

Regular Session, 2013

SENATE BILL NO. 198

BY SENATOR WHITE AND REPRESENTATIVE ST. GERMAIN

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

HEALTH CARE. Consolidates the functions of the Louisiana Emergency Response Network and the Bureau of Emergency Medical Services into the the Louisiana Emergency Medical Services and Response Network. (gov sig) (2/3 - CA7s2.1(A))

AN ACT

To amend and reenact R.S. 9:2798.5, R.S. 36:258(B), 259(J) and (GG), and 919.4, R.S. 40:2173, and R.S. 44:4.1(B)(26) and to enact R.S.40:1236.8 and Chapter 36 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S.40:3001 through 3044 and R.S. 44:4(48), and to repeal Subparts A and B of Part VII of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1231 through 1234.1, Subpart D of Part VII of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1236.11 through 1236.14, and Chapter 34 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:2841 through 2846, relative to the Louisiana Emergency Medical Services and Response Network; to provide for the creation of the Louisiana Emergency Medical Services and Response Network; to transfer Louisiana Emergency Medical Services Certification Commission; to provide for the Louisiana Emergency Medical Services and Response Network Board; to provide for board membership, appointment, terms, and compensation; to provide for the functions, powers, and duties of the board; to reauthorize the Louisiana Emergency Response Network Fund; to move Louisiana Emergency Response Network within the Louisiana

1 Emergency Medical Services and Response Network; to provide for emergency  
2 personnel training and licensure; to provide the board the authority to charge fees  
3 from a fee schedule; to provide for the Louisiana Emergency Medical Services  
4 Certification Commission; to move the commission within the Louisiana Emergency  
5 Medical Services and Response Network; to provide for the commission's  
6 membership, qualifications for membership, terms, vacancies; to provide for the  
7 compensation of members; to provide for domicile of the commission; to provide for  
8 the powers and duties of the commission; to provide for license requirements and  
9 renewal; to provide for disciplinary proceedings by the commission and appeals; to  
10 provide penalties, prosecution, and injunctive relief; to provide for exceptions; to  
11 provide for civil immunity and immunity from civil damages; to provide for the  
12 duties of emergency medical personnel; to provide for hazardous substance  
13 transportation and payment for emergency medical services; to provide for  
14 automated external defibrillators; to provide exceptions to the public records law; to  
15 provide for related matters.

16 Be it enacted by the Legislature of Louisiana:

17 Section 1. R.S. 9:2798.5 is hereby amended and reenacted to read as follows:

18 §2798.5. Limitation of liability; Louisiana Emergency Response Network

19 A. Legislative intent. The provisions of this Section are intended to provide  
20 for a limitation of liability for any authorized and duly licensed or certified person  
21 or juridical person who specifically acts in accordance with protocols adopted and  
22 promulgated by the Louisiana Emergency **Medical Services and** Response Network  
23 Board for the transport of trauma and time-sensitive ill patients. The protocols are  
24 developed to facilitate the timely and appropriate delivery of patients to the most  
25 appropriate care site for the definitive treatment of injuries.

26 B. Liability shall not be imposed on any authorized and duly licensed or  
27 certified person or juridical person who acts in good faith and within the scope of  
28 applicable protocols adopted and promulgated by the Louisiana Emergency **Medical**  
29 **Services and** Response Network Board (R.S. 40:2842 ~~2835~~(1)) for the Louisiana

1 Emergency Response Network (R.S. 40:~~2842~~ **2835**(3)), in accordance with the  
2 statutory mandates provided in R.S. 40:~~2842~~ **2835** et seq., for damages from acts or  
3 omissions resulting in injury, death, or loss, unless such damage or injury was caused  
4 by willful or wanton misconduct or gross negligence.

5 \* \* \*

6 Section 2. R.S. 36:258(B), 259(J) and (GG), and 919.4 are hereby amended and  
7 reenacted to read as follows:

8 §258. Offices; purposes and functions

9 \* \* \*

10 B. The office of public health shall perform the functions of the state which  
11 relate to the general health of the people of the state, including but not limited to  
12 responsibility for the preparation and supervision of the Sanitary Code, local health  
13 units, sewage treatment and disposal within the state, physical fitness, supplemental  
14 food programs for women, infants, and children, emergency medical services **not**  
15 **provided for pursuant to Chapter 36 of Title 40**, and related functions affecting  
16 the public health. It shall also perform those functions of the state provided by law  
17 relating to environmental quality and pollution control which are related to the public  
18 health and which are specifically assigned to the department, including but not  
19 limited to functions relating to the treatment and disposal of sewage within the state,  
20 with the exception of those functions assigned to the Department of Environmental  
21 Quality including, but not limited to, the licensing of sewage sludge transporters or  
22 haulers.

23 \* \* \*

24 §259. Transfer of agencies and functions to Department of Health and Hospitals

25 \* \* \*

26 J.(1) The Louisiana Emergency **Medical Services and** Response Network  
27 Board (R.S. 40:~~2841~~ **2835** et seq.) is placed within the Department of Health and  
28 Hospitals and shall exercise and perform its powers, duties, functions, and  
29 responsibilities in the manner provided for agencies transferred in accordance with

1 R.S. 36:801.1.

2 (2) The Louisiana Emergency **Medical Services and** Response Network  
3 Board shall be a separate budget unit within the Department of Health and Hospitals.

4 \* \* \*

5 GG. The Louisiana Emergency Medical Services Certification Commission  
6 ( R.S. 40:1231 et seq.) is placed within the ~~Department of Health and Hospitals~~  
7 **Louisiana Emergency Medical Services and Response Network Board** and shall  
8 perform and exercise its powers, duties, functions, and responsibilities in the manner  
9 provided for agencies transferred in accordance with R.S. 36:919.4.

10 \* \* \*

11 §919.4. Transfer; Louisiana Emergency Medical Services Certification Commission

12 The Louisiana Emergency Medical Services Certification Commission,  
13 placed in the ~~Department of Health and Hospitals~~ **Louisiana Emergency Medical**  
14 **Services and Response Network Board** by the provisions of R.S. 36:259(GG), shall  
15 exercise and perform its powers, duties, functions, and responsibilities as provided  
16 for agencies transferred pursuant to this Part. However, the commission shall advise  
17 the ~~bureau of emergency medical services~~ **Louisiana Emergency Medical Services**  
18 **and Response Network Board** on requirements and standards for licensure of  
19 emergency medical personnel and continuing education requirements for licensure.  
20 The commission shall retain the authority to approve requirements and standard of  
21 practice for emergency medical personnel; conduct disciplinary hearings for  
22 emergency medical personnel; and cause the prosecution of any individual who  
23 violates the provisions of ~~Subpart B of Part VII~~ **III** of Chapter ~~5~~ **36** of Title 40 of the  
24 Louisiana Revised Statutes of 1950.

25 Section 3. R.S. 40:2173 is hereby amended and reenacted and R.S.40:1236.8 and  
26 Chapter 36 of Title 40, comprised of R.S.40:3001 through 3044, are hereby enacted to read  
27 as follows:

28 **§1236.8. Definitions**

29 **As used in this Subpart, the following terms shall have the following**

1           meanings:

2                   (1) "Department" means the Department of Health and Hospitals.

3                   (2) "Air ambulance" means any aircraft, either fixed-wing or  
4 rotary-winged, designed and operated as a part of a regular course of conduct  
5 or business to transport a sick or injured individual or which is advertised or  
6 otherwise held out to the public as such.

7                   (3) "Air ambulance service" means any person, firm, association, or  
8 government entity owning, controlling, or operating any business or service  
9 which furnishes, operates, conducts, maintains, advertises, engages in, proposes  
10 to engage in, or professes to engage in the business or service of transporting,  
11 in air ambulances, individuals who may need medical attention during  
12 transport.

13                   (4) "Ambulance" means any authorized emergency vehicle, equipped  
14 with warning devices, designed and operated as a part of a regular course of  
15 conduct or business to transport a sick or injured individual or which is  
16 advertised or otherwise held out to the public as such. "Ambulance" shall not  
17 mean a hearse or other funeral home vehicle utilized for the transportation of  
18 the dead.

19                   (5) "Ambulance service" or "ambulance provider" means any person,  
20 firm, association, or government entity owning, controlling, or operating any  
21 business or service which furnishes, operates, conducts, maintains, advertises,  
22 engages in, proposes to engage in, or professes to engage in the business or  
23 service of transporting, in ambulances, individuals who may need medical  
24 attention during transport. However, "ambulance service" and "ambulance  
25 provider" shall not include any of the following:

26                           (a) An agency of the federal government.

27                           (b) A volunteer nonprofit organization or municipal nonprofit  
28 organization operating an invalid coach or coaches.

29                           (c) An entity rendering assistance to a licensed ambulance or ambulances

1           in the case of a major disaster.

2           (d) A licensed hospital providing nonemergency, noncritical interhospital  
3           transfer and patient transportation for diagnostic and therapeutic purposes  
4           when such transportation originates at a licensed hospital.

5           (e) An entity operating an ambulance or ambulances from a location  
6           outside of the state to transport patients from a location outside of the state to  
7           a location inside the state or to transport a patient or patients from a medical  
8           facility inside of the state to a location outside of the state.

9           (f) An entity providing transportation to employees who become sick or  
10           injured during the course of their employment from a job site to the nearest  
11           appropriate medical facility.

12           (6) "Emergency medical response vehicle" means a marked emergency  
13           vehicle with fully visual and audible warning signals operated by a certified  
14           ambulance service, the primary purpose of which is to respond to the scene of  
15           a medical emergency to provide emergency medical stabilization or support, or  
16           command, control, and communications, but which is not an ambulance  
17           designed or intended for the purpose of transporting a victim from the scene to  
18           a medical facility regardless of its designation. Included are such vehicles  
19           referred to but not limited to the designation as "sprint car", "quick response  
20           vehicle", "special response vehicle", "triage trucks", "staff cars", "supervisor  
21           units", and other similar designations. Emergency medical response vehicles  
22           shall not include fire apparatus and law enforcement patrol vehicles which  
23           carry first aid or emergency medical supplies and which respond to medical  
24           emergencies as part of their routine duties.

