

1 HB328
2 190305-1
3 By Representative Sells
4 RFD: Boards, Agencies and Commissions
5 First Read: 30-JAN-18

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8 SYNOPSIS: Under existing law, EMS personnel are
9 licensed by the State Board of Health.

10 This bill would authorize the board to
11 establish licensure fees by rule.

12 This bill would revise course requirements
13 for ground ambulance drivers seeking licensure.

14 This bill would also authorize a process
15 that provides for conducting criminal background
16 checks of applicants at the time of initial
17 licensure of EMS personnel.

18
19 A BILL

20 TO BE ENTITLED

21 AN ACT

22
23 Relating to EMS personnel; to amend Sections 22-18-4
24 and 22-18-6, as last amended by Act 2017-372, 2017 Regular
25 Session, Code of Alabama 1975; to authorize the State Board of
26 Health to establish by rule, licensure fees for EMS personnel;
27 to revise course requirements for ground ambulance drivers;

1 and to authorize a process that provides for conducting
2 criminal background checks on EMS personnel seeking licensure.
3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Sections 22-18-4 and 22-18-6, as last
5 amended by Act 2017-372, 2017 Regular Session, Code of Alabama
6 1975, are amended to read as follows:

7 "§22-18-4.

8 "(a) In addition to all other ~~licenses or~~ fees now
9 payable, the Board of Health shall, ~~as prerequisite for~~
10 ~~issuing a license under the provisions of this article and~~
11 ~~rules and regulations promulgated pursuant thereto, charge a~~
12 ~~fee of \$10 for each license valid for a period of 24 months~~
13 ~~issued to the EMSP and a fee of \$25 for each license issued to~~
14 ~~any provider service operating an air or ground ambulance~~
15 establish, by rule, a fee for EMSP and air or ground provider
16 service licenses. Each license issued to an EMSP shall be
17 valid for a period of 24 calendar months. Each license issued
18 to a provider service shall be valid for a period not to
19 exceed 12 calendar months. The same fee shall be charged for
20 renewal of a license ~~as is fixed in this subsection for the~~
21 ~~original license~~. No additional fee shall be collected when an
22 EMSP becomes eligible for reclassification of his or her
23 license to a higher level.

24 "(b) All fees collected under this chapter shall be
25 retained in a separate fund by the Board of Health for the
26 purpose of enforcing this chapter and shall be disbursed as
27 other funds of the state are disbursed; provided, that no fee

1 or permit charge authorized under this chapter shall be
2 charged or collected for the issuing of a permit to a
3 volunteer rescue squad, as defined in Section 32-11-1, for
4 providing ambulance service on a gratuitous basis, or any
5 member who volunteers his or her service, unless licensure is
6 requested by the squad, company or individual, whereupon, a
7 fee will be charged.

8 "(c) Any person desiring EMSP licensure shall
9 complete an approved EMSP course as defined by rules of the
10 Board of Health, successfully pass the appropriate level
11 licensure examination as determined by the Board of Health,
12 and submit an application to the board. An approved EMSP
13 course for any level shall be a course conforming to the
14 curriculum for that level approved by the United States
15 Department of Transportation, or approved by any other federal
16 agency as may, in the future, take jurisdiction over EMSP
17 training curriculum development. A curriculum may be required
18 to be supplemented with additional modules if the modules are
19 optional modules approved by the United States Department of
20 Transportation, or its successor as specified above, and the
21 optional modules are prescribed by rule by the board pursuant
22 to the Alabama Administrative Procedure Act.

23 "(d) No air or ground ambulance shall be operated
24 for ambulance purposes and no individual shall fly, drive,
25 operate, attend, or permit same to be operated for the purpose
26 of transporting a patient from any point within the State of
27 Alabama to any other point within the State of Alabama unless

1 such ambulance is duly licensed by the Board of Health. The
2 Board of Health may prescribe exceptions to this requirement
3 consistent with the interests of public health. Any ground
4 ambulance shall at all times be driven by a person holding a
5 valid driver's license and who has passed the Emergency
6 Vehicle Operator Course approved by the Board of Health, ~~or~~
7 the Apparatus Operator's Course taught by the Alabama Fire
8 College, or the Emergency Vehicle Driver Course taught by the
9 Alabama Fire College.

