

CHAPTER 112

[Substitute House Bill No. 855]

EMERGENCY MEDICAL SERVICES—CERTIFICATION—IMMUNITY

AN ACT Relating to emergency medical services; amending section 2, chapter 305, Laws of 1971 ex. sess. as last amended by section 2, chapter 55, Laws of 1977 and RCW 18.71-.200; amending section 3, chapter 55, Laws of 1977 and RCW 18.71.205; amending section 3, chapter 305, Laws of 1971 ex. sess. as amended by section 4, chapter 55, Laws of 1977 and RCW 18.71.210; amending section 3, chapter 208, Laws of 1973 1st ex. sess. as amended by section 1, chapter 261, Laws of 1979 ex. sess. and RCW 18.73.030; adding a new section to chapter 18.71 RCW; and adding new sections to chapter 18.73 RCW.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 2, chapter 305, Laws of 1971 ex. sess. as last amended by section 2, chapter 55, Laws of 1977 and RCW 18.71.200 are each amended to read as follows:

(1) As used in RCW 18.71.020 as now or hereafter amended, a "physician's trained mobile intravenous therapy technician" means a person who:

(a) Has successfully completed an emergency medical technician course as described in chapter 18.73 RCW;

(b) Is trained ~~((by))~~ under the supervision of an approved ~~((licensed physician))~~ medical program director to administer intravenous solutions under written or oral authorization of an approved licensed physician; and

(c) Has been examined and certified as a physician's trained mobile intravenous therapy technician by the University of Washington's school of medicine or the department of social and health services;

(2) As used in RCW 18.71.020 as now or hereafter amended, a "physician's trained mobile airway management technician" means a person who:

(a) Has successfully completed an emergency medical technician course as described in chapter 18.73 RCW;

(b) Is trained ~~((by))~~ under the supervision of an approved ~~((licensed physician))~~ medical program director to perform endotracheal airway management and other authorized aids to ventilation under written or oral authorization of an approved licensed physician; and

(c) Has been examined and certified as a physician's trained mobile airway management technician by the University of Washington's school of medicine or the department of social and health services; and

(3) As used in RCW 18.71.020 as now or hereafter amended, a "physician's trained mobile intensive care paramedic" means a person who:

(a) Has successfully completed an emergency medical technician course as described in chapter 18.73 RCW;

(b) Is trained ~~((by))~~ under the supervision of an approved ~~((licensed physician))~~ medical program director:

(i) To carry out all phases of advanced cardiac life support;

(ii) To administer drugs under written or oral authorization of ~~((a))~~ an approved licensed physician; and

(iii) To administer intravenous solutions under written or oral authorization of an approved licensed physician; and

(iv) To perform endotracheal airway management and other authorized aids to ventilation; and

(c) Has been examined and certified as a physician's trained mobile intensive care paramedic by the University of Washington's school of medicine or by the department of social and health services.

Sec. 2. Section 3, chapter 55, Laws of 1977 and RCW 18.71.205 are each amended to read as follows:

(1) The secretary of the department of social and health services, in conjunction with the advice and assistance of the emergency medical ~~((and ambulance review))~~ services committee as prescribed in RCW 18.73.050, and the board of medical examiners, shall prescribe:

(a) Minimum standards and performance requirements for the certification and recertification of physician's trained intravenous therapy technicians, airway management technicians, and mobile intensive care paramedics; and

(b) Procedures for certification, recertification, and decertification of physician's trained intravenous therapy technicians, airway management technicians, and mobile intensive care paramedics.

(2) Initial certification shall be for a period of two years.

(3) Recertification shall be granted upon proof of continuing satisfactory performance and education, and shall be for a period of two years.

(4) As used in chapter 18.71 RCW, "approved ~~((licensed physician))~~ medical program director" means a person who:

(a) Is licensed to practice medicine and surgery pursuant to chapter 18.71 RCW or osteopathy and surgery pursuant to chapter 18.57 RCW; and

(b) Is qualified and knowledgeable in the administration and management of emergency care and services; and

(c) Is so certified by the department of social and health services for a county or group of counties in coordination with the recommendations of the local medical community and local emergency medical service council.

