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Riordan, Judge, Kramer

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A 1993
3/31/93 House - Do Pass

SENATE FILE 80
BY RIORDAN and JENSEN

Passed Senate, Date ^(P. 465) 3-2-93
Vote: Ayes 48 Nays 0
Approved May 6, 1993

Passed House, Date ^(P. 1505) 4/21/93
Vote: Ayes 94 Nays 0

A BILL FOR

1 An Act relating to the provision of emergency medical services by
2 a physician assistant, and providing for exemption from
3 liability in certain situations.

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

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1 Section 1. Section 147A.8 subsection 2, paragraphs c and
2 d, Code 1993, are amended to read as follows:

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

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

29 Sec. 2. Section 147A.9, subsection 1, Code 1993, is
30 amended to read as follows:

31 1. When voice contact or a telemetered electrocardiogram
32 is monitored by a physician, or physician's designee, or
33 physician assistant, and direct communication is maintained,
34 an advanced emergency medical care provider may upon order of
35 the monitoring physician or upon standing orders of a

1 physician transmitted by the monitoring physician's designee
2 or physician assistant perform any advanced emergency medical
3 care procedure for which that advanced emergency medical care
4 provider is certified.

5 Sec. 3. Section 147A.10, Code 1993, is amended to read as
6 follows:

7 147A.10 EXEMPTIONS FROM LIABILITY IN CERTAIN
8 CIRCUMSTANCES.

9 1. A physician, or physician's designee, or physician
10 assistant, who gives orders, either directly or via
11 communications equipment from some other point, to an
12 appropriately certified advanced emergency medical care
13 provider at the scene of an emergency, and an appropriately
14 certified advanced emergency medical care provider following
15 the orders, are not subject to criminal liability by reason of
16 having issued or executed the orders, and are not liable for
17 civil damages for acts or omissions relating to the issuance
18 or execution of the orders unless the acts or omissions
19 constitute recklessness.

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

28 3. An act of commission or omission of any appropriately
29 certified advanced emergency medical care provider or
30 physician assistant while rendering advanced emergency medical
31 care under the responsible supervision and control of a
32 physician to a person who is deemed by them to be in immediate
33 danger of serious injury or loss of life, shall not impose any
34 liability upon the certified advanced emergency medical care
35 provider or physician assistant, the supervising physician, or

1 any hospital, or upon the state, or any county, city or other
2 political subdivision, or the employees of any of these
3 entities; provided that this section shall not relieve any
4 person of liability for civil damages for any act of
5 commission or omission which constitutes recklessness.

6 Sec. 4. NEW SECTION. 147A.13 PHYSICIAN ASSISTANT
7 EXCEPTION.

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

15 1. Documentation has been reviewed and approved at the
16 local level by the medical director of the ambulance, rescue,
17 or first response service in accordance with the rules of the
18 board of physician assistant examiners.

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

21 EXPLANATION

22 This bill provides that an advanced medical care provider
23 may function in a hospital setting when employed or assigned
24 to a hospital as a member of an authorized ambulance, rescue,
25 or first response service by rendering lifesaving services in
26 the facility under the direct supervision of a physician
27 assistant and may perform nonlifesaving procedures after the
28 patient is observed by and when the advanced emergency medical
29 care provider is under the supervision of the physician
30 assistant under certain circumstances. The bill also provides
31 that, when voice contact or an electrocardiogram is monitored
32 by a physician assistant, in addition to the current provision
33 for monitoring by a physician or registered nurse, and direct
34 communication is maintained, an advanced emergency medical
35 care provider may perform duties for which the advanced

1 emergency medical care provider is certified. The bill
2 provides for extension of the exemption from liability to
3 physician assistants under certain circumstances in
4 performance of duties involving advanced emergency medical
5 care providers, and provides that a physician assistant is not
6 restricted from staffing an authorized ambulance, rescue, or
7 first response service if the physician assistant provides
8 documentation of equivalency through education and additional
9 skills training essential in the delivery of prehospital
10 emergency care.

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SENATE FILE 80

AN ACT
RELATING TO THE PROVISION OF EMERGENCY MEDICAL SERVICES BY
A PHYSICIAN ASSISTANT, AND PROVIDING FOR EXEMPTION
FROM LIABILITY IN CERTAIN SITUATIONS.

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

Section 1. Section 147A.8, subsection 2, paragraphs c and d, Code 1993, are amended to read as follows:

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.

Sec. 2. Section 147A.9, subsection 1, Code 1993, is amended to read as follows:

1. When voice contact or a telemetered electrocardiogram is monitored by a physician, or 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.

Sec. 3. Section 147A.10, Code 1993, is amended to read as follows:

147A.10 EXEMPTIONS FROM LIABILITY IN CERTAIN CIRCUMSTANCES.

1. A physician, or physician's designee, or physician assistant, who gives orders, either directly or via communications equipment from some other point, to an appropriately certified advanced emergency medical care provider at the scene of an emergency, and an appropriately certified advanced emergency medical care provider 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, physician assistant, 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 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 or physician assistant, the supervising physician, 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. 4. NEW SECTION. 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 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.

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

LEONARD L. BOSWELL
President of the Senate

HAROLD VAN MAANEN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 80, Seventy-fifth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved May 6, 1993

TERRY E. BRANSTAD
Governor