



HB 0195

2003

1 A bill to be entitled

2 An act relating to emergency medical dispatch; creating s.
3 768.1335, F.S.; creating the Emergency Medical Dispatch
4 Act; providing definitions; providing immunity from
5 liability for certain persons who use emergency medical
6 dispatch protocols; providing exceptions; amending s.
7 401.111, F.S.; providing for grants to local agencies to
8 support emergency medical dispatch; providing an effective
9 date.

10
11 WHEREAS, emergency medical dispatch programs promote
12 appropriate standards that result in the more effective dispatch
13 of emergency medical services and the saving of lives, and

14 WHEREAS, the dispatcher is the first responder to a medical
15 emergency when someone dials 911 or calls a medical dispatch
16 agency directly, and dispatchers are being recognized nationally
17 as the true first responders to the emergency scene, and

18 WHEREAS, access to the patient is frequently delayed
19 because of the time involved in equipment retrieval, waiting for
20 an elevator, and navigating through traffic, and

21 WHEREAS, a certified emergency medical dispatcher has an
22 immediate response time during which to offer basic instructions
23 to the caller regardless of the emergency medical services
24 response time and is crucial for the delivery and receipt of
25 information to EMS units, and

26 WHEREAS, an emergency medical dispatch program is a key
27 component of a quality EMS system, and

28 WHEREAS, in many parts of the state emergency medical
29 dispatch is the weakest link in the EMS system, and



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30 WHEREAS, there is a lack of consistency in the delivery of
31 dispatch life support and medically approved lifesaving
32 prearrival instructions by dispatch offices across the state,
33 and in some areas this service is not available, and

34 WHEREAS, in many dispatch centers dispatchers are
35 performing critical dispatch functions with little training in
36 emergency medical dispatch, and

37 WHEREAS, organizations such as the American Heart
38 Association (AHA), the American College of Emergency Physicians
39 (ACEP), the National Association of Emergency Medical Services
40 Physicians (NAEMSP), the National Institute of Health (NIH), the
41 National Highway Traffic Safety Administration (NHTSA), and the
42 American Society of Testing and Materials (ASTM) have endorsed
43 the development and adoption of standards for emergency medical
44 dispatch, and

45 WHEREAS, a properly trained emergency medical dispatcher
46 significantly improves the quality of care provided by an EMS
47 system because the dispatcher is able to identify the level of
48 need of the caller, including resource allocations and response
49 modes, thus enabling more effective and efficient dispatch of
50 limited response resources; identify situations that might
51 require prearrival instructions; gather information to be
52 relayed to the responding crews to help them better manage and
53 respond to the emergency medical situation upon arrival; and
54 obtain information regarding emergency medical scene safety for
55 the patient, bystanders, and responding personnel, and

56 WHEREAS, as a result of inconsistencies in dispatch
57 centers, many states are now adopting a standard emergency
58 medical dispatch program, and

59 WHEREAS, there is an expectation by the citizens of this



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60 state that when they call for emergency medical help, a properly
 61 trained dispatcher will handle their call regardless of where
 62 they are located in Florida, and

63 WHEREAS, the most successful EMS systems are those that
 64 have strong field response times coupled with well-trained
 65 emergency medical dispatchers, and

66 WHEREAS, emergency medical dispatch has become a clear
 67 standard of care for emergency medical services, NOW, THEREFORE,

68

69 Be It Enacted by the Legislature of the State of Florida:

70

71 Section 1. Section 768.1335, Florida Statutes, is created
 72 to read:

73 768.1335 Emergency Medical Dispatch Act; immunity from
 74 civil liability.--

75 (1) This section may be known by the popular name the
 76 "Emergency Medical Dispatch Act."

77 (2) As used in this section:

78 (a) "Emergency medical dispatch" means the function of
 79 utilizing established emergency medical dispatch protocols for
 80 providing prompt and accurate processing of calls for emergency
 81 medical assistance.

82 (b) "Emergency medical dispatcher" means a public safety
 83 telecommunicator who is trained and certified in the prompt and
 84 accurate processing of calls for emergency medical assistance.

85 (c) "Emergency medical dispatch agency" means any private
 86 or public safety entity that is responsible for the emergency
 87 medical dispatch by emergency medical dispatchers.

88 (d) "Emergency medical dispatch protocol" means guidelines
 89 for processing calls for emergency medical assistance or for the



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90 dispatching of emergency medical services which are consistent
 91 with standards set forth by the American Society for Testing and
 92 Materials or the National Highway Traffic Safety Administration
 93 and which have been incorporated into an emergency medical
 94 dispatch training program.

95 (e) "Harm" means damage or loss of any type, including,
 96 but not limited to, physical, nonphysical, economic,
 97 noneconomic, actual, compensatory, consequential, incidental,
 98 and punitive damages or losses.

99 (3) Notwithstanding any other provision of law to the
 100 contrary, and unless otherwise immune under s. 768.28, any
 101 emergency medical dispatcher or public safety telecommunicator
 102 who utilizes emergency medical dispatch protocols is immune from
 103 civil liability for any harm resulting from his or her use of
 104 emergency medical dispatch protocols. In addition, any emergency
 105 medical dispatch agency, its agents, or its employees are also
 106 immune from such liability, if:

107 (a) The harm was not due to the failure of the agency to:

108 1. Properly train their emergency medical dispatchers in
 109 an emergency medical dispatch that is consistent with standards
 110 set forth by the American Society for Testing and Materials or
 111 the National Highway Traffic Safety Administration.

112 2. Implement standard practices and management for
 113 emergency medical dispatch or practices that are consistent with
 114 the standards set forth by the American Society for Testing and
 115 Materials or the National Highway Traffic Safety Administration.

116 3. Utilize standard practices for training, instructor
 117 qualification, and certification eligibility of emergency
 118 medical dispatchers or standards that are consistent with the



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119 American Society for Testing and Materials or the National
120 Highway Traffic Safety Administration.

121 (b) The harm involved was not caused by the public safety
122 telecommunicator's, the emergency medical dispatcher's, or the
123 emergency medical dispatch agency's willful or criminal
124 misconduct, gross negligence, or a conscious, flagrant
125 indifference to or reckless disregard for the rights or safety
126 of the victim who was harmed.

127 Section 2. Section 401.111, Florida Statutes, is amended
128 to read:

129 401.111 Emergency medical services grant program;
130 authority.--The department is hereby authorized to make grants
131 to local agencies and emergency medical services organizations
132 in accordance with any agreement entered into pursuant to this
133 part. These grants shall be designed to assist said agencies and
134 organizations in providing emergency medical services, including
135 emergency medical dispatch. The cost of administering this
136 program shall be paid by the department from funds appropriated
137 to it.

138 Section 3. This act shall take effect September 11, 2003.