LC 0513

Zause BILL NO. 72 1 Facture, Luster, Bruchen INTRODUCED BY(2 3 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE 4 ñ CERTIFICATION OF EMERGENCY MEDICAL TECHNICIANS; PROVIDING FOR THE ACTS OF CARE THEY MAY PERFORM: PROVIDING FOR THE 6 ADOPTION OF RULES BY THE BOARD OF MEDICAL EXAMINERS; AND 7 PROVIDING FOR PROTECTION FROM CIVIL LIABILITY." 3 9 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 11 Section 1, Findings and Purpose, The legislature

12 finds and declares that prompt and efficient emergency medical care of the sick and injured at the scene and during 13 transport to a health care facility is an important 14 15 ingredient necessary for reduction of the mortality and 16 morbidity rate during the first critical minutes immediately 17 after an accident or the onset of a serious physical 18 condition and that a program for emergency medical 19 technicians is required in order to provide the safest and most efficient delivery of emergency care. 20

21 Section 2. Definitions. As used in this act:

(1) "Emergency medical technician -- basic" means
personnel of volunteer or nonvolunteer police, fire, rescue,
ambulance, or emergency services who have been specially
trained in emergency care in a training program approved by

the state board of medical examiners and certified by said
 board as having demonstrated a level of competence suitable
 to treat victims of injury or other emergent condition.

4 (2) "Emergency medical technician -- advanced" means personnel of volunteer or nonvolunteer police, fire, rescue, 5 6 ambulance, or emergency services who have been specially trained in an advanced emergency medical technician training 7 8 program approved by the state board of medical examiners and q certified by the board as having demonstrated an advanced level of competence suitable to treat victims of severe 10 11 injury or other serious emergent condition.

12 (3) "Board" means the board of medical examiners,13 department of professional and occupational licensing.

14 Section 3. Acts allowed -- basic. An emergency 15 medical technician -- basic may perform any of the 16 following:

17 (1) Render emergency care, rescue, and resuscitation 18 services;

19 (2) Provide emergency transportation;

20 (3) Perform cardiopulmonary resuscitation in the
21 pulseless, nonbreathing patient; and

22 (4) Such other acts as the board may allow by rule.

23 Section 4. Acts allowed -- advanced. An emergency 24 medical technician -- advanced may perform any of the 25 following:

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1 (1) Render emergency care, rescue, and resuscitation 2 services: 3 (2) While caring for patients or during training at a 4 hospital, ambalance, or other medical facility, administer parenteral medications under the direct supervision of a 5 physician or a registered nurse: 7 (3) Perform cardiopulmonary resuscitation ຈາກຕ້ 3 defibrillation in a pulseless, nonbreathing patient; and 9 (4) Such other acts as the board may allow by rule. 10 Section 5. Additional acts by order. When an 11 emergency medical technician -- advanced has voice contact with a physician and upon the physician's order, or is 12 functioning under formally adopted written standing orders of a local hospital medical staff, the following acts may be performed based upon such direct or indirect order: (1) Administer intravenous saline or glucose solutions: (2) Perform gastric or tracheal suction by intubation: (3) Administer parenteral injections of drugs approved by the board; and (4) Such other acts as the board may allow by rule. Section 6. Rules. The board, in cooperation with the department of health and environmental sciences, the dependent of intergomental relations, and other appropriate cepartner of associations, and organizations,

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1 shall adopt rules of the board implementing this act. 2 including, but not limited to, training and certification of 3 personnel, administration of drugs, and other acts as 3 allowed hereis.

Section 7. Liability limited. No emergency medical ă. rechaician, who in good faith performs acts as defined ä mercin or any physician or registered nurse who in good 7 2 faith gives instructions to an emergency medical tecnnician may be liable for civil damages as a result of such 9 instructions or acts. No nospital, no state, county or city £υ overnment shall be liable for any civil damages as a result 31 12 of participating in acts authorized by this act.

