

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015**

**HOUSE BILL 327
RATIFIED BILL**

AN ACT TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE STATUTES GOVERNING THE REGULATION OF EMERGENCY MEDICAL SERVICES TO REFLECT NEW NATIONAL STANDARDS FOR EMERGENCY MEDICAL PERSONNEL.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 131E-155 reads as rewritten:

"§ 131E-155. Definitions.

As used in this Article, unless otherwise specified:

- (1) "Ambulance" means any privately or publicly owned motor vehicle, aircraft, or vessel that is specially designed, constructed, or modified and equipped and is intended to be used for and is maintained or operated for the transportation of patients on the streets or highways, waterways or airways of this State.
- (2) Repealed by Session Laws 1997-443, s. 11A.129C.
- (3) Redesignated as subdivision (13a).
- (4) "Commission" means the North Carolina Medical Care Commission.
- (5) "Emergency medical dispatcher" means an emergency telecommunicator who has completed an educational program approved by the Department and has been credentialed as an emergency medical dispatcher by the Department.
- (6) "Emergency medical services" means services rendered by emergency medical services personnel in responding to improve the health and wellness of the community and to address the individual's need for emergency medical care within the scope of practice as defined by the North Carolina Medical Board in accordance with G.S. 143-514 in order to prevent loss of life or further aggravation of physiological or psychological illness or injury.
- (6a) "Emergency medical services instructor" means an individual who has completed educational requirements approved by the Department and has been credentialed as an emergency medical services instructor by the Department.
- (6b) "Emergency Medical Services Peer Review Committee" means a panel composed of EMS program representatives to be responsible for analyzing patient care data and outcome measures to evaluate the ongoing quality of patient care, system performance, and medical direction within the EMS system. The committee membership shall include physicians, nurses, EMS personnel, medical facility personnel, and county government officials. Review of medical records by the EMS Peer Review Committee is confidential and protected under G.S. 143-518. An EMS Peer Review Committee, its members, proceedings, records and materials produced, and materials considered shall be afforded the same protections afforded Medical Review Committees, their members, proceedings, records, and materials under G.S. 131E-95.
- (7) "Emergency medical services personnel" means all the personnel defined in subdivisions (5), (6a), (8), (9), (10), (12), (13), (14), and (15) of this section.
- (8) "Emergency medical services-nurse practitioner" means a registered nurse who is licensed to practice nursing in North Carolina and approved to



perform medical acts by the North Carolina Medical Board and the North Carolina Board of Nursing. Upon successful completion of an orientation program conducted under the authority of the medical director and approved by the Department, emergency medical services-nurse practitioners shall be approved by the medical director to issue instructions to EMS personnel. These instructions shall be in accordance with protocols approved by the EMS system and Office of Emergency Medical Services and under the direction of the medical director.

- (9) "Emergency medical services-physician assistant" means a physician assistant who is licensed by the North Carolina Medical Board. Upon successful completion of an orientation program conducted under the authority of the medical director and approved by the Department, emergency medical services-physician assistants shall be approved by the medical director to issue instructions to EMS personnel. These instructions shall be in accordance with protocols approved by the EMS system and Office of Emergency Medical Services and under the direction of the medical director.
- (10) "Emergency medical technician" means an individual who has completed an educational program in emergency medical care approved by the Department and has been credentialed as an emergency medical technician by the Department.
- (11) Repealed by Session Laws 2003-392, s. 2(a), effective August 7, 2003.
- (12) ~~"Emergency medical technician-intermediate"~~ "Advanced emergency medical technician" means an individual who has completed an educational program in emergency medical care approved by the Department and has been credentialed as an ~~emergency medical technician-intermediate~~ advanced emergency medical technician by the Department.
- (13) ~~"Emergency medical technician-paramedic"~~ "Paramedic" means an individual who has completed an educational program in emergency medical care approved by the Department and has been credentialed as an ~~emergency medical technician-paramedic~~ a paramedic by the Department.
- (13a) "EMS provider" means a firm, corporation or association which engages in or professes to provide emergency medical services.
- (14) ~~"Medical responder"~~ "Emergency medical responder" means an individual who has completed an educational program in emergency medical care and first aid approved by the Department and has been credentialed as a ~~an~~ emergency medical responder by the Department.
- (15) "Mobile intensive care nurse" means a registered nurse who is licensed to practice nursing in North Carolina and is approved by the medical director, following successful completion of an orientation program conducted under the authority of the medical director and approved by the Department, to issue instructions to EMS personnel. These instructions shall be in accordance with protocols approved by the EMS system and Office of Emergency Medical Services and under the direction of the medical director.
- (16) "Patient" means an individual who is sick, injured, wounded, or otherwise incapacitated or helpless such that the need for some medical assistance might be anticipated.
- (17) "Practical examination" means a test where an applicant for credentialing as an emergency medical technician, emergency medical responder, emergency medical technician-intermediate, or emergency medical technician-paramedic ~~advanced emergency medical technician, or paramedic~~ demonstrates the ability to perform specified emergency medical care skills."