Sec. 3. Section 3, chapter 305, Laws of 1971 ex. sess. as amended by section 4, chapter 55, Laws of 1977 and RCW 18.71.210 are each amended to read as follows:

No act or omission of any physician's trained mobile intensive care paramedic, intravenous therapy technician, or airway management technician, as defined in RCW 18.71.200 as now or hereafter amended, done or omitted in good faith while rendering emergency medical service under the responsible supervision and control of a licensed physician or an approved medical program director or delegate(s) to a person who is in imminent danger of

loss of life or has suffered grievous bodily injury shall impose any liability upon:

- (1) The trained mobile intensive care paramedic, intravenous therapy technician, or airway management technician;
- (2) The medical program director;
- (3) The supervising physician(s);
- ~~((3))~~ (4) Any hospital, the officers, members of the staff, nurses, or other employees of a hospital;
- ~~((4))~~ (5) Any training agency or training physician(s);
- ~~((5))~~ (6) Any licensed ambulance service; or
- ~~((6))~~ (7) A federal, state, county, city or other local governmental unit or employees of such a governmental unit.

This section shall ~~((only))~~ apply to an act or omission committed or omitted in the performance of the actual emergency medical procedures and not in the commission or omission of an act which is not within the field of medical expertise of the physician's trained mobile intensive care paramedic, intravenous therapy technician, or airway management technician, as the case may be.

This section shall not relieve a physician or a hospital of any duty otherwise imposed by law upon such physician or hospital for the designation or training of a physician's trained mobile intensive care paramedic, intravenous therapy technician, or airway management technician, nor shall this section relieve any individual or other entity listed in this section of any duty otherwise imposed by law for the provision or maintenance of equipment to be used by the physician's trained mobile intensive care paramedics, intravenous therapy technicians, or airway management technicians.

This section shall not apply to any act or omission which constitutes either gross negligence or wilful or wanton conduct.

NEW SECTION. Sec. 4. There is added to chapter 18.71 RCW a new section to read as follows:

The department of social and health services shall defend and hold harmless approved medical program directors, delegates, or agents for any act or omission committed or omitted in good faith in the performance of administrative nonmedical procedures for certification, recertification, and decertification of physician's trained mobile intravenous therapy technicians, airway management technicians, and mobile intensive care paramedics.

Sec. 5. Section 3, chapter 208, Laws of 1973 1st ex. sess. as amended by section 1, chapter 261, Laws of 1979 ex. sess. and RCW 18.73.030 are each amended to read as follows:

Unless a different meaning is plainly required by the context, the following words and phrases as used in this chapter shall have the meanings indicated.

- (1) "Secretary" means the secretary of the department of social and health services.

(2) "Department" means the department of social and health services.

(3) "Committee" means the emergency medical services committee.

(4) "Ambulance" means a vehicle designed and used to transport the ill and injured and to provide personnel, facilities, and equipment to treat patients before and during transportation.

(5) "First aid vehicle" means a vehicle used to carry first aid equipment and individuals trained in first aid or emergency medical procedure.

(6) "Emergency medical technician" means a person who is authorized by the secretary to render emergency medical care pursuant to RCW 18.73.110 as now or hereafter amended.

(7) "Ambulance operator" means a person who owns one or more ambulances and operates them as a private business.

(8) "Ambulance director" means a person who is a director of a service which operates one or more ambulances provided by a volunteer organization or governmental agency.

(9) "First aid vehicle operator" means a person who owns one or more first aid vehicles and operates them as a private business.

(10) "First aid director" means a person who is a director of a service which operates one or more first aid vehicles provided by a volunteer organization or governmental agency.

(11) "Emergency medical care" or "emergency medical service" means such medical treatment and care which may be rendered to persons injured, sick, or incapacitated in order to reduce the risk of loss of life or aggravation of illness or injury, including care rendered while transporting a patient from an ambulance or other vehicle to an appropriate location within a hospital or other medical facility.

(12) "Communications system" means a radio or landline network which provides rapid public access, coordinated central dispatching of services, and coordination of personnel, equipment, and facilities in an emergency medical services system.

(13) "Emergency medical services region" means a region established by the secretary of the department of social and health services pursuant to RCW 18.73.060, as now or hereafter amended.

