

Tuesday, March 08, 2011

Oregon Health Authority EMS and Trauma Systems Program, Oregon Fire Chiefs Association EMS Section and Oregon State Ambulance Association proposed amendments. These amendments are intended to:

1. Limit the authority of the EMS and Trauma Systems Program to regulating ambulances and not other emergency vehicles such as fire trucks.
2. Restore the definitions of "Emergency care", "Nonemergency care" and "Prehospital care" in order to clarify that nonemergency ambulance services will continue to be licensed and regulated by the OHA.
3. Allow initial agency licenses to be for up to 18 months.
4. Clarify that the county plans are to establish ambulance service areas and to recognize the need for ambulance services to be coordinated with the nontransport EMS services.
5. Mandate that each county ambulance service area plan be updated by December 31, 2012.
6. Clarify the discipline process.

The amendments to SB106: (additions underlined)

SECTION 3.

(2)

{ a) Requirements relating to the types and numbers of { - emergency vehicles - } { + ambulances + };

{ + (b) EMS + } supplies and equipment operated or carried by emergency medical services agencies { - and other emergency care systems - };

{ - (b) - } { + (c) + } Requirements for the operation and coordination of { + ambulances + } { - emergency medical services agencies - } { + providing emergency and non-emergency prehospital care + } and other emergency care systems[,];

{ - (c) - } { + (d) + } Criteria for use of two-way communications; and

{ - (d) - } { + (e) + } Procedures for summoning and dispatching aid.

Section 4 restore deleted definition language with updates as follows:

{ + (5) "Emergency care" means the performance of acts or procedures under emergency conditions in the observation, care and counsel of persons who are ill or injured or who have disabilities; in the administration of care or medications as prescribed by a licensed physician, insofar as any of these acts is based upon knowledge and application of the principles of biological, physical and social science as required by a completed course utilizing an approved curriculum in prehospital emergency care. However, "emergency care" does not include acts of medical diagnosis or prescription of therapeutic or corrective measures. + }

{ + (11) "Nonemergency care" means the performance of acts or procedures on a patient who is not expected to die, become permanently disabled or suffer permanent harm within the next 24 hours, including but not limited to observation, care and counsel of a patient and the administration of medications prescribed by a physician licensed under ORS chapter 677, insofar

as any of those acts are based upon knowledge and application of the principles of biological, physical and social science and are performed in accordance with scope of practice rules adopted by the Oregon Medical Board in the course of providing prehospital care as defined by this section. + }

{ + [(15) “Prehospital care” means that care rendered by emergency medical providers as an incident of the operation of an ambulance as defined by this chapter and that care rendered by emergency medical providers as incidents of other public or private safety duties, and includes, but is not limited to, “emergency care” as defined by this section. + }

SECTION 11.

(3)The authority may initially issue a license for less than a 12-month period or for more than a 12-month period not to exceed {- 15 -} {+ 18 +} months.

SECTION 15. ORS 682.062 is amended to read:

682.062. (1) Each county shall develop a plan for the county or two or more contiguous counties may develop a plan relating to the need for and coordination of ambulance services { + which are to be coordinated with the nontransport EMS services + } and establish one or more ambulance service areas consistent with the plan for the efficient and effective provision of { - ambulance services - } { + transportation and patient care to emergency medical services patients + }.

(2) Each person, city or rural fire protection district within the county that provides or desires to provide ambulance services shall notify the county in writing if the person, city or district wants to be consulted prior to the adoption or amendment of a county plan for ambulance services.

(3) Prior to adopting or amending a plan under subsection (1) of this section, a county shall notify each person, city or district that notified the county under subsection (2) of this section of its desire to be consulted. The county governing body shall consult with and seek advice from such persons, cities and districts with regard to the plan and to the boundaries of any ambulance service areas established under the plan. After such consultation, the county shall adopt or amend a plan in the same manner as the county enacts nonemergency ordinances.

(4) { + A county shall submit + } any plan developed and any service area established pursuant to subsection (1) of this section { - shall be submitted - } to the Oregon Health Authority.

