

*Reprinted*

FILED FEB 22 1995

SENATE FILE 178  
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SSB 55)

*(p. 874)*

Passed Senate, Date 3-27-95 Passed House, Date \_\_\_\_\_

Vote: Ayes 49 Nays 0 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to emergency medical services.

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

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**SENATE FILE 178**

S-3216

1 Amend Senate File 178 as follows:

2 1. Page 15, by inserting after line 12 the  
3 following:

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

10 2. By renumbering as necessary.

*adopted 3-27-95 (p. 874)* BY O. GENE MADDOX

S-3216 FILED MARCH 23, 1995

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S.F. 178

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

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

22 Sec. 2. Section 85.36, subsection 10, paragraph a, Code  
23 1995, is amended to read as follows:

24 a. In computing the compensation to be allowed a volunteer  
25 fire fighter, ~~basic-or-advanced~~ emergency medical care  
26 provider, or reserve peace officer, the earnings as a fire  
27 fighter, ~~basic-or-advanced~~ emergency medical care provider, or  
28 reserve peace officer shall be disregarded and the volunteer  
29 fire fighter, ~~basic-or-advanced~~ emergency medical care  
30 provider, or reserve peace officer shall be paid an amount  
31 equal to the compensation the volunteer fire fighter, ~~basic-or~~  
32 ~~advanced~~ emergency medical care provider, or reserve peace  
33 officer would be paid if injured in the normal course of the  
34 volunteer fire fighter's, ~~basic-or-advanced~~ emergency medical  
35 care provider's, or reserve peace officer's regular employment

1 or an amount equal to one hundred and forty percent of the  
2 statewide average weekly wage, whichever is greater.

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

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

15 Sec. 4. Section 85.61, subsection 7, unnumbered paragraph  
16 3, Code 1995, is amended to read as follows:

17 Personal injuries sustained by ~~basic-emergency-medical-care~~  
18 ~~providers, as defined in section 147.17 or by advanced~~  
19 emergency medical care providers as defined in section 147A.1,  
20 arise in the course of employment if the injuries are  
21 sustained at any time from the time the emergency medical care  
22 providers are summoned to duty until the time those duties  
23 have been fully discharged.

24 Sec. 5. Section 85.61, subsection 11, unnumbered paragraph  
25 3, Code 1995, is amended to read as follows:

26 "Worker" or "employee" includes ~~a-basic~~ an emergency  
27 medical care ~~provider as defined in section 147.17 an advanced~~  
28 ~~emergency-medical-care~~ provider as defined in section 147A.1,  
29 a volunteer ambulance driver, or an emergency medical  
30 technician trainee, only if an agreement is reached between  
31 such worker or employee and the employer for whom the  
32 volunteer services are provided that workers' compensation  
33 coverage under chapters 85, 85A, and 85B is to be provided by  
34 the employer. ~~A-basic-or-advanced~~ An emergency medical care  
35 provider who is a worker or employee under this paragraph is

1 not a casual employee. "Volunteer ambulance driver" means a  
2 person performing services as a volunteer ambulance driver at  
3 the request of the person in charge of a fire department or  
4 ambulance service of a municipality. "Emergency medical  
5 technician trainee" means a person enrolled in and training  
6 for emergency medical technician certification.

7 Sec. 6. Section 139B.1, subsection 1, paragraph d, Code  
8 1995, is amended to read as follows:

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

14 ~~(1) -- A basic emergency care provider as defined in section~~  
15 ~~147.1.~~

16 (2) (1) An advanced emergency medical care provider as  
17 defined in section 147A.1.

18 (3) (2) A health care provider as defined in this section.

19 (4) (3) A fire fighter.

20 (5) (4) A peace officer.

21 "Emergency care provider" also includes a person who  
22 renders direct emergency aid without compensation.

23 Sec. 7. Section 141.22A, subsection 1, paragraph a, Code  
24 1995, is amended to read as follows:

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

30 ~~(1) -- A basic emergency medical care provider as defined in~~  
31 ~~section 147.1.~~

32 (2) (1) An advanced emergency medical care provider as  
33 defined in section 147A.1.

34 (3) (2) A health care provider as defined in this section.

35 (4) (3) A fire fighter.

1     ~~5~~ (4) A peace officer.

2     "Emergency care provider" also includes a person who  
3 renders emergency aid without compensation.

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

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

8     147A.1 DEFINITIONS.

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

11     1. "Board" means the board of medical examiners appointed  
12 pursuant to section 147.14, subsection 2.

13     2. "Department" means the Iowa department of public  
14 health.

15     3. "Director" means the director of the Iowa department of  
16 public health.

17     4. "Emergency medical care" means such medical procedures  
18 as:

19     a. Administration of intravenous solutions.

20     b. Intubation.

21     c. Performance of cardiac defibrillation and synchronized  
22 cardioversion.

23     d. Administration of emergency drugs as provided by rule  
24 by the department.

25     e. Any other medical procedure approved by the department,  
26 by rule, as appropriate to be performed by emergency medical  
27 care providers who have been trained in that procedure.

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

34     6. "Emergency medical services" or "EMS" means an  
35 integrated medical care delivery system to provide emergency

1 and nonemergency medical care at the scene or during out-of-  
2 hospital patient transportation in an ambulance.

3 7. "Emergency medical services instructor" means an  
4 individual who has successfully completed an EMS curriculum  
5 approved by the department and is currently certified by the  
6 department as an EMS instructor.

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

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

19 10. "Physician" means an individual licensed under chapter  
20 148, 150, or 150A.

