

SENATE SUBSTITUTE FOR

HOUSE BILL NO. 5232

(As amended, June 23, 2004)

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A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 16181, 20910, 20920, 20921, and 20923 (MCL
333.16181, 333.20910, 333.20920, 333.20921, and 333.20923), section 16181
as amended by 2000 PA 256 and sections 20910, 20920, 20921, and 20923 as
amended by 2000 PA 375.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

<<Sec. 16181. (1) Except as otherwise provided in subsection (2), a
board may grant a nonrenewable, temporary license to an applicant who has
completed all requirements for licensure except for examination or other
required evaluation procedure. A board shall not grant a temporary
license to an individual who has previously failed the examination or
other required evaluation procedure or whose license has been suspended
or revoked. A temporary license issued pursuant to this section is valid
for 18 months, but a board shall automatically void the temporary license
if the applicant fails the examination or other required evaluation
procedure.

(2) Until ~~October 1, 2004~~ **January 1, 2007**, the Michigan board of
nursing may grant a nonrenewable, temporary license to an applicant for a
license under this article to engage in the practice of nursing as a
registered professional nurse if the applicant is licensed as a
registered professional nurse by an equivalent licensing board or
authority in Canada. A temporary license issued under this subsection
expires on the earliest of the following:

- (a) One year after the date of issuance.
- (b) The date the applicant is notified that he or she failed the
commission on graduates of foreign nursing schools qualifying
examination, as approved by the department.
- (c) The date the applicant is notified that he or she failed the

national council licensure examination, as approved by the department.

(d) The date the applicant is issued a license under this article to engage in the practice of nursing as a registered professional nurse.

(3) The holder of a temporary license issued under subsection (1) shall practice only under the supervision of a licensee who holds a license, other than a health profession subfield license, in the same health profession. The holder of a temporary license issued under subsection (1) shall not be supervised by a licensee who holds a limited license or temporary license.

(4) The department shall promptly issue a temporary license.

~~(5) The department in conjunction with the Michigan board of nursing, the Michigan nurses association, the Michigan health and hospital association, and any other group designated by the department for this purpose, shall conduct a study of the current and future needs of the professional nursing workforce in this state. The department shall include in the study recommendations for legislative and other action to address the needs identified in the study. The department shall submit the study to the members of the standing committees in the senate and the house of representatives with jurisdiction over matters pertaining to health policy not later than 1 year after the effective date of the amendatory act that added this subsection. As permitted by section 16315(9)(b), the department may use funds from the nurse professional fund created in section 16315 to conduct and publish the study required by this subsection.~~

Sec. 20910. (1) The department shall do all of the following:

(a) Be responsible for the development, coordination, and administration of a statewide emergency medical services system.

(b) Facilitate and promote programs of public information and education concerning emergency medical services.

(c) In case of actual disasters and disaster training drills and exercises, provide emergency medical services resources pursuant to applicable provisions of the Michigan emergency preparedness plan, or as prescribed by the director of emergency services pursuant to the emergency management act, 1976 PA 390, MCL 30.401 to 30.420.

(d) Consistent with the rules of the federal communications commission, plan, develop, coordinate, and administer a statewide emergency medical services communications system.

(e) Develop and maintain standards of emergency medical services and personnel as follows:

(i) License emergency medical services personnel in accordance with this part.

(ii) License ambulance operations, nontransport prehospital life support operations, and medical first response services in accordance with this part.

(iii) At least annually, inspect or provide for the inspection of each life support agency, except medical first response services. As part of that inspection, the department shall conduct random inspections of life support vehicles. If a life support vehicle is determined by the department to be out of compliance, the department shall give the life support agency 24 hours to bring the life support vehicle into

compliance. If the life support vehicle is not brought into compliance in that time period, the department shall order the life support vehicle taken out of service until the life support agency demonstrates to the department, in writing, that the life support vehicle has been brought into compliance.