10 "§22-18-6.

11 "(a) It shall be a Class A misdemeanor for any
12 person, firm, company, corporation, organization, facility, or
13 agency to do any of the following:

14 "(1) Deliberately hinder, obstruct, or interfere
15 with an officer, inspector, or duly authorized agent of the
16 board while in the performance of official duties.

17 "(2) Deliberately hinder, obstruct, or interfere
18 with any physician, licensed nurse, licensed EMSP, or
19 emergency personnel exempt from licensure under the provisions
20 of this article while that person is providing emergency care
21 to a third person or while that person is assisting at the
22 scene of an emergency, directing traffic at the scene of an
23 emergency, or managing or helping to manage the scene of an
24 emergency.

25 "(3) Violate subsection (c) or (d) of this section.

26 "(4) Offer, provide, or perform, without a license
27 or certificate to do so, an emergency medical service or other

1 function which, under the provisions of this article or the
2 rules adopted pursuant thereto, may not be performed without a
3 license or certificate issued by the Board of Health;
4 provided, however, this subdivision does not apply to
5 emergency medical service personnel who have the privilege to
6 practice in the state pursuant to the Emergency Medical
7 Services Personnel Licensure Interstate Compact. No person
8 shall be subject to criminal liability pursuant to this
9 section in the event he or she renders first aid or emergency
10 care at the scene of an injury caused by a motor vehicle crash
11 or by some other incident, or at the scene of a mass casualty
12 or disaster if:

13 "a. The first aid or emergency care is rendered
14 gratuitously and in good faith; and

15 "b. The first aid or emergency care is not rendered
16 in the course of a business, program, or system which
17 regularly engages in the provision of emergency medical care.

18 "(b) Nothing in this section shall be construed to
19 repeal, abridge, or modify Section 6-5-332 or any other good
20 Samaritan statute.

21 "(c) No person shall regularly engage in providing
22 emergency medical care at the scene of emergencies unless he
23 or she is licensed as EMSP as defined in this article, or
24 unless he or she is exempted from licensure pursuant to the
25 provisions of this article. Notwithstanding the foregoing,
26 nothing in this article shall be construed to prohibit any
27 physician or nurse licensed in Alabama from performing any act

1 within his or her scope of practice. No person shall hold
2 himself or herself out to be EMSP, unless he or she is
3 licensed as such as defined in this chapter. EMSP licensed in
4 other jurisdictions may identify themselves as holding such
5 licensure.

6 "(d) The board shall by rule establish the scope of
7 privilege for each level of EMSP licensure. No person shall
8 exceed the scope of privilege granted to his or her level of
9 licensure.

10 "(e) Control of an emergency scene may be taken by
11 EMSP if the personnel arrive at the scene of an emergency
12 prior to the arrival of law enforcement personnel, and if
13 managing the emergency scene will not interfere with other
14 emergency medical care duties. Emergency scene control shall
15 include the authority to direct traffic. A driver of a motor
16 vehicle entering an emergency scene or entering a roadway
17 adjacent to an emergency scene shall use caution, shall
18 maintain proper control of the motor vehicle, and shall obey
19 the directions of law enforcement personnel and emergency
20 personnel at the scene. Any person violating this subsection
21 shall be guilty of a violation.

22 "(f) The board may, following the contested case
23 provisions of the Administrative Procedure Act, suspend or
24 revoke the license or certificate of EMSP at any level, or a
25 provider service, or it may refuse to grant a license or
26 certificate to any person or entity at any time that any of

1 the following is determined with respect to the holder or
2 applicant:

3 "(1) Does not meet or no longer meets the prescribed
4 qualifications.

5 "(2) Is guilty of misconduct as defined by the
6 board's rules or otherwise commits a violation of this act or
7 any rules promulgated thereunder.

