

1 SB91  
2 190305-5  
3 By Senator Livingston  
4 RFD: Healthcare  
5 First Read: 19-MAR-19

1 SB91

2  
3  
4 ENGROSSED

5  
6  
7 A BILL  
8 TO BE ENTITLED  
9 AN ACT

10  
11 Relating to EMS personnel; to amend Sections 22-18-4  
12 and 22-18-6, Code of Alabama 1975; to authorize the State  
13 Board of Health to establish by rule, licensure fees for EMS  
14 personnel; to revise course requirements for ground ambulance  
15 drivers; to authorize a process that provides for conducting  
16 criminal background checks on EMS personnel seeking licensure;  
17 to provide penalties for unauthorized disclosure of records  
18 generated from a criminal background check; and in connection  
19 therewith to have as its purpose or effect the requirement of  
20 a new or increased expenditure of local funds within the  
21 meaning of Amendment 621 of the Constitution of Alabama of  
22 1901, now appearing as Section 111.05 of the Official  
23 Recompilation of the Constitution of Alabama of 1901, as  
24 amended.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

26 Section 1. Sections 22-18-4 and 22-18-6, Code of  
27 Alabama 1975, are amended to read as follows:

1           "§22-18-4.

2           "(a) In addition to all other ~~licenses or fees now~~  
3 payable, the Board of Health shall, ~~as prerequisite for~~  
4 ~~issuing a license under the provisions of this article and~~  
5 ~~rules and regulations promulgated pursuant thereto, charge a~~  
6 ~~fee of \$10 for each license valid for a period of 24 months~~  
7 ~~issued to the EMSP and a fee of \$25 for each license issued to~~  
8 ~~any provider service operating an air or ground ambulance~~  
9 establish, by rule, a fee for EMSP and air or ground provider  
10 service licenses. Each license issued to an EMSP shall be  
11 valid for a period of 24 calendar months. Each license issued  
12 to a provider service shall be valid for a period not to  
13 exceed 12 calendar months. The same fee shall be charged for  
14 renewal of a license ~~as is fixed in this subsection for the~~  
15 ~~original license~~. No additional fee shall be collected when an  
16 EMSP becomes eligible for reclassification of his or her  
17 license to a higher level.

18           "(b) All fees collected under this chapter shall be  
19 retained in a separate fund by the Board of Health for the  
20 purpose of enforcing this chapter and shall be disbursed as  
21 other funds of the state are disbursed; provided, that no fee  
22 or permit charge authorized under this chapter shall be  
23 charged or collected for the issuing of a permit to a  
24 volunteer rescue squad, as defined in Section 32-11-1, for  
25 providing ambulance service on a gratuitous basis, or any  
26 member who volunteers his or her service, unless licensure is

1 requested by the squad, company or individual, whereupon, a  
2 fee will be charged.

3 "(c) Any person desiring EMSP licensure shall  
4 complete an approved EMSP course as defined by rules of the  
5 Board of Health, successfully pass the appropriate level  
6 licensure examination as determined by the Board of Health,  
7 and submit an application to the board. An approved EMSP  
8 course for any level shall be a course conforming to the  
9 curriculum for that level approved by the United States  
10 Department of Transportation, or approved by any other federal  
11 agency as may, in the future, take jurisdiction over EMSP  
12 training curriculum development. A curriculum may be required  
13 to be supplemented with additional modules if the modules are  
14 optional modules approved by the United States Department of  
15 Transportation, or its successor as specified above, and the  
16 optional modules are prescribed by rule by the board pursuant  
17 to the Alabama Administrative Procedure Act.

18 "(d) No air or ground ambulance shall be operated  
19 for ambulance purposes and no individual shall fly, drive,  
20 operate, attend, or permit same to be operated for the purpose  
21 of transporting a patient from any point within the State of  
22 Alabama to any other point within the State of Alabama unless  
23 such ambulance is duly licensed by the Board of Health. The  
24 Board of Health may prescribe exceptions to this requirement  
25 consistent with the interests of public health. Any ground  
26 ambulance shall at all times be driven by a person holding a  
27 valid driver's license and who has passed the Emergency

1 Vehicle Operator Course approved by the Board of Health, ~~or~~  
2 the Apparatus Operator's Course taught by the Alabama Fire  
3 College, or the Emergency Vehicle Driver Course taught by the  
4 Alabama Fire College.

