

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

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8 SYNOPSIS: Under existing law, EMS personnel are
9 licensed by the State Board of Health.

10 This bill would authorize the board to
11 establish licensure fees by rule.

12 This bill would revise course requirements
13 for ground ambulance drivers seeking licensure.

14 This bill would authorize a process that
15 provides for conducting criminal background checks
16 of applicants at the time of initial licensure of
17 EMS personnel.

18 This bill would also provide penalties for
19 unauthorized disclosure of records generated from a
20 criminal background check.

21 Amendment 621 of the Constitution of Alabama
22 of 1901, now appearing as Section 111.05 of the
23 Official Recompilation of the Constitution of
24 Alabama of 1901, as amended, prohibits a general
25 law whose purpose or effect would be to require a
26 new or increased expenditure of local funds from
27 becoming effective with regard to a local

1 governmental entity without enactment by a 2/3 vote
2 unless: it comes within one of a number of
3 specified exceptions; it is approved by the
4 affected entity; or the Legislature appropriates
5 funds, or provides a local source of revenue, to
6 the entity for the purpose.

7 The purpose or effect of this bill would be
8 to require a new or increased expenditure of local
9 funds within the meaning of the amendment. However,
10 the bill does not require approval of a local
11 governmental entity or enactment by a 2/3 vote to
12 become effective because it comes within one of the
13 specified exceptions contained in the amendment.

14
15 A BILL
16 TO BE ENTITLED
17 AN ACT
18

19 Relating to EMS personnel; to amend Sections 22-18-4
20 and 22-18-6, Code of Alabama 1975; to authorize the State
21 Board of Health to establish by rule, licensure fees for EMS
22 personnel; to revise course requirements for ground ambulance
23 drivers; to authorize a process that provides for conducting
24 criminal background checks on EMS personnel seeking licensure;
25 to provide penalties for unauthorized disclosure of records
26 generated from a criminal background check; and in connection
27 therewith to have as its purpose or effect the requirement of

1 a new or increased expenditure of local funds within the
2 meaning of Amendment 621 of the Constitution of Alabama of
3 1901, now appearing as Section 111.05 of the Official
4 Recompilation of the Constitution of Alabama of 1901, as
5 amended.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

9 "§22-18-4.

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

26 "(b) All fees collected under this chapter shall be
27 retained in a separate fund by the Board of Health for the

1 purpose of enforcing this chapter and shall be disbursed as
2 other funds of the state are disbursed; provided, that no fee
3 or permit charge authorized under this chapter shall be
4 charged or collected for the issuing of a permit to a
5 volunteer rescue squad, as defined in Section 32-11-1, for
6 providing ambulance service on a gratuitous basis, or any
7 member who volunteers his or her service, unless licensure is
8 requested by the squad, company or individual, whereupon, a
9 fee will be charged.

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

25 "(d) No air or ground ambulance shall be operated
26 for ambulance purposes and no individual shall fly, drive,
27 operate, attend, or permit same to be operated for the purpose

1 of transporting a patient from any point within the State of
2 Alabama to any other point within the State of Alabama unless
3 such ambulance is duly licensed by the Board of Health. The
4 Board of Health may prescribe exceptions to this requirement
5 consistent with the interests of public health. Any ground
6 ambulance shall at all times be driven by a person holding a
7 valid driver's license and who has passed the Emergency
8 Vehicle Operator Course approved by the Board of Health, ~~or~~
9 the Apparatus Operator's Course taught by the Alabama Fire
10 College, or the Emergency Vehicle Driver Course taught by the
11 Alabama Fire College.

12 "§22-18-6.

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

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

19 "(2) Deliberately hinder, obstruct, or interfere
20 with any physician, licensed nurse, licensed EMSP, or
21 emergency personnel exempt from licensure under the provisions
22 of this article while that ~~person~~ individual is providing
23 emergency care to a third person or while that ~~person~~
24 individual is assisting at the scene of an emergency,
25 directing traffic at the scene of an emergency, or managing or
26 helping to manage the scene of an emergency.

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

1 "(4) Offer, provide, or perform, without a license
2 or certificate to do so, an emergency medical service or other
3 function which, under the provisions of this article or the
4 rules adopted pursuant thereto, may not be performed without a
5 license or certificate issued by the Board of Health;
6 provided, however, this subdivision does not apply to
7 ~~emergency medical service personnel~~ EMSP who have the
8 privilege to practice in the state pursuant to the Emergency
9 Medical Services Personnel Licensure Interstate Compact. No
10 ~~person~~ individual shall be subject to criminal liability
11 pursuant to this section in the event he or she renders first
12 aid or emergency care at the scene of an injury caused by a
13 motor vehicle crash or by some other incident, or at the scene
14 of a mass casualty or disaster if:

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

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

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

23 "(c) No ~~person~~ individual shall regularly engage in
24 providing emergency medical care at the scene of emergencies
25 unless he or she is licensed as an EMSP as defined in this
26 article, or unless he or she is exempted from licensure
27 pursuant to the provisions of this article. Notwithstanding

1 the foregoing, nothing in this article shall be construed to
2 prohibit any physician or nurse licensed in Alabama from
3 performing any act within his or her scope of practice. No
4 ~~person~~ individual shall hold himself or herself out to be an
5 EMSP, unless he or she is licensed as such as defined in this
6 chapter. An EMSP licensed in other jurisdictions may identify
7 themselves as holding such licensure.

8 "(d) The board, ~~shall~~ shall by rule, shall establish the
9 scope of privilege for each level of EMSP licensure. No ~~person~~
10 individual shall exceed the scope of privilege granted to his
11 or her level of licensure.

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

24 "(f) The board ~~may~~, following the contested case
25 provisions of the Administrative Procedure Act, may suspend or
26 revoke the license or certificate of an EMSP at any level, or
27 a provider service, or it may refuse to grant a license or

1 certificate to any ~~person~~ individual or entity at any time
2 that any of the following is determined with respect to the
3 holder or applicant:

4 "(1) Does not meet or no longer meets the prescribed
5 qualifications.

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

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

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

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

20 "(6) Has submitted a license or test application, a
21 report of continuing education requirements, a run report, a
22 patient care record, EMSP student record, clinical rotation
23 record, intent to train form, self-study document, fluid and
24 drug application, physician medication order form, or any
25 other document ~~which~~ that is material to the duties and
26 qualifications of the EMSP or those of a student in an EMSP

1 training program and which is fraudulent or knowingly false in
2 any respect.

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

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

11 "(9) Has performed any act requiring licensure or
12 certification under state EMS statutes, without possession of
13 the requisite licensure or certification.

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

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

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

19 §22-18-9.

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

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

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

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

21 (e) The board, any law enforcement agency, or any
22 employee thereof shall not be responsible for the accuracy of
23 information provided pursuant to this section nor shall they
24 be liable for defamation, invasion of privacy, negligence, or
25 any other claim relating to or arising from the dissemination
26 of information pursuant to this section.

1 (f) In conjunction with requiring criminal history
2 background checks, the board shall establish a policy to
3 determine which convictions would prevent an applicant from
4 being licensed by the board.

5 (g) The board shall adopt rules to implement this
6 section.

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

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