

~~NOTICE OF INTENT~~ *Rule*

Department of Health
Office of Public Health

Emergency Medical Services Professionals
(LAC 46:XXXVIII.Chapters 1-5)

The Department of Health, Office of Public Health, Bureau of Emergency Medical Services (LDH-OPH-Bureau of EMS) and the Louisiana Emergency Medical Services Commission (Commission) ~~proposed to amend~~ LAC 46:XXXVIII.Chapters 1-5 regarding emergency medical services professionals as authorized by R.S. 40:1131-1133.16 and R.S. 40:1141. This ~~proposed~~ Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, 4.2. 49:950, et seq. *has amended*

In compliance with Act 31 of the 2020 Second Extraordinary Session of the Louisiana Legislature, the LDH-OPH-BEMS and the Commission ~~propose to amend~~ the regulations governing the professional and occupational standards for emergency medical services professionals in order to: 1) clarify and align these provisions with the corresponding legislative authorities governing emergency medical services; 2) ensure that the provisions are consistent with the standard language used in other healthcare licensing regulations; and, 3) promulgate the provisions clearly and concisely in the *Louisiana Administrative Code*. *has amended*

Title 46

PROFESSIONAL AND OCCUPATIONAL
STANDARDS

Part XXXVIII. Emergency Medical Services
Professionals

Subpart 1. Rules of Procedure

Chapter 1. General

§101. Statement of Purpose/General Definitions

A. Purpose. The Louisiana Emergency Medical Services Commission is a legally created administrative commission acting within the governmental structure of the state and possessing legal power. To safeguard life and health of the citizens of Louisiana, the law governing the practice of Nationally Certified and State Licensed Emergency Medical Services professionals, Louisiana Revised Statutes of 1950, R.S. 40:1131 et seq., as re-enacted and amended, delegates to this commission the responsibility to establish and publish standards of out-of-hospital practice; to regulate the scope of practice of Emergency Medical Services practitioners, to discipline and regulate the practice of Emergency Medical Services professionals and to establish standards for educational programs preparing individuals for out of hospital practice.

B. General Definitions. The following words and terms shall have general applicability to their usage within the entirety of this Part.

* * *

Chair—the chairperson of the Louisiana Emergency Medical Services Commission.

Commission—the Louisiana Emergency Medical Services Commission as created under the Louisiana Department of Health pursuant to R.S. 40:1133.3.

Emergency Medical Personnel—EMS practitioners and certified ambulance operators.

Emergency Medical Services—a system that represents the combined efforts of various professionals and agencies to provide out-of-hospital emergency, urgent, preventive, and non-emergent care to the sick and injured.

EMS Medical Director—a physician (MD or DO) licensed by the Louisiana State Board of Medical Examiners who has responsibility and authority to ensure the quality of care and provide guidance for all medical aspects of EMS and who specializes in any of the following areas:

- a. family practice;
- b. internal medicine;
- c. general surgery;
- d. emergency medicine;
- e. emergency medical services;
- f. pediatrics; and
- g. general practice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2017.10.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Emergency Medical Services Commission, LR 29:1821 (September 2003), amended by the Louisiana Department of Health, Office of Public Health, Bureau of Emergency Medical Services LR 50:246 (February 2024), repromulgated LR 50:988 (July 2024), amended LR 51:

§103. Duties of Emergency Medical Services Practitioners

A. A licensed emergency medical services practitioner may perform any of the following functions while caring for a patient at the scene of a medical or other emergency, or during the transport of a patient, under a protocol that has been approved by the emergency medical services practitioner's medical director:

A.1. - B.1. ...

C. In case of a life-threatening situation as determined by a licensed emergency medical services practitioner, such a person may render services, in accordance with one of the following protocols:

1. - 2.a. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 1133.5(9), and R.S. 40:2017.10.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 50:246 (February 2024), repromulgated LR 50:989 (July 2024), amended LR 51:

Chapter 3. Licensure and Certification

§301. State Licensure and National Certification

A. State licensure by the Bureau of Emergency Medical Services is mandatory for practicing as a licensed emergency medical responder.

