

**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 ~~community paramedics, community emergency~~  
4 ~~medical technicians, and community advanced emergency medical technicians~~ emergency  
5 medical services operations and 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.** Subsection 2 of section 23-27-02 of the North Dakota Century  
9 Code is amended and reenacted as follows:

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

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

- 21 2. An officer, employee, or agent of any prehospital emergency medical services  
22 operation may refuse to transport an individual for which transport is not medically  
23 necessary and may recommend an alternative course of action to that individual if the

1 prehospital emergency medical service has developed protocols ~~that include direct-~~  
2 ~~medical control~~ to refuse transport of an individual.

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

5 **23-27-04.3. Emergency medical services personnel training, testing, certification,**  
6 **licensure, and quality review - Penalty.**

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

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.