

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 1144

S.P. 421

In Senate, April 4, 1995

An Act to Amend Certain Provisions of the Maine Emergency Medical Services Act of 1982.

Submitted by the Department of Public Safety pursuant to Joint Rule 24.
Reference to the Committee on Business and Economic Development suggested and ordered printed.

A handwritten signature in cursive script that reads "May M. Ross".

MAY M. ROSS
Secretary of the Senate

Presented by Senator PENDEXTER of Cumberland.
Cosponsored by Senator: McCORMICK of Kennebec, Representatives: MITCHELL of Vassalboro, TUTTLE of Sanford.

Be it enacted by the People of the State of Maine as follows:

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4 **Sec. 1. 14 MRSA §8102, sub-§1-A**, as enacted by PL 1987, c.
386, §2, is amended to read:

6 **1-A. Emergency medical service.** "Emergency medical service"
means a nonprofit, incorporated ambulance service or ~~first~~
8 ~~responder~~ nontransporting emergency medical service licensed
under Title 32, chapter 2-B, receiving full or partial financial
10 support from or officially recognized by the State, a
municipality or county or an entity created under Title 30,
12 chapter 203 or 204-A, except when the emergency medical service
is acting outside the scope of activities expressly authorized by
14 the State, municipality, county or entity created under Title 30,
chapter 203 or 204-A.

16 **Sec. 1. 32 MRSA §82, sub-§1**, as amended by PL 1991, c. 588, §1,
18 is further amended to read:

20 **1. Licenses required.** An ambulance service, ambulance,
~~first--responder~~ nontransporting emergency medical service or
22 emergency medical services person may not operate or practice
unless duly licensed by the Emergency Medical Services' Board
24 pursuant to this chapter, except as stated in subsection 2.

26 An ambulance, ambulance service, ~~first--responder~~ nontransporting
emergency medical service or emergency medical services person
28 that fails to obtain licensure is subject to a fine of not more
than \$500 or imprisonment for not more than 6 months, unless
30 other penalties are specified.

32 **Sec. 2. 32 MRSA §82, sub-§2, ¶B**, as enacted by PL 1981, c. 661,
§2, is amended to read:

34 B. Ambulance services, ambulances, ~~first---responder~~
36 nontransporting emergency medical services and emergency
medical ~~services'~~ services persons responding into Maine
38 from out-of-state in response to civil emergencies or
natural disasters;

40 **Sec. 3. 32 MRSA §82, sub-§2, ¶C**, as amended by PL 1985, c. 730,
42 §§4 and 16, is further amended to read:

44 C. Ambulance services, ambulances, ~~first---responder~~
nontransporting emergency medical services and emergency
46 medical ~~services'~~ services persons responding into Maine
from out-of-state pursuant to board approved mutual aid
48 agreements with Maine licensed services;

50 **Sec. 4. 32 MRSA §83, sub-§14**, as enacted by PL 1981, c.

661, §2, is amended to read:

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14. Nontransporting emergency medical service. "~~First responder~~ Nontransporting emergency medical service" means any organization, person or persons who hold themselves out as providers of emergency medical treatment and who do not routinely provide transportation to ill or injured persons, and who routinely offer or provide services to the general public beyond the boundaries of a single recreational site, business, school or other facility. For the purposes of this chapter, a physician making house calls as a part of ordinary medical practice is not considered to be a ~~first-responder~~ nontransporting emergency medical service.

A ~~first-responder~~ nontransporting emergency medical service must have an agreement with a licensed ambulance service, to ensure continuity of care and adequate transportation for its patients. An ambulance service is not required to approve of or enter into an agreement with a ~~first-responder~~ nontransporting emergency medical service.

