

By Representative Casey

1 A bill to be entitled
2 An act relating to emergency medical services;
3 amending s. 401.117, F.S.; providing additional
4 guidelines for the Department of Health to
5 consider when developing grant-disbursement
6 procedures; amending s. 401.211, F.S.;
7 declaring additional legislative intent;
8 amending s. 401.23, F.S.; defining and
9 redefining terms for use with respect to
10 emergency medical services; amending s.
11 401.245, F.S.; revising provisions relating to
12 calling meetings and maintaining records of the
13 Emergency Medical Services Advisory Council;
14 amending s. 401.25, F.S.; revising
15 qualifications for licensure as basic or
16 advanced life support service; amending s.
17 401.251, F.S.; revising standards for licensing
18 air ambulance services; amending s. 401.252,
19 F.S.; revising regulations governing the
20 conduct of interfacility transfers; amending s.
21 401.265, F.S.; revising standards for
22 employment and duties of medical directors;
23 creating s. 401.2651, F.S.; providing for a
24 state emergency medical services medical
25 director; amending s. 401.27, F.S.; revising
26 standards for certification of emergency
27 medical technicians and paramedics; creating s.
28 401.2701, F.S.; providing for treatment of
29 impaired emergency medical technicians and
30 paramedics; amending s. 401.30, F.S.; providing
31 for use and maintenance of records; creating s.

1 401.305, F.S.; requiring licensees and
2 certificateholders to maintain an address of
3 record; amending s. 401.31, F.S.; revising
4 procedures for correction of violations by
5 licensees; amending s. 401.321, F.S.; revising
6 procedures for changing a licensee's location
7 or service name; amending s. 401.33, F.S.;
8 exempting certain specialty vehicles from
9 regulation; amending s. 401.34, F.S.;
10 increasing fees; providing legislative findings
11 with respect to fees; authorizing the
12 department to adopt rules with respect to fees;
13 amending s. 401.41, F.S.; deleting a criminal
14 penalty for falsely acting as or holding
15 oneself out as an ambulance driver; amending s.
16 401.411, F.S.; revising provisions relating to
17 discipline of licensees, certificateholders,
18 and permittees; amending s. 401.414, F.S.;
19 authorizing the department to adopt rules
20 relating to complaint investigation procedures;
21 amending s. 401.421, F.S.; providing additional
22 penalties for violations; providing for cease
23 and desist orders; providing for administrative
24 fines; amending s. 401.425, F.S.; redefining
25 the makeup of "emergency medical review
26 committees"; providing that confidential
27 documents circulated internally for educational
28 purposes do not lose their status of
29 confidentiality; amending s. 401.435, F.S.;
30 revising provisions regulating first responder
31 agencies and training; amending s. 401.45,

1 F.S.; requiring responses by licensed service
2 providers; creating s. 401.49, F.S.; providing
3 for licensing emergency medical technician and
4 paramedic education programs; creating s.
5 401.50, F.S.; providing guidelines for
6 recertification training; creating s. 401.51,
7 F.S.; providing complaint investigation
8 procedures; creating s. 401.52, F.S.; providing
9 for disciplinary action by the department;
10 providing penalties; creating s. 401.53, F.S.;
11 prescribing the power to take depositions,
12 administer oaths, and issue subpoenas; creating
13 s. 401.55, F.S.; providing for health, welfare,
14 safety, and infection control; amending s.
15 395.3025, F.S.; providing for emergency medical
16 services licensees' access to patient records;
17 amending s. 395.1027, F.S.; conforming a
18 cross-reference; requiring a study of
19 regulating and licensing emergency medical
20 services systems; requiring a report; providing
21 effective dates.

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. Subsections (6) and (7) are added to
26 section 401.117, Florida Statutes, to read:

27 401.117 Grant agreements; conditions.--The department
28 shall use the following guidelines in developing the
29 procedures for grant disbursement:

30 (6) The impact of prevention and other projects upon
31 mortality and injuries.

1 (7) The impact of projects upon the efficient
2 management of emergency medical services resources.

3 Section 2. Section 401.211, Florida Statutes, is
4 amended to read:

5 401.211 Legislative intent.--The Legislature
6 recognizes that the systematic provision of emergency medical
7 services saves lives and reduces disability associated with
8 illness and injury. In addition, that system of care must be
9 equally capable of assessing, treating, and transporting
10 children, adults, and frail elderly persons. Further, it is
11 the intent of the Legislature to encourage the development and
12 maintenance of emergency medical services because such
13 services are essential to the health and well-being of all
14 citizens of the state. The purpose of this part is to protect
15 and enhance the public health, welfare, and safety through the
16 establishment of an emergency medical services state plan,
17 advisory council, minimum standards for emergency medical
18 services personnel, vehicles, services and medical direction,
19 ~~and~~ the establishment of a statewide inspection program
20 created to monitor the quality of patient care delivered by
21 each licensed service and appropriately certified personnel,
22 and a quality management education and technical assistance
23 program.

24 Section 3. Section 401.23, Florida Statutes, is
25 amended to read:

26 401.23 Definitions.--As used in this part, the term:

27 (1) "Advanced life support" means treatment of
28 life-threatening medical emergencies through the use of
29 techniques such as endotracheal intubation, the administration
30 of drugs or intravenous fluids, telemetry, cardiac monitoring,
31

1 and cardiac defibrillation by a qualified person, pursuant to
2 rules of the department.

3 (2) "Advanced life support nontransport vehicle" means
4 any vehicle equipped with advanced life support medical
5 equipment and supplies which is operated by a licensee and
6 dispatched to provide medical assistance but which is not used
7 to provide patient transport.

8 ~~(3)(2)~~ "Advanced life support service" means any
9 emergency medical transport or nontransport service which uses
10 advanced life support techniques.

11 ~~(4)(3)~~ "Air ambulance" means any fixed-wing or
12 rotary-wing aircraft used for, or intended to be used for, air
13 transportation of sick or injured persons requiring or likely
14 to require medical attention during transport.

15 ~~(5)(4)~~ "Air ambulance service" means any publicly or
16 privately owned service, licensed in accordance with the
17 provisions of this part, which operates air ambulances to
18 transport persons requiring or likely to require medical
19 attention during transport.

20 ~~(6)(5)~~ "Ambulance" or "emergency medical services
21 vehicle" means any privately or publicly owned land or water
22 vehicle that is designed, constructed, reconstructed,
23 maintained, equipped, or operated for, and is used for, or
24 intended to be used for, land or water transportation of sick
25 or injured persons requiring or likely to require medical
26 attention during transport.

27 ~~(7)(6)~~ "Ambulance driver" means any person who meets
28 the requirements of s. 401.281.

29 ~~(8)(7)~~ "Basic life support" means treatment of medical
30 emergencies by a qualified person through the use of
31 techniques such as patient assessment, cardiopulmonary

1 resuscitation (CPR), splinting, obstetrical assistance,
2 bandaging, administration of oxygen, ~~application of medical~~
3 ~~antishock trousers~~, administration of a subcutaneous injection
4 using a premeasured autoinjector of epinephrine to a person
5 suffering an anaphylactic reaction, and other techniques
6 described in the Emergency Medical Technician Basic Training
7 Course Curriculum of the United States Department of
8 Transportation. The term "basic life support" also includes
9 other techniques which have been approved and are performed
10 under conditions specified by rules of the department.

11 (9)~~(8)~~ "Basic life support service" means any
12 emergency medical service which uses only basic life support
13 techniques.

14 (10)~~(9)~~ "Certification" means any authorization issued
15 pursuant to this part to a person to act as an emergency
16 medical technician or a paramedic.

17 (11)~~(10)~~ "Department" means the Department of Health.

18 (12)~~(11)~~ "Emergency medical technician" means a person
19 who is certified by the department to perform basic life
20 support pursuant to this part.

21 (13) "Education program licensee" means any
22 individual, institution, school, corporation, partnership, or
23 government entity licensed under this part.

24 (14) "Education program medical director" means a
25 physician licensed under chapter 458 or chapter 459 and
26 practicing in this state who is employed or contracted by an
27 education program licensee and reviews and approves the
28 educational content of the program curriculum and the quality
29 of medical instruction and supervision delivered by the
30 facility.

31 (15)~~(12)~~ "Interfacility transfer" means:

1 (a) The transportation, pursuant to this part, by
2 ambulance or air ambulance of a patient between or among
3 health care facilities, including, but not limited to, two
4 facilities licensed under chapter 393, chapter 394, chapter
5 395, chapter 397, or chapter 400 or an office, clinic,
6 diagnostic center, or other health care facility operated or
7 staffed by physicians; or

8 (b) The transportation by ambulance between any such
9 health care facility or physician's office, clinic, center, or
10 facility and the patient's home. The term does not include
11 transportation from a patient's home to an emergency room
12 pursuant to this part.

13 (16)(13) "Licensee" means any basic life support
14 service, advanced life support service, or air ambulance
15 service licensed pursuant to this part.

16 (17)(14) "Medical direction" means direct supervision
17 by a physician through two-way voice communication or, when
18 such voice communication is unavailable, through established
19 standing orders, pursuant to rules of the department.

20 (18)(15) "Medical director" means a physician licensed
21 under chapter 458 or chapter 459 and practicing in this state
22 who is employed or contracted by a licensee and who provides
23 medical supervision for medical practice and medical training
24 activities performed by that licensee's emergency medical
25 technicians and paramedics, including supervising an
26 appropriate quality management program assurance but not
27 including administrative and managerial functions, for daily
28 operations and training pursuant to this part.

29 (19)(16) "Mutual aid agreement" means a written
30 agreement between two or more entities whereby the signing
31 parties agree to lend aid to one another under conditions

1 specified in the agreement and as sanctioned by the governing
2 body of each affected county.

3 (20)~~(17)~~ "Paramedic" means a person who is certified
4 by the department to perform basic and advanced life support
5 pursuant to this part.

6 (21)~~(18)~~ "Permit" means any authorization issued
7 pursuant to this part for a vehicle to be operated as a basic
8 life support or advanced life support transport vehicle or an
9 advanced life support nontransport vehicle providing basic or
10 advanced life support.

11 (22)~~(19)~~ "Physician" means a practitioner who is
12 licensed under the provisions of chapter 458 or chapter 459.
13 For the purpose of providing "medical direction" as defined in
14 subsection(17)~~(14)~~for the treatment of patients immediately
15 prior to or during transportation to a United States
16 Department of Veterans Affairs medical facility, "physician"
17 also means a practitioner employed by the United States
18 Department of Veterans Affairs.

19 (23)~~(20)~~ "Registered nurse" means a practitioner who
20 is licensed to practice professional nursing pursuant to
21 chapter 464.

22 (24)~~(21)~~ "Secretary" means the Secretary of Health.

23 (25)~~(22)~~ "Service location" means any permanent
24 location in or from which a licensee solicits, accepts, or
25 conducts business under this part.

