

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. (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; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law requires all persons who serve as attendants on any ambulance or
2 air ambulance and certain firefighters who provide intermediate or advanced
3 medical care to sick or injured persons at the scene of an emergency or while
4 transporting those persons to a medical facility to hold valid licenses issued by a
5 health authority. (NRS 450B.250) Existing law prohibits the owner, operator,
6 director or chief officer of any ambulance, air ambulance or vehicle of a fire-
7 fighting agency from offering to provide certain emergency care unless the licensed
8 attendant or firefighter who is providing the care has successfully completed a
9 program of training and meets other qualifications. (NRS 450B.1905, 450B.191,
10 450B.195)

11 **Section 1** of this bill authorizes the holder of a permit for the operation of an
12 ambulance or a vehicle of a fire-fighting agency to use a person other than a
13 licensed attendant or firefighter to provide certain emergency care and assistance in
14 a county whose population is less than 15,000 (currently Esmeralda, Eureka,
15 Lander, Lincoln, Mineral, Pershing, Storey and White Pine Counties) if the county
16 health officer or any other person designated by the board of county commissioners
17 of the county has determined that an insufficient number of attendants and
18 firefighters are available and the health or safety of the public is in danger as a
19 result of that insufficiency. **Section 9** of this bill provides immunity from civil



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20 liability for an unlicensed person who provides emergency care and assistance
21 pursuant to **section 1** under certain circumstances.

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
2 thereto a new section to read as follows:

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

9 ***(a) Is not sufficient to staff the number of ambulances and***
10 ***vehicles of fire-fighting agencies available within the county;***

11 ***(b) Is not sufficient to respond to the scene of an emergency***
12 ***within the county; and***

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

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

22 ***(a) Must be issued only in circumstances in which the***
23 ***insufficiency in the number of licensed attendants and firefighters***
24 ***is unexpected; and***

25 ***(b) Is effective for not more than 72 hours after the***
26 ***declaration is issued.***

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

37 ***4. The holder of a permit for the operation of an ambulance***
38 ***or a vehicle of a fire-fighting agency is responsible for***
39 ***determining the persons other than attendants and firefighters***



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1 *who are able to render emergency care or assistance in an*
2 *emergency.*

3 5. *Except as otherwise provided in this subsection, the health*
4 *authority shall not suspend, revoke or refuse to renew a permit for*
5 *the operation of an ambulance or a vehicle of a fire-fighting*
6 *agency located in a county whose population is less than 15,000*
7 *on the ground that the holder of the permit failed adequately to*
8 *staff the ambulance or vehicle by allowing a person other than a*
9 *licensed attendant or firefighter to render emergency care or*
10 *assistance in an emergency pursuant to this section, including,*
11 *without limitation, allowing such a person to render emergency*
12 *care or assistance without the presence or supervision of a*
13 *licensed attendant or firefighter. The health authority may bring*
14 *an action in a court of competent jurisdiction for an order*
15 *suspending, revoking or refusing to renew such a permit if the*
16 *holder of the permit allows a person other than an attendant or*
17 *firefighter to render emergency care or assistance in an*
18 *emergency in violation of this section.*

19 **Sec. 2.** NRS 450B.0703 is hereby amended to read as follows:

20 450B.0703 "Emergency response employee" means a
21 firefighter, attendant, volunteer attendant, emergency medical
22 technician, intermediate emergency medical technician, advanced
23 emergency medical technician, *other person who renders*
24 *emergency care or assistance in an emergency pursuant to section*
25 *1 of this act*, law enforcement officer, correctional officer, other
26 peace officer or person who is employed by an agency of criminal
27 justice, county coroner or medical examiner or any of their
28 employees, any other public employee whose duties may require
29 him or her to come into contact with human blood or bodily fluids
30 or any other person who, in the course of his or her professional
31 duties, responds to emergencies in this State.

