

By Senator Rouson

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1 A bill to be entitled
2 An act relating to emergency medical services;
3 amending s. 401.23, F.S.; defining and redefining
4 terms; amending s. 401.272, F.S.; authorizing a
5 paramedic or an emergency medical technician to
6 provide alternative treatment options to certain
7 patients in a nonemergency setting; authorizing the
8 department to adopt and enforce rules related to such
9 treatment; amending s. 401.35, F.S.; revising
10 requirements for rules adopted by the Department of
11 Health governing minimum standards for ambulance
12 equipment and supplies and ambulance and vehicle
13 design and construction; requiring the department to
14 adopt rules governing the use of telemedicine by
15 certain licensees; amending s. 401.445, F.S.;
16 providing immunity from liability for certain
17 individuals who provide emergency examination and
18 treatment of an incapacitated patient under the
19 supervision of specified medical professionals;
20 amending ss. 14.33, 252.515, 395.1027, and 401.245,
21 F.S.; conforming cross-references; providing an
22 effective date.

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

25
26 Section 1. Subsections (1) and (7) of section 401.23,
27 Florida Statutes, are amended, present subsections (11) through
28 (21) of that section are renumbered as subsections (12) through
29 (23), respectively, and new subsections (11) and (18) are added

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30 to that section, and present subsections (11), (17), and (19) of
31 that section are amended, to read:

32 401.23 Definitions.—As used in this part, the term:

33 (1) "Advanced life support" means assessment or treatment
34 by a person qualified under this part through the use of
35 techniques ~~such as endotracheal intubation, the administration~~
36 ~~of drugs or intravenous fluids, telemetry, cardiac monitoring,~~
37 ~~cardiac defibrillation, and other techniques~~ described in the
38 ~~EMT-Paramedic National Standard Curriculum or the National EMS~~
39 Education Standards of the United States Department of
40 Transportation for the paramedic level or other techniques
41 approved by the medical director, pursuant to department rule
42 rules of the department.

43 (7) "Basic life support" means the assessment or treatment
44 by a person qualified under this part through the use of
45 techniques described in ~~the EMT-Basic National Standard~~
46 ~~Curriculum or the National EMS Education Standards of the United~~
47 ~~States Department of Transportation and approved by the~~
48 department or other techniques approved by the medical director.
49 The term includes the administration of oxygen and other
50 techniques that have been approved and are performed under
51 conditions specified by rules of the department.

52 (11) "Emergency" means a situation in which a person has a
53 medical condition manifesting itself by acute symptoms of
54 sufficient severity, which may include severe pain, such that
55 the absence of immediate medical attention could reasonably be
56 expected to jeopardize a person's health or result in serious
57 impairment to bodily functions or serious dysfunction of any
58 bodily organ or part.

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59 (12)~~(11)~~ "Emergency medical technician" means a person who
60 is certified by the department to perform basic life support in
61 emergency and nonemergency environments ~~pursuant to this part.~~

62 (18) "Nonemergency" means a situation identified as such by
63 medical direction which does not require immediate action or
64 transport to an emergency department and is documented in
65 protocols, standing orders, or medical guidelines.

66 (19)~~(17)~~ "Paramedic" means a person who is certified by the
67 department to perform basic and advanced life support in an
68 emergency or nonemergency environment ~~pursuant to this part.~~

69 (21)~~(19)~~ "Physician" means a practitioner who is licensed
70 under ~~the provisions of~~ chapter 458 or chapter 459. For the
71 purpose of providing "medical direction" as defined in
72 subsection (15) ~~(14)~~ for the treatment of patients immediately
73 before ~~prior to~~ or during transportation to a United States
74 Department of Veterans Affairs medical facility, "physician"
75 also means a practitioner employed by the United States
76 Department of Veterans Affairs.

77 Section 2. Subsections (1), (2), and (4) of section
78 401.272, Florida Statutes, are amended to read:

79 401.272 Emergency medical services community health care.—

80 (1) The purpose of this section is to decrease
81 inappropriate use of emergency department services and encourage
82 more effective use ~~utilization~~ of the skills of emergency
83 medical technicians and paramedics by enabling them to perform,
84 in partnership with local county health departments, specific
85 additional health care tasks that are consistent with the public
86 health and welfare.

