

Senate File 2311

S-5278

1 Amend Senate File 2311 as follows:

2 1. By striking everything after the enacting clause
3 and inserting:

4 <Section 1. Section 85.36, subsection 9, paragraph
5 a, Code 2009, is amended to read as follows:

6 a. In computing the compensation to be allowed
7 a volunteer fire fighter, emergency medical care
8 provider, reserve peace officer, volunteer ambulance
9 driver, ~~volunteer emergency rescue technician as~~
10 ~~defined in section 147A.1, or emergency medical~~
11 ~~technician trainee~~, the earnings as a fire fighter,
12 emergency medical care provider, reserve peace officer,
13 or volunteer ambulance driver, ~~volunteer emergency~~
14 ~~rescue technician, or emergency medical technician~~
15 ~~trainee~~ shall be disregarded and the volunteer fire
16 fighter, emergency medical care provider, reserve peace
17 officer, or volunteer ambulance driver, ~~volunteer~~
18 ~~emergency rescue technician, or emergency medical~~
19 ~~technician trainee~~ shall be paid an amount equal
20 to the compensation the volunteer fire fighter,
21 emergency medical care provider, reserve peace officer,
22 or volunteer ambulance driver, ~~volunteer emergency~~
23 ~~rescue technician, or emergency medical technician~~
24 ~~trainee~~ would be paid if injured in the normal
25 course of the volunteer fire fighter's, emergency
26 medical care provider's, reserve peace officer's,
27 or volunteer ambulance driver's, ~~volunteer emergency~~
28 ~~rescue technician's, or emergency medical technician~~
29 ~~trainee's~~ regular employment or an amount equal to one
30 hundred and forty percent of the statewide average
31 weekly wage, whichever is greater.

32 Sec. 2. Section 85.61, subsection 2, paragraph a,
33 Code 2009, is amended to read as follows:

34 a. A person, firm, association, or corporation,
35 state, county, municipal corporation, school
36 corporation, area education agency, township as
37 an employer of volunteer fire fighters, ~~volunteer~~
38 ~~emergency rescue technicians~~, and emergency medical
39 care providers only, benefited fire district, and the
40 legal representatives of a deceased employer.

41 Sec. 3. Section 85.61, subsection 7, paragraph b,
42 Code 2009, is amended to read as follows:

43 b. Personal injuries sustained by ~~volunteer~~
44 ~~emergency rescue technicians or emergency medical care~~
45 providers as defined in section 147A.1 arise in the
46 course of employment if the injuries are sustained at
47 any time from the time the ~~volunteer emergency rescue~~
48 ~~technicians or emergency medical care providers~~ are
49 summoned to duty until the time those duties have been
50 fully discharged.

1 Sec. 4. Section 85.61, subsection 11, paragraph
2 a, subparagraph (2), Code 2009, is amended to read as
3 follows:

4 (2) An emergency medical care provider as defined
5 in section 147A.1, ~~a volunteer emergency rescue~~
6 ~~technician as defined in section 147A.1, or a volunteer~~
7 ~~ambulance driver, or an emergency medical technician~~
8 ~~trainee~~, only if an agreement is reached between
9 such worker or employee and the employer for whom
10 the volunteer services are provided that workers'
11 compensation coverage under this chapter and chapters
12 85A and 85B is to be provided by the employer. An
13 emergency medical care provider ~~or volunteer emergency~~
14 ~~rescue technician~~ who is a worker or employee under
15 this subparagraph is not a casual employee. "*Volunteer*
16 *ambulance driver*" means a person performing services
17 as a volunteer ambulance driver at the request
18 of the person in charge of a fire department or
19 ambulance service of a municipality. "*Emergency*
20 *medical technician trainee*" ~~means a person enrolled~~
21 ~~in and training for emergency medical technician~~
22 ~~certification.~~

23 Sec. 5. Section 100B.31, subsection 3, paragraph b,
24 Code Supplement 2009, is amended to read as follows:

25 b. A person performing the functions of an
26 emergency medical care provider ~~or emergency rescue~~
27 ~~technician~~ as defined in section 147A.1 who was not
28 paid full-time by the entity for which such services
29 were being performed at the time the incident giving
30 rise to the death occurred.

