

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

Date: January 22, 1998 Revised: _____

Subject: Paramedics and Emergency Medical Technicians

	<u>Analyst</u>	<u>Staff Director</u>	<u>Reference</u>	<u>Action</u>
1.	<u>Munroe</u>	<u>Wilson</u>	<u>HC</u>	<u>Fav/CS/1 Amendment</u>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

The committee substitute authorizes a paramedic or emergency medical technician to perform health promotion and wellness activities and blood pressure screening in a nonemergency environment within the scope of training of the paramedic or emergency medical technician and under the direction of an emergency medical service’s medical director. The committee substitute defines “health promotion and wellness.” Under the direction of an emergency medical service’s medical director, a paramedic may administer immunizations in a nonemergency environment that is in accord with the protocols, policies, and procedures in a written agreement between the medical director and the county health department located where the paramedic administers immunizations. The committee substitute modifies the ground for which a paramedic or emergency medical technician may be subject to discipline for unprofessional conduct to include the undertaking of activities that the emergency medical technician or paramedic is not qualified by experience or training to perform. The committee substitute grants rulemaking authority to the Department of Health to enforce the provisions relating to a paramedic’s administration of immunizations and the performance of health promotion and wellness activities and blood pressure screening by a paramedic or emergency medical technician in a nonemergency environment.

This bill creates section 401.272, Florida Statutes.

II. Present Situation:

Part III, chapter 401, Florida Statutes, provides for the regulation of emergency medical personnel. Under the part, a paramedic who is under the supervision of a physician, may provide both basic and advanced life support techniques to treat medical emergencies as a part of his or her authorized duties for an emergency medical services support system. Section 401.23(1), F.S.,

defines “advanced life support” to mean the treatment of life-threatening medical emergencies by qualified personnel through the use of techniques such as endotracheal intubation, the administration of drugs or intravenous fluids, telemetry, cardiac monitoring and cardiac defibrillation. Section 401.23 (7), F.S., defines “basic life support” to mean the treatment of medical emergencies by qualified personnel through the use of techniques such as patient assessment, cardiopulmonary resuscitation, splinting, obstetrical assistance, bandaging, administration of oxygen, application of medical antishock trousers, and other techniques that have been approved and performed under conditions approved by the Department of Health. An emergency medical technician may treat medical emergencies with basic life support techniques as a part of his or her authorized duties for an emergency medical services support system.

Section 401.27, F.S., authorizes the Department of Health to establish by rule educational and training criteria for the certification and recertification of emergency medical technicians and paramedics. The Department has adopted administrative rules specifying the certification requirements for emergency medical personnel. Paramedics must complete an initial paramedic education program of approximately 800-1000 hours or 1 year and pass the state certification examination or its equivalent (64E-2.009, F.A.C.). Emergency medical technicians must complete an emergency medical technician training program of approximately 4-6 months or 150 hours and pass the emergency medical technician state certification examination or its equivalent (64E-2.008, F.A.C.).

Section 401.25, F.S., requires any business that furnishes advanced or basic life support to be licensed by the Department of Health. Section 401.265, F.S., requires each basic life support transportation service or advanced life support service to employ or contract with a medical director who is a licensed physician or a corporation, association, or partnership of physicians. The medical director must supervise and assume direct responsibility for the medical performance of each emergency medical technician or paramedic working for that emergency medical services system. Section 401.265(3), F.S., extends the protections of the Good Samaritan Act to an emergency medical director for his or her oversight functions for the provision of emergency care by an emergency medical technician or paramedic.

The Good Samaritan Act, s. 768.13(2)(c), F.S., provides that any person who is licensed to practice medicine, while acting as a staff member or with professional clinical privileges at a nonprofit medical facility, other than a licensed hospital, or while performing health screening services, shall not be held liable for any civil damages as a result of care or treatment provided gratuitously in such capacity as a result of any act or failure to act in such capacity in providing or arranging further medical treatment, if such person acts as a reasonably prudent person licensed to practice medicine would have acted under the same or similar circumstances.