13 Section 8. Consent. No emergency medical technician 14 may be subject to civil liability for failure to obtain 15 consent in performing acts as defined acrein to any individual regardless of any where the patient is anable to 15 17 give consent and there is no other person present legally authorized to consent; provided, that such acts are in good dates and whenout knowledge of fact negating consist. الالمة

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Approved by Committee on Public Health, Welfare & Safety

1	HOUSE BILL NO. 72					
2	INTRODUCED	BY	JACK	MOORE,	FABREGA,	LESTER,
3		BA	RDANOU	WE, SEI	IFERT	

5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE 6 CERTIFICATION OF EMERGENCY MEDICAL TECHNICIANS; PROVIDING 7 FOR THE ACTS OF CARE THEY MAY PERFORM; PROVIDING FOR THE 8 ADOPTION OF RULES BY THE BOARD OF MEDICAL EXAMINERS; AND 9 PROVIDING FOR PROTECTION FROM CIVIL LIABILITY."

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11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Findings and Purpose. The legislature 12 finds and declares that prompt and efficient emergency 13 medical care of the sick and injured at the scene and during 14 15 transport to a health care facility is an important 16 ingredient necessary for reduction of the mortality and morbidity rate during the first critical minutes immediately 17 after an accident or the onset of a--serieus--physical AN 18 EMERGENT condition and that a program for emergency medical 19 technicians is required in order to provide the safest and 20 21 most efficient delivery of emergency care.

22 Section 2. Definitions. As used in this act:
23 (1) "Emergency medical technician -- basic" means
24 personnel of volunteer or nonvolunteer police, fire, rescue,
25 ambulance, or emergency services who have been specially

SECOND READING

trained in emergency care in a training program approved by the state board of medical examiners and certified by said board as having demonstrated a level of competence suitable to treat victims of injury or other emergent condition. (2) "Emergency medical technician -- advanced" means personnel of volunteer or nonvolunteer police, fire, rescue, ambulance, or emergency services who have been specially trained in an advanced emergency medical technician training program approved by the state board of medical examiners and certified by the board as having demonstrated an advanced level of competence suitable to treat victims of severe injury or other serious emergent condition. (3) "Board" means the board of medical examiners, department of professional and occupational licensing. Section 3. Acts allowed -- basic. An emergency medical technician -- basic may perform any of the following: (1) Render emergency care, rescue, and resuscitation services: (2) Provide emergency transportation; (3) Perform cardiopulmonary resuscitation in the pulseless, nonbreathing patient; and

23 (4) Such other acts as the board may allow by rule.

24 Section 4. Acts allowed -- advanced. An emergency 25 medical technician -- advanced may perform any of the -2- HB 72 and

2 (1) Render emergency care, rescue, and resuscitation services: 3 4 (2) While caring for patients or during training at a 5 hospital, ambulance, or other medical facility, administer parenteral medications under the direct supervision of a 6 physician or a registered nurse; 7 8 (3) Perform cardiopulmonarv resuscitation 9 defibrillation in a pulseless, nonbreathing patient; and 10 (4) Such other acts as the board may allow by rule. 11 Section 5. Additional acts by order. When an emergency medical technician -- advanced has voice contact 12 with a physician and upon the physician's order, or is 13 14 functioning under formally adopted written standing orders of a local hospital medical staff, the following acts may be 15 16 performed based upon such direct or indirect order: 17 (1) Administer intravenous saline or alucose solutions; 18

following:

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19 (2) Perform gastric or tracheal suction by intubation: 20 (3) Administer parenteral injections of drugs approved 21 by the board; and

22 (4) Such other acts as the board may allow by rule. 23 Section 6. Rules. The board, in--cooperation AFTER CONSULTATION with the department of health and environmental 24 sciences, the department of intergovernmental relations, and 25 -3-HB 72

associations, and 1 otner appropriate departments, organizations, shall adopt rules of the board implementing 2 3 this act, including, but not limited to, training and certification of personnel, administration of drugs, and 4 other acts as allowed herein. 5

Section 7. Liability limited. No emergency medical 6 technician, who in good faith performs acts as defined 7 herein or any physician or registered nurse who in good 8 faith gives instructions to an emergency medical technician 9 may be liable for civil damages as a result of such 10 instructions or acts. No hospital, no state, county or city 11 12 government shall be liable for any civil damages as a result of participating in acts authorized by this act. THIS 13 SECTION SHALL NOT GRANT IMMUNITY FROM CIVIL DAMAGES WHEN A 14PERSON IS GROSSLY NEGLIGENT. 15

16 Section 8. Consent. No emergency medical technician may be subject to civil liability for failure to obtain 17 consent in performing acts as defined AUTHORIZED herein to 13 any individual regardless of age where the patient is unable 19 20 to give consent and there is no other person present legally 21 authorized to consent; provided, that such acts are in good faith and without knowledge of facts negating consent. 22

