

By Senator Fasano

11-375-03

1                                   A bill to be entitled  
2           An act relating to emergency medical dispatch;  
3           creating s. 768.1335, F.S.; providing immunity  
4           from liability for emergency medical  
5           dispatchers and public safety telecommunicators  
6           and their employers in the performance of their  
7           duties relating to emergency medical assistance  
8           or emergency medical services in specified  
9           circumstances; providing a short title;  
10          defining terms; amending s. 401.111, F.S.;  
11          authorizing Department of Health grants to  
12          emergency medical dispatch agencies; providing  
13          an effective date.

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15           WHEREAS, emergency medical dispatch programs promote  
16          appropriate standards that result in more effective dispatch  
17          of emergency services and the saving of lives, and

18           WHEREAS, the dispatcher is the first responder to a  
19          medical emergency when someone calls 911 or directly to a  
20          medical dispatch agency, and dispatchers are being recognized  
21          nationally as the true first responders to the emergency  
22          scene, and

23           WHEREAS, patient access is frequently delayed due to a  
24          myriad of reasons such as traffic, waiting on the elevator,  
25          and equipment retrieval, and

26           WHEREAS, a certified emergency medical dispatch has an  
27          immediate "response time" to offer basic instructions to the  
28          caller regardless of the EMS response time and is a pivotal  
29          component for the delivery and receipt of information to EMS  
30          units, and

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1           WHEREAS, emergency medical dispatch is a key component  
2 of a quality EMS system, and

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

5           WHEREAS, lifesaving prearrival instructions by  
6 dispatchers are not always available throughout the state, and

7           WHEREAS, in many dispatch centers dispatchers are  
8 performing critical dispatch functions with little training in  
9 emergency medical dispatch, and

10           WHEREAS, there is a lack of consistency in the delivery  
11 of dispatch life support and medically approved lifesaving  
12 prearrival instructions by dispatch offices across the state,  
13 and

14           WHEREAS, organizations such as the American Heart  
15 Association, American College of Emergency Physicians,  
16 National Association of Emergency Medical Services Physicians,  
17 National Institute of Health, National Highway Traffic Safety  
18 Administration, and American Society of Testing and Materials  
19 have endorsed the development and adoption of standards for  
20 emergency medical dispatch, and

21           WHEREAS, properly trained emergency medical dispatchers  
22 significantly improve the quality of care provided by an  
23 emergency medical services system because they are able to:  
24 identify the level of need of the caller, including resource  
25 allocations and response modes, thus enabling more effective  
26 and efficient dispatch of limited response resources; identify  
27 situations that might require prearrival instructions; gather  
28 information to be relayed to the responding crews to help them  
29 better manage and respond to the emergency situation upon  
30 arrival; and obtain information regarding emergency scene  
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1 safety for the patient, bystanders, and responding personnel,  
2 and

3 WHEREAS, as a result of inconsistencies in dispatch  
4 centers, many states are now adopting a standard emergency  
5 medical dispatch program, and

6 WHEREAS, there is an expectation by the public that,  
7 when they call for emergency medical help, a properly trained  
8 dispatcher will handle their call regardless of where they are  
9 located in the state, and

10 WHEREAS, the most successful EMS systems are those that  
11 have strong field response times coupled with well-trained 911  
12 dispatchers, and

13 WHEREAS, emergency medical dispatch has become a clear  
14 standard of care for emergency medical services dispatch, NOW,  
15 THEREFORE,

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

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19 Section 1. Section 768.1335, Florida Statutes, is  
20 created to read:

21 768.1335 Emergency Medical Dispatch Act; immunity from  
22 civil liability.--

23 (1) This section may be cited as the "Emergency  
24 Medical Dispatch Act."

25 (2) As used in this section, the term:

26 (a) "Emergency medical dispatch" means the function of  
27 using established emergency medical dispatch protocols for  
28 providing prompt and accurate processing of calls for  
29 emergency medical assistance.

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1           (b) "Emergency medical dispatch agency" means any  
2 private or public safety entity that has responsibility for  
3 emergency medical dispatch by emergency medical dispatchers.

4           (c) "Emergency medical dispatch protocol" means  
5 guidelines for processing calls for emergency medical  
6 assistance or for dispatching emergency medical services which  
7 are consistent with standards set forth by the American  
8 Society for Testing and Materials or the National Highway  
9 Traffic Safety Administration and which have been incorporated  
10 into an emergency medical dispatch training program.

11           (d) "Emergency medical dispatcher" means a public  
12 safety telecommunicator who is trained and certified in the  
13 prompt and accurate processing of calls for emergency medical  
14 assistance.

15           (e) "Harm" means damage or loss of any type,  
16 including, but not limited to, physical, nonphysical,  
17 economic, noneconomic, actual, compensatory, consequential,  
18 incidental, and punitive damages or losses.

19           (3) Notwithstanding any other law to the contrary and  
20 unless otherwise immune under s. 768.28, any emergency medical  
21 dispatcher or public safety telecommunicator who uses  
22 emergency medical dispatch protocols is immune from civil  
23 liability for any harm resulting from the use of emergency  
24 medical dispatch protocols. In addition, any emergency medical  
25 dispatch agency and its agents or employees are also immune  
26 from such liability if:

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

29           1. Properly train its emergency medical dispatchers in  
30 an emergency medical dispatch that is consistent with  
31 standards set forth by the American Society for Testing and

1 Materials or the National Highway Traffic Safety  
2 Administration;

3 2. Implement standard practices and management for  
4 emergency medical dispatch or practices that are consistent  
5 with the standards set forth by the American Society for  
6 Testing and Materials or the National Highway Traffic Safety  
7 Administration; or

8 3. Use standard practice for training, instructor  
9 qualification, and certification eligibility of emergency  
10 medical dispatchers or standards that are consistent with the  
11 American Society for Testing and Materials or the National  
12 Highway Traffic Safety Administration; and

13 (b) The harm involved was not caused by the public  
14 safety telecommunicator's, the emergency medical dispatcher's,  
15 or the emergency medical dispatch agency's willful or criminal  
16 misconduct, gross negligence, or reckless disregard or  
17 misconduct or a conscious, flagrant indifference to the rights  
18 or safety of the victim who was harmed.

19 Section 2. Section 401.111, Florida Statutes, is  
20 amended to read:

21 401.111 Emergency medical services grant program;  
22 authority.--The department may ~~is hereby authorized to~~ make  
23 grants to local agencies, ~~and~~ emergency medical services  
24 organizations, and emergency medical dispatch agencies in  
25 accordance with any agreement entered into pursuant to this  
26 part. These grants shall be designed to assist such ~~said~~  
27 agencies and organizations in providing emergency medical  
28 services, including emergency medical dispatch. The cost of  
29 administering this program shall be paid by the department  
30 from funds appropriated to it.

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1           Section 3. This act shall take effect September 11,  
2 2003.

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5                               SENATE SUMMARY

6           Provides limited liability for emergency medical  
7 dispatchers and for certain other public safety  
8 telecommunicators, and for their employers, for harm  
9 resulting from use of emergency medical dispatch  
10 protocols or for harm otherwise incurred, as long as  
11 specified conditions are met. Authorizes the Department  
12 of Health to make grants to emergency medical dispatch  
13 agencies.  
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