5 "§22-18-6.

6 "(a) It shall be a Class A misdemeanor for any  
7 person, firm, company, corporation, organization, facility, or  
8 agency to do any of the following:

9 "(1) Deliberately hinder, obstruct, or interfere  
10 with an officer, inspector, or duly authorized agent of the  
11 board while in the performance of official duties.

12 "(2) Deliberately hinder, obstruct, or interfere  
13 with any physician, licensed nurse, licensed EMSP, or  
14 emergency personnel exempt from licensure under the provisions  
15 of this article while that ~~person~~ individual is providing  
16 emergency care to a third person or while that ~~person~~  
17 individual is assisting at the scene of an emergency,  
18 directing traffic at the scene of an emergency, or managing or  
19 helping to manage the scene of an emergency.

20 "(3) Violate subsection (c) or (d) of this section.

21 "(4) Offer, provide, or perform, without a license  
22 or certificate to do so, an emergency medical service or other  
23 function which, under the provisions of this article or the  
24 rules adopted pursuant thereto, may not be performed without a  
25 license or certificate issued by the Board of Health;  
26 provided, however, this subdivision does not apply to  
27 ~~emergency medical service personnel~~ EMSP who have the

1 privilege to practice in the state pursuant to the Emergency  
2 Medical Services Personnel Licensure Interstate Compact. No  
3 ~~person~~ individual shall be subject to criminal liability  
4 pursuant to this section in the event he or she renders first  
5 aid or emergency care at the scene of an injury caused by a  
6 motor vehicle crash or by some other incident, or at the scene  
7 of a mass casualty or disaster if:

8 "a. The first aid or emergency care is rendered  
9 gratuitously and in good faith; and

10 "b. The first aid or emergency care is not rendered  
11 in the course of a business, program, or system which  
12 regularly engages in the provision of emergency medical care.

13 "(b) Nothing in this section shall be construed to  
14 repeal, abridge, or modify Section 6-5-332 or any other good  
15 Samaritan statute.

16 "(c) No ~~person~~ individual shall regularly engage in  
17 providing emergency medical care at the scene of emergencies  
18 unless he or she is licensed as an EMSP as defined in this  
19 article, or unless he or she is exempted from licensure  
20 pursuant to the provisions of this article. Notwithstanding  
21 the foregoing, nothing in this article shall be construed to  
22 prohibit any physician or nurse licensed in Alabama from  
23 performing any act within his or her scope of practice. No  
24 ~~person~~ individual shall hold himself or herself out to be an  
25 EMSP, unless he or she is licensed as such as defined in this  
26 chapter. An EMSP licensed in other jurisdictions may identify  
27 themselves as holding such licensure.

1           "(d) The board, ~~shall~~ by rule, shall establish the  
2 scope of privilege for each level of EMSP licensure. No ~~person~~  
3 individual shall exceed the scope of privilege granted to his  
4 or her level of licensure.

5           "(e) Control of an emergency scene may be taken by  
6 an EMSP if the personnel arrive at the scene of an emergency  
7 prior to the arrival of law enforcement personnel, and if  
8 managing the emergency scene will not interfere with other  
9 emergency medical care duties. Emergency scene control shall  
10 include the authority to direct traffic. A driver of a motor  
11 vehicle entering an emergency scene or entering a roadway  
12 adjacent to an emergency scene shall use caution, shall  
13 maintain proper control of the motor vehicle, and shall obey  
14 the directions of law enforcement personnel and emergency  
15 personnel at the scene. Any person violating this subsection  
16 shall be guilty of a violation.

17           "(f) The board ~~may~~, following the contested case  
18 provisions of the Administrative Procedure Act, may suspend or  
19 revoke the license or certificate of an EMSP at any level, or  
20 a provider service, or it may refuse to grant a license or  
21 certificate to any ~~person~~ individual or entity at any time  
22 that any of the following is determined with respect to the  
23 holder or applicant:

24           "(1) Does not meet or no longer meets the prescribed  
25 qualifications.

1           "(2) Is guilty of misconduct as defined by the  
2 board's rules or otherwise commits a violation of this act or  
3 any rules ~~promulgated~~ adopted thereunder.

4           "(3) Has failed to maintain the required level of  
5 continuing education units or any equivalent therefor defined  
6 in the board's rules.

