

SECOND ENGROSSMENT
with Senate Amendments

Fifty-seventh
Legislative Assembly
of North Dakota

REENGROSSED HOUSE BILL NO. 1202

Introduced by

Representatives Porter, Severson, Galvin, Pollert

Senators Christmann, Klein

1 A BILL for an Act to create and enact section 23-27-04.5 of the North Dakota Century Code,
2 relating to the creation of a quick-response unit service pilot program; to amend and reenact
3 sections 23-27-01, 23-27-02, 23-27-03, 23-27-04, 23-07-04.1, 23-27-04.2, 23-27-04.3, and
4 23-27-04.4 of the North Dakota Century Code, relating to licensure of emergency medical
5 services operations; to provide an appropriation; and to provide an expiration date.

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

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

9 **23-27-01. Licensure of ambulance emergency medical services operations -**
10 **Exception - Waiver. ~~No surface ambulance~~**

11 1. The state department of health shall license emergency medical services
12 operations. After June 30, 2001, the department shall limit the issuance of a
13 license for any new emergency medical services operation based on the needs of
14 the service area if the applicant for the new license was licensed before the
15 effective date of this Act and was subsequently relicensed under section
16 23-27-04.5.

17 2. Emergency medical services, as hereinafter defined, may not be advertised or,
18 offered, or provided to the public unless the operator of ~~such service~~ the services
19 is licensed as an emergency medical services operation by the ~~state health council~~
20 department. A license for ~~operators~~ an operator of ambulance service an
21 emergency medical services operation is nontransferable and the operator must
22 be separately licensed for each ~~ambulance service which he~~ operation that
23 operator operates. Each ~~ambulance service which~~ operation that is headquartered
24 or dispatched from a separate location must be considered a separate ambulance

1 ~~service operation; however, an operation with a single headquarters site may~~
2 ~~dispatch vehicles and personnel from more than one location if calls requesting~~
3 ~~services are received and orders for vehicle dispatch are made at the single~~
4 ~~headquarters site.~~

5 3. The provisions of this chapter do not apply to an operator from another state who
6 is headquartered at a location outside of this state and transports patients across
7 state lines, but ~~no such~~ the operator will be permitted to ~~may not treat patients~~
8 ~~within this state or~~ pick up patients within this state for transportation to locations
9 ~~within this state, except as provided through regulations by rule.~~

10 4. The state health council shall ~~provide through regulations~~ adopt rules for special
11 licenses and waiver provisions for an operator of ~~a surface ambulance service~~ an
12 emergency medical services operation intended for industrial sites not available to
13 the general public.

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

16 **23-27-02. Definition of ~~surface ambulance~~ emergency medical services.** For the
17 purpose of this chapter, "~~surface ambulance~~ emergency medical services" means ~~any use of a~~
18 ~~publicly or privately owned vehicle upon the streets or highways of this state for the~~ prehospital
19 medical stabilization or transportation of persons who are sick, injured, wounded, or otherwise
20 incapacitated or helpless by any person who ~~either holds himself out to the public for such a~~ as
21 being in that service or who regularly provides ~~such a that~~ service. The term includes basic life
22 support ambulance services, advanced life support ambulance services, air ambulance
23 services, and quick-response unit services.

24 **SECTION 3. AMENDMENT.** Section 23-27-03 of the 1999 Supplement to the North
25 Dakota Century Code is amended and reenacted as follows:

26 **23-27-03. License fees.** The fee for a license to operate an emergency medical
27 services operation and perform ~~ambulance~~ emergency medical services must be set by the
28 state health council at a sum of not more than twenty-five dollars annually, as may be required
29 to defray the costs of administration of the licensing program. Individuals providing emergency
30 medical services may not be assessed this license fee. All license fees must be paid to the

1 state department of health and deposited with the state treasurer and credited to the state
2 general fund.

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

5 **23-27-04. Standards for operators.** ~~No surface ambulance service~~ An emergency
6 medical services operation within this state may ~~be operated~~ not operate unless the ~~service~~
7 operation is licensed in accordance with this chapter and ~~regulations promulgated~~ rules
8 adopted by the state health council. The ~~regulations~~ rules must include, ~~but not be limited to,~~
9 ~~the following:~~

- 10 1. Time when ~~ambulance service shall~~ operator's services must be available.
- 11 2. Type of driver's license needed for drivers of ~~ambulance~~ ground vehicles.
- 12 3. Training standards for ~~ambulance driver and attendant~~ operation personnel.
- 13 4. Equipment ~~needs and equipment certification~~ and ground vehicle standards.
- 14 5. Annual license fees.
- 15 6. Number of personnel required for each ~~ambulance~~ run.
- 16 7. Such other requirements as may be found necessary to carry out the intent of this
17 chapter.

