

1 HB58
2 190305-7
3 By Representative Sells
4 RFD: Boards, Agencies and Commissions
5 First Read: 05-MAR-19
6 PFD: 03/04/2019

1
2 ENROLLED, An Act,

3 Relating to EMS personnel; to amend Sections 22-18-4
4 and 22-18-6, Code of Alabama 1975; to authorize the State
5 Board of Health to establish by rule, licensure fees for EMS
6 personnel; to revise course requirements for ground ambulance
7 drivers; to authorize a process that provides for conducting
8 criminal background checks on EMS personnel seeking licensure;
9 to provide penalties for unauthorized disclosure of records
10 generated from a criminal background check; and in connection
11 therewith to have as its purpose or effect the requirement of
12 a new or increased expenditure of local funds within the
13 meaning of Amendment 621 of the Constitution of Alabama of
14 1901, now appearing as Section 111.05 of the Official
15 Recompilation of the Constitution of Alabama of 1901, as
16 amended.

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

18 Section 1. Sections 22-18-4 and 22-18-6, Code of
19 Alabama 1975, are amended to read as follows:

20 "§22-18-4.

21 "(a) In addition to all other ~~licenses or~~ fees now
22 payable, the Board of Health shall, ~~as prerequisite for~~
23 ~~issuing a license under the provisions of this article and~~
24 ~~rules and regulations promulgated pursuant thereto, charge a~~
25 ~~fee of \$10 for each license valid for a period of 24 months~~

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

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

23 "(c) Any person desiring EMSP licensure shall
24 complete an approved EMSP course as defined by rules of the
25 Board of Health, successfully pass the appropriate level

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

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

1 College, or the Emergency Vehicle Driver Course taught by the
2 Alabama Fire College.

3 "§22-18-6.

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

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

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

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

19 "(4) Offer, provide, or perform, without a license
20 or certificate to do so, an emergency medical service or other
21 function which, under the provisions of this article or the
22 rules adopted pursuant thereto, may not be performed without a
23 license or certificate issued by the Board of Health;
24 provided, however, this subdivision does not apply to
25 ~~emergency medical service personnel~~ EMSP who have the

1 privilege to practice in the state pursuant to the Emergency
2 Medical Services Personnel Licensure Interstate Compact. No
3 ~~person~~ individual shall be subject to criminal liability
4 pursuant to this section in the event he or she renders first
5 aid or emergency care at the scene of an injury caused by a
6 motor vehicle crash or by some other incident, or at the scene
7 of a mass casualty or disaster if:

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

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

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

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

1 chapter. An EMSP licensed in other jurisdictions may identify
2 themselves as holding such licensure.

3 "(d) The board, ~~shall~~ by rule, shall establish the
4 scope of privilege for each level of EMSP licensure. No ~~person~~
5 individual shall exceed the scope of privilege granted to his
6 or her level of licensure.

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

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

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

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

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

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

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

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

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~~ that exceeds the
13 scope 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) When reviewing an applicant for initial
19 licensure under this article, the Board of Health may require
20 a fingerprint-based state and national criminal background
21 check through the Alabama State Law Enforcement Agency for
22 purposes of determining the applicant's suitability for
23 licensure.

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

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

8 (d) Results of the criminal background check
9 received by the board shall be privileged and shall not be a
10 public record nor disclosed to any individual within the Board
11 of Health beyond those authorized, as determined by the board.
12 The Board of Health shall comply with rules of the Alabama
13 Justice Information Commission and the Federal Bureau of
14 Investigation regarding the use of criminal records. Any
15 person who releases or discloses these records in violation of
16 these rules, upon conviction, shall be guilty of a misdemeanor
17 and, for each offense, may be fined not less than five hundred
18 dollars (\$500) nor more than ten thousand dollars (\$10,000),
19 or imprisoned for not less than 30 days nor more than one
20 year, or both.

21 (e) The board, any law enforcement agency, or any
22 employee thereof acting reasonably shall not be responsible
23 for the accuracy of information provided pursuant to this
24 section nor shall they be liable for defamation, invasion of
25 privacy, negligence, or any other claim relating to or arising

1 from the dissemination of information pursuant to this
2 section.

3 (f) In conjunction with requiring criminal history
4 background checks, the board shall establish a policy to
5 determine which convictions would prevent an applicant from
6 being licensed by the board.

7 (g) The board shall adopt rules to implement this
8 section.

9 Section 3. Although this bill would have as its
10 purpose or effect the requirement of a new or increased
11 expenditure of local funds, the bill is excluded from further
12 requirements and application under Amendment 621, now
13 appearing as Section 111.05 of the Official Recompilation of
14 the Constitution of Alabama of 1901, as amended, because the
15 bill defines a new crime or amends the definition of an
16 existing crime.

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