31 Sec. 6. Section 147A.1, subsection 4, Code
32 Supplement 2009, is amended to read as follows:

33 4. "*Emergency medical care provider*" means
34 an individual trained to provide emergency and
35 nonemergency medical care at the ~~first-responder,~~
36 ~~EMT-basic, EMT-intermediate, EMT-paramedic~~
37 ~~level,~~ emergency medical responder, emergency medical
38 technician, advanced emergency medical technician,
39 paramedic, or other certification levels adopted
40 by rule by the department, who has been issued a
41 certificate by the department.

42 Sec. 7. Section 147A.1, subsections 6, 8, and
43 9, Code Supplement 2009, are amended by striking the
44 subsections.

45 Sec. 8. Section 147A.1, Code Supplement 2009, is
46 amended by adding the following new subsections:

47 NEW SUBSECTION. 11. "*Service program*" or
48 "*service*" means any medical care ambulance service or
49 nontransport service that has received authorization
50 from the department under section 147A.5.

1 NEW SUBSECTION. 12. *“Training program”* means an
2 Iowa college approved by the north central association
3 of colleges and schools or an Iowa hospital authorized
4 by the department to conduct emergency medical care
5 services training.

6 Sec. 9. Section 147A.2, Code 2009, is amended to
7 read as follows:

8 **147A.2 Council established — terms of office.**

9 1. An EMS advisory council shall be appointed
10 by the director. Membership of the council shall
11 be comprised of individuals nominated from, but
12 not limited to, the following state or national
13 organizations: Iowa osteopathic medical association,
14 Iowa medical society, American college of emergency
15 physicians, Iowa physician assistant society, Iowa
16 academy of family physicians, university of Iowa
17 hospitals and clinics, American academy of emergency
18 medicine, American academy of pediatrics, Iowa
19 EMS association, Iowa firemen’s association, Iowa
20 professional firefighters, EMS education programs
21 committee, EMS regional council, Iowa nurses
22 association, Iowa hospital association, and the Iowa
23 state association of counties. The council shall also
24 include a member-at-large who is an emergency medical
25 care provider.

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

30 Sec. 10. Section 147A.4, Code Supplement 2009, is
31 amended to read as follows:

32 **147A.4 Rulemaking authority.**

33 1. a. The department shall adopt rules required
34 or authorized by this subchapter pertaining to the
35 operation of ~~ambulance, rescue, and first response~~
36 ~~services service~~ programs which have received
37 authorization under section 147A.5 to utilize the
38 services of certified emergency medical care providers.
39 These rules shall include but need not be limited
40 to requirements concerning physician supervision,
41 necessary equipment and staffing, and reporting by
42 ~~ambulance, rescue, and first response services~~ service
43 programs which have received the authorization pursuant
44 to section 147A.5.

45 b. The director, pursuant to rule, may grant
46 exceptions and variances from the requirements of
47 rules adopted under this subchapter for any ~~ambulance,~~
48 ~~rescue, or first response service~~ program. Exceptions
49 or variations shall be reasonably related to undue
50 hardships which existing services experience in

1 complying with this subchapter or the rules adopted
2 pursuant to this subchapter. ~~However, no exception or~~
3 ~~variance may be granted unless the service adopted a~~
4 ~~plan approved by the department prior to July 1, 1996,~~
5 ~~to achieve compliance during a period not to exceed~~
6 ~~seven years with this subchapter and rules adopted~~
7 ~~pursuant to this subchapter.~~ Services requesting
8 exceptions and variances shall be subject to other
9 applicable rules adopted pursuant to this subchapter.

10 2. The department shall adopt rules required
11 or authorized by this subchapter pertaining to the
12 examination and certification of emergency medical
13 care providers. These rules shall include, but
14 need not be limited to, requirements concerning
15 prerequisites, training, and experience for emergency
16 medical care providers and procedures for determining
17 when individuals have met these requirements. The
18 department shall adopt rules to recognize the
19 previous EMS training and experience of ~~first~~
20 ~~responders and emergency medical technicians to~~
21 provide for an equitable transition to the EMT-basic
22 certification emergency medical care providers
23 transitioning to the emergency medical responder,
24 emergency medical technician, advanced emergency
25 medical technician, and paramedic levels. The
26 department may require additional training and
27 examinations as necessary and appropriate to ensure
28 that individuals seeking ~~certification~~ transition to
29 another level have met the ~~EMT-basic~~ knowledge and
30 skill requirements. All requirements for transition
31 to another level, including fees, shall be adopted by
32 rule.

