

1 HB58
2 190305-4
3 By Representative Sells
4 RFD: Boards, Agencies and Commissions
5 First Read: 05-MAR-19
6 PFD: 03/04/2019

1 ~~issuing a license under the provisions of this article and~~
2 ~~rules and regulations promulgated pursuant thereto, charge a~~
3 ~~fee of \$10 for each license valid for a period of 24 months~~
4 ~~issued to the EMSP and a fee of \$25 for each license issued to~~
5 ~~any provider service operating an air or ground ambulance~~
6 establish, by rule, a fee for EMSP and air or ground provider
7 service licenses. Each license issued to an EMSP shall be
8 valid for a period of 24 calendar months. Each license issued
9 to a provider service shall be valid for a period not to
10 exceed 12 calendar months. The same fee shall be charged for
11 renewal of a license ~~as is fixed in this subsection for the~~
12 ~~original license.~~ No additional fee shall be collected when an
13 EMSP becomes eligible for reclassification of his or her
14 license to a higher level.

15 "(b) All fees collected under this chapter shall be
16 retained in a separate fund by the Board of Health for the
17 purpose of enforcing this chapter and shall be disbursed as
18 other funds of the state are disbursed; provided, that no fee
19 or permit charge authorized under this chapter shall be
20 charged or collected for the issuing of a permit to a
21 volunteer rescue squad, as defined in Section 32-11-1, for
22 providing ambulance service on a gratuitous basis, or any
23 member who volunteers his or her service, unless licensure is
24 requested by the squad, company or individual, whereupon, a
25 fee will be charged.

26 "(c) Any person desiring EMSP licensure shall
27 complete an approved EMSP course as defined by rules of the

1 Board of Health, successfully pass the appropriate level
2 licensure examination as determined by the Board of Health,
3 and submit an application to the board. An approved EMSP
4 course for any level shall be a course conforming to the
5 curriculum for that level approved by the United States
6 Department of Transportation, or approved by any other federal
7 agency as may, in the future, take jurisdiction over EMSP
8 training curriculum development. A curriculum may be required
9 to be supplemented with additional modules if the modules are
10 optional modules approved by the United States Department of
11 Transportation, or its successor as specified above, and the
12 optional modules are prescribed by rule by the board pursuant
13 to the Alabama Administrative Procedure Act.

14 "(d) No air or ground ambulance shall be operated
15 for ambulance purposes and no individual shall fly, drive,
16 operate, attend, or permit same to be operated for the purpose
17 of transporting a patient from any point within the State of
18 Alabama to any other point within the State of Alabama unless
19 such ambulance is duly licensed by the Board of Health. The
20 Board of Health may prescribe exceptions to this requirement
21 consistent with the interests of public health. Any ground
22 ambulance shall at all times be driven by a person holding a
23 valid driver's license and who has passed the Emergency
24 Vehicle Operator Course approved by the Board of Health, ~~or~~
25 the Apparatus Operator's Course taught by the Alabama Fire
26 College, or the Emergency Vehicle Driver Course taught by the
27 Alabama Fire College.

1 "§22-18-6.

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

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

8 "(2) Deliberately hinder, obstruct, or interfere
9 with any physician, licensed nurse, licensed EMSP, or
10 emergency personnel exempt from licensure under the provisions
11 of this article while that ~~person~~ individual is providing
12 emergency care to a third person or while that ~~person~~
13 individual is assisting at the scene of an emergency,
14 directing traffic at the scene of an emergency, or managing or
15 helping to manage the scene of an emergency.

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

17 "(4) Offer, provide, or perform, without a license
18 or certificate to do so, an emergency medical service or other
19 function which, under the provisions of this article or the
20 rules adopted pursuant thereto, may not be performed without a
21 license or certificate issued by the Board of Health;
22 provided, however, this subdivision does not apply to
23 ~~emergency medical service personnel~~ EMSP who have the
24 privilege to practice in the state pursuant to the Emergency
25 Medical Services Personnel Licensure Interstate Compact. No
26 ~~person~~ individual shall be subject to criminal liability
27 pursuant to this section in the event he or she renders first

1 aid or emergency care at the scene of an injury caused by a
2 motor vehicle crash or by some other incident, or at the scene
3 of a mass casualty or disaster if:

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

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

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

12 "(c) No ~~person~~ individual shall regularly engage in
13 providing emergency medical care at the scene of emergencies
14 unless he or she is licensed as an EMSP as defined in this
15 article, or unless he or she is exempted from licensure
16 pursuant to the provisions of this article. Notwithstanding
17 the foregoing, nothing in this article shall be construed to
18 prohibit any physician or nurse licensed in Alabama from
19 performing any act within his or her scope of practice. No
20 ~~person~~ individual shall hold himself or herself out to be an
21 EMSP, unless he or she is licensed as such as defined in this
22 chapter. An EMSP licensed in other jurisdictions may identify
23 themselves as holding such licensure.

