

**CHAPTER 41**  
**REGULATION OF EMERGENCY MEDICAL SERVICES**  
*S.F. 178*

**AN ACT** relating to emergency medical services.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 68B.2A, subsection 1, paragraph a, Code 1995, is amended to read as follows:

a. The outside employment or activity involves the use of the state's or the political subdivision's time, facilities, equipment, and supplies or the use of the state or political subdivision badge, uniform, business card, or other evidences of office or employment to give the person or member of the person's immediate family an advantage or pecuniary benefit that is not available to other similarly situated members or classes of members of the general public. This paragraph does not apply to off-duty peace officers who provide private duty security or fire fighters or ~~basic or advanced~~ emergency medical care providers certified under chapter ~~147 or~~ 147A who provide private duty fire safety or emergency medical services while carrying their badge or wearing their official uniform, provided that the person has secured the prior approval of the agency or political subdivision in which the person is regularly employed to engage in the activity. For purposes of this subsection, a person is not "similarly situated" merely by being or being related to a person who serves or is employed by the state or a political subdivision of the state.

Sec. 2. Section 85.36, subsection 10, paragraph a, Code 1995, is amended to read as follows:

a. In computing the compensation to be allowed a volunteer fire fighter, ~~basic or advanced~~ emergency medical care provider, or reserve peace officer, the earnings as a fire fighter, ~~basic or advanced~~ emergency medical care provider, or reserve peace officer shall be disregarded and the volunteer fire fighter, ~~basic or advanced~~ emergency medical care provider, or reserve peace officer shall be paid an amount equal to the compensation the volunteer fire fighter, ~~basic or advanced~~ emergency medical care provider, or reserve peace officer would be paid if injured in the normal course of the volunteer fire fighter's, ~~basic or advanced~~ emergency medical care provider's, or reserve peace officer's regular employment or an amount equal to one hundred and forty percent of the statewide average weekly wage, whichever is greater.

Sec. 3. Section 85.61, subsection 2, Code 1995, is amended to read as follows:

2. "Employer" includes and applies to a person, firm, association, or corporation, state, county, municipal corporation, school corporation, area education agency, township as an employer of volunteer fire fighters and ~~basic or advanced~~ emergency medical care providers only, benefited fire district, and the legal representatives of a deceased employer. "Employer" includes and applies to a rehabilitation facility approved for purchase-of-service contracts or for referrals by the department of human services or the department of education.

Sec. 4. Section 85.61, subsection 7, unnumbered paragraph 3, Code 1995, is amended to read as follows:

Personal injuries sustained by ~~basic emergency medical care providers, as defined in section 147.1, or by advanced~~ emergency medical care providers as defined in section 147A.1, arise in the course of employment if the injuries are sustained at any time from the time the emergency medical care providers are summoned to duty until the time those duties have been fully discharged.

Sec. 5. Section 85.61, subsection 11, unnumbered paragraph 3, Code 1995, is amended to read as follows:

“Worker” or “employee” includes ~~a basic~~ an emergency medical care provider ~~as defined in section 147.1, an advanced emergency medical care provider as defined in section 147A.1,~~ a volunteer ambulance driver, or an emergency medical technician trainee, only if an agreement is reached between such worker or employee and the employer for whom the volunteer services are provided that workers’ compensation coverage under chapters 85, 85A, and 85B is to be provided by the employer. ~~A basic or advanced~~ An emergency medical care provider who is a worker or employee under this paragraph is not a casual employee. “Volunteer ambulance driver” means a person performing services as a volunteer ambulance driver at the request of the person in charge of a fire department or ambulance service of a municipality. “Emergency medical technician trainee” means a person enrolled in and training for emergency medical technician certification.

