicians do arrange for the transfer as outlined in this bill. However, it is almost always a registered nurse that accompanies the acutely ill patient and is responsible for that patient's well-being during the air transport. Our hospital does not extend it's liability coverage to these nurses once they leave our facility. I have validated the fact that our hospital insurance carrier does not cover a registered nurse during the transfer time. Apparently the sponsor of this bill, Tom Scott, was under the impression that hospital liability coverage did extend to include these situations. It does not. Currently many nurses are reluctant to provide nursing care for transfer patients because they lack protection from liability.

Hospital employed nurses are not generally involved in the delivering of emergency medical services outside of the hospital. The one exception is the transport of acutely ill patients from one hospital to another. In Alaska this usually involves air transport. I would certainly encourage and support including registered nurses under the provisions of this bill and grant them the same protection given to physicians and EMT's. Registered nurses do assume a great responsibility when they provide nursing care for the acutely ill patient during the ground and air transport of that patient from one hospital to another.

Thank you for your time and consideration.

Sincerely,



M. J. Emmert, R.N.  
Director of Nursing Service

*parr - pls return*



THE AMERICAN RED CROSS

QUIANNA CHAPTER  
P.O. BOX 966  
NOME, ALASKA 99762  
PHONE (907) 443-2261  
March 29, 1978

Representative Charlie Parr  
Pouch V  
Juneau, Alaska 99811

Dear Representative Parr:

The Quianna Chapter of the American Red Cross of Nome, Alaska is concerned with Section 18.08.084 of House Bill 896. As currently stated, it is confusing and conflicting. For example: Sec. 18.08.084 Certificate required, No person may provide, offer or advertise to provide emergency medical services, including advanced life support, nor operate, or offer or advertise to operate an ambulance on a regular basis, unless authorized by a certificate issued under Section 82 of this chapter.

First Aid Training is one of the top priorities of the Chapter. As presently stated, First Aiders who attempt to or give first aid to their neighbors will be guilty of a misdemeanor unless they receive prior certification. Surely this is not the intent of the bill.

We have requested a teleconference on the issue through Myrtle Johnson and look forward to discussing House Bill 896.

Thank you for your attention.

Sincerely,

*Fran McAfee*

Fran McAfee  
Quianna Chapter  
American Red Cross  
Box 966  
Nome, Alaska 99762

cc: Myrtle Johnson, Office of the Governor  
Nome

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THE LEGISLATURE OF THE STATE OF ALASKA  
TENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 896  
 Title An Act relating to Emergency Medical Services  
 Requested by House HESS Committee Date 4/1078

II. FISCAL DETAIL

Agency Affected Health and Social Services  
 Program Category Affected Health  
 Budget Request Unit(s) Affected Certification and Licensing

EXPENDITURES (Thousands of Dollars)

	FY 78	FY 79	FY 80	FY 81	FY 82	FY 83
100 PERSONAL SERVICES	/	/	34.8	36.8	39.1	41.4
200 TRAVEL	/	/	5.3	5.6	5.9	6.2
300 CONTRACTUAL	/	/				
400 COMMODITIES	/	/				
500 EQUIPMENT	/	/	.4	-0-	-0-	-0-
600 LAND & STRUCTURES	/	/				
700 GRANTS, CLAIMS, ETC.	/	/				
<b>TOTAL</b>			40.5	42.4	45.0	47.6

FUNDING (Thousands of Dollars)

	FY 78	FY 79	FY 80	FY 81	FY 82	FY 83
GENERAL FUND			40.5	42.4	45.0	47.6
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

	FY 78	FY 79	FY 80	FY 81	FY 82	FY 83
FULL TIME			1/12	1/12	1/12	1/12
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

This analysis assumes the responsibility for certification of ambulance services will be delegated to the Certification and Licensing Section, Division of Public Health. It is presumed that this function will begin July 1, 1979 following development of regulations by the Emergency Medical Services Section and the State Emergency Medical Services Advisory Council. Travel to inspect 40-45 ambulance services will be combined with inspections of other health facilities in the area for more efficient use of manpower and funds. Therefore projected travel amounts are only half as costs will be pro-rated among other funding sources within the Certification and Licensing BRU. A detailed analysis of expenditures is attached.