24 "(d) The board, ~~shall~~ shall by rule, shall establish the
25 scope of privilege for each level of EMSP licensure. No ~~person~~
26 individual shall exceed the scope of privilege granted to his
27 or her level of licensure.

1 "(e) Control of an emergency scene may be taken by
2 an EMSP if the personnel arrive at the scene of an emergency
3 prior to the arrival of law enforcement personnel, and if
4 managing the emergency scene will not interfere with other
5 emergency medical care duties. Emergency scene control shall
6 include the authority to direct traffic. A driver of a motor
7 vehicle entering an emergency scene or entering a roadway
8 adjacent to an emergency scene shall use caution, shall
9 maintain proper control of the motor vehicle, and shall obey
10 the directions of law enforcement personnel and emergency
11 personnel at the scene. Any person violating this subsection
12 shall be guilty of a violation.

13 "(f) The board ~~may~~, following the contested case
14 provisions of the Administrative Procedure Act, may suspend or
15 revoke the license or certificate of an EMSP at any level, or
16 a provider service, or it may refuse to grant a license or
17 certificate to any ~~person~~ individual or entity at any time
18 that any of the following is determined with respect to the
19 holder or applicant:

20 "(1) Does not meet or no longer meets the prescribed
21 qualifications.

22 "(2) Is guilty of misconduct as defined by the
23 board's rules or otherwise commits a violation of this act or
24 any rules ~~promulgated~~ adopted thereunder.

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

1 "(4) Has provided care to a patient or patients
2 under his or her care ~~which~~ that falls short of the standard
3 of care which ordinarily would be expected to be provided by
4 similarly situated EMSP in Alabama, and has thereby
5 jeopardized the life, health, or safety of a patient or
6 patients.

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

9 "(6) Has submitted a license or test application, a
10 report of continuing education requirements, a run report, a
11 patient care record, EMSP student record, clinical rotation
12 record, intent to train form, self-study document, fluid and
13 drug application, physician medication order form, or any
14 other document ~~which~~ that is material to the duties and
15 qualifications of the EMSP or those of a student in an EMSP
16 training program and which is fraudulent or knowingly false in
17 any respect.

18 "(7) Has committed fraud in the performance of his
19 or her duties or in connection with any matter related to
20 ~~emergency medical services~~ EMS.

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

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

4 "(10) Has performed any act ~~which~~ that exceeds the
5 scope of license or privilege granted to the holder.

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

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

9 §22-18-9.

10 (a) When reviewing an applicant for initial
11 licensure under this article, the Board of Health may require
12 a fingerprint-based state and national criminal background
13 check through the Alabama State Law Enforcement Agency for
14 purposes of determining the applicant's suitability for
15 licensure.

16 (b) The applicant shall pay all costs associated
17 with a required criminal background check at the same time the
18 applicant pays the initial licensure fee.

19 (c) Upon receipt of an authorized request and
20 payment from the board, the Alabama State Law Enforcement
21 Agency shall promptly cause the criminal background check to
22 be conducted and return the results directly to the board.

23 (d) Results of the criminal background check
24 received by the board shall be privileged and shall not be a
25 public record nor disclosed to any individual within the Board
26 of Health beyond those authorized, as determined by the board.
27 The Board of Health shall comply with rules of the Alabama

1 Justice Information Commission and the Federal Bureau of
2 Investigation regarding the use of criminal records. Any
3 person who releases or discloses these records in violation of
4 these rules, upon conviction, shall be guilty of a misdemeanor
5 and, for each offense, may be fined not less than five hundred
6 dollars (\$500) nor more than ten thousand dollars (\$10,000),
7 or imprisoned for not less than 30 days nor more than one
8 year, or both.

9 (e) The board, any law enforcement agency, or any
10 employee thereof acting reasonably shall not be responsible
11 for the accuracy of information provided pursuant to this
12 section nor shall they be liable for defamation, invasion of
13 privacy, negligence, or any other claim relating to or arising
14 from the dissemination of information pursuant to this
15 section.

16 (f) In conjunction with requiring criminal history
17 background checks, the board shall establish a policy to
18 determine which convictions would prevent an applicant from
19 being licensed by the board.

20 (g) The board shall adopt rules to implement this
21 section.

22 Section 3. Although this bill would have as its
23 purpose or effect the requirement of a new or increased
24 expenditure of local funds, the bill is excluded from further
25 requirements and application under Amendment 621, now
26 appearing as Section 111.05 of the Official Recompilation of
27 the Constitution of Alabama of 1901, as amended, because the

1 bill defines a new crime or amends the definition of an
2 existing crime.

3 Section 4. This act shall become effective on the
4 first day of the third month following its passage and
5 approval by the Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Boards, Agencies
and Commissions..... 05-MAR-19

Read for the second time and placed
on the calendar 1 amendment 03-APR-19

Read for the third time and passed
as amended..... 23-APR-19

Yeas 100, Nays 0, Abstains 0

Jeff Woodard
Clerk