33 3. The department shall establish the fee for the
34 examination of the emergency medical care providers
35 to cover the administrative costs of the examination
36 program.

37 4. The department shall adopt rules required
38 or authorized by this subchapter pertaining to the
39 operation of training programs. These rules shall
40 include but need not be limited to requirements
41 concerning curricula, resources, facilities, and staff.

42 Sec. 11. Section 147A.5, subsections 1 and 3, Code
43 2009, are amended to read as follows:

44 1. ~~An ambulance, rescue, or first~~
45 ~~response~~ A service program in this state that
46 desires to provide emergency medical care in the
47 out-of-hospital setting shall apply to the department
48 for authorization to establish a program for delivery
49 of the care at the scene of an emergency, during
50 transportation to a hospital, during transfer from

1 one medical care facility to another or to a private
2 residence, or while in the hospital emergency
3 department, and until care is directly assumed by a
4 physician or by authorized hospital personnel.

5 3. The department may deny an application for
6 authorization, or may impose a civil penalty not to
7 exceed one thousand dollars upon, place on probation,
8 suspend, or revoke the authorization of, or otherwise
9 discipline a service program with an existing
10 authorization if the department finds reason to
11 believe the service program has not been or will not
12 be operated in compliance with this subchapter and the
13 rules adopted pursuant to this subchapter, or that
14 there is insufficient assurance of adequate protection
15 for the public. The authorization, denial, or civil
16 penalty, period of probation, suspension, or
17 revocation, or other disciplinary action shall be
18 effected and may be appealed as provided by section
19 17A.12.

20 Sec. 12. Section 147A.6, Code 2009, is amended to
21 read as follows:

22 **147A.6 Emergency medical care provider**
23 **certificates— renewal.**

24 1. The department, upon application and receipt
25 of the prescribed fee, shall issue a certificate to
26 an individual who has met all of the requirements
27 for emergency medical care provider certification
28 established by the rules adopted under section 147A.4,
29 subsection 2. All fees and civil penalties received
30 pursuant to this section and sections 147A.5, 147A.7,
31 and 147A.17 shall be deposited in the emergency medical
32 services fund established in section 135.25.

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

40 3. If the certificate holder fails to complete
41 the required continuing education prior to the time
42 of renewal, the certificate holder may request a
43 forty-five day extension. Request for extension must
44 be submitted to the department prior to the expiration
45 date and include a fifty dollar extension fee. The
46 certificate may be renewed only during that forty-five
47 day period on submission of a completed renewal
48 application, and payment of applicable renewal fee.

49 Sec. 13. Section 147A.7, Code 2009, is amended to
50 read as follows:

1 147A.7 Denial, suspension, or revocation of
2 certificates — other disciplinary action — hearing —
3 appeal.

