

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.; revising and providing
4 definitions; amending s. 401.272, F.S.; authorizing a
5 paramedic or emergency medical technician to provide
6 other treatment and transport options; revising a
7 definition; amending s. 401.35, F.S.; revising
8 requirements for rules adopted by the Department of
9 Health governing minimum standards for emergency
10 medical services vehicle equipment and supplies and
11 ambulance or vehicle design and construction;
12 requiring the department to adopt rules governing the
13 use of telemedicine by certain licensees; amending s.
14 401.445, F.S.; providing immunity from liability for
15 certain medical and law enforcement personnel
16 providing emergency examination and treatment of
17 incapacitated persons in certain circumstances;
18 amending s. 893.05, F.S.; authorizing a certified
19 paramedic to administer a controlled substance only
20 under the supervision of certain health care
21 practitioners; amending ss. 14.33, 252.515, 395.1027,
22 and 401.245, F.S.; conforming cross-references;
23 providing an effective date.

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

26
27 Section 1. Present subsections (11) through (21) of section
28 401.23, Florida Statutes, are renumbered as subsections (12)
29 through (22), respectively, present subsections (1), (7), and

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30 (19) are amended, and new subsections (11) and (23) are added to
31 that section, 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 ~~rules of the~~
42 department rule.

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 rule.

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 the 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 ~~(20)(19)~~ "Physician" means a practitioner who is licensed
60 under the provisions of chapter 458 or chapter 459. For the
61 purpose of providing "medical direction" as defined in
62 subsection (15) ~~(14)~~ for the treatment of patients immediately
63 prior to or during transportation to a United States Department
64 of Veterans Affairs medical facility, the term "physician" also
65 means a practitioner employed by the United States Department of
66 Veterans Affairs.

67 (23) "Urgent" means a situation identified as such by
68 medical direction which requires prompt care but does not
69 require immediate action or transport to an emergency department
70 and is documented in the licensee's protocols, standing orders,
71 or medical guidelines.

72 Section 2. Subsections (1) and (2) of section 401.272,
73 Florida Statutes, are amended to read:

74 401.272 Emergency medical services community health care.—

75 (1) The purpose of this section is to decrease
76 inappropriate use of emergency department services and encourage
77 more effective use ~~utilization~~ of the skills of emergency
78 medical technicians and paramedics by enabling them to perform~~7~~
79 ~~in partnership with local county health departments,~~ specific
80 additional health care tasks that are consistent with the public
81 health and welfare.

82 (2) Notwithstanding any other provision of law to the
83 contrary:

84 (a) Paramedics or emergency medical technicians may provide
85 ~~perform~~ health promotion and wellness activities, and blood
86 pressure screenings, and other treatment and transport options
87 ~~in a nonemergency environment,~~ within the scope of their

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88 training, ~~and~~ under the direction of a medical director. As used
89 in this paragraph, the term "health promotion and wellness"
90 means the provision of public health programs pertaining to the
91 prevention or reduction of illness and injury.

92 (b) Paramedics may administer immunizations in a
93 nonemergency environment, ~~within~~ the scope of their training,
94 ~~and~~ under the direction of a medical director. There must be a
95 written agreement between the paramedic's medical director and
96 the county health department located in each county in which the
97 paramedic administers immunizations. This agreement must
98 establish the protocols, policies, and procedures under which
99 the paramedic must operate.

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

102 401.35 Rules.—The department shall adopt rules, including
103 definitions of terms, necessary to carry out the purposes of
104 this part.

105 (1) The rules must provide at least minimum standards
106 governing:

107 (c) ~~Ground~~ Ambulance and emergency medical services vehicle
108 equipment and supplies required by the medical director of the
109 licensee to provide basic and advanced life support services at
110 ~~least as comprehensive as those published in the most current~~
111 ~~edition of the American College of Surgeons, Committee on~~
112 ~~Trauma, list of essential equipment for ambulances, as~~
113 ~~interpreted by rules of the department.~~

114 (d) ~~Ground~~ Ambulance and emergency medical services ~~or~~
115 vehicle design and construction based on national standards in
116 effect on the date the rule is adopted and at least equal to

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117 ~~those most currently recommended by the United States General~~
118 ~~Services Administration as interpreted by rules of the~~
119 department rule.

120 (k) Optional use of telemetry and telemedicine by
121 licensees.

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

124 401.445 Emergency examination and treatment of
125 incapacitated persons.—

126 (1) No recovery is ~~shall be~~ allowed in any court in this
127 state against any emergency medical technician, paramedic, or
128 physician as defined in this chapter, any advanced practice
129 registered nurse licensed under s. 464.012, or any physician
130 assistant licensed under s. 458.347 or s. 459.022, or any law
131 enforcement personnel ~~person~~ acting at the request of or under
132 the direct medical supervision of any a physician, emergency
133 medical technician, paramedic, advanced registered nurse
134 practitioner, or physician assistant, in any an action brought
135 for examining or treating a patient without his or her informed
136 consent if:

137 (a) The patient at the time of examination or treatment is
138 intoxicated, under the influence of drugs, or otherwise
139 incapable of providing informed consent as provided in s.
140 766.103;

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

143 (c) The patient would reasonably, under all the surrounding
144 circumstances, undergo such examination, treatment, or procedure
145 if he or she were advised by the emergency medical technician,

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146 paramedic, physician, advanced practice registered nurse, or
147 physician assistant in accordance with s. 766.103(3).
148

149 Examination and treatment provided under this subsection shall
150 be limited to reasonable examination of the patient to determine
151 the medical condition of the patient and treatment reasonably
152 necessary to alleviate the emergency medical condition or to
153 stabilize the patient.

154 Section 5. Paragraph (a) of subsection (1) of section
155 893.05, Florida Statutes, is amended to read:

156 893.05 Practitioners and persons administering controlled
157 substances in their absence.—

158 (1) (a) A practitioner, in good faith and in the course of
159 his or her professional practice only, may prescribe,
160 administer, dispense, mix, or otherwise prepare a controlled
161 substance, or the practitioner may cause the controlled
162 substance to be administered by a licensed nurse, a certified
163 paramedic, or an intern practitioner under his or her direction
164 and supervision only.

165 Section 6. Subsection (1) of section 14.33, Florida
166 Statutes, is amended to read:

167 14.33 Medal of Heroism.—

168 (1) The Governor may award a Medal of Heroism of
169 appropriate design, with ribbons and appurtenances, to a law
170 enforcement, correctional, or correctional probation officer, as
171 defined in s. 943.10(14); a firefighter, as defined in s.
172 112.191(1)(b); an emergency medical technician, as defined in s.
173 401.23 ~~s. 401.23(11)~~; or a paramedic, as defined in s. 401.23 ~~s.~~
174 ~~401.23(17)~~. A recipient must have distinguished himself or

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

181 Section 7. Paragraph (a) of subsection (3) of section
 182 252.515, Florida Statutes, is amended to read:

183 252.515 Postdisaster Relief Assistance Act; immunity from
 184 civil liability.—

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

186 (a) "Emergency first responder" means:

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

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

206 Section 8. Subsection (5) of section 395.1027, Florida
207 Statutes, is amended to read:

208 395.1027 Regional poison control centers.—

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

224 Section 9. Paragraph (b) of subsection (2) of section
225 401.245, Florida Statutes, is amended to read:

226 401.245 Emergency Medical Services Advisory Council.—

227 (2)

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

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

247 Section 10. This act shall take effect July 1, 2019.