26 Section 4. Paragraph (b) of subsection (2) and
27 subsection (4) of section 401.245, Florida Statutes, are
28 amended to read:

29 401.245 Emergency Medical Services Advisory Council.--

30 (2)

31

1 (b) Representation on the Emergency Medical Services
2 Advisory Council shall include: two licensed physicians who
3 are "medical directors" as defined in s. 401.23 ~~s. 401.23(15)~~
4 or whose medical practice is closely related to emergency
5 medical services; two emergency medical service
6 administrators, one of whom is employed by a fire service; two
7 certified paramedics, one of whom is employed by a fire
8 service; two certified emergency medical technicians, one of
9 whom is employed by a fire service; one emergency medical
10 services educator; one emergency nurse; one hospital
11 administrator; one representative of air ambulance services;
12 one representative of a commercial ambulance operator; and two
13 laypersons who are in no way connected with emergency medical
14 services, one of whom is a representative of the elderly. Ex
15 officio members of the advisory council from state agencies
16 shall include, but shall not be limited to, representatives
17 from the Department of Education, the Department of Management
18 Services, the Department of Insurance, the Department of
19 Highway Safety and Motor Vehicles, the Department of
20 Transportation, and the Department of Community Affairs.

21 (4) The council shall hold meetings at the call of the
22 chair, upon the written request of five members of the
23 council, or at the call of the bureau chief ~~staff director~~ of
24 the Bureau of Emergency Medical Services ~~program office~~. A
25 majority of the members of the council shall constitute a
26 quorum. Minutes shall be recorded for all meetings of the
27 council and shall be maintained on file in the Bureau of
28 Emergency Medical Services ~~program office~~.

29 Section 5. Paragraph (b) of subsection (2) of section
30 401.25, Florida Statutes, is amended, paragraphs (e) and (f)
31 are added to that subsection, subsection (4) of that section

1 is amended, and subsections (7) and (8) are added to that
2 section, to read:

3 401.25 Licensure as a basic life support or an
4 advanced life support service.--

5 (2) The department shall issue a license for operation
6 to any applicant who complies with the following requirements:

7 (b) The ambulances, equipment, vehicles, personnel,
8 communications systems, staffing ~~patterns~~, and services of the
9 applicant meet the requirements of this part, including the
10 appropriate rules for either a basic life support service or
11 an advanced life support service, whichever is applicable.

12 (e) The applicant has obtained approval of trauma
13 transport protocols in accordance with the rules of the
14 department.

15 (f) The applicant has contracted with or employed a
16 medical director who meets the qualifications of and provides
17 medical direction services pursuant to s. 401.265.

18 (4) A license, unless sooner suspended or revoked,
19 automatically expires 2 years after the date of issuance and
20 shall be renewable biennially upon application for renewal and
21 payment of the fee prescribed by s. 401.34, provided the
22 applicant meets the standards established under this part and
23 in rules. An application for renewal of a license shall be
24 made no more than 90 days, nor less than 60 days, before its
25 expiration, on forms provided by the department. If the
26 department denies an application for renewal of a license
27 within the 90-day period, the expiration of the applicant's
28 current license is tolled pending final agency action. Failure
29 to comply with this subsection constitutes a violation of this
30 part and is subject to penalty in accordance with s. 401.52.

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1 ~~Each license issued in accordance with this part will expire~~
2 ~~automatically 2 years after the date of issuance.~~

3 (7)(a) Each basic-life-support-permitted ambulance of
4 a licensee not specifically exempted from this part, when
5 transporting a person who is sick, injured, wounded,
6 incapacitated, or helpless, must be occupied by at least two
7 persons: one patient attendant who is a certified emergency
8 medical technician, certified paramedic, or licensed physician
9 and one ambulance driver who meets the requirements of s.
10 401.281. This subsection does not apply to interfacility
11 transfers governed by s. 401.252(1).

12 (b) Each advanced-life-support-permitted ambulance of
13 a licensee not specifically exempted from this part, when
14 transporting a person who is sick, injured, wounded,
15 incapacitated, or helpless, must be occupied by at least two
16 persons: one who is a certified paramedic or licensed
17 physician and one who is a certified emergency medical
18 technician, certified paramedic, or licensed physician who
19 also meets the requirements of s. 401.281 for drivers. The
20 person with the highest medical certifications shall be in
21 charge of patient care. This subsection does not apply to
22 interfacility transfers governed by s. 401.252(1).

23 (c) Each advanced-life-support-permitted nontransport
24 vehicle of a licensee not specifically exempted from this part
25 must be occupied by at least two persons: one patient
26 attendant who is a certified paramedic or licensed physician
27 and one who is a certified emergency medical technician,
28 certified paramedic, or licensed physician. An
29 advanced-life-support-permitted nontransport vehicle may
30 operate as a basic-life-support nontransport vehicle if the
31 paramedic is temporarily providing patient care on another

1 vehicle for a maximum of 4 hours in a 24-hour period when
2 deemed by the licensee to be necessary to the operation of the
3 service as a result of unplanned events. This action may only
4 be taken in lieu of placing the unit completely out of
5 service. The licensee will ensure that the advanced life
6 support service level is not routinely, intentionally, or
7 repeatedly compromised as the result of this type of action.
8 The licensee will ensure that the closest
9 advanced-life-support-permitted unit is dispatched to the
10 incident with the basic life support nontransport unit.

11 (8) The department shall adopt and enforce all rules
12 necessary to administer this section, including, but not
13 limited to, requirements for forms, documents, and information
14 submitted to the department to be made under oath and minimum
15 standards for storage, use, and security of controlled
16 substances, medications, and fluids.

17 Section 6. Section 401.251, Florida Statutes, is
18 amended to read:

19 401.251 Air ambulance service; licensure.--

20 (1) Each person, firm, corporation, association, or
21 governmental entity that owns or acts as an agent for the
22 owner of any business or service that furnishes, operates,
23 conducts, maintains, advertises, engages in, proposes to
24 engage in, or professes to engage in the business or service
25 of transporting by air ambulance persons who require or are
26 likely to require medical attention during transport must be
27 licensed as an air ambulance service, before offering such
28 service.

29 (2) The application for this license must be submitted
30 to the department on forms provided for this purpose. The
31 application must include documentation that the applicant

1 meets the appropriate requirements for an air ambulance
2 service as specified by rule of the department.

3 (3) An applicant who seeks licensure as an air
4 ambulance service must:

5 (a) Submit a completed application to the department
6 on such forms and including such information as specified by
7 rule of the department.

8 (b) Submit the appropriate fee as provided in s.
9 401.34.

10 (c) Specify the location of all required medical
11 equipment and provide documentation that all such equipment is
12 available and in good working order.

13 (d) Provide documentation that all aircraft and crew
14 members meet applicable Federal Aviation Administration (FAA)
15 regulations.

16 (e) Provide proof of adequate insurance coverage of
17 not less than \$100,000 per person and \$300,000 per incident,
18 or a greater amount if specified by rule of the department,
19 for claims arising out of injury or death of persons and
20 damage to property of others resulting from any cause for
21 which the owner of such business or service would be liable.
22 Self-insurance is an acceptable alternative as specified in s.
23 401.25(2)(c).

24 (f) Specify whether the service uses either
25 fixed-winged or rotary-winged aircraft, or both.

26 (g) Employ or contract with a medical director who
27 meets the qualifications of and provides medical direction
28 pursuant to s. 401.265.

29 (4)(a) If a service provides interhospital air
30 transport, air transport from hospital to another facility,
31 air transport from hospital to home, or similar air transport,

1 the service must provide evidence that it has employed or
2 contracted with a medical director as provided in s. 401.265
3 to advise the service on the appropriate staffing, equipment,
4 and supplies to be used for the transport of any patient
5 aboard an air ambulance and must provide information to
6 referring physicians regarding special medical requirements
7 and restrictions when transporting by air ambulance.

8 (b) If the air ambulance service uses rotary-winged
9 aircraft in conjunction with another emergency medical
10 service, the air ambulance service must meet the provisions of
11 this section and must meet separate basic life support and
12 advanced life support requirements unique to air ambulance
13 operations as is required by rules of the department. Such
14 service is subject to the provisions of s. 401.25 relating to
15 a certificate of public convenience and necessity; however, a
16 service may operate in any county under the terms of mutual
17 aid agreements.

18 (c) Unless, in the opinion of the attending physician,
19 the patient has an emergency medical condition as defined by
20 s. 395.002, the service must provide each person using the
21 service, before rendering the service, a written description
22 of the services to be rendered and the cost of those services.

23 (5) A license, unless sooner suspended or revoked,
24 automatically expires 2 years after the date of issuance and
25 shall be renewable biennially upon application for renewal and
26 payment of the fee prescribed by s. 401.34, provided the
27 applicant meets the requirements established under this part
28 and in rules. An application for renewal of a license shall be
29 made no more than 90 days, or less than 60 days, before its
30 expiration, on forms provided by the department. If the
31 department denies an application for renewal of a license

1 within the 90-day period, the expiration of the applicant's
2 current license shall be tolled pending final agency action.
3 Failure to comply with this subsection constitutes a violation
4 of this part and is subject to penalty in accordance with s.
5 401.52.

6 ~~(6)(5)~~ In order to renew a license for air ambulance
7 service, the applicant must:

8 (a) Submit a renewal application to the department in
9 accordance with subsection (5)~~not more than 90 days nor less~~
10 ~~than 60 days before the license expires.~~

11 (b) Submit the appropriate renewal fee as provided in
12 s. 401.34.

13 (c) Provide documentation that current standards for
14 issuance of a license are met.

15 ~~(7)(6)~~ Any advanced life support service licensee may
16 engage in air ambulance operations by complying with the
17 appropriate provisions of this section and requirements
18 specified by rule of the department.

19 (8) The department shall adopt and enforce all rules
20 necessary to administer this section, including, but not
21 limited to, requirements for forms, documents, and information
22 submitted to the department to be made under oath and require
23 minimum standards for storage, use, and security of controlled
24 substances, medications, and fluids.

25 Section 7. Section 401.252, Florida Statutes, is
26 amended to read:

27 401.252 Interfacility transfer.--

28 (1) A licensed basic life support,~~or~~ advanced life
29 support, or air ambulance service may conduct interfacility
30 transfers in a permitted ambulance or air ambulance, using a
31 registered nurse, physician, or respiratory technician in

1 place of or in addition to an emergency medical technician or
2 paramedic, if:

3 (a) The registered nurse, physician, or qualified
4 medical personnel is licensed or certified and operates within
5 the scope of chapter 458, chapter 459, chapter 464, or part V
6 of chapter 468 holds a current certificate of successful
7 course completion in advanced cardiac life support;

8 (b) The transferring physician has ensured that such
9 transfer is to be conducted by qualified medical personnel and
10 appropriate transportation in charge has granted permission
11 for such a transfer, has designated the level of service
12 required for such transfer, and has deemed the patient to be
13 in such a condition appropriate to this type of ambulance
14 staffing; and

15 (c) Equipment as may be required, including necessary
16 and appropriate life support measures during transport, is
17 available;~~The registered nurse operates within the scope of~~
18 ~~chapter 464.~~

19 (d) One member of the interfacility transfer crew has
20 successfully completed a course in advanced cardiac life
21 support from an organization specified by rule by the
22 department.

23 (e) The medical director or his or her designee has
24 provided concurrence with the staffing, equipment, and
25 resources as proposed by the transferring physician.

26 (2) A licensed basic life support, advanced life
27 support, or air ambulance service may conduct interfacility
28 transfers in a permitted ambulance or air ambulance if:

29 (a) The transferring physician certifies that the
30 transfer is medically appropriate.