4 1. The department may deny an application for
5 issuance or renewal of an emergency medical care
6 provider certificate or may impose a civil penalty
7 not to exceed one thousand dollars upon, place on
8 probation, or suspend or revoke the certificate of,
9 or otherwise discipline the certificate holder when
10 it finds that the applicant or certificate holder is
11 guilty of any of the following acts or offenses:
12 a. Negligence in performing authorized services.
13 b. Failure to follow the directions of the
14 supervising physician.
15 c. Rendering treatment not authorized under this
16 subchapter.
17 d. Fraud in procuring certification.
18 e. Professional incompetency.
19 f. Knowingly making misleading, deceptive, untrue
20 or fraudulent representation in the practice of a
21 profession or engaging in unethical conduct or practice
22 harmful or detrimental to the public. Proof of actual
23 injury need not be established.
24 g. Habitual intoxication or addiction to the use of
25 drugs.
26 h. Fraud in representations as to skill or ability.
27 i. Willful or repeated violations of this
28 subchapter or of rules adopted pursuant to this
29 subchapter.
30 j. Violating a statute of this state, another
31 state, or the United States, without regard to its
32 designation as either a felony or misdemeanor, which
33 relates to the practice of an emergency medical care
34 provider. A copy of the record of conviction or plea
35 of guilty is conclusive evidence of the violation.
36 k. Having certification to practice as an emergency
37 medical care provider revoked or suspended, or having
38 other disciplinary action taken by a licensing or
39 certifying authority of another state, territory, or
40 country. A certified copy of the record or order of
41 suspension, revocation, or disciplinary action is
42 conclusive or prima facie evidence.
43 l. Other acts or offenses as specified by rule.
44 2. A determination of mental incompetence by a
45 court of competent jurisdiction automatically suspends
46 a certificate for the duration of the certificate
47 unless the department orders otherwise.
48 3. A denial, civil penalty, period of
49 probation, suspension, or revocation under this
50 section shall be effected, and may be appealed in

1 accordance with the rules of the department established
2 pursuant to chapter 272C.

3 Sec. 14. Section 147A.8, Code Supplement 2009, is
4 amended to read as follows:

5 **147A.8 Authority of certified emergency medical care**
6 **provider.**

7 ~~1.~~ An emergency medical care provider properly
8 certified under this subchapter may:

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

18 ~~b.~~ 2. Function in any hospital or any other entity
19 in which health care is ordinarily provided only when
20 under the direct supervision, as defined by rules
21 adopted pursuant to chapter 17A, of a physician, when
22 the emergency care provider is any of the following:

23 ~~(1)~~ a. Enrolled as a student or participating
24 as a preceptor in a training program approved by the
25 department; ~~or~~ or an agency authorized in another state
26 to provide initial EMS education and approved by the
27 department.

28 ~~(2)~~ b. Fulfilling continuing education
29 requirements as defined by rule; ~~or.~~

30 ~~(3)~~ c. Employed by or assigned to a hospital
31 or other entity in which health care is ordinarily
32 provided only when under the direct supervision of a
33 physician, as a member of an authorized ~~ambulance,~~
34 ~~rescue, or first response service program,~~ or in
35 an individual capacity, by rendering lifesaving
36 services in the facility in which employed or assigned
37 pursuant to the emergency medical care provider's
38 certification and under the direct supervision of a
39 physician, physician assistant, or registered nurse.
40 An emergency medical care provider shall not routinely
41 function without the direct supervision of a physician,
42 physician assistant, or registered nurse. However,
43 when the physician, physician assistant, or registered
44 nurse cannot directly assume emergency care of the
45 patient, the emergency medical care provider may
46 perform without direct supervision emergency medical
47 care procedures for which that individual is certified
48 if the life of the patient is in immediate danger and
49 such care is required to preserve the patient's life;
50 ~~or.~~

1 (4) d. Employed by or assigned to a hospital
2 or other entity in which health care is ordinarily
3 provided only when under the direct supervision of a
4 physician, as a member of an authorized ~~ambulance,~~
5 ~~rescue, or first response service program,~~ or in
6 an individual capacity, to perform nonlifesaving
7 procedures for which those individuals have been
8 certified and are designated in a written job
9 description. Such procedures may be performed after
10 the patient is observed by and when the emergency
11 medical care provider is under the supervision of the
12 physician, physician assistant, or registered nurse,
13 including when the registered nurse is not acting in
14 the capacity of a physician designee, and where the
15 procedure may be immediately abandoned without risk to
16 the patient.

17 ~~2. Nothing in this subchapter shall be construed~~
18 ~~to require any voluntary ambulance, rescue, or first~~
19 ~~response service to provide a level of care beyond~~
20 ~~minimum basic care standards.~~

21 Sec. 15. Section 147A.11, Code 2009, is amended to
22 read as follows:

23 **147A.11 Prohibited acts.**

24 1. Any person not certified as required by this
25 subchapter who claims to be an emergency medical care
26 provider, or who uses any other term to indicate or
27 imply that the person is an emergency medical care
28 provider, or who acts as an emergency medical care
29 provider without having obtained the appropriate
30 certificate under this subchapter, is guilty of a class
31 "D" felony.

