

By the Committee on Judiciary; and Senators Fasano and Argenziano

308-2009-03

1 A bill to be entitled
2 An act relating to emergency medical dispatch;
3 creating s. 768.1335, F.S.; providing a short
4 title; providing definitions; providing a
5 presumption of non-negligence in the use of
6 emergency medical dispatch protocols by an
7 emergency medical dispatcher or the emergency
8 medical dispatch agency, its agents, or
9 employees; amending s. 401.111, F.S.;
10 authorizing grants by the Department of Health
11 to emergency medical dispatch agencies;
12 providing an effective date.

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

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

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

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

30 WHEREAS, emergency medical dispatch is a key component
31 of a quality EMS system, and

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

3 WHEREAS, lifesaving prearrival instructions by
4 dispatchers are not always available throughout the state, and

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

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

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

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

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

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

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

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

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

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17 Section 1. Section 768.1335, Florida Statutes, is
18 created to read:

19 768.1335 Emergency Medical Dispatch Act;
20 presumption.--

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

23 (2) As used in this section:

24 (a) "Emergency medical dispatch" means the function of
25 utilizing emergency medical dispatch protocols.

26 (b) "Emergency medical dispatcher" means a person who
27 is trained or certified in the prompt and accurate processing
28 of calls for emergency medical assistance.

29 (c) "Emergency medical dispatch agency" means any
30 private or public entity that is responsible for the emergency
31 medical dispatch by emergency medical dispatchers.

1 (d) "Emergency medical dispatch protocol" means
2 guidelines for processing calls for emergency medical
3 assistance or for the dispatching of emergency medical
4 services in a prehospital setting, which are substantially
5 similar to standards set forth by the American Society for
6 Testing and Materials or the National Highway Traffic Safety
7 Administration and which have been incorporated into an
8 emergency medical dispatch training program.

9 (3) Notwithstanding any other provision of law to the
10 contrary, and unless otherwise immune under s. 768.28, any
11 emergency medical dispatcher; or the emergency medical
12 dispatch agency, its agents, or employees who utilize
13 emergency medical dispatch protocols are presumed not to have
14 acted negligently regarding any injuries or damages resulting
15 from the use of emergency medical dispatch protocols, if the
16 emergency medical dispatcher; or the emergency dispatch
17 agency, its agents, or employees:

18 (a) Properly trained their emergency medical
19 dispatchers in an emergency medical dispatch that is
20 substantially similar to standards set forth by the American
21 Society for Testing and Materials or the National Highway
22 Traffic Safety Administration;

23 (b) Implemented standard practices and management for
24 emergency medical dispatch or practices that are substantially
25 similar to standards set forth by the American Society for
26 Testing and Materials or the National Highway Traffic Safety
27 Administration; and

28 (c) Utilized standard practices for training,
29 instructor qualification, and certification eligibility of
30 emergency medical dispatchers or standards that are
31 substantially similar to the American Society for Testing and

1 Materials or the National Highway Traffic Safety
2 Administration.

3 Section 2. Section 401.111, Florida Statutes, is
4 amended to read:

5 401.111 Emergency medical services grant program;
6 authority.--The department is hereby authorized to make grants
7 to local agencies and emergency medical services organizations
8 in accordance with any agreement entered into pursuant to this
9 part. These grants shall be designed to assist said agencies
10 and organizations in providing emergency medical services,
11 including emergency medical dispatch. The cost of
12 administering this program shall be paid by the department
13 from funds appropriated to it.

14 Section 3. This act shall take effect September 11,
15 2003.

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17 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
18 COMMITTEE SUBSTITUTE FOR
19 Senate Bill 338

20 --Replaces the immunity provisions with statutory presumption
21 of nonnegligence.

22 --Revises the definitions for "emergency medical dispatcher,"
23 and "emergency medical dispatch protocol," and "emergency
24 medical dispatch".

25 --Deletes definition for harm.

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