31

1 (b) The transferring physician has ensured that such
2 transfer is to be conducted through qualified medical
3 personnel and transportation equipment, as may be required,
4 including the use of necessary and appropriate life support
5 measures during transfer.~~A licensed basic or advanced life~~
6 ~~support service may conduct interfacility transfers in a~~
7 ~~permitted ambulance if the patient's treating physician~~
8 ~~certifies that the transfer is medically appropriate and the~~
9 ~~physician provides reasonable transfer orders. An~~
10 ~~interfacility transfer must be conducted in a permitted~~
11 ~~ambulance if it is determined that the patient needs, or is~~
12 ~~likely to need, medical attention during transport. If the~~
13 ~~emergency medical technician or paramedic believes the level~~
14 ~~of patient care required during the transfer is beyond his or~~
15 ~~her capability, the medical director, or his or her designee,~~
16 ~~must be contacted for clearance prior to conducting the~~
17 ~~transfer. If necessary, the medical director, or his or her~~
18 ~~designee, shall attempt to contact the treating physician for~~
19 ~~consultation to determine the appropriateness of the transfer.~~

20 (3) An interfacility transfer must be conducted in a
21 permitted ambulance or air ambulance if it is determined that
22 the patient needs, or is likely to need, medical attention
23 during transport.

24 (4)~~(3)~~ Infants less than 28 days old or infants
25 weighing less than 5 kilograms, who require critical care
26 interfacility transport to a neonatal intensive care unit,
27 shall be transported in a permitted advanced life support,~~or~~
28 basic life support transport, or air ambulance, or in a
29 permitted advanced life support,~~or~~ basic life support, or air
30 ambulance that is recognized by the department as meeting
31

1 designated criteria for neonatal interfacility critical care
2 transport.

3 (5) For purposes of any transfer conducted under this
4 section, if an emergency medical technician, paramedic, or
5 nurse who is employed by the licensee believes that the level
6 of patient care required during the transfer is beyond his or
7 her capability, he or she must contact the medical director or
8 the medical director's designee before conducting the transfer
9 and may request additional or alternative staffing, equipment,
10 and resources that meet the patient's medical needs. The
11 medical director or the medical director's designee, when so
12 contacted, must approve the transfer before it may take place.

13 (6)(4) The department shall adopt and enforce all
14 rules necessary to administer ~~carry out~~ this section,
15 including, but not limited to, rules for permitting,
16 equipping, and staffing transport ambulances and that govern
17 the medical direction under which interfacility transfers take
18 place.

19 Section 8. Section 401.265, Florida Statutes, 1998
20 Supplement, is amended to read:

21 401.265 Medical directors; medical direction;
22 licensees.--

23 (1) Each licensee must employ or contract with a
24 medical director for medical direction services. A contract
25 for medical direction services may be with a corporation, an
26 association, or a partnership, and must specify an individual
27 physician or individual physicians to personally execute the
28 responsibilities of medical director. Effective July 1, 2005,
29 licensees may contract only with a medical director who has
30 emergency medical services experience and education, as
31 provided by rule of the department. ~~basic life support~~

1 ~~transportation service or advanced life support service must~~
2 ~~employ or contract with a medical director. The medical~~
3 ~~director must be a licensed physician; a corporation,~~
4 ~~association, or partnership composed of physicians; or~~
5 ~~physicians employed by any hospital that delivers in-hospital~~
6 ~~emergency medical services and employs or contracts with~~
7 ~~physicians specifically for that purpose. Such a hospital,~~
8 ~~physician, corporation, association, or partnership must~~
9 ~~designate one physician from that organization to be medical~~
10 ~~director at any given time. The medical director must~~
11 ~~supervise and assume direct responsibility for the medical~~
12 ~~performance of the emergency medical technicians and~~
13 ~~paramedics operating for that emergency medical services~~
14 ~~system. The medical director must perform duties including~~
15 ~~advising, consulting, training, counseling, and overseeing of~~
16 ~~services, including appropriate quality assurance but not~~
17 ~~including administrative and managerial functions.~~

18 (2) A licensee that contracts for medical direction
19 services must maintain on file the current written contract
20 for medical direction services and shall provide a copy to the
21 department upon request. The contract shall, at a minimum,
22 include the following provisions:

23 (a) The identity and relationship of the parties.

24 (b) The term of the contract.

25 (c) Insurance coverage, including, but not limited to,
26 general, liability, and malpractice coverage.

27 (d) A description of medical direction services
28 including: supervisory responsibility for medical performance
29 of medical personnel, but not including administrative and
30 managerial functions; oversight of continuing medical training
31 and education of medical personnel; development and review of

1 standing orders and protocols, including those for trauma
2 transport as required by chapter 395, part II, and those for
3 transport, triage, and treatment of adult and pediatric
4 patients; shared oversight of security, control, and storage
5 of medications, fluids, and controlled substances; emergency
6 medicine professional organization participation; shared
7 development and oversight of quality management activities;
8 and the resources to be provided by the licensee in support of
9 medical direction responsibilities.~~Each medical director~~
10 ~~shall establish a quality assurance committee to provide for~~
11 ~~quality assurance review of all emergency medical technicians~~
12 ~~and paramedics operating under his or her supervision. If the~~
13 ~~medical director has reasonable belief that conduct by an~~
14 ~~emergency medical technician or paramedic may constitute one~~
15 ~~or more grounds for discipline as provided by this part, he or~~
16 ~~she shall document facts and other information related to the~~
17 ~~alleged violation. The medical director shall report to the~~
18 ~~department any emergency medical technician or paramedic whom~~
19 ~~the medical director reasonably believes to have acted in a~~
20 ~~manner which might constitute grounds for disciplinary action.~~
21 ~~Such a report of disciplinary concern must include a statement~~
22 ~~and documentation of the specific acts of the disciplinary~~
23 ~~concern. Within 7 days after receipt of such a report, the~~
24 ~~department shall provide the emergency medical technician or~~
25 ~~paramedic a copy of the report of the disciplinary concern and~~
26 ~~documentation of the specific acts related to the disciplinary~~
27 ~~concern. If the department determines that the report is~~
28 ~~insufficient for disciplinary action against the emergency~~
29 ~~medical technician or paramedic pursuant to s. 401.411, the~~
30 ~~report shall be expunged from the record of the emergency~~
31 ~~medical technician or paramedic.~~

1 (3) A licensee that employs a medical director for
2 medical direction services shall maintain on file the medical
3 director's current written job description and shall provide a
4 copy to the department upon request. The job description must,
5 at a minimum, include the medical direction services as
6 required in paragraph (2)(d). The licensee shall also maintain
7 on file and make available to the department upon request
8 documentation of insurance coverage, including, but not
9 limited to, general, liability, and malpractice coverage.

10 (4) Each advanced life support and air ambulance
11 service shall require its medical director to provide proof of
12 current registration as a physician with the United States
13 Department of Justice, Drug Enforcement Administration, who
14 may provide controlled substances to an emergency medical
15 services licensee, and require its medical director to provide
16 a written statement of compliance with all Federal Drug
17 Enforcement Administration requirements. Proof of Federal Drug
18 Enforcement Administration registration shall be maintained on
19 file with the licensee and made available for inspection by
20 the department.

21 ~~(5)~~~~(3)~~ Any medical director who in good faith gives
22 oral or written instructions to certified emergency medical
23 services personnel for the provision of emergency care shall
24 be deemed to be providing emergency medical care or treatment
25 for the purposes of s. 768.13(2).

26 (6) Licensees performing emergency medical dispatch
27 shall ensure that the medical director directs and supervises
28 clinical aspects of the dispatch system, including supervisory
29 responsibility over medical quality management of the
30 licensee's dispatch system.

31

1 (7) Medical directors shall periodically observe the
2 licensee's emergency medical technicians and paramedics during
3 emergency calls. Observation criteria shall be specified by
4 rule of the department, and time records showing the
5 observation must be maintained by the licensee for inspection
6 by the department.

7 (8) Medical directors shall biennially complete a
8 minimum of 20 hours of continuing education in emergency
9 medicine topics. Such continuing education may include 10
10 hours of emergency medicine instruction. The licensee shall
11 maintain documentation of such compliance on file for
12 inspection by the department.

13 (9) The medical director shall report to the
14 department any emergency medical technician or paramedic who
15 has had the authority to provide patient care removed by the
16 medical director in accordance with chapter 458 or chapter
17 459. Such removal of authority to provide patient care does
18 not include temporary suspension of clinical privileges for
19 remediation or other temporary removal of clinical care for
20 purposes of quality management or related clinical improvement
21 or medical training activities prescribed by the medical
22 director. The report to the department must be in writing and
23 must outline the circumstances leading to the removal of
24 authority. The report will be processed by the department as
25 provided in s. 401.414.

26 (10)~~(4)~~ Each medical director who uses a paramedic or
27 emergency medical technician to perform blood pressure
28 screening, health promotion, and wellness activities, or to
29 administer immunization on any patient under a protocol as
30 specified in s. 401.272, which is not in the provision of
31 emergency care, is liable for any act or omission of any

1 paramedic or emergency medical technician acting under his or
2 her supervision and control when performing such services.

3 ~~(11)(5)~~ The department shall adopt and enforce all
4 rules necessary to administer this section.

5 Section 9. Section 401.2651, Florida Statutes, is
6 created to read:

7 401.2651 State emergency medical services medical
8 director.--The department's Bureau of Emergency Medical
9 Services shall contract with an individual or individuals to
10 serve as the state emergency medical services medical
11 director. The state emergency medical services medical
12 director shall, effective July 1, 2005, be board-certified in
13 emergency medicine as provided by rule of the department and
14 must annually complete a minimum of 10 hours in continuing
15 education in emergency medicine topics.

16 Section 10. Section 401.27, Florida Statutes, is
17 amended to read:

18 401.27 Personnel; standards and certification.--

19 ~~(1) Each permitted ambulance not specifically exempted~~
20 ~~from this part, when transporting a person who is sick,~~
21 ~~injured, wounded, incapacitated, or helpless, must be occupied~~
22 ~~by at least two persons, one of whom must be a certified~~
23 ~~emergency medical technician, certified paramedic, or licensed~~
24 ~~physician and one of whom must be a driver who meets the~~
25 ~~requirements for ambulance drivers. This subsection does not~~
26 ~~apply to interfacility transfers governed by s. 401.252(1).~~

27 ~~(1)(2)~~ The department shall establish by rule
28 educational and training criteria and examinations for the
29 certification and biennial recertification of emergency
30 medical technicians and paramedics. Such rules must require,
31 but need not be limited to:

1 (a) For emergency medical technicians, proficiency in
2 techniques identified in s. 401.23(8)~~s. 401.23(7)~~ and in
3 rules of the department.

4 (b) For paramedics, proficiency in techniques
5 identified in s. 401.23(1) and in rules of the department.

6 ~~(2)(3)~~ Any person who desires to be certified or
7 recertified as an emergency medical technician or paramedic
8 must make application apply to the department on a form
9 prepared and furnished forms provided by the department, which
10 form shall require the social security number of the
11 applicant. The department shall determine whether the
12 applicant meets the requirements specified in this section and
13 in rules of the department and shall issue a certificate to
14 any person who meets such requirements.