Sec. 6. Section 139B.1, subsection 1, paragraph d, Code 1995, is amended to read as follows:

d. “Emergency care provider” means a person who is trained and authorized by federal or state law to provide emergency medical assistance or treatment, for compensation or in a voluntary capacity, including but not limited to, all of the following:

- ~~(1) A basic emergency care provider as defined in section 147.1.~~
- ~~(2) (1) An advanced emergency medical care provider as defined in section 147A.1.~~
- ~~(3) (2) A health care provider as defined in this section.~~
- ~~(4) (3) A fire fighter.~~
- ~~(5) (4) A peace officer.~~

“Emergency care provider” also includes a person who renders direct emergency aid without compensation.

Sec. 7. Section 141.22A, subsection 1, paragraph a, Code 1995, is amended to read as follows:

a. “Emergency care provider” means a person who is trained and authorized by federal or state law to provide emergency medical assistance or treatment, for compensation or in a voluntary capacity, including but not limited to all of the following:

- ~~(1) A basic emergency medical care provider as defined in section 147.1.~~
- ~~(2) (1) An advanced emergency medical care provider as defined in section 147A.1.~~
- ~~(3) (2) A health care provider as defined in this section.~~
- ~~(4) (3) A fire fighter.~~
- ~~(5) (4) A peace officer.~~

“Emergency care provider” also includes a person who renders emergency aid without compensation.

Sec. 8. Section 147.1, Code 1995, is amended by striking subsections 1, 3, 4, and 6.

Sec. 9. Section 147A.1, Code 1995, is amended by striking the section and inserting in lieu thereof the following:

#### 147A.1 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. “Board” means the board of medical examiners appointed pursuant to section 147.14, subsection 2.
2. “Department” means the Iowa department of public health.
3. “Director” means the director of the Iowa department of public health.
4. “Emergency medical care” means such medical procedures as:
  - a. Administration of intravenous solutions.
  - b. Intubation.
  - c. Performance of cardiac defibrillation and synchronized cardioversion.
  - d. Administration of emergency drugs as provided by rule by the department.
  - e. Any other medical procedure approved by the department, by rule, as appropriate to be performed by emergency medical care providers who have been trained in that procedure.

5. "Emergency medical care provider" means an individual trained to provide emergency and nonemergency medical care at the first-responder, EMT-basic, EMT-intermediate, EMT-paramedic level, or other certification levels adopted by rule by the department, who has been issued a certificate by the department.

6. "Emergency medical services" or "EMS" means an integrated medical care delivery system to provide emergency and nonemergency medical care at the scene or during out-of-hospital patient transportation in an ambulance.

7. "Emergency medical services instructor" means an individual who has successfully completed an EMS curriculum determined in rules in accordance with chapter 17A by the director and subject to the approval of the state board of health.

8. "Emergency rescue technician" or "ERT" means an individual trained in various rescue techniques including, but not limited to, extrication from vehicles and agricultural rescue, and who has successfully completed a curriculum approved by the department in cooperation with the Iowa fire service institute.

9. "First responder" or "FR" means an individual trained in patient-stabilizing techniques, through the use of initial emergency medical care procedures and skills prior to the arrival of an ambulance, pursuant to rules established by the department and who is currently certified as a first responder by the department.

10. "Physician" means an individual licensed under chapter 148, 150, or 150A.

Sec. 10. NEW SECTION. 147A.2 COUNCIL ESTABLISHED – TERMS OF OFFICE.

An EMS advisory council shall be appointed by the director. Membership of the council shall be comprised of individuals nominated from, but not limited to, the following state or national organizations: Iowa osteopathic medical association, Iowa medical society, American college of emergency physicians, Iowa physician assistant society, Iowa academy of family physicians, university of Iowa hospitals and clinics, Iowa EMS association, Iowa firemen's association, Iowa professional firefighters, EMS education programs committee, EMS regional council, Iowa nurses association, Iowa hospital association, and the Iowa state association of counties.

The EMS advisory council shall advise the director and develop policy recommendations concerning the regulation, administration, and coordination of emergency medical services in the state.

Sec. 11. NEW SECTION. 147A.3 MEETINGS OF THE COUNCIL – QUORUM – EXPENSES.

Membership, terms of office, quorum, and expenses shall be determined by the director pursuant to chapter 135.