25           (7) "EMS medical director" means a physician licensed by the Louisiana  
26           State Board of Medical Examiners who has responsibility and authority to  
27           ensure quality of care and provide guidance for all medical aspects of EMS.

28           (8) "EMS task force" means the Emergency Medical Services Task  
29           Force, composed of individuals subject to the approval of the secretary of the

1 department, which advises and makes recommendations to the bureau of  
2 emergency medical services and the department on matters related to  
3 emergency medical services.

4 (9) "Industrial ambulance" means any vehicle owned and operated by  
5 an industrial facility and used for transporting any employee who becomes sick,  
6 injured, or otherwise incapacitated in the course and scope of his employment  
7 from a job site to an appropriate medical facility.

8 (10) "Municipal nonprofit organization" means an organization owned  
9 by a parish, municipality, or entity of a parish or municipality which in its  
10 regular course of business responds to a call for help and renders medical  
11 treatment and whose attendants are emergency medical personnel, a registered  
12 nurse, or a physician.

13 (11) "Physician" means a physician licensed to practice medicine by the  
14 Louisiana State Board of Medical Examiners.

15 (12) "Volunteer nonprofit organization" means an organization which  
16 in its regular course of business responds to a call for help and renders medical  
17 treatment and whose attendants are emergency medical personnel, a registered  
18 nurse, or a physician and which is chartered as a nonprofit organization under  
19 Section 501c of the United States Internal Revenue Code, as a volunteer fire  
20 department by the state fire marshal's office, or as a nonprofit organization by  
21 the secretary of state.

22 \* \* \*

23 §2173. Rules, regulations, and standards for licenses

24 A. The department shall promulgate rules and regulations to carry out the  
25 provisions of this Part in accordance with the provisions of the Administrative  
26 Procedure Act. The department shall consult with the Louisiana Emergency **Medical**  
27 **Services and** Response Network (~~LERN~~) (**LEMSRN**), the Louisiana Hospital  
28 Association, and the Louisiana State Medical Society in the development of rules  
29 and regulations.

1           B. The department shall promulgate minimum standards for trauma centers  
2 as defined in this Part which shall:

3           (1) Specify the number and types of trauma patients for whom such centers  
4 must provide care in order to ensure that such centers will have sufficient experience  
5 and expertise to be able to provide quality care for victims of injury.

6           (2) Specify the resources and equipment needed by such centers.

7           (3) Include standards and guidelines for triage and transportation of trauma  
8 patients prior to care in designated trauma centers.

9           (4) Specify procedures for the certification and evaluation of designated  
10 trauma centers.

11           (5) Include procedures for the receipt, recording of, and disposition of  
12 complaints.

13           (6) Provide for the right of appeal for those health care facilities for which  
14 certification has been refused.

15           (7) Provide for the verification and certification of trauma center status which  
16 assign level designations based on resources available within the applicable facility.  
17 Rules shall be based upon national guidelines, including but not limited to those  
18 established by the American College of Surgeons in Hospital and Pre-Hospital  
19 Resources for Optimal Care of the Injured Patient and any published appendices  
20 thereto.

21           (8) Provide that ~~LEARN~~ **LEMSRN** may fund the provision of data to the state  
22 trauma registry in accordance with the registry's adopted rules, requirements, and  
23 reporting cycle.

24           (9) Provide that certified trauma centers participate in ~~LEARN~~ **LEMSRN**  
25 regional commissions and ~~LEARN~~ **LEMSRN** regional and state-level trauma system  
26 performance improvement and injury prevention activities per American College of  
27 Surgeons guidelines once adequate funding has been secured by the certified trauma  
28 center.

29           C. The regulations promulgated under this Section shall be consistent with



1 the guidelines for designation of trauma centers specified by the American College  
2 of Surgeons.

3 ~~D. The regulations promulgated under this Section shall require health care~~  
4 ~~facilities applying for certification as a trauma center to obtain a consultation site~~  
5 ~~visit through the Committee on Trauma of the American College of Surgeons.~~

6 **E.D.** The department shall designate a health care facility as a trauma center  
7 when the requirements of this Section have been fulfilled and upon verification from  
8 the American College of Surgeons that the facility has met its criteria for Level I, II,  
9 or III. The "trauma center" label shall be reserved exclusively for hospitals with  
10 state-issued trauma center certification.

11 **F.E.** The department shall issue standard forms for applications and for  
12 inspection reports, after consultation with ~~LERN~~ **LEMSRN** and other appropriate  
13 organizations.

14 \* \* \*

15 **CHAPTER 36. LOUISIANA EMERGENCY MEDICAL SERVICES**

16 **AND RESPONSE NETWORK**

17 **PART I. GENERAL**

18 **§3001. Definitions**

19 **As used in this Chapter, the following terms shall have the following**  
20 **meanings:**

21 **(1) "Board" or "LEMSRN" means the Louisiana Emergency Medical**  
22 **Services and Response Network Board.**

23 **(2) "Department" means the Department of Health and Hospitals.**

24 **(3) "Louisiana Emergency Response Network" (LERN) means the**  
25 **statewide system of regional trauma-patient care and care of time-sensitive**  
26 **illnesses such as ST segment elevation myocardial infarction (STEMI) and**  
27 **stroke that is an organized, seamless, coordinated effort among each component**  
28 **of care including prehospital, acute care, post-acute care, rehabilitation, and**  
29 **injury prevention in a defined geographic area which provides access to local**

1 **health systems for time-sensitive patient care treatment and is integrated with**  
2 **local public health systems and the Governor's Office of Homeland Security and**  
3 **Emergency Preparedness.**

4 **(4) "Network" means the Louisiana Emergency Response Network.**

5 **(5) "Auto-injector" means a spring-loaded needle and syringe with a**  
6 **single dose of epinephrine that will automatically release and inject the**  
7 **medicine.**

8 **(6) "Commission" means the Louisiana Emergency Medical Services**  
9 **Certification Commission.**

10 **(7) "Emergency medical services" or "EMS" means a system that**  
11 **represents the combined efforts of several professionals and agencies to provide**  
12 **prehospital emergency care to the sick and injured.**

13 **(8) "EMS medical director" means a physician licensed by the Louisiana**  
14 **State Board of Medical Examiners who has responsibility and authority to**  
15 **ensure quality of care and provide guidance for all medical aspects of EMS.**

16 **(9) "EMS practitioner" means an individual who is a licensed emergency**  
17 **medical responder, licensed emergency medical technician, licensed advanced**  
18 **emergency medical technician, or a licensed paramedic.**

19 **(10) "Licensed emergency medical responder" means any individual who**  
20 **has successfully completed an emergency medical responder education program**  
21 **based on National EMS Education Standards approved by the board and who**  
22 **is licensed by the board.**

23 **(11) "Licensed emergency medical services practitioner" means an**  
24 **individual who is a licensed emergency medical responder or who is nationally**  
25 **registered, who has successfully completed an emergency medical services**  
26 **practitioner education program based on national EMS education standards,**  
27 **and who is licensed as any one of the following:**

28 **(a) A licensed emergency medical technician.**

29 **(b) A licensed advanced emergency medical technician.**

1                   (c) A licensed paramedic.

2                   (12) "Moral turpitude" means an act of baseness, vileness, or depravity  
3 in the duties which one person owes another, or to society in general, which is  
4 contrary to the usual, accepted, and customary rule of right and duty which a  
5 person should follow.

6                   (13) "Municipal nonprofit organization" means an organization owned  
7 by a parish, municipality, or entity of a parish or municipality which in its  
8 regular course of business responds to a call for help and renders medical  
9 treatment and whose attendants are emergency medical personnel, a registered  
10 nurse, or a physician.

11                   (14) "National EMS education standards" means the document that  
12 outlines current nationally recognized EMS education standards, has been  
13 adopted by the board, and defines terminal objectives for each nationally  
14 defined EMS licensing level.

15                   (15) "Physician" means a physician licensed to practice medicine by the  
16 Louisiana State Board of Medical Examiners.

17                   (16) "Volunteer nonprofit organization" means an organization which  
18 in its regular course of business responds to a call for help and renders medical  
19 treatment and whose attendants are emergency medical personnel, a registered  
20 nurse, or a physician and which is chartered as a nonprofit organization under  
21 Section 501c of the United States Internal Revenue Code, as a volunteer fire  
22 department by the office of state fire marshal, or as a nonprofit organization by  
23 the secretary of state.

24                   (17) "Trauma registry" means a data collection system that includes a  
25 file of uniform data elements that describe the injury event, demographics,  
26 prehospital information, care, outcomes, and costs of treatment for injured  
27 patients. A trauma registry is an important management tool that is used for  
28 performance management and improvement, research, and injury prevention.

29                   (18) "EMS registry" means a file of uniform data describing individuals

1 meeting specified case criteria in which medical and demographic data will be  
2 collected in an ongoing, systematic, and comprehensive way in order to monitor  
3 and evaluate the effectiveness of an EMS system.

4 §3002. Governing board; membership, appointment, terms, compensation,  
5 vacancies

6 A. There is hereby established within the department the Louisiana  
7 Emergency Medical Services and Response Network Board, which shall be  
8 comprised of and governed by thirty-one members as follows:

9 (1) One cardiologist from nominees submitted by the Louisiana Chapter  
10 of the American College of Cardiology.

11 (2) One member from nominees submitted by the Rural Hospital  
12 Coalition to represent hospitals with fewer than sixty beds.

13 (3) One member from nominees submitted by the Metropolitan Hospital  
14 Council of New Orleans to represent hospitals with one hundred beds or more.

15 (4) One member from nominees submitted by the Louisiana Hospital  
16 Association to represent a service district hospital.

17 (5) Two members from nominees submitted by the Department of Health  
18 and Hospitals which shall include a member from the office of behavioral  
19 health.

20 (6) One member from nominees submitted by the Governor's Office of  
21 Homeland Security and Emergency Preparedness.