(iv) Promulgate rules to establish the requirements for licensure of life support agencies, vehicles, and individuals licensed under this part to provide emergency medical services and other rules necessary to implement this part. The department shall submit all proposed rules and changes to the state emergency medical services coordination committee and provide a reasonable time for the committee's review and recommendations before submitting the rules for public hearing under the administrative procedures act of 1969.

(f) Promulgate rules to establish and maintain standards for and regulate the use of descriptive words, phrases, symbols, or emblems that represent or denote that an ambulance operation, nontransport prehospital life support operation, or medical first response service is or may be provided. The department's authority to regulate use of the descriptive devices includes use for the purposes of advertising, promoting, or selling the services rendered by an ambulance operation, nontransport prehospital life support operation, or medical first response service, or by emergency medical services personnel.

(g) Designate a medical control authority as the medical control for emergency medical services for a particular geographic region as provided for under this part.

(h) Develop and implement field studies involving the use of skills, techniques, procedures, or equipment that are not included as part of the standard education for medical first responders, emergency medical technicians, emergency medical technician specialists, or paramedics, if all of the following conditions are met:

(i) The state emergency medical services coordination committee reviews the field study prior to implementation.

(ii) The field study is conducted in an area for which a medical control authority has been approved pursuant to subdivision (g).

(iii) The medical first responders, emergency medical technicians, emergency medical technician specialists, and paramedics participating in the field study receive training for the new skill, technique, procedure, or equipment.

(i) Collect data as necessary to assess the need for and quality of emergency medical services throughout the state pursuant to 1967 PA 270, MCL 331.531 to 331.533.

(j) Develop, with the advice of the emergency medical services coordination committee, an emergency medical services plan that includes rural issues.

(k) Develop recommendations for territorial boundaries of medical control authorities that are designed to assure that there exists reasonable emergency medical services capacity within the boundaries for the estimated demand for emergency medical services.

(l) Within 180 days after the effective date of the amendatory act that added this subdivision, in consultation with the emergency medical

services coordination committee, conduct a study on the potential medical benefits, costs, and impact on life support agencies if each ambulance is required to be equipped with an automated external defibrillator and submit its recommendation to the standing committees in the senate and the house of representatives with jurisdiction over health policy issues.

(m) ~~(l)~~ Promulgate other rules to implement this part.

(n) ~~(m)~~ Perform other duties as set forth in this part.

(2) The department may do all of the following:

(a) In consultation with the emergency medical services coordination committee, promulgate rules to require an ambulance operation, nontransport prehospital life support operation, or medical first response service to periodically submit designated records and data for evaluation by the department.

(b) Establish a grant program or contract with a public or private agency, emergency medical services professional association, or emergency medical services coalition to provide training, public information, and assistance to medical control authorities and emergency medical services systems or to conduct other activities as specified in this part.>>

1 Sec. 20920. (1) A person shall not establish, operate, or
2 cause to be operated an ambulance operation unless the ambulance
3 operation is licensed under this section.

4 (2) Upon proper application and payment of a \$100.00 fee, the
5 department shall issue a license as an ambulance operation to a
6 person who meets the requirements of this part and the rules
7 promulgated under this part.

8 (3) An applicant shall specify in the application each
9 ambulance to be operated.

10 (4) An ambulance operation license shall specify the

1 ambulances licensed to be operated.

2 (5) An ambulance operation license shall state the **highest**
3 level of life support the ambulance operation is licensed to
4 provide. An ambulance operation shall operate in accordance with
5 this part, rules promulgated under this part, and approved
6 medical control authority protocols and shall not provide life
7 support at a level that exceeds its license **and available**
8 **licensed personnel** or violates approved medical control authority
9 protocols.

10 (6) An ambulance operation license may be renewed annually
11 upon application to the department and payment of a \$100.00
12 renewal fee. Before issuing a renewal license, the department
13 shall determine that the ambulance operation is in compliance
14 with this part, the rules promulgated under this part, and
15 medical control authority protocols.

