

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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SENATE BILL 661
Commerce Committee Substitute Adopted 5/1/03
House Committee Substitute Favorable 7/18/03

Short Title: Prisoner Health Information/EMS Changes.

(Public)

Sponsors:

Referred to:

April 1, 2003

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT WHEN A LOCAL CONFINEMENT FACILITY TRANSFERS A PRISONER TO ANOTHER LOCAL CONFINEMENT FACILITY THE TRANSFERRING FACILITY PROVIDES TO THE RECEIVING FACILITY HEALTH INFORMATION ABOUT THE TRANSFERRED PRISONER; AND TO MAKE CHANGES TO THE EMERGENCY MEDICAL SERVICES ACT, AND TO CREATE THE OFFENSE OF ARSON OR OTHER UNLAWFUL BURNINGS THAT RESULT IN SERIOUS INJURY TO A FIREFIGHTER OR EMERGENCY MEDICAL TECHNICIAN.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 153-225 is amended by adding the following new subsection to read:

"§ 153A-225. Medical care of prisoners.

...

(b1) Whenever a local confinement facility transfers a prisoner from that facility to another local confinement facility, the transferring facility shall provide the receiving facility with any health information or medical records the transferring facility has in its possession pertaining to the transferred prisoner."

SECTION 2.(a) G.S. 131E-155 reads as rewritten:

"§ 131E-155. Definitions.

As used in this Article, unless otherwise specified:

...

(7) "Emergency medical services personnel" means all the personnel defined in subdivisions (5), (7a), (8), (9), (10), ~~(11)~~-(12), (13), (14), and (15) of this section.

(7a) "Emergency medical services instructor" means an individual who has completed educational requirements approved by the Department and

- 1 has been credentialed as an emergency medical services instructor by
2 the Department.
- 3 (8) "Emergency medical services-nurse practitioner" means a registered
4 nurse who is licensed to practice nursing in North Carolina and
5 approved to perform medical acts by the North Carolina Medical
6 Board and the North Carolina Board of ~~Nursing~~Nursing. Upon
7 successful completion of an orientation program conducted under the
8 authority of the medical director and approved by the Department,
9 emergency medical services-nurse practitioners shall be approved by
10 the medical director to issue instructions to EMS personnel. These
11 instructions shall be and credentialed by the Office of Emergency
12 Medical Services to issue instructions to ALS professionals in
13 accordance with protocols approved by the ~~sponsor hospital~~EMS
14 system and Office of Emergency Medical Services and under the
15 direction of the medical director.
- 16 (9) "Emergency medical services-physician assistant" means a physician
17 assistant who ~~has been~~is licensed by the North Carolina Medical
18 ~~Board~~Board. Upon successful completion of an orientation program
19 conducted under the authority of the medical director and approved by
20 the Department, emergency medical services-physician assistants shall
21 be approved by the medical director to issue instructions to EMS
22 personnel. These instructions shall be and approved by the Office of
23 Emergency Medical Services to issue instructions to ALS
24 professionals in accordance with protocols approved by the sponsor
25 hospital-EMS system and Office of Emergency Medical Services and
26 under the direction of the medical director.
- 27 ...
- 28 (11) ~~"Emergency medical technician defibrillation" means an individual~~
29 ~~who has completed an educational program in emergency medical care~~
30 ~~approved by the Department and has been credentialed as an~~
31 ~~emergency medical technician defibrillation by the Department.~~
- 32 ...
- 33 (15) "Mobile intensive care nurse" means a registered nurse who is licensed
34 to practice nursing in North Carolina and ~~who has completed an~~
35 ~~educational program in emergency medical care approved by the~~
36 ~~Department and has been credentialed as a mobile intensive care nurse~~
37 ~~by the Department~~is approved by the medical director, following
38 successful completion of an orientation program conducted under the
39 authority of the medical director and approved by the Department, to
40 issue instructions to EMS personnel. These instructions shall be in
41 accordance with protocols approved by the EMS system and Office of
42 Emergency Medical Services and under the direction of the medical
43 director.
- 44 ...

1 (16a) "Emergency Medical Services Peer Review Committee" means a panel
2 composed of EMS program representatives to be responsible for
3 analyzing patient care data and outcome measures to evaluate the
4 ongoing quality of patient care, system performance, and medical
5 direction within the EMS system. The committee membership shall
6 include physicians, nurses, EMS personnel, medical facility personnel,
7 and county government officials. Review of medical records by the
8 EMS Peer Review Committee is confidential and protected under G.S.
9 143-518. An EMS Peer Review Committee, its members, proceedings,
10 records and materials produced, and materials considered shall be
11 afforded the same protections afforded Medical Review Committees,
12 their members, proceedings, records, and materials under G.S.
13 131E-95.