22 (7) Two members from nominees submitted by the Louisiana State  
23 Medical Society which shall include a member specializing in pediatric surgery.

24 (8) One member from nominees submitted by the Louisiana Chapter of  
25 the Committee on Trauma of the American College of Surgeons.

26 (9) One member from nominees submitted by the Louisiana Chapter of  
27 the American College of Emergency Physicians.

28 (10) One member from nominees submitted by the Louisiana State  
29 University Health Sciences Center at Shreveport.

- 1                    (11) One member from nominees submitted by the Louisiana State  
2                    University Health Sciences Center at New Orleans.
- 3                    (12) One member from nominees submitted by Tulane University Health  
4                    Sciences Center.
- 5                    (13) One member from nominees submitted by the Louisiana State  
6                    Coroners Association.
- 7                    (14) Two members from the Louisiana House of Representatives.
- 8                    (15) Two members from the Louisiana Senate.
- 9                    (16) One 211 member of the Louisiana Alliance of Information and  
10                   Referral Systems.
- 11                   (17) One member of the Louisiana Rural Ambulance Alliance.
- 12                   (18) One 911 member of the National Emergency Number Association.
- 13                   (19) One member of the Louisiana Hospital Association, rehabilitation  
14                   constituency group.
- 15                   (20) One member from nominees submitted by the Louisiana Chapter  
16                   of the American Stroke Association.
- 17                   (21) One registered nurse practicing in emergency or critical care from  
18                   nominees submitted by the Louisiana State Board of Nursing.
- 19                   (22) One optometrist from nominees submitted by the Optometry  
20                   Association of Louisiana.
- 21                   (23) One member from nominees submitted by the Louisiana Fire Chiefs  
22                   Association.
- 23                   (24) One member from nominees submitted by the Louisiana Association  
24                   Of Nationally Registered Emergency Medical Technicians.
- 25                   (25) One member representing a public EMS service from nominees  
26                   submitted by the Louisiana Municipal Association.
- 27                   (26) One member representing a private ambulance service from  
28                   nominees submitted by the Louisiana Ambulance Alliance.
- 29                   (27) The sitting chairman of the Louisiana EMS Commission, or his

1 designee.

2 B.(1) The members listed in Paragraphs (1) through (13) and (16)  
3 through (28) of Subsection A of this Section shall be appointed by the governor  
4 from a list of qualified candidates nominated by the respective organizations.

5 (2) The organizations listed in Paragraphs (1) through (13) and (16)  
6 through (28) of Subsection A of this Section shall each submit a list of at least  
7 four nominees for the respective board position to the governor.

8 (3) The members listed in Paragraphs (14) and (15) of Subsection A of  
9 this Section shall be appointed by the speaker of the House of Representatives  
10 and the president of the Senate, respectively.

11 C. Except as otherwise provided in this Section, all members of the board  
12 shall serve terms of three years.

13 D. Members of the former LERN Board, created by Act 248 of the 2004  
14 Regular Session, shall serve as initial members of the LEMS RN, filling the  
15 positions listed in Paragraphs(A)(1) through (22) of this Section for such  
16 unexpired terms as remained of their corresponding positions on that board.  
17 Members filling the positions listed in Paragraphs(A)(23) and (28) of this  
18 Section shall have initial terms, determined by lot at the first meeting of the  
19 board after the effective date of this Section, as follows:

20 (1) One shall serve until July 1, 2014.

21 (2) Two shall serve until July 1, 2015.

22 (3) Two shall serve until July 1, 2016.

23 E. The chairman shall be elected by the board for a term to be  
24 determined by the board, and no member shall serve more than two consecutive  
25 terms as chairman.

26 F. Each appointment by the governor shall be subject to confirmation by  
27 the Senate.

28 G. Each board member shall serve without compensation. Legislators  
29 shall receive the same per diem and travel reimbursement for attending

1 meetings of the board as is normally provided for members of the legislature.

2 Non-legislative board members may receive reimbursement for expenses in

3 accordance with the guidelines of the entity they represent.

4 H. The board shall adopt rules and regulations to provide for the  
5 governance of the board. Such rules and regulations shall include but not be  
6 limited to:

7 (1) Procedures for the election of board officers, including terms of office  
8 and methods and grounds for removal.

9 (2) Procedures and grounds for the removal of any board member.

10 Grounds for removal shall include conviction of a felony or may include failure  
11 to meet board attendance rules as provided by rule.

12 I. Procedures for filling a vacancy created by the removal, resignation,  
13 or death of any board member prior to the end of the board member's term  
14 shall follow those used for initial appointments.

15 J. The number of board members necessary to constitute a quorum for  
16 the transaction of business shall never be less than one third of the entire  
17 membership of the board. A majority vote of the board members constituting  
18 a quorum shall be necessary for any action taken by the board.

19 §3003. Board; functions, powers, and duties

20 A. In order to establish and maintain the Louisiana Emergency Response  
21 Network, the board shall:

22 (1)(a) Establish and appoint nine regional commissions that correspond  
23 with the nine administrative regions of the department. These regional  
24 commissions shall implement and manage each regional component of the  
25 network. The board shall promulgate rules and regulations to provide for the  
26 duties and responsibilities of the nine regional commissions.

27 (b) The membership of each commission shall consist of the following  
28 members including but not limited to:

29 (i) A representative from the Governor's Office of Homeland Security

1 **and Emergency Preparedness.**

2 **(ii) The Department of Health and Hospitals, office of public health's**  
3 **regional medical director.**

4 **(iii) A representative of local ambulance services.**

5 **(iv) A representative of emergency medical response.**

6 **(v) A hospital chief executive officer or administrative representative**  
7 **from a hospital with less than sixty beds.**

8 **(vi) A hospital chief executive officer or administrative representative**  
9 **from a hospital with more than one hundred beds.**

10 **(vii) A hospital chief executive officer or an administrative representative**  
11 **from a service district hospital.**

12 **(viii) A representative of the local component society of the Louisiana**  
13 **State Medical Society.**

14 **(ix) A representative of the local chapter of the Louisiana Medical**  
15 **Association.**

16 **(x) A specialist from the American College of Emergency Physicians.**

17 **(xi) A specialist from the American College of Surgeons.**

18 **(xii) A representative from the Louisiana Chapter of the National**  
19 **Emergency Number Association.**

20 **(xiii) A representative from the Louisiana Ambulance Alliance.**

21 **(2)(a) Enter into interagency agreements with the department, the**  
22 **Governor's Office of Homeland Security and Emergency Preparedness, and**  
23 **such other entities, public or private, as may be necessary to assure continuity**  
24 **of care during emergencies.**

25 **(b) Agreements between the board and these entities shall provide for the**  
26 **protocols of mandatory data collection and shall include provisions regarding**  
27 **the specific data to be shared among the entities, the individual or individuals**  
28 **allowed by each party to have access to the other party's data, and the security**  
29 **arrangements between the parties to ensure the protection of the data from**



1 unauthorized access that would threaten the privacy of individuals and the  
2 confidentiality of the data.

3 (c) The parties shall not agree to share data pursuant to a specific  
4 agreement if any law would otherwise prohibit the sharing of such data by the  
5 parties.

6 (d) The parties shall protect all individually identifiable health  
7 information to the extent of their ability within the context of the mission of the  
8 Louisiana Emergency Response Network.

9 (3) Hold regular quarterly meetings and special meetings as necessary  
10 for the conduct of its business. Special meetings may be called upon  
11 forty-eight-hour notice by the chairperson, or in the chairperson's absence upon  
12 the written authorization of a majority of the members of the board.

13 (4) Establish and maintain a statewide trauma registry to collect and  
14 analyze data on the incidence, severity, and causes of trauma, including  
15 traumatic brain injury. The registry shall be used to improve the availability  
16 and delivery of prehospital or out-of-hospital care and hospital trauma care  
17 services.

18 (a) The board shall promulgate rules and regulations according to the  
19 Administrative Procedure Act to do the following:

20 (i) Define specific data elements required to be furnished to the registry  
21 by every health care facility certified by the department as a trauma center.

22 (ii) Define trauma data elements that all other health care facilities shall  
23 be required to furnish to the registry.

24 (iii) Establish a process for submission, analysis, and reporting of  
25 registry data.

26 (b) Required reporting to the state trauma registry is contingent on  
27 LERN providing adequate financial support through the Louisiana Emergency  
28 Response Network Fund to cover administrative costs.

29 (5) Work with the department to develop stroke and ST segment

1 elevation myocardial infarction (STEMI) systems that are designed to promote  
2 rapid identification of, and access to, appropriate stroke and STEMI resources  
3 statewide.

4 B. In order to establish and maintain a program for the improvement  
5 and regulation of emergency medical services in the state, the board shall:

6 (1) Develop a state plan for the prompt and efficient delivery of adequate  
7 emergency medical services to acutely sick and injured individuals.

8 (2) Serve as the primary agency for participation in any federal program  
9 involving emergency medical services and may receive and, pursuant to  
10 legislative appropriation, disburse available federal funds to implement any  
11 service program.

12 (3) Identify all public and private agencies, institutions, and individuals  
13 that are or may be engaged in emergency medical services training and set  
14 minimum standards for course approval, instruction, and examination.

15 (4) Promulgate rules and regulations in accordance with the  
16 Administrative Procedure Act for the following:

17 (a) To define and authorize appropriate education programs based on  
18 national EMS education standards for emergency medical services  
19 practitioners. All such education programs shall meet or exceed national EMS  
20 education standards.

21 (b) To specify minimum operational requirements that will ensure  
22 medical direction, supervision, and control over emergency medical services.

23 (c) To specify minimum examination and continuing education  
24 requirements for all emergency medical services practitioners.

25 (d) To provide for the issuance of licenses, renewals of licenses, and  
26 requirements for emergency medical services practitioners.

27 (e) To establish fees for licensure and license renewal.

28 (5) Issue a license and renew a license to any duly qualified applicant for  
29 licensure and license renewal as an emergency medical services practitioner.

