

SENATE FILE
BY SZYMONIAK

357

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to advanced emergency medical care by designating
2 a new level of nonemergency transportation, and limitations on
3 liability of certified advanced emergency medical care
4 providers and others in making determinations of a
5 nonemergency.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 357

1 Section 1. Section 147A.1, Code 1991, is amended by adding
2 the following new subsections:

3 NEW SUBSECTION. 2A. "Ambulance" means a motor vehicle
4 which is equipped with life support systems and used to
5 transport sick or injured persons who require emergency
6 medical care to medical facilities.

7 NEW SUBSECTION. 5A. "EMS" is an abbreviation used in lieu
8 of the term "emergency medical services".

9 NEW SUBSECTION. 5B. "Emergency medical transportation"
10 means transportation by an ambulance in which basic emergency
11 medical care or advanced emergency medical care is provided.

12 NEW SUBSECTION. 6A. "Medical director" means a physician
13 who serves as the medical director for the service.

14 NEW SUBSECTION. 6B. "Nonemergency medical transportation"
15 means transportation that does not require the use of an
16 ambulance in which basic emergency medical care or advanced
17 emergency medical care is provided.

18 NEW SUBSECTION. 8. "Protocols" means rules, guidelines,
19 methods, or any other procedures developed by the service
20 which establish appropriate actions to be taken by certified
21 advanced emergency medical care providers, basic emergency
22 care providers, or emergency medical technicians-ambulance
23 (EMT-A), in delivering basic emergency medical care or
24 advanced emergency medical care and, in the absence of a
25 medical emergency, not delivering such care, both of which
26 contingencies have been developed and approved by the
27 service's medical director.

28 NEW SUBSECTION. 9. "Service" means an ambulance, rescue,
29 or first response service which has received authorization
30 under section 147A.5 to provide advanced emergency medical
31 care in the prehospital setting.

32 Sec. 2. Section 147A.10, Code 1991, is amended by adding
33 the following new subsection:

34 NEW SUBSECTION. 4. A determination by a basic or advanced
35 emergency medical care provider that the requesting individual

1 is not in need of basic or advanced emergency medical care or
2 emergency medical transportation pursuant to section 147A.13
3 and based upon rules established by the board and department
4 regarding the individual's on-site evaluation, and pursuant to
5 the service's protocols, shall not impose any criminal or
6 civil liability upon the basic or advanced emergency medical
7 care provider, the service's medical director, a hospital or a
8 hospital's physicians or staff, the state or a political
9 subdivision or the employees of any of these entities, or upon
10 the nonemergency medical transportation service or the
11 employees of such a service.

12 Sec. 3. NEW SECTION. 147A.13 DETERMINATION OF LEVEL OF
13 CARE.

14 Upon responding to a call for basic or advanced emergency
15 medical care, if a basic or advanced emergency medical care
16 provider determines at the scene that the individual
17 requesting the care does not require continual basic emergency
18 medical care of an EMT-A or continual advanced emergency
19 medical care, the provider, pursuant to protocols developed
20 and approved by the service's medical director and in
21 accordance with the rules established by the board and
22 department may request nonemergency transportation for the
23 individual to the individual's requested medical or health
24 care destination.

25 This section authorizes the basic or advanced emergency
26 medical care provider to respond to another request for basic
27 or advanced emergency medical care, after the provider has
28 made a determination that basic or advanced emergency medical
29 care or emergency medical transportation is not required by
30 the requesting individual.

31 EXPLANATION

32 This bill provides new definitions relating to advanced
33 emergency medical care transportation methods for individuals
34 requesting advanced emergency medical care and transportation,
35 but who, upon examination and assessment by a certified

1 advanced emergency medical care provider, are determined not
2 to require such care or transportation. The determination of
3 the provider is required to be based upon the protocols
4 developed by the ambulance, rescue, or first response service
5 and the rules established by the board of medical examiners
6 and the Iowa department of public health.

7 The bill also provides that under certain types of
8 conditions, certified advanced emergency medical care
9 providers, EMS services' medical directors, hospitals and
10 their physicians and staff, the state and political
11 subdivisions or the employees of any of these governmental
12 entities, and nonemergency transportation services or the
13 services' employees are exempted from civil or criminal
14 liability.

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