21 Sec. 10. NEW SECTION. 147A.2 COUNCIL ESTABLISHED --  
22 TERMS OF OFFICE.

23 An EMS advisory council shall be appointed by the director.  
24 Membership of the council shall be comprised of individuals  
25 nominated from, but not limited to, the following state or  
26 national organizations: Iowa osteopathic medical association,  
27 Iowa medical society, American college of emergency  
28 physicians, university of Iowa hospitals and clinics, Iowa EMS  
29 association, Iowa firemen's association, Iowa professional  
30 firefighters, EMS education programs committee, EMS regional  
31 council, Iowa nurses association, Iowa hospital association,  
32 and the Iowa state association of counties.

33 The EMS advisory council shall advise the director and  
34 develop policy recommendations concerning the regulation,  
35 administration, and coordination of emergency medical services

1 in the state.

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

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

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

8 147A.4 RULEMAKING AUTHORITY.

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

19 The director, pursuant to rule, may grant exceptions and  
20 variances from the requirements of rules adopted under this  
21 chapter for any ambulance, rescue, or first response service.  
22 Exceptions or variations shall be reasonably related to undue  
23 hardships which existing services experience in complying with  
24 this chapter or the rules adopted pursuant to this chapter.  
25 However, no exception or variance may be granted unless the  
26 service has adopted a plan approved by the department prior to  
27 July 1, 1996, to achieve compliance with this chapter and  
28 rules adopted pursuant to this chapter. Services requesting  
29 exceptions and variances shall be subject to other applicable  
30 rules adopted pursuant to this chapter.

31 2. The department shall adopt rules required or authorized  
32 by this chapter pertaining to the examination and  
33 certification of **advanced** emergency medical care providers.  
34 These rules shall include, but need not be limited to,  
35 requirements concerning prerequisites, training, and

1 experience for **advanced** emergency medical care providers and  
2 procedures for determining when individuals have met these  
3 requirements. The department shall consult with the board  
4 concerning these rules.

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

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

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

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

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

34 147A.6 **ADVANCED EMERGENCY MEDICAL CARE PROVIDER**  
35 **CERTIFICATES -- RENEWAL.**

1 1. The department, upon application and receipt of the  
2 prescribed fee, shall issue a certificate ~~attesting-to-the~~  
3 ~~qualifications-of~~ to an individual who has met all of the  
4 requirements for ~~advanced~~ emergency medical care provider  
5 certification established by the rules adopted under section  
6 147A.4, subsection 2.

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

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

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

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

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

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

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

3 147A.8 AUTHORITY OF CERTIFIED ~~ADVANCED~~ EMERGENCY MEDICAL  
4 CARE PROVIDER.

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

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

15 2. Function in any hospital when:

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

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

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

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

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

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

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

18 147A.9 REMOTE SUPERVISION OF ADVANCED EMERGENCY MEDICAL  
19 CARE PROVIDERS -- EMERGENCY COMMUNICATION FAILURE --  
20 AUTHORIZATION OF IMMEDIATE LIFESAVING TO INITIATE EMERGENCY  
21 MEDICAL CARE PROCEDURES.

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

31 2. If communications fail during an emergency or  
32 nonemergency situation, the advanced emergency medical care  
33 provider may perform any advanced emergency medical care  
34 procedure for which that individual is certified and which is  
35 included in written protocols if in the judgment of the

1 advanced emergency medical care provider the life of the  
2 patient is in immediate danger and such care is required to  
3 preserve the patient's life.

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

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

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

13 147A.10 EXEMPTIONS FROM LIABILITY IN CERTAIN  
14 CIRCUMSTANCES.

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

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

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

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

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

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

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

34 1. This chapter does not restrict a registered nurse,  
35 licensed pursuant to chapter 152, from staffing an authorized

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

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

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

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

15 147A.13 PHYSICIAN ASSISTANT EXCEPTION.

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

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

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

30 Sec. 23. Section 152B.11, unnumbered paragraph 3, Code  
31 1995, is amended to read as follows:

32 This section does not apply to persons who are licensed to  
33 practice a health profession covered by chapter 147 or to any  
34 person who performs respiratory care procedures as a first  
35 responder, emergency rescue technician, ~~emergency-medical~~

1 technician-ambulance,--advanced emergency medical care  
2 provider, or other person functioning as part of a rescue unit  
3 or in a hospital as authorized by chapter 147A, or to persons  
4 whose function with respect to respiratory care is limited to  
5 the home delivery and connection of oxygen tanks.

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

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

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

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

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

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

24 ~~c.~~ b. "Fire department" means a paid or volunteer fire  
25 protection service provided by a benefited fire district under  
26 chapter 357B or by a county, municipality or township, or a  
27 private corporate organization that has a valid contract to  
28 provide fire protection service for a benefited fire district,  
29 county, municipality, township or governmental agency.

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

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

1 2. Notwithstanding subsection 1, fire fighters, as defined  
2 in section 411.1, subsection 9, airport fire fighters included  
3 under section 97B.49, subsection 16, paragraph "b",  
4 subparagraph (2), ~~emergency-medical-technicians-ambulance-and~~  
5 ~~emergency rescue technicians, as-defined-in-section-147-17~~, and  
6 ~~advanced~~ emergency medical care providers, as defined in  
7 section 147A.1, shall not, as a condition of employment, be  
8 required to obtain a permit under this section. However, the  
9 provisions of this subsection shall not apply to a person  
10 designated as an arson investigator by the chief fire officer  
11 of a political subdivision.

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

13 EXPLANATION

14 This bill consolidates Code regulation of emergency medical  
15 services (EMS) into chapter 147A, eliminating previous  
16 references to basic EMS providers in chapter 147 and other  
17 sections of the Code. An EMS advisory council is established  
18 to advise the director on policy and administration. The bill  
19 requires the department to inspect and license all EMS  
20 services. Those services previously not regulated which  
21 experience undue hardship with immediately complying with  
22 these regulations may be granted variances by the director.  
23 The bill allows the department to define by rule the skills of  
24 the three levels of EMS providers and clarifies the role of  
25 the EMS provider.