1                   **(6) Prescribe application forms for licensure and licensure renewal.**

2                   **(7) Adopt requirements and standards of practice approved by the**  
3 **commission for emergency medical services practitioners.**

4                   **(8) Conduct investigations as requested by the commission.**

5                   **(9) Deny, withhold, revoke, restrict, probate, or suspend a license as**  
6 **directed by the commission under the provisions of R.S. 40:3026.**

7                   **(10) Prepare, publish, and update at least annually a roster of all EMS**  
8 **practitioners in the state, which shall include a mailing address for each EMS**  
9 **practitioner but shall not include the home address or home telephone number**  
10 **of any EMS practitioner who does not authorize such inclusion in writing. The**  
11 **home address and telephone number of every EMS practitioner who does not**  
12 **authorize such inclusion shall be exempted from the Public Records Law.**

13                   **(11) Adopt continuing education requirements and standards for**  
14 **individuals seeking to renew a certificate.**

15                   **(12) Prepare an annual report detailing the activities of the commission**  
16 **during the past fiscal year including the number and nature of the hearings**  
17 **conducted under the provisions of R.S. 40:3027.**

18                   **(13) Adopt rules and regulations to implement the provisions of this**  
19 **Chapter in accordance with the Administrative Procedure Act.**

20                   **(14) Adopt and amend the title and the definition of licensed emergency**  
21 **medical services practitioners.**

22                   **C. In addition to its functions as provided in Subsections A and B of this**  
23 **Section, the board shall have the following powers and duties:**

24                   **(1) To enter into any contract related to its responsibilities in compliance**  
25 **with this Chapter and other state laws.**

26                   **(2) To employ an executive director and necessary staff to oversee the**  
27 **operations of the network and to be responsible to the board for the**  
28 **administration and coordination of all aspects of the network.**

29                   **(3) To standardize and review performance indicators that evaluate the**

1 quality of services delivered by the network and to ensure that improvement in  
2 the quality of services delivered is accomplished and documented.

3 (4) Shall apply for all available appropriate public funds and all  
4 available appropriate public and private federal grants, donations, or gifts of  
5 money or services from any available source.

6 (5) Shall promulgate in accordance with the Administrative Procedure  
7 Act such rules and regulations as may be necessary to implement the provisions  
8 of this Chapter. Any rules or regulations promulgated by the former LERN  
9 Board, created by Act 248 of the 2004 Regular Session of the Louisiana  
10 Legislature, shall remain in effect until revised or repealed by the LEMSRN.  
11 Any rules or regulations promulgated by the former bureau of EMS shall  
12 remain in effect until revised or repealed by the LEMSRN. Any rules or  
13 regulations promulgated by the department relative to the subject matter of this  
14 Chapter shall remain in effect until revised or repealed by the LEMSRN.

15 D.(1) The board shall submit an annual written report to the Senate and  
16 House Committees on Health and Welfare at least thirty days prior to each  
17 regular session. The report shall include a summary of the data relevant to the  
18 goals set forth in Subsection A of this Section and all other information relevant  
19 to trauma-patient care and its delivery in Louisiana through the network.

20 (2) The board shall submit any additional reports or information to the  
21 secretary of the department upon request of the secretary or the Senate and  
22 House committees on health and welfare upon request of the chairman of either  
23 committee.

24 E.(1) The board may accept grants, donations, or gifts of money or  
25 services from public or private organizations or from any other sources to be  
26 utilized for the purposes of the board.

27 (2) The Louisiana Emergency Response Network Fund, a special fund  
28 in the state treasury originally created by Act 248 of the 2004 Regular Session  
29 of the Louisiana Legislature, shall be reauthorized and maintained. The source

1 of monies deposited into the fund may be any monies appropriated annually by  
2 the legislature, including federal funds, any public or private donations, gifts,  
3 or grants from individuals, corporations, nonprofit organizations, or other  
4 business entities which may be made to the fund, and any other monies which  
5 may be provided by law.

6 (3) Monies in the fund shall be invested in the same manner as monies  
7 in the state general fund, and interest earned on investment of monies in the  
8 fund shall be credited to the state general fund. Unexpended and  
9 unencumbered monies in the fund at the end of the fiscal year shall remain in  
10 the fund.

11 F. Subject to any appropriation by the legislature, monies in the fund  
12 shall be used as directed by the board solely to fund grants, projects, and  
13 services which will address the goals and objectives of the board concerning the  
14 network, as authorized in this Chapter.

15 G. In addition to annual reports to the legislature, the board may publish  
16 documents and materials intended to further the mission or purpose of the  
17 board.

18 H. The domicile of the board shall be Baton Rouge, Louisiana.

19 **PART II. LOUISIANA EMERGENCY RESPONSE NETWORK (LERN)**

20 **§3011. Legislative purpose**

21 The legislature declares that in order to safeguard the public health,  
22 safety, and welfare of the people of this state against unnecessary trauma and  
23 time-sensitive related deaths and incidents of morbidity due to trauma, a  
24 comprehensive, coordinated statewide system for access to regional  
25 trauma-patient care throughout the state be established. This system shall be  
26 compatible and interfaced with the Governor's Office of Homeland Security  
27 and Emergency Preparedness.

28 **§3012. Louisiana Emergency Response Network; creation**

29 A. The Louisiana Emergency Response Network is hereby created as a

1 network which, through the board, shall direct the efforts to decrease  
2 trauma-related deaths and incidents of morbidity and mortality due to trauma  
3 in Louisiana. By maximizing the integrated delivery of optimal resources for  
4 patients who ultimately need acute trauma care, the network shall address the  
5 daily demands of trauma care and form the basis for disaster preparedness.  
6 The resources required for each component of the system shall be clearly  
7 identified, deployed, and studied to ensure that all injured patients gain access  
8 to the appropriate level of care in a timely, coordinated, and cost-effective  
9 manner.

10 B. The network shall include a centralized communication center for  
11 resource coordination of medical capabilities for participating trauma centers  
12 as defined by R.S. 40:2171 and emergency medical services.

13 C. The network shall include a plan designed to achieve:

14 (1) A reduction of deaths and incidents of morbidity caused by trauma  
15 and time-sensitive illnesses.

16 (2) A reduction in the number and severity of disabilities caused by  
17 trauma.

18 (3) Measures to demonstrate a return on investment for the LERN  
19 system.

20 (4) Implementation of regional injury prevention programs.

21 **§3013. Public records exception**

22 Patient and peer review data or information submitted or transmitted  
23 pursuant to this Chapter to the trauma registry, the EMS registry, the board,  
24 any committee acting on behalf of the board, any hospital or prehospital care  
25 provider, any physician or other direct care provider, any regional commission,  
26 any emergency medical services council, emergency medical services agency, or  
27 other group or committee whose purpose is to monitor and improve quality care  
28 pursuant to this Chapter, shall be confidential and exempt from the provisions  
29 of law relative to public records as provided in R.S. 44:4.1(B)(26).

1                    **PART III. EMERGENCY MEDICAL PERSONNEL**

2                    **§3021. Emergency medical personnel training; licensure**

3                    **A. An individual petitioning for licensure or license renewal as an**  
4                    **emergency medical services practitioner shall submit an application to the**  
5                    **board on forms provided by the board. The application shall be accompanied**  
6                    **by the appropriate fee.**

7                    **B. The board shall affirmatively provide that there is no discrimination**  
8                    **toward any individual in the licensure process on the basis of race, religion,**  
9                    **creed, national origin, sex, or age.**

10                   **§3022. Fee schedule; fees for license prohibited**

11                   **A.(1) The board shall not require or collect any fee or charges for**  
12                   **licensure or license renewal of emergency medical services practitioners who**  
13                   **serve as such on a voluntary basis and who receive no compensation of any kind**  
14                   **for such services.**

15                   **(2) The board shall not set the fee for licensure of an emergency medical**  
16                   **technician to exceed fifteen dollars for any individual who is an employee or**  
17                   **volunteer of the state of Louisiana or another public entity, a municipal fire**  
18                   **department, a fire protection district, a volunteer fire department, or a**  
19                   **municipal law enforcement agency who does not perform emergency medical**  
20                   **services outside of the individual's official governmental responsibilities for any**  
21                   **form of compensation.**

22                   **(3) The board shall not set the fee for license renewal of an emergency**  
23                   **medical technician to exceed ten dollars for any individual who is an employee**  
24                   **or volunteer of the state of Louisiana or another public entity, a municipal fire**  
25                   **department, a fire protection district, a volunteer fire department, or a**  
26                   **municipal law enforcement agency who does not perform emergency medical**  
27                   **services outside of the individual's official governmental responsibilities for any**  
28                   **form of compensation.**

29                   **B. Except as provided in Subsection A of this Section, the board shall**

1 **have the authority to assess fees for testing and licenses IN AMOUNTS NOT**  
 2 **TO EXCEED on the following schedule:**

<b><u>(1) Test fees:</u></b>	<b><u>Fee</u></b>
<b><u>(a) Emergency medical responder - written only</u></b>	<b><u>\$15.00</u></b>
<b><u>(b) Emergency medical responder - written only (out of state)</u></b>	<b><u>\$15.00</u></b>
<b><u>(c) Emergency medical technician initial written &amp; practical</u></b>	<b><u>\$60.00</u></b>
<b><u>(d) Emergency medical technician entire practical exam</u></b>	<b><u>\$30.00</u></b>
<b><u>(e) Emergency medical technician partial practical</u></b>	<b><u>\$15.00</u></b>
<b><u>(f) Emergency medical technician testing/retesting-written only</u></b>	<b><u>\$15.00</u></b>
<b><u>(g) Emergency medical technician testing/retesting-written only (out of state)</u></b>	<b><u>\$15.00</u></b>
<b><u>(h) Advanced emergency medical technician initial written &amp; practical</u></b>	<b><u>\$75.00</u></b>
<b><u>(i) Advanced emergency medical technician initial written &amp; practical(out of state)</u></b>	<b><u>\$100.00</u></b>
<b><u>(j) Advanced emergency medical technician retest entire practical</u></b>	<b><u>\$50.00</u></b>
<b><u>(k) Advanced emergency medical technician retest entire practical (out of state)</u></b>	<b><u>\$65.00</u></b>
<b><u>(l) Advanced emergency medical technician retest partial practical</u></b>	<b><u>\$30.00</u></b>
<b><u>(m) Advanced emergency medical technician retest partial practical (out of state)</u></b>	<b><u>\$30.00</u></b>
<b><u>(n) Advanced emergency medical technician testing/retesting-written only (exam only)</u></b>	<b><u>\$15.00</u></b>
<b><u>(o) Advanced emergency medical technician testing/retesting-written only (exam only) (out of state)</u></b>	<b><u>\$15.00</u></b>
<b><u>(p) Paramedic initial written &amp; practical</u></b>	<b><u>\$90.00</u></b>
<b><u>(q) Paramedic initial written &amp; practical (out of state)</u></b>	<b><u>\$125.00</u></b>