-End-

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1	HOUSE BILL NO. 72	1	trained in emergency care in a training program approved by
2	INTRODUCED BY JACK MOORE, FABREGA, LESTER,	2	the state board of medical examiners and certified by said
3	BARDANOUVE, SEIFERT	3	board as having demonstrated a level of competence suitable
4		4	to treat victims of injury or other emergent condition.
5	A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE	5	(2) "Emergency medical technician advanced" means
6	CERTIFICATION OF EMERGENCY MEDICAL TECHNICIANS; PROVIDING	6	personnel of volunteer or nonvolunteer police, fire, rescue,
7	FOR THE ACTS OF CARE THEY MAY PERFORM; PROVIDING FOR THE	7	ambulance, or emergency services who have been specially
8	ADOPTION OF RULES BY THE BOARD OF MEDICAL EXAMINERS; AND	8	trained in an advanced emergency medical technician training
9	PROVIDING FOR PROTECTION FROM CIVIL LIABILITY."	9	program approved by the state board of medical examiners and
10		10	certified by the board as having demonstrated an advanced
11	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	11	level of competence suitable to treat victims of severe
12	Section 1. Findings and Purpose. The legislature	12	injury or other serious emergent condition.
13	finds and declares that prompt and efficient emergency	13	(3) "Board" means the board of medical examiners,
14	medical care of the sick and injured at the scene and during	14	department of professional and occupational licensing.
15	transport to a health care facility is an important	15	Section 3. Acts allowed basic. An emergency
16	ingredient necessary for reduction of the mortality and	16	medical technician basic may perform any of the
17	morbidity rate during the first critical minutes immediately	17	following:
18	after an accident or the onset of aseriousphysical AN	18	(1) Render emergency care, rescue, and resuscitation
19	EMERGENT condition and that a program for emergency medical	19	services;
20	technicians is required in order to provide the safest and	20	(2) Provide emergency transportation;
21	most efficient delivery of emergency care.	21	(3) Perform cardiopulmonary resuscitation in the
22	Section 2. Definitions. As used in this act:	22	pulseless, nonbreathing patient; and
23	(1) "Emergency medical technician basic" means	23	(4) Such other acts as the board may allow by rule.

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of injury or other emergent condition. ency medical technician -- advanced" means unteer or nonvolunteer police, fire, rescue, emergency services who have been specially lvanced emergency medical technician training by the state board of medical examiners and poard as having demonstrated an advanced tence suitable to treat victims of severe serious emergent condition. " means the board of medical examiners, ofessional and occupational licensing. Acts allowed -- basic. An emergency ian -- basic may perform any of the emergency care, rescue, and resuscitation le emergency transportation; m cardiopulmonary resuscitation in the eathing patient; and ther acts as the board may allow by rule. Section 4. Acts allowed -- advanced. An emergency medical technician -- advanced may perform any of the -2-HB 72

THIRD READING 24

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personnel of volunteer or nonvolunteer police, fire, rescue,

ambulance, or emergency services who have been specially

1 following:

2 (1) Render emergency care, rescue, and resuscitation3 services;

4 (2) While caring for patients **er** during training at a 5 hospital, ambulance, or other medical facility, administer 6 parenteral medications under the direct supervision of a 7 physician or a registered nurse;

8 (3) Perform cardiopulmonary resuscitation and
9 defibrillation in a pulseless, nonbreathing patient; and

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 Section 6. Rules. The board, in-cooperation AFTER
 <u>CONSULTATION</u> with the department of health and environmental
 sciences, the department of intergovernmental relations, and
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other appropriate departments, associations, and
 organizations, shall adopt rules of the board implementing
 this act, including, but not limited to, training and
 certification of personnel, administration of drugs, and
 other acts as allowed herein.

Section 7. Liability limited. No emergency medical 6 technician, who in good faith performs acts as defined 7 herein or any physician or registered nurse who in good 8 9 faith gives instructions to an emergency medical technician 10 may be liable for civil damages as a result of such 11 instructions or acts. No hospital, no state, county or city government shall be liable for any civil damages as a result 12 of participating in acts authorized by this act. THIS 13 14 SECTION SHALL NOT GRANT IMMUNITY FROM CIVIL DAMAGES WHEN A 15 PERSON IS GROSSLY NEGLIGENT.