14 (17) "Practical examination" means a test where an applicant for
15 credentialing as an emergency medical technician, medical responder,
16 ~~emergency medical technician defibrillation,~~ emergency medical
17 technician-intermediate, or emergency medical technician-paramedic
18 demonstrates the ability to perform specified emergency medical care
19 skills."

20 **SECTION 2.(b)** G.S. 131E-159 reads as rewritten:

21 **"§ 131E-159. Credentialing requirements.**

22 (a) ~~An individual~~ Individuals seeking credentials as an emergency medical
23 technician, ~~emergency medical technician defibrillation,~~ emergency medical
24 technician-intermediate, emergency medical technician-paramedic, ~~mobile intensive~~
25 ~~care nurse, emergency medical services physician assistant, or emergency medical~~
26 ~~services nurse practitioner medical responder~~ medical responder, emergency medical
27 dispatcher, or emergency medical services instructor shall apply to the Department
28 using forms prescribed by that agency. The Department's representatives shall examine
29 the applicant by either written, practical, or written and practical examination. The
30 Department shall issue appropriate credentials to the applicant who meets all the
31 requirements set forth in this Article and the rules adopted for this Article and who
32 successfully completes the examinations required for credentialing. Emergency medical
33 technician, medical responder, emergency medical dispatcher, ~~emergency medical~~
34 ~~technician defibrillation,~~ emergency medical technician-intermediate, emergency
35 medical technician-paramedic, ~~mobile intensive care nurse, emergency medical~~
36 ~~services physician assistant, and emergency medical services nurse practitioner~~ and
37 emergency medical services instructor credentials shall be valid for a period not to
38 exceed four years and may be renewed if the holder meets the requirements set forth in
39 the rules of the Commission. The Department is authorized to revoke or suspend these
40 credentials at any time it determines that the holder no longer meets the qualifications
41 prescribed.

42 (b) The Commission shall adopt rules setting forth the qualifications required for
43 credentialing of medical responders, emergency medical technicians, ~~emergency~~
44 ~~medical technician defibrillation,~~ emergency medical ~~technician intermediate,~~

1 ~~technician-intermediates, emergency medical technician-paramedic, technician-~~
2 ~~paramedics, emergency medical dispatcher, mobile intensive care nurse, emergency~~
3 ~~medical services physician assistant, and emergency medical services nurse~~
4 ~~practitioner dispatchers, and emergency medical services instructors.~~

5 (c) ~~An individual~~ Individuals currently credentialed as an emergency medical
6 technician, ~~emergency medical technician-defibrillation,~~ emergency medical technician
7 intermediate, ~~and emergency medical technician paramedic-paramedic,~~ medical
8 responder, and emergency medical services instructor by the National Registry of
9 Emergency Medical Technicians or by another state where the education/credentialing
10 requirements have been approved for legal recognition by the Department of Health and
11 Human Services, in accordance with rules promulgated by the Medical Care
12 Commission, and who is either currently residing in North Carolina or affiliated with a
13 permitted EMS provider offering service within North Carolina, may be eligible for
14 credentialing as an emergency medical ~~technician-technician,~~ emergency medical
15 technician-intermediate, emergency medical technician-paramedic, medical responder,
16 and emergency medical services instructor without examination. This credentialing shall
17 be valid for a period not to exceed the length of the ~~emergency medical~~
18 ~~technician-defibrillation, emergency medical technician-intermediate, and emergency~~
19 ~~medical technician-paramedic~~ applicant's original credentialing or four years, whichever
20 is less.

21 (d) An individual currently credentialed as an emergency medical dispatcher by a
22 national credentialing agency, or by another state where the education/credentialing
23 requirements have been approved for legal recognition by the Department of Health and
24 Human Services, in accordance with rules issued by the Medical Care Commission, and
25 who is either currently residing in North Carolina or affiliated with an emergency
26 medical dispatcher program approved by the Department of Health and Human Services
27 offering service within North Carolina, may be eligible for credentialing as an
28 emergency medical dispatcher without examination. This credentialing shall be valid for
29 a period not to exceed the length of the applicant's original credentialing or four years,
30 whichever is less.