15 ~~(3)(4)~~ An applicant for certification ~~or~~
16 ~~recertification~~ as an emergency medical technician or
17 paramedic must:

18 (a) Have completed an appropriate training course
19 conducted by a licensed emergency medical technician or
20 paramedic education program in accordance with s. 401.49; as
21 follows:

22 1. ~~For an emergency medical technician, an emergency~~
23 ~~medical technician training course equivalent to the most~~
24 ~~recent emergency medical technician basic training course of~~
25 ~~the United States Department of Transportation as approved by~~
26 ~~the department;~~

27 2. ~~For a paramedic, a paramedic training program~~
28 ~~equivalent to the most recent paramedic course of the United~~
29 ~~States Department of Transportation as approved by the~~
30 ~~department;~~

31

1 (b) Certify under oath that he or she is not addicted
2 to alcohol or any controlled substance;

3 (c) Certify under oath that he or she is free from any
4 physical or mental defect or disease that might impair the
5 applicant's ability to perform his or her duties;

6 (d) Within 1 year after course completion have passed
7 an examination developed or required by the department;

8 (e)1. For an emergency medical technician, hold ~~either~~
9 a current and valid course completion card for American Heart
10 Association cardiopulmonary resuscitation from an organization
11 approved by the department by rule ~~course card or an American~~
12 ~~Red Cross cardiopulmonary resuscitation course card;~~

13 2. For a paramedic, hold a current and valid
14 ~~certificate of successful~~ course completion card in advanced
15 cardiac life support from an organization approved by the
16 department by rule ~~the American Heart Association or its~~
17 ~~equivalent;~~

18 (f) Submit the nonrefundable certification ~~fee~~ and ~~the~~
19 ~~nonrefundable~~ examination fees ~~fee~~ prescribed in s. 401.34.
20 The nonrefundable, ~~which~~ examination fee will be required ~~for~~
21 each time the applicant is scheduled for the examination
22 ~~administered to an applicant;~~ and

23 (g) Submit a completed application to the department,
24 with documentation of ~~which application documents~~ compliance
25 with subparagraph (e)1. or 2. and paragraphs (a), (b), (c),
26 (d), and ~~(e), (f), (g), and, if applicable, (d).~~ The
27 application must be submitted so as to be received by the
28 department at least 30 calendar days before the next regularly
29 scheduled examination for which the applicant desires to be
30 scheduled.

31

1 (4) An applicant for recertification as an emergency
2 medical technician or paramedic must:

3 (a) Have completed recertification training conducted
4 in accordance with s. 401.50 or pass the certification
5 examination required in paragraph (3)(d). The department shall
6 accept the written affirmation of a licensee's or education
7 program licensee's medical director as documentation that the
8 certificateholder has completed a minimum of 30 hours of
9 recertification training pursuant to s. 401.50;

10 (b) Certify under oath that he or she is not addicted
11 to alcohol or any controlled substance;

12 (c) Certify under oath that he or she is free from any
13 physical or mental defect or disease that might impair his or
14 her ability to perform his or her duties;

15 (d)1. For an emergency medical technician, hold a
16 current and valid course completion card for cardiopulmonary
17 resuscitation from an organization approved by the department
18 by rule; or

19 2. For a paramedic, hold a current and valid course
20 completion card in advanced cardiac life support from an
21 organization approved by the department by rule;

22 (e) Submit the nonrefundable recertification fee as
23 prescribed in s. 401.34;

24 (f) If an applicant elects to take the certification
25 examination in lieu of recertification training as provided in
26 paragraph (a), remit a nonrefundable examination fee as
27 prescribed in s. 401.34 each time the applicant is scheduled
28 for the examination; and

29 (g) Submit a completed application to the department
30 with documentation of compliance with this subsection as
31 prescribed by the department by rule.

1 (5) The certification examination must be offered
2 monthly. The department shall issue an examination admission
3 notice to the applicant advising him or her of the time and
4 place of the examination for which he or she is scheduled.
5 Individuals achieving a passing score on the certification
6 examination may be issued a temporary certificate with their
7 examination grade report. The department must issue an
8 original certification within 45 days after the examination.

9 ~~(6)(a) The department shall establish by rule a~~
10 ~~procedure for biennial renewal certification of emergency~~
11 ~~medical technicians. Such rules must require a United States~~
12 ~~Department of Transportation refresher training program of at~~
13 ~~least 30 hours as approved by the department every 2 years.~~
14 ~~The refresher program may be offered in multiple presentations~~
15 ~~spread over the 2-year period. The rules must also provide~~
16 ~~that the refresher course requirement may be satisfied by~~
17 ~~passing a challenge examination.~~

18 ~~(b) The department shall establish by rule a procedure~~
19 ~~for biennial renewal certification of paramedics. Such rules~~
20 ~~must require candidates for renewal to have taken at least 30~~
21 ~~hours of continuing education units during the 2-year period.~~
22 ~~The rules must provide that the continuing education~~
23 ~~requirement may be satisfied by passing a challenge~~
24 ~~examination.~~

25 (6)(7) A physician, dentist, or registered nurse may
26 be certified as a paramedic if the physician, dentist, or
27 registered nurse is certified in this state as an emergency
28 medical technician, has passed the required emergency medical
29 technician curriculum in accordance with s. 401.49, has
30 successfully completed an advanced cardiac life support course
31 from an organization specified by the department by rule, has

1 passed the examination for certification as a paramedic, has
2 provided documentation of 1 year's continuous employment in
3 emergency medical services, and has met other certification
4 requirements specified by rule of the department. A
5 physician, ~~dentist,~~ or registered nurse so certified must be
6 recertified under this section.

7 ~~(7)8)~~ Each emergency medical technician certificate
8 and each paramedic certificate ~~will expire automatically and~~
9 ~~may be renewed if the holder meets the qualifications for~~
10 ~~renewal as established by the department. A certificate that~~
11 ~~is not recertified by ~~renewed~~ at the end of the 2-year period~~
12 ~~will automatically revert to an involuntary inactive status~~
13 ~~for a period not to exceed 180 days. During such time, the~~
14 ~~certificateholder may not perform the functions of an~~
15 ~~emergency medical technician or paramedic.~~ Such certificate
16 may be reactivated ~~and renewed~~ within the 180 days if the
17 certificateholder meets the all other qualifications required
18 by subparagraph (4)(d)1. or 2. and paragraphs (5)(a), (b),
19 (c), (e), and (f) for renewal and pays a \$25 late fee
20 established by the department by rule, not to exceed \$100.
21 Reactivation shall be in a manner and on forms prescribed by
22 rule of the department rule. ~~The holder of a certificate that~~
23 ~~expired on December 1, 1996, has until September 30, 1997, to~~
24 ~~reactivate the certificate in accordance with this subsection.~~

25 ~~(9) The department may suspend or revoke a certificate~~
26 ~~at any time if it determines that the holder does not meet the~~
27 ~~applicable qualifications.~~

28 ~~(8)(10)~~ The department may provide by rule for
29 physically disabled persons to take and be provided with the
30 results of the written portion of the emergency medical
31 technician certification examination or paramedic

1 certification examination. However, such persons may not
2 receive any special assistance in completing the examination.
3 An individual who achieves a passing grade on the emergency
4 medical technician certification examination or paramedic
5 certification examination may be issued a limited emergency
6 medical technician certificate or a limited paramedic
7 certificate. An individual issued a limited certificate may
8 not perform patient care or treatment activities.

9 (9)(11)(a) A certificateholder may apply to the
10 department to place his or her certification request that his
11 or her emergency medical technician certificate or paramedic
12 certificate be placed on a voluntary inactive status by
13 applying to the department before the his or her current
14 certification expires and by paying a fee set by the
15 department not to exceed \$50 biennially.

16 (b)1. A certificateholder whose certificate has been
17 on voluntary inactive status for 2 years ~~1 year~~ or less
18 following the date his or her emergency medical technician
19 certificate or paramedic certificate expired may reactivate
20 ~~renew~~ his or her certificate pursuant to the rules adopted by
21 the department and upon payment of a reactivation ~~late renewal~~
22 fee established ~~set~~ by the department by rule not to exceed
23 \$100.

24 2. A certificateholder whose certificate has been on
25 voluntary inactive status for more than 2 years ~~1 year~~ may
26 reactivate ~~renew~~ his or her certificate by passing the
27 certification examination, completing continuing education
28 requirements, and meeting other criteria provided by rule of
29 pursuant to rules adopted by the department. To renew, the
30 certificateholder must pass the certification examination and
31

1 ~~complete continuing education requirements and a field~~
2 ~~internship.~~

3 (c) A certificate that ~~which~~ has been on voluntary
4 inactive status for more than 6 years automatically expires
5 ~~and may not be reinstated.~~

6 ~~(10)(12)~~ In lieu of the requirement in paragraph
7 (3)(a), an applicant for certification who is an out-of-state
8 trained emergency medical technician or paramedic must provide
9 proof of current emergency medical technician or paramedic
10 certification or registration based upon successful completion
11 of the United States Department of Transportation emergency
12 medical technician or paramedic training curriculum and must
13 hold a valid current certificate of successful course
14 completion, from an organization specified by the department
15 by rule, in cardiopulmonary resuscitation (CPR) or advanced
16 cardiac life support for emergency medical technicians or
17 paramedics, respectively, to be eligible for the certification
18 examination. An ~~The~~ applicant for certification as a paramedic
19 must have completed a paramedic program accredited, at the
20 time of program completion, by the Commission on Accreditation
21 of Allied Health Education Programs in conjunction with the
22 Joint Review Committee on Education Programs for the Emergency
23 Medical Technician-Paramedic. If the applicant's paramedic
24 training was received from a nonaccredited program, the
25 applicant must provide proof of at least 1 year of continuous
26 employment as a paramedic with a licensed ambulance service or
27 an ambulance service authorized by law to operate in that
28 state. The emergency medical technician and paramedic
29 applicants must successfully complete the certification
30 examination within 1 year after the date of the receipt of his
31 or her application by the department. After 1 year, the

1 applicant must submit a new application, meet all eligibility
2 requirements, and submit all fees to reestablish eligibility
3 to take the certification examination.

4 ~~(11)(13)~~ The department shall adopt a standard state
5 insignia for emergency medical technicians and paramedics.
6 The department shall establish by rule the requirements to
7 display the state emergency medical technician and paramedic
8 insignia. The rules may not require a person to wear the
9 standard insignia but must require that if a person wears any
10 insignia that identifies the person as a certified emergency
11 medical technician or paramedic in this state, the insignia
12 must be the standard state insignia adopted under this
13 section. The insignia must denote the individual's level of
14 certification at which he or she is functioning.

15 (12) The department shall adopt and enforce all rules
16 necessary to administer this section, including, but not
17 limited to, requirements that forms, documents, and
18 information be submitted to the department under oath.

19 Section 11. Section 401.2701, Florida Statutes, is
20 created to read:

21 401.2701 Impaired emergency medical technicians and
22 paramedics.--

23 (1)(a) Whenever the department receives a legally
24 sufficient complaint as defined in s. 401.414 alleging that a
25 certificateholder under the jurisdiction of the department is
26 impaired as a result of the misuse or abuse of alcohol or
27 drugs, or both, or due to a mental condition that could affect
28 the certificateholder's ability to practice with skill and
29 safety, and no complaint against the certificateholder other
30 than the one alleging the impairment exists, the reporting of
31 such information shall not constitute a complaint within the

1 meaning of s. 401.414 if, after preliminary inquiry, the
2 department finds:

3 1. The certificateholder acknowledges the impairment
4 problem.