32 2. An owner of an unauthorized ~~ambulance, rescue,~~
33 ~~or first response service program~~ in this state who
34 operates or purports to operate an ~~ambulance, rescue,~~
35 ~~or first response a service program,~~ or who uses any
36 term to indicate or imply authorization without having
37 obtained the appropriate authorization under this
38 subchapter, is guilty of a class "D" felony.

39 3. Any person who imparts or conveys, or causes
40 to be imparted or conveyed, or attempts to impart
41 or convey false information concerning the need
42 for assistance of an ~~ambulance, rescue, or first~~
43 ~~response a service program~~ or of any personnel or
44 equipment thereof, knowing such information to be
45 false, is guilty of a serious misdemeanor.

46 Sec. 16. Section 147A.12, subsection 1, Code 2009,
47 is amended to read as follows:

48 1. This subchapter does not restrict a registered
49 nurse, licensed pursuant to chapter 152, from
50 staffing an authorized ~~ambulance, rescue, or first~~

1 ~~response service program~~ provided the registered
2 nurse can document equivalency through education and
3 additional skills training essential in the delivery of
4 out-of-hospital emergency care. The equivalency shall
5 be accepted when:

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

11 b. Authorization has been granted to that
12 ~~ambulance, rescue, or first response service program~~ by
13 the department.

14 Sec. 17. Section 147A.13, Code 2009, is amended to
15 read as follows:

16 **147A.13 Physician assistant exception.**

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

25 1. Documentation has been reviewed and approved
26 at the local level by the medical director of the
27 ~~ambulance, rescue, or first response service program~~ in
28 accordance with the rules of the board of physician
29 assistants developed after consultation with the
30 department.

31 2. Authorization has been granted to that
32 ~~ambulance, rescue, or first response service program~~ by
33 the department.

34 Sec. 18. **NEW SECTION. 147A.17 Applications for**
35 **emergency medical care services training programs —**
36 **approval or denial — disciplinary actions.**

37 1. An Iowa college approved by the north central
38 association of colleges and schools or an Iowa hospital
39 in this state that desires to provide emergency medical
40 care services training leading to certification as an
41 emergency medical care provider shall apply to the
42 department for authorization to establish a training
43 program.

44 2. The department shall approve an application
45 submitted in accordance with subsection 1 when the
46 department is satisfied that the program proposed by
47 the application will be operated in compliance with
48 this subchapter and the rules adopted pursuant to this
49 subchapter.

50 3. The department may deny an application for

1 authorization or may impose a civil penalty not to
2 exceed one thousand dollars upon, place on probation,
3 suspend or revoke the authorization of, or otherwise
4 discipline a training program with an existing
5 authorization if the department finds reason to believe
6 the program has not been or will not be operated
7 in compliance with this subchapter and the rules
8 adopted pursuant to this subchapter, or that there
9 is insufficient assurance of adequate protection for
10 the public. The authorization denial, civil penalty,
11 period of probation, suspension, or revocation, or
12 other disciplinary action shall be effected and may be
13 appealed as provided by section 17A.12.

14 Sec. 19. Section 321.267A, subsection 5, Code 2009,
15 is amended to read as follows:

16 5. For the purposes of this section, "*other*
17 *emergency responder*" means a fire fighter certified
18 as a fire fighter I pursuant to rules adopted under
19 chapter 100B and trained in emergency driving or an
20 emergency medical ~~responder~~ care provider certified
21 under chapter 147A and trained in emergency driving.

22 Sec. 20. Section 724.6, subsection 2, Code
23 Supplement 2009, is amended to read as follows:

24 2. Notwithstanding subsection 1, fire fighters,
25 as defined in section 411.1, subsection 10, airport
26 fire fighters included under section 97B.49B, ~~emergency~~
27 ~~rescue technicians~~, and emergency medical care
28 providers, as defined in section 147A.1, shall not,
29 as a condition of employment, be required to obtain a
30 permit under this section. However, the provisions of
31 this subsection shall not apply to a person designated
32 as an arson investigator by the chief fire officer of
33 a political subdivision.>

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