

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Health and Human Services Appropriations Committee

BILL: CS/SB 1734

INTRODUCER: Committee on Higher Education and Senator Oelrich

SUBJECT: Emergency Medical Services Personnel/Training/HIV

DATE: April 15, 2010 REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|----------|----------------|-----------|------------------|
| 1. | Harper | Wilson | HR | Favorable |
| 2. | Brown | Matthews | HE | Fav/CS |
| 3. | Bradford | Hansen | HA | Favorable |
| 4. | | | | |
| 5. | | | | |
| 6. | | | | |

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

This bill deletes the requirement for emergency medical technicians (EMTs), paramedics, and 911 emergency dispatchers, certified under chapter 401, F.S., to complete a course approved by the Department of Health (DOH), regarding the human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS) as a condition of licensure and relicensure.

The requirement for an institution seeking approval of a program for the education of EMTs and paramedics to document HIV/AIDS training in its curriculum is also removed.

There is an indeterminate but potentially insignificant fiscal impact to the DOH to amend rules, and to the Department of Education to amend its Public Safety Telecommunication Curriculum Framework.

This bill substantially amends sections 381.0034 and 401.2701 of the Florida Statutes.

II. Present Situation:

HIV/AIDS

Acquired Immune Deficiency Syndrome (AIDS), a physical disorder that results in the loss of immunity in affected persons, is caused by the Human Immunodeficiency Virus (HIV) retrovirus. Since the known beginning of the HIV/AIDS epidemic in the early 1980s, it is estimated that over 1 million people in the U.S. have an AIDS diagnosis.¹ According to the Centers for Disease Control and Prevention (CDC), the annual number of AIDS cases and deaths declined substantially after 1994, but stabilized from 1999-2004.² The number of HIV/AIDS cases among racial/ethnic minority populations and through heterosexual contact has increased since 1994.³ Florida ranks third among states in the cumulative number of reported AIDS cases, with 118,560 cases reported through January 2010.⁴ A total of 5,608 HIV cases and 4,429 AIDS cases were reported in Florida in 2009.⁵ Florida has comprehensive HIV testing and partner notification laws. Additionally Florida law requires certain health care practitioners who provide prenatal services to offer HIV testing along with testing for other sexually-transmissible diseases.

Emergency Medical Technicians/Paramedics, Standards and Certification

An “Emergency Medical Technician” is defined under s. 401.23, F.S., as a person certified by the DOH to perform basic life support, specifically the treatment of medical emergencies through techniques described in the Emergency Medical Technician Basic Training Course Curriculum of the U.S. Department of Transportation (USDOT). A “Paramedic” is a person certified by the DOH to perform basic and advanced life support.

The DOH must establish, by rule, educational and training criteria and examinations for the certification and recertification of EMTs and paramedics.⁶ Applicants must complete an appropriate training course as follows:

- EMTs: an EMT training course equivalent to the most recent EMT basic training course of the USDOT (approved by the DOH.)
- Paramedics: a paramedic training program equivalent to the most recent paramedic course of the USDOT (approved by the DOH.)

The DOH must also establish by rule, a procedure for biennial renewal certification of EMTs and paramedics. Such rules for EMTs must require, at minimum, a 30 hour DOH-approved USDOT refresher training program. Rules for paramedics must require candidates for renewal to have taken at least 30 hours of continuing education units during the 2-year period.

911 Emergency Dispatchers

¹ *HIV/AIDS in the United States*, CDC (August 2009). Available at: <http://www.cdc.gov/hiv/resources/factsheets/PDF/us.pdf>. Last visited April 9, 2010.

² *CDC Revised Recommendations for HIV Testing of Adults, Adolescents, and Pregnant Women in Health Care Settings*, MMWR Morbidity and Mortality Weekly Report (September 22, 2006); 55(RR 14):1-17. Website: <http://www.cdc.gov/mmwr/preview/mmwrhtml/rr5514a1.htm>. Last checked April 9, 2010.

³ *Id.*

⁴ *The Florida Division of Disease Control Surveillance Report (Hepatitis, HIV/AIDS, STD and TB)*, No. 303 (February 2010). Website: http://www.doh.state.fl.us/disease_ctrl/aids/trends/msr/2010/MSR0210.pdf. Last checked April 9, 2010.

⁵ *Id.*

⁶ s. 401.27, F.S.

A “911 Emergency Dispatcher” is a person employed by a state agency or local government as a public safety dispatcher or 911 operator whose duties include answering 911 calls and dispatching law enforcement officers, fire rescue services, emergency medical services, and other public safety services to the scene of an emergency. The DOH establishes, in rule, educational and training criteria for the certification and recertification of 911 emergency dispatchers. Requirements include completion of an appropriate 911 emergency dispatcher training program equivalent to the most recently approved emergency dispatcher course of the Florida Department of Education (DOE).⁷

Requirement for Instruction on HIV/AIDS

Subsections 381.0034(1) and (3), F.S., provide that the DOH must require applicants for initial licensure or certification as EMTs, paramedics, 911 emergency dispatchers, midwives, radiologic technologists, or clinical laboratory personnel to complete an educational course on HIV and AIDS. This course must be completed at the time of initial licensure or certification, or within six months of licensure or certification upon showing good cause.