16 (7) Beginning on July 22, 1997, an ambulance operation that
17 meets all of the following requirements may apply for an
18 ambulance operation upgrade license under subsection (8):

19 (a) On or before July 22, 1997, holds an ambulance operation
20 license that designates the ambulance operation either as a
21 transporting basic life support service or as a transporting
22 limited advanced life support service.

23 (b) Is a transporting basic life support service, that is
24 able to staff and equip 1 or more ambulances for the transport of
25 emergency patients at a life support level higher than basic life
26 support, or is a transporting limited advanced life support
27 service, that is able to staff and equip 1 or more ambulances for

1 the transport of emergency patients at the life support level of
2 advanced life support.

3 (c) Is owned or operated by or under contract to a local unit
4 of government and providing first-line emergency medical response
5 to that local unit of government on or before July 22, 1997.

6 (d) Will provide the services described in subdivision (b)
7 only to the local unit of government described in
8 subdivision (c), and only in response to a 911 call or other call
9 for emergency transport.

10 (8) An ambulance operation meeting the requirements of
11 subsection (7) that applies for an ambulance operation upgrade
12 license shall include all of the following information in the
13 application provided by the department:

14 (a) Verification of all of the requirements of subsection (7)
15 including, but not limited to, a description of the staffing and
16 equipment to be used in providing the higher level of life
17 support services.

18 (b) If the applicant is a transporting basic life support
19 service, a plan of action to upgrade from providing basic life
20 support to providing limited advanced life support or advanced
21 life support to take place over a period of not more than 2
22 years. If the applicant is a transporting limited advanced life
23 support service, a plan of action to upgrade from providing
24 limited advanced life support to providing advanced life support
25 to take place over a period of not more than 2 years.

26 (c) The medical control authority protocols for the ambulance
27 operation upgrade license, along with a recommendation from the

1 medical control authority under which the ambulance operation
2 operates that the ambulance operation upgrade license be issued
3 by the department.

4 (d) Other information required by the department.

5 (9) The statewide emergency medical services coordination
6 committee shall review the information described in
7 subsection (8)(c) and make a recommendation to the department as
8 to whether or not an ambulance operation upgrade license should
9 be granted to the applicant.

10 (10) Upon receipt of a completed application as required
11 under subsection (8), a positive recommendation under
12 subsection (9), and payment of a \$100.00 fee, the department
13 shall issue to the applicant an ambulance operation upgrade
14 license. Subject to subsection (12), the license is valid for 2
15 years from the date of issuance and is renewable for 1 additional
16 2-year period. An application for renewal of an ambulance
17 operation upgrade license shall contain documentation of the
18 progress made on the plan of action described in
19 subsection (8)(b). In addition, the medical control authority
20 under which the ambulance operation operates shall annually file
21 with the statewide emergency medical services coordination
22 committee a written report on the progress made by the ambulance
23 operation on the plan of action described in subsection (8)(b),
24 including, but not limited to, information on training,
25 equipment, and personnel.

26 (11) If an ambulance operation is designated by its regular
27 license as providing basic life support services, then an

1 ambulance operation upgrade license issued under this section
2 allows the ambulance operation to provide limited advanced life
3 support services or advanced life support services when the
4 ambulance operation is able to staff and equip 1 or more
5 ambulances to provide services at the higher levels. If an
6 ambulance operation is designated by its regular license as
7 providing limited advanced life support services, then an
8 ambulance operation upgrade license issued under this section
9 allows the ambulance operation to provide advanced life support
10 services when the ambulance operation is able to staff and equip
11 1 or more ambulances to provide services at the higher level. An
12 ambulance operation shall not provide services under an ambulance
13 operation upgrade license unless the medical control authority
14 under which the ambulance operation operates has adopted
15 protocols for the ambulance operation upgrade license regarding
16 quality monitoring procedures, use and protection of equipment,
17 and patient care.

18 (12) The department may revoke or fail to renew an ambulance
19 operation upgrade license for a violation of this part or a rule
20 promulgated under this part or for failure to comply with the
21 plan of action filed under subsection (8)(b). An ambulance
22 operation that obtains an ambulance operation upgrade license
23 must annually renew its regular license under subsections (2) to
24 (6). An ambulance operation's regular license is not affected by
25 the following:

26 (a) The fact that the ambulance operation has obtained or
27 renewed an ambulance operation upgrade license.