26 Sections 1, 2, 3, 4, 5, 6, 7, 8, 13, 14, 16, 17, 20, 23,  
27 24, 25, 26, and 27 make necessary terminology changes  
28 consistent with the bill.

29 Section 9 amends definitions. The term "EMS provider" is  
30 expanded to include all levels of provider. The emergency  
31 rescue technician and instructor certification is added.  
32 Emergency medical services and nonemergency medical services  
33 are defined.

34 Sections 10 and 11 establish the EMS advisory council.

35 Section 12 applies service regulations to all EMS service

1 providers and allows the director to grant variances in cases  
2 of hardship.

3 Section 15 allows the department to issue, deny, revoke, or  
4 suspend EMS provider certificates.

5 Section 18 states that the department shall adopt medical  
6 care procedures which can be started by EMS personnel before  
7 remote supervision commences or in the failure of remote  
8 supervision.

9 Section 19 adds registered nurses to EMS personnel who are  
10 exempt from liability if following orders from a physician,  
11 physician's designee, advanced registered nurse practitioner,  
12 or physician assistant at the scene of an emergency and adds  
13 registered nurses and advanced registered nurse practitioners  
14 to those individuals not subject to civil liability only for  
15 not obtaining consent before starting emergency aid.

16 Sections 21 and 22 establish the department as being  
17 jointly responsible for developing rules governing nurses and  
18 physician assistants in emergency care roles.

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**SENATE FILE 178  
FISCAL NOTE**

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A fiscal note for Senate File 178 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

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Senate File 178 consolidates Code regulation of emergency medical services (EMS), establishes an advisory council, and requires the Department of Public Health to inspect and license all EMS services. The bill applies service regulations to all EMS service providers and allows the director to grant variances in cases of hardship, allows the board to issue, deny, revoke, or suspend EMS provider certificates, and establishes the Department as responsible for developing rules governing nurses and physician assistants in emergency care roles.

**ASSUMPTIONS:**

1. The upgrading of existing emergency medical technicians to the new basic level defined by this legislation can be accomplished through current continuing education requirements. The training upgrade will occur over two years.
2. Four ambulances would not meet current standards, however, language in the bill would allow an exemption until such time as the ambulances are replaced. Essential equipment is currently carried by all 69 basic ambulance services, except for defibrillators. If defibrillators are required by the new definition, an additional \$5,000 cost per unit would be incurred.
3. Revenues currently assigned to training by the Department would continue to be allocated to the new system. The budget for FY 1996 includes \$685,000 (of which \$25,000 is federal money) for EMS training and development. These funds are currently allocated to all 99 counties based on formula. The counties would have to prioritize education requirements specified in this legislation for two years, at which time all services should meet Code. Any additional existing revenue not expended for this legislation would continue to be utilized for continuing education of emergency medical service providers.
4. An estimated 348 individuals would require additional training to meet new standards at an average cost of \$500 each for basic ambulance services resulting in a \$174,000 training cost. There are approximately 11,554 first responders and emergency medical technicians that would require training at \$75 each resulting in a \$866,550 additional training cost.
5. The Iowa Communication Network (ICN) would be utilized to reduce costs and standardize the updated training.

**FISCAL IMPACT:**

-2-

This legislation will not require additional General Funds. Current funds exist for EMS training which may be applied to this legislation. The counties receiving grant money from the Department will have to prioritize these training initiatives for approximately two years, and then return to normal EMS continuing education priorities. Total training expenditures will be approximately \$520,000. The current Department of Public Health EMS training budget used by counties for continuing education is \$685,000, including \$25,000 in federal funds. The balance of \$165,000 may be used for normal continuing educational requirements.

SOURCES:

Department of Public Health

(LSB 1851SV, MME)

FILED MARCH 21, 1995

BY DENNIS PROUTY, FISCAL DIRECTOR

SENATE FILE 178

S-3080

- 1 Amend Senate File 178 as follows:
  - 2 1. Page 5, line 28, by inserting after the word
  - 3 "physicians," the following: "Iowa physician
  - 4 assistant society,".
  - 5 2. Page 13, line 26, by striking the word
  - 6 "jointly" and inserting the following: "after
  - 7 consultation".
  - 8 3. Page 14, line 12, by inserting after the word
  - 9 "nurse;" the following: "a physician assistant;".
- By JOHNIE HAMMOND

S-3080 FILED MARCH 1, 1995

*adopted 3-22-95  
(P. 799)*

SENATE FILE 178

S-3095

- 1 Amend Senate File 178 as follows:
  - 2 1. Page 2, by striking lines 30 through 34 and
  - 3 inserting the following: "technician trainee, ~~only if~~
  - 4 ~~an agreement is reached between such worker or~~
  - 5 ~~employee and the employer for whom the volunteer~~
  - 6 ~~services are provided that workers' compensation~~
  - 7 ~~coverage under chapters 85, 85A, and 85B is to be~~
  - 8 ~~provided by the employer. A basic or advanced An~~
  - 9 ~~emergency medical care".~~
  - 10 2. Page 6, by striking lines 19 through 30.
- By STEWART IVERSON, Jr.

S-3095 FILED MARCH 2, 1995

WITHDRAWN  
3-22-95  
(P. 799)

SENATE FILE 178

S-3144

- 1 Amend Senate File 178 as follows:
  - 2 1. Page 7, line 3, by inserting after the word
  - 3 "requirements." the following: "The department shall
  - 4 adopt rules to recognize the previous EMS training and
  - 5 experience of first responders and emergency medical
  - 6 technicians certified prior to July 1, 1995, to
  - 7 provide for an equitable transition to the EMT-basic
  - 8 certification. The department may require additional
  - 9 training and examinations as necessary and appropriate
  - 10 to ensure that individuals seeking certification have
  - 11 met the EMT-basic knowledge and skill requirements."
- By JOHNIE HAMMOND

S-3144 FILED MARCH 20, 1995

*(P. 873) Adopted  
3-27-95*

SENATE FILE 178

S-3152

- 1 Amend Senate File 178 as follows:
- 2 1. Page 5, by striking lines 5 and 6 and
- 3 inserting the following: "determined in rules in
- 4 accordance with chapter 17A by the director and
- 5 subject to the approval of the state board of health."

