

Sixty-seventh
Legislative Assembly
of North Dakota

SENATE BILL NO. 2133

Introduced by

Senators Lee, K. Roers

Representatives Keiser, Porter, Westlund

1 A BILL for an Act to amend and reenact subsection 2 of section 23-27-02, subsection 2 of
2 section 23-27-04, and sections ~~23-27-04.3, 23-27-04.9,~~ and 50-24.1-38 of the North Dakota
3 Century Code, relating to services provided by emergency medical services operations,
4 ~~community paramedics, community emergency medical technicians, and community advanced~~
5 ~~emergency medical technicians,~~ ^{personnel} and to provide a penalty.

6 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

7 ~~SECTION 1. AMENDMENT. Section 23-27-04.3 of the North Dakota Century Code is~~
8 ~~amended and reenacted as follows:~~
9 ~~23-27-04.3. Emergency medical services personnel training, testing, certification,~~
10 ~~licensure, and quality review -- Penalty.~~
11 ~~The state health council shall adopt rules prescribing minimum training, testing, certification,~~
12 ~~licensure, and quality review standards for emergency medical services personnel, including~~
13 ~~community paramedics, community emergency medical technicians, and community advanced~~
14 ~~emergency medical technicians; instructors, and training institutions. Rules adopted must~~
15 ~~include a definition of minimum applicable standards, a definition of emergency medical~~
16 ~~services personnel, provide for a mechanism for certifying or licensing persons who have met~~
17 ~~the required standards, provide a mechanism to review and improve the quality of care~~
18 ~~rendered by emergency medical services personnel, and define minimum standards for~~
19 ~~emergency medical services training institutions. Licensing as an emergency medical services~~
20 ~~training institution is optional. It is a class B misdemeanor for an individual to willfully~~
21 ~~misrepresent that individual's certification or licensing status as emergency medical services~~
22 ~~personnel. Quality review and improvement information, data, records, and proceedings are not~~
23 ~~subject to subpoena or discovery or introduction into evidence in any civil action.~~

1 **SECTION 1. AMENDMENT.** Subsection 2 of section 23-27-02 of the North Dakota Century
2 Code is amended and reenacted as follows:

- 3 2. "Emergency medical services" means the prehospital medical stabilization or
4 transportation, including interfacility transportation, of an individual who is sick, injured,
5 wounded, or otherwise incapacitated or helpless, or in a real or perceived acute
6 medical condition, by a person that holds oneself out to the public as being in that
7 service or that regularly provides that service. The term includes:
- 8 a. Assessing, stabilizing, and treating life-threatening and non-life-threatening
9 medical conditions; or
 - 10 b. Transporting a patient who is in a real or perceived acute medical condition to a
11 hospital emergency room or other appropriate medical destination.

12 **SECTION 2. AMENDMENT.** Subsection 2 of section 23-27-04 of the North Dakota Century
13 Code is amended and reenacted as follows:

- 14 2. An officer, employee, or agent of any prehospital emergency medical services
15 operation may refuse to transport an individual for which transport is not medically
16 necessary and may recommend an alternative course of action to that individual if the
17 prehospital emergency medical service has developed protocols ~~that include direct~~
18 ~~medical control~~ to refuse transport of an individual.

19 **SECTION 3. AMENDMENT.** Section 23-27-04.9 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **23-27-04.9. Administration of ~~influenza vaccination~~ vaccinations - Laboratory testing.**

- 22 1. A licensed emergency medical technician-paramedic working for a hospital or an
23 emergency medical services operation may administer ~~the influenza~~ vaccine to an
24 individual who is at least eighteen years of age if:
- 25 a. The physician providing oversight for the emergency medical services operation
26 or the hospital medical director has established protocols that meet department
27 standards that may be based on the advisory committee on immunization
28 practices of the federal centers for disease control and prevention; and
 - 29 b. The emergency medical technician-paramedic has satisfactorily completed a
30 department-approved course on administering vaccines.

2. If a hospital or emergency medical services operation allows the administration of vaccines under this section, the hospital or emergency medical services operation shall maintain records documenting the ^{EMS personnel's} ~~emergency medical technician-paramedic's~~ completion of the training required under subsection 1. These records are subject to review by the department.

3. Licensed or certified emergency medical services personnel may perform laboratory testing. ^{? Point of care?}

SECTION 4. AMENDMENT. Section 50-24.1-38 of the North Dakota Century Code is amended and reenacted as follows:

50-24.1-38. Health-related services - Licensed ~~community paramedics~~ emergency medical services personnel.

1. Medical assistance must cover services provided by community ~~paramedics~~ ^{Service Personnel} ~~community advanced emergency medical technicians, community emergency medical technicians,~~ and other similarly licensed personnel who are licensed or certified under section 23-27-04.3, if the services are provided to an eligible recipient as defined by rule. Community ~~paramedic, community advanced emergency medical technician, and community emergency medical technician~~ ^{personnel} services may include health assessment, chronic disease monitoring and education, immunizations and vaccinations, laboratory specimen collection, followup care, comprehensive health and safety assessment, wound management, assess and report compliance with established care plan, medication management, and other interventions within the scope of practice for each licensure level as approved by a supervising physician, ^{PA} or advanced practice registered nurse.
2. The department of human services shall adopt rules governing payments to licensed community ~~paramedics~~ ^{EMS personnel}, advanced emergency medical technicians, and emergency medical technicians for health-related services provided to recipients of medical assistance, subject to necessary limitations and exclusions. A physician, ^{PA} or an advanced practice registered nurse must supervise any care provided by a licensed community ~~paramedic~~ ^{EMS personnel}, an advanced emergency medical technician, or emergency medical technician.

January 13, 2021

PROPOSED AMENDMENTS TO SENATE BILL NO. 2133

Page 1, line 1, after "reenact" insert "subsection 2 of section 23-07-02, subsection 2 of section 23-07-04, and"

Page 1, line 1, remove "23-27-04.3,"

Page 1, line 1, remove the second comma

Page 1, line 2, after "by" insert "emergency medical services operations,"

Page 1, replace lines 6 through 22 with:

"SECTION 1. AMENDMENT. Subsection 2 of section 23-27-02 of the North Dakota Century Code is amended and reenacted as follows:

2. "Emergency medical services" means the prehospital medical stabilization or transportation, including interfacility transportation, of an individual who is sick, injured, wounded, or otherwise incapacitated or helpless, or in a real or perceived acute medical condition, by a person that holds oneself out to the public as being in that service or that regularly provides that service. The term includes:
 - a. Assessing, stabilizing, and treating life-threatening and non-life-threatening medical conditions; or
 - b. Transporting a patient who is in a real or perceived acute medical condition to a hospital emergency room or other appropriate medical destination.

SECTION 2. AMENDMENT. Subsection 2 of section 23-27-04 of the North Dakota Century Code is amended and reenacted as follows:

2. An officer, employee, or agent of any prehospital emergency medical 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."

Page 2, line 1, after "vaccinations" insert " - Laboratory testing"

Page 2, after line 15, insert:

- "3. Licensed or certified emergency medical services personnel may perform laboratory testing."

Renumber accordingly