5 2. The certificateholder has voluntarily enrolled in
6 and attended a treatment program approved by the licensee or
7 approved by the department if the certificateholder is
8 employed by a licensee without an approved treatment program
9 or is not currently employed as an emergency medical
10 technician or paramedic.

11 3. The certificateholder has voluntarily withdrawn
12 from performing emergency medical technician or paramedic
13 functions or has agreed to operate under restrictions
14 established by the treatment program, with the approval of the
15 medical director, if applicable, until such time as the
16 certificateholder has successfully completed an approved
17 treatment program.

18 (b) Whenever the department receives a legally
19 sufficient complaint alleging that a certificateholder is
20 impaired as described in paragraph (a) and no other complaint
21 against the certificateholder exists, the department shall
22 maintain the information received in a file separated from the
23 complaint files.

24 (c) A finding of probable cause shall not be made as
25 long as the department is satisfied, based upon information it
26 receives from the licensee or the treatment program, that the
27 certificateholder is progressing satisfactorily in an approved
28 treatment program.

29 (2) In any disciplinary action for a violation other
30 than impairment in which a certificateholder establishes an
31 impairment defense and further establishes through the

1 licensee-approved or department-approved treatment program
2 that the certificateholder is satisfactorily progressing
3 through or has successfully completed an approved treatment
4 program pursuant to this section, such information shall be
5 considered by the department as a mitigating factor in
6 determining the appropriate penalty. This subsection does not
7 limit mitigating factors the department may consider.

8 (3)(a) A licensee shall notify the department of a
9 certificateholder's impairment and participation in, progress
10 in, and completion of the treatment program. Failure to
11 provide such information to the department is a violation of
12 this part and is subject to the penalties provided in s.
13 401.52.

14 (b) If the department determines, after consultation
15 with the licensee, that an impaired certificateholder has not
16 progressed satisfactorily in a treatment program, all
17 information regarding the issue of a certificateholder's
18 impairment and participation in a treatment program in the
19 department's possession shall constitute a complaint pursuant
20 to the general provisions of s. 401.414.

21 (c) If the certificateholder is not employed as a
22 paramedic or emergency medical technician and if the
23 department determines after consultation with the treatment
24 program that the impaired certificateholder has not progressed
25 satisfactorily in a treatment program, all information
26 regarding the issue of the certificateholder's impairment and
27 participation in a treatment program in the department's
28 possession shall constitute a complaint pursuant to the
29 general provisions of s. 401.414.

30 (4) The department shall adopt and enforce all rules
31 necessary to administer this section.

1 Section 12. Section 401.30, Florida Statutes, 1998
2 Supplement, is amended to read:

3 401.30 Records.--

4 (1) Each licensee must maintain accurate records of
5 emergency calls which ~~on forms that~~ contain such information
6 as is required by the department. Such records may be
7 maintained in either paper or electronic form. Such paper or
8 electronic records ~~These records~~ must be available for review
9 ~~inspection~~ by the department at any reasonable time, and
10 copies thereof must be furnished to the department upon
11 request. The department shall, by rule, give each licensee
12 notice of what information such records ~~forms~~ must contain.

13 (2) A copy of an individual patient care record for
14 each patient who is provided prehospital transport must be
15 provided to the hospital to which a prehospital patient is
16 transported. Such information shall be provided in accordance
17 with rules of the department.

18 ~~(3)~~(2) Reports to the department from licensees which
19 cover statistical data are public records, except that the
20 names of patients and other patient-identifying information
21 contained in such reports are confidential and exempt from the
22 provisions of s. 119.07(1). Any record furnished by a
23 licensee at the request of the department must be a true and
24 certified copy of the original record and may not be altered
25 or have information deleted.

26 ~~(4)~~(3) Records of emergency calls which contain
27 patient examination or treatment information are confidential
28 and exempt from the provisions of s. 119.07(1) and s. 24(a),
29 Art. I of the State Constitution and may not be disclosed
30 without the consent of the person to whom they pertain, but
31

1 appropriate limited disclosure may be made without such
2 consent:

3 (a) To the person's guardian, to the next of kin if
4 the person is deceased, or to a parent if the person is a
5 minor;

6 (b) To hospital personnel for use in conjunction with
7 the treatment of the patient or for use in quality management
8 activities;

9 (c) To the department;

10 (d) To the ~~service~~ medical director of the licensee
11 that generated the record;

12 (e) For use in a critical incident stress management
13 ~~debriefing. Any such discussions during a critical incident~~
14 ~~stress debriefing shall be considered privileged communication~~
15 ~~under s. 90.503~~;

16 (f) In any civil or criminal action, unless otherwise
17 prohibited by law, upon the issuance of a subpoena from a
18 court of competent jurisdiction and proper notice by the party
19 seeking such records, to the patient or his or her legal
20 representative; or

21 (g) To a local trauma agency or a regional trauma
22 agency, or a panel or committee assembled by such an agency to
23 assist the agency in performing quality assurance activities
24 in accordance with a plan approved under s. 395.401. Records
25 obtained under this paragraph are confidential and exempt from
26 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

27

28 The exemptions from s. 119.07(1) provided in this subsection
29 are subject to the Open Government Sunset Review Act in
30 accordance with s. 119.15. This subsection does not prohibit
31 the department or a licensee from providing information to any

1 law enforcement agency or any other regulatory agency
2 responsible for the regulation or supervision of emergency
3 medical services and personnel.

4 (4) The department shall adopt and enforce all rules
5 necessary to administer this section.

6 Section 13. Section 401.305, Florida Statutes, is
7 created to read:

8 401.305 Address of record.--

9 (1) Each licensee or certificateholder is responsible
10 for notifying the department in writing, by certified mail
11 return receipt requested, of the licensee's or
12 certificateholder's current mailing address. Failure to notify
13 the department of a change of address within 30 days of such
14 change constitutes a violation of this section, and the
15 licensee or certificateholder may be subject to penalty, not
16 to exceed a reprimand, by the department as provided in ss.
17 401.411 and 401.52.

18 (2) This section does not alter the requirements for
19 service of process in administrative or civil legal actions.

20 (3) The department shall adopt and enforce all rules
21 necessary to administer this section.

22 Section 14. Subsection (4) of section 401.31, Florida
23 Statutes, is amended, and subsection (5) is added to that
24 section, to read:

25 401.31 Inspection and examination.--

26 (4) Upon completion of an inspection, the department
27 may request an inspection corrective action plan statement
28 from a licensee stating the process and actions by which that
29 any violation found during the inspection will be has been
30 corrected. The department shall adopt, by rule, procedures
31 which provide for categories of violations, the type of

1 ~~violations in each category, the time for correcting~~
2 ~~violations in each category, and the time for returning the~~
3 ~~inspection corrective action statement to the department.~~
4 Failure of a licensee to comply with ~~submit~~ the ~~inspection~~
5 corrective action plan statement within the agreed-upon
6 required time is a ground for discipline under s. 401.52 ~~s.~~
7 ~~401.411.~~

8 (5) The department shall adopt and enforce all rules
9 necessary to administer this section.

10 Section 15. Section 401.321, Florida Statutes, is
11 amended to read:

12 401.321 Transferability of license; effect of sale,
13 transfer, assignment, or lease of service.--

14 (1) Each license is valid only for the licensee to
15 whom it is issued and is not subject to sale, assignment, or
16 other transfer, voluntary or involuntary. ~~A license or permit~~
17 ~~is valid only for the service location for which it was~~
18 ~~originally issued.~~

19 (2) No later than 60 days before changing the service
20 location or name registered with the department, the licensee
21 must notify the department in writing of the proposed change.
22 The department shall establish by rule an application
23 procedure for such changes, which procedure must include the
24 requirement for payment of a \$30 fee. ~~A license will~~
25 ~~automatically expire when a licensee changes his or her~~
26 ~~service location or service name as registered with the~~
27 ~~department. The expired license must be surrendered by the~~
28 ~~licensee, and the department shall issue a new license for the~~
29 ~~balance of the term under the expired license upon receipt of~~
30 ~~a completed application and a fee of \$30.~~

31 (3) An application for a new license is required when:

1 (a) A majority of the ownership or a controlling
2 interest of a service is transferred or assigned; and

3 (b) A lessee agrees to undertake or provide services
4 to the extent that legal liability for the service rests with
5 the lessee.

6
7 The application for a new license showing such change must be
8 submitted within 30 days after ~~so as to be received by the~~
9 ~~department at least 60 days prior to the date of the sale,~~
10 transfer, assignment, or lease.

11 (4) The department shall adopt and enforce all rules
12 necessary to administer this section.

13 Section 16. Present subsections (3), (4), and (5) of
14 section 401.33, Florida Statutes, are redesignated as
15 subsections (4), (5), and (6), respectively, and a new
16 subsection (3) is added to that section to read:

17 401.33 Exemptions.--The following are exempt from this
18 part:

19 (3) Specialty vehicles, as defined by the department
20 by rule, used by an emergency medical services licensee to
21 move patients to a permitted transport vehicle from scenes
22 that are inaccessible in a permitted ambulance.

23 Section 17. Effective October 1, 1999, subsection (1)
24 of section 401.34, Florida Statutes, is amended to read:

25 401.34 Fees.--

26 (1) Each organization or person subject to this part
27 must pay to the department the following nonrefundable fees:

28 (a) Basic life support service license application:
29 \$1,000~~\$660~~, to be paid biennially.

30 (b) Advanced life support service license application:
31 \$1,500~~\$1,375~~, to be paid biennially.

- 1 (c) Original or renewal vehicle permit application for
2 basic or advanced life support: ~~\$45~~~~\$25~~, to be paid
3 biennially.
- 4 (d) Emergency medical technician certification
5 examination application: ~~\$60~~~~\$40~~.
- 6 (e) Emergency medical technician original certificate
7 application: ~~\$55~~~~\$35~~.
- 8 (f) Emergency medical technician renewal certificate
9 application: ~~\$40~~~~\$20~~, to be paid biennially.
- 10 (g) Paramedic certification examination application:
11 ~~\$60~~~~\$40~~.
- 12 (h) Paramedic original certificate application: ~~\$65~~
13 ~~\$45~~.
- 14 (i) Paramedic renewal certificate application: ~~\$65~~
15 ~~\$45~~, to be paid biennially.
- 16 (j) Air ambulance service application: ~~\$1,500~~~~\$1,375~~,
17 to be paid biennially.
- 18 (k) Original or renewal aircraft permit application
19 for air ambulance: ~~\$45~~~~\$25~~, to be paid biennially.
- 20 Section 18. Subsections (8) and (9) are added to
21 section 401.34, Florida Statutes, to read:
- 22 401.34 Fees.--
- 23 (8) Fees established in subsection (1) are based on
24 the actual costs incurred by the department in carrying out
25 its licensure, certification, registration, and inspection
26 responsibilities under this chapter, including costs of
27 salaries, expenses, inspection equipment, supervision, and
28 program administration.
- 29 (9) The department shall adopt and enforce all rules
30 necessary to administer this section.
31

1 Section 19. Subsection (1) of section 401.41, Florida
2 Statutes, is amended to read:

3 401.41 Penalties.--

4 (1) Any person who:

5 (a) Uses or attempts to use a certificate, license, or
6 permit that has been suspended, revoked, or terminated;

7 (b) Practices or holds himself or herself out as an
8 emergency medical technician ~~or, paramedic, or ambulance~~
9 ~~driver~~ without being so certified;

10 (c) Knowingly conceals information relating to
11 violations of this part; or

12 (d) Knowingly makes false or fraudulent claims to
13 procure, attempt to procure, or renew a certificate, license,
14 or permit

15
16 is guilty of a misdemeanor of the first degree, punishable as
17 provided in s. 775.082 or s. 775.083.

