

## REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER AND MADAM PRESIDENT:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

H. B. No. 445: First responders; repeal provisions requiring state certification of.

We, therefore, respectfully submit the following report and recommendation:

1. That the Senate recede from its Amendment No. 1.
2. That the House and Senate adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

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.

CONFEREES FOR THE HOUSE

CONFEREES FOR THE SENATE

X (SIGNED)  
D. Stephen Holland

X (SIGNED)  
Alan Nunnelee

X (SIGNED)  
Dirk D. Dedeaux

X (SIGNED)  
T. O. Moffatt

X (SIGNED)  
Chuck Espy

X (SIGNED)  
Hob Bryan