

By: Representatives Moore, Baker (74th),
Holland, Dedeaux

To: Public Health and Human
Services

HOUSE BILL NO. 445
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 41-59-3, MISSISSIPPI CODE OF 1972, AS
2 AMENDED BY HOUSE BILL NO. 1626, 2004 REGULAR SESSION, TO DELETE
3 THE DEFINITION OF "AUTO-INJECTOR," REVISE THE DEFINITIONS OF
4 "CERTIFICATE" AND "FIRST RESPONDER" AND DEFINE "MEDICAL FIRST
5 RESPONDER" FOR THE PURPOSES OF THE EMERGENCY MEDICAL SERVICES LAW;
6 TO AMEND SECTION 41-59-79, MISSISSIPPI CODE OF 1972, TO PROVIDE
7 FOR CERTIFICATION OF MEDICAL FIRST RESPONDERS BY THE STATE
8 DEPARTMENT OF HEALTH; TO AMEND SECTION 41-59-81, MISSISSIPPI CODE
9 OF 1972, TO AUTHORIZE THE STATE BOARD OF HEALTH TO PROMULGATE
10 RULES AND REGULATIONS REGARDING THE CERTIFICATION OF MEDICAL FIRST
11 RESPONDERS AND THE SERVICES THAT MAY BE PROVIDED BY MEDICAL FIRST
12 RESPONDERS; TO PROVIDE THAT THE STATE DEPARTMENT OF HEALTH SHALL
13 NOT BE AUTHORIZED TO REGULATE THE ACTIVITIES OF, OR REQUIRE THE
14 STATE CERTIFICATION OF, THOSE FIRST RESPONDERS WHO ARE NOT MEDICAL
15 FIRST RESPONDERS; TO REPEAL SECTION 41-59-83, MISSISSIPPI CODE OF
16 1972, WHICH AUTHORIZES FIRST RESPONDERS AND EMERGENCY MEDICAL
17 TECHNICIANS TO CARRY AND ADMINISTER EPINEPHRINE FROM
18 AUTO-INJECTORS; AND FOR RELATED PURPOSES.

19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

20 **SECTION 1.** Section 41-59-3, Mississippi Code of 1972, as
21 amended by House Bill No. 1626, 2004 Regular Session, is amended
22 as follows:

23 41-59-3. As used in this chapter, unless the context
24 otherwise requires, the term:

25 (a) "Ambulance" * * * means any privately or publicly
26 owned land or air vehicle that is especially designed,
27 constructed, modified or equipped to be used, maintained and
28 operated upon the streets, highways or airways of this state to
29 assist persons who are sick, injured, wounded, or otherwise
30 incapacitated or helpless;

31 * * *

32 (b) "Permit" * * * means an authorization issued for an
33 ambulance vehicle and/or a special use EMS vehicle as meeting the
34 standards adopted under this chapter;

35 (c) "License" * * * means an authorization to any
36 person, firm, corporation, or governmental division or agency to
37 provide ambulance services in the State of Mississippi;

38 (d) "Emergency medical technician" * * * means an
39 individual who possesses a valid emergency medical technician's
40 certificate issued under the provisions of this chapter;

41 (e) "Certificate" * * * means official acknowledgment
42 that an individual has successfully completed (i) the recommended
43 basic emergency medical technician training course referred to in
44 this chapter which entitles that individual to perform the
45 functions and duties of an emergency medical technician, or (ii)
46 the recommended medical first responder training course referred
47 to in this chapter which entitles that individual to perform the
48 functions and duties of a medical first responder;

49 (f) "Board" * * * means the State Board of Health;

50 (g) "Department" means the * * * State Department of
51 Health, Division of Emergency Medical Services;

52 (h) "Executive officer" * * * means the Executive
53 Officer of the State Board of Health, or his designated
54 representative;

55 (i) "First responder" means a person who uses a limited
56 amount of equipment to perform the initial assessment of and
57 intervention with sick, wounded or otherwise incapacitated
58 persons * * *;

59 (j) "Medical first responder" means a person who uses a
60 limited amount of equipment to perform the initial assessment of
61 and intervention with sick, wounded or otherwise incapacitated
62 persons who (i) is trained to assist other EMS personnel by
63 successfully completing, and remaining current in refresher
64 training in accordance with, an approved "First Responder:
65 National Standard Curriculum" training program, as developed and
66 promulgated by the United States Department of Transportation,
67 (ii) is nationally registered as a first responder by the National

68 Registry of Emergency Medical Technicians; and (iii) is certified
69 as a medical first responder by the State Department of Health,
70 Division of Emergency Medical Services;

71 (k) "Invalid vehicle" * * * means any privately or
72 publicly owned land or air vehicle that is maintained, operated
73 and used only to transport persons routinely who are convalescent
74 or otherwise nonambulatory and do not require the service of an
75 emergency medical technician while in transit;