7           "(4) Has provided care to a patient or patients  
8 under his or her care ~~which~~ that falls short of the standard  
9 of care which ordinarily would be expected to be provided by  
10 similarly situated EMSP in Alabama, and has thereby  
11 jeopardized the life, health, or safety of a patient or  
12 patients.

13           "(5) Has sexually or physically abused a patient  
14 under his or her care.

15           "(6) Has submitted a license or test application, a  
16 report of continuing education requirements, a run report, a  
17 patient care record, EMSP student record, clinical rotation  
18 record, intent to train form, self-study document, fluid and  
19 drug application, physician medication order form, or any  
20 other document ~~which~~ that is material to the duties and  
21 qualifications of the EMSP or those of a student in an EMSP  
22 training program and which is fraudulent or knowingly false in  
23 any respect.

24           "(7) Has committed fraud in the performance of his  
25 or her duties or in connection with any matter related to  
26 ~~emergency medical services~~ EMS.

1           "(8) Has been convicted of a crime involving moral  
2           turpitude, or a crime in which the victim is an EMSP provider  
3           service or an EMS patient, unless the board determines that  
4           the fact of the conviction would not likely interfere with the  
5           performance of EMS duties.

6           "(9) Has performed any act requiring licensure or  
7           certification under state EMS statutes, without possession of  
8           the requisite licensure or certification.

9           "(10) Has performed any act ~~which~~ that exceeds the  
10          scope of license or privilege granted to the holder.

11          "(11) Poses a danger to public health or safety."

12          Section 2. Section 22-18-9 is added to the Code of  
13          Alabama 1975, to read as follows:

14          §22-18-9.

15          (a) When reviewing an applicant for initial  
16          licensure under this article, the Board of Health may require  
17          a fingerprint-based state and national criminal background  
18          check through the Alabama State Law Enforcement Agency for  
19          purposes of determining the applicant's suitability for  
20          licensure.

21          (b) The applicant shall pay all costs associated  
22          with a required criminal background check at the same time the  
23          applicant pays the initial licensure fee.

24          (c) Upon receipt of an authorized request and  
25          payment from the board, the Alabama State Law Enforcement  
26          Agency shall promptly cause the criminal background check to  
27          be conducted and return the results directly to the board.

1 (d) Results of the criminal background check  
2 received by the board shall be privileged and shall not be a  
3 public record nor disclosed to any individual within the Board  
4 of Health beyond those authorized, as determined by the board.  
5 The Board of Health shall comply with rules of the Alabama  
6 Justice Information Commission and the Federal Bureau of  
7 Investigation regarding the use of criminal records. Any  
8 person who releases or discloses these records in violation of  
9 these rules, upon conviction, shall be guilty of a misdemeanor  
10 and, for each offense, may be fined not less than five hundred  
11 dollars (\$500) nor more than ten thousand dollars (\$10,000),  
12 or imprisoned for not less than 30 days nor more than one  
13 year, or both.

14 (e) The board, any law enforcement agency, or any  
15 employee thereof acting reasonably shall not be responsible  
16 for the accuracy of information provided pursuant to this  
17 section nor shall they be liable for defamation, invasion of  
18 privacy, negligence, or any other claim relating to or arising  
19 from the dissemination of information pursuant to this  
20 section.

21 (f) In conjunction with requiring criminal history  
22 background checks, the board shall establish a policy to  
23 determine which convictions would prevent an applicant from  
24 being licensed by the board.

25 (g) The board shall adopt rules to implement this  
26 section.

1                   Section 3. Although this bill would have as its  
2 purpose or effect the requirement of a new or increased  
3 expenditure of local funds, the bill is excluded from further  
4 requirements and application under Amendment 621, now  
5 appearing as Section 111.05 of the Official Recompilation of  
6 the Constitution of Alabama of 1901, as amended, because the  
7 bill defines a new crime or amends the definition of an  
8 existing crime.

9                   Section 4. This act shall become effective on the  
10 first day of the third month following its passage and  
11 approval by the Governor, or its otherwise becoming law.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17

Senate

Read for the first time and referred to the Senate  
committee on Healthcare..... 19-MAR-19

Read for the second time and placed on the calen-  
dar 1 amendment..... 03-APR-19

Read for the third time and passed as amended .... 09-APR-19

Yeas 29  
Nays 0

Patrick Harris,  
Secretary.