1	<b><u>(r) Paramedic retesting-entire practical</u></b>	<b><u>\$60.00</u></b>
2	<b><u>(s) Paramedic retesting-entire practical (out of state)</u></b>	<b><u>\$75.00</u></b>
3	<b><u>(t) Paramedic retesting-partial practical</u></b>	<b><u>\$35.00</u></b>
4	<b><u>(u) Paramedic retesting-partial practical (out of state)</u></b>	<b><u>\$40.00</u></b>
5	<b><u>(v) Paramedic testing/retesting written</u></b>	<b><u>\$15.00</u></b>
6	<b><u>(w) Paramedic testing/retesting written (out of state)</u></b>	<b><u>\$15.00</u></b>
7	<b><u>(2) License fees</u></b>	
8	<b><u>(a) Emergency medical responder</u></b>	<b><u>\$10.00</u></b>
9	<b><u>(b) Emergency medical technician</u></b>	<b><u>\$30.00</u></b>
10	<b><u>(c) Advanced emergency medical technician</u></b>	<b><u>\$40.00</u></b>
11	<b><u>(d) Paramedic</u></b>	<b><u>\$50.00</u></b>
12	<b><u>(3) Recertification</u></b>	
13	<b><u>(a) Emergency medical responder</u></b>	<b><u>\$5.00</u></b>
14	<b><u>(b) Emergency medical technician</u></b>	<b><u>\$25.00</u></b>
15	<b><u>(c) Advanced emergency medical technician</u></b>	<b><u>\$35.00</u></b>
16	<b><u>(d) Paramedic</u></b>	<b><u>\$45.00</u></b>
17	<b><u>(4) Reciprocity</u></b>	
18	<b><u>(a) Emergency medical technician</u></b>	<b><u>\$60.00</u></b>
19	<b><u>(b) Advanced emergency medical technician</u></b>	<b><u>\$80.00</u></b>
20	<b><u>(c) Paramedic</u></b>	<b><u>\$100.00</u></b>
21	<b><u>C. The board may adopt rules and regulations in accordance with the</u></b>	
22	<b><u>Administrative Procedure Act to provide for the collection of fees authorized</u></b>	
23	<b><u>by the fee schedule provided in this Section.</u></b>	
24	<b><u>§3023. Louisiana Emergency Medical Services Certification Commission;</u></b>	
25	<b><u>creation; membership; qualifications; terms; vacancies;</u></b>	
26	<b><u>meetings; officers; compensation; domicile</u></b>	
27	<b><u>A. The Louisiana Emergency Medical Services Certification Commission</u></b>	
28	<b><u>is hereby created within the board.</u></b>	
29	<b><u>B.(1) The commission shall be composed of eleven voting members</u></b>	

1 **appointed by the governor as follows:**

2 **(a) Two emergency medical services administrators, including one**  
3 **representing the private sector and one representing the public sector.**

4 **(b) Two licensed paramedics and one licensed emergency medical**  
5 **technician who are approved as emergency medical services educators by the**  
6 **bureau. At least one of the members as provided in this Subparagraph shall be**  
7 **appointed by the Louisiana Fire Chiefs Association.**

8 **(c) Four physicians, one from each of the following organizations:**

9 **(i) The American College of Emergency Physicians.**

10 **(ii) The American College of Surgeons.**

11 **(iii) The Louisiana State Medical Society.**

12 **(iv) The American Academy of Pediatrics.**

13 **(d) One member who is, at a minimum, a state-certified emergency**  
14 **medical technician nominated by the Louisiana Municipal Association.**

15 **(e) One member nominated by the Professional Firefighters Association**  
16 **of Louisiana.**

17 **(2) The commission shall also have one voting member appointed by the**  
18 **governor who is a registered nurse and who is a state-licensed paramedic to be**  
19 **nominated by the Louisiana State Nurses Association from a list of two names**  
20 **submitted by the Louisiana Emergency Nurses Association.**

21 **C. Each member of the commission shall be a resident of Louisiana for**  
22 **at least one year, have had three years experience in his respective field of**  
23 **practice, and be actively engaged in the practice of emergency medical services**  
24 **at the time of his appointment.**

25 **D.(1) The initial voting members of the commission shall be appointed**  
26 **no later than October 1, 2013, from a list of two nominees for each appointment**  
27 **submitted by the task force. If the task force fails to submit a list of nominees**  
28 **to the governor by September 1, 2013, the governor shall appoint the respective**  
29 **members of the commission without the nomination list required by this**

1           **Section.**

2                   **(2) The nonvoting member shall be appointed to serve terms of three**  
3                   **years. The initial member shall be appointed by the governor to an initial term**  
4                   **of three years by October 1, 2013, or within thirty days of receipt of the list**  
5                   **from the Louisiana State Nurses Association, whichever is later.**

6                   **E. Each appointment by the governor shall be submitted to the Senate**  
7                   **for confirmation.**

8                   **F.(1) The voting members appointed to the commission shall serve as**  
9                   **follows: three members shall be appointed to serve an initial term of one year;**  
10                   **three members shall be appointed to serve an initial term of two years; and**  
11                   **three members shall be appointed to serve an initial term of three years.**  
12                   **Thereafter, each member shall be appointed to serve a term of three years.**

13                   **(2) No individual shall serve more than two consecutive terms.**

14                   **G. Subsequent to the appointment of the initial members, the voting**  
15                   **members shall be appointed from a list of two nominees for each appointment**  
16                   **submitted by the task force. No later than thirty days prior to the termination**  
17                   **date of a member's term, the task force shall submit a list of nominees to the**  
18                   **governor. If the Louisiana State Nurses Association or the task force fails to**  
19                   **submit the required list of nominees to the governor within thirty days, the**  
20                   **governor shall appoint the respective member to fill the vacancy without the**  
21                   **nomination list required.**

22                   **H. The governor shall call the first meeting of the commission no later**  
23                   **than November 30, 2013. At a minimum, the commission shall meet on a**  
24                   **quarterly basis and, in addition, shall meet when called by the chairman or**  
25                   **upon the written request of at least four voting members of the commission.**

26                   **I. The commission shall annually elect a chairman, vice chairman, and**  
27                   **secretary from among its voting membership and shall maintain a record of the**  
28                   **attendance of its members at commission meetings.**

29                   **J. For each day while performing his official duties, a member of the**

1 commission may be reimbursed for expenses and mileage at the same rate set  
2 by the division of administration for state employees under the provisions of  
3 R.S. 39:231.

4 K. The commission shall be domiciled in Baton Rouge.

5 L. The governor shall remove a member of the commission after a  
6 hearing by the commission during which charges for removal have been  
7 established and provided that a majority of the members have recommended  
8 removal.

9 §3024. Powers and duties of the commission; exceptions

10 A. The commission shall:

11 (1) Recommend to the board requirements and standards of practice for  
12 individuals seeking to be certified under this Part.

13 (2) Approve requirements and standards of practice submitted by the  
14 board for emergency medical services practitioners consistent with this Part.

15 (3) Recommend continuing education requirements and standards to the  
16 board in accordance with criteria established by the National Registry of  
17 Emergency Medical Technicians for individuals seeking to renew a license.

18 (4) Conduct disciplinary hearings for EMS practitioners and applicants.

19 (5) Request that the board conduct investigations as necessary.

20 (6) Cause the prosecution of any individual who violates any provision  
21 of this Part.

22 (7) Maintain a record of all commission proceedings.

23 (8) Adopt rules and regulations to implement the provisions of this  
24 Subpart in accordance with the Administrative Procedure Act.

25 B. Except as they relate to scope of practice or patient care issues,  
26 Paragraphs(A) (4), (5), and (6) of this Section shall not apply to anyone who is  
27 a volunteer of or employed by the state of Louisiana or another public entity,  
28 a municipal fire department, a fire protection district, or a volunteer fire  
29 department who has successfully completed an education program based on

1 national EMS education standards and who possesses a current national  
2 certification and state license, until the commission has forwarded the  
3 nonmedical practice complaint to the local governing body and received a  
4 response with investigative results and any disciplinary disposition. In the event  
5 that the local governing body does not send a response or request for extension  
6 to the commission within sixty days after receipt of the complaint, the  
7 commission may proceed with the powers and duties as defined in Subsection  
8 A of this Section. Notwithstanding any law to the contrary, in the event the  
9 commission determines by a two-thirds vote of the membership of the  
10 commission that public health and safety would be jeopardized by waiting for  
11 a response from the local governing authority, the commission shall have the  
12 right to exercise its powers and duties as provided in Subsection A of this  
13 Section without receipt of an investigative report from the local governing  
14 authority or the expiration of the sixty-day period as provided in this  
15 Subsection.

16 §3025. License; requirements; renewal

17 A. Applicants for initial licensure as emergency medical services  
18 practitioners shall submit the following evidence to the board:

19 (1) Completion of the required approved educational program.

20 (2) Documentation that the applicant meets the qualifications and  
21 requirements as established by the board or commission.