The course must cover modes of transmission, infection control procedures, clinical management, and prevention of HIV/AIDS. The course must also include information on current Florida law and its impact on testing, confidentiality of test results, treatment of patients, and protocol on HIV counseling and testing, reporting, the offering of HIV testing to pregnant women, and partner notification. Failure to comply is grounds for disciplinary action.

Emergency Medical Services Training Programs

Public and private institutions in Florida seeking approval for a program on EMT and paramedic education must include, in their applications, verification that the curriculum:

- Meets course guides and instructor lesson plans from the EMT-Basic National Standard Curricula for EMT programs and EMT-Paramedic National Standard Curricula for paramedic programs;
- Includes two hours instruction on trauma scorecard methodologies for assessment of adult trauma and pediatric trauma patients as specified by DOH rule; and
- Includes four hours of instruction on HIV/AIDS training consistent with ch. 381, F.S.⁸

⁷ s. 401.465, F.S.

⁸ s. 401.2701, F.S.

Emergency Medical Technician National Standard Curriculum⁹

The National Highway Traffic Safety Administration (NHTSA) is responsible for the development of training courses for EMTs.¹⁰ The EMT-Basic National Standard Curriculum provides the minimum required information to be presented within a 110-hour training program, intended to prepare a medically competent EMT-Basic to operate in the field.¹¹

The 1998 EMT-Basic National Standard Curriculum Instructor's Course Guide¹² specifically provides:

...this curriculum does not provide students with extensive knowledge in hazardous materials, blood-borne pathogens, emergency vehicle operations or rescue practices in unusual environments. These areas are not core elements of education and practice... Identified areas of competency not specifically designed within the EMT-Basic: National Standard Curriculum should be taught in conjunction with this program as a local or state option.¹³

The EMT-Paramedic National Standard Curriculum provides the minimum required information to be presented within a course leading to paramedic certification. The curriculum guide notes that additional specific education is required of paramedics who operate in the field, i.e. ambulance driving, heavy and light rescue, basic extrication, and special needs, and that this information might differ by locality, warranting custom instruction.¹⁴

III. Effect of Proposed Changes:

Emergency medical telecommunications and transportation personnel, consisting of EMTs, paramedics, and emergency dispatchers, will no longer have to complete HIV/AIDS education as part of their training course for licensure and relicensure. It is unknown whether this will represent a cost saving for the students.

Public and private institutions offering licensure to emergency medical responders will not have to document specific training on HIV/AIDS education, although it may be included in course curriculum.

⁹ National Standard Curricula available at:

<http://www.nhtsa.dot.gov/portal/site/nhtsa/template.MAXIMIZE/menuitem.2a0771e91315babbbf30811060008a0c/?javax.portlet.tpst=4670b93a0b088a006bc1d6b760008a0c_ws_MX&javax.portlet.prp_4670b93a0b088a006bc1d6b760008a0c_viewID=detail_view&itemID=1822abcc80c81010VgnVCM1000002c567798RCRD&overrideViewName=Article>. Last checked April 11, 2010.

¹⁰ See NHTSA Emergency Medical Technician: Basic Refresher Curriculum, Instructor Course Guide.

Available at: <<http://www.nhtsa.dot.gov/people/injury/ems/pub/basicref.pdf>>. Last checked April 11, 2010.

¹¹ See NHTSA EMT-Basic: National Standard Curriculum, Instructor's Course Guide. Available at:

<<http://www.nhtsa.dot.gov/people/injury/ems/pub/emtbnscc.pdf>>. Last checked April 11, 2010.

¹² Available at: <<http://www.nhtsa.dot.gov/people/injury/ems/pub/emtbnscc.pdf>>. Last checked April 11, 2010.

¹³ *Id.* at 25.

¹⁴ *EMT: Paramedic National Standard Curriculum*, NHTSA (pg. 8). Available at:

<http://www.nhtsa.gov/people/injury/ems/EMT-P/disk_1%5B1%5D/Intro.pdf>. Last checked April 11, 2010.

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 the bill have no impact on public records or open meetings issues under the requirements of Article I, Section 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. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The DOH indicated it will incur indeterminate costs. The bill will require the department to adopt rules to remove the HIV/AIDS requirement from Rules 64J-1.008 and 64J-1.009, F.A.C. The DOH also indicated that the application for approval of an EMT Program (DH Form 1698) will require revision.

There may also be a fiscal impact on the DOE to amend its Public Safety Telecommunication Curriculum Framework, which references the DOH HIV/AIDS education requirement as specified in s. 381.0034, F.S.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Higher Education Committee on April 13, 2010:

This committee substitute makes a technical correction to the title of the bill.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