87 (2) Notwithstanding any other provision of law to the

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88 contrary:

89 (a) Paramedics or emergency medical technicians may provide
90 alternative treatment options to nonemergency and urgent care
91 patients in a nonemergency setting, including, but not limited
92 to, ~~perform~~ health promotion and wellness activities and blood
93 pressure screenings in a nonemergency environment, within the
94 scope of their training, and under the direction of a medical
95 director. As used in this paragraph, the term "health promotion
96 and wellness" means the provision of public health programs
97 pertaining to the prevention or reduction of illness and injury.

98 (b) Paramedics may administer immunizations in a
99 nonemergency environment, within the scope of their training,
100 and under the direction of a medical director. There must be a
101 written agreement between the paramedic's medical director and
102 the county health department located in each county in which the
103 paramedic administers immunizations. This agreement must
104 establish the protocols, policies, and procedures under which
105 the paramedic must operate.

106 (4) The department may adopt and enforce all rules
107 necessary to enforce the provisions relating to a paramedic's
108 administration of immunizations and the provision of alternative
109 treatment options to nonemergency and urgent care patients in a
110 nonemergency setting, including, but not limited to, ~~performance~~
111 of health promotion and wellness activities and blood pressure
112 screenings by a paramedic or emergency medical technician in a
113 nonemergency environment.

114 Section 3. Paragraphs (c), (d), and (k) of subsection (1)
115 of section 401.35, Florida Statutes, are amended to read:

116 401.35 Rules.—The department shall adopt rules, including

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117 definitions of terms, necessary to carry out the purposes of
118 this part.

119 (1) The rules must provide at least minimum standards
120 governing:

121 (c) ~~Ground~~ Ambulance and emergency medical services vehicle
122 equipment and supplies required by the medical director of the
123 licensee to provide basic and advanced life support services at
124 ~~least as comprehensive as those published in the most current~~
125 ~~edition of the American College of Surgeons, Committee on~~
126 ~~Trauma, list of essential equipment for ambulances, as~~
127 ~~interpreted by rules of the department.~~

128 (d) Ground ambulance or vehicle design and construction
129 based on national standards in effect on the date the rule is
130 adopted and at least equal to those most currently recommended
131 ~~by the United States General Services Administration as~~
132 interpreted by rules of the department.

133 (k) Optional use of telemetry and telemedicine by
134 licensees.

135 Section 4. Subsection (1) of section 401.445, Florida
136 Statutes, is amended to read:

137 401.445 Emergency examination and treatment of
138 incapacitated persons.—

139 (1) No recovery is ~~shall be~~ allowed in any court in this
140 state against any emergency medical technician, paramedic, or
141 physician as defined in this chapter, any advanced registered
142 nurse practitioner certified under s. 464.012, or any physician
143 assistant licensed under s. 458.347 or s. 459.022, or any person
144 acting under the direct medical supervision of any ~~a~~ physician,
145 emergency medical technician, paramedic, advanced registered

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146 nurse practitioner, or physician assistant in an action brought
 147 for examining or treating a patient without his or her informed
 148 consent if:

149 (a) The patient at the time of examination or treatment is
 150 intoxicated, under the influence of drugs, or otherwise
 151 incapable of providing informed consent as provided in s.
 152 766.103;

153 (b) The patient at the time of examination or treatment is
 154 experiencing an emergency medical condition; and

155 (c) The patient would reasonably, under all the surrounding
 156 circumstances, undergo such examination, treatment, or procedure
 157 if he or she were advised by the emergency medical technician,
 158 paramedic, physician, advanced registered nurse practitioner, or
 159 physician assistant in accordance with s. 766.103(3).

160

161 Examination and treatment provided under this subsection shall
 162 be limited to reasonable examination of the patient to determine
 163 the medical condition of the patient and treatment reasonably
 164 necessary to alleviate the emergency medical condition or to
 165 stabilize the patient.