Sec. 12. Section 147A.4, Code 1995, is amended to read as follows:

147A.4 RULEMAKING AUTHORITY.

1. The department shall adopt rules required or authorized by this chapter pertaining to the operation of ambulance, rescue, and first response services which have received authorization under section 147A.5 to utilize the services of certified advanced emergency medical care providers. These rules shall include, but need not be limited to, requirements concerning physician supervision, necessary equipment and staffing, and reporting by ambulance, rescue, and first response services which have received the authorization pursuant to section 147A.5.

The director, pursuant to rule, may grant exceptions and variances from the requirements of rules adopted under this chapter for any ambulance, rescue, or first response service. Exceptions or variations shall be reasonably related to undue hardships which existing services experience in complying with this chapter or the rules adopted pursuant to this chapter. However, no exception or variance may be granted unless the service has adopted a plan approved by the department prior to July 1, 1996, to achieve compliance during a period not to exceed seven years with this chapter and rules adopted pursuant to

this chapter. Services requesting exceptions and variances shall be subject to other applicable rules adopted pursuant to this chapter.

2. The department shall adopt rules required or authorized by this chapter pertaining to the examination and certification of ~~advanced~~ emergency medical care providers. These rules shall include, but need not be limited to, requirements concerning prerequisites, training, and experience for ~~advanced~~ emergency medical care providers and procedures for determining when individuals have met these requirements. The department shall adopt rules to recognize the previous EMS training and experience of first responders and emergency medical technicians to provide for an equitable transition to the EMT-basic certification. The department may require additional training and examinations as necessary and appropriate to ensure that individuals seeking certification have met the EMT-basic knowledge and skill requirements. The department shall consult with the board concerning these rules.

3. The department shall establish the fee for the examination of the ~~advanced~~ emergency medical care providers to cover the administrative costs of the examination program.

Sec. 13. Section 147A.5, subsections 1 and 3, Code 1995, are amended to read as follows:

1. An ambulance, rescue, or first response service in this state, that desires to provide ~~advanced~~ emergency medical care in the ~~prehospital~~ out-of-hospital setting, shall apply to the department for authorization to establish a program ~~utilizing certified advanced emergency medical care providers~~ for delivery of the care at the scene of an emergency, during transportation to a hospital, during transfer from one medical care facility to another or to a private residence, or while in the hospital emergency department, and until care is directly assumed by a physician or by authorized hospital personnel.

3. The department may deny an application for authorization ~~to establish a program utilizing the services of certified advanced emergency medical care providers~~, or may place on probation, suspend, or revoke existing authorization if the department finds reason to believe the program has not been or will not be operated in compliance with this chapter and the rules adopted pursuant to this chapter, or that there is insufficient assurance of adequate protection for the public. The denial or period of probation, suspension, or revocation shall be effected and may be appealed as provided by section 17A.12.

Sec. 14. Section 147A.6, Code 1995, is amended to read as follows:

147A.6 ~~ADVANCED~~ EMERGENCY MEDICAL CARE PROVIDER CERTIFICATES – RENEWAL.

1. The department, upon application and receipt of the prescribed fee, shall issue a certificate ~~attesting to the qualifications of~~ to an individual who has met all of the requirements for ~~advanced~~ emergency medical care provider certification established by the rules adopted under section 147A.4, subsection 2.

2. ~~Advanced emergency~~ Emergency medical care provider certificates are valid for the multiyear period determined by the department, unless sooner suspended or revoked. The certificate shall be renewed upon application of the holder and receipt of the prescribed fee if the holder has satisfactorily completed continuing medical education programs as required by rule.