By BERL E. PRIEBE  
STEWART IVERSON, Jr.

S-3152 FILED MARCH 21, 1995

*Adopted 3-22-95*  
*(P. 799)*

SENATE FILE 178

S-3177

- 1 Amend Senate File 178 as follows:
- 2 1. Page 6, by inserting after line 30 the
- 3 following:
- 4 "An ambulance service operating on or before July
- 5 1, 1995, is not subject to the requirements of this
- 6 chapter."

By STEWART IVERSON, Jr.

S-3177 FILED MARCH 22, 1995

ADOPTED

*3/22/95 - motion to R/C by Iverson - Prevalled 3-27-95*  
*(P. 799) Now S-3177 is Withdrawn 3-27-95*  
SENATE FILE 178 *(P. 873)*

S-3182

- 1 Amend Senate File 178 as follows:
- 2 1. Page 15, by inserting after line 12 the
- 3 following:
- 4 "Sec.     . COSTS PAID BY IOWA DEPARTMENT OF PUBLIC
- 5 HEALTH. The Iowa department of public health shall
- 6 pay any additional costs incurred by a political
- 7 subdivision after the effective date of this Act and
- 8 as a result of this Act."
- 9 2. By renumbering as necessary.

By O. GENE MADDOX

S-3182 FILED MARCH 22, 1995

**WITHDRAWN**

*3-27-95*

*(P. 873)*

SENATE FILE 178

S-3233

- 1 Amend Senate File 178 as follows:  
2 1. Page 11, by striking lines 19 and 20 and  
3 inserting the following: "certified advanced  
4 emergency medical care provider, registered nurse, or  
5 licensed practical nurse at the scene of an emergency,  
6 and an".  
7 2. Page 11, by striking line 22 and inserting the  
8 following: "provider, registered nurse, or licensed  
9 practical nurse following the orders, are not".  
10 3. Page 11, line 28, by inserting after the words  
11 "registered nurse," the following "licensed  
12 practical nurse,".  
13 4. Page 12, line 3, by inserting after the word  
14 "nurse," the following: "licensed practical nurse,".  
15 5. Page 12, line 8, by inserting after the word  
16 "nurse," the following: "licensed practical nurse,".  
By STEWART IVERSON, Jr.

S-3233 FILED MARCH 27, 1995

ADOPTED

(P. 873)

SENATE FILE 178

S-3228

- 1 Amend Senate File 178 as follows:  
2 1. Page 6, line 27, by inserting after the word  
3 "compliance" the following: "during a period not to  
4 exceed seven years".

By STEWART IVERSON, Jr.

S-3228 FILED MARCH 27, 1995

ADOPTED

(P. 873)

SENATE FILE 178

S-3227

- 1 Amend the amendment, S-3144, to Senate File 178, as  
2 follows:  
3 1. Page 1, line 6, by striking the words and  
4 figures "certified prior to July 1, 1995,".

By STEWART IVERSON, Jr.

S-3227 FILED MARCH 27, 1995

ADOPTED

(P. 873)



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

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

22 Sec. 2. Section 85.36, subsection 10, paragraph a, Code  
23 1995, is amended to read as follows:

24 a. In computing the compensation to be allowed a volunteer  
25 fire fighter, ~~basic-or-advanced~~ emergency medical care  
26 provider, or reserve peace officer, the earnings as a fire  
27 fighter, ~~basic-or-advanced~~ emergency medical care provider, or  
28 reserve peace officer shall be disregarded and the volunteer  
29 fire fighter, ~~basic-or-advanced~~ emergency medical care  
30 provider, or reserve peace officer shall be paid an amount  
31 equal to the compensation the volunteer fire fighter, ~~basic-or~~  
32 ~~advanced~~ emergency medical care provider, or reserve peace  
33 officer would be paid if injured in the normal course of the  
34 volunteer fire fighter's, ~~basic-or-advanced~~ emergency medical  
35 care provider's, or reserve peace officer's regular employment

1 or an amount equal to one hundred and forty percent of the  
2 statewide average weekly wage, whichever is greater.

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

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

15 Sec. 4. Section 85.61, subsection 7, unnumbered paragraph  
16 3, Code 1995, is amended to read as follows:

17 Personal injuries sustained by ~~basic-emergency-medical-care~~  
18 ~~providers, as defined in section 147.17 or by advanced~~  
19 emergency medical care providers as defined in section 147A.1,  
20 arise in the course of employment if the injuries are  
21 sustained at any time from the time the emergency medical care  
22 providers are summoned to duty until the time those duties  
23 have been fully discharged.

24 Sec. 5. Section 85.61, subsection 11, unnumbered paragraph  
25 3, Code 1995, is amended to read as follows:

26 "Worker" or "employee" includes ~~a-basic~~ an emergency  
27 medical care ~~provider as defined in section 147.17 an advanced~~  
28 ~~emergency-medical-care~~ provider as defined in section 147A.1,  
29 a volunteer ambulance driver, or an emergency medical  
30 technician trainee, only if an agreement is reached between  
31 such worker or employee and the employer for whom the  
32 volunteer services are provided that workers' compensation  
33 coverage under chapters 85, 85A, and 85B is to be provided by  
34 the employer. ~~A-basic-or-advanced~~ An emergency medical care  
35 provider who is a worker or employee under this paragraph is

1 not a casual employee. "Volunteer ambulance driver" means a  
2 person performing services as a volunteer ambulance driver at  
3 the request of the person in charge of a fire department or  
4 ambulance service of a municipality. "Emergency medical  
5 technician trainee" means a person enrolled in and training  
6 for emergency medical technician certification.

