

## No. 1988-121

## AN ACT

## HB 2473

Amending the act of July 3, 1985 (P.L.164, No.45), entitled "An act relating to the prevention and reduction of premature death and disability in this Commonwealth; providing for assistance, coordination and support of the development and maintenance of a comprehensive emergency medical services system and for qualifications, eligibility and certification of emergency medical services personnel and licensing ambulance services; imposing powers and duties on the Department of Health; and making repeals," further providing for support of emergency medical services; requiring bypass protocols; extending certain provisions of the act; providing for provisional licenses; further defining "emergency medical services council"; and excluding volunteer fire and ambulance departments from certain provisions of the act.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The definitions of "emergency medical services council" and "Pennsylvania Trauma Systems Foundation" in section 3 of the act of July 3, 1985 (P.L.164, No.45), known as the Emergency Medical Services Act, are amended to read:

Section 3. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

\* \* \*

"Emergency medical services council." A nonprofit incorporated entity or appropriate equivalent whose function is to plan, develop, maintain, expand and improve emergency medical services systems within a specific geographical area of this Commonwealth and which is deemed by the department as being representative of the health professions and major *private and* public and voluntary agencies, organizations and institutions concerned with providing emergency medical services.

\* \* \*

"Pennsylvania Trauma Systems Foundation." A nonprofit Pennsylvania corporation whose function is to accredit trauma centers in this Commonwealth. The board of directors of the foundation shall consist of the following 19 voting members: five representatives of State organizations that represent physicians; five representatives of State organizations that represent hospitals; two representatives of State organizations that represent registered professional nurses; two representatives of other Statewide emergency medical service organizations with expertise in delivery of trauma services; the Chairman and Minority Chairman of the House Health and Welfare Committee, or their designees, from the committee membership; the Chairman and Minority Chairman of the Senate Public Health and Welfare Committee, or their designees, from the committee membership; and the Secre-

tary of Health, or his designee. The bylaws of the foundation shall identify a method to select members to achieve professional and geographic balance on the board. Terms of office shall be limited to three years **[and no person shall be eligible for appointment to more than two consecutive terms]**.

\* \* \*

Section 2. Section 5 of the act is amended by adding a subsection to read:

Section 5. Duties of department.

\* \* \*

*(c) Bypass protocols.—The department shall establish not later than September 30, 1988, and regional councils shall implement not later than December 31, 1988, criteria for evaluation, triage, treatment, transport, transfer and referral, including bypass protocols, of acutely ill and injured persons to the most appropriate facility. Regional councils shall not be eligible for contract funds or State emergency medical services operating fund disbursements unless criteria and protocols have been established.*

Section 3. Section 8(c) of the act is amended by adding a paragraph to read:

Section 8. Emergency medical services councils.

\* \* \*

(c) Duties.—Each emergency medical services council shall:

\* \* \*

*(7) Establish a mechanism to provide for input from local emergency medical services providers, in decisions which include, but are not limited to, membership on its governing body.*

Section 4. Section 12(e)(4) and (m) of the act are amended to read:

Section 12. Minimum standards for ambulance service.

\* \* \*

(e) Minimum standards for staffing.—Minimum staffing standards for ambulance services which operate at the basic life support level of care shall be as follows:

\* \* \*

(4) Three years after the effective date of this act, all ambulances, when transporting a patient or patients, except for routine transfer of convalescent or other nonemergency cases, shall be staffed by at least two persons, one of whom shall be an emergency medical technician, EMT-paramedic or health professional, and one of whom shall, at least, qualify as an ambulance attendant. The emergency medical technician, EMT-paramedic or health professional shall accompany the patient in the patient compartment. *This paragraph shall not be applicable to any ambulance operated by a volunteer fire department or by a volunteer ambulance or rescue service until July 3, 1990, and shall thereafter not be applicable to any ambulance operated by a volunteer fire department or by a volunteer ambulance or rescue service if such department or service has a provisional license to operate without complying with this subsection.*

\* \* \*

(m) Provisional license.—

(1) When there are numerous deficiencies or a serious specific deficiency in compliance with this act or rules or regulations promulgated thereunder, the department may issue a provisional license *for a period not to exceed six months* for operation of an ambulance service when the department deems it is in the public interest to do so.

(2) *In accordance with regulations, the department may renew a provisional license for a period not to exceed six months, except that the department may renew a provisional license for a period of 12 months in the case of a volunteer fire department or a volunteer ambulance or rescue service which does not meet the minimum standards for staffing at the basic life support level of care.*

\* \* \*

Section 5. Section 14 of the act is amended to read:

Section 14. Support of emergency medical services.

(a) Fine.—A \$10 fine shall be levied on all **[moving]** traffic violations *exclusive of parking offenses*. These fines shall be in addition to other fines imposed at the discretion of the court.

(b) *Accelerated Rehabilitative Disposition fee.—A fee of \$25 shall be imposed as costs upon persons admitted to programs for Accelerated Rehabilitative Disposition for offenses enumerated in 75 Pa.C.S. § 3731 (relating to driving under influence of alcohol or controlled substance).*

**[(b)] (c)** Emergency Medical Services Operating Fund.—Money collected shall be paid to the court imposing the fine, *or fee*, which shall forward it to the State Treasurer for deposit into a special **[revolving]** fund to be known as the Emergency Medical Services Operating Fund. *Moneys in the fund shall be appropriated annually by the General Assembly.*

**[(c)] (d)** Purpose of fund.—All money from the Emergency Medical Services Operating Fund shall be disbursed by the department **[for the initiation, expansion, maintenance and improvement of emergency medical services.]** *to eligible providers of emergency medical services, as determined by the department by regulation, and to regional emergency medical services councils for the initiation, expansion, maintenance and improvement of emergency medical services, including ambulance and communications equipment and for training, education and ambulance licensure purposes. These funds shall not be used for any other purposes.*

**[(d)] (e)** Allocation to Catastrophic Medical and Rehabilitation Fund.—Twenty-five percent of the fund shall be allocated to a Catastrophic Medical and Rehabilitation Fund for victims of trauma. The catastrophic fund shall be available to trauma victims to purchase medical, rehabilitation and attendant care services when all alternative financial resources have been exhausted. *The department may, by regulation, prioritize the distribution of funds by classification of traumatic injury.*

(f) *Audit.—The Auditor General shall review collections and expenditures made pursuant to the provisions of this section and report its findings to the General Assembly annually. This audit shall include a review of the collections and expenditures of the emergency medical services councils.*

Section 6. Section 4 of this act (amending section 12(e)(4) of the act) shall be retroactive to July 3, 1988.

Section 7. This act shall take effect as follows:

(1) Section 4 of this act (amending section 12(e)(4) of the act) and section 5 of this act (amending section 14 of the act) shall, with the exception of the portion adding section 14(b) (relating to accelerated rehabilitative disposition fee), take effect immediately.

(2) The remainder of this act shall take effect in 60 days.

APPROVED—The 21st day of October, A. D. 1988.

ROBERT P. CASEY