Section 8. Consent. No emergency medical technician may be subject to civil liability for failure to obtain consent in performing acts as defined <u>AUTHORIZED</u> herein to any individual regardless of age where the patient is unable to give consent and there is no other person present legally authorized to consent; provided, that such acts are in good faith and without knowledge of facts negating consent.

-End-

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SENATE COMMITTEE ON PUBLIC HEALTH, WELFARE AND SAFETY

AMENDMENTS TO HOUSE BILL NO. 72

That House Bill No. 72, third reading, be amended as follows:

- 1. Amend title, line 7.
 Following: "perform;"
 Insert: "and"
- 2. Amend title, lines 8 and 9. Following: "Examiners" Strike: "; and providing for protection from civil liability"
- 3. Amend page 4, section 7, lines 6 through 15. Strike: Section 7 in its entirety Renumber: Subsequent section
- 4. Amend page 4, line 22. Following: line 22 Insert: "Section 8. Construction of act. Nothing in this act shall be construed to detract from the powers granted to the department of health and environmental sciences to regulate ambulance service as provided for in Title 69, Chapter 36, R.C.M. 1947."

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REFERENCE BILL

traine	1	HOUSE BILL NO. 72	1
the s	2	INTRODUCED BY JACK MOORE, FABREGA, LESTER,	2
board	3	BARDANOUVE, SEIFERT	3
to tre	4		4
(5	A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE	5
person	6	CERTIFICATION OF EMERGENCY MEDICAL TECHNICIANS; PROVIDING	6
ambula	7	FOR THE ACTS OF CARE THEY MAY PERFORM; AND PROVIDING FOR THE	7
traine	8	ADOPTION OF RULES BY THE BOARD OF MEDICAL EXAMINERS	8
progra	9	providing-for-protection-from-civil-liability."	9
certif	10		10
level	11	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	11
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(13	finds and declares that prompt and efficient emergency	13
depart	14	medical care of the sick and injured at the scene and during	14
S	15	transport to a health care facility is an important	15
medica	16	ingredient necessary for reduction of the mortality and	16
follow	17	morbidity rate during the first critical minutes immediately	17
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servio	19	EMERGENT condition and that a program for emergency medical	19
	20	technicians is required in order to provide the safest and	20
	21	most efficient delivery of emergency care.	21
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ΗB 72 2 (1) Render emergency care, rescue, and resuscitation3 services;

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 <u>CONSULTATION</u> with the department of health and environmental
 sciences, the department of intergovernmental relations, and
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1 other appropriate departments, associations, and 2 organizations, shall adopt rules of the board implementing 3 this act, including, but not limited to, training and 4 certification of personnel, administration of drugs, and 5 other acts as allowed herein.

Section-7--- Liability-limited. --- No--emergency--medical б 7 techniciany -- who--in-- cood--faith--performs -- acts-as-defined 8 nerein-or-any-physician-or--registered--nurse--who--in--good 9 faith--qives-instructions-to-an-emergency-medical-technician 10 may-be--liable--for--eivil--damages--as--a-result--of--such 11 instructions-or-acts---No-hespital--no-state--county-or-city 12 government-shall-be-liable-for-any-civil-damages-as-e-result 13 of--participating--in--acts--authorized--by--this-act;--THIS 14 SBCTION-SHALL-NOT-GRANT-IMMUNITY-FROM-CIVID-DAMAGES--WHIN--A PERSON-IS-GROSSLY-NEGLIGENT. 15 16 Section 7. Consent. No emergency medical technician 17 may be subject to civil liability for failure to obtain 18 consent in performing acts as defined AUTHORIZED herein to 19 any individual regardless of age where the patient is unable 20 to give consent and there is no other person present legally authorized to consent; provided, that such acts are in good 21

faith and without knowledge of facts negating consent.

SECTION 8. CONSTRUCTION OF ACT. NOTHING IN THIS ACT

SHALL BE CONSTRUED TO DETRACT FROM THE POWERS GRANTED TO THE

DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES TO REGULATE

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- 1 AMBULANCE SERVICE AS PROVIDED FOR IN TITLE 69, CHAPTER 36,
- 2 <u>R.C.M. 1947.</u>

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-End-

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