

Sixtieth  
Legislative Assembly  
of North Dakota

## HOUSE BILL NO. 1161

Introduced by

Representatives Uglem, DeKrey, Froelich, Vigasaa

Senators Bowman, Krauter

1 A BILL for an Act to amend and reenact sections 23-27-01, 23-27-02, 23-27-03, and 23-27-04,  
2 subsections 2 and 3 of section 23-27-04.1, and sections 23-27-04.2 and 23-27-04.4 of the  
3 North Dakota Century Code, relating to regulation of emergency medical services operations  
4 and emergency medical services personnel.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. AMENDMENT.** Section 23-27-01 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8 **23-27-01. License required - Licensing of emergency medical services operations**  
9 **- Exception - Waiver.**

- 10 1. The state department of health shall license emergency medical services  
11 operations. After June 30, 2001, the department shall limit the issuance of a  
12 license for any new emergency medical services operation based on the needs of  
13 the service area if the applicant for the new license was licensed before July 1,  
14 2001, and was subsequently relicensed under section 23-27-04.5. A license for an  
15 emergency medical services operation is nontransferable.
- 16 2. Emergency medical services may not be advertised, offered, or provided to the  
17 public ~~unless the~~ except by an emergency medical services operator of the  
18 ~~services is licensed as an emergency medical services operation by the~~  
19 ~~department that provides the emergency medical services through emergency~~  
20 ~~medical services personnel. A license for an operator of an emergency medical~~  
21 ~~services operation is nontransferable and the~~
- 22 3. Except as otherwise provided under subsection 4, an emergency medical services  
23 operator must be separately licensed for each operation that operator operates.  
24 Each of the operator's emergency medical services operations and an operation

that is headquartered from a separate location must be considered a separate operation; ~~however,~~ Under this subsection, an operation with a single headquarters site may dispatch vehicles and emergency medical services personnel from more than one location if calls requesting services are received and orders for vehicle dispatch are made at the single headquarters site.

4. Notwithstanding subsection 3, an operator of an emergency medical services operation may operate one or more substation ambulance services operations under a single license if:

- a. The headquarters ambulance services operation is not a substation ambulance services operation of another emergency medical services operation;
- b. The substation ambulance services operation area borders the headquarters ambulance services operation area;
- c. The headquarters ambulance services operation and the substation ambulance services operation are dispatched by the same entity; and
- d. The operator of the emergency medical services operation pays a license fee for each of its substation ambulance services operations.

~~3.~~ 5. The provisions of this chapter do not apply to an operator from another state ~~who~~ which is headquartered at a location outside of this state and transports patients across state lines, but the operator may not treat patients within this state or pick up patients within this state for transportation to locations within this state, except as provided by rule.

~~4.~~ 6. The state health council shall adopt rules for special licenses and waiver provisions for an operator of an emergency medical services operation intended for industrial sites not available to the general public.

**SECTION 2. AMENDMENT.** Section 23-27-02 of the North Dakota Century Code is amended and reenacted as follows:

**23-27-02. ~~Definition of emergency medical services~~ Definitions.** For the purpose of this chapter, ~~"emergency"~~ unless the context otherwise requires:

- 1. "Department" means the state department of health.

- 1           2.   "Emergency medical services" means the prehospital medical stabilization ~~or~~ and  
2                    transportation of ~~persons~~ individuals who are sick, injured, wounded, or otherwise  
3                    incapacitated or helpless by ~~any person who holds out to the public as being in that~~  
4                    service or who regularly provides that service emergency medical services  
5                    personnel with physician oversight. The term includes assessing, stabilizing, and  
6                    treating life-threatening and non-life-threatening medical conditions.
- 7           3.   "Emergency medical services operation" means an entity licensed to offer and  
8                    provide emergency medical services by emergency medical services personnel  
9                    with physician oversight. The term includes basic life support ambulance services,  
10                  advanced life support ambulance services, air ambulance services, and  
11                  quick-response unit services.
- 12          4.   "Emergency medical services personnel" means individuals who provide  
13                  emergency medical services for emergency medical services operations. The term  
14                  includes emergency medical services professionals, drivers, and  
15                  department-certified emergency medical services providers, such as  
16                  cardiopulmonary resuscitation drivers and first responders.
- 17          5.   "Emergency medical services professional" means an individual licensed by the  
18                  department as an emergency medical technician-basic, emergency medical  
19                  technician-intermediate, or emergency medical technician-paramedic.