8 "(3) Has failed to maintain the required level of
9 continuing education units or any equivalent therefor defined
10 in the board's rules.

11 "(4) Has provided care to a patient or patients
12 under his or her care which falls short of the standard of
13 care which ordinarily would be expected to be provided by
14 similarly situated EMSP in Alabama, and has thereby
15 jeopardized the life, health, or safety of a patient or
16 patients.

17 "(5) Has sexually or physically abused a patient
18 under his or her care.

19 "(6) Has submitted a license or test application, a
20 report of continuing education requirements, a run report, a
21 patient care record, EMSP student record, clinical rotation
22 record, intent to train form, self-study document, fluid and
23 drug application, physician medication order form, or any
24 other document which is material to the duties and
25 qualifications of EMSP or those of a student in an EMSP
26 training program and which is fraudulent or knowingly false in
27 any respect.

1 "(7) Has committed fraud in the performance of his
2 or her duties or in connection with any matter related to
3 emergency medical services.

4 "(8) Has been convicted of a crime involving moral
5 turpitude, or a crime in which the victim is an EMSP provider
6 service or an EMS patient, unless the board determines that
7 the fact of the conviction would not likely interfere with the
8 performance of EMS duties.

9 "(9) Has performed any act requiring licensure or
10 certification under state EMS statutes, without possession of
11 the requisite licensure or certification.

12 "(10) Has performed any act which exceeds the scope
13 of license or privilege granted to the holder.

14 "(11) Poses a danger to public health or safety."

15 Section 2. Section 22-18-9 is added to the Code of
16 Alabama 1975, to read as follows:

17 §22-18-9.

18 (a) As used in this section, the following terms
19 have the following meanings:

20 (1) AGENCY. The Alabama State Law Enforcement
21 Agency.

22 (2) CONVICTION DATA. A record of a finding or
23 verdict of guilty or plea of guilty or plea of nolo contendere
24 with regard to any crime, regardless of whether an appeal of
25 the conviction has been sought.

26 (b) When reviewing an applicant for initial
27 licensure under this article, the Board of Health may obtain

1 conviction data with respect to an applicant for purposes of
2 determining the applicant's suitability for licensure. The
3 board shall establish, by rule and consistent with the
4 requirements of this subsection, a procedure for requesting a
5 fingerprint-based state and national criminal history
6 background check from the agency and the Federal Bureau of
7 Investigation. Fingerprints shall be in such form and of such
8 quality as prescribed by the agency and in compliance with
9 appropriate standards adopted by the Federal Bureau of
10 Investigation.

11 (c) The applicant shall pay all costs associated
12 with a required criminal history background check at the same
13 time the applicant pays the initial licensure fee.

14 (d) Upon receipt of an authorized request and
15 payment from the board to the agency, the agency shall
16 promptly cause the criminal history background check to be
17 conducted. The agency shall return the results of the state
18 and national criminal history records checks to the board.

19 (e) Conviction data received by the board or a state
20 or local law enforcement agency shall be privileged and shall
21 not be a public record or disclosed to any person. Conviction
22 data shall be maintained by the board and the state or local
23 law enforcement pursuant to laws regarding such records and
24 the rules and regulations of the agency and the Federal Bureau
25 of Investigation. Penalties for the unauthorized release or
26 disclosure of conviction data shall be as prescribed by law or

1 rule or regulation of ALEA or the Federal Bureau of
2 Investigation.

3 (f) The board, any law enforcement agency, or any
4 employee thereof shall not be responsible for the accuracy of
5 information provided pursuant to this section nor shall they
6 be liable for defamation, invasion of privacy, negligence, or
7 any other claim relating to or arising from the dissemination
8 of information pursuant to this section.

9 (g) In conjunction with requiring criminal history
10 background checks, the board, by rule, shall establish a
11 policy to determine which convictions would prevent an
12 applicant from being licensed by the board.

13 Section 3. This act shall become effective on the
14 first day of the third month following its passage and
15 approval by the Governor, or its otherwise becoming law.