State of louisiana

Emergency Medical Services Certification Commission

Annual Report Fiscal Year 09

Louisiana emergency medical services certification commission

Annual Report of Activities

Emergency Medical Services Certification Commission

11224 Boardwalk Drive Suite A1

Baton Rouge, La 70816

Phone 225.275.1448 • Fax 225.275.1826

Report Prepared by Alan Lambert and Rebecca Harris

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EMS Certification Commission Members

The EMS Certification Commission is composed of nine voting members appointed by the governor.

|  |  |
| --- | --- |
| Sammy Halphen, Chair | EMS Public Administrator |
| Andy Bruch, Vice Chair | Louisiana State Nurses Association \*non voting\* |
| Lauri Scivicque, Secretary | EMT Paramedic |
| Dr. Jullette Saussy | American College of Emergency Physicians |
| Dr. Susan Bankston | American Academy of Pediatrics |
| Dr. Chapman Lee | American College of Surgeons |
| Dr. Robert Chugden | Louisiana State Medical Society |
| Gary Peters | EMS Private Administrator |
| John Roquemore | EMT Basic |
| J. Doyle Dennis | EMT Paramedic |

Administrative Assistant: Carol Lee

Executive Summary

The purpose of the Annual Report is to reflect the activities and actions of the Commission for the period of July 1, 2008 and ending June 30, 2009, and to provide data relative to the number and nature of the hearings conducted under the provisions of R.S. 40:1232.7.

The EMS Certification Commission is created under R.S.40:1232.2 to safeguard life and health of the citizens of Louisiana. To fulfill this purpose, the Commission is delegated the responsibility to:

* Establish and publish standards of out-of-hospital practice
* Regulate the scope of practice of Emergency Medical Service professionals
* Discipline and regulate the practice of Emergency Medical Services professionals
* Establish standards for educational programs preparing individuals for out-of-hospital practice.

The Commission, under R.S. 40:1232.3 (A) shall recommend to the bureau requirements and standards of practice for individuals seeking to be certified. Five motions were passed on this item.

The Commission, under R.S. 40:1232.3 (A) shall approve requirements and standards of practice submitted by the bureau for emergency medical personnel. Nine motions were passed on this item.

The Commission, under R.S. 40:1232.3 (A) shall conduct disciplinary hearings for emergency medical personnel, request that the bureau conduct investigations as necessary, and cause the prosecution of any individual who violates any provision of R.S.40: 1232 et seq. Six motions were passed on this item.

During the fiscal year, the EMS Certification Commission reviewed 676 cases, and disciplinary action was taken as a result of 141 substantiated violations.

The Commission, under R.S. 40:1232.3 (A) shall recommend continuing education requirements and standards to the bureau in accordance with criteria established by the National Registry of Emergency Medical Technicians for individuals seeking to renew a certificate. One motion was passed on this item.

There was no relevant legislation presented this year that impacted the duties of the EMS Certification Commission, and the EMS Certification Commission did not amend or adopt any rules related to the implementation of the provisions of R.S. 40:1232 et seq.

On behalf of all members of the Emergency Medical Services Certification Commission and the staff of the Bureau of Emergency Medical Services, we want to convey our sincere appreciation to Louisiana's volunteer and career EMS professionals. The dedication and service of these individuals and their dedication and commitment to cooperative excellence will continue to ensure the success of the Emergency Medical Services System in Louisiana.

Standards of Out-of-hospital Practice

The Commission, under R.S. 40:1232.3 (A) shall recommend to the bureau requirements and standards of practice for individuals seeking to be certified.

The following motions were made and passed during this fiscal year:

* Direct the Bureau of EMS to complete analysis on Automated Registration.
* Conduct analysis on background checks.
* Recommend to the Bureau of EMS to amend the Criminal Background Affidavit section of applications to reflect the following: instructions should include the statement “please read carefully each question”, revise DUI question to “have you ever been charged and/or convicted with a DUI”, move the yes and no boxes to be side by side format and not up and down format.
* Recommend to the Bureau of EMS to amend the Criminal Background Affidavit section of applications for question one to read “have you ever been arrested and/or issued a misdemeanor summons.”
* Recommend to the Bureau of EMS that they should police and make sure that all testers, trainers and/or instructors maintain National Registry and Louisiana certification prior to their use in any of these capacities.

# Scope of Practice of EMS Professionals

The Commission, under R.S. 40:1232.3 (A) shall approve requirements and standards of practice submitted by the bureau for emergency medical personnel.