B. Except as may be otherwise provided by this Part or applicable law, national certification and state licensure are mandatory for practicing as a licensed emergency medical technician, advanced emergency medical technician, and paramedic.

C. - E.1. ...

2. The provisions of Chapter 1-E of Title 37 of the Louisiana Revised Statutes of 1950 apply to individuals seeking reciprocity from another U.S. state or territory.

F. - K. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1131.2(E), R.S. 40:1131.1(A), R.S. 40:1133.5(9), R.S. 40:1133.6, R.S. 40:1141, R.S. 40:2017.10.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Emergency Medical Services Commission, LR 29:1821 (September 2003), amended by the Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 50:247 (February 2024), repromulgated LR 50:990 (July 2024), amended LR 51:

§303. Denial of Licensure, Reinstatement, or the Right to Practice EMS as a Student

A. Applicants for licensure, reinstatement, or the right to practice as an EMS student may be denied approval for licensure, reinstatement, receipt of a temporary permit, eligibility to continue in or enter into an education program (clinical or field internship aspects) for any of the grounds listed in §505.D of this Chapter.

B. - C.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1131.1(E), R.S. 40:1133.1(A) and (E), R.S. 40:1133.5(9), R.S. 40:1133.7(1) and (2), R.S. 40:1133.4, and 40:2017.10.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Emergency Medical Services Certification Commission, LR 29:1821 (September 2003), amended by the Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 50:248 (February 2024), repromulgated LR 50:990 (July 2024), amended LR 51:

§306. Pre-Application Eligibility Determination

A. ...

1. The individual making the request shall provide to the commission and the bureau all pertinent information and documents pertaining to the conviction(s), including any information relevant to the factors provided in R.S. 37:2950. Any such request shall list and include all of the individual's convictions, regardless of jurisdiction and regardless of subsequent pardon or expungement, through the date of the request. After initial receipt of the request, the bureau may require that the individual submit additional pertinent information or documents.

2. ...

3. The individual making the request shall also provide to the commission and the bureau the individual's pertinent identifying information, including date of birth, social security number, and driver's license number.

4. ...

5. Within 45 days after receipt of the request and all pertinent information and documents, including additional information or documents requested by the bureau pursuant to A.1 of this Section, or within 45 days of receipt by the bureau of any criminal history report provided or requested by the individual, whichever is later, the bureau shall send notification to the individual concerning whether, based on the criminal information submitted, the individual is disqualified from receiving or possessing a license from the bureau. This determination, which may be disseminated to the requesting individual by email, shall be one of the following:

5.a. - 7....

B. The following information can be found on the bureau website and/or on the EMS license application:

1. the process by which the bureau investigates affirmative criminal history disclosures.

B.2. - C.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1131.1(E), R.S. 40:1133.1(A), R.S. 40:1133.5(9), R.S. 40:1133.16(D), and R.S. 40:2017.10.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 50:249 (February 2024), repromulgated LR 50:991 (July 2024), amended LR 51:

§308. Criminal History Record and Identification

A. The commission and the bureau are entitled to and shall require submission of the criminal history record and identification files of the Louisiana Bureau of Criminal Identification and Information, located within the Louisiana Department of Public Safety and Corrections, of any person who is seeking an initial license as an emergency medical technician, advanced emergency medical technician or paramedic, or to be certified as an ambulance operator; and any person who answers affirmatively to any of the criminal history background questions on a license renewal application. In such situations, fingerprints and other identifying information of the applicant shall be required and submitted to the Louisiana Bureau of Criminal Identification and Information for qualification and registry.

A.1. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1131.1(E), R.S. 40:1133.(A)and(C), R.S. 40:1133.5(9), R.S.40:1133.7(1)and(2), and R.S. 40:2017.10.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, Bureau of Emergency Medical Services, LR 50:250 (February 2024), repromulgated LR 50:992 (July 2024), amended LR 51:

Chapter 5. Disciplinary Proceedings; Alternative to Disciplinary Proceedings

§501. Definition of Terms Applying to EMS Practice as Used in This Chapter

Expanded Scope of Practice—those functions, procedures and activities which are currently not part of the approved National EMS curriculum, but have been approved by the EMS Commission as appropriate for the various levels of EMS practitioners.