32 **Sec. 3.** NRS 450B.140 is hereby amended to read as follows:

33 450B.140 1. In adopting regulations under NRS 450B.120
34 and 450B.130, the board may use standards and regulations
35 proposed by:

36 (a) The Committee on Trauma of the American College of
37 Surgeons;

38 (b) The United States Department of Transportation;

39 (c) The United States Public Health Service;

40 (d) The ~~[Bureau of Health Insurance of the Social Security~~
41 ~~Administration;]~~ *Centers for Medicare and Medicaid Services of*
42 *the United States Department of Health and Human Services;*

43 (e) The American Academy of Orthopaedic Surgeons;

44 (f) The National Academy of Sciences—National Research
45 Council;



(g) The American Heart Association; and
(h) Regional, state and local emergency medical services committees and councils.

2. The board ~~may~~ :

(a) *May* establish different standards for commercial, volunteer, industrial and other categories of ambulances and fire-fighting agencies to reflect different circumstances and in the public interest.

(b) *Shall establish different standards for ambulances and fire-fighting agencies based on the population of the county in which the ambulance or the vehicle of the fire-fighting agency is operated, including, without limitation, regulations for the operation of an ambulance or a vehicle of a fire-fighting agency in a county whose population is less than 15,000.*

Sec. 4. NRS 450B.160 is hereby amended to read as follows:

450B.160 1. The health authority may issue licenses to attendants and to firefighters employed by or serving as volunteers with a fire-fighting agency.

2. Each license must be evidenced by a card issued to the holder of the license, is valid for a period not to exceed 2 years and is renewable.

3. An applicant for a license must file with the health authority:

(a) A current, valid certificate evidencing the applicant's successful completion of a program or course for training in emergency medical technology, if the applicant is applying for a license as an attendant, or, if a volunteer attendant, at a level of skill determined by the board.

(b) A current valid certificate evidencing the applicant's successful completion of a program for training as an intermediate emergency medical technician or advanced emergency medical technician if the applicant is applying for a license as a firefighter with a fire-fighting agency.

(c) A signed statement showing:

(1) The name and address of the applicant;

(2) The name and address of the employer of the applicant; and

(3) A description of the applicant's duties.

(d) Such other certificates for training and such other items as the board may specify.

4. The board shall adopt such regulations as it determines are necessary for the issuance, suspension, revocation and renewal of licenses.

5. Each operator of an ambulance or air ambulance and each fire-fighting agency shall annually file with the health authority a complete list of the licensed persons in its service ~~and~~ *and, if applicable, a complete list of unlicensed persons who rendered*



emergency care or assistance in an emergency pursuant to section 1 of this act on behalf of the operator.

6. Licensed physicians, registered nurses and licensed physician assistants may serve as attendants without being licensed under the provisions of this section. A registered nurse who performs advanced emergency care in an ambulance or air ambulance shall perform the care in accordance with the regulations of the State Board of Nursing. A licensed physician assistant who performs advanced emergency care in an ambulance or air ambulance shall perform the care in accordance with the regulations of the Board of Medical Examiners.

7. Each licensed physician, registered nurse and licensed physician assistant who serves as an attendant must have current certification of completion of training in:

(a) Advanced life-support procedures for patients who require cardiac care;

(b) Life-support procedures for pediatric patients who require cardiac care; or

(c) Life-support procedures for patients with trauma that are administered before the arrival of those patients at a hospital.

➔ The certification must be issued by the Board of Medical Examiners for a physician or licensed physician assistant or by the State Board of Nursing for a registered nurse.

8. The Board of Medical Examiners and the State Board of Nursing shall issue a certificate pursuant to subsection 7 if the licensed physician, licensed physician assistant or registered nurse attends:

(a) A course offered by a national organization which is nationally recognized for issuing such certification;

(b) Training conducted by the operator of an ambulance or air ambulance; or

(c) Any other course or training,

➔ approved by the Board of Medical Examiners or the State Board of Nursing, whichever is issuing the certification. The Board of Medical Examiners and the State Board of Nursing may require certification of training in all three areas set forth in subsection 7 for a licensed physician, licensed physician assistant or registered nurse who primarily serves as an attendant in a county whose population is 400,000 or more.