SECTION 2. G.S. 131E-158 reads as rewritten:

"§ 131E-158. Credentialed personnel required.

- (a) Every ambulance when transporting a patient shall be occupied at a minimum by all of the following:
 - (1) At least one emergency medical technician who shall be responsible for the medical aspects of the mission prior to arrival at the medical facility, assuming no other individual with higher credentials is available.

- (2) One emergency medical responder who is responsible for the operation of the vehicle and rendering assistance to the emergency medical technician.

An ambulance owned and operated by a licensed health care facility that is used solely to transport sick or infirm patients with known nonemergency medical conditions between facilities or between a residence and a facility for scheduled medical appointments is exempt from the requirements of this subsection.

(b) The Commission shall adopt rules setting forth exemptions to the requirements stated in (a) of this section applicable to situations where exemptions are considered by the Commission to be in the public interest."

SECTION 3. G.S. 131E-159 reads as rewritten:

"§ 131E-159. Credentialing requirements.

(a) Individuals seeking credentials as an emergency medical technician, ~~emergency medical technician intermediate, emergency medical technician paramedic, advanced emergency medical technician, paramedic,~~ emergency medical responder, emergency medical dispatcher, or emergency medical services instructor shall apply to the Department using forms prescribed by that agency. The Department's representatives shall examine the applicant by either written, practical, or written and practical examination. The Department shall issue appropriate credentials to the applicant who meets all the requirements set forth in this Article and the rules adopted for this Article and who successfully completes the examinations required for credentialing. Emergency medical technician, ~~emergency medical responder, emergency medical dispatcher, emergency medical technician intermediate, emergency medical technician paramedic,~~ advanced emergency medical technician, paramedic, and emergency medical services instructor credentials shall be valid for a period not to exceed four years and may be renewed if the holder meets the requirements set forth in the rules of the Commission. The Department is authorized to revoke or suspend these credentials at any time it determines that the holder no longer meets the qualifications prescribed.

(b) The Commission shall adopt rules setting forth the qualifications required for credentialing of emergency medical responders, emergency medical technicians, emergency medical technicians intermediates, emergency medical technician paramedics, advanced emergency medical technicians, paramedics, emergency medical dispatchers, and emergency medical services instructors.

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

...
(f) The Department may deny, suspend, amend, or revoke the credentials of ~~a~~ an emergency medical responder, emergency medical technician, emergency medical technician intermediate, emergency medical technician paramedic, advanced emergency medical technician, paramedic, emergency medical dispatcher, or emergency medical services instructor in any case in which the Department finds that there has been a substantial failure to comply with the provisions of this Article or the rules issued under this Article. Prior to implementation of any of the above disciplinary actions, the Department shall consider the recommendations of the EMS Disciplinary Committee pursuant to G.S. 143-519. The Department's decision to deny, suspend, amend, or revoke credentials may be appealed by the applicant or credentialed personnel pursuant to the provisions of Article 3 of Chapter 150B of the General Statutes, the Administrative Procedure Act.

...."

SECTION 4. G.S. 14-276.1 reads as rewritten:

"§ 14-276.1. Impersonation of firemen or emergency medical services personnel.

It is a Class 3 misdemeanor, for any person, with intent to deceive, to impersonate a fireman or any emergency medical services personnel, whether paid or voluntary, by a false statement, display of insignia, emblem, or other identification on his person or property, or any other act, which indicates a false status of affiliation, membership, or level of training or proficiency, if:

- (1) The impersonation is made with intent to impede the performance of the duties of a fireman or any emergency medical services personnel, or
- (2) Any person reasonably relies on the impersonation and as a result suffers injury to person or property.

For purposes of this section, emergency medical services personnel means ~~a~~an emergency medical responder, emergency medical technician, ~~emergency medical technician intermediates, emergency medical technician paramedics,~~ advanced emergency medical technician, paramedic, or other member of a rescue squad or other emergency medical organization."

SECTION 5. The North Carolina Medical Care Commission shall amend its applicable rules consistent with this act no later than December 31, 2015.

SECTION 6. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 29th day of September, 2015.

s/ Philip E. Berger
President of the Senate

s/ Tim Moore
Speaker of the House of Representatives

Pat McCrory
Governor

Approved _____ .m. this _____ day of _____, 2015