18 Section 20. Section 401.411, Florida Statutes, 1998
19 Supplement, is amended to read:

20 401.411 Disciplinary action; penalties; paramedics and
21 emergency medical technicians.--

22 (1) The department may deny, suspend, or revoke a
23 ~~license, certificate, or permit~~ or may reprimand or fine any
24 ~~licensee, certificateholder, or~~ other person operating under
25 this part on ~~for~~ any of the following grounds:

26 (a) The violation of any rule of the department or any
27 provision of this part.

28 (b) Being found guilty of, or pleading nolo contendere
29 to, regardless of adjudication in any jurisdiction, a crime
30 that relates to practice as an emergency medical technician or
31

- 1 paramedic, or to practice in any other occupation, when
2 operating under this part.
- 3 (c) Addiction to alcohol or any controlled substance.
- 4 (d) Engaging in or attempting to engage in the
5 possession, except in legitimate duties under the supervision
6 of a licensed physician, or the sale or distribution of any
7 controlled substance as set forth in chapter 893.
- 8 (e) The conviction in any court in any state or in any
9 federal court of a felony, unless the person's civil rights
10 have been restored.
- 11 (f) Knowingly making false or fraudulent claims;
12 procuring, attempting to procure, or renewing a certificate
13 ~~license, or permit~~ by fakery, fraudulent action, or
14 misrepresentation.
- 15 (g) Unprofessional conduct, including, but not limited
16 to, any departure from or failure to conform to the minimal
17 prevailing standards of acceptable practice as an emergency
18 medical technician or paramedic, including undertaking
19 activities that the emergency medical technician or paramedic
20 is not qualified by training or experience to perform.
- 21 (h) Sexual misconduct with a patient, including
22 inducing or attempting to induce the patient to engage, or
23 engaging or attempting to engage the patient, in sexual
24 activity.
- 25 ~~(i) The failure to give to the department, or its~~
26 ~~authorized representative, true information upon request~~
27 ~~regarding an alleged or confirmed violation of this part or~~
28 ~~rule of the department.~~
- 29 ~~(j) Fraudulent or misleading advertising or~~
30 ~~advertising in an unauthorized category.~~
- 31

1 (i)~~(k)~~ Practicing as an emergency medical technician,
2 paramedic, or other health care professional operating under
3 this part without reasonable skill and safety to patients by
4 reason of illness, drunkenness, or the use of drugs,
5 narcotics, or chemicals or any other substance or as a result
6 of any mental or physical condition.

7 (j)~~(l)~~ The failure to report to the department any
8 person known to be in violation of this part.

9 (2) A suspension or revocation of a ~~license or~~
10 certificate is for all classifications unless the department,
11 in its sole discretion, suspends or revokes one or more
12 classifications thereof.

13 (3) One year after the revocation of a ~~license or~~
14 certificate, application may be made to the department for
15 reinstatement; and the department may authorize reinstatement.

16 ~~(4) Any charge of a violation of this part by a~~
17 ~~licensee affects only the license of the service location from~~
18 ~~which the violation is alleged to have occurred. Another~~
19 ~~license may not be issued to the same licensee for a new~~
20 ~~service location in the same county or any other county for a~~
21 ~~period of 3 years from the effective date of revocation.~~

22 (4)~~(5)~~ If the department finds that the terms of any
23 such suspension have been violated, it may revoke such
24 suspension immediately.

25 (5)~~(6)~~ If a person whose ~~license, certificate, or~~
26 ~~permit~~ has been suspended is found by the department to have
27 violated any of the other provisions of this part, the
28 department may revoke the ~~license, certificate, or permit~~.

29 (6)~~(7)~~ In addition to any other administrative action
30 authorized by law, the department may impose an administrative
31 fine, not to exceed \$1,000 per violation of this part or rule

1 of the department. Each day of a violation constitutes a
2 separate violation and is subject to a separate fine. In
3 determining the amount of a fine, the department shall
4 consider the following factors:

5 (a) The gravity of the violation, including the
6 probability of death or disability as a result of the
7 violation.

8 (b) Any actions taken to correct the violation.

9 (c) Any previous violations committed by the violator.

10 ~~(7)(8)~~ All amounts collected under this section must
11 be deposited into the Emergency Medical Services Trust Fund.

12 (8) The department shall adopt and enforce all rules
13 necessary to administer this section.

14 Section 21. Section 401.414, Florida Statutes, is
15 amended to read:

16 401.414 Complaint investigation procedures; paramedics
17 and emergency medical technicians.--

18 (1) The department shall cause to be investigated any
19 complaint that is filed before it if the complaint is in
20 writing, signed by the complainant, and legally sufficient. A
21 complaint is legally sufficient if it contains ultimate facts
22 that show that a violation of this part, or of any rule
23 adopted by the department, has occurred. The department may
24 investigate or continue to investigate, and may take
25 appropriate final action on, a complaint even though the
26 original complainant withdraws his or her complaint or
27 otherwise indicates a desire not to cause it to be
28 investigated to completion. When an investigation of any
29 person is undertaken, the department shall notify that person
30 of the investigation and inform him or her of the substance of
31 any complaint filed against him or her. The department may

1 conduct an investigation without notifying any person if the
2 act under investigation is a crime.

3 (2) The department shall expeditiously investigate
4 each complaint. When its investigation is complete, the
5 department shall prepare an investigative report. The report
6 must contain the investigative findings and the
7 recommendations of the department concerning the existence of
8 probable cause.

9 (3) The complaint and all information obtained in the
10 investigation by the department are confidential and exempt
11 from the provisions of s. 119.07(1) until 10 days after
12 probable cause has been found to exist by the department, or
13 until the person who is the subject of the investigation
14 waives confidentiality, whichever occurs first. This
15 subsection does not prohibit the department from providing
16 such information to any law enforcement agency or any other
17 regulatory agency.

18 (4) The department shall adopt and enforce all rules
19 necessary to administer this section.

20 Section 22. Section 401.421, Florida Statutes, is
21 amended to read:

22 401.421 Injunctive relief; cease and desist notice;
23 civil penalty; enforcement.--

24 (1) The secretary may cause to be instituted a civil
25 action in circuit court for preliminary or permanent
26 injunctive relief to remedy or prevent a violation of this
27 part or any rule adopted by the department under this part.

28 (2) Penalties may be imposed for operating a basic
29 life support transport service, advanced life support service,
30 air ambulance service, or emergency medical technician or
31 paramedic education program without a license or for operating

1 as an emergency medical technician or paramedic without
2 certification.

3 (a) ~~When~~ if the department has probable cause to
4 believe that any person or entity is engaging without a
5 license or certificate in activities for which the person or
6 entity is required under this part to obtain a license or
7 certificate and has violated any provision of this chapter or
8 any other statute or any rule that relates to emergency
9 medical services not licensed by the department has provided
10 prehospital or interfacility advanced life support or basic
11 life support procedures or transportation services in this
12 state not specifically authorized by law, the department may
13 issue and deliver to such person a notice to cease and desist
14 from such violation services. The issuance of a notice to
15 cease and desist does not constitute agency action for which a
16 hearing under s. 120.57 may be sought. For the purpose of
17 enforcing a cease and desist order, the department may file a
18 proceeding ~~petition~~, in the name of the state, seeking
19 issuance of an injunction or a writ of mandamus against any
20 person or entity who violates any provisions of such order. In
21 addition to the other remedies provided in this paragraph, the
22 department may impose an administrative penalty, not to exceed
23 \$5,000 per incident, pursuant to chapter 120. If the
24 department seeks enforcement of the agency order for a penalty
25 pursuant to s. 120.58, it is entitled to collect its
26 attorney's fees and costs, together with any cost of
27 collection.

28 (b) In addition to or in lieu of any remedy provided
29 in paragraph (a), the department may seek the imposition of a
30 civil penalty by the circuit court for any violation for which
31 the department may issue a notice to cease and desist under

1 paragraph (a). The civil penalty must be no less than \$500
2 and no more than \$5,000 for each offense. The court may, in
3 addition to any other remedy it finds appropriate, award to
4 the prevailing party court costs and a reasonable attorney's
5 fee, and, if the department prevails, the court may also award
6 reasonable costs of investigation. All amounts collected by
7 the department under this paragraph must be deposited into the
8 Emergency Medical Services Trust Fund.

9 Section 23. Section 401.425, Florida Statutes, is
10 amended to read:

11 401.425 Emergency medical services quality assurance;
12 immunity from liability.--

13 (1) As used in this section, the term "emergency
14 medical review committee" or "committee" means a committee of:

15 (a) An emergency medical service provider, a local or
16 regional trauma agency as provided in s. 395.401, participants
17 in the a quality management activities of a medical director
18 as defined in s. 401.23 and pursuant to assurance committee as
19 provided in s. 401.265, or a local emergency medical services
20 advisory council;

21 (b) A hospital licensed under chapter 395 which is
22 directly responsible for a licensed emergency medical service
23 provider; or

24 (c) The department, or employees, agents, or
25 consultants of the department.

26 (2) An emergency medical review committee may review
27 and evaluate the professional medical competence of emergency
28 medical technicians and paramedics under the jurisdiction of
29 such committee.

30 (3)(a) There shall be no monetary liability on the
31 part of, and no cause of action shall arise against, any

1 person, including any person acting as a witness, incident
2 reporter to, or investigator for, an emergency medical review
3 committee for any act or proceeding undertaken or performed
4 within the scope of the functions of any emergency medical
5 review committee if such action is taken without intentional
6 fraud or malice.

7 (b) The provisions of this section shall not affect
8 the provisions of s. 768.28.

9 (4) Except as provided in subsection (3), this section
10 shall not be construed to confer immunity from liability on
11 any person while performing services other than as a member of
12 an emergency medical review committee, or upon any person
13 acting as a witness, incident reporter to, or investigator
14 for, an emergency medical review committee for any act or
15 proceeding undertaken or performed outside the scope of the
16 functions of such committee.

17 (5) The records obtained or produced by a committee
18 providing quality assurance activities as described in
19 subsections (1) through (4) are exempt from the provisions of
20 s. 119.07(1) and s. 24(a), Art. I of the State Constitution,
21 and committee proceedings and meetings regarding quality
22 assurance activities are exempt from the provisions of s.
23 286.011 and s. 24(b), Art. I of the State Constitution. Any
24 study or copies of studies produced by quality assurance,
25 quality management, or quality improvement programs for the
26 purposes of individual or system improvement which are shared
27 internally in order to educate and to raise the quality of
28 that system remain confidential and immune from discovery.The
29 investigations, proceedings, and records of a committee
30 providing quality assurance activities as described in
31 subsections (1) through (4) shall not be subject to discovery

1 or introduction into evidence in any civil action or
2 disciplinary proceeding by the department or employing agency
3 arising out of matters which are the subject of evaluation and
4 review by the committee, and no person who was in attendance
5 at a meeting of such committee shall be permitted or required
6 to testify in any such civil action or disciplinary proceeding
7 as to any evidence or other matters produced or presented
8 during the proceedings of such committee or as to any
9 findings, recommendations, evaluations, opinions, or other
10 actions of such committee or any members thereof. However,
11 information, documents, or records provided to the committee
12 from sources external to the committee are not immune from
13 discovery or use in any such civil action or disciplinary
14 proceeding merely because they were presented during
15 proceedings of such committee nor should any person who
16 testifies before a committee or who is a member of such
17 committee be prevented from testifying as to matters within
18 the person's knowledge, but, such witness shall not be asked
19 about his or her testimony before a committee or information
20 obtained from or opinions formed by him or her as a result of
21 participating in activities conducted by a committee.