20           **SECTION 3. AMENDMENT.** Section 23-27-03 of the North Dakota Century Code is  
21 amended and reenacted as follows:

22           **23-27-03. License fees.** The fee for a an emergency medical services operation  
23 license to operate an emergency medical services operation ~~and perform emergency medical~~  
24 ~~services~~ or a substation ambulance services operation must be set by the state health council  
25 at a sum of not more than twenty-five dollars annually, as may be required to defray the costs of  
26 administration of the licensing program. ~~Individuals providing~~ This operation license fee does  
27 not apply to licensure or certification of emergency medical services ~~may not be assessed this~~  
28 license fee personnel. All license fees must be paid to the state department of health and  
29 deposited with the state treasurer and credited to the state general fund.

30           **SECTION 4. AMENDMENT.** Section 23-27-04 of the North Dakota Century Code is  
31 amended and reenacted as follows:

**23-27-04. Standards for operators.**

1. An emergency medical services operation within this state may not operate unless the operation is licensed in accordance with this chapter and rules adopted by the state health council. The rules must include:
  - a. Time when operator's services must be available.
  - b. Type of motor vehicle operator's license needed for drivers of ground vehicles.
  - c. Training standards for operation personnel.
  - d. Equipment and ground vehicle standards.
  - e. Annual license fees.
  - f. Number of personnel required for each run.
  - g. The scope of practice for uncertified drivers, certified personnel, and emergency medical services professionals.
  - h. Other requirements as may be found necessary to carry out the intent of this chapter.
2. An officer, employee, or agent of any prehospital emergency medical ~~service~~ services operation may refuse to transport an individual for which transport is not medically necessary and may recommend an alternative course of action to that individual if the prehospital emergency medical service has developed protocols that include direct medical control to refuse transport of an individual.

**SECTION 5. AMENDMENT.** Subsections 2 and 3 of section 23-27-04.1 of the North Dakota Century Code are amended and reenacted as follows:

2. For the purpose of this section, "volunteer" means an individual who receives no compensation or who is paid expenses, reasonable benefits, nominal fees, or a combination of expenses, reasonable benefits, and nominal fees to perform the services for which the individual volunteered, provided that the fees do not exceed ~~twenty-four hundred~~ five thousand dollars in any calendar year.
3. For a volunteer physician providing medical ~~direction~~ overview to an emergency medical services operation and the operation's personnel, the ~~twenty-four hundred~~ five thousand dollar maximum fees amount is calculated separately for each emergency medical services operation for which the physician volunteered medical

1           ~~direction~~ overview. This section does not relieve a person from liability for  
2           damages resulting from the intoxication, willful misconduct, or gross negligence of  
3           the person rendering the emergency care or services.

4           **SECTION 6. AMENDMENT.** Section 23-27-04.2 of the North Dakota Century Code is  
5           amended and reenacted as follows:

6           **23-27-04.2. Emergency medical services - State assistance.** The state department  
7           of health shall assist in the training of emergency medical services personnel of certain  
8           emergency medical services operations as determined by the department and financially shall  
9           assist certain emergency medical services operations as determined by the department in  
10          obtaining equipment. Assistance provided under this section must be within the limits of  
11          legislative appropriation. The department shall adopt criteria for eligibility for assistance in the  
12          training of emergency medical services personnel of various types of emergency medical  
13          services operations. To qualify for financial assistance for equipment an emergency medical  
14          services operation shall certify, in the manner required by the department, that the operation  
15          has fifty percent of the amount of funds necessary for identified equipment acquisitions. The  
16          department shall adopt a schedule of eligibility for financial assistance for equipment. The  
17          schedule must provide for a direct relationship between the amount of funds certified and the  
18          number of responses during the preceding calendar year for the purpose of rendering medical  
19          care, transportation, or both, to individuals who were sick or incapacitated. The schedule must  
20          require that as the number of responses increases, a greater amount of funds certified is  
21          required. The schedule must classify responses and the financial assistance available for  
22          various classifications. The department may establish minimum and maximum amounts of  
23          financial assistance to be provided to an emergency medical services operation under this  
24          section. If applications for financial assistance exceed the amount of allocated and available  
25          funds, the department may prorate the funds among the applicants in accordance with criteria  
26          adopted by the department. No more than one-half of the funds appropriated by the legislative  
27          assembly each biennium and allocated for training assistance may be distributed in the first  
28          year of the biennium.

29          **SECTION 7. AMENDMENT.** Section 23-27-04.4 of the North Dakota Century Code is  
30          amended and reenacted as follows:

- 1           **23-27-04.4. Supervision of certified or licensed emergency ~~service~~ medical**  
2 **technician hospital personnel.** Certified or licensed emergency medical  
3 technicians-intermediate and paramedics, who are employed by a hospital and who are working  
4 in a nonemergency setting may provide patient care within a scope of practice established by  
5 the hospital. Under this section, these emergency medical services professionals are under the  
6 supervision of the hospital's patient services management.