Medical Interventions—all functions, activities, medications and medical treatments of therapeutic or corrective nature approved by the Bureau of EMS and the EMS Commission.

Mentally Incompetent—a court judgment of legal insanity or incompetence or a medical diagnosis indicating insanity or incompetence.

Other Causes—includes, but is not limited to:

a. - h. ...

i. misappropriating items or property of an individual, agency, or entity;

j. - q. ...

r. failure to cooperate with the commission or bureau, including by:

i. not furnishing in writing a full and complete explanation covering a matter requested in writing by the commission or bureau; or

ii. not responding to subpoenas or other lawful requests for information issued by the commission or bureau directly related to an investigation or disciplinary hearing regarding an individual;

s. - l. ...

u. physically harming, or attempting to physically harm, an individual without lawful justification;

v. engaging or attempting to engage in nonconsensual sexual acts, including solicitation of minors for sexual acts or for explicit photos or videos;

w. violating the reasonable expectation of privacy of an individual, including, but not limited to, taking or releasing/publishing explicit photographs or video without consent;

x. destruction or attempted destruction of the property of any person without consent;

y. engaging in conduct that harms, or poses a serious risk of harm to, the public or any individual.

Specialty Care Transport Paramedic—those individuals who have met the requirements as approved by the EMS Commission

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1133.4(A)(8) and R.S. 1133.5(9) and R.S. 40:2017.10.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Emergency Medical Services Certification Commission, LR 29:1822 (September 2003), amended by the Department of Health, Office of Public Health, Emergency Medical Services Certification Commission and the Bureau of Emergency Medical Services, LR 50:250 (February 2024), repromulgated LR 50:993 (July 2024), amended LR 51:

§505. Proceedings against Licensed EMS Practitioners, Certified Ambulance Operators, Licensed EMS Practitioner Applicants or Certified Ambulance Operator Applicants

A. - D.3. ...

4. exhibiting incompetency or unfitness by reason of negligence, habit, or other cause;

5. - 9. ...

10. Repealed.

11. - 13. ...

14. Repealed.

15. violating or failing to conform to any requirement or provision of this Part;

16. intentionally falsifying any document related to license, emergency medical services education, or related to the care of the patient; or

17. aiding or abetting another person in the violation of any conduct proscribed under this Subsection.

E. - E.8. ...

9. Repealed.

10. - 15. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1133.4(A)(8), R.S. 40:1133.5(9), R.S. 40:1133.9, R.S. 40:1133.10, and R.S. 40:2017.10.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Emergency Medical Services Certification Commission, LR 29:1823 (September 2003), amended by the Department of Health, Office of Public Health, Emergency Medical Services Certification Commission, LR 50:252 (February 2024), repromulgated LR 50:995 (July 2024), amended LR 51:

§511. Formal Disciplinary Action

A. - B. ...

1. The matter may be resolved without a formal administrative hearing by either a voluntary surrender of license, consent order, or settlement order. These actions shall constitute disciplinary action and shall be a public record of the commission. Except in cases of voluntary surrender, the commission shall publish the individual's

name, a brief description of the violation, and the disciplinary action.

C. ...

1. Any license surrender shall not be deemed to be an admission of the alleged facts of any pending investigation or complaint. The fact of license surrender while an individual is under investigation or has a pending disciplinary hearing shall be deemed a disciplinary action and the Commission shall publish the individual's name and the disciplinary action (i.e. voluntary surrender) in the same manner as other disciplinary actions.

C.2. - E.1.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1133.4(A)(8), R.S. 40:1133.5(9), and R.S. 40:2017.10.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Emergency Medical Services Certification Commission, LR 29:1825 (September 2003), amended by the Department of Health, Office of Public Health, Emergency Medical Services Certification Commission, LR 50:254 (February 2024), repromulgated LR 50:997 (July 2024), amended LR 51:

§519. Definition of Terms Applying to EMS Practice as Used in This Chapter

Additional Acts—activities beyond those taught in EMS education programs. Additional acts are authorized by the commission through rules and regulations or declaratory statements interpreting the legal definition of EMS. Licensed and/or Certified EMS professionals are accountable for attaining and maintaining competency when performing approved additional acts.