Sec. 15. Section 147A.7, subsection 1, unnumbered paragraph 1, Code 1995, is amended to read as follows:

The ~~board~~ department may deny an application for issuance or renewal of an ~~advanced~~ emergency medical care provider certificate, or suspend or revoke the certificate when it finds that the applicant or certificate holder is guilty of any of the following acts or offenses:

Sec. 16. Section 147A.7, subsection 1, paragraphs j and k, Code 1995, are amended to read as follows:

j. Violating a statute of this state, another state, or the United States, without regard to its designation as either a felony or misdemeanor, which relates to the practice of an ~~advanced~~ emergency medical care provider. A copy of the record of conviction or plea of guilty is conclusive evidence of the violation.

k. Having certification to practice as an ~~advanced~~ emergency medical care provider revoked or suspended, or having other disciplinary action taken by a licensing or certifying authority of another state, territory, or country. A certified copy of the record or order of suspension, revocation, or disciplinary action is conclusive or prima facie evidence.

Sec. 17. Section 147A.8, Code 1995, is amended to read as follows:

147A.8 AUTHORITY OF CERTIFIED ~~ADVANCED~~ EMERGENCY MEDICAL CARE PROVIDER.

An ~~advanced~~ emergency medical care provider properly certified under this chapter may:

1. Render ~~advanced~~ emergency and nonemergency medical care, rescue, and lifesaving services in those areas for which the ~~advanced~~ emergency medical care provider is certified, as defined and approved in accordance with the rules of the department, at the scene of an emergency, during transportation to a hospital or while in the hospital emergency department, and until care is directly assumed by a physician or by authorized hospital personnel.

2. Function in any hospital when:

a. Enrolled as a student or participating as a preceptor in a training program approved by the department; or

b. Fulfilling continuing education requirements as defined by rule; or

c. Employed by or assigned to a hospital as a member of an authorized ambulance, rescue, or first response service, by rendering lifesaving services in the facility in which employed or assigned pursuant to the ~~advanced~~ emergency medical care provider's certification and under the direct supervision of a physician, physician assistant, or registered nurse. An ~~advanced~~ emergency medical care provider shall not routinely function without the direct supervision of a physician, physician assistant, or registered nurse. However, when the physician, physician assistant, or registered nurse cannot directly assume emergency care of the patient, the ~~advanced~~ emergency medical care provider may perform without direct supervision ~~advanced~~ emergency medical care procedures for which that individual is certified if the life of the patient is in immediate danger and such care is required to preserve the patient's life; or

d. Employed by or assigned to a hospital as a member of an authorized ambulance, rescue, or first response service to perform nonlifesaving procedures for which those individuals have been trained and are designated in a written job description. Such procedures may be performed after the patient is observed by and when the ~~advanced~~ emergency medical care provider is under the supervision of the physician, physician assistant, or registered nurse and where the procedure may be immediately abandoned without risk to the patient.

The department shall consult with the board concerning rules and training requirements related to this section.

Nothing in this chapter shall be construed to require any voluntary ambulance, rescue, or first response service to provide a level of care beyond minimum basic care standards.

Sec. 18. Section 147A.9, Code 1995, is amended to read as follows:

147A.9 REMOTE SUPERVISION OF ~~ADVANCED~~ EMERGENCY MEDICAL CARE PROVIDERS - EMERGENCY COMMUNICATION FAILURE - AUTHORIZATION OF IMMEDIATE LIFESAVING TO INITIATE EMERGENCY MEDICAL CARE PROCEDURES.

1. When voice contact or a telemetered electrocardiogram is monitored by a physician, physician's designee, or physician assistant, and direct communication is maintained, an ~~advanced~~ emergency medical care provider may upon order of the monitoring physician or upon standing orders of a physician transmitted by the monitoring physician's designee or physician assistant perform any ~~advanced~~ emergency medical care procedure for which that ~~advanced~~ emergency medical care provider is certified.

2. If communications fail during an emergency or nonemergency situation, the ~~advanced~~ emergency medical care provider may perform any ~~advanced~~ emergency medical care procedure for which that individual is certified and which is included in written protocols if in the judgment of the ~~advanced~~ emergency medical care provider the life of the patient is in immediate danger and such care is required to preserve the patient's life.