Sec. 5. 32 MRSA §85, sub-§3, ¶A, as amended by PL 1989, c. 857, §69, is further amended to read:

A. The person must have completed successfully the ~~United States--Department--of--Transportation--course--for--first responders,--with--supplemental--training--specified--in--rules adopted--by--the--board--pursuant--to--the--Maine--Administrative Procedure--Act,--or--completed--successfully--the--American--Red Cross--Advanced--First--Aid--and--Emergency--Care--Course,--with supplemental training specified in rules adopted by the board pursuant to the Maine Administrative Procedure Act.~~

Sec. 6. 32 MRSA §85, sub-§3, ¶¶B and D, as enacted by PL 1981, c. 661, §2, are amended to read:

B. The person must have successfully completed the ~~American Heart--Association--basic--rescuer--course--in cardiopulmonary resuscitation or--its--American--Red--Cross--equivalent certification requirements as specified in rules adopted by the board pursuant to the Maine Administrative Procedure Act.~~

D. The person must be sponsored by a Maine licensed ambulance service or ~~first-responder~~ nontransporting emergency medical service.

Sec. 7. 32 MRSA §86, sub-§1, as amended by PL 1991, c. 588, §14, is further amended to read:

1. Ambulance services and nontransporting medical services

2 **to be licensed.** Every ambulance service and ~~first--responder~~
3 nontransporting emergency medical service must be licensed,
4 operate in accordance with the rules adopted for services under
5 this chapter and carry the equipment called for in those rules.

6 **Sec. 8. 32 MRSA §86, sub-§2-A,** as amended by PL 1993, c. 152,
7 §3, is further amended to read:

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9 **2-A. Treatment to be in accord with regional medical**
10 **orders.** When an ambulance service or ~~first---responder~~
11 nontransporting emergency medical service is present at an
12 accident or other situation in which a person or persons require
13 emergency medical treatment, the medical treatment of the
14 patients must be carried out in accordance with any rules adopted
15 under this chapter, any protocols issued by the regional medical
16 director and any verbal orders given under the system of
17 delegation established by the regional medical director; except
18 that:

19 A. When a patient is already under the supervision of a
20 personal physician or a physician's assistant or nurse
21 practitioner supervised by that physician and the physician,
22 physician's assistant or nurse practitioner assumes the care
23 of the patient, then for as long as the physician,
24 physician's assistant or nurse practitioner remains with the
25 patient, the patient must be cared for as the physician,
26 physician's assistant or nurse practitioner directs. The
27 emergency medical services persons shall assist to the
28 extent that their licenses and protocol allow; and

29 B. No patient is required to accept treatment to which the
30 patient does not consent.

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32 **Sec. 9. 32 MRSA §88, sub-§1, ¶A,** as amended by PL 1991, c. 742,
33 §4, is further amended to read:

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35 A. The board has one member representing each regional
36 council, and 7 persons in addition. Of the additional
37 persons, one is a physician, one an attorney, one a
38 representative of the public, one a representative of
39 for-profit ambulance services, one a professional nurse, one
40 a representative of ~~first---responder~~ nontransporting
41 emergency medical services and one a representative of
42 not-for-profit ambulance services. The members that
43 represent for-profit ambulance services, ~~first--responder~~
44 nontransporting emergency medical services and
45 not-for-profit ambulance services must be licensed emergency
46 medical ~~services~~ services persons. Appointments are for
47 3-year terms. Members must be appointed by the Governor.
48 The state medical director is an ex officio nonvoting member
49 of the board.
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2 **Sec. 10. 32 MRSA §89, sub-§2, ¶C**, as amended by PL 1985, c.
3 730, §§13 and 16, is further amended to read:

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5 C. Advising the board on the licensing of new ambulance,
6 ~~first-responder~~ nontransporting emergency medical and air
7 ambulance services within each region;
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10 **STATEMENT OF FACT**

11 This bill changes references from "first responder services"
12 to "nontransporting emergency medical services" to clarify the
13 difference between "first responder" individuals and emergency
14 medical services that do not provide patient transportation.

15 The bill also removes references to specific course
16 requirement programs by name.
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