7 Sec. 6. Section 139B.1, subsection 1, paragraph d, Code  
8 1995, is amended to read as follows:

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

14 ~~(1) -- A basic emergency care provider as defined in section~~  
15 ~~147.1.~~

16 (2) (1) An advanced emergency medical care provider as  
17 defined in section 147A.1.

18 (3) (2) A health care provider as defined in this section.

19 (4) (3) A fire fighter.

20 (5) (4) A peace officer.

21 "Emergency care provider" also includes a person who  
22 renders direct emergency aid without compensation.

23 Sec. 7. Section 141.22A, subsection 1, paragraph a, Code  
24 1995, is amended to read as follows:

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

30 ~~(1) -- A basic emergency medical care provider as defined in~~  
31 ~~section 147.1.~~

32 (2) (1) An advanced emergency medical care provider as  
33 defined in section 147A.1.

34 (3) (2) A health care provider as defined in this section.

35 (4) (3) A fire fighter.

1     ~~(5)~~ (4) A peace officer.

2     "Emergency care provider" also includes a person who  
3 renders emergency aid without compensation.

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

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

8     147A.1 DEFINITIONS.

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

11     1. "Board" means the board of medical examiners appointed  
12 pursuant to section 147.14, subsection 2.

13     2. "Department" means the Iowa department of public  
14 health.

15     3. "Director" means the director of the Iowa department of  
16 public health.

17     4. "Emergency medical care" means such medical procedures  
18 as:

19     a. Administration of intravenous solutions.

20     b. Intubation.

21     c. Performance of cardiac defibrillation and synchronized  
22 cardioversion.

23     d. Administration of emergency drugs as provided by rule  
24 by the department.

25     e. Any other medical procedure approved by the department,  
26 by rule, as appropriate to be performed by emergency medical  
27 care providers who have been trained in that procedure.

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

34     6. "Emergency medical services" or "EMS" means an  
35 integrated medical care delivery system to provide emergency

1 and nonemergency medical care at the scene or during out-of-  
2 hospital patient transportation in an ambulance.

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

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

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

20 10. "Physician" means an individual licensed under chapter  
21 148, 150, or 150A.

22 Sec. 10. NEW SECTION. 147A.2 COUNCIL ESTABLISHED --  
23 TERMS OF OFFICE.

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

35 The EMS advisory council shall advise the director and

1 develop policy recommendations concerning the regulation,  
2 administration, and coordination of emergency medical services  
3 in the state.

4 Sec. 11. NEW SECTION. 147A.3 MEETINGS OF THE COUNCIL --  
5 QUORUM -- EXPENSES.

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

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

10 147A.4 RULEMAKING AUTHORITY.

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

21 The director, pursuant to rule, may grant exceptions and  
22 variances from the requirements of rules adopted under this  
23 chapter for any ambulance, rescue, or first response service.  
24 Exceptions or variations shall be reasonably related to undue  
25 hardships which existing services experience in complying with  
26 this chapter or the rules adopted pursuant to this chapter.  
27 However, no exception or variance may be granted unless the  
28 service has adopted a plan approved by the department prior to  
29 July 1, 1996, to achieve compliance during a period not to  
30 exceed seven years with this chapter and rules adopted  
31 pursuant to this chapter. Services requesting exceptions and  
32 variances shall be subject to other applicable rules adopted  
33 pursuant to this chapter.

34 2. The department shall adopt rules required or authorized  
35 by this chapter pertaining to the examination and

1 certification of advanced emergency medical care providers.  
2 These rules shall include, but need not be limited to,  
3 requirements concerning prerequisites, training, and  
4 experience for advanced emergency medical care providers and  
5 procedures for determining when individuals have met these  
6 requirements. The department shall adopt rules to recognize  
7 the previous EMS training and experience of first responders  
8 and emergency medical technicians to provide for an equitable  
9 transition to the EMT-basic certification. The department may  
10 require additional training and examinations as necessary and  
11 appropriate to ensure that individuals seeking certification  
12 have met the EMT-basic knowledge and skill requirements. The  
13 department shall consult with the board concerning these  
14 rules.

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

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

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

31 3. The department may deny an application for  
32 ~~authorization to establish a program utilizing the services of~~  
33 ~~certified-advanced-emergency-medical-care-providers~~, or may  
34 place on probation, suspend, or revoke existing authorization  
35 if the department finds reason to believe the program has not

1 been or will not be operated in compliance with this chapter  
2 and the rules adopted pursuant to this chapter, or that there  
3 is insufficient assurance of adequate protection for the  
4 public. The denial or period of probation, suspension, or  
5 revocation shall be effected and may be appealed as provided  
6 by section 17A.12.

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

9 147A.6 **ADVANCED EMERGENCY MEDICAL CARE PROVIDER**  
10 **CERTIFICATES -- RENEWAL.**

11 1. The department, upon application and receipt of the  
12 prescribed fee, shall issue a certificate ~~attesting to the~~  
13 ~~qualifications of~~ to an individual who has met all of the  
14 requirements for **advanced** emergency medical care provider  
15 certification established by the rules adopted under section  
16 147A.4, subsection 2.

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

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

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

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

33 j. Violating a statute of this state, another state, or  
34 the United States, without regard to its designation as either  
35 a felony or misdemeanor, which relates to the practice of an

1 **advanced** emergency medical care provider. A copy of the  
2 record of conviction or plea of guilty is conclusive evidence  
3 of the violation.

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

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

13 147A.8 AUTHORITY OF CERTIFIED **ADVANCED** EMERGENCY MEDICAL  
14 CARE PROVIDER.