1 (b) The fact that an ambulance operation's ambulance
2 operation upgrade license is revoked or is not renewed under this
3 subsection.

4 (c) The fact that the ambulance operation's ambulance
5 operation upgrade license expires at the end of the second 2-year
6 period prescribed by subsection (10).

7 (13) By July 22, 2000, the department shall file a written
8 report to the legislature. The department shall include all of
9 the following information in the report:

10 (a) The number of ambulance operations that were qualified
11 under subsection (7) to apply for an ambulance operation upgrade
12 license under subsection (8) during the 3-year period.

13 (b) The number of ambulance operations that in fact applied
14 for an ambulance operation upgrade license during the 3-year
15 period.

16 (c) The number of ambulance operations that successfully
17 upgraded from being a transporting basic life support service to
18 a transporting limited advanced service or a transporting
19 advanced life support service or that successfully upgraded from
20 being a transporting limited advanced life support service to a
21 transporting advanced life support service under an ambulance
22 operation upgrade license.

23 (d) The number of ambulance operations that failed to
24 successfully upgrade, as described in subdivision (c), under an
25 ambulance operation upgrade license, but that improved their
26 services during the 3-year period.

27 (e) The number of ambulance operations that failed to

1 successfully upgrade, as described in subdivision (c), under an
2 ambulance operation upgrade license, and that showed no
3 improvement or a decline in their services.

4 (f) The effect of the amendatory act that added this
5 subsection on the delivery of emergency medical services in this
6 state.

7 Sec. 20921. (1) An ambulance operation shall do all of the
8 following:

9 (a) Provide at least 1 ambulance available for response to
10 requests for emergency assistance on a 24-hour-a-day, 7-day-a-
11 week basis in accordance with local medical control authority
12 protocols.

13 (b) Respond or ensure that a response is provided to each
14 request for emergency assistance originating from within the
15 bounds of its service area.

16 (c) Operate under the direction of a medical control
17 authority or the medical control authorities with jurisdiction
18 over the ambulance operation.

19 (d) Notify the department immediately of a change that would
20 alter the information contained on its application for an
21 ambulance operation license or renewal.

22 (e) Subject to section 20920(7) to (12), provide life support
23 consistent with its license and approved local medical control
24 authority protocols to each emergency patient without prior
25 inquiry into ability to pay or source of payment.

26 (2) An ambulance operation shall not do 1 or more of the
27 following:

1 (a) Knowingly provide a person with false or misleading
2 information concerning the time at which an emergency response
3 will be initiated or the location from which the response is
4 being initiated.

5 (b) Induce or seek to induce any person engaging an ambulance
6 to patronize a long-term care facility, mortuary, or hospital.

7 (c) Advertise, or permit advertising of, within or on the
8 premises of the ambulance operation or within or on an ambulance,
9 the name or the services of an attorney, accident investigator,
10 nurse, physician, long-term care facility, mortuary, or
11 hospital. If 1 of those persons or facilities owns or operates
12 an ambulance operation, the person or facility may use its
13 business name in the name of the ambulance operation and may
14 display the name of the ambulance operation within or on the
15 premises of the ambulance operation or within or on an
16 ambulance.

17 (d) Advertise or disseminate information for the purpose of
18 obtaining contracts under a name other than the name of the
19 person holding an ambulance operation license or the trade or
20 assumed name of the ambulance operation.

21 (e) If the ambulance operation is operating under an
22 ambulance operation upgrade license issued under section 20920(7)
23 to (12), advertise or otherwise hold itself out as a full-time
24 transporting limited advanced life support service or a full-time
25 transporting advanced life support service unless the ambulance
26 operation actually provides those services on a 24-hour-per-day,
27 7-day-a-week basis.

