

1 House BILL NO. 72
 2 INTRODUCED BY Paul Brown, George Lester, Brad
 3 Scott

4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE
 5 CERTIFICATION OF EMERGENCY MEDICAL TECHNICIANS; PROVIDING
 6 FOR THE ACTS OF CARE THEY MAY PERFORM; PROVIDING FOR THE
 7 ADOPTION OF RULES BY THE BOARD OF MEDICAL EXAMINERS; AND
 8 PROVIDING FOR PROTECTION FROM CIVIL LIABILITY."
 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
 13 medical care of the sick and injured at the scene and during
 14 transport to a health care facility is an important
 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
 20 most efficient delivery of emergency care.

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

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

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

4 (2) "Emergency medical technician -- advanced" means
 5 personnel of volunteer or nonvolunteer police, fire, rescue,
 6 ambulance, or emergency services who have been specially
 7 trained in an advanced emergency medical technician training
 8 program approved by the state board of medical examiners and
 9 certified by the board as having demonstrated an advanced
 10 level of competence suitable to treat victims of severe
 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, ambulance, or other medical facility, administer
5 parenteral medications under the direct supervision of a
6 physician or a registered nurse;

7 (3) Perform cardiopulmonary resuscitation and
8 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
12 with a physician and upon the physician's order, or is
13 functioning under formally adopted written standing orders
14 of a local hospital medical staff, the following acts may be
15 performed based upon such direct or indirect order:

16 (1) Administer intravenous saline or glucose
17 solutions;

18 (2) Perform gastric or tracheal suction by intubation;

19 (3) Administer parenteral injections of drugs approved
20 by the board; and

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

22 Section 6. Rules. The board, in cooperation with the
23 department of health and environmental sciences, the
24 department of intergovernmental relations, and other
25 appropriate departments, associations, and organizations,

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
4 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 government shall be liable for any civil damages as a result
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 herein to any
16 individual regardless of age where the patient is unable to
17 give consent and there is no other person present legally
18 authorized to consent; provided, that such acts are in good
19 faith and without knowledge of fact negating consent.

Approved by Committee
on Public Health, Welfare
& Safety

1 HOUSE BILL NO. 72
2 INTRODUCED BY JACK MOORE, FABREGA, LESTER,
3 BARDANOUVE, SEIFERT
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13 of participating in acts authorized by this act. THIS
14 SECTION SHALL NOT GRANT IMMUNITY FROM CIVIL DAMAGES WHEN A
15 PERSON IS GROSSLY NEGLIGENT.

16 Section 8. Consent. No emergency medical technician
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18 consent in performing acts as ~~defined~~ AUTHORIZED herein to
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February 26, 1975

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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6 ~~Section 7.--liability limited,--No--emergency--medical~~
7 ~~technician,--who--in--good--faith--performs--acts-as-defined~~
8 ~~herein--or--any--physician--or--registered--nurse--who--in--good~~
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~~
12 ~~government--shall--be--liable--for--any--civil--damages--as--a--result~~
13 ~~of--participating--in--acts--authorized--by--this--act.--THIS~~
14 ~~SECTION--SHALL--NOT--GRANT--IMMUNITY--FROM--CIVIL--DAMAGES--WHEN--A~~
15 ~~PERSON--IS--GROSSLY--NEGLIGENT.~~

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23 SECTION 8. CONSTRUCTION OF ACT. NOTHING IN THIS ACT
24 SHALL BE CONSTRUED TO DETRACT FROM THE POWERS GRANTED TO THE
25 DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES TO REGULATE

HB 0072/03

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

-End-