Some emergency medical service systems in Florida have already expanded their activities beyond the treatment of medical emergencies by assisting county health departments to: immunize children and adults, monitor the health condition of homebound patients, conduct health screenings, perform blood pressure checks, and treat minor infections and rashes and make referrals when needed. It has been unclear whether such activities that do not involve the

provision of emergency care are legally permissible within the scope of practice of emergency medical personnel certified by the Department of Health under chapter 401, F.S. On June 6, 1997, a legal opinion given by an attorney with the Department of Health's legal counsel concluded that a paramedic or emergency medical technician may not provide such expanded activities outside of an emergency situation and without the direction of a physician since to do so would likely constitute the unlicensed practice of medicine. On July 31, 1997, the General Counsel of the Department of Health requested an expedited opinion from the Office of the Attorney General on whether a certified paramedic or emergency medical technician can provide health care services in addition to advanced life support or basic life support services and to what extent and under what circumstances, if any, can the statutory provisions relating to medical assistants, be used by a certified paramedic or emergency medical technician as authority to provide health care services that extend beyond those permitted under chapter 401, F.S. Section 458.3485, F.S., provides legislative recognition of and defines the term, "medical assistant" to mean a professional multi-skilled person dedicated to assisting in all aspects of medical practice under the direct supervision and responsibility of a physician. Section 458.3485, F.S., provides that under the direct supervision and responsibility of a licensed medical physician, a medical assistant may: perform clinical procedures; administer basic first aid; assist with patient examinations or treatments; operate office medical equipment; collect routine laboratory specimens as directed by the physician; perform basic laboratory procedures; perform office procedures; and perform dialysis procedures.

The Office of the Attorney General on September 3, 1997, in response to the Department of Health request noted that the Department of Health had not adopted a rule, issued a declaratory statement, or otherwise initiated enforcement proceedings to prohibit any emergency medical technician or paramedic with proper training and under the direct supervision and responsibility of a licensed physician from performing the limited services contemplated by s. 458.3485, F.S. The Office of the Attorney General advised the Department of Health that an emergency medical technician or paramedic with proper training and under the direct supervision and responsibility of a licensed physician may perform the limited services contemplated by section 458.3485, F.S., but noted that the Department of Health may wish to seek clarifying legislation on this issue.

III. Effect of Proposed Changes:

The committee substitute provides legislative intent to encourage a more effective utilization of the skills of emergency medical technicians and paramedics by enabling these practitioners to perform specific additional health care tasks, in partnership with local county health departments. The committee substitute authorizes a paramedic or emergency medical technician to perform health promotion and wellness activities and blood pressure screening in a non-emergency environment within the scope of training of the paramedic or emergency medical technician and under the direction of an emergency medical service's medical director. The term "health promotion and wellness" is defined to mean the provision of public health programs relating to the prevention of illness and injury.

Paramedics are allowed to administer immunizations in a nonemergency environment and under the direction of an emergency medical service's medical director. The committee substitute requires a written agreement between the medical director and the county health department located in each county where a paramedic administers immunizations. The agreement must establish a protocol, policy and procedure for the paramedic to administer immunizations. Each medical director who directs a paramedic to administer immunizations must verify and document that the paramedic who administers immunizations has received sufficient training and experience to administer immunizations.

The committee substitute modifies the grounds for which a paramedic or emergency medical technician may be subject to discipline for unprofessional conduct to include the undertaking of activities that the emergency medical technician or paramedic is not qualified by experience or training to perform. The committee substitute authorizes the Department of Health to adopt any administrative rules necessary to enforce the provisions relating to a paramedic's administration of immunizations and the performance of health promotion and wellness activities and blood pressure screening by a paramedic or emergency medical technician in a nonemergency environment.

The committee substitute takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The provisions of this bill have no impact on municipalities and the counties under the requirements of Article VII, Section 18 of the Florida Constitution.

B. Public Records/Open Meetings Issues:

The provisions of this bill have no impact on public records or open meetings issues under the requirements of Article I, Subsections 24(a) and (b) of the Florida Constitution.

C. Trust Funds Restrictions:

The provisions of this bill have no impact on the trust fund restrictions under the requirements of Article III, Subsection 19(f) of the Florida Constitution.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The public may benefit to the extent that, under the direction of a medical director, an emergency medical technician or paramedic will be able to provide blood pressure screening or health promotion and wellness activities. The public may benefit to the extent that under the direction of an emergency medical director, a paramedic will be able to administer immunization in accord with the protocols, policies, and procedures in a written agreement between the medical director and the county health department located where the paramedic administers immunizations.

Licensed health care practitioners currently authorized to provide blood pressure screening, immunization, and activities that are comparable to health promotion and wellness may experience reductions in income from the loss of business to paramedics and emergency medical technicians.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

#1 by Health Care:

Makes an emergency medical service's medical director liable for any act or omission of any paramedic or emergency medical technician acting under his or her supervision and control when performing blood pressure screening, health promotion and wellness activities or administering immunizations, which is not in the provision of emergency care.