Carrying Out the Medical Orders of a Physician Licensed in Louisiana—

1. licensed and/or certified EMS professionals may, based on their individual judgment of each situation, accept verbal orders initiated by a licensed physician, provided the order is related to the said practitioner's scope of practice;

2. licensed and/or certified EMS professionals may execute standing orders of a licensed physician.

Delegating EMS Interventions—committing or entrusting the performance of selected EMS tasks by the licensed and/or certified EMS professional to other competent EMS personnel in selected situations. The licensed and/or certified EMS professional retains the accountability for the total EMS care of the individual.

Expanded Scope of Practice—those functions, procedures and activities which are currently not part of the approved National EMS curriculum, but have been approved by the EMS Commission as appropriate for the various levels of EMS professionals.

Medical Interventions—all functions, activities, medications and medical treatments of therapeutic or corrective nature approved by the Bureau of EMS and the EMS Commission.

Specialty Care Transport Paramedic—those individuals who have met the requirements as approved by the EMS Commission.

Student EMS Professional—a person who is engaged in learning experiences in a program of study leading to

candidacy for license and/or certification to practice as a licensed and/or certified EMS professional. The term applies only when the person is participating in an integral part of the program of study.

Teaching of EMS—instructing EMS professional students and providing continuing EMS education to licensed and/or certified EMS professionals.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2017.10.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Emergency Medical Services Certification Commission, LR 29:1828 (September 2003), amended LR 51:

Family Impact Statement

The proposed Rule should not have any known or foreseeable impact on family formation, stability, and autonomy. In particular, the proposed Rule has no known or foreseeable impact on:

1. the stability of the family;
2. the authority and rights of persons regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budget;
5. the behavior and personal responsibility of children;
6. the ability of the family or a local government to perform the function as contained in the proposed Rule.

Poverty Impact Statement

The proposed Rule should not have any known or foreseeable impact on any child, individual or family as defined by R.S. 49:973(B). In particular, there should be no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;
2. the effect on early childhood development and preschool through postsecondary education development;
3. the effect on employment and workforce development;
4. the effect on taxes and tax credits;
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

The proposed Rule should have no adverse impact on small businesses as defined in the Regulatory Flexibility Act.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

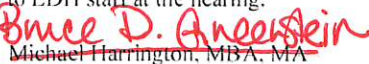
1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments on the proposed Rule. Such comments must be received no later than Monday, February 10, 2025 at COB, 4:30 pm, and should be addressed to Susan Bailey, Director, Bureau of Emergency Medical Services, Office of Public Health, Louisiana Department of Health, P.O. Box 4489, Baton Rouge, LA 70821-4489.

Public Hearing

Interested persons may submit a written request to conduct a public hearing either by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on Monday, February 10, 2025. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, LDH will conduct a public hearing at 10 a.m. on Thursday, February 27, 2025, in Room 117 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after Monday, February 10, 2025. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing. In the event of a hearing, parking is available to the public in the Galvez Parking Garage which is located between North Sixth and North Fifth/North and Main Streets (eater-corner from the Bienville Building). Validated parking for the Galvez Garage may be available to public hearing attendees when the parking ticket is presented to LDH staff at the hearing.


Michael Harrington, MBA, MA
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Emergency Medical Services Professionals

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO
STATE OR LOCAL GOVERNMENT UNITS (Summary)

The estimated implementation cost to the Bureau of EMS is approximately \$1,500 in FY 25 for the notice and rule publication in the *Louisiana Register*. There are no other estimated implementation costs or savings through state or local government units through promulgation of the proposed rule change.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE
OR LOCAL GOVERNMENTAL UNITS (Summary)

There is not estimated impact on the revenue collections of state or local government units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO
DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR
NONGOVERNMENTAL GROUPS (Summary)

There are no anticipated economic benefits or losses resulting from the proposed rule.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)

There is not anticipated effect on competition and employment.

Susan F. Bailey
Director
2501#050

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office