9. A person may render emergency care or assistance in an emergency pursuant to section 1 of this act without being licensed under the provisions of this section.

Sec. 5. NRS 450B.171 is hereby amended to read as follows:

450B.171 Except as otherwise provided in this chapter, unlicensed relatives of a sick or injured patient and other persons



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1 may ride in an ambulance if there are two attendants in the
2 ambulance, each of whom is licensed pursuant to this chapter or
3 exempt from licensing pursuant to subsection 6 *or* 9 of
4 NRS 450B.160.

5 **Sec. 6.** NRS 450B.1905 is hereby amended to read as follows:

6 450B.1905 1. A program for training in the basic care of a
7 patient in urgent need of medical care or observation must be:

8 (a) Supervised by a physician and approved by the health
9 authority; or

10 (b) Presented by a national organization which is nationally
11 recognized for providing such training and approved by the board.

12 2. Except as otherwise provided in subsections 3 and 4,
13 training in basic care must include:

14 (a) Procedures to establish and maintain an open airway in a
15 patient;

16 (b) Administration of oxygen, both manually and by a device
17 which uses intermittent positive pressure;

18 (c) Cardiopulmonary resuscitation;

19 (d) Treatment of shock;

20 (e) Control of bleeding;

21 (f) Treatment of wounds;

22 (g) Application of splints;

23 (h) Treatment for poisoning;

24 (i) Childbirth; and

25 (j) Rescue.

26 3. A program for training in the basic care of a patient may
27 follow the curriculum prepared by the United States Department of
28 Transportation as a national standard for emergency medical
29 technicians.

30 4. The board may adopt regulations which prescribe other
31 requirements for training in the basic care of a patient in urgent need
32 of medical care or observation.

33 5. An owner of an ambulance shall not offer basic care of a
34 patient in urgent need of medical care or observation unless the
35 attendant has successfully completed a program of training in such
36 care or is exempt, pursuant to subsection 6 *or* 9 of NRS 450B.160,
37 from the requirement to obtain that training.

38 6. The board may by regulation prescribe additional
39 requirements for receiving and maintaining certification in basic
40 emergency care. The curriculum for training must be:

41 (a) At the level of advanced first aid; or

42 (b) At least equivalent to any curriculum prepared by the
43 Department of Transportation as a national standard for emergency
44 medical technicians.



Sec. 7. NRS 450B.200 is hereby amended to read as follows:

450B.200 1. The health authority may issue a permit for the operation of an ambulance, an air ambulance or a vehicle of a fire-fighting agency at the scene of an emergency.

2. Each permit must be evidenced by a card issued to the holder of the permit.

3. No permit may be issued unless the applicant is qualified pursuant to the regulations of the board.

4. An application for a permit must be made upon forms prescribed by the board and in accordance with procedures established by the board, and must contain the following:

(a) The name and address of the owner of the ambulance or air ambulance or of the fire-fighting agency;

(b) The name under which the applicant is doing business or proposes to do business, if applicable;

(c) A description of each ambulance, air ambulance or vehicle of a fire-fighting agency, including the make, year of manufacture and chassis number, and the color scheme, insignie, name, monogram or other distinguishing characteristics to be used to designate the applicant's ambulance, air ambulance or vehicle;

(d) The location and description of the places from which the ambulance, air ambulance or fire-fighting agency intends to operate; and

(e) Such other information as the board deems reasonable and necessary to a fair determination of compliance with the provisions of this chapter.

5. The board shall establish a reasonable fee for annual permits.

6. All permits expire on July 1 following the date of issue, and are renewable annually thereafter upon payment of the fee required by subsection 5 at least 30 days before the expiration date.