3. The department shall adopt rules to authorize ~~the institution of lifesaving medical care procedures which can be initiated~~ in accordance with written protocols ~~in instances where prior to the establishment of communication in lieu of immediate action may cause patient harm or death.~~

4. The department shall consult with the board concerning rules related to this section.

Sec. 19. Section 147A.10, Code 1995, is amended to read as follows:

147A.10 EXEMPTIONS FROM LIABILITY IN CERTAIN CIRCUMSTANCES.

1. A physician, physician's designee, advanced registered nurse practitioner, or physician assistant, who gives orders, either directly or via communications equipment from some other point, or via standing protocols to an appropriately certified ~~advanced~~ emergency medical care provider, registered nurse, or licensed practical nurse at the scene of an emergency, and an appropriately certified ~~advanced~~ emergency medical care provider, registered nurse, or licensed practical nurse following the orders, are not subject to criminal liability by reason of having issued or executed the orders, and are not liable for civil damages for acts or omissions relating to the issuance or execution of the orders unless the acts or omissions constitute recklessness.

2. A physician, physician's designee, advanced registered nurse practitioner, physician assistant, registered nurse, licensed practical nurse, or ~~advanced~~ emergency medical care provider shall not be subject to civil liability solely by reason of failure to obtain consent before rendering emergency medical, surgical, hospital or health services to any individual, regardless of age, when the patient is unable to give consent for any reason and there is no other person reasonably available who is legally authorized to consent to the providing of such care.

3. An act of commission or omission of any appropriately certified ~~advanced~~ emergency medical care provider, registered nurse, licensed practical nurse, or physician assistant while rendering ~~advanced~~ emergency medical care under the responsible supervision and control of a physician to a person who is deemed by them to be in immediate danger of serious injury or loss of life, shall not impose any liability upon the certified ~~advanced~~ emergency medical care provider, registered nurse, licensed practical nurse, or physician assistant, the supervising physician, physician designee, advanced registered nurse practitioner, or any hospital, or upon the state, or any county, city or other political subdivision, or the employees of any of these entities; provided that this section shall not relieve any person of liability for civil damages for any act of commission or omission which constitutes recklessness.

Sec. 20. Section 147A.11, subsections 1 and 2, Code 1995, are amended to read as follows:

1. Any person not certified as required by this chapter who claims to be an ~~advanced~~ emergency medical care provider, or who uses any other term to indicate or imply that the person is an ~~advanced~~ emergency medical care provider, or who acts as an ~~advanced~~ emergency medical care provider without having obtained the appropriate certificate under this chapter, is guilty of a class "D" felony.

2. An owner of an unauthorized ambulance, rescue, or first response service in this state who operates or purports to operate an ~~authorized~~ ambulance, rescue, or first response service, or who uses any term to indicate or imply ~~such~~ authorization without having obtained the appropriate authorization under this chapter, is guilty of a class "D" felony.

Sec. 21. Section 147A.12, subsection 1, Code 1995, is amended to read as follows:

1. This chapter does not restrict a registered nurse, licensed pursuant to chapter 152, from staffing an authorized ambulance, rescue, or first response service provided the registered nurse can document equivalency through education and additional skills training essential in the delivery of ~~prehospital~~ out-of-hospital emergency care. The equivalency shall be accepted when:

a. Documentation has been reviewed and approved at the local level by the medical director of the ambulance, rescue, or first response service in accordance with the rules of the board of nursing developed jointly with the ~~board of medical examiners~~ department.

b. Authorization has been granted to that ambulance, rescue, or first response service by the department.

Sec. 22. Section 147A.13, Code 1995, is amended to read as follows:

147A.13 PHYSICIAN ASSISTANT EXCEPTION.

This chapter does not restrict a physician assistant, licensed pursuant to chapter 148C, from staffing an authorized ambulance, rescue, or first response service if the physician assistant can document equivalency through education and additional skills training essential in the delivery of ~~prehospital~~ out-of-hospital emergency care. The equivalency shall be accepted when:

1. Documentation has been reviewed and approved at the local level by the medical director of the ambulance, rescue, or first response service in accordance with the rules of the board of physician assistant examiners developed after consultation with the department.