15 An **advanced** emergency medical care provider properly  
16 certified under this chapter may:

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

25 2. Function in any hospital when:

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

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

30 c. Employed by or assigned to a hospital as a member of an  
31 authorized ambulance, rescue, or first response service, by  
32 rendering lifesaving services in the facility in which  
33 employed or assigned pursuant to the **advanced** emergency  
34 medical care provider's certification and under the direct  
35 supervision of a physician, physician assistant, or registered

1 nurse. An **advanced** emergency medical care provider shall not  
2 routinely function without the direct supervision of a  
3 physician, physician assistant, or registered nurse. However,  
4 when the physician, physician assistant, or registered nurse  
5 cannot directly assume emergency care of the patient, the  
6 **advanced** emergency medical care provider may perform without  
7 direct supervision **advanced** emergency medical care procedures  
8 for which that individual is certified if the life of the  
9 patient is in immediate danger and such care is required to  
10 preserve the patient's life; or

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

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

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

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

28 147A.9 REMOTE SUPERVISION OF **ADVANCED** EMERGENCY MEDICAL  
29 CARE PROVIDERS -- EMERGENCY COMMUNICATION FAILURE --  
30 AUTHORIZATION ~~OF IMMEDIATE LIFESAVING~~ TO INITIATE EMERGENCY  
31 MEDICAL CARE PROCEDURES.

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

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

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

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

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

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

23 147A.10 EXEMPTIONS FROM LIABILITY IN CERTAIN  
24 CIRCUMSTANCES.

25 1. A physician, physician's designee, advanced registered  
26 nurse practitioner, or physician assistant, who gives orders,  
27 either directly or via communications equipment from some  
28 other point, or via standing protocols to an appropriately  
29 certified advanced emergency medical care provider, registered  
30 nurse, or licensed practical nurse at the scene of an  
31 emergency, and an appropriately certified advanced emergency  
32 medical care provider, registered nurse, or licensed practical  
33 nurse following the orders, are not subject to criminal  
34 liability by reason of having issued or executed the orders,  
35 and are not liable for civil damages for acts or omissions

1 relating to the issuance or execution of the orders unless the  
2 acts or omissions constitute recklessness.

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

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

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

31 1. Any person not certified as required by this chapter  
32 who claims to be an advanced emergency medical care provider,  
33 or who uses any other term to indicate or imply that the  
34 person is an advanced emergency medical care provider, or who  
35 acts as an advanced emergency medical care provider without

1 having obtained the appropriate certificate under this  
2 chapter, is guilty of a class "D" felony.

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

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

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

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

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

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

28 147A.13 PHYSICIAN ASSISTANT EXCEPTION.

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

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

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

8 Sec. 23. Section 152B.11, unnumbered paragraph 3, Code  
9 1995, is amended to read as follows:

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

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

21 5. "Health practitioner" includes a licensed physician and  
22 surgeon, osteopath, osteopathic physician and surgeon,  
23 dentist, optometrist, podiatrist or chiropractor; a resident  
24 or intern in any of such professions; a licensed dental  
25 hygienist, a registered nurse or licensed practical nurse; a  
26 physician assistant; and ~~a-basic~~ an emergency medical care  
27 ~~provider certified-under-section-147-161-or-an-advanced~~  
28 ~~emergency-medical-care-provider~~ certified under section  
29 147A.6.

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

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

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

1 ~~b.---"Basic-emergency-medical-care-provider"--means-as~~  
2 ~~defined-in-section-147-1-~~

3 ~~c. b.~~ "Fire department" means a paid or volunteer fire  
4 protection service provided by a benefited fire district under  
5 chapter 357B or by a county, municipality or township, or a  
6 private corporate organization that has a valid contract to  
7 provide fire protection service for a benefited fire district,  
8 county, municipality, township or governmental agency.

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

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

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

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

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

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Hammond  
Boettger  
Szymoniak

SSB-55  
Human Resources

Succeeded By

SENATE FILE 178

BY (PROPOSED COMMITTEE ON  
HUMAN RESOURCES BILL BY  
CHAIRPERSON SZYMONIAK)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to emergency medical services.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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

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

22 Sec. 2. Section 85.36, subsection 10, paragraph a, Code  
23 1995, is amended to read as follows:

24 a. In computing the compensation to be allowed a volunteer  
25 fire fighter, ~~basic-or-advanced~~ emergency medical care  
26 provider, or reserve peace officer, the earnings as a fire  
27 fighter, ~~basic-or-advanced~~ emergency medical care provider, or  
28 reserve peace officer shall be disregarded and the volunteer  
29 fire fighter, ~~basic-or-advanced~~ emergency medical care  
30 provider, or reserve peace officer shall be paid an amount  
31 equal to the compensation the volunteer fire fighter, ~~basic-or~~  
32 ~~advanced~~ emergency medical care provider, or reserve peace  
33 officer would be paid if injured in the normal course of the  
34 volunteer fire fighter's, ~~basic-or-advanced~~ emergency medical  
35 care provider's, or reserve peace officer's regular employment

1 or an amount equal to one hundred and forty percent of the  
2 statewide average weekly wage, whichever is greater.

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

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

15 Sec. 4. Section 85.61, subsection 7, unnumbered paragraph  
16 3, Code 1995, is amended to read as follows:

17 Personal injuries sustained by ~~basic-emergency-medical-care~~  
18 ~~providers, as defined in section 147.17, or by advanced~~  
19 emergency medical care providers as defined in section 147A.1,  
20 arise in the course of employment if the injuries are  
21 sustained at any time from the time the emergency medical care  
22 providers are summoned to duty until the time those duties  
23 have been fully discharged.