7. ~~The~~ *Except as otherwise provided in section 1 of this act,* the health authority shall:

(a) Revoke, suspend or refuse to renew any permit issued pursuant to this section for violation of any provision of this chapter or of any regulation adopted by the board; or

(b) Bring an action in any court for violation of this chapter or the regulations adopted pursuant to this chapter,

↳ only after the holder of a permit is afforded an opportunity for a public hearing pursuant to regulations adopted by the board.

8. The health authority may suspend a permit if the holder is using an ambulance, air ambulance or vehicle of a fire-fighting agency which does not meet the minimum requirements for equipment as established by the board pursuant to this chapter.



9. The issuance of a permit pursuant to this section or NRS 450B.210 does not authorize any person or governmental entity to provide those services or to operate any ambulance, air ambulance or vehicle of a fire-fighting agency not in conformity with any ordinance or regulation enacted by any county, municipality or special purpose district.

10. A permit issued pursuant to this section is valid throughout the State, whether issued by the Health Division or a district board of health. An ambulance, air ambulance or vehicle of a fire-fighting agency which has received a permit from the district board of health in a county whose population is 400,000 or more is not required to obtain a permit from the Health Division, even if the ambulance, air ambulance or vehicle of a fire-fighting agency has routine operations outside the county.

11. The Health Division shall maintain a central registry of all permits issued pursuant to this section, whether issued by the Health Division or a district board of health.

12. The board shall adopt such regulations as are necessary to carry out the provisions of this section.

Sec. 8. NRS 450B.260 is hereby amended to read as follows:

450B.260 1. Except as otherwise provided in this section ~~and~~ *and section 1 of this act*, the public or private owner of an ambulance or air ambulance or a fire-fighting agency which owns a vehicle used in providing medical care to sick or injured persons at the scene of an emergency or while transporting those persons to a medical facility shall not permit its operation and use by any person not licensed under this chapter.

2. An ambulance carrying a sick or injured patient must be occupied by a driver and an attendant, each of whom is licensed as an attendant pursuant to this chapter or exempt from licensing pursuant to subsection 6 *or 9* of NRS 450B.160, except as otherwise provided in subsection 5 or in geographic areas which may be designated by the board and for which the board may prescribe lesser qualifications.

3. An air ambulance carrying a sick or injured patient must be occupied by a licensed attendant, or a person exempt from licensing pursuant to subsection 6 of NRS 450B.160, in addition to the pilot of the aircraft.

4. The pilot of an air ambulance is not required to have a license under this chapter.

5. A person who operates or uses a vehicle owned by a fire-fighting agency is not required to be licensed under this chapter, except that such a vehicle may not be used to provide intermediate or advanced medical care to sick or injured persons:



(a) At the scene of an emergency unless at least one person in the vehicle is licensed to provide the care; or

(b) While transporting those persons to a medical facility unless at least two persons in the vehicle are licensed to provide the care.

Sec. 9. NRS 41.500 is hereby amended to read as follows:

41.500 1. Except as otherwise provided in NRS 41.505, any person in this State who renders emergency care or assistance in an emergency, gratuitously and in good faith, except for a person who is performing community service as a result of disciplinary action pursuant to any provision in title 54 of NRS, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by that person in rendering the emergency care or assistance or as a result of any act or failure to act, not amounting to gross negligence, to provide or arrange for further medical treatment for the injured person.

2. Any person in this State who acts as a driver of an ambulance or attendant on an ambulance operated by a volunteer service or as a volunteer driver or attendant on an ambulance operated by a political subdivision of this State, or owned by the Federal Government and operated by a contractor of the Federal Government, and who in good faith renders emergency care or assistance to any injured or ill person, whether at the scene of an emergency or while transporting an injured or ill person to or from any clinic, doctor's office or other medical facility, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by that person in rendering the emergency care or assistance, or as a result of any act or failure to act, not amounting to gross negligence, to provide or arrange for further medical treatment for the injured or ill person.

