

1 A bill to be entitled
2 An act relating to emergency medical services;
3 amending s. 401.23, F.S.; revising and providing
4 definitions; amending s. 401.272, F.S.; authorizing a
5 paramedic or emergency medical technician to provide
6 alternative treatment options to certain patients in a
7 nonemergency setting; amending s. 401.35, F.S.;
8 revising requirements for rules adopted by the
9 Department of Health governing minimum standards for
10 ambulance equipment and supplies and ambulance and
11 vehicle design and construction; requiring the
12 department to adopt rules governing the use of
13 telemedicine by certain licensees; amending s.
14 401.445, F.S.; providing immunity from liability for
15 certain medical personnel providing emergency
16 examination and treatment of incapacitated persons
17 done without consent under certain conditions, when
18 such treatment or examination is performed under the
19 supervision of specified medical professionals;
20 amending ss. 14.33, 252.515, 395.1027, and 401.245,
21 F.S.; conforming cross-references; providing an
22 effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:
25

26 Section 1. Subsections (11) through (21) of section
27 401.23, Florida Statutes, are renumbered as subsections (12)
28 through (23), respectively, present subsections (1), (7), (11),
29 (17), and (19) are amended, and new subsections (11) and (18)
30 are added to that section, to read:

31 401.23 Definitions.—As used in this part, the term:

32 (1) "Advanced life support" means assessment or treatment
33 by a person qualified under this part through the use of
34 techniques ~~such as endotracheal intubation, the administration~~
35 ~~of drugs or intravenous fluids, telemetry, cardiac monitoring,~~
36 ~~cardiac defibrillation, and other techniques~~ described in the
37 ~~EMT-Paramedic National Standard Curriculum~~ or the National EMS
38 Education Standards of the United States Department of
39 Transportation for the paramedic level or other techniques
40 approved by the medical director, pursuant to rules of the
41 department.

42 (7) "Basic life support" means the assessment or treatment
43 by a person qualified under this part through the use of
44 techniques described in the ~~EMT-Basic National Standard~~
45 ~~Curriculum~~ or the National EMS Education Standards of the United
46 States Department of Transportation and approved by the
47 department or other techniques approved by the medical director.
48 The term includes the administration of oxygen and other
49 techniques that have been approved and are performed under
50 conditions specified by rules of the department.

51 (11) "Emergency" means a situation in which a patient has
52 a medical condition manifesting itself by acute symptoms of
53 sufficient severity, which may include severe pain, such that
54 the absence of immediate medical attention could reasonably be
55 expected to jeopardize a person's health or result in serious
56 impairment to bodily functions or serious dysfunction of any
57 bodily organ or part.

58 (12)~~(11)~~ "Emergency medical technician" means a person who
59 is certified by the department to perform basic life support in
60 emergency and nonemergency environments ~~pursuant to this part.~~

61 (18) "Nonemergency" means a situation defined by medical
62 direction which does not require immediate action or transport
63 to an emergency department and is documented in protocols,
64 standing orders, or medical guidelines.

65 (19)~~(17)~~ "Paramedic" means a person who is certified by
66 the department to perform basic and advanced life support in an
67 emergency or nonemergency environment ~~pursuant to this part.~~

68 (21)~~(19)~~ "Physician" means a practitioner who is licensed
69 under the provisions of chapter 458 or chapter 459. For the
70 purpose of providing "medical direction" as defined in
71 subsection (15) ~~(14)~~ for the treatment of patients immediately
72 prior to or during transportation to a United States Department
73 of Veterans Affairs medical facility, "physician" also means a
74 practitioner employed by the United States Department of
75 Veterans Affairs.

76 Section 2. Subsections (1), (2), and (4) of section
77 401.272, Florida Statutes, are amended to read:

78 401.272 Emergency medical services community health care.—

79 (1) The purpose of this section is to decrease
80 inappropriate use of emergency department services and encourage
81 more effective use ~~utilization~~ of the skills of emergency
82 medical technicians and paramedics by enabling them to perform,
83 in partnership with local county health departments, specific
84 additional health care tasks that are consistent with the public
85 health and welfare.