24 Sec. 5. Section 85.61, subsection 11, unnumbered paragraph  
25 3, Code 1995, is amended to read as follows:

26 "Worker" or "employee" includes ~~a-basic~~ an emergency  
27 medical care ~~provider as defined in section 147.17, an advanced~~  
28 ~~emergency-medical-care~~ provider as defined in section 147A.1,  
29 a volunteer ambulance driver, or an emergency medical  
30 technician trainee, only if an agreement is reached between  
31 such worker or employee and the employer for whom the  
32 volunteer services are provided that workers' compensation  
33 coverage under chapters 85, 85A, and 85B is to be provided by  
34 the employer. ~~A-basic-or-advanced~~ An emergency medical care  
35 provider who is a worker or employee under this paragraph is

1 not a casual employee. "Volunteer ambulance driver" means a  
2 person performing services as a volunteer ambulance driver at  
3 the request of the person in charge of a fire department or  
4 ambulance service of a municipality. "Emergency medical  
5 technician trainee" means a person enrolled in and training  
6 for emergency medical technician certification.

7 Sec. 6. Section 139B.1, subsection 1, paragraph d, Code  
8 1995, is amended to read as follows:

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

14 ~~(1) -- A basic emergency care provider as defined in section~~  
15 ~~147.1.~~

16 ~~(2)~~ (1) An advanced emergency medical care provider as  
17 defined in section 147A.1.

18 ~~(3)~~ (2) A health care provider as defined in this section.

19 ~~(4)~~ (3) A fire fighter.

20 ~~(5)~~ (4) A peace officer.

21 "Emergency care provider" also includes a person who  
22 renders direct emergency aid without compensation.

23 Sec. 7. Section 141.22A, subsection 1, paragraph a, Code  
24 1995, is amended to read as follows:

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

30 ~~(1) -- A basic emergency medical care provider as defined in~~  
31 ~~section 147.1.~~

32 ~~(2)~~ (1) An advanced emergency medical care provider as  
33 defined in section 147A.1.

34 ~~(3)~~ (2) A health care provider as defined in this section.

35 ~~(4)~~ (3) A fire fighter.

1     ~~†5†~~ (4) A peace officer.

2     "Emergency care provider" also includes a person who  
3 renders emergency aid without compensation.

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

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

8     147A.1 DEFINITIONS.

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

11     1. "Board" means the board of medical examiners appointed  
12 pursuant to section 147.14, subsection 2.

13     2. "Department" means the Iowa department of public  
14 health.

15     3. "Director" means the director of the Iowa department of  
16 public health.

17     4. "Emergency medical care" means such medical procedures  
18 as:

19     a. Administration of intravenous solutions.

20     b. Intubation.

21     c. Performance of cardiac defibrillation and synchronized  
22 cardioversion.

23     d. Administration of emergency drugs as provided by rule  
24 by the department.

25     e. Any other medical procedure approved by the department,  
26 by rule, as appropriate to be performed by emergency medical  
27 care providers who have been trained in that procedure.

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

34     6. "Emergency medical services" or "EMS" means an  
35 integrated medical care delivery system to provide emergency

1 and nonemergency medical care at the scene or during out-of-  
2 hospital patient transportation in an ambulance.

3 7. "Emergency medical services instructor" means an  
4 individual who has successfully completed an EMS curriculum  
5 approved by the department and is currently certified by the  
6 department as an EMS instructor.

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

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

19 10. "Physician" means an individual licensed under chapter  
20 148, 150, or 150A.

21 Sec. 10. NEW SECTION. 147A.2 COUNCIL ESTABLISHED --  
22 TERMS OF OFFICE.

23 An EMS advisory council shall be appointed by the director.  
24 Membership of the council shall be comprised of individuals  
25 nominated from, but not limited to, the following state or  
26 national organizations: Iowa osteopathic medical association,  
27 Iowa medical society, American college of emergency  
28 physicians, university of Iowa hospitals and clinics, Iowa EMS  
29 association, Iowa firemen's association, EMS education  
30 programs committee, EMS regional council, Iowa nurses  
31 association, Iowa hospital association, and the Iowa state  
32 association of counties.

33 The EMS advisory council shall advise the director and  
34 develop policy recommendations concerning the regulation,  
35 administration, and coordination of emergency medical services

1 in the state.

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

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

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

8 147A.4 RULEMAKING AUTHORITY.

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

19 The director, pursuant to rule, may grant exceptions and  
20 variances from the requirements of rules adopted under this  
21 chapter for any ambulance, rescue, or first response service.  
22 Exceptions or variations shall be reasonably related to undue  
23 hardships which existing services experience in complying with  
24 this chapter or the rules adopted pursuant to this chapter.  
25 However, no exception or variance may be granted unless the  
26 service has adopted a plan approved by the department prior to  
27 January 1, 1996, to achieve compliance with this chapter and  
28 rules adopted pursuant to this chapter. Services requesting  
29 exceptions and variances shall be subject to other applicable  
30 rules adopted pursuant to this chapter.

31 2. The department shall adopt rules required or authorized  
32 by this chapter pertaining to the examination and  
33 certification of advanced emergency medical care providers.  
34 These rules shall include, but need not be limited to,  
35 requirements concerning prerequisites, training, and

1 experience for advanced emergency medical care providers and  
2 procedures for determining when individuals have met these  
3 requirements. The department shall consult with the board  
4 concerning these rules.

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

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

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

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

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

34 147A.6 ADVANCED EMERGENCY MEDICAL CARE PROVIDER  
35 CERTIFICATES -- RENEWAL.

1 1. The department, upon application and receipt of the  
2 prescribed fee, shall issue a certificate attesting-to-the  
3 qualifications-of to an individual who has met all of the  
4 requirements for **advanced** emergency medical care provider  
5 certification established by the rules adopted under section  
6 147A.4, subsection 2.

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

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

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

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

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

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

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

3 147A.8 AUTHORITY OF CERTIFIED ~~ADVANCED~~ EMERGENCY MEDICAL  
4 CARE PROVIDER.