166 Section 5. Subsection (1) of section 14.33, Florida
 167 Statutes, is amended to read:

168 14.33 Medal of Heroism.—

169 (1) The Governor may award a Medal of Heroism of
 170 appropriate design, with ribbons and appurtenances, to a law
 171 enforcement, correctional, or correctional probation officer, as
 172 defined in s. 943.10(14); a firefighter, as defined in s.
 173 112.191(1)(b); an emergency medical technician, as defined in s.
 174 401.23 ~~s. 401.23(11)~~; or a paramedic, as defined in s. 401.23 ~~s.~~

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175 ~~401.23(17)~~. A recipient must have distinguished himself or
176 herself conspicuously by gallantry and intrepidity, must have
177 risked his or her life deliberately above and beyond the call of
178 duty while performing duty in his or her respective position,
179 and must have engaged in hazardous or perilous activities to
180 preserve lives with the knowledge that such activities might
181 result in great personal harm.

182 Section 6. Paragraph (a) of subsection (3) of section
183 252.515, Florida Statutes, is amended to read:

184 252.515 Postdisaster Relief Assistance Act; immunity from
185 civil liability.—

186 (3) As used in this section, the term:

187 (a) "Emergency first responder" means:

- 188 1. A physician licensed under chapter 458.
- 189 2. An osteopathic physician licensed under chapter 459.
- 190 3. A chiropractic physician licensed under chapter 460.
- 191 4. A podiatric physician licensed under chapter 461.
- 192 5. A dentist licensed under chapter 466.
- 193 6. An advanced registered nurse practitioner certified
194 under s. 464.012.
- 195 7. A physician assistant licensed under s. 458.347 or s.
196 459.022.
- 197 8. A worker employed by a public or private hospital in the
198 state.
- 199 9. A paramedic as defined in s. 401.23 ~~s. 401.23(17)~~.
- 200 10. An emergency medical technician as defined in s. 401.23
201 ~~s. 401.23(11)~~.
- 202 11. A firefighter as defined in s. 633.102.
- 203 12. A law enforcement officer as defined in s. 943.10.

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204 13. A member of the Florida National Guard.

205 14. Any other personnel designated as emergency personnel
206 by the Governor pursuant to a declared emergency.

207 Section 7. Subsection (5) of section 395.1027, Florida
208 Statutes, is amended to read:

209 395.1027 Regional poison control centers.—

210 (5) By October 1, 1999, each regional poison control center
211 shall develop a prehospital emergency dispatch protocol with
212 each licensee as defined in s. 401.23 ~~by s. 401.23(13)~~ in the
213 geographic area covered by the regional poison control center.
214 The prehospital emergency dispatch protocol shall be developed
215 by each licensee's medical director in conjunction with the
216 designated regional poison control center responsible for the
217 geographic area in which the licensee operates. The protocol
218 shall define toxic substances and describe the procedure by
219 which the designated regional poison control center may be
220 consulted by the licensee. If a call is transferred to the
221 designated regional poison control center in accordance with the
222 protocol established under this section and s. 401.268, the
223 designated regional poison control center shall assume
224 responsibility and liability for the call.

225 Section 8. Paragraph (b) of subsection (2) of section
226 401.245, Florida Statutes, is amended to read:

227 401.245 Emergency Medical Services Advisory Council.—

228 (2)

229 (b) Representation on the Emergency Medical Services
230 Advisory Council shall include: two licensed physicians who are
231 ~~"medical directors"~~ as defined in s. 401.23 ~~s. 401.23(15)~~ or
232 whose medical practice is closely related to emergency medical

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233 services; two emergency medical service administrators, one of
234 whom is employed by a fire service; two certified paramedics,
235 one of whom is employed by a fire service; two certified
236 emergency medical technicians, one of whom is employed by a fire
237 service; one emergency medical services educator; one emergency
238 nurse; one hospital administrator; one representative of air
239 ambulance services; one representative of a commercial ambulance
240 operator; and two laypersons who are in no way connected with
241 emergency medical services, one of whom is a representative of
242 the elderly. Ex officio members of the advisory council from
243 state agencies shall include, but shall not be limited to,
244 representatives from the Department of Education, the Department
245 of Management Services, the State Fire Marshal, the Department
246 of Highway Safety and Motor Vehicles, the Department of
247 Transportation, and the Division of Emergency Management.

248 Section 9. This act shall take effect July 1, 2018.