22 B. In lieu of the evidence required by Subsection A of this Section, an  
23 applicant may submit evidence that he has been duly licensed or certified in  
24 another state, territory, or country or has received military training and  
25 certification or license as emergency medical services practitioner as defined in  
26 R.S. 40:3001, and meets the qualifications and requirements established by the  
27 board.

28 C.(1) The license shall be renewed every two years provided the  
29 applicant seeking renewal completes the application and meets the

1 requirements for renewal established by the board prior to the expiration date  
2 on his current license.

3 (2) An individual whose license expires by his failure to renew as  
4 provided may be reinstated provided the applicant submits a completed  
5 application and meets any additional requirements established by the board for  
6 an individual who has failed to timely renew his license.

7 §3026. Grounds for disciplinary proceedings

8 The commission may discipline emergency medical services practitioners  
9 by directing the board to deny, withhold, revoke, restrict, probate, or suspend  
10 a license to practice as an emergency medical services practitioner, impose fines  
11 and assess costs, or otherwise discipline an emergency medical services  
12 practitioner, and the commission may direct the board to limit, restrict, or deny  
13 a student emergency medical services practitioner from entering or continuing  
14 the clinical phase of EMS education for the following causes:

15 (1) Conviction of selling or attempting to sell, falsely obtaining, or  
16 furnishing to a person a licensed emergency medical services practitioner  
17 document.

18 (2) Conviction of a crime or offense which reflects the inability of an  
19 emergency medical services practitioner to provide emergency medical services  
20 with due regard for the health and safety of clients or patients, regardless of  
21 final disposition of the criminal proceeding including but not limited to pardon,  
22 expungement, or nonadjudication.

23 (3) Is unfit or incompetent by reason of negligence, habit, or other cause.

24 (4) Is habitually intemperate in the use of or abuses alcohol or  
25 habit-forming drugs.

26 (5) Is guilty of aiding or abetting another person in the violation of this  
27 Part.

28 (6) Is mentally incompetent.

29 (7) Endeavors to deceive or defraud a patient, employer, the public, the

1 board, or the commission.

2 (8) Professional or medical incompetency.

3 (9) Unprofessional conduct.

4 (10) Continuing or recurring practices which fail to meet the standards  
5 of EMS care in this state.

6 (11) Abandonment of a patient.

7 (12) Has had a certification or license to practice as an emergency  
8 medical services practitioner or to practice as another health care provider  
9 denied, revoked, suspended, or otherwise restricted.

10 (13) Is guilty of moral turpitude.

11 (14) Has violated any rules and regulations of the commission or the  
12 board or any provision of this Part.

13 (15) Intentional falsification of any document related to licensure,  
14 emergency medical services education, or related to the care of a patient.

15 §3027. Hearings of the commission; appeal of decision

16 A. If the commission determines there are grounds for a disciplinary  
17 proceeding against an individual, based upon an investigation by the board, the  
18 chairman of the commission shall set a time and place for a hearing. No later  
19 than ten days prior to the date set for the hearing, the commission shall send  
20 notice of the time and place for the hearing and an explanation of the grounds  
21 for the disciplinary proceedings to the individual by registered mail, return  
22 receipt requested, at his last known address as it appears on the records of the  
23 board.

24 B. The commission may compel or subpoena the attendance of witnesses,  
25 the production of books, papers, and documents, and administer oaths at the  
26 hearing. Subpoenas shall be issued in accordance with the provisions of the  
27 Administrative Procedure Act. The commission shall not be bound by strict  
28 rules of procedure or other laws of evidence in the conduct of its proceedings.  
29 The individual under investigation may appear personally, by counsel, or

1 personally and by counsel, produce witnesses and evidence on his own behalf,  
2 and cross-examine witnesses. Such proceedings shall be closed to the general  
3 public and the records of the proceeding shall be confidential.

4 C. Notwithstanding any privilege of confidentiality recognized by law,  
5 a physician or health care agency with which the individual under investigation  
6 is associated shall not assert such privilege by failing or refusing to respond to  
7 a lawfully issued subpoena of the commission for any medical information,  
8 testimony, records, data, reports, or other documents, tangible items, or  
9 information relative to any patient cared for or assigned to the individual under  
10 investigation. Any such items obtained pursuant to a subpoena shall be  
11 confidential. Furthermore, the transcript of testimony from the hearing shall  
12 be altered to prevent the disclosure of the identity of the patient to whom such  
13 records relate.

14 D. Notice of the commission's decision to revoke, restrict, suspend, or  
15 deny a license shall be sent to the individual under investigation by registered  
16 mail, return receipt requested, at his last known address as it appears on the  
17 records of the board.

18 E. An individual whose license has been revoked, restricted, suspended,  
19 placed in probation, or denied may have the proceedings of the commission  
20 reviewed by a court of competent jurisdiction, provided that an appeal is made  
21 no later than thirty days after the date indicated on the registered mail receipt  
22 of the notice required by Subsection D of this Section. The decision of the  
23 commission shall remain in force until an appeal is granted unless the court  
24 orders a stay. If an appeal is granted, the decision of the commission shall be  
25 suspended until a final disposition of the matter is ultimately rendered by the  
26 court affirming the decision of the commission.

27 F. The commission may maintain the confidentiality of an individual  
28 under investigation whenever the commission determines the public interest will  
29 be best served by alternatives to the disciplinary hearing process.



1           **G. A notice concerning an investigation, disciplinary proceeding or**  
2           **inquiry into the possibility thereof, or a disciplinary hearing may be sent to the**  
3           **individual in question by registered mail, return receipt requested, at his last**  
4           **known address as it appears on the records of the board. Such notice shall**  
5           **constitute good, valid, and sufficient notice, even if unclaimed or refused by the**  
6           **individual.**

7           **(1) The commission may summarily suspend the license of an individual**  
8           **who refuses to respond within the time limit set forth therein to such a notice**  
9           **seeking information or explanation of alleged or possible grounds for**  
10           **disciplinary proceedings, said suspension to continue until an adequate response**  
11           **is received. The chairperson of the commission acting alone may impose such**  
12           **a summary suspension, provided that such suspension shall remain in effect**  
13           **only until the next meeting of the commission, at which the commission must**  
14           **vote to either maintain or reject the suspension.**

15           **(2) The commission may summarily suspend the license of an individual**  
16           **who receives such notice but fails to appear for a disciplinary hearing, said**  
17           **suspension to continue until such time as the individual appears at a new**  
18           **properly noticed hearing date.**

19           **H. The commission may summarily suspend the license of an individual**  
20           **if it determines that public health, safety, and welfare requires emergency**  
21           **action and a finding to that effect is incorporated in its notice or order of**  
22           **suspension, provided that such suspension shall remain in effect only until the**  
23           **next meeting of the commission, at which time a disciplinary hearing must be**  
24           **held unless the individual fails to appear after valid notice or agrees to a later**  
25           **hearing date. The chairperson of the commission acting alone may impose such**  
26           **a summary suspension.**

27           **§3028. Violations**

28           **No person or individual shall engage in any of the following activities:**

29           **(1) Sell, or attempt to sell, falsely obtain, or furnish to any person any**

1 emergency medical services practitioner diploma, license document, or record,  
2 or aid or abet therein.

3 (2) Practice as an emergency medical services practitioner under any  
4 diploma or certificate illegally obtained or signed or issued unlawfully.

5 (3) Practice as an emergency medical services practitioner unless  
6 licensed to do so under the provisions of this Part.

7 (4) Use in connection with his name any designation tending to imply  
8 that he is an emergency medical services practitioner unless duly authorized to  
9 practice under the provisions of this Part.

10 (5) Practice as an emergency medical services practitioner during the  
11 time the license issued under the provisions of this Part is suspended or revoked.

12 (6) Practice as an emergency medical services practitioner during the  
13 time his license has lapsed by reason of his intentional failure to renew the  
14 license.

15 (7) Conduct or serve as an educator in conducting any course claiming  
16 to prepare students for license as emergency medical services practitioner under  
17 the provisions of this Part, unless both the course and the educator have been  
18 approved by the board.

19 (8) Knowingly aid or abet another person in the violation of this Part.

20 §3029. Injunction

21 The commission, through the board, may obtain an injunction without  
22 bond forbidding any person from violating or continuing to violate any of the  
23 provisions of this Part. This injunction shall not be subject to release upon  
24 bond.

25 §3030. Prosecution

26 A. Any person who violates the provisions of R.S. 40:3028 shall be  
27 subject to prosecution. This prosecution shall be brought in the name of the  
28 state, provided the provisions of this Part shall not prevent or interfere with a  
29 prosecution brought by the district attorney of a parish when a prosecution or

1 a pre-prosecution proceeding has been initiated by the district attorney.

2 B. Whoever is found guilty of violating any provision of R.S. 40:3028  
3 shall, upon a first conviction, be fined not more than five hundred dollars or  
4 imprisoned for not more than six months, or both. Upon a second or  
5 subsequent conviction, the offender shall be imprisoned with or without hard  
6 labor for not more than two years and fined not more than five thousand  
7 dollars.

8 §3031. Exceptions

9 This Part shall not apply to the practice of emergency medical services  
10 by a legally qualified emergency medical services practitioner who is employed  
11 by the United States government, or by any bureau, division, or agency thereof,  
12 while in the discharge of his official duties.

13 §3032. Civil immunity

14 A.(1) Any emergency medical services practitioner, licensed pursuant to  
15 the provisions of this Part who renders emergency medical care to an individual  
16 while in the performance of his medical duties and following the instructions of  
17 a physician shall not be individually liable to such an individual for civil  
18 damages as a result of acts or omissions in rendering the emergency medical  
19 care, except for acts or omissions intentionally designed to harm, or for grossly  
20 negligent acts or omissions which result in harm to such an individual. Nothing  
21 herein shall relieve the driver of the emergency vehicle from liability arising  
22 from the operation or use of such vehicle.