22 (6) If the defendant prevails in an action brought by
23 a health care provider against any person who initiated,
24 participated in, was a witness in, or conducted any review as
25 authorized by this section, the court shall award reasonable
26 attorney's fees and costs to the defendant.

27 ~~(7) For the purpose of any disciplinary proceeding~~
28 ~~conducted by the department, the department shall have the~~
29 ~~power to issue subpoenas which shall compel the production of~~
30 ~~information, documents, or records from an Emergency Medical~~
31 ~~Review Committee. Challenges to, and enforcement of, the~~

1 ~~subpoenas and orders shall be handled as provided in s.~~
2 ~~120.569.~~

3 Section 24. Subsection (2) of section 401.435, Florida
4 Statutes, is amended, and subsection (3) is added to that
5 section, to read:

6 401.435 First responder agencies and training.--

7 (2) Effective October 1, 2000,each first responder
8 agency shall ~~must take all reasonable efforts to~~ enter into a
9 memorandum of understanding with the emergency medical
10 services licensee within whose territory the agency operates
11 in order to coordinate emergency services at an emergency
12 scene. The department must provide a model memorandum of
13 understanding for this purpose. The memorandum of
14 understanding should include dispatch protocols, the roles and
15 responsibilities of first responder personnel at an emergency
16 scene, and the documentation required for patient care
17 rendered. The memorandum of understanding must provide for the
18 supervision of a quality management program by the medical
19 director of the emergency medical services licensee. The
20 memorandum of understanding may include provision for
21 emergency medical technician and paramedic recertification
22 training under the direction of the licensee's medical
23 director.For purposes of this section, the term "first
24 responder agency" includes a law enforcement agency, a fire
25 service agency not licensed under this part, a marine
26 lifeguard agency, and a volunteer organization that renders,
27 as part of its routine functions, emergency medical dispatch
28 or on-scene patient care, or both,before emergency medical
29 technicians or paramedics arrive.

30 (3) The department shall adopt and enforce all rules
31 necessary to administer this section.

1 Section 25. Paragraph (a) of subsection (1) of section
2 401.45, Florida Statutes, is amended to read:

3 401.45 Denial of emergency treatment; civil
4 liability.--

5 (1)(a) Each licensed provider shall respond or cause a
6 response of a permitted vehicle to each call for emergency
7 medical assistance. Except as provided in subsection (3), a
8 person may not be denied ~~needed~~ prehospital treatment or
9 transport if the person needs or is likely to need emergency
10 care from any licensee for an emergency medical condition.

11 Section 26. Section 401.49, Florida Statutes, is
12 created to read:

13 401.49 Licensure of emergency medical technician and
14 paramedic education programs; fees; records; site visits;
15 exemptions; transfer of program license; disciplinary action
16 and penalties.--

17 (1) Each individual, institution, school, corporation,
18 or governmental entity that operates, conducts, maintains,
19 advertises, or engages in the business of providing emergency
20 medical technician or paramedic education must be licensed by
21 the department as an emergency medical technician or paramedic
22 education program. The application for such license must be
23 submitted to the department on approved forms along with the
24 applicable fee. The application must include documentation
25 that the applicant meets the requirements for an emergency
26 medical technician or paramedic education program as specified
27 by the department by rule. After June 30, 1999, any entity
28 that meets all requirements in this section, as determined by
29 the department, will not be required to make initial
30 application and pay the applicable fee.

31

1 (2) The department shall issue an emergency medical
2 technician or paramedic program license to any new applicant
3 that:

4 (a) Is a public community college, a public vocational
5 technical center approved to offer the program in 1999, or a
6 private college offering an associate of science or higher
7 degree accredited by the Commission on Colleges of the
8 Southern Association of Colleges and Schools.

9 (b) Has paid the fees required in this section.

10 (c) Has complied with all of the applicable statutes
11 and rules of the state Department of Education.

12 (d) Has the financial and administrative support;
13 equipment and supplies; qualified faculty, including a
14 full-time program director; physical facility; library and
15 other learning resources; and clinical and field internship
16 contracts and meets all other requirements of this part and
17 the applicable rules.

18 (e) Has contracted with an education program medical
19 director with experience and current knowledge of emergency
20 care of acutely ill and traumatized patients and is familiar
21 with base station operation, including communication with, and
22 direction of emergency transport units. In addition, as
23 specified by the department by rule, the education program
24 medical director must be knowledgeable about the United States
25 Department of Transportation National Standard Curricula for
26 emergency medical technicians and paramedics offered by the
27 program, monitor student progress in the clinical phases of
28 the program, maintain up-to-date knowledge in topics related
29 to emergency medical services education, and attest to the
30 competency level of each graduating student.

31

1 (f) Maintains on file a current, signed contract with
2 the education medical director containing at a minimum the
3 following provisions:

4 1. The identity and relationship of the parties;

5 2. A list of contracted services inclusive of
6 education program medical direction, administrative
7 responsibilities, professional membership, quality management
8 responsibilities, and reporting requirements;

9 3. The term of the contract; and

10 4. Insurance coverage including, but not limited to,
11 general liability and malpractice coverage;

12 (g) Uses the United States Department of
13 Transportation National Standard Curricula for emergency
14 medical technicians and paramedics as adopted by the
15 department, including training in pediatric emergency medical
16 care, HIV/AIDS, other bloodborne pathogens, and hazardous
17 material awareness.

18 (h) Ensures that the education program includes
19 didactic, laboratory, clinical, and field internship
20 experience and is conducted for the number of hours specified
21 by the department by rule.

22 (3) In addition, an applicant for a new paramedic
23 education program license must:

24 (a) Submit the appropriate application and the
25 nonrefundable fee to cover the actual cost of the application
26 process, not to exceed \$2,500;

27 (b) Within 30 days after the date of application to
28 the department, provide the department with proof of
29 application to the Commission on Accreditation of Allied
30 Health Education Programs in conjunction with the Joint Review
31

1 Committee on Education Programs for the Emergency Medical
2 Technician-Paramedic; and

3 (c) Within 12 months after the date the license is
4 issued by the department, provide the department with proof of
5 submission of the applicable self-study document to the
6 accrediting body and payment of the required fee.

7 (4) Each initial paramedic education program license
8 issued in accordance with this section will expire 2 years
9 after the date of issuance and may be renewed only if the
10 program has achieved accreditation and meets all other
11 requirements that are in effect at the time of renewal. The
12 license of an accredited paramedic education program shall
13 remain in effect concurrent with the period of accreditation.

14 (5) An applicant for an emergency medical technician
15 education program license must submit the appropriate
16 application and pay the nonrefundable fee to cover the actual
17 cost of the application process, not to exceed \$2,500.

18 (6) Each initial emergency medical technician
19 education program license issued in accordance with this
20 section will expire 1 year after the date of issuance and may
21 be renewed for a period of 3 years if the applicant meets the
22 requirements that are in effect at the time of renewal.

23 (7) Fees collected under this section must be
24 deposited into the Emergency Medical Services Trust Fund.

25 (8) Each education program licensee must maintain
26 accurate records for 5 years and reports, including student
27 applications, records of attendance, records of participation
28 in clinical and field training, student medical records,
29 rosters of graduates, course objectives and course outlines,
30 class schedules, learning objectives, lesson plans, the number
31 of applicants, the number of students accepted, admission

1 requirements, a description of the qualifications, duties, and
2 responsibilities of faculty members, including the education
3 program medical director, and any correspondence received from
4 the department. These records must be available for inspection
5 by the department at any reasonable time, and copies must be
6 furnished to the department upon request. Any record furnished
7 by an education program licensee at the request of the
8 department must be the original record and must not be
9 altered.

10 (9) Statistical data maintained by the department
11 pertaining to the pass or fail rate on emergency medical
12 technician and paramedic examinations, student enrollment,
13 completion, and placement are public records.

14 (10) Each education program license is valid only for
15 the education program licensee to whom it is issued and is not
16 subject to sale or other transfer. A license is valid only for
17 the education program facility location for which it was
18 originally issued.

19 (11) No later than 60 days before changing the
20 facility location or name as registered with the department,
21 the education program licensees shall notify the department in
22 writing. The department shall establish by rule an application
23 procedure for such changes.

24 (12) The department shall conduct site visits to
25 education program licensees to determine compliance with the
26 requirements of this part and departmental rules. The
27 department shall conduct site visits without impeding the
28 student learning process.

29 (13) The refusal of an education program licensee to
30 allow a site visit by the department provided in subsection
31 (12) is a ground for discipline as provided in this section.

1 (14) Upon completion of a site visit, the department
2 may request a corrective action plan from a licensee stating
3 the process and actions by which any violations found during
4 the site visit will be corrected. Failure of an education
5 program licensee to comply with the corrective action plan
6 within the agreed-upon time is a ground for discipline as
7 provided in this section.

8 (15) The department may deny, suspend, or revoke a
9 license or may reprimand, fine, or place on probation and
10 impose conditions on any education program licensee for any of
11 the following:

12 (a) The violation of any rule of the department or any
13 provision of this part.

14 (b) Making false or fraudulent claims to procure or
15 attempt to procure a license.

16 (c) Unprofessional conduct, including, but not limited
17 to, any departure from or failure to conform to the minimal
18 prevailing standards of acceptable practice for an emergency
19 medical technician or paramedic education program.

20 (d) The failure to give to the department or its
21 authorized representative true information, upon request,
22 regarding an alleged or confirmed violation of this part or of
23 a rule of the department.

24 (e) Fraudulent or misleading advertising.

25 (f) Fraudulent or misleading financial conduct.

26 (g) Loss of national accreditation or disciplinary or
27 other adverse action by the national accrediting body, or
28 revocation or suspension of a license issued by the Department
29 of Education.

30 (h) Any disciplinary action by the Department of
31 Education resulting in a fine or penalty.

1 (16) In addition to any other administrative action
2 authorized by law, the department may impose an administrative
3 fine, not to exceed \$1,000, for each violation of this part or
4 of a rule of the department. Each day of a violation
5 constitutes a separate violation and subjects the licensee to
6 a separate fine.

7 (17) Fines collected under this section must be
8 deposited into the Emergency Medical Services Trust Fund.

9 (18) Any emergency medical technician or paramedic
10 education program owned, operated, or contracted by the
11 Federal Government for the sole purpose of training its own
12 personnel is exempt from this section. Graduates of an
13 exempted program who pass the National Registry of Emergency
14 Medical Technicians examination and meet all other
15 requirements in s. 401.27 and the applicable rules are
16 eligible to take the state examination for certification as an
17 emergency medical technician or paramedic. If an exempted
18 program chooses to have its graduates initially take the state
19 examination for certification, it must meet the requirements
20 of this section.