18 **SECTION 5. AMENDMENT.** Section 23-27-04.1 of the 1999 Supplement to the North
19 Dakota Century Code is amended and reenacted as follows:

20 **23-27-04.1. Emergency care or services rendered by officers, employees, or**
21 **agents of ~~prehospital~~ emergency medical service services operations - Physician**
22 **medical direction.** ~~No~~ Any officer, employee, or agent of ~~any prehospital~~ an emergency
23 medical ~~service~~ services operation and ~~no~~ any physician licensed in this state who provides
24 medical direction to ~~any prehospital~~ an emergency medical ~~service~~ services operation, who is a
25 volunteer, who in good faith renders emergency care, services, or medical direction, is not
26 liable to the recipient of the emergency care, services, or medical direction for any civil
27 damages resulting from any acts or omissions by the person in rendering the emergency care,
28 services, or medical direction provided the person is properly trained according to law. For the
29 purpose of this section, "volunteer" means an individual who receives no compensation or who
30 is paid expenses, reasonable benefits, nominal fees, or a combination of expenses, reasonable
31 benefits, and nominal fees to perform the services for which the individual volunteered,

1 provided that the fees do not exceed twenty-four hundred dollars in any calendar year. For a
2 volunteer ~~physicians~~ physician providing medical direction to ~~prehospital~~ an emergency
3 medical services operation, the twenty-four hundred dollar maximum fees amount is ~~to be~~
4 calculated separately for each ~~prehospital~~ emergency medical ~~service~~ services operation for
5 which the physician volunteered medical direction. This section does not relieve a person from
6 liability for damages resulting from the intoxication, willful misconduct, or gross negligence of
7 the person rendering the emergency care or services.

8 **SECTION 6. AMENDMENT.** Section 23-27-04.2 of the 1999 Supplement to the North
9 Dakota Century Code is amended and reenacted as follows:

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

1 each biennium and allocated for training assistance may be distributed in the first year of the
2 biennium.

3 **SECTION 7. AMENDMENT.** Section 23-27-04.3 of the 1999 Supplement to the North
4 Dakota Century Code is amended and reenacted as follows:

5 **23-27-04.3. Emergency medical services personnel training, testing, certification,**
6 **licensure, and quality review.** The state health council shall adopt rules prescribing minimum
7 training, testing, certification, licensure, and quality review standards for emergency medical
8 services personnel. Rules adopted must include a definition of minimum applicable standards,
9 a definition of emergency medical services personnel, provide for a mechanism for certifying or
10 licensing persons who have met the required standards, and provide a mechanism to review
11 and improve the quality of care rendered by emergency medical services personnel. Quality
12 review and improvement information, data, records, and proceedings are not subject to
13 subpoena or discovery or introduction into evidence in any civil action.

14 **SECTION 8. AMENDMENT.** Section 23-27-04.4 of the 1999 Supplement to the North
15 Dakota Century Code is amended and reenacted as follows:

16 **23-27-04.4. Supervision of certified or licensed emergency service hospital**
17 **personnel.** Certified or licensed emergency medical technicians-intermediate and paramedics,
18 who are employed by a hospital and who are working in a nonemergency setting are under the
19 supervision of the hospital's patient services management.

20 **SECTION 9.** Section 23-27-04.5 of the North Dakota Century Code is created and
21 enacted as follows:

22 **23-27-04.5. (Effective through June 30, 2003) Quick-response unit service pilot**
23 **program.** The department shall create and implement a pilot program that creates incentives
24 for basic life support ambulance services and advanced life support ambulance services to
25 convert to quick-response unit services or create quick-response units in areas not already
26 served. During the first year of the program, a maximum of five new quick-response units may
27 receive a one-time five thousand dollar grant under this program and a maximum of twenty
28 converting ambulance services may receive grants in the amount of five thousand dollars each
29 year for a two-year period. During the second year of the program, the department shall
30 distribute any remaining funds to converting ambulance services or to ten additional newly
31 created quick-response units.

1 **SECTION 10. APPROPRIATION.** There is appropriated out of any moneys in the
2 health care trust fund, not otherwise appropriated, the sum of \$225,000, or so much of the sum
3 as may be necessary, to the state department of health for the purpose of funding the
4 quick-response unit service pilot program, for the biennium beginning July 1, 2001, and ending
5 June 30, 2003. The moneys appropriated must be made available by the office of
6 management and budget as requested by the state department of health to pay for the actual
7 costs of the pilot program.