(14) "Patient care guidelines" mean the written guidelines adopted by ~~((the))~~ local or regional emergency medical services councils ~~((under section 7 of this 1979 act))~~ which direct the care of the emergency patient. These guidelines shall be based upon the assessment of the patient's medical needs and his geographic location, and shall address which medical care vehicles will be dispatched to the scene, what treatment will be provided for serious conditions, which hospital will first receive the patient, and which hospitals are appropriate for transfer if necessary.

(15) "Medical program director" means a person who is an approved medical program director under RCW 18.71.205(4).

(16) "Council" means the local or regional emergency medical services advisory council.

(17) "Basic life support" means emergency medical treatment services.

(18) "Advanced life support" means services requiring advanced emergency medical treatment skills, i.e., intravenous technicians, airway technicians, and paramedics.

(19) "System service area" means an emergency medical service area that develops because of trade, patient catchment, market, or other factors and may include county or multicounty boundaries.

(20) "First responder" means a person who is authorized by the secretary to render emergency medical care pursuant to RCW 18.73.205.

NEW SECTION. Sec. 6. There is added to chapter 18.73 RCW a new section, to be designated RCW 18.73.205, to read as follows:

(1) The secretary shall specify the level of knowledge required to qualify as a first responder and shall issue a certificate of qualification to those eligible applicants who (a) pass a written and practical examination given under the secretary's direction and who (b) provide proof of having graduated, with satisfactory performance, from a course of instruction of not less than forty-four hours, approved by the secretary. Reciprocity may be arranged, in granting first responder certificates, with a national certifying organization whose standards are at least equal to those established by the secretary.

(2) The certificate shall be valid for a period of three years and may be renewed at the expiration thereof (a) upon proof that the holder has met postcertification continuing education requirements adopted by the secretary and (b) upon passing an examination approved by the secretary.

NEW SECTION. Sec. 7. There is added to chapter 18.73 RCW a new section to read as follows:

A medical program director shall be responsible for:

(1) The medical matters pertaining to the emergency medical services system in a county or group of counties;

(2) The training or the supervision of training for basic life support personnel; and

(3) The medical control of basic life support personnel.

The training and medical control aspects may be delegated to the training physician(s) or supervisory physician(s).

NEW SECTION. Sec. 8. There is added to chapter 18.73 RCW a new section to read as follows:

(1) A county or group of counties may create a local emergency medical services advisory council composed of persons representing health services providers, consumers, and local government agencies involved in the delivery of emergency medical services.

(2) Regional emergency medical services advisory councils shall be created by the department with representatives from the local emergency medical services councils within the region and whose representation is determined by the local council.

(3) Power and duties of the councils are as follows:

(a) Local emergency medical services advisory councils shall review and evaluate the provision of emergency medical services in the community/system service area, and provide recommendations to the regional emergency medical services advisory councils on standards and matters relating to emergency medical services.

(b) Regional emergency medical services advisory councils shall make recommendations to the department on projects, programs, and legislation needed to improve emergency medical services in the state.

Passed the House March 30, 1983.

Passed the Senate April 15, 1983.

Approved by the Governor April 22, 1983.

Filed in Office of Secretary of State April 22, 1983.

CHAPTER 113

[Substitute Senate Bill No. 3197]

MASTECTOMY—INSURANCE COVERAGE

AN ACT Relating to insurance; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; and adding a new section to chapter 48.46 RCW.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. There is added to chapter 48.20 RCW a new section to read as follows:

Any disability insurance contract providing hospital and medical expenses and health care services delivered or issued in this state after the effective date of this act shall provide coverage for reconstructive breast surgery resulting from a mastectomy which resulted from disease, illness, or injury.

NEW SECTION. Sec. 2. There is added to chapter 48.21 RCW a new section to read as follows:

Each group disability insurance contract issued or renewed after the effective date of this act which insures for hospital or medical care shall provide coverage for reconstructive breast surgery resulting from a mastectomy which resulted from disease, illness, or injury.

NEW SECTION. Sec. 3. There is added to chapter 48.44 RCW a new section to read as follows:

Each contract for health care entered into or renewed after the effective date of this act between a health care services contractor and the person or