

SENATE BILL NO. 2285

Introduced by

Senator Kilzer

Representatives Lundgren, Porter, Severson

1 A BILL for an Act to amend and reenact sections 23-27-01, 23-27-02, 23-27-03, 23-27-04,
2 23-27-04.1, 23-27-04.2, 23-27-04.3, and 23-27-04.4 of the North Dakota Century Code, relating
3 to licensing of emergency services.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 23-27-01 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **23-27-01. Licensing of ~~ambulance~~ emergency services - Exception - Waiver.** ~~No~~
8 ~~surface-ambulance~~ Emergency medical services, as hereinafter defined, may not be advertised
9 or offered to the public unless the operator of ~~such~~ the service is licensed by the state health
10 council. A license for ~~operators~~ an operator of ~~ambulance~~ emergency medical service is
11 nontransferable and the operator must be separately licensed for each ambulance service
12 which ~~he~~ that person operates. Each ambulance service ~~which~~ that is headquartered or
13 dispatched from a separate location must be considered a separate ambulance service
14 operation.

15 The provisions of this chapter do not apply to an operator from another state who is
16 headquartered at a location outside of this state and transports patients across state lines, but
17 ~~no such~~ the operator ~~will be permitted to~~ may not treat patients within this state or pick up
18 patients within this state for transportation to locations within this state, except as provided
19 ~~through regulations~~ by rule.

20 The state health council shall provide ~~through regulations~~ by rule for special licenses
21 and waiver provisions for an operator of ~~a surface-ambulance~~ an emergency medical service
22 intended for industrial sites not available to the general public.

23 **SECTION 2. AMENDMENT.** Section 23-27-02 of the North Dakota Century Code is
24 amended and reenacted as follows:

1 **23-27-02. Definition of ~~surface ambulance~~ emergency medical services.** For the
2 purpose of this chapter, "~~surface ambulance~~ emergency medical services" means ~~any quick~~
3 response unit services that provide emergency medical care to a patient while an ambulance is
4 en route, rescue services that extricate patients from situations of entrapment, air ambulance
5 services, and surface ambulance services that use ~~of a publicly or privately owned vehicle upon~~
6 ~~the streets or highways of this state~~ vehicles or aircraft for the medical treatment or
7 transportation of persons who are sick, injured, wounded, or otherwise incapacitated or helpless
8 by any person who either holds ~~himself~~ that person out to the public for ~~such a~~ the service or
9 who regularly provides ~~such a~~ the service.

10 **SECTION 3. AMENDMENT.** Section 23-27-03 of the 1997 Supplement to the North
11 Dakota Century Code is amended and reenacted as follows:

12 **23-27-03. License fees.** The fee for a license to operate and perform ~~ambulance~~
13 emergency medical services must be set by the state health council at a sum of not more than
14 twenty-five dollars annually, as may be required to defray the costs of administration of the
15 licensing program. All license fees must be paid to the state department of health and
16 deposited with the state treasurer and credited to the state general fund.

17 **SECTION 4. AMENDMENT.** Section 23-27-04 of the North Dakota Century Code is
18 amended and reenacted as follows:

19 **23-27-04. Standards for operators.** ~~No surface ambulance~~ Emergency medical
20 service within this state may not be operated unless the service is licensed in accordance with
21 this chapter and ~~regulations promulgated~~ rules adopted by the state health council. The
22 ~~regulations~~ rules must include, ~~but not be limited to,~~ the following:

- 23 1. Time when ~~ambulance~~ service ~~shall be~~ is available.
- 24 2. Type of driver's license needed for drivers of ~~ambulance~~ vehicles.
- 25 3. Training standards for ~~ambulance driver and attendant~~ personnel.
- 26 4. Equipment ~~needs and equipment certification~~ and surface vehicle standards.
- 27 5. Annual license fees.
- 28 6. Number of personnel required for each ~~ambulance~~ run.
- 29 7. Such other requirements as may be found necessary to carry out the intent of this
30 chapter.

