

Amendment No. 210

Senate Amendment to Senate Bill No. 138

(BDR 40-642)

Proposed by: Senate Committee on Health and Human Services**Amends:** Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date	
Adopted	☐	Lost	☐ _____		Adopted	☐	Lost	☐ _____
Concurred In	☐	Not	☐ _____		Concurred In	☐	Not	☐ _____
Receded	☐	Not	☐ _____		Receded	☐	Not	☐ _____

EXPLANATION: Matter in (1) ***blue bold italics*** is new language in the original bill; (2) ***green bold italic underlining*** is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) ***green bold underlining*** is newly added transitory language.

RBL



Date: 4/23/2011

S.B. No. 138—Revises provisions relating to emergency medical services provided in certain counties. (BDR 40-642)



SENATE BILL NO. 138—SENATOR LEE

FEBRUARY 9, 2011

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to ~~emergency medical services provided in certain counties;~~ the use of unlicensed persons and privately owned equipment during an emergency or catastrophe. (BDR 40-642)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to emergency medical services; ~~authorizing the use in certain counties of unlicensed persons for the provision of emergency medical care under certain circumstances; revising provisions governing the operation of an ambulance or a vehicle of a fire fighting agency which provides emergency medical care in certain counties;~~ allowing counties to designate a person who is authorized to request assistance from unlicensed persons and to use equipment owned by another person during an emergency or catastrophe; providing that such unlicensed persons will be covered under any insurance pool of the county and the county will be responsible for any damage to such equipment; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires all persons who serve as attendants on any ambulance or air ambulance and certain firefighters who provide intermediate or advanced medical care to sick or injured persons at the scene of an emergency or while transporting those persons to a medical facility to hold valid licenses issued by a health authority. (NRS 450B.250) Existing law prohibits the owner, operator, director or chief officer of any ambulance, air ambulance or vehicle of a fire-fighting agency from offering to provide certain emergency care unless the licensed attendant or firefighter who is providing the care has successfully completed a program of training and meets other qualifications. (NRS 450B.1905, 450B.191, 450B.195) Existing law provides an exemption from these requirements and prohibitions in certain circumstances. (NRS 450B.830)

Section 1 of this bill ~~authorizes the holder of a permit for the operation of an ambulance or a vehicle of a fire fighting agency to use a person other than a licensed attendant or firefighter to provide certain emergency care and assistance in a county whose population is less than 15,000 (currently Esmeralda, Eureka, Lander, Lincoln, Mineral, Pershing, Storey and White Pine Counties) if the county health officer or any other person designated by the board of county commissioners of the county has determined that an insufficient number of attendants and firefighters are available and the health or safety of the public is in danger as a~~

18 result of that insufficiency. Section 9 of this bill provides immunity from civil liability for an
19 unlicensed person who provides emergency care and assistance pursuant to section 1 under
20 certain circumstances. It provides that if a board of county commissioners designates in
21 writing a person who is authorized to determine when to use the exemption during an
22 emergency or catastrophic event, the county will include an unlicensed person who
23 assists at the request of the designated person in any insurance pool of the county and
24 the county will compensate the owner of any equipment used at the request of the
25 designated person if the equipment is damaged, or the county will repair or replace the
26 equipment. Section 1 further requires the designated person to submit a report to the
27 State Health Officer when an exemption is used. The State Health Officer is authorized
28 to review or appoint a review board to review the events and the decision to use the
29 exemption and provide any recommendations to improve the response to any future
30 emergency or catastrophe.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 450B of NRS is hereby amended by adding thereto a new
2 section to read as follows:

3 ~~{1. The county health officer or any other person designated by the}~~ If the
4 board of county commissioners in a county whose population is less than 15,000
5 may determine that the number of persons licensed as attendants and firefighters
6 employed by or serving as volunteers with fire fighting agencies available to
7 respond to the scene of an emergency within the county:

8 ~~— (a) Is not sufficient to staff the number of ambulances and vehicles of fire~~
9 ~~fighting agencies available within the county;~~

10 ~~— (b) Is not sufficient to respond to the scene of an emergency within the~~
11 ~~county; and~~

12 ~~— (c) May result in a danger to the health or safety of the public because of~~
13 ~~such insufficiencies.~~

14 ~~2. If the county health officer or other person designated by the board of~~
15 ~~county commissioners makes a determination pursuant to subsection 1, he or she~~
16 ~~may issue a declaration attesting to the insufficiency in the number of licensed~~
17 ~~attendants and firefighters available to respond to the scene of an emergency~~
18 ~~within the county and the reason for the insufficiency. A declaration issued~~
19 ~~pursuant to this section:~~

20 ~~— (a) Must be issued only in circumstances in which the insufficiency in the~~
21 ~~number of licensed attendants and firefighters is unexpected; and~~

22 ~~— (b) Is effective for not more than 72 hours after the declaration is issued.~~

23 ~~3. If a declaration is issued pursuant to subsection 2, the holder of a permit~~
24 ~~for the operation of an ambulance or a vehicle of a fire fighting agency may~~
25 ~~allow a person other than an attendant or firefighter to render emergency care or~~
26 ~~assistance in an emergency, including, without limitation, allowing the person to~~
27 ~~act as a driver of or as an unlicensed attendant on the ambulance or vehicle. The~~
28 ~~holder of a permit shall not allow persons other than attendants or firefighters to~~
29 ~~render emergency care or assistance pursuant to this section as routine practice~~
30 ~~for the provision of emergency medical services.~~

31 ~~4. The holder of a permit for the operation of an ambulance or a vehicle of~~
32 ~~a fire fighting agency is responsible for determining the persons other than~~
33 ~~attendants and firefighters who are able to render emergency care or assistance~~
34 ~~in an emergency.~~

~~5. Except as otherwise provided in this subsection, the health authority shall not suspend, revoke or refuse to renew a permit for the operation of an ambulance or a vehicle of a fire fighting agency located in a county whose population is less than 15,000 on the ground that the holder of the permit failed adequately to staff the ambulance or vehicle by allowing a person other than a licensed attendant or firefighter to render emergency care or assistance in an emergency pursuant to this section, including, without limitation, allowing such a person to render emergency care or assistance without the presence or supervision of a licensed attendant or firefighter. The health authority may bring an action in a court of competent jurisdiction for an order suspending, revoking or refusing to renew such a permit if the holder of the permit allows a person other than an attendant or firefighter to render emergency care or assistance in an emergency in violation of this section.~~ of a county designates in writing a person who is authorized to determine when to use the exemption from the provisions of this chapter pursuant to NRS 450B.830 during a major catastrophe or emergency, the designated person may request assistance from a person who is not licensed to provide such assistance and may request the use of equipment belonging to a person or entity other than the county. When a designated person uses the exemption:

1. Any person who assists at the request of the designated person who is not employed by the county shall be deemed to be an employee of the county for purposes of coverage by any insurance pool of the county.

2. The county must compensate the owner of equipment that is used at the request of the designated person for any damage caused to the equipment during such use or the county must repair or replace the equipment.

3. The designated person shall submit a report to the State Health Officer not later than 48 hours after the conclusion of the catastrophe or emergency when the designated person uses the exemption pursuant to NRS 450B.830. The report must describe the reasons that the exemption was necessary. The State Health Officer may review or appoint a review board to review the events and the decision to use the exemption. If such a review is conducted, the State Health Officer or review board shall determine whether any actions could have been taken to avoid using the exemption and provide any recommendations to improve the response to any future catastrophe or emergency.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)