

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015**

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**HOUSE BILL 327
Second Edition Engrossed 4/20/15
Senate Health Care Committee Substitute Adopted 6/11/15
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Proposed Conference Committee Substitute H327-PCCS10456-TA-1**

Short Title: EMS Personnel Technical Changes.

(Public)

Sponsors:

Referred to:

March 24, 2015

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE STATUTES
3 GOVERNING THE REGULATION OF EMERGENCY MEDICAL SERVICES TO
4 REFLECT NEW NATIONAL STANDARDS FOR EMERGENCY MEDICAL
5 PERSONNEL.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 131E-155 reads as rewritten:

8 **"§ 131E-155. Definitions.**

9 As used in this Article, unless otherwise specified:

- 10 (1) "Ambulance" means any privately or publicly owned motor vehicle, aircraft,
11 or vessel that is specially designed, constructed, or modified and equipped
12 and is intended to be used for and is maintained or operated for the
13 transportation of patients on the streets or highways, waterways or airways
14 of this State.
- 15 (2) Repealed by Session Laws 1997-443, s. 11A.129C.
- 16 (3) Redesignated as subdivision (13a).
- 17 (4) "Commission" means the North Carolina Medical Care Commission.
- 18 (5) "Emergency medical dispatcher" means an emergency telecommunicator
19 who has completed an educational program approved by the Department and
20 has been credentialed as an emergency medical dispatcher by the
21 Department.
- 22 (6) "Emergency medical services" means services rendered by emergency
23 medical services personnel in responding to improve the health and wellness
24 of the community and to address the individual's need for emergency
25 medical care within the scope of practice as defined by the North Carolina
26 Medical Board in accordance with G.S. 143-514 in order to prevent loss of
27 life or further aggravation of physiological or psychological illness or injury.
- 28 (6a) "Emergency medical services instructor" means an individual who has
29 completed educational requirements approved by the Department and has



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- 1 been credentialed as an emergency medical services instructor by the
2 Department.
- 3 (6b) "Emergency Medical Services Peer Review Committee" means a panel
4 composed of EMS program representatives to be responsible for analyzing
5 patient care data and outcome measures to evaluate the ongoing quality of
6 patient care, system performance, and medical direction within the EMS
7 system. The committee membership shall include physicians, nurses, EMS
8 personnel, medical facility personnel, and county government officials.
9 Review of medical records by the EMS Peer Review Committee is
10 confidential and protected under G.S. 143-518. An EMS Peer Review
11 Committee, its members, proceedings, records and materials produced, and
12 materials considered shall be afforded the same protections afforded Medical
13 Review Committees, their members, proceedings, records, and materials
14 under G.S. 131E-95.
- 15 (7) "Emergency medical services personnel" means all the personnel defined in
16 subdivisions (5), (6a), (8), (9), (10), (12), (13), (14), and (15) of this section.
- 17 (8) "Emergency medical services-nurse practitioner" means a registered nurse
18 who is licensed to practice nursing in North Carolina and approved to
19 perform medical acts by the North Carolina Medical Board and the North
20 Carolina Board of Nursing. Upon successful completion of an orientation
21 program conducted under the authority of the medical director and approved
22 by the Department, emergency medical services-nurse practitioners shall be
23 approved by the medical director to issue instructions to EMS personnel.
24 These instructions shall be in accordance with protocols approved by the
25 EMS system and Office of Emergency Medical Services and under the
26 direction of the medical director.
- 27 (9) "Emergency medical services-physician assistant" means a physician
28 assistant who is licensed by the North Carolina Medical Board. Upon
29 successful completion of an orientation program conducted under the
30 authority of the medical director and approved by the Department,
31 emergency medical services-physician assistants shall be approved by the
32 medical director to issue instructions to EMS personnel. These instructions
33 shall be in accordance with protocols approved by the EMS system and
34 Office of Emergency Medical Services and under the direction of the
35 medical director.
- 36 (10) "Emergency medical technician" means an individual who has completed an
37 educational program in emergency medical care approved by the
38 Department and has been credentialed as an emergency medical technician
39 by the Department.
- 40 (11) Repealed by Session Laws 2003-392, s. 2(a), effective August 7, 2003.
- 41 (12) ~~"Emergency medical technician intermediate"~~ "Advanced emergency
42 medical technician" means an individual who has completed an educational
43 program in emergency medical care approved by the Department and has
44 been credentialed as an ~~emergency medical technician intermediate~~
45 advanced emergency medical technician by the Department.
- 46 (13) ~~"Emergency medical technician paramedic"~~ "Paramedic" means an
47 individual who has completed an educational program in emergency medical
48 care approved by the Department and has been credentialed as an ~~emergency~~
49 ~~medical technician paramedic~~ a paramedic by the Department.
- 50 (13a) "EMS provider" means a firm, corporation or association which engages in
51 or professes to provide emergency medical services.