23 (2) The immunity granted to emergency medical services practitioners  
24 by the provisions of this Part shall extend to parish governing authorities, police  
25 departments, sheriffs' offices, fire departments, or other public agencies  
26 engaged in rendering emergency medical services and its insurers with respect  
27 to such emergency medical services unless the emergency medical services  
28 practitioner employed by such agencies would be personally liable under the  
29 provisions of Paragraph (1) of this Subsection.

1           **B. Any physician who provides instructions to any emergency medical**  
2           **services practitioner by use of electronic or other means of transmission in**  
3           **connection with the rendering of emergency medical services to an individual**  
4           **shall not be liable unto such practitioner or to an individual or both for civil**  
5           **damages arising from his opinion, judgments, actions, or duties, except for acts**  
6           **or omissions intentionally designed to harm, or for grossly negligent acts or**  
7           **omissions which result in harm to the individual, while exercising that degree**  
8           **of skill and care ordinarily employed by members of his profession in good**  
9           **standing.**

10           **C. No hospital facility which allows the use of telemetry or other**  
11           **equipment to maintain contact between an emergency medical services**  
12           **practitioner and a physician shall be liable for any civil damages arising out of**  
13           **the use of such equipment except for acts or omissions by hospital personnel**  
14           **that are grossly negligent which result in harm to an individual.**

15           **D. No registered nurse, licensed emergency medical services practitioner,**  
16           **or other health professional licensed in Louisiana who supervises, instructs, or**  
17           **trains emergency medical services practitioners in accordance with curricula**  
18           **developed or adopted by the bureau shall be liable for any civil damages arising**  
19           **out of the actions or negligence of the emergency medical personnel whom he**  
20           **supervised, educated, or trained.**

21           **E. There shall be no cause of action or civil liability, and no license**  
22           **holder or applicant shall have any cause of action or any claim for damages**  
23           **against any individual, person, or institution providing information to the**  
24           **commission or its agents or employees when that individual, person, or**  
25           **institution acts without malice and when there is a reasonable belief that such**  
26           **information is accurate.**

27           **§3033. Immunity from civil damages**

28           **No parish, specialty, component, or state medical society or organization,**  
29           **or its designee, which is statutorily mandated by this Part to participate without**

1           compensation or gratuitously participates in an emergency services system, nor  
2           any committee of such parish, specialty, component, or state medical society or  
3           organization, including the individual members of such committee, or its  
4           designee, shall be liable for any civil damages as a result of any act or omission  
5           in the performance of their administrative duties or donated services with such  
6           emergency services system, including, without limitation, advice, instructions,  
7           or other duties regarding policy, protocol, administration, and efficiency of the  
8           emergency medical services system. The immunity extended to a parish,  
9           specialty, component, or state medical society or organization, or any committee  
10          thereof, including the individual members of such committee, including their  
11          insurers, or its designee, shall not be applicable for willful or wanton acts or  
12          omissions. The immunity extended herein shall be applicable only to an action  
13          brought by the person damaged as a result of the performance of any  
14          administrative duties or donated services rendered pursuant to the provisions  
15          of this Section.

16          §3034. Duties of emergency medical personnel

17                 A.(1) A licensed emergency medical services practitioner may perform  
18                 any of the following functions:

19                         (a) Services, treatment, and procedures consistent with national EMS  
20                         education standards that have been approved and adopted by the board, and  
21                         to the extent that he has been trained to perform such services.

22                         (b) Administration of other drugs or procedures for which the licensed  
23                         emergency medical services practitioner has received training, license, and  
24                         approval by the commission and which may be considered necessary by the  
25                         ordering physician.

26                         (2) The functions authorized by Paragraph (1) of this Subsection may be  
27                         performed by the licensed emergency medical services practitioner while he is  
28                         caring for a patient or at the scene of a medical or other emergency where voice  
29                         contact is established with a physician and under the physician's order; or

1 under a protocol that has been approved by the local parish medical society or  
2 the emergency medical services practitioner's medical director, until voice  
3 communication with the physician is established.

4 B. An emergency medical services practitioner student may, while he is  
5 enrolled in good standing in a state approved clinical or field internship  
6 program under the direct supervision of a physician, registered nurse,  
7 paramedic, or other preceptor recognized by the board:

8 (1) Perform services, treatments, and procedures consistent with national  
9 EMS education standards that have been approved and adopted by the board,  
10 and to the extent that he has been trained to perform such services.

11 (2) Administer automated cardiac defibrillation in accordance with rules  
12 and regulations promulgated by the board in accordance with the  
13 Administrative Procedure Act and a protocol that shall be approved by the local  
14 parish medical society, or its designee, and the local physician medical director.

15 C. In a case of a life-threatening situation as determined by a licensed  
16 emergency medical services practitioner, when voice contact with a physician  
17 is delayed, not possible, or when the delay in treatment could endanger the life  
18 of the patient, such a person may render services, in accordance with a protocol  
19 that shall be established by the emergency medical services committee or the  
20 executive committee of the parish or component medical society, or its designee,  
21 until voice communication can be established at the earliest possible time.

22 D. Any individual, education organization, organization, or other entity  
23 violating the provisions of this Section shall be guilty of a misdemeanor,  
24 conviction of which shall subject the offender to a fine of not less than five  
25 hundred dollars nor more than one thousand dollars for each separate offense.

26 E. In the event that there is no organized or functional local parish  
27 medical society in a parish of the state, the provisions of this Section which  
28 require the approval of an emergency medical service protocol by the local  
29 parish medical society or its designee may be performed by a parish or

1 multipartish medical society which is adjacent or contiguous to the parish  
2 without an organized or functional local parish medical society. In the absence  
3 of such adjacent or contiguous parish or multipartish medical society, the  
4 district medical society shall approve an emergency medical service protocol for  
5 the parish without an organized or functional local parish medical society. In  
6 the event the district medical society does not approve an emergency medical  
7 service protocol for the parish without an organized or functional local parish  
8 medical society, the disaster and emergency medical services committee of the  
9 Louisiana State Medical Society shall approve an emergency medical service  
10 protocol for the parish without an organized or functional local parish medical  
11 society.

12 F. The board shall promulgate rules and regulations establishing basic  
13 guidelines for statewide emergency medical service protocols. Such rules and  
14 regulations shall be based on the recommendations of the Louisiana State  
15 Medical Society's disaster and emergency medical services committee, which  
16 shall serve as an advisory committee to the board for this purpose.

17 §3035. Hazardous substance transportation emergencies; payment for  
18 emergency medical services

19 Any person or entity who in the course of transporting hazardous  
20 substances or materials causes or contributes to a discharge of a hazardous  
21 substance or material that causes an emergency condition shall be obligated to  
22 pay the reasonable costs of any emergency medical services provider whose  
23 presence or service, including standby, is requested at such hazardous substance  
24 emergency by any person authorized by the Department of Public Safety and  
25 Corrections or the Department of Environmental Quality to respond to a  
26 hazardous substance transportation emergency. Nothing in this Section shall  
27 affect the rights of any party to recover under any other provision of law.

#### 28 PART IV. AUTOMATED EXTERNAL DEFIBRILLATORS

29 §~~1236.H~~3041. Legislative findings

1           A. The Legislature of Louisiana finds that each year more than three  
2           hundred fifty thousand Americans die from out-of-hospital sudden cardiac  
3           arrest. More than ninety-five percent of these Americans die, in many cases  
4           because a lifesaving defibrillator did not arrive at the scene of the emergency  
5           in time.

6           B. The American Heart Association estimates that more than twenty  
7           thousand deaths may be prevented each year if defibrillators were more widely  
8           available to designated responders.

9           C. Many communities throughout the state and nation have invested in  
10          911 emergency response systems, emergency personnel, and ambulance vehicles.  
11          However, many of these communities do not have enough defibrillators in their  
12          community.

13          D. It is therefore the intent of the legislature to encourage greater  
14          acquisition, deployment, and use of automated external defibrillators in  
15          communities throughout the state.

16          §~~1236.12~~**3042. Definitions**

17                 As used in this Part "automated external defibrillator" and "AED"  
18                 mean a medical device heart monitor and defibrillator that:

19                         (1) Has received approval of its pre-market notification filed pursuant  
20                         to 21 U.S.C. 360(k) from the United States Food and Drug Administration.

21                         (2) Is capable of recognizing the presence or absence of ventricular  
22                         fibrillation or rapid ventricular tachycardia and is capable of determining  
23                         whether defibrillation should be performed.

24                         (3) Upon determining that defibrillation should be performed,  
25                         automatically charges and requests delivery of an electrical impulse to an  
26                         individual's heart.

27                         (4) Is capable of delivering the electrical impulse to an individual's heart.

28          §~~1236.13~~**3043. Persons in possession of AEDs; training, testing, and notification**  
29                         requirements; manufacturer responsibility; possession required



1           **A. In order to ensure public health and safety, any person or entity that**  
2           **possesses an AED shall ensure that:**

3           **(1) The AED is maintained and tested according to the manufacturer's**  
4           **guidelines.**

5           **(2) A licensed physician or advanced practice registered nurse who is**  
6           **authorized to prescribe is involved in the possessor's program to ensure**  
7           **compliance with the requirements for training, emergency medical service**  
8           **notification, and maintenance.**

9           **(3)(a) Expected AED users regularly, on the premises of a particular**  
10           **entity, such as a worksite or users who carry an AED in a private security**  
11           **patrol vehicle, receive appropriate training in cardiopulmonary resuscitation**  
12           **(CPR) and in the use of an AED from any nationally recognized course in CPR**  
13           **and AED use.**

14           **(b) For purposes of this Paragraph, "expected AED users" shall be any**  
15           **person designated by the possessor to render emergency care.**

16           **(4) The emergency medical services system is activated as soon as**  
17           **possible when an individual renders emergency care to an individual in cardiac**  
18           **arrest by using an AED.**

19           **(5) Any clinical use of the AED is reported to the licensed physician or**  
20           **advanced practice registered nurse involved in the possessor's program.**

21           **B. Any person or entity that possesses an AED shall notify a local**  
22           **provider of emergency medical services, such as 911 service, local ambulance**  
23           **service, or the fire department of the acquisition, location, and type of AED.**