86 (2) Notwithstanding any other provision of law to the
87 contrary:

88 (a) Paramedics or emergency medical technicians may
89 provide alternative treatment options to nonemergency and urgent
90 care patients outside of the emergency department, including,
91 but not limited to, ~~perform~~ health promotion and wellness
92 activities and blood pressure screenings in a nonemergency
93 environment, within the scope of their training, and under the
94 direction of a medical director. As used in this paragraph, the
95 term "health promotion and wellness" means the provision of
96 public health programs pertaining to the prevention or reduction
97 of illness and injury.

98 (b) Paramedics may administer immunizations in a
99 nonemergency environment, within the scope of their training,
100 and under the direction of a medical director. There must be a

101 written agreement between the paramedic's medical director and
 102 the county health department located in each county in which the
 103 paramedic administers immunizations. This agreement must
 104 establish the protocols, policies, and procedures under which
 105 the paramedic must operate.

106 (4) The department may adopt and enforce all rules
 107 necessary to enforce the provisions relating to a paramedic's
 108 administration of immunizations and the provision of alternative
 109 treatment options to nonemergency and urgent care patients
 110 outside of the emergency department, including, but not limited
 111 to, ~~performance of~~ health promotion and wellness activities and
 112 blood pressure screenings by a paramedic or emergency medical
 113 technician in a nonemergency environment.

114 Section 3. Paragraphs (c), (d), and (k) of subsection (1)
 115 of section 401.35, Florida Statutes, are amended to read:

116 401.35 Rules.—The department shall adopt rules, including
 117 definitions of terms, necessary to carry out the purposes of
 118 this part.

119 (1) The rules must provide at least minimum standards
 120 governing:

121 (c) ~~Ground~~ Ambulance and emergency medical services
 122 vehicle equipment and supplies required by the medical director
 123 of the licensee to provide basic and advanced life support
 124 services at least as comprehensive as those published in the
 125 most current edition of the American College of Surgeons,

126 ~~Committee on Trauma, list of essential equipment for ambulances,~~
 127 ~~as interpreted by rules of the department.~~

128 (d) Ground ambulance or vehicle design and construction
 129 based on national standards in effect on the date the rule is
 130 adopted and ~~at least equal to those most currently recommended~~
 131 ~~by the United States General Services Administration~~ as
 132 interpreted by rules of the department.

133 (k) Optional use of telemetry and telemedicine by
 134 licensees.

135 Section 4. Subsection (1) of section 401.445, Florida
 136 Statutes, is amended to read:

137 401.445 Emergency examination and treatment of
 138 incapacitated persons.—

139 (1) No recovery shall be allowed in any court in this
 140 state against any emergency medical technician, paramedic, or
 141 physician as defined in this chapter, any advanced registered
 142 nurse practitioner certified under s. 464.012, or any physician
 143 assistant licensed under s. 458.347 or s. 459.022, or any person
 144 acting under the direct medical supervision of any ~~a~~ physician,
 145 emergency medical technician, paramedic, advanced registered
 146 nurse practitioner, or physician assistant in an action brought
 147 for examining or treating a patient without his or her informed
 148 consent if:

149 (a) The patient at the time of examination or treatment is
 150 intoxicated, under the influence of drugs, or otherwise

151 incapable of providing informed consent as provided in s.
 152 766.103;

153 (b) The patient at the time of examination or treatment is
 154 experiencing an emergency medical condition; and

155 (c) The patient would reasonably, under all the
 156 surrounding circumstances, undergo such examination, treatment,
 157 or procedure if he or she were advised by the emergency medical
 158 technician, paramedic, physician, advanced registered nurse
 159 practitioner, or physician assistant in accordance with s.
 160 766.103(3).

161
 162 Examination and treatment provided under this subsection shall
 163 be limited to reasonable examination of the patient to determine
 164 the medical condition of the patient and treatment reasonably
 165 necessary to alleviate the emergency medical condition or to
 166 stabilize the patient.