- 1 (14) "~~Medical responder~~" "Emergency medical responder" means an individual
 2 who has completed an educational program in emergency medical care and
 3 first aid approved by the Department and has been credentialed as ~~a~~ an
 4 emergency medical responder by the Department.
- 5 (15) "Mobile intensive care nurse" means a registered nurse who is licensed to
 6 practice nursing in North Carolina and is approved by the medical director,
 7 following successful completion of an orientation program conducted under
 8 the authority of the medical director and approved by the Department, to
 9 issue instructions to EMS personnel. These instructions shall be in
 10 accordance with protocols approved by the EMS system and Office of
 11 Emergency Medical Services and under the direction of the medical director.
- 12 (16) "Patient" means an individual who is sick, injured, wounded, or otherwise
 13 incapacitated or helpless such that the need for some medical assistance
 14 might be anticipated.
- 15 (17) "Practical examination" means a test where an applicant for credentialing as
 16 an emergency medical technician, emergency medical responder, ~~emergency~~
 17 ~~medical technician intermediate~~, ~~or~~ ~~emergency medical~~
 18 ~~technician paramedic~~ advanced emergency medical technician, or paramedic
 19 demonstrates the ability to perform specified emergency medical care skills."

20 **SECTION 2.** G.S. 131E-158 reads as rewritten:

21 **"§ 131E-158. Credentialed personnel required.**

22 (a) Every ambulance when transporting a patient shall be occupied at a minimum by all
 23 of the following:

- 24 (1) At least one emergency medical technician who shall be responsible for the
 25 medical aspects of the mission prior to arrival at the medical facility,
 26 assuming no other individual with higher credentials is available.
- 27 (2) One emergency medical responder who is responsible for the operation of
 28 the vehicle and rendering assistance to the emergency medical technician.

29 An ambulance owned and operated by a licensed health care facility that is used solely to
 30 transport sick or infirm patients with known nonemergency medical conditions between
 31 facilities or between a residence and a facility for scheduled medical appointments is exempt
 32 from the requirements of this subsection.

33 (b) The Commission shall adopt rules setting forth exemptions to the requirements
 34 stated in (a) of this section applicable to situations where exemptions are considered by the
 35 Commission to be in the public interest."

36 **SECTION 3.** G.S. 131E-159 reads as rewritten:

37 **"§ 131E-159. Credentialing requirements.**

38 (a) Individuals seeking credentials as an emergency medical technician, ~~emergency~~
 39 ~~medical technician intermediate~~, ~~emergency medical technician paramedic~~, ~~advanced~~
 40 emergency medical technician, paramedic, emergency medical responder, emergency medical
 41 dispatcher, or emergency medical services instructor shall apply to the Department using forms
 42 prescribed by that agency. The Department's representatives shall examine the applicant by
 43 either written, practical, or written and practical examination. The Department shall issue
 44 appropriate credentials to the applicant who meets all the requirements set forth in this Article
 45 and the rules adopted for this Article and who successfully completes the examinations
 46 required for credentialing. Emergency medical technician, emergency medical responder,
 47 emergency medical dispatcher, ~~emergency medical technician intermediate~~, ~~emergency~~
 48 ~~medical technician paramedic~~ advanced emergency medical technician, paramedic, and
 49 emergency medical services instructor credentials shall be valid for a period not to exceed four
 50 years and may be renewed if the holder meets the requirements set forth in the rules of the

1 Commission. The Department is authorized to revoke or suspend these credentials at any time
2 it determines that the holder no longer meets the qualifications prescribed.

