

STATE OF LOUISIANA

Emergency Medical Services Certification Commission

Annual Report
Fiscal Year 10

LOUISIANA EMERGENCY MEDICAL SERVICES CERTIFICATION COMMISSION

Annual Report of Activities

Emergency Medical Services Certification Commission
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EMS Certification Commission Members

The EMS Certification Commission is composed of nine voting members appointed by the governor.

Sammy Halphen, Chair	EMS Public Administrator
Andy Bruch, Vice Chair	Louisiana State Nurses Association *non voting*
Lauri Scivicque, Secretary	EMT Paramedic
Dr. Juliette Saussy	American College of Emergency Physicians
Dr. Susan Bankston	American Academy of Pediatrics
Dr. Chapman Lee	American College of Surgeons
Dr. Robert Chugden	Louisiana State Medical Society
Gary Peters	EMS Private Administrator
James Wood	EMT Basic
J. Doyle Dennis	EMT Paramedic

Administrative Assistant: Carol Lee

Executive Summary

The purpose of the Annual Report is to reflect the activities and actions of the Commission for the period of July 1, 2009 to June 30, 2010, and to provide data relative to the number and nature of the hearings conducted under the provisions of R.S. 40:1232.7. The Commission conducted nine meetings this fiscal year.

The EMS Certification Commission is created under R.S.40:1232.2 to safeguard life and health of the citizens of Louisiana. To fulfill this purpose, the Commission is delegated the responsibility to:

- Establish and publish standards of out-of-hospital practice
- Regulate the scope of practice of Emergency Medical Service professionals
- Discipline and regulate the practice of Emergency Medical Services professionals; and
- Establish standards for educational programs preparing individuals for out-of-hospital practice.

The Commission, under R.S. 40:1232.3 (A) shall recommend to the bureau requirements and standards of practice for individuals seeking to be certified. Ten motions were passed on this item.

The Commission, under R.S. 40:1232.3 (A) shall approve requirements and standards of practice submitted by the bureau for emergency medical personnel. Four motions were passed on this item.

The Commission, under R.S. 40:1232.3 (A) shall conduct disciplinary hearings for emergency medical personnel, request that the bureau conduct investigations as necessary, and cause the prosecution of any individual who violates any provision of R.S.40: 1232 et seq. Eight motions were passed on this item.

During the fiscal year, the EMS Certification Commission reviewed 668 cases, and disciplinary action was taken as a result of 221 substantiated violations.

The Commission, under R.S. 40:1232.3 (A) shall recommend continuing education requirements and standards to the bureau in accordance with criteria established by the National Registry of Emergency Medical Technicians for individuals seeking to renew a certificate. One motion was passed on this item.

HB 1030 was introduced during the 2010 legislative session and impacts the duties of the EMS Certification Commission. The EMS Certification Commission did not amend or adopt any rules related to the implementation of the provisions of R.S. 40:1232 et seq.

On behalf of all members of the Emergency Medical Services Certification Commission and the staff of the Bureau of Emergency Medical Services, we want to convey our sincere appreciation to Louisiana's volunteer and career EMS professionals. The dedication and service of these individuals and their dedication and commitment to cooperative excellence will continue to ensure the success of the Emergency Medical Services System in Louisiana.

Standards of Out-of-hospital Practice

The Commission, under R.S. 40:1232.3 (A) shall recommend to the bureau requirements and standards of practice for individuals seeking to be certified.

The following motions were made and passed during this fiscal year:

- Chair of the Commission sent a letter to DHH Secretary, Alan Levine, stating the importance of mandating background checks on all candidates seeking licensure in Louisiana. The Commission hears thousands of disciplinary issues on EMTs in Louisiana yearly.
- EMSCC Conviction Policy amended to include Louisiana law.
- Allow FBI background check completed within 6 months of application. These shall be submitted by the EMTs employer.
- Accept recommendation of Bureau of EMS to add “Guidelines for applicants with criminal record” to the EMS Certification Commission Conviction Policy.
- Amend Bureau of EMS applications criminal background affidavit section question to read: “have you ever been arrested and/or issued a misdemeanor summons excluding traffic violations?”
- Direct the Bureau of EMS to investigate and provide a possible timeline on the integration of LA BEMS EMS certification applications with the National Registry application process.
- The FBI background check is the check required as written with the exception of juveniles.
- Clearance must be obtained from the EMS Certification Commission prior to an EMT student beginning clinicals with this taking effect beginning July 1, 2010.
- The FBI background check requirement deadline is changed from July 1, 2010 to January 1, 2011.
- Executive Order BJ2010-9 issued for emergency partial suspension of certain EMT licensing laws with regard to EMTs working on the oil spill disaster. A temporary timed permit was issued to EMTs.