31 (e) Duly authorized representatives of the Department may issue temporary
32 credentials with or without examination upon finding that this action will be in the
33 public interest. Temporary credentials shall be valid for a period not exceeding 90 days.

34 (f) The Department may deny, suspend, amend, or revoke the credentials of a
35 medical responder, emergency medical technician, ~~emergency medical~~
36 ~~technician-defibrillation,~~ emergency medical technician-intermediate, emergency
37 medical technician-paramedic, emergency medical dispatcher, ~~emergency medical~~
38 ~~services physician assistant, emergency medical services nurse practitioner, or mobile~~
39 ~~intensive care nurse~~ or emergency medical services instructor in any case in which the
40 Department finds that there has been a substantial failure to comply with the provisions
41 of this Article or the rules issued under this Article. Prior to implementation of any of
42 the above disciplinary actions, the Department shall consider the recommendations of
43 the EMS Disciplinary Committee pursuant to G.S. 143-519. The Department's decision
44 to deny, suspend, amend, or revoke credentials may be appealed by the applicant or

1 credentialed personnel pursuant to the provisions of Article 3 of Chapter 150B of the
2 General Statutes, the Administrative Procedure Act."

3 **SECTION 2.(c)** G.S. 131E-162 reads as rewritten:

4 "**§ 131E-162. Statewide trauma system.**

5 The Department shall establish and maintain a program for the development of a
6 statewide trauma system. The Department shall consolidate all State functions relating
7 to trauma systems, both regulatory and developmental, under the auspices of this
8 program.

9 The Commission shall adopt rules to carry out the purpose of this Article. These
10 rules shall be adopted with the advice of the State Emergency Medical Services
11 Advisory Council and shall include the operation of a statewide trauma registry,
12 statewide educational requirements fundamental to the implementation of the trauma
13 system. The rules adopted by the Commission shall establish guidelines for monitoring
14 and evaluating the system including standards and criteria for the denial, suspension,
15 voluntary withdrawal, or revocation of credentials for trauma center ~~designation-~~
16 designation, and the establishment of regional trauma peer review committees. Each
17 regional trauma peer review committee shall be responsible for analyzing trauma patient
18 care data and outcome measures to evaluate the ongoing quality of patient care, system
19 performance, and medical direction within the regional trauma system. The committee
20 membership shall include physicians, nurses, EMS personnel, trauma registrars, and
21 hospital administrators. Review of medical records by the Trauma Peer Review
22 Committee is confidential and protected under G.S. 143-518. A Trauma Peer Review
23 Committee, its members, proceedings, records and materials produced, and materials
24 considered shall be afforded the same protections afforded Medical Review
25 Committees, their members, proceedings, records, and materials under G.S. 131E-95.
26 The rules adopted by the Commission shall avoid duplication of reporting and minimize
27 the cost to hospitals or other persons reporting under this act. The Office of Emergency
28 Medical Services shall be the agency responsible for monitoring system development,
29 ensuring compliance with rules, and overseeing system effectiveness.

30 With respect to collection of data and educational requirements regarding trauma,
31 rules adopted by the Medical Care Commission shall limit the authority of the
32 Department to hospitals and Emergency Medical Services providers. Nothing in this
33 Article shall be interpreted so as to grant the Department authority to require private
34 physicians, schools, or universities, except those participating in the trauma system, to
35 provide information or data or to conduct educational programs regarding trauma."

36 **SECTION 2.(d)** G.S. 143-508 is amended by adding the following
37 subdivision to read:

38 "(13) Establish occupational standards for EMS systems, EMS educational
39 institutions, and specialty care transport programs."

40 **SECTION 2.(e)** G.S. 143-509(9) reads as rewritten:

41 "**§ 143-509. Powers and duties of Secretary.**

42 The Secretary of the Department of Health and Human Services has full
43 responsibilities for supervision and direction of the emergency medical services
44 program and, to that end, shall accomplish all of the following:

1 ...
2 (9) Promote a means of training individuals to administer life-saving
3 treatment to persons who suffer a severe adverse reaction to ~~insect~~
4 ~~stings.~~ agents that might cause anaphylaxis. Individuals, upon
5 successful completion of this training program, may be approved by
6 the North Carolina Medical Care Commission to administer
7 epinephrine to these persons, in the absence of the availability of
8 physicians or other practitioners who are authorized to administer the
9 treatment. This training may also be offered as part of the emergency
10 medical services training program.