3. Any person who is an appointed member of a volunteer service operating an ambulance or an appointed volunteer serving on an ambulance operated by a political subdivision of this State, other than a driver or attendant of an ambulance, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by that person whenever the person is performing his or her duties in good faith.

4. *Any person in this State who acts as a driver of or attendant on an ambulance or a vehicle of a fire-fighting agency pursuant to section 1 of this act, and who in good faith renders emergency care or assistance in an emergency to any injured or ill person, whether at the scene of an emergency or while transporting an injured or ill person to or from any clinic, doctor's office or other medical facility, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by that person in rendering the emergency care or*



assistance, or as a result of any act or failure to act, not amounting to gross negligence, to provide or arrange for further medical treatment for the injured or ill person.

5. Any person who is a member of a search and rescue organization in this State under the direct supervision of any county sheriff who in good faith renders care or assistance in an emergency to any injured or ill person, whether at the scene of an emergency or while transporting an injured or ill person to or from any clinic, doctor's office or other medical facility, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by that person in rendering the emergency care or assistance, or as a result of any act or failure to act, not amounting to gross negligence, to provide or arrange for further medical treatment for the injured or ill person.

~~5.1~~ 6. Any person who is employed by or serves as a volunteer for a public fire-fighting agency and who is authorized pursuant to chapter 450B of NRS to render emergency medical care at the scene of an emergency is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by that person in rendering that care or as a result of any act or failure to act, not amounting to gross negligence, to provide or arrange for further medical treatment for the injured or ill person.

~~6.1~~ 7. Any person who:

(a) Has successfully completed a course in cardiopulmonary resuscitation according to the guidelines of the American National Red Cross or American Heart Association;

(b) Has successfully completed the training requirements of a course in basic emergency care of a person in cardiac arrest conducted in accordance with the standards of the American Heart Association; or

(c) Is directed by the instructions of a dispatcher for an ambulance, air ambulance or other agency that provides emergency medical services before its arrival at the scene of the emergency,

➔ and who in good faith renders cardiopulmonary resuscitation in accordance with the person's training or the direction, other than in the course of the person's regular employment or profession, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by that person in rendering that care.

~~7.1~~ 8. For the purposes of subsection ~~6.1~~ 7, a person who:

(a) Is required to be certified in the administration of cardiopulmonary resuscitation pursuant to NRS 391.092; and

(b) In good faith renders cardiopulmonary resuscitation on the property of a public school or in connection with a transportation of pupils to or from a public school or while on activities that are part of the program of a public school,



1 ➤ shall be presumed to have acted other than in the course of the
2 person's regular employment or profession.

3 ~~{8.}~~ 9. Any person who gratuitously and in good faith renders
4 emergency medical care involving the use of an automated external
5 defibrillator is not liable for any civil damages as a result of any act
6 or omission, not amounting to gross negligence, by that person in
7 rendering that care.

8 ~~{9.}~~ 10. A business or organization that has placed an
9 automated external defibrillator for use on its premises is not liable
10 for any civil damages as a result of any act or omission, not
11 amounting to gross negligence, by the person rendering such care or
12 for providing the automated external defibrillator to the person for
13 the purpose of rendering such care if the business or organization:

14 (a) Complies with all current federal and state regulations
15 governing the use and placement of an automated external
16 defibrillator;

17 (b) Ensures that the automated external defibrillator is
18 maintained and tested according to the operational guidelines
19 established by the manufacturer; and

20 (c) Establishes requirements for the notification of emergency
21 medical assistance and guidelines for the maintenance of the
22 equipment.

23 ~~{10.}~~ 11. As used in this section, "gratuitously" means that the
24 person receiving care or assistance is not required or expected to pay
25 any compensation or other remuneration for receiving the care or
26 assistance.

27 **Sec. 10.** This act becomes effective upon passage and approval
28 for the purpose of adopting regulations and on October 1, 2011, for
29 all other purposes.