Scope of Practice of EMS Professionals

The Commission, under R.S. 40:1232.3 (A) shall approve requirements and standards of practice submitted by the bureau for emergency medical personnel.

The following motions were made and passed during this fiscal year:

- Notify Coroner's Association that it is not within the scope of practice for an EMT Paramedic to draw cardiac blood on deceased individuals.
- In response to the requests by EMS agencies to receive H1N1 vaccinations, it is reminded that L.R.S. 40:1234 is interpreted to mean the following: That an EMT Paramedic may only give a vaccination to an individual who is under the direct care of a physician, in a hospital setting, when they are a registered patient of that facility and when the Paramedic is working in that facility. Under no circumstances does the current law allow for a Paramedic to give vaccinations in the field. At no time in a pre-hospital setting can a Paramedic give immunizations to patients or co-workers, without the current law being changed.
- Approval of Bureau of EMS recommendation that the use of a tourniquet at the First Responder level is approved with the appropriate education, treatment, medical direction and protocol.
- EMTs regularly practice at a skill level greater than the legally adopted scope of practice as established by L.R.S 40 when practicing in federal or internationally protected waters. Once the EMT enters the jurisdiction of Louisiana, the level of medical intervention should be maintained, but no further intervention should be attempted.

Discipline and Regulation of EMS Professionals

The Commission, under R.S. 40:1232.3 (A) shall conduct disciplinary hearings for emergency medical personnel, request that the bureau conduct investigations as necessary, and cause the prosecution of any individual who violates any provision of R.S.40: 1232 et seq.

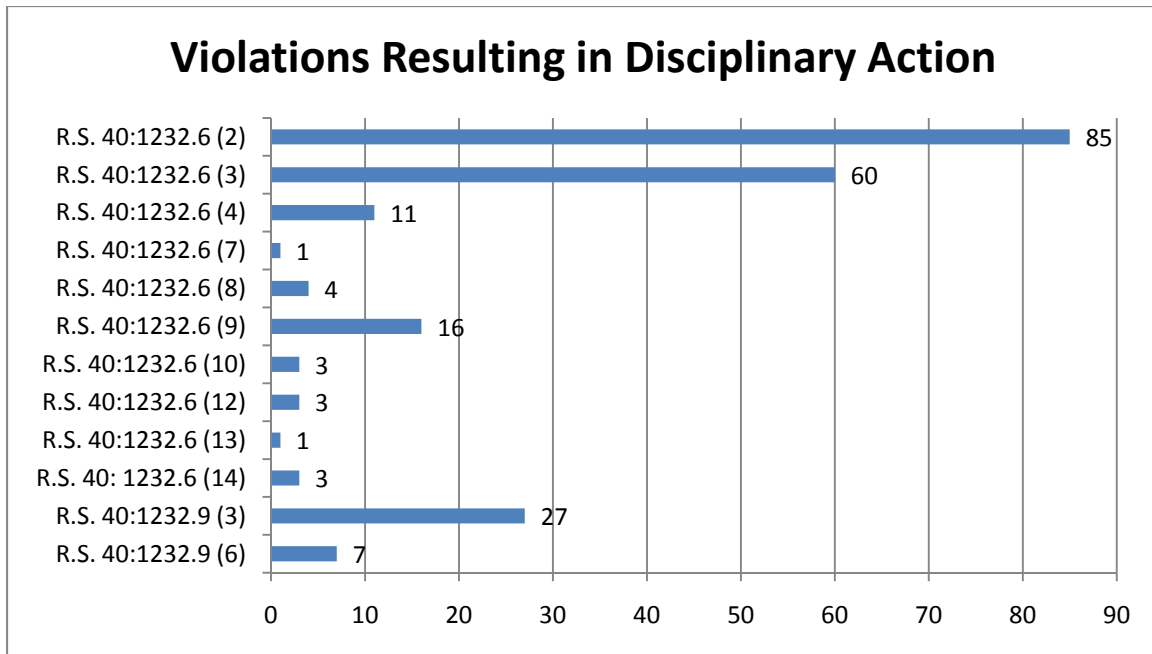
The following motions were made and passed during this fiscal year:

- Chair of the Commission or his designee has the authority to summarily suspend an EMT during an instance where appropriate.
- Applicants are not allowed to proceed with becoming certified EMTs if they are currently on probation or parole for any crime.
- Fine schedule amended for general impersonation of an EMT is as follows if the individual recertifies within 60 days:
 - First Responder \$50
 - EMT Basic \$100
 - EMT Intermediate \$200
 - EMT Paramedic \$300
- Fine schedule amendment: after 60 days of practicing without certification the fine is \$500 across the board.
- The Commission will redact personal information from public records in the interest of protecting individuals.
- Accept recommendation of the Bureau of EMS to move forward with new procedures which follow those utilized by the Nursing Board.
- All current emergency medical personnel holding a State of Louisiana expired certification are afforded an amnesty period to submit a properly completed recertification package postmarked by or delivered to the Bureau of EMS by close of business on March 31, 2010. All fines in relation to holding an expired certification will be suspended until March 31, 2010. On April 1, 2010, any individual discovered holding an expired certification will be subject to investigation by the Bureau of EMS.
- HRSA requires state licensing authorities to report to the National Practitioner Data Bank (NPDB) and the Healthcare Integrity and Protection Data Bank (HIPDB). The Bureau of EMS is adhering to this requirement and reporting all revocations, suspensions, and probationary actions taken by the Commission.

The EMS Certification Commission renders decisions on all questionable applications for certification, reinstatement, the right to practice as an EMS student, and eligibility for the National Registry exam or entry or progress into any clinical or field internship aspects of an EMS course. The Commission also receives and renders decisions on complaints against any person engaged in any conduct proscribed by R.S. 40:1232.6.

During the fiscal year, the EMS Certification Commission reviewed 668 cases.

The table below represents the cases that reflect substantiated violations of the rules and regulations of the EMS Certification Commission, and subsequent disciplinary action.



R.S. 40:1232.6 (2)	Conviction of a crime or offense which reflects the inability to practice EMS with due regard for health and safety of clients or patients or enters a plea of guilty or nolo contendere to a criminal charge regardless of final disposition of the criminal proceeding, including, but not limited to, expungement, non adjudication or pardon.
R.S. 40:1232.6 (3)	Is unfit or incompetent by reason of negligence, habit, or other cause.
R.S. 40:1232.6 (4)	Is habitually intemperate in the use of or abuses alcohol or habit-forming drugs.
R.S. 40:1232.6 (7)	Endeavors to deceive or defraud the public.
R.S. 40:1232.6 (8)	Professional or medical incompetency
R.S. 40:1232.6 (9)	Unprofessional conduct.
R.S. 40:1232.6 (10)	Continuing or recurring practices which fail to meet the standards of EMS care in this state.
R.S. 40:1232.6 (12)	Has had a certification or license to practice as an EMS professional or to practice as another health care provider denied, revoked, suspended, or otherwise restricted
R.S. 40:1232.6 (13)	Is guilty of moral turpitude.
R.S. 40:1232.6 (14)	Has violated any rules and regulations of the commission or the bureau or any provision of R.S. 40
R.S. 40:1232.9 (3)	Practice as a certified emergency medical technician or certified first responder unless certified to do so under the provisions of R.S.40.
R.S. 40:1232.9 (6)	Practice as a certified emergency medical technician or certified first responder during the time his certification has lapsed by reason of his intentional failure to renew the certification.

Standards for Educational Programs

The Commission, under R.S. 40:1232.3 (A) shall recommend continuing education requirements and standards to the bureau in accordance with criteria established by the National Registry of Emergency Medical Technicians for individuals seeking to renew a certificate.

The following motions were made and passed during this fiscal year:

- The Bureau of EMS will begin putting a script together for an instructional DVD for EMS instructors.

Impacting Legislation

The Commission, under R.S. 40:1232.3 (A) shall adopt rules and regulations to implement the provisions of R.S.40:1232 et seq.

House Bill 1030 was introduced during the 2010 Legislative Session by Rep. St. Germain. This bill is to amend and reenact R.S. 40:1232.1(A)(2) and (3) and 1232.3 relative to emergency medical services; to set a maximum fee for an emergency medical technician-basic certification and recertification for any individual who is an employee of the state of Louisiana or another public entity, a municipal fire department, a fire protection district, a volunteer fire department, or a municipal law enforcement agency; to exempt certain employees of the state of Louisiana or another public entity, a municipal fire department, a fire protection district, or a volunteer fire department from the authority of the Louisiana Emergency Medical Services Certification Commission to conduct disciplinary hearings, request investigations, and initiate prosecution; and to provide for related matters.

The EMS Certification Commission did not amend or adopt any rules related to the implementation of the provisions of R.S. 40:1232 et seq.

Legal Authority

The EMS Certification Commission is defined under R.S. 40:1232.2-11.

The rules and regulations of the EMS Certification Commission are defined in LAC Title 46 Part XXXVIII.