11 ..."

12 **SECTION 2.(f)** G.S. 143-510 is amended by adding the following new
13 subsection to read:

14 **"§ 143-510. North Carolina Emergency Medical Services Advisory Council.**

15 ...

16 (f) The Council shall elect annually from its membership a chairperson and
17 vice-chairperson upon a majority vote of the quorum present."

18 **SECTION 2.(g)** G.S. 143-518(a) reads as rewritten:

19 "(a) Medical records compiled and maintained by the ~~Department~~ Department,
20 hospitals participating in the statewide trauma system, or EMS providers in connection
21 with dispatch, response, treatment, or transport of individual patients or in connection
22 with the statewide trauma system pursuant to Article 7 of Chapter 131E of the General
23 Statutes may contain patient identifiable data which will allow linkage to other health
24 care-based data systems for the purposes of quality management, peer review, and
25 public health initiatives.

26 These medical records and data shall be strictly confidential and shall not be
27 considered public records within the meaning of G.S. 132-1 and shall not be released or
28 made public except under any of the following conditions:

29 ..."

30 **SECTION 2.(h)** G.S. 143-518(a)(5) reads as rewritten:

31 "(5) Release is made to a Medical Review Committee as defined in G.S.
32 131E-95, 90-21.22A, or 130A-45.7 or to a peer review committee as
33 defined in G.S. 131E-108, 131E-155, 131E-162, 122C-30, or
34 131D-21.1."

35 **SECTION 2.(i)** G.S. 143-519 reads as rewritten:

36 **"§ 143-519. Emergency Medical Services Disciplinary Committee.**

37 (a) There is created an Emergency Medical Services Disciplinary Committee
38 which shall review and make recommendations to the Department regarding all
39 disciplinary matters relating to credentialing of emergency medical services personnel.

40 (b) The Emergency Medical Services Disciplinary Committee shall consist of
41 ~~five~~ seven members appointed by the Secretary of the Department of Health and Human
42 Services to serve four-year terms. Two of the members shall be currently practicing
43 local EMS physician medical directors. One member each shall be a current physician
44 member of the North Carolina Medical Board, a current EMS administrator, a current

1 EMS educator, and a two currently practicing and credentialed EMS personnel, one of
2 whom shall be an emergency medical technician-paramedic.

3 (c) In order to stagger the terms of the membership of the Committee, the initial
4 appointment for one of the local EMS physician medical directors and the currently
5 practicing and credentialed emergency medical technician-paramedic shall be for a
6 three-year term. The other three initial appointments and all future appointments shall
7 be for four-year terms.

8 (d) Any appointment to fill a vacancy on the Committee created by a resignation,
9 dismissal, death, or disability of a member shall be for the balance of the unexpired
10 term.

11 (e) A majority of the Committee shall constitute a quorum for the transaction of
12 business. The Department of Health and Human Services, Division of Facilities
13 Services, Office of Emergency Medical Services, shall supply all clerical and other
14 services required by the Committee.

15 (f) The Committee shall elect annually from its membership a chairperson and
16 vice-chairperson upon a majority vote of the quorum present."

17 **SECTION 3.(a)** Article 15 of Chapter 14 of the General Statutes is amended
18 by adding a new section to read:

19 "**§ 14-69.3. Arson or other unlawful burning that results in serious injury to a**
20 **firefighter or emergency medical technician.**

21 A person is guilty of a Class E felony if the person commits an offense under Article
22 15 of Chapter 14 of the General Statutes and a firefighter or emergency medical
23 technician suffers serious bodily injury while discharging or attempting to discharge the
24 firefighter's or emergency medical technician's duties on the property, or proximate to
25 the property, that is the subject of the firefighter's or emergency medical technician's
26 discharge or attempt to discharge his or her respective duties. As used in this section,
27 the term 'emergency medical technician' includes an emergency medical technician, an
28 emergency medical technician-intermediate, and an emergency medical technician-
29 paramedic, as those terms are defined in G.S. 131E-155."

30 **SECTION 3.(b)** If Section 1 of Senate Bill 867 of the 2003 General
31 Assembly is enacted by the 2003 General Assembly, then Section 1 of Senate Bill 867
32 is repealed.

33 **SECTION 4.** This act is effective when it becomes law. Section 3 of this act
34 becomes effective December 1, 2003, and applies to offenses that occur on or after that
35 date.