167 Section 5. Subsection (1) of section 14.33, Florida
 168 Statutes, is amended to read:

169 14.33 Medal of Heroism.—

170 (1) The Governor may award a Medal of Heroism of
 171 appropriate design, with ribbons and appurtenances, to a law
 172 enforcement, correctional, or correctional probation officer, as
 173 defined in s. 943.10(14); a firefighter, as defined in s.
 174 112.191(1)(b); an emergency medical technician, as defined in s.
 175 401.23 ~~401.23(11)~~; or a paramedic, as defined in s. 401.23(17).

176 A recipient must have distinguished himself or herself
 177 conspicuously by gallantry and intrepidity, must have risked his
 178 or her life deliberately above and beyond the call of duty while
 179 performing duty in his or her respective position, and must have
 180 engaged in hazardous or perilous activities to preserve lives
 181 with the knowledge that such activities might result in great
 182 personal harm.

183 Section 6. Paragraph (a) of subsection (3) of section
 184 252.515, Florida Statutes, is amended to read:

185 252.515 Postdisaster Relief Assistance Act; immunity from
 186 civil liability.-

187 (3) As used in this section, the term:

188 (a) "Emergency first responder" means:

- 189 1. A physician licensed under chapter 458.
- 190 2. An osteopathic physician licensed under chapter 459.
- 191 3. A chiropractic physician licensed under chapter 460.
- 192 4. A podiatric physician licensed under chapter 461.
- 193 5. A dentist licensed under chapter 466.
- 194 6. An advanced registered nurse practitioner certified
 195 under s. 464.012.
- 196 7. A physician assistant licensed under s. 458.347 or s.
 197 459.022.
- 198 8. A worker employed by a public or private hospital in
 199 the state.
- 200 9. A paramedic as defined in s. 401.23 ~~401.23(17)~~.

- 201 10. An emergency medical technician as defined in s.
 202 401.23(11).
 203 11. A firefighter as defined in s. 633.102.
 204 12. A law enforcement officer as defined in s. 943.10.
 205 13. A member of the Florida National Guard.
 206 14. Any other personnel designated as emergency personnel
 207 by the Governor pursuant to a declared emergency.

208 Section 7. Subsection (5) of section 395.1027, Florida
 209 Statutes, is amended to read:

210 395.1027 Regional poison control centers.—

211 (5) By October 1, 1999, each regional poison control
 212 center shall develop a prehospital emergency dispatch protocol
 213 with each licensee as defined in s. 401.23 ~~by s. 401.23(13)~~ in
 214 the geographic area covered by the regional poison control
 215 center. The prehospital emergency dispatch protocol shall be
 216 developed by each licensee's medical director in conjunction
 217 with the designated regional poison control center responsible
 218 for the geographic area in which the licensee operates. The
 219 protocol shall define toxic substances and describe the
 220 procedure by which the designated regional poison control center
 221 may be consulted by the licensee. If a call is transferred to
 222 the designated regional poison control center in accordance with
 223 the protocol established under this section and s. 401.268, the
 224 designated regional poison control center shall assume
 225 responsibility and liability for the call.

226 Section 8. Paragraph (b) of subsection (2) of section
 227 401.245, Florida Statutes, is amended to read:

228 401.245 Emergency Medical Services Advisory Council.—
 229 (2)

230 (b) Representation on the Emergency Medical Services
 231 Advisory Council shall include: two licensed physicians who are
 232 "medical directors" as defined in s. 401.23 ~~401.23(15)~~ or whose
 233 medical practice is closely related to emergency medical
 234 services; two emergency medical service administrators, one of
 235 whom is employed by a fire service; two certified paramedics,
 236 one of whom is employed by a fire service; two certified
 237 emergency medical technicians, one of whom is employed by a fire
 238 service; one emergency medical services educator; one emergency
 239 nurse; one hospital administrator; one representative of air
 240 ambulance services; one representative of a commercial ambulance
 241 operator; and two laypersons who are in no way connected with
 242 emergency medical services, one of whom is a representative of
 243 the elderly. Ex officio members of the advisory council from
 244 state agencies shall include, but shall not be limited to,
 245 representatives from the Department of Education, the Department
 246 of Management Services, the State Fire Marshal, the Department
 247 of Highway Safety and Motor Vehicles, the Department of
 248 Transportation, and the Division of Emergency Management.

249 Section 9. This act shall take effect July 1, 2018.