3 (b) The Commission shall adopt rules setting forth the qualifications required for
4 credentialing of emergency medical responders, emergency medical technicians, ~~emergency~~
5 ~~medical technician intermediates, emergency medical technician paramedics, advanced~~
6 emergency medical technicians, paramedics, emergency medical dispatchers, and emergency
7 medical services instructors.

8 (c) Individuals currently credentialed as an emergency medical technician, ~~emergency~~
9 ~~medical technician intermediate, emergency medical technician paramedic, advanced~~
10 emergency medical technician, paramedic, emergency medical responder, and emergency
11 medical services instructor by the National Registry of Emergency Medical Technicians or by
12 another state where the education/credentialing requirements have been approved for legal
13 recognition by the Department of Health and Human Services, in accordance with rules
14 promulgated by the Medical Care Commission, and who is either currently residing in North
15 Carolina or affiliated with a permitted EMS provider offering service within North Carolina,
16 may be eligible for credentialing as an emergency medical technician, ~~emergency medical~~
17 ~~technician intermediate, emergency medical technician paramedic, advanced emergency~~
18 medical technician, paramedic, emergency medical responder, and emergency medical services
19 instructor without examination. This credentialing shall be valid for a period not to exceed the
20 length of the applicant's original credentialing or four years, whichever is less.

21 ...

22 (f) The Department may deny, suspend, amend, or revoke the credentials of ~~a~~an
23 emergency medical responder, emergency medical technician, ~~emergency medical~~
24 ~~technician intermediate, emergency medical technician paramedic, advanced emergency~~
25 medical technician, paramedic, emergency medical dispatcher, or emergency medical services
26 instructor in any case in which the Department finds that there has been a substantial failure to
27 comply with the provisions of this Article or the rules issued under this Article. Prior to
28 implementation of any of the above disciplinary actions, the Department shall consider the
29 recommendations of the EMS Disciplinary Committee pursuant to G.S. 143-519. The
30 Department's decision to deny, suspend, amend, or revoke credentials may be appealed by the
31 applicant or credentialed personnel pursuant to the provisions of Article 3 of Chapter 150B of
32 the General Statutes, the Administrative Procedure Act.

33"

34 **SECTION 4.** G.S. 14-276.1 reads as rewritten:

35 "**§ 14-276.1. Impersonation of firemen or emergency medical services personnel.**

36 It is a Class 3 misdemeanor, for any person, with intent to deceive, to impersonate a
37 fireman or any emergency medical services personnel, whether paid or voluntary, by a false
38 statement, display of insignia, emblem, or other identification on his person or property, or any
39 other act, which indicates a false status of affiliation, membership, or level of training or
40 proficiency, if:

- 41 (1) The impersonation is made with intent to impede the performance of the
42 duties of a fireman or any emergency medical services personnel, or
- 43 (2) Any person reasonably relies on the impersonation and as a result suffers
44 injury to person or property.

45 For purposes of this section, emergency medical services personnel means ~~a~~an emergency
46 medical responder, emergency medical technician, ~~emergency medical technician~~
47 ~~intermediates, emergency medical technician paramedics, advanced emergency medical~~
48 technician, paramedic, or other member of a rescue squad or other emergency medical
49 organization."

50 **SECTION 5.** The North Carolina Medical Care Commission shall amend its
51 applicable rules consistent with this act no later than December 31, 2015.

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SECTION 6. This act is effective when it becomes law.