21 (19) Any emergency medical technician or paramedic
22 education program that is currently approved by the department
23 on July 1, 1999, has 1 year to comply with all requirements of
24 this section and the applicable rules.

25 (20) The department shall adopt and enforce all rules
26 necessary to implement this section.

27 Section 27. Section 401.50, Florida Statutes, is
28 created to read:

29 401.50 Recertification training.--

30 (1) The department shall establish by rule criteria
31 for all emergency medical technician and paramedic

1 recertification training. The rules shall provide that all
2 recertification training equals at least 30 hours, includes
3 the performance parameters for adult and pediatric emergency
4 medical clinical care specified by the department, by rule,
5 and is documented through a system of recordkeeping.

6 (2) Any individual, institution, school, corporation,
7 or governmental entity may conduct emergency medical
8 technician or paramedic recertification training upon
9 application to the department and payment of a nonrefundable
10 fee. The application shall demonstrate that the proposed
11 training meets criteria specified in rules of the department
12 and this chapter. Any entity licensed under this chapter which
13 conducts recertification training is exempt from the
14 application process and payment of fees.

15 (3) Fees collected under this section must be
16 deposited into the Emergency Medical Services Trust Fund.

17 (4) Entities not licensed under this chapter which
18 conduct recertification training are subject to the
19 disciplinary actions and penalties provided in s. 401.49.
20 Entities licensed under this chapter which conduct
21 recertification training are subject to the disciplinary
22 actions and penalties provided in s. 401.51 and s. 401.52.

23 Section 28. Section 401.51, Florida Statutes, is
24 created to read:

25 401.51 Complaint investigation procedures; licensees
26 and education program licensees.--

27 (1) The department shall cause to be investigated any
28 complaint that is filed before it if the complaint is in
29 writing, signed by the complainant, and legally sufficient. A
30 complaint is legally sufficient if it contains ultimate facts
31 that show that a violation of this part, or of any rule

1 adopted by the department, has occurred. The department may
2 investigate or continue to investigate, and may take
3 appropriate final action on, a complaint even though the
4 original complainant withdraws the complaint or otherwise
5 indicates a desire not to cause it to be investigated to
6 completion. When an investigation of any licensee or education
7 program licensee is undertaken, the department shall notify
8 that licensee or education program licensee of the
9 investigation and inform the licensee or education program
10 licensee of the substance of the complaint. The department may
11 conduct an investigation without notifying any licensee or
12 education program licensee if the act under investigation is a
13 crime.

14 (2) The department shall expeditiously investigate
15 each complaint. When its investigation is complete, the
16 department shall prepare an investigative report. The report
17 must contain the investigative findings and the
18 recommendations of the department concerning the existence of
19 probable cause.

20 (3) The department may provide information obtained in
21 the investigation to any law enforcement agency or any other
22 regulatory agency.

23 (4) The department shall adopt and enforce all rules
24 necessary to administer this section.

25 Section 29. Section 401.52, Florida Statutes, is
26 created to read:

27 401.52 Disciplinary action; penalties; licensees.--

28 (1) The department may deny, suspend, or revoke a
29 license or permit or may reprimand or fine any licensee or
30 other person operating under this part for any of the
31 following grounds:

1 (a) Violating any rule of the department or any
2 provision of this part.

3 (b) Knowingly making false or fraudulent claims or
4 procuring, attempting to procure, or renewing a license or
5 permit by fakery, fraudulent action, or misrepresentation.

6 (c) Failing to report to the department any person
7 known to be in violation of this part.

8 (d) Fraudulent or misleading advertising or
9 advertising in an unauthorized category.

10 (2) A suspension or revocation of a license is for all
11 classifications unless the department, in its sole discretion,
12 suspends or revokes one or more classifications thereof.

13 (3) One year after the revocation of a license,
14 application may be made to the department for reinstatement,
15 and the department may authorize reinstatement.

16 (4) Any charge of a violation of this part by a
17 licensee affects only the license of the service location from
18 which the violation is alleged to have occurred. Another
19 license may not be issued to the same licensee for a new
20 service location in any county for a period of 3 years after
21 the effective date of revocation.

22 (5) If the department finds that the terms of any such
23 suspension have been violated, it may revoke such license or
24 permit immediately.

25 (6) If a person whose license or permit has been
26 suspended is found by the department to have violated any
27 other provision of this part, the department may revoke the
28 license or permit.

29 (7) In addition to any other administrative action
30 authorized by law, the department may impose an administrative
31 fine, not to exceed \$1,000 per violation, for violations of

1 this part or of a rule of the department. Each day of a
2 violation constitutes a separate violation and subjects the
3 licensee to a separate fine. In determining the amount of a
4 fine, the department shall consider the following factors:

5 (a) The gravity of the violation, including the
6 probability of death or disability as a result of the
7 violation.

8 (b) Any actions taken to correct the violation.

9 (c) Any previous violations committed by the violator.

10 (8) All amounts collected under this section must be
11 deposited into the Emergency Medical Services Trust Fund.

12 (9) The department shall adopt and enforce all rules
13 necessary to administer this section.

14 Section 30. Section 401.53, Florida Statutes, is
15 created to read:

16 401.53 Power to administer oaths, take depositions,
17 and issue subpoenas.--For the purpose of any investigation or
18 proceeding conducted by the department, the department may
19 administer oaths; take depositions; make inspections when
20 authorized by statute; issue subpoenas, which must be
21 supported by affidavit; serve subpoenas and other process; and
22 compel the attendance of witnesses and the production of
23 books, papers, documents, and other evidence. The department
24 shall exercise this power on its own initiative. Challenges
25 to, and enforcement of, the subpoenas and orders shall be
26 handled as provided in s. 120.569.

27 Section 31. Section 401.55, Florida Statutes, is
28 created to read:

29 401.55 Health, welfare, safety, and infection control
30 in the emergency services workplace.--

31 (1) CRITICAL INCIDENT STRESS MANAGEMENT.--

1 (a) Critical incident stress management is a
2 multicomponent crisis intervention approach to managing
3 traumatic stress. It includes education, spouse support,
4 defusings, debriefings, demobilizations, follow-up services,
5 and referrals.

6 (b) A "critical incident" means an incident to which
7 an emergency worker is exposed in the line of duty, including,
8 but not limited to, death or serious injury to a child, mass
9 casualties or fatalities, death, or suicide of a peer.

10 (c) Licensees may use teams of peers within the
11 emergency services community which are specially trained to
12 advise, counsel, and assist emergency personnel in coping with
13 a critical incident to conduct critical incident stress
14 management.

15 (d) Critical incident stress management services
16 provided under the direct or indirect supervision of a
17 psychotherapist as defined in s. 491.003 or psychiatrist
18 licensed pursuant to chapter 458 are privileged communications
19 under ss. 90.503 and 455.671.

20 (2) SURVEILLANCE.--The department may conduct, with
21 voluntary participation of licensees or certificateholders,
22 surveillance of the health, safety, welfare, and infection
23 control issues affecting emergency services personnel,
24 including, but not limited to:

25 (a) Ground and air ambulance crashes within the state
26 which result in fatal injury, permanent disability, or injury
27 requiring in excess of 10 days of recovery for emergency
28 services personnel;

29 (b) Violence to emergency services personnel in the
30 line of duty; and

31

1 (c) Significant exposure-prevention practices and the
2 incidence of on-the-job significant exposures and infectious
3 diseases among emergency services personnel, including any
4 on-the-job exposure resulting in emergency medical services
5 personnel fatality, permanent disability, or off-duty recovery
6 in excess of 10 days.

7 Section 32. Paragraph (k) is added to subsection (4)
8 of section 395.3025, Florida Statutes, 1998 Supplement, to
9 read:

10 395.3025 Patient and personnel records; copies;
11 examination.--

12 (4) Patient records are confidential and must not be
13 disclosed without the consent of the person to whom they
14 pertain, but appropriate disclosure may be made without such
15 consent to:

16 (k) An emergency medical services licensee, upon the
17 written request of the licensee's medical director. The
18 records shall be used for quality management, assessment, and
19 evaluation of the patient care provided by the licensee.
20 Information that may be obtained by the emergency medical
21 services licensee is limited to patient admission diagnosis,
22 discharge diagnosis, outcome, and disposition of only those
23 patients who were treated or delivered to the hospital by the
24 emergency medical services licensee submitting the request.
25 Access to records pursuant to this paragraph may not be
26 requested more frequently than quarterly unless otherwise
27 agreed to in writing by the parties, and access is limited to
28 records of patients who have been discharged. The emergency
29 medical services licensee may abstract only information
30 specified in this paragraph. Patient information abstracted
31 and maintained by the emergency medical services licensee may

1 not include information that would identify the patient.
2 Records obtained by an emergency medical services licensee
3 under this paragraph are not subject to discovery and may not
4 be introduced into evidence in any civil action against a
5 facility or provider which arose out of matters that are the
6 subject of evaluation and review by the licensee.

7 Section 33. Subsection (4) of section 395.1027,
8 Florida Statutes, 1998 Supplement, is amended to read:

9 395.1027 Regional poison control centers.--

10 (4) By October 1, 1999, each regional poison control
11 center shall develop a prehospital emergency dispatch protocol
12 with each licensee as defined in s. 401.23 ~~by s. 401.23(13)~~ in
13 the geographic area covered by the regional poison control
14 center. The prehospital emergency dispatch protocol shall be
15 developed by each licensee's medical director in conjunction
16 with the designated regional poison control center responsible
17 for the geographic area in which the licensee operates. The
18 protocol shall define toxic substances and describe the
19 procedure by which the designated regional poison control
20 center may be consulted by the licensee. If a call is
21 transferred to the designated regional poison control center
22 in accordance with the protocol established under this section
23 and s. 401.268, the designated regional poison control center
24 shall assume responsibility and liability for the call.

25 Section 34. Legislative study of licensing and
26 regulating emergency medical services transportation systems
27 and personnel.--

28 (1) The Bureau of Emergency Medical Services shall
29 prepare and submit to the Legislature by February 1, 2000, a
30 report and proposal on licensing and regulating emergency
31 medical services which includes an assessment of alternative

1 methods to current licensing, permitting, and staffing of
2 ambulances.

3 (2) As used in this section, the term "emergency
4 medical personnel" means certified paramedics and emergency
5 medical technicians.

6 (3) The report and proposal shall include evaluation
7 of a system of licensing and regulating emergency medical
8 personnel through a board similar to those boards established
9 by section 20.43(3)(g), Florida Statutes, and operated
10 pursuant to part II of chapter 455, Florida Statutes. The
11 report and proposal shall further address the feasibility of
12 applying the provisions of part VIII of chapter 112, Florida
13 Statutes, to the regulation of emergency medical personnel.

14 (4) The report and proposal shall include an
15 evaluation of and subsequent plan for requiring an associate
16 of science degree for certification as a paramedic. The plan
17 must address a timetable and process for implementation and
18 include the fiscal impact of requiring such degree.

19 (5) The Secretary of Health shall appoint a committee
20 that is representative of the composition of the Emergency
21 Medical Services Advisory Council membership to participate in
22 the development of the report and proposal.

23 Section 35. This act shall take effect July 1, 1999.

24
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26 SENATE SUMMARY

27 Revises numerous provisions relating to emergency medical
28 services, emergency medical technicians, and paramedics
29 and their licensure, certification, regulation, and
30 continuing education. (See bill for details.)
31