2. Authorization has been granted to that ambulance, rescue, or first response service by the department.

Sec. 23. Section 152B.11, unnumbered paragraph 3, Code 1995, is amended to read as follows:

This section does not apply to persons who are licensed to practice a health profession covered by chapter 147 or to any person who performs respiratory care procedures as a first responder, emergency rescue technician, ~~emergency medical technician ambulance,~~ ~~advanced~~ emergency medical care provider, or other person functioning as part of a rescue unit or in a hospital as authorized by chapter 147A, or to persons whose function with respect to respiratory care is limited to the home delivery and connection of oxygen tanks.

Sec. 24. Section 232.68, subsection 5, Code 1995, is amended to read as follows:

5. "Health practitioner" includes a licensed physician and surgeon, osteopath, osteopathic physician and surgeon, dentist, optometrist, podiatrist or chiropractor; a resident or intern in any of such professions; a licensed dental hygienist, a registered nurse or licensed practical nurse; a physician assistant; and a basic an emergency medical care provider ~~certified under section 147.161 or an advanced emergency medical care provider certified under section 147A.6.~~

Sec. 25. Section 321.423, subsection 1, Code 1995, is amended to read as follows:

1. DEFINITIONS. As used in this section, unless the context otherwise requires:

a. ~~Advanced emergency~~ Emergency medical care provider" means as defined in section 147A.1.

b. ~~Basic emergency medical care provider" means as defined in section 147.1.~~

e. b. "Fire department" means a paid or volunteer fire protection service provided by a benefited fire district under chapter 357B or by a county, municipality or township, or a

private corporate organization that has a valid contract to provide fire protection service for a benefited fire district, county, municipality, township or governmental agency.

d. c. "Member" means a person who is a member in good standing of a fire department or a person who is an ~~advanced or basic~~ emergency medical care provider employed by an ambulance, rescue, or first responder service.

Sec. 26. Section 724.6, subsection 2, Code 1995, is amended to read as follows:

2. Notwithstanding subsection 1, fire fighters, as defined in section 411.1, subsection 9, airport fire fighters included under section 97B.49, subsection 16, paragraph "b", subparagraph (2), ~~emergency medical technicians ambulance and~~ emergency rescue technicians, ~~as defined in section 147.1,~~ and advanced emergency medical care providers, as defined in section 147A.1, shall not, as a condition of employment, be required to obtain a permit under this section. However, the provisions of this subsection shall not apply to a person designated as an arson investigator by the chief fire officer of a political subdivision.

Sec. 27. Section 147.161, Code 1995, is repealed.

Sec. 28. COSTS PAID BY IOWA DEPARTMENT OF PUBLIC HEALTH. The Iowa department of public health shall pay any additional training and equipment costs, excluding vehicle costs, incurred by a political subdivision after the effective date of this Act and as a result of this Act.

Approved April 19, 1995

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## CHAPTER 42

### COMMERCIAL FEED LAW - FUNDING OF COMMERCIAL PESTICIDE APPLICATOR TRAINING

S.F. 255

**AN ACT** relating to the administration of the department of agriculture and land stewardship, providing for moneys previously appropriated to the department, and providing an effective date.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 198.9, subsection 3, unnumbered paragraph 3, Code 1995, is amended to read as follows:

The secretary shall publish a report not later than ~~September~~ January 1 of each year. The report shall provide a detailed accounting of all sources of revenue deposited under and all dispositions of funds expended under this section. The report shall detail full-time equivalent positions used in fulfilling the requirements of this chapter. The report shall also indicate to what extent any full-time equivalent positions are shared with other programs. Copies of the report issued by the secretary pursuant to this subsection shall be delivered each year to the members of the house of representatives and senate standing committees on agriculture.

Sec. 2. Section 198.10, Code 1995, is amended to read as follows:  
198.10 RULES.

1. The secretary may adopt rules for commercial feeds and pet foods as specifically authorized in this chapter and other reasonable rules necessary in order to carry out the purpose and intent of this chapter or to secure the efficient enforcement of this chapter.