(5) The authority { - , in consultation with the appropriate bodies specified in subsection (1) of this section, - } shall adopt rules pursuant to ORS chapter 183 that specify those subjects to be addressed and considered in any plan for { - ambulance - } { + transportation and patient care + } services and { + ambulance service + } areas under subsection (1) of this section and those subjects to be addressed and considered in the adoption of any such plan. The rules shall be uniform, as far as practicable, but take into consideration unique circumstances of local districts.

(6) The authority shall review a plan submitted under subsection (4) of this section for compliance with the rules of the authority adopted under subsection (5) of this section. Not later than 60 days after receiving the plan, the authority shall approve the plan if it complies with the rules or disapprove the plan. The authority shall give written notice of such action to the county and, when a plan is not approved, the notice shall indicate specifically how the plan does not comply with the rules of the authority. The county shall modify the plan to comply with the rules and shall submit the modified plan to the authority for review under this subsection.

(7) The rules adopted under subsection (5) of this section { - shall be - } { + are + } enforceable by the authority in a proceeding in circuit court for equitable relief.

(8) This section does not require a county to establish more than one ambulance service area within the county.

SECTION 16. ORS 682.063 is amended to read:

682.063. (1) In addition to the other requirements of ORS 682.031 and 682.062, when initially adopting a plan for ambulance services and ambulance service areas under ORS 682.062 or upon any subsequent review of the plan, a county shall:

(a) Consider { - any and - } all proposals for providing ambulance services that are submitted by a person or governmental unit or a combination thereof;

(b) Require persons and governmental units that desire to provide ambulance services under the plan to meet all the requirements established by the plan { + and to coordinate with nontransport EMS agencies + }; and

(c) Consider existing boundaries of cities and rural fire protection districts when establishing ambulance service areas under the plan.

(2) When determining the provider of ambulance services upon initial adoption or subsequent review of a plan under ORS 682.062, a county { - shall - } { + may + } not grant preference under the plan to any person or governmental unit solely because that person or governmental unit is providing ambulance services at the time of adoption or review of the plan.

{ + (3) The Oregon Health Authority shall adopt rules designating the circumstances under which a county is required to submit a new plan for ambulance services which are coordinated with nontransport EMS services for emergency medical services patients to the authority. At a minimum, the rules shall require a county to submit a new plan when a provider of ambulance services or nontransport EMS services to emergency medical services patients changes. + }

SECTION 17. { + Section 18 of this 2011 Act is added to and made a part of ORS chapter 682. + }

SECTION 18. { + A county shall submit a plan under ORS 682.063 for transportation and patient care services for emergency medical services patients and ambulance service areas that addresses coordination of ambulance services and nontransport EMS services to the Oregon Health Authority on or before December 31, 2012. + }

SECTION 30. ORS 682.224 is amended to read:

682.224. (1) The Oregon Health Authority may discipline, as provided in this section, an { - ambulance service or any person certified as an emergency medical technician or first responder in this state who - } { + emergency medical services provider or emergency medical services agency that + } has:

(a) Admitted the facts of a complaint { - which - } { + that + } alleges facts { - which - } { + that + } establish that { - such person - } { + the emergency medical services provider + } is guilty of { - violation of - } one or more of the grounds for suspension or revocation of a { - certificate - } { + license + } as set forth in ORS 682.220 or that { - an ambulance service - } { + the emergency medical services agency + } has violated the provisions of this chapter or the rules adopted thereunder.

(b) Been found guilty in accordance with ORS chapter 183 of { - violation of - } one or more of the grounds for suspension or revocation of { - certification - } { + a license + } as set forth in ORS 682.220 or that an { - ambulance service - } { + emergency medical services agency + } has violated the provisions of this chapter or the rules adopted thereunder.