The following motions were made and passed during this fiscal year:

* Recognized it is within the scope of practice for an EMT Paramedic to draw blood samples, but they should always do so under their Medical Director and Medical Society’s recommendations.
* EMT Paramedics are not allowed to administer intravenous contrast. Caveat if some point in time the National Scope of Practice is revised, then the issue will be revisited.
* Confirm use of Albuterol Nebulizer by EMT Basic and EMT Intermediate.
* Confirm monitoring of blood glucose by EMT Basic and EMT Intermediate.
* Confirm use of nerve agent antidote for patients by EMT Basic and EMT Intermediate.
* Confirm administration of Aspirin by EMT Basic and EMT Intermediate.
* Deny use of CPAP and PEEP for EMT Basic and EMT Intermediate.
* Louisiana State Medical Society is meeting with the Medical Directors of the Bureau of EMS and the State Fire Marshal to adopt protocols and present within each parish.
* Amend the Scope of Practice regarding transporting blood to read that EMT Paramedics transporting patients with infused blood as recommended by the Bureau of EMS.

# Discipline and Regulation of EMS Professionals

The Commission, under R.S. 40:1232.3 (A) shall conduct disciplinary hearings for emergency medical personnel, request that the bureau conduct investigations as necessary, and cause the prosecution of any individual who violates any provision of R.S.40: 1232 et seq.

The following motions were made and passed during this fiscal year:

* Add a list of names of expired EMTs to the Bureau of EMS website.
* Amend EMSCC Conviction Policy to allow applicant to proceed with examination for certification with the conviction of contributing to the delinquency of a minor.
* Direct the Bureau of EMS to forward a message to all instructors and services that effective October 2008 it is the intent of the Commission that it will levy up to $500 fine on EMTs who are found to be practicing without a valid certification.
* Empower Administrative Assistant to review anonymous complaints, investigate such complaints, attach form that the complaint has been investigated and those questionable complaints will be audited by EMSCC Chair.
* Direct the Bureau of EMS to investigate all complaints once received which may include forwarding subpoenas on the behalf of the Commission to obtain any and all documents necessary to initiate a formal investigation. The representative of the Bureau of EMS can also send correspondence to inquire into the validity of a complaint.
* Letter produced by the Commission: “In an abundance of caution, the Commission strongly recommends that all services verify certification of all EMTs in the best interest of protecting the public.”

The EMS Certification Commission renders decisions on all questionable applications for certification, reinstatement, the right to practice as an EMS student, and eligibility for the National Registry exam or entry or progress into any clinical or field internship aspects of an EMS course. The Commission also receives and renders decisions on complaints against any person engaged in any conduct proscribed by R.S. 40:1232.6.

**During the fiscal year, the EMS Certification Commission reviewed 676 cases**.

The table below represents the cases that reflected substantiated violations of the rules and regulations of the EMS Certification Commission, and subsequent disciplinary action.

|  |  |
| --- | --- |
| R.S. 40:1232.6 (2) | Conviction of a crime or offense which reflects the inability to practice EMS with due regard for health and safety of clients or patients or enters a plea of guilty or nolo contendere to a criminal charge regardless of final disposition of the criminal proceeding, including, but not limited to, expungement, non adjudication or pardon. |
| R.S. 40:1232.6 (3) | Is unfit or incompetent by reason of negligence, habit, or other cause. |
| R.S. 40:1232.6 (4) | Is habitually intemperate in the use of or abuses alcohol or habit-forming drugs. |
| R.S. 40:1232.6 (6) | Is mentally incompetent. |
| R.S. 40:1232.6 (7) | Endeavors to deceive or defraud the public. |
| R.S. 40:1232.6 (9) | Unprofessional conduct. |
| R.S. 40:1232.6 (10) | Continuing or recurring practices which fail to meet the standards of EMS care in this state. |
| R.S. 40:1232.9 (6) | Practice as a certified emergency medical technician or certified first responder during the time his certification has lapsed by reason of his intentional failure to renew the certification. |

# Standards for Educational Programs

The Commission, under R.S. 40:1232.3 (A) shall recommend continuing education requirements and standards to the bureau in accordance with criteria established by the National Registry of Emergency Medical Technicians for individuals seeking to renew a certificate.

The following motions were made and passed during this fiscal year:

* Direct the Bureau of EMS to review the Policy and Procedure Instruction, p. D-38.

# Impacting Legislation

The Commission, under R.S. 40:1232.3 (A) shall adopt rules and regulations to implement the provisions of R.S.40:1232 et seq.

There was no relevant legislation presented this year that impacted the duties of the EMS Certification Commission.

The EMS Certification Commission did not amend or adopt any rules related to the implementation of the provisions of R.S. 40:1232 et seq.

# Legal Authority

The EMS Certification Commission is defined under R.S. 40:1232.2-11.

The rules and regulations of the EMS Certification Commission are defined in LAC Title 46 Part XXXVIII.