76 (l) "Special use EMS vehicle" means any privately or
77 publicly owned land, water or air emergency vehicle used to
78 support the provision of emergency medical services. These
79 vehicles shall not be used routinely to transport patients;

80 (m) "Trauma care system" or "trauma system" means a
81 formally organized arrangement of health care resources that has
82 been designated by the department by which major trauma victims
83 are triaged, transported to and treated at trauma care facilities;

84 (n) "Trauma care facility" or "trauma center" means a
85 hospital located in the State of Mississippi or a Level I trauma
86 care facility or center located in a state contiguous to the State
87 of Mississippi that has been designated by the department to
88 perform specified trauma care services within a trauma care system
89 pursuant to standards adopted by the department. Participation in
90 this designation by each hospital is voluntary;

91 (o) "Trauma registry" means a collection of data on
92 patients who receive hospital care for certain types of injuries.
93 Such data are primarily designed to ensure quality trauma care and
94 outcomes in individual institutions and trauma systems, but have
95 the secondary purpose of providing useful data for the
96 surveillance of injury morbidity and mortality;

97 (p) "Emergency medical condition" means a medical
98 condition manifesting itself by acute symptoms of sufficient
99 severity, including severe pain, psychiatric disturbances and/or
100 symptoms of substance abuse, such that a prudent layperson who

101 possesses an average knowledge of health and medicine could
102 reasonably expect the absence of immediate medical attention to
103 result in placing the health of the individual (or, with respect
104 to a pregnant woman, the health of the woman or her unborn child)
105 in serious jeopardy, serious impairment to bodily functions, or
106 serious dysfunction of any bodily organ or part;

107 (q) "Emergency medical call" means a situation that is
108 presumptively classified at time of dispatch to have a high index
109 of probability that an emergency medical condition or other
110 situation exists that requires medical intervention as soon as
111 possible to reduce the seriousness of the situation, or when the
112 exact circumstances are unknown, but the nature of the request is
113 suggestive of a true emergency where a patient may be at risk;

114 (r) "Emergency response" means responding immediately
115 at the basic life support or advanced life support level of
116 service to an emergency medical call. An immediate response is
117 one in which the ambulance supplier begins as quickly as possible
118 to take the steps necessary to respond to the call;

119 (s) "Emergency mode" means an ambulance or special use
120 EMS vehicle operating with emergency lights and warning siren (or
121 warning siren and air horn) while engaged in an emergency medical
122 call.

123 **SECTION 2.** Section 41-59-79, Mississippi Code of 1972, is
124 amended as follows:

125 41-59-79. Any person desiring certification as a medical
126 first responder shall apply to the board using forms prescribed by
127 the board. Each application for a medical first responder
128 certificate shall be accompanied by a certificate fee to be fixed
129 by the board, which shall be paid to the board. Upon the
130 successful completion of the board's approved medical first
131 responder training program, the board shall make a determination
132 of the applicant's qualifications as a medical first responder as

133 set forth in the regulations promulgated by the board, and shall
134 issue a medical first responder certificate to the applicant.

135 **SECTION 3.** Section 41-59-81, Mississippi Code of 1972, is
136 amended as follows:

137 41-59-81. (1) The * * * State Board of Health is authorized
138 to promulgate and enforce rules and regulations to provide for the
139 best and most effective emergency medical care by medical first
140 responders, and to comply with national standards for medical
141 first responders * * *. Notwithstanding any other provision of
142 law, medical first responder personnel may be authorized to
143 provide medical first responder * * * services as defined by rules
144 and regulations promulgated by the State Board of Health.

145 Rules and regulations promulgated under this authority shall,
146 as a minimum:

147 (a) Define and authorize functions and training
148 programs for medical first responder personnel; however, all those
149 training programs shall meet or exceed the performance
150 requirements of the most current training program "First
151 Responder: National Standard Curriculum" as developed by the
152 United States Department of Transportation, National Highway
153 Traffic Safety Administration.

154 * * *

155 (b) Specify minimum testing and certification
156 requirements and provide for continuing education and periodic
157 recertification for all medical first responder personnel.

158 (2) Counties, municipalities and designated EMS districts
159 may regulate the activities of medical first responders in
160 addition to the regulation imposed by rules and regulations
161 promulgated by the State Board of Health.

162 (3) The State Board of Health and the State Department of
163 Health shall not be authorized to regulate the activities of, or
164 require the state certification of, those first responders who are
165 not medical first responders.

166 **SECTION 4.** Section 41-59-83, Mississippi Code of 1972, which
167 authorizes first responders and emergency medical technicians to
168 carry and administer epinephrine from auto-injectors, is repealed.

169 **SECTION 5.** This act shall take effect and be in force from
170 and after July 1, 2004.