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Senate Bill 881 (as introduced 4-24-2020)
Sponsor: Senator Peter MacGregor
Committee: Health Policy and Human Services

Date Completed: 5-19-20

CONTENT

The bill would amend Part 209 (Emergency Medical Services) of the Public Health Code to do the following during the states of emergency and disaster declared under Executive Order No. 2020-39 or any extension of the order:

- Allow the Department of Licensing and Regulatory Affairs (LARA) to suspend temporarily strict compliance with annual inspection requirements for life support vehicles and life support agencies.**
- Allow LARA to suspend temporarily strict compliance with ambulance staffing requirements.**
- Allow LARA to suspend temporarily certain requirements related to licensure under Part 209.**
- Allow an ambulance operation or nontransport prehospital life support operation to downgrade the life support level of its vehicles according to staffing and vehicle availability without advising LARA.**
- Specify that the transport of a patient, whether emergency or nonemergency, would be allowed to any destination designated by the medical control authority.**
- Specify that that LARA could promulgate rules, issue orders and directives, and take other actions provided by law as necessary to implement the executive order and that they would cease to be in effect at the end of the declared states of emergency and disaster.**

Under the bill, notwithstanding any provisions of Part 209 to the contrary, during the states of emergency and disaster declared under Executive Order No. 2020-39 or any extension of that order, the relief measures described below would apply. (Executive Order No. 2020-39 orders relief measures substantively similar to those proposed by the bill. The order specifies that it is effective until the end of the declared states of emergency and disaster.)

Inspection Requirements

Under the Code, LARA must develop and maintain standards of emergency medical services and personnel. Among other things, LARA must inspect or provide for an annual inspection of each life support agency except medical first response services. As part of the inspection, LARA must conduct random inspections of life support vehicles. If a life support vehicle is determined by LARA to be out of compliance, LARA must give the life support agency 24 hours to bring the vehicle into compliance. If the vehicle is not brought into compliance in that time period, LARA must order the life support vehicle to be taken out of service until the agency demonstrates to LARA, in writing, that the life support vehicle has been brought into compliance.

Under the bill, LARA could suspend temporarily strict compliance with the annual inspection requirements for life support vehicles and life support agencies as described above. The Department would have to inspect a life support vehicle or life support agency if it had reason to believe that the vehicle or agency was out of compliance. An inspection conducted in this manner, to the greatest extent possible, would have to be conducted remotely, such as by videoconferencing, telephone conversation, and electronic review of required documents.

Staffing Requirements

The Code provides that, except as otherwise provided, an ambulance operation may not operate, attend, or permit an ambulance to be operated while transporting a patient unless the ambulance was, at a minimum, staffed as follows:

- If designated as providing basic life support, with at least one emergency medical technician (EMT) and one medical first responder.
- If designated as providing limited advanced life support, with at least one EMT specialist and one emergency medical technician.
- If designated as providing advanced life support, with at least one paramedic and one EMT.

The bill specifies that these provisions would be subject to the bill's provisions below.

Under the bill, LARA could suspend temporarily strict compliance with the ambulance staffing requirements as described above. An ambulance could not be operated while transporting a patient unless it was staffed with emergency medical services personnel possessing at least the following qualifications:

- If designated as providing basic life support, with at least one EMT and one medical first responder.
- If designated as providing limited advanced life support, with at least one EMT specialist and one medical first responder.
- If designated as providing advanced life support, with at least one paramedic and one medical first responder.

Licensure Requirements

Under the Code, LARA may grant a license under Part 209 to a person who is licensed in another state at the time of application if the applicant provides evidence satisfactory to LARA as to, among other things, the following:

- The applicant meets the requirement of Part 209 and the rules promulgated by LARA for licensure.
- The other state maintains licensure standards equivalent to or more stringent than those of Michigan.

The bill specifies that these provisions would be subject to the bill's provisions below.

Under the bill, LARA could temporarily suspend compliance with the provisions above to grant a license under Part 209 to an applicant licensed in another state without regard to whether the applicant met the requirements of Part 209 and the rules promulgated by LARA for licensure or whether the state in which the applicant was licensed maintained licensure standards equivalent to or more stringent than those of Michigan.

Under the Code, LARA must provide notice of intent to deny, revoke, or suspend an emergency services personnel license by certified mail or personal service. The notice of intent must set forth the particular reasons for the proposed action and must advise the applicant or licensee that he or she is entitled to the opportunity for a hearing before the Director or the Director's authorized representative. If the person to whom the notice is sent does not make a written request to LARA for a hearing within 30 days of receiving the notice, the license is considered denied, revoked, or suspended as stated in the notice.

Under the bill, LARA could suspend temporarily strict compliance with the provisions above to allow a notice of intent to deny, revoke, or suspend an emergency services personnel license to be provided to the applicant or licensee by electronic communication.

The bill also specifies that all emergency medical services personnel licenses that had expired since March 10, 2020, or that would expire during the declared states of emergency and disaster would be considered unexpired and would not expire until six months after the end of the declared states of emergency and disaster. The Department could waive verification of ongoing education requirements when reviewing an application for renewal or relicensure of an emergency medical services personnel license. If the application was for relicensure, LARA could waive verification only if the applicant had been licensed by LARA within the last five years.

Life Support Level

Under the bill, an ambulance operation or nontransport prehospital life support operation could downgrade the life support level of its vehicles according to staffing and vehicle availability without advising LARA as follows:

- An ambulance or nontransport prehospital life support vehicle that was designated as providing advanced life support could be designated as providing limited advanced life support or basic life support.
- An ambulance or nontransport prehospital life support vehicle that was designated as providing limited advanced life support could be designated as providing basic life support.
- Any ambulance operation or nontransport prehospital life support operation that had downgraded a vehicle under the bill would have to store appropriately and securely all advanced level equipment and medications that should no longer be in the downgraded vehicle.

The transport of a patient, whether emergency or nonemergency, would be allowed to any destination designated by the medical control authority.

Rulemaking

The bill also authorizes LARA to promulgate rules, issue orders and directives, and to take other actions provided by law as necessary to implement Executive Order No. 2020-39. Any rules, orders, directives, and actions taken under the bill would cease to be in effect at the end of the declared states of emergency and disaster.

MCL 333.20910 et al.

Legislative Analyst: Tyler VanHuyse

FISCAL IMPACT

The bill would have a minor fiscal impact on the State. Any additional administrative or communication costs resulting from notifying emergency medical services personnel and life support agencies of the changes may be borne by existing Department resources. The fiscal

year (FY) 2019-20 budget included \$6,594,100 Gross and \$1,488,100 GF/GP for the Emergency Medical Services Program line item which supports functions such as licensure of agencies, life support vehicles, and personnel as well as vehicle inspections, and complaint investigations among other Emergency Medical Services functions. As of May 18, 2020, expenditures from this line totaled approximately \$2,745,500 Gross and \$978,000 GF/GP.

Fiscal Analyst: Ellyn Ackerman

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.