IV. DATE 4/12/78 PREPARED BY Thomas D. Scott  
 AGENCY Public Health, EMS  
 PHONE 465-3027  
 Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

Health Facilities Surveyor

R-18 2156 x 12 mos x 6%

inflation = 27,424

Benefits = 4730 FICA = 1659

Health Ins. = 986

\$34,799

Travel to inspect 40-45  
ambulance services will  
necessitate 15 trips to  
areas throughout the state  
at an average cost of \$700  
per trip, including air fare,  
auto rental and per diem.  
15 x \$700 x 50%

5,250

Executive desk

300

Chair

85

THE LEGISLATURE OF THE STATE OF ALASKA  
TENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 896  
 Title An Act relating to emergency medical services  
 Requested by Health and Social Services Date 4/12/78

II. FISCAL DETAIL

Agency Affected Commerce and Economic Development  
 Program Category Affected Public Protection  
 Budget Request Unit(s) Affected Regulation and Licensing of Professions

EXPENDITURES (Thousands of Dollars)

	FY 77	FY 78	FY 79	FY 80	FY 81	FY 82
100 PERSONAL SERVICES	/	/	18.6	19.7	20.9	22.1
200 TRAVEL	/	/	0	0	0	0
300 CONTRACTUAL	/	/	2.6	2.7	2.9	3.1
400 COMMODITIES	/	/	.2	.2	.2	.2
500 EQUIPMENT	/	/	1.5	0	0	0
600 LAND & STRUCTURES	/	/	0			
700 GRANTS, CLAIMS, ETC.	/	/	0			
<b>TOTAL</b>			22.9	22.6	24.0	25.4

FUNDING (Thousands of Dollars)

GENERAL FUND			22.9	22.6	24.0	25.4
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

FULL TIME			1/12	1/12	1/12	1/12
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

This analysis assumes the responsibility for personnel certification will be delegated to Commerce by the Legislature. If it is not, no fiscal impact is expected. Travel funding is not requested as it is, further assumed Health and Social Services will fund hearings and facilities inspections. Inflation is computed at 6% per year and the effective date is presumed to be July 1, 1978. Health and Social Services has estimated certifiable personnel at 850. Twelve man months funding is requested based on this estimate. A detailed analysis of expenditures is attached.

IV. DATE 4/12/78 PREPARED BY SHARON ANDREW  
 AGENCY OCCUPATIONAL LICENSING  
 PHONE 465-2535  
 Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

PERSONAL SERVICES

Occupational Licensing Examiner I, R-10	14,328
Benefits = 2,472; FICA = 867; Health Insurance = 986	<u>4,325</u>
	18,653

CONTRACTUAL

Communications: Postage, phones, tolls, etc.	1,040
Printing and advertising: Forms and notices	<u>1,500</u>
	2,540

COMMODITIES

Office and Library Supplies: General office consumables	200
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EQUIPMENT

Desk - secretarial with typing extension	362
Chair - secretarial	85
Utility table	95
File cabinet - five drawer legal with lock	213
IBM Selectric Typewriter	<u>792</u>
	1,547

HB 896  
Ad 4/12/78

# COMMITTEE REPORT

## HOUSE

FURTHER: FINANCE

3/20/78

Date: \_\_\_\_\_

Mr. Speaker:

The Committee on HESS has had HB 896  
"An Act relating to emergency medical services."

under consideration and (a majority of the committee) (the committee reports it back as follows)

recommends it do pass                      ( ) recommends it do not pass

( ) recommends it do pass with attached amendmenc(s)

( ) recommends it be replaced with CS for \_\_\_\_\_

and \_\_\_\_\_ ( ) new title                      ( ) same title

( ) AND attaches a Letter of Intent                      ( ) New Fiscal Note

( ) reports it back without recommendation

( ) and recommends it be referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING DO PASS:

OTHER RECOMMENDATIONS:

Thompson

ADD 200 MASS

CLERK

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Chairman