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

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

15 2. Function in any hospital when:

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

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

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

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

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

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

15 147A.9 REMOTE SUPERVISION OF ~~ADVANCED~~ EMERGENCY MEDICAL  
16 CARE PROVIDERS -- EMERGENCY COMMUNICATION FAILURE --  
17 AUTHORIZATION ~~OF IMMEDIATE LIFESAVING~~ TO INITIATE EMERGENCY  
18 MEDICAL CARE PROCEDURES.

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

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

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

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

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

10 147A.10 EXEMPTIONS FROM LIABILITY IN CERTAIN  
11 CIRCUMSTANCES.

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

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

33 3. An act of commission or omission of any appropriately  
34 certified ~~advanced~~ emergency medical care provider, registered  
35 nurse, or physician assistant while rendering ~~advanced~~

1 emergency medical care under the responsible supervision and  
2 control of a physician to a person who is deemed by them to be  
3 in immediate danger of serious injury or loss of life, shall  
4 not impose any liability upon the certified advanced emergency  
5 medical care provider, registered nurse, or physician  
6 assistant, the supervising physician, physician designee, or  
7 any hospital, or upon the state, or any county, city or other  
8 political subdivision, or the employees of any of these  
9 entities; provided that this section shall not relieve any  
10 person of liability for civil damages for any act of  
11 commission or omission which constitutes recklessness.

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

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

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

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

30 1. This chapter does not restrict a registered nurse,  
31 licensed pursuant to chapter 152, from staffing an authorized  
32 ambulance, rescue, or first response service provided the  
33 registered nurse can document equivalency through education  
34 and additional skills training essential in the delivery of  
35 prehospital out-of-hospital emergency care. The equivalency

1 shall be accepted when:

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

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

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

11 147A.13 PHYSICIAN ASSISTANT EXCEPTION.

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

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

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

26 Sec. 23. Section 152B.11, unnumbered paragraph 3, Code  
27 1995, is amended to read as follows:

28 This section does not apply to persons who are licensed to  
29 practice a health profession covered by chapter 147 or to any  
30 person who performs respiratory care procedures as a first  
31 responder, emergency rescue technician, ~~emergency-medical~~  
32 ~~technician-ambulance,-advanced~~ emergency medical care  
33 provider, or other person functioning as part of a rescue unit  
34 or in a hospital as authorized by chapter 147A, or to persons  
35 whose function with respect to respiratory care is limited to

1 the home delivery and connection of oxygen tanks.

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

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

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

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

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

18 ~~b. --"Basic-emergency-medical-care-provider"--means-as~~  
19 ~~defined-in-section-147.1:~~

20 ~~c.~~ b. "Fire department" means a paid or volunteer fire  
21 protection service provided by a benefited fire district under  
22 chapter 357B or by a county, municipality or township, or a  
23 private corporate organization that has a valid contract to  
24 provide fire protection service for a benefited fire district,  
25 county, municipality, township or governmental agency.

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

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

32 2. Notwithstanding subsection 1, fire fighters, as defined  
33 in section 411.1, subsection 9, airport fire fighters included  
34 under section 97B.49, subsection 16, paragraph "b",  
35 subparagraph (2), ~~emergency-medical-technicians-ambulance-and~~

1 emergency rescue technicians, ~~as defined in section 147.17~~ and  
2 advanced emergency medical care providers, as defined in  
3 section 147A.1, shall not, as a condition of employment, be  
4 required to obtain a permit under this section. However, the  
5 provisions of this subsection shall not apply to a person  
6 designated as an arson investigator by the chief fire officer  
7 of a political subdivision.

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

9 EXPLANATION

10 This bill consolidates Code regulation of emergency medical  
11 services (EMS) into chapter 147A, eliminating previous  
12 references to basic EMS providers in chapter 147 and other  
13 sections of the Code. An EMS advisory council is established  
14 to advise the director on policy and administration. The bill  
15 requires the department to inspect and license all EMS  
16 services. Those services previously not regulated which  
17 experience undue hardship with immediately complying with  
18 these regulations may be granted variances by the director.  
19 The bill allows the department to define by rule the skills of  
20 the three levels of EMS providers and clarifies the role of  
21 the EMS provider.

22 Sections 1, 2, 3, 4, 5, 6, 7, 8, 13, 14, 16, 17, 20, 23,  
23 24, 25, 26, and 27 make necessary terminology changes  
24 consistent with the bill.

25 Section 9 amends definitions. The term "EMS provider" is  
26 expanded to include all levels of provider. The emergency  
27 rescue technician and instructor certification is added.  
28 Emergency medical services and nonemergency is defined.

29 Sections 10 and 11 establish the EMS advisory council.

30 Section 12 applies service regulations to all EMS service  
31 providers and allows the director to grant variances in cases  
32 of hardship.

33 Section 15 allows the board to issue, deny, revoke, or  
34 suspend EMS provider certificates.

35 Section 18 states that the department shall adopt medical

1 care procedures which can be started by EMS personnel before  
2 remote supervision commences or in the failure of remote  
3 supervision.

4 Section 19 adds registered nurses to EMS personnel who are  
5 exempt from liability if following orders from a physician,  
6 physician's designee, or physician assistant at the scene of  
7 an emergency and adds registered nurses to those individuals  
8 not subject to civil liability only for not obtaining consent  
9 before starting emergency aid.

10 Sections 21 and 22 establish the department as being  
11 jointly responsible for developing rules governing nurses and  
12 physician assistants in emergency care roles.

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SENATE FILE 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 147.17 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 147.17 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.~~

~~c. 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.

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LEONARD L. BOSWELL  
President of the Senate

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RON J. CORBETT  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 178, Seventy-sixth General Assembly.

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JOHN F. DWYER  
Secretary of the Senate

Approved April 19, 1995

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TERRY E. BRANSTAD  
Governor