24           **C. Any manufacturer, wholesale supplier, or retailer of an AED shall**  
25           **notify purchasers of AED's intended for use in the state of the requirements of**  
26           **this Section.**

27           **D.(1) The owner of or the entity responsible for a physical fitness facility**  
28           **shall keep an AED on its premises.**

29           **(2) As used in this Subsection of this Section:**

1           **(a) "Physical fitness facility" means a facility for profit or nonprofit with**  
2           **a membership of over fifty persons that offers physical fitness services. This**  
3           **term includes but is not limited to clubs, studios, health spas, weight control**  
4           **centers, clinics, figure salons, tanning centers, athletic or sport clubs, and**  
5           **YWCA and YMCA organizations.**

6           **(b) "Physical fitness services" means services for the development of**  
7           **physical fitness through exercise or weight control. It shall not include a**  
8           **business limited solely to the practice of physical therapy, as defined in R.S.**  
9           **37:2401, by a therapist licensed by the Louisiana State Board of Medical**  
10           **Examiners, nor shall it apply to medically related services performed by a**  
11           **physician licensed by the Louisiana State Board of Medical Examiners in a**  
12           **private office, clinic, or hospital.**

13           **E.(1) Any institution of higher education that competes in intercollegiate**  
14           **athletics shall have an AED on its premises in its athletic department.**

15           **(2) Each high school that participates in interscholastic athletics shall**  
16           **have an AED on its premises, if funding is available.**

17           §1236.14 §3044. **Limitation of liability**

18           **In addition to the civil immunity provided to persons rendering**  
19           **emergency assistance as provided by law, including R.S. 9:2793, R.S. 37:1731,**  
20           **1732, and 1735, and R.S. 40:2872, any prescribing advanced practice registered**  
21           **nurse or physician who authorizes the purchase of the AED, any physician or**  
22           **advanced practice registered nurse involved in the possessor's program, any**  
23           **individual or entity which provides training in cardiopulmonary resuscitation**  
24           **and in the use of an AED, any purchaser of an AED, any person or entity who**  
25           **owns or who is responsible for the site or the private security patrol vehicle**  
26           **where an AED is located, and any expected user regularly on the premises or**  
27           **in the vehicle shall not be liable for any civil damages arising from any act or**  
28           **omission of acts related to the operation of or failure to operate an AED that do**  
29           **not amount to willful or wanton misconduct or gross negligence.**

1 Section 4. R.S. 44:4.1(B)(26) is hereby amended and reenacted and R.S. 44:4(48)  
2 is hereby enacted to read as follows:

3 §4. Applicability

4 This Chapter shall not apply:

5 \* \* \*

6 **(48) To any records, writings, accounts, letters, letter books, photographs**  
7 **or copies or memoranda thereof, and any report or reports concerning the**  
8 **fitness of any person to receive, or continue to hold, a license to practice as an**  
9 **EMS practitioner in the custody or control of the Louisiana Emergency Medical**  
10 **Services and Response Network Board or the EMS Certification Commission;**  
11 **however, any action taken by the board or commission, and any legal grounds**  
12 **upon which such action is based, relative to the fitness of any person to receive,**  
13 **or continue to hold, a license to practice as an EMS practitioner shall be a**  
14 **public record.**

15 \* \* \*

16 §4.1. Exceptions

17 \* \* \*

18 B. The legislature further recognizes that there exist exceptions, exemptions,  
19 and limitations to the laws pertaining to public records throughout the revised  
20 statutes and codes of this state. Therefore, the following exceptions, exemptions, and  
21 limitations are hereby continued in effect by incorporation into this Chapter by  
22 citation:

23 \* \* \*

24 (26) R.S. 40:3.1, 31.14, 31.27, 39.1, 41, 73, 526, 528, 1007, 1098.8, ~~1232.7,~~  
25 1299.6, 1299.35.10, 1299.44, 1299.85, 1299.87, 1300.14, 1300.54, 1379.3, 2009.8,  
26 2009.14, 2010.5, 2017.9, 2018, 2019, 2020, 2106, 2109.1, 2138, 2532, ~~2845.1~~  
27 **3003(B)(10), 3013, 3027.**

28 \* \* \*

29 Section 5. Subparts A and B of Part VII of Chapter 5 of Title 40 of the Louisiana

1 Revised Statutes of 1950, comprised of R.S. 40:1231 through 1234.1, Subpart D of Part VII  
2 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.  
3 40:1236.11 through 1236.14, and Chapter 34 of Title 40 of the Louisiana Revised Statutes  
4 of 1950, comprised of R.S. 40:2841 through 2846, are hereby repealed.

5 Section 6. The Louisiana State Law Institute is hereby directed to redesignate  
6 Subpart C of Part VII of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950,  
7 comprised of R.S. 40:1235 through 1236.7, to Subpart A, and Subpart E of Part VII of  
8 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.  
9 40:1236.21 through 1236.31, to Subpart B.

10 Section 7. This Act shall become effective upon signature by the governor or, if not  
11 signed by the governor, upon expiration of the time for bills to become law without signature  
12 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
13 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
14 effective on the day following such approval.

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Christopher D. Adams.

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#### DIGEST

Present law provides for the Louisiana Emergency Response Network (LERN) and Bureau of Emergency Medical Services and proposed law consolidates their functions into the Louisiana Emergency Medical Services and Response Network (LEMSRN).

Present law provides for limitation of liability with LERN.

Proposed law provides for LEMS RN to be placed within Department of Health and Hospitals.

Proposed law provides for the Louisiana Emergency Medical Services Certified Commission within the LEMS RN.

Proposed law provides for definitions within present law for Emergency Medical Transportation.

Proposed law provides for the Louisiana Emergency Medical Services and Response Network.

Proposed law provides for definitions.

Proposed law provides for governing board, membership on the board, appointments to the board, compensation for members on the board, and vacancies on the board.

Proposed law provides for a 31 member board:

- (1) One cardiologist from nominees submitted by the Louisiana Chapter of the American College of Cardiology.
- (2) One member from nominees submitted by the Rural Hospital Coalition to represent hospitals with fewer than sixty beds.
- (3) One member from nominees submitted by the Metropolitan Hospital Council of New Orleans to represent hospitals with one hundred beds or more.
- (4) One member from nominees submitted by the Louisiana Hospital Association to represent a service district hospital.
- (5) Two members from nominees submitted by the Department of Health and Hospitals which shall include a member from the office of behavioral health.
- (6) One member from nominees submitted by the Governor's Office of Homeland Security and Emergency Preparedness.
- (7) Two members from nominees submitted by the Louisiana State Medical Society which shall include a member specializing in pediatric surgery.
- (8) One member from nominees submitted by the Louisiana Chapter of the Committee on Trauma of the American College of Surgeons.
- (9) One member from nominees submitted by the Louisiana American College of Emergency Physicians.
- (10) One member from nominees submitted by the Louisiana State University Health Sciences Center at Shreveport.
- (11) One member from nominees submitted by the Louisiana State University Health Sciences Center at New Orleans.
- (12) One member from nominees submitted by Tulane University Health Sciences Center.
- (13) One member from nominees submitted by the Louisiana State Coroners Association.
- (14) Two members from the Louisiana House of Representatives.
- (15) Two members from the Louisiana Senate.
- (16) One 211 member of the Louisiana Alliance of Information and Referral Systems.
- (17) One member of the Louisiana Rural Ambulance Alliance.
- (18) One 911 member of the National Emergency Number Association.
- (19) One member of the Louisiana Hospital Association rehabilitation constituency group.
- (20) One member from nominees submitted by the Louisiana Chapter of the American Stroke Association.
- (21) One registered nurse practicing in emergency or critical care from nominees submitted by the Louisiana State Board of Nursing.
- (22) One optometrist from nominees submitted by the Optometry Association of Louisiana.

- (23) One member from nominees submitted by the Louisiana Fire Chiefs Association.
- (24) One member from nominees submitted by the Louisiana Association Of Nationally Registered Emergency Medical Technicians.
- (25) One member representing a public EMS service from nominees submitted by the Louisiana Municipal Association.
- (26) One member representing a private ambulance service from nominees submitted by the Louisiana Ambulance Alliance.
- (27) The sitting chairman of the Louisiana EMS Commission, or his designee.

Proposed law provides for the board's functions, powers, and duties.

Proposed law provides for the board to submit an annual report to the Senate and House Committees on Health and Welfare.

Proposed law reauthorizes the Louisiana Emergency Response Network Fund.

Proposed law provides for LERN within the Louisiana Emergency Medical Services and Response Network.

Proposed law provides for emergency medical personnel training and licensure.

Proposed law provides the board the authority to set fees from a fee schedule.

Proposed law provides for the Louisiana Emergency Medical Services Certification Commission (commission).

Proposed law provides for membership on the commission, qualifications for membership, terms, vacancies, meetings of the commission, officers of the commission, compensation of members, and the domicile of the commission.

Proposed law provides for the powers and duties of the commission and exceptions to the oversight by the commission.

Proposed law provides for licensure, licensure requirements, and renewal of license for emergency medical services practitioners.

Proposed law provides for grounds of disciplinary proceedings by the commission, hearings of the commission, and appeals.

Proposed law provides for penalties, injunctive relief, and prosecution.

Proposed law provides for exception to oversight, civil immunity, and immunity from civil damages.

Proposed law provides for duties of emergency personnel.

Proposed law provides for hazardous substance transportation emergencies and payment for emergency medical services.

Proposed law provides for automated external defibrillators (AED).

Proposed law provides for persons in possession of AEDs, training, testing, and notification requirements, and manufacturer responsibility.

Proposed law provides for limitation on liability.

Proposed law amends present law to exclude certain records from the public records requirement.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 9:2798.5, R.S. 36:258(B), 259(J) and (GG), and 919.4, R.S. 40:2173, and R.S. 44:4.1(B)(26); adds R.S.40:1236.8 and 3001-3044 and R.S. 44:4(48); repeals R.S. 40:1231-1234.1, 1236.11-1236.14, and 2841-2846)