
DIGEST

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HB 574 Original

2018 Regular Session

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Abstract: Creates the Louisiana Board of Emergency Medical Services as the successor of the bureau of emergency medical services.

Proposed law creates the La. Board of Emergency Medical Services, referred to hereafter as the "board", as the successor of the bureau of emergency medical services of the La. Department of Health. Repeals present law creating the bureau of emergency medical services.

Proposed law provides for board membership, appointment, terms, and compensation.

Proposed law requires that in order to establish and maintain a program for the improvement and regulation of emergency medical services in La., the board shall do all of the following:

- (1) Develop a state plan for the prompt and efficient delivery of adequate emergency medical services to acutely sick and injured individuals.
- (2) Serve as the primary agency for participation in any federal program involving emergency medical services and may receive and, pursuant to legislative appropriation, disburse available federal funds to implement any service program.
- (3) Identify all public and private agencies, institutions, and individuals that are or may be engaged in emergency medical services training and set minimum standards for course approval, instruction, and examination.
- (4) Promulgate rules and regulations providing for all of the following functions and purposes:
 - (a) To define and authorize appropriate education programs based on national EMS education standards for emergency medical services practitioners.
 - (b) To specify minimum operational requirements that shall ensure medical direction, supervision, and control over emergency medical services.
 - (c) To specify minimum examination and continuing education requirements for all emergency medical services practitioners.
 - (d) To provide for the issuance of licenses, renewals of licenses, and requirements for emergency medical services practitioners.

- (e) To establish fees for licensure and license renewal.
- (5) Issue a license and renew a license to any duly qualified applicant for licensure and license renewal as an emergency medical services practitioner.
- (6) Prescribe application forms for licensure and licensure renewal.
- (7) Adopt requirements and standards of practice approved by the La. Emergency Medical Services Certification Commission for emergency medical services practitioners.
- (8) Conduct investigations as requested by the La. Emergency Medical Services Certification Commission of alleged or suspected improper or prohibited behavior by emergency medical services practitioners or applicants.
- (9) Deny, withhold, revoke, restrict, probate, suspend, or otherwise restrict licenses of individuals who violate proposed law or the rules promulgated by the board as directed by the La. Emergency Medical Services Certification Commission.
- (10) Cause the prosecution of any individual who violates any provision of proposed law.
- (11) Prepare, publish, and update at least annually a roster of all EMS practitioners in the state.
- (12) Adopt continuing education requirements and standards for individuals seeking to renew a license.
- (13) Prepare an annual report detailing the activities of the board during the prior fiscal year.
- (14) Adopt rules and regulations to implement proposed law.
- (15) Adopt and amend the title and the definition of licensed emergency medical services practitioners.
- (16) Employ an executive director who holds a current license as an EMS practitioner and other persons as necessary to implement the directives, rules, and regulations of the board and to assist the board in the implementation of proposed law.
- (17) Retain an attorney to represent the board in all matters pertaining to the administration of the provisions of proposed law, fix his compensation, and define his duties.
- (18) Grant, deny, or revoke initial licenses and license renewals for ambulance providers and air ambulance providers.
- (19) Administer penalties and fines.
- (20) Have all other powers necessary and proper to the performance of its duties, including but

not limited to the power to subpoena.

Proposed law authorizes the board to do all of the following:

- (1) Request and obtain state and national criminal history record information on any person applying for any license or permit which the board is authorized by law to issue, including permission to enroll as a student in clinical courses.
- (2) Require an applicant for any license or permit which the board is authorized to issue, including permission to enroll as a student in clinical courses, to submit a full set of fingerprints, in a form and manner prescribed by the board, as a condition to the board's consideration of his application.
- (3) Charge and collect from an applicant for any license or permit which the board is authorized to issue, including permission to enroll as a student in clinical courses, in addition to all other applicable fees and costs, such amount as may be incurred by the board in requesting and obtaining criminal history record information on the applicant.
- (4) Regulate students in the clinical phase of their education.
- (5) Enforce the rules and regulations in place on the effective date of proposed law until such time as the board promulgates new rules and regulations.
- (6) Purchase, lease, maintain, or otherwise contract with respect to immovable property and improvements thereon as it may deem necessary or appropriate to accomplish the provisions of proposed law.
- (7) Share any information in the custody of the board, including information not subject to present law relative to public records, with any regulatory or law enforcement agency upon written request of the agency.
- (8) Enter into any contract related to its responsibilities in compliance with present law and proposed law.
- (9) Apply for all available appropriate public funds and all available appropriate public and private federal grants, donations, or gifts of money or services from any available source.
- (10) Accept grants, donations, or gifts of money or services from public or private organizations or from any other sources to be utilized for the purposes of the board.
- (11) Publish documents and materials intended to further the mission or purpose of the board.

Proposed law stipulates that its provisions shall not apply to the practice of emergency medical services by a legally qualified emergency medical services practitioner who is employed by the U.S. government while in the discharge of his official duties.

Proposed law requires that for a minimum of one year following the effective date of proposed law, the La. Department of Health shall provide to the board information technology and legal support functions and shall provide technical assistance regarding purchasing, payroll, and budget matters.

(Amends R.S. 36:258(B) and R.S. 40:1131, 1133.3(G), 1133.4(A)(1)-(5), 1133.7(intro. para.) and (14), 1133.8(A) and (D), 1133.9, 1135.1(A)(3), (C), and (E), 1135.2(B)(1) and (2) and (C), 1135.3(A)(intro. para.) and (3), (B), (C)(1)(intro. para.) and (d) and (3)(intro. para.) and (c), (E)(1) and (3), and (H), 1135.4(intro. para.), (3), and (5), 1135.5(B)(1) and (C)-(E), 1135.8(A), (B), (C)(1) and (4)(intro. para.) and (a)(intro. para.) and (ii), (E)(1) and (4), and (G)(2) and (3), and 1135.10(C); Adds R.S. 36:259(E)(26), R.S. 37:3721-3729, and R.S. 44:4(55); Repeals R.S. 40:1131.1, 1133.2, 1133.5, 1133.6, and 1133.8(C)(4)(a)(iii))