1 (3) ~~An~~ **Except as provided in subsection (4), an** ambulance
2 operation shall not operate, attend, or permit an ambulance to be
3 operated while transporting a patient unless the ambulance is, at
4 a minimum, staffed as follows:

5 (a) If designated as providing basic life support, with at
6 least 1 emergency medical technician and 1 medical first
7 responder.

8 (b) If designated as providing limited advanced life support,
9 with at least 1 emergency medical technician specialist and 1
10 emergency medical technician.

11 (c) If designated as providing advanced life support, with at
12 least 1 paramedic and 1 emergency medical technician.

13 (4) **An ambulance operation that is licensed to provide**
14 **advanced life support and has more than 1 ambulance licensed**
15 **under its operation may operate an ambulance licensed to provide**
16 **basic life support or limited advanced life support at a higher**
17 **level of life support if all of the following are met:**

18 (a) The ambulance operation has at least 1 ambulance under
19 its operation that is properly staffed and available to provide
20 advanced life support on a 24-hour-a-day, 7-day-a-week basis.

21 (b) The licensed personnel required to operate at that higher
22 level of life support are available at the scene and in the
23 ambulance during the patient transport to provide life support to
24 that patient at that higher level.

25 (c) The ambulance meets all equipment and communication
26 requirements to operate at that higher level of life support.

27 (d) The ambulance operation that is unable to respond to a

1 request for emergency assistance immediately requests assistance
2 pursuant to protocols established by the local medical control
3 authority and approved by the department under this part.

4 (5) ~~(4)~~ Except as provided in subsection ~~(5)~~ (6), an
5 ambulance operation shall ensure that an emergency medical
6 technician, an emergency medical technician specialist, or a
7 paramedic is in the patient compartment of an ambulance while
8 transporting an emergency patient.

9 (6) ~~(5)~~ Subsection ~~(4)~~ (5) does not apply to the
10 transportation of a patient by an ambulance if the patient is
11 accompanied in the patient compartment of the ambulance by an
12 appropriate licensed health professional designated by a
13 physician and after a physician-patient relationship has been
14 established as prescribed in this part or the rules promulgated
15 by the department under this part.

16 Sec. 20923. (1) Except as provided in section 20924(2), a
17 person shall not operate an ambulance unless the ambulance is
18 licensed under this section and is operated as part of a licensed
19 ambulance operation.

20 (2) Upon proper application and payment of a \$25.00 fee, the
21 department shall issue an ambulance license, or annual renewal of
22 an ambulance license, to the ambulance operation. Receipt of the
23 application by the department serves as attestation to the
24 department by the ambulance operation that the ambulance being
25 licensed or renewed is in compliance with the minimum standards
26 required by the department. The inspection of an ambulance by
27 the department is not required as a basis for licensure renewal,

1 unless otherwise determined by the department.

2 (3) An ambulance operation shall submit an application and
3 fee to the department for each ambulance in service. Each
4 application shall include a certificate of insurance for the
5 ambulance in the amount and coverage required by the department.

6 (4) Upon purchase by an ambulance operation, an ambulance
7 shall meet all vehicle standards established by the department
8 under section 20910(e) (iv).

9 (5) Once licensed for service, an ambulance is not required
10 to meet subsequently modified state vehicle standards during its
11 use by the ambulance operation that obtained the license.

12 (6) Patient care equipment and safety equipment carried on an
13 ambulance shall meet the minimum requirements prescribed by the
14 department and the approved local medical control authority
15 protocols.

16 (7) **An ambulance operation that maintains patient care
17 equipment and medications necessary to upgrade from providing
18 basic or limited advanced life support to providing a higher
19 level of life support in accordance with section 20921(4) shall
20 secure the necessary patient care equipment and medications in a
21 way such that the equipment or medications can only be used by
22 the appropriately licensed personnel.**

23 (8) ~~—(7)—~~ An ambulance shall be equipped with a
24 communications system utilizing frequencies and procedures
25 consistent with the statewide emergency medical services
26 communications system developed by the department.

27 (9) ~~—(8)—~~ An ambulance license is not transferable to another

1 ambulance operation.