

Sixty-seventh  
Legislative Assembly  
of North Dakota

## ENGROSSED SENATE BILL NO. 2133

Introduced by

Senators Lee, K. Roers

Representatives Keiser, Porter, Westlind

1 A BILL for an Act to amend and reenact subsection 2 of section 23-27-02, subsection 2 of  
2 section 23-27-04, and sections 23-27-04.3, 23-27-04.9, and 50-24.1-38 of the North Dakota  
3 Century Code, relating to services provided by emergency medical services operations and  
4 emergency medical services personnel; and to provide a penalty.

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

6 **SECTION 1. AMENDMENT.** Subsection 2 of section 23-27-02 of the North Dakota Century  
7 Code is amended and reenacted as follows:

8 2. "Emergency medical services" means the prehospital medical stabilization or  
9 transportation, including interfacility transportation, of an individual who is sick, injured,  
10 wounded, or otherwise incapacitated or helpless, or in a real or perceived acute  
11 medical condition, by a person that holds oneself out to the public as being in that  
12 service or that regularly provides that service. The term includes:

13 a. Assessing, stabilizing, and treating life-threatening and non-life-threatening  
14 medical conditions; or

15 b. Transporting a patient who is in a real or perceived acute medical condition to a  
16 hospital emergency room or other appropriate medical destination.

17 **SECTION 2. AMENDMENT.** Subsection 2 of section 23-27-04 of the North Dakota Century  
18 Code is amended and reenacted as follows:

19 2. An officer, employee, or agent of any prehospital emergency medical services  
20 operation may refuse to transport an individual for which transport is not medically  
21 necessary and may recommend an alternative course of action to that individual if the  
22 prehospital emergency medical service has developed protocols ~~that include direct~~  
23 ~~medical control~~ to refuse transport of an individual.

1       **SECTION 3. AMENDMENT.** Section 23-27-04.3 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **23-27-04.3. Emergency medical services personnel training, testing, certification,**  
4 **licensure, and quality review - Penalty.**

5       The state health council shall adopt rules prescribing minimum training, testing, certification,  
6 licensure, and quality review standards for emergency medical services personnel, including  
7 community emergency medical services personnel, instructors, and training institutions. Rules  
8 adopted must include a definition of minimum applicable standards, a definition of emergency  
9 medical services personnel, provide for a mechanism for certifying or licensing persons who  
10 have met the required standards, provide a mechanism to review and improve the quality of  
11 care rendered by emergency medical services personnel, and define minimum standards for  
12 emergency medical services training institutions. Licensing as an emergency medical services  
13 training institution is optional. It is a class B misdemeanor for an individual to willfully  
14 misrepresent that individual's certification or licensing status as emergency medical services  
15 personnel. Quality review and improvement information, data, records, and proceedings are not  
16 subject to subpoena or discovery or introduction into evidence in any civil action.

17       **SECTION 4. AMENDMENT.** Section 23-27-04.9 of the North Dakota Century Code is  
18 amended and reenacted as follows:

19       **23-27-04.9. Administration of ~~influenza vaccination~~vaccinations - Laboratory testing.**

- 20       1. A licensed or certified emergency medical ~~technician-paramedics~~services personnel  
21 working for a hospital or an emergency medical services operation may administer the  
22 ~~influenza~~ vaccine to an individual who is at least eighteen years of age if:
- 23       a. The physician providing oversight for the emergency medical services operation  
24 or the hospital medical director has established protocols that meet department  
25 standards that may be based on the advisory committee on immunization  
26 practices of the federal centers for disease control and prevention; and
- 27       b. The emergency medical ~~technician-paramedics~~services personnel has  
28 satisfactorily completed a department-approved course on administering  
29 vaccines.
- 30       2. If a hospital or emergency medical services operation allows the administration of  
31 vaccines under this section, the hospital or emergency medical services operation

1 shall maintain records documenting the emergency medical  
2 technician-paramedic's services personnel's completion of the training required under  
3 subsection 1. These records are subject to review by the department.

4 3. Licensed or certified emergency medical services personnel may perform laboratory  
5 testing authorized by rule adopted by the health council.

6 **SECTION 5. AMENDMENT.** Section 50-24.1-38 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8 **50-24.1-38. Health-related services - Licensed ~~community paramedics~~ emergency**  
9 **medical services personnel.**

10 1. Medical assistance must cover services provided by community emergency medical  
11 services personnel, and other similarly licensed personnel who are licensed or  
12 certified under section 23-27-04.3, if the services are provided to an eligible recipient  
13 as defined by rule. Community emergency medical services personnel services may  
14 include health assessment, chronic disease monitoring and education, immunizations  
15 and vaccinations, laboratory specimen collection, followup care, comprehensive health  
16 and safety assessment, wound management, assess and report compliance with  
17 established care plan, medication management, and other interventions within the  
18 scope of practice for each licensure level as approved by a supervising physician,  
19 physician assistant, or advanced practice registered nurse.

20 2. The department of human services shall adopt rules governing payments to licensed  
21 community ~~paramedics~~ emergency medical services personnel, advanced emergency  
22 medical technicians, and emergency medical technicians for health-related services  
23 provided to recipients of medical assistance, subject to necessary limitations and  
24 exclusions. A physician, a physician assistant, or an advanced practice registered  
25 nurse must supervise any care provided by a licensed community  
26 ~~paramedic~~ emergency medical services personnel, an advanced emergency medical  
27 technician, or an emergency medical technician.