(2) The purpose of disciplining an { - EMT - } { + emergency medical services provider + } under this section is to ensure that the { - EMT - } { + emergency medical services provider + } will provide services that are consistent with the obligations of this chapter. Prior to taking final disciplinary action, the authority shall determine if the { - EMT - } { + emergency medical services provider + } has been disciplined for the questioned conduct by the { - EMT's - } { + emergency medical services provider's + } employer or { - supervising physician - } { + EMS medical director + }. The authority shall consider any such discipline or any other corrective action in deciding whether additional discipline or corrective action by the authority is appropriate.

(3) In disciplining an { - EMT or ambulance service - } { + emergency medical services provider or emergency medical services agency + } as authorized by subsection (1) of this section, the authority may use any or all of the following methods:

(a) Suspend judgment.

(b) Issue a letter of reprimand.

(c) Issue a letter of instruction.

(d) Place the { - EMT or ambulance service - } { + emergency medical services provider or emergency medical services agency + } on probation.

(e) Suspend the { - EMT certificate or ambulance service - } license { + of the emergency medical services provider or emergency medical services agency + }.

(f) Revoke the { - EMT certificate or ambulance service - } license { + of the emergency medical services provider or emergency medical services agency + }.

(g) Place limitations on the { - certificate of the EMT to practice emergency or nonemergency care in this state or place limitations on the - } license of the { - ambulance service - } { + emergency medical services provider or emergency medical services agency + }.

(h) Take such other disciplinary action as the authority in its discretion finds proper, including assessment of the costs of the disciplinary proceedings as a civil penalty or assessment of a civil penalty not to exceed \$5,000, or both.

{ + (i) When taking any action against an EMS agency, the Authority shall coordinate with the county or local jurisdiction taking into consideration any charter or ordinance pertaining to the provision of emergency medical patient care. + }

(4) In addition to the action authorized by subsection (3) of this section, the authority may temporarily suspend a { - certificate or - } license without a hearing, simultaneously with the commencement of proceedings under ORS chapter 183 if the authority finds that evidence in its possession indicates that a continuation in practice of the { - EMT - } { + emergency medical services provider + } or operation of the { - ambulance service - } { + emergency medical services agency + } constitutes an immediate danger to the public.

(5) If the authority places any { - EMT or ambulance service - } { + emergency medical services provider or emergency medical services agency + } on probation as set forth in subsection (3)(d) of this section, the authority may determine, and may at any time modify, the conditions of the probation and may include among them any reasonable condition for the

purpose of protection of the public and for the purpose of the rehabilitation of the { - EMT or ambulance service - } { + emergency medical services provider or emergency medical services agency + }, or both. Upon expiration of the term of probation, further proceedings shall be abated if the { - EMT or ambulance service - } { + emergency medical services provider or emergency medical services agency + } has complied with the terms of the probation.

(6) { + (a) + } If an { - EMT certified in this state - } { + emergency medical services provider's license + } is suspended, the { - holder of the certificate - } { + emergency medical services provider + } may not practice during the term of suspension.

{ - (7) - } { + (b) + } If an { - ambulance service licensed in this state - } { + emergency medical services agency's license + } is suspended, the { - ambulance service - } { + emergency medical services agency + } may not operate { - in this state - } during the term of the suspension, provided that the authority shall condition such suspension upon such arrangements as may be necessary to ensure the continued availability of ambulance service in the area served by that { - ambulance service - } { + emergency medical services agency + }.

{ + (c) + } Upon expiration of the term of suspension, the { - certificate or - } license shall be reinstated by the authority if the conditions for which the { - certificate or - } license was suspended no longer exist.

{ - (8) - } { + (7) + } Whenever an { - EMT certificate or ambulance service - } { + emergency medical services provider or emergency medical services agency + } license is denied or revoked for any cause, the authority may, in its discretion, after the lapse of two years from the date of { - such - } { + the denial or + } revocation, upon written application by the person formerly { - certified or - } licensed and after a hearing, issue or restore the { - EMT certificate or ambulance service - } { + emergency medical services provider or emergency medical services agency + } license.

{ - (9) - } { + (8) + } Civil penalties under this section shall be imposed as provided in ORS 183.745.