

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~~emergency medical services personnel; and to provide a
6 penalty.

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

8 **SECTION 1. AMENDMENT.** Section 23-27-04.3 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **23-27-04.3. Emergency medical services personnel training, testing, certification,**
11 **licensure, and quality review - Penalty.**

12 The state health council shall adopt rules prescribing minimum training, testing, certification,
13 licensure, and quality review standards for emergency medical services personnel, including
14 community ~~paramedics, community emergency medical technicians, and community advanced~~
15 emergency medical techniciansemergency medical services personnel, instructors, and
16 training institutions. Rules adopted must include a definition of minimum applicable standards, a
17 definition of emergency medical services personnel, provide for a mechanism for certifying or
18 licensing persons who have met the required standards, provide a mechanism to review and
19 improve the quality of care rendered by emergency medical services personnel, and define
20 minimum standards for emergency medical services training institutions. Licensing as an
21 emergency medical services training institution is optional. It is a class B misdemeanor for an
22 individual to willfully misrepresent that individual's certification or licensing status as emergency
23 medical services personnel. Quality review and improvement information, data, records, and

1 proceedings are not subject to subpoena or discovery or introduction into evidence in any civil
2 action.

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

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

14 **SECTION 3. AMENDMENT.** Subsection 2 of section 23-27-04 of the North Dakota Century
15 Code is amended and reenacted as follows:

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

21 **SECTION 4. AMENDMENT.** Section 23-27-04.9 of the North Dakota Century Code is
22 amended and reenacted as follows:

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

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

1 b. The emergency medical ~~technician-paramedic~~services personnel has
2 satisfactorily completed a department-approved course on administering
3 vaccines.

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

9 3. Licensed or certified emergency medical services personnel may perform laboratory
10 testing authorized by rule adopted by the health council.

11 **SECTION 5. AMENDMENT.** Section 50-24.1-38 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **50-24.1-38. Health-related services - Licensed ~~community-paramedics~~emergency**
14 **medical services personnel.**

15 1. Medical assistance must cover services provided by community ~~paramedics,~~
16 ~~community advanced emergency medical technicians, community emergency medical~~
17 ~~technicians~~emergency medical services personnel, and other similarly licensed
18 personnel who are licensed or certified under section 23-27-04.3, if the services are
19 provided to an eligible recipient as defined by rule. Community ~~paramedic, community~~
20 ~~advanced emergency medical technician, and community emergency medical~~
21 ~~technician~~emergency medical services personnel services may include health
22 assessment, chronic disease monitoring and education, immunizations and
23 vaccinations, laboratory specimen collection, followup care, comprehensive health and
24 safety assessment, wound management, assess and report compliance with
25 established care plan, medication management, and other interventions within the
26 scope of practice for each licensure level as approved by a supervising physician,
27 physician assistant, or advanced practice registered nurse.

28 2. The department of human services shall adopt rules governing payments to licensed
29 community ~~paramedics~~emergency medical services personnel, advanced emergency
30 medical technicians, and emergency medical technicians for health-related services
31 provided to recipients of medical assistance, subject to necessary limitations and

1 | exclusions. A physician, a physician assistant, or an advanced practice registered
2 | nurse must supervise any care provided by a licensed community
3 | ~~paramedic~~emergency medical services personnel, an advanced emergency medical
4 | technician, or an emergency medical technician.