## MAINE STATE LEGISLATURE

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## 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

**Legislative Document** 

No. 1236

H.P. 897

House of Representatives, March 14, 2019

An Act To Clarify the Laws Governing the Licensing of Paramedics

Reference to the Committee on Health Coverage, Insurance and Financial Services suggested and ordered printed.

ROBERT B. HUNT Clerk

R(+ B. Hunt

Presented by Representative HANDY of Lewiston.

2	Sec. 1. 32 MRSA §83, sub-§§18-B and 18-C are enacted to read:
3 4	18-B. Paramedic. "Paramedic" means an emergency medical services person licensed to perform paramedic emergency medical treatment.
5 6	18-C. Paramedic emergency medical treatment. "Paramedic emergency medical treatment" means emergency medical treatment:
7	A. Defined in rule by the board to be at the paramedic level of treatment; and
8 9 10	B. That the board determines may be performed by persons licensed under this chapter within a system of emergency care approved by the board when acting under the supervision of:
11	(1) A physician; or
12 13 14	(2) A physician assistant or nurse practitioner, licensed by the State and authorized by a hospital to supervise and direct the actions of an emergency medical services person.
15 16	<b>Sec. 2. 32 MRSA §84, sub-§1, ¶D,</b> as amended by PL 2011, c. 271, §7, is further amended to read:
17 18 19	D. Rules adopted pursuant to this chapter <u>are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A and must include, but are not limited to, the following:</u>
20 21	(1) The composition of regional councils and the process by which they come to be recognized;
22 23 24	(2) The manner in which regional councils must report their activities and finances and the manner in which those activities must be carried out under this chapter;
25 26	(4) The requirements for licensure for all vehicles, persons and services subject to this chapter, including training and testing of personnel; and
27	(5) Fees to be charged for licenses under this section.
28	Sec. 3. 32 MRSA §85, sub-§2-A is enacted to read:
29 30 31 32 33 34	<b>2-A.</b> Paramedic emergency medical treatment. With the advice and consultation noted in subsection 1, the board may establish by rule the skills, techniques and judgments of a paramedic that may be supervised by a physician by means of standing orders, voice radio and other means. In every case, paramedic emergency medical treatment must be given in accordance with protocols adopted by the Medical Direction and Practices Board.
35 36	The board may establish by rule appropriate licensure levels for paramedics and the qualifications for persons to hold those licenses.

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

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- **Sec. 4. 32 MRSA §93-A, sub-§1,** as amended by PL 1991, c. 588, §25, is further amended to read:
- 1. Emergency medical treatment supervision. No  $\underline{A}$  physician functioning within the medical control system established by the regional medical director and practicing in a hospital to or from which patients are transported under section 86 or health care practitioner under such a physician's supervision who gives oral or written instructions to a basic emergency medical services person of an advanced emergency medical technician or a paramedic for the provision of emergency medical treatment outside the hospital may not be civilly liable for negligence as a result of issuing the instructions, if the instructions were in accordance with the protocol for the patient's reported condition. For the purpose of aiding in establishing the use of a protocol that permits the immunity provided in this subsection, the following provisions apply:
  - A. The basic emergency medical services person  $\Theta_{\overline{1}}$  advanced emergency medical technician <u>or paramedic</u> to whom the instructions are given shall document those instructions on the state ambulance run record; and
  - B. The physician or health care practitioner giving the instructions shall maintain a medical control log documenting those instructions at the time they were given and shall sign the log.
- The immunity provided in this subsection extends to the hospital in which the physician described in this subsection is practicing or the health care practitioner described in this subsection is being supervised.

22 SUMMARY

This bill defines paramedic and paramedic emergency medical treatment in the laws governing the provision of emergency medical treatment. It also authorizes the Emergency Medical Services' Board to establish by rule appropriate licensure levels for paramedics and the qualifications for persons to hold those licenses.