1 **SECTION 5. AMENDMENT.** Section 23-27-04.1 of the 1997 Supplement to the North
2 Dakota Century Code is amended and reenacted as follows:

3 **23-27-04.1. Emergency care or services rendered by officers, employees, or**
4 **agents of ~~prehospital~~ emergency medical service - Physician medical direction.** No
5 officer, employee, or agent of ~~any prehospital~~ an emergency medical service and no physician
6 licensed in this state who provides medical direction to ~~any~~ a prehospital emergency medical
7 service, who is a volunteer, who in good faith renders emergency care, services, or medical
8 direction, is liable to the recipient of the emergency care, services, or medical direction for any
9 civil damages resulting from any acts or omissions by the person in rendering the emergency
10 care, services, or medical direction provided the person is properly trained according to law.
11 For the purpose of this section, "volunteer" means an individual who receives no compensation
12 or who is paid expenses, reasonable benefits, nominal fees, or a combination of expenses,
13 reasonable benefits, and nominal fees to perform the services for which the individual
14 volunteered, provided that the fees do not exceed twenty-four hundred dollars in any calendar
15 year. For volunteer physicians providing medical direction to ~~prehospital~~ emergency medical
16 services, the twenty-four hundred dollar maximum fees amount is to be calculated separately
17 for each ~~prehospital~~ emergency medical service for which the physician volunteered medical
18 direction. This section does not relieve a person from liability for damages resulting from the
19 intoxication, willful misconduct, or gross negligence of the person rendering the emergency care
20 or services.

21 **SECTION 6. AMENDMENT.** Section 23-27-04.2 of the 1997 Supplement to the North
22 Dakota Century Code is amended and reenacted as follows:

23 **23-27-04.2. ~~Prehospital emergency~~ Emergency medical services - State**
24 **assistance.** The ~~health services branch~~ of the state department of health shall assist in the
25 training of personnel of certain ~~prehospital~~ emergency medical services as determined by the
26 ~~branch~~ department and financially shall assist certain ~~prehospital~~ emergency medical services
27 as determined by the ~~branch~~ department in obtaining equipment. Assistance provided under
28 this section must be within the limits of legislative appropriation. The ~~health services branch~~
29 department shall adopt criteria for eligibility for assistance in the training of personnel of various
30 types of ~~prehospital~~ emergency medical services. To qualify for financial assistance for
31 equipment, a ~~prehospital~~ an emergency medical service shall certify, in the manner required by

1 the ~~health services branch~~ department, that the service has fifty percent of the amount of funds
2 necessary for identified equipment acquisitions. The ~~health services branch~~ department shall
3 adopt a schedule of eligibility for financial assistance for equipment. The schedule must
4 provide for a direct relationship between the amount of funds certified and the number of
5 responses during the preceding calendar year for the purpose of rendering medical care,
6 transportation, or both, to individuals who were sick or incapacitated. The schedule must
7 require that as the number of responses increases, a greater amount of funds certified is
8 required. The schedule must classify responses and the financial assistance available for
9 various classifications. The ~~health services branch~~ department may establish minimum and
10 maximum amounts of financial assistance to be provided ~~a prehospital~~ an emergency medical
11 service under this section. If applications for financial assistance exceed the amount of
12 allocated and available funds, the ~~health services branch~~ department may prorate the funds
13 among the applicants in accordance with criteria adopted by the ~~health services branch~~
14 department. No more than one-half of the funds appropriated by the legislative assembly each
15 biennium and allocated for training assistance may be distributed in the first year of the
16 biennium.

17 **SECTION 7. AMENDMENT.** Section 23-27-04.3 of the 1997 Supplement to the North
18 Dakota Century Code is amended and reenacted as follows:

19 **23-27-04.3. Emergency medical services personnel training, testing, certification,**
20 **licensure, and quality review.** The state health council shall adopt rules prescribing minimum
21 training, testing, certification, licensure, and quality review standards for emergency medical
22 services personnel. Rules adopted must include a definition of minimum applicable standards,
23 a definition of emergency medical services personnel, provide for a mechanism for certifying or
24 licensing persons who have met the required standards, and provide a mechanism to review
25 and improve the quality of care rendered by emergency medical services personnel. Quality
26 review and improvement information, data, records, and proceedings are not subject to
27 subpoena or discovery or introduction into evidence in any civil action.

28 **SECTION 8. AMENDMENT.** Section 23-27-04.4 of the 1997 Supplement to the North
29 Dakota Century Code is amended and reenacted as follows:

30 **23-27-04.4. Supervision of certified or licensed emergency service personnel.**
31 Certified or licensed emergency medical technicians-intermediate and paramedics, who are

- 1 employed by a hospital and who are working in a nonemergency setting are under the
- 2 supervision of the hospital's patient services management.