

CHAPTER 214

[Substitute House Bill No. 237]

EMERGENCY MEDICAL SERVICES—REVISIONS

AN ACT Relating to emergency medical services; amending RCW 18.73.010, 18.73.030, 18.73.050, 18.73.060, 18.73.070, 18.73.073, 18.73.085, 18.73.130, 18.73.140, 18.73.170, 18.73.180, 18.73.190, 18.73.210, 18.73.220, and 18.73.230; adding new sections to chapter 18.73 RCW; adding a new chapter to Title 18 RCW; recodifying RCW 18.73.210, 18.73.220, and 18.73.230; and repealing RCW 18.73.077, 18.73.080, 18.73.090, 18.73.100, 18.73.110, 18.73.160, and 18.73.205.

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

Sec. 1. Section 1, chapter 208, Laws of 1973 1st ex. sess. and RCW 18.73.010 are each amended to read as follows:

The legislature finds that a state-wide program of emergency medical care is necessary to promote the health, safety, and welfare of the citizens of this state. The intent of the legislature is that the secretary of the department of social and health services develop and implement a ((program)) system to promote immediate prehospital treatment for victims of motor vehicle accidents, suspected coronary illnesses, and other acute illness or trauma.

The legislature further recognizes that emergency medical care and transportation methods are constantly changing and conditions in the various regions of the state vary markedly. The legislature, therefore, seeks to establish a flexible method of implementation and regulation to meet those conditions.

Sec. 2. Section 3, chapter 208, Laws of 1973 1st ex. sess. as last amended by section 5, chapter 112, Laws of 1983 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 ground or air 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)) section 7 of this 1987 act.

(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))~~ at the scene of a medical emergency and while transporting a patient ((from)) in an ambulance ((or other vehicle)) to an appropriate ((location within a hospital or other)) medical facility.

(12) "Communications system" means a radio ~~((or))~~ and 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 local or regional emergency medical services councils 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.))~~ "Patient care protocols" means the written procedure adopted by the emergency medical services medical program director which direct the care of the emergency patient. These procedures shall be based upon the assessment of the patient's medical needs and what treatment will be provided for serious conditions.

(15) "Patient care guidelines" means written operating procedures adopted by the local or regional emergency medical services councils and the emergency medical services medical program director and may include which level of medical care personnel will be dispatched to an emergency scene, which hospital will first receive the patient and which hospitals are appropriate for transfer if necessary.

(16) "Emergency medical services medical program director" means a person who is an approved medical program director ~~((under))~~ as defined by RCW 18.71.205(4).

~~((+6))~~ (17) "Council" means the local or regional emergency medical services advisory council.

~~((+7))~~ (18) "Basic life support" means emergency medical treatment services.

~~((+8))~~ (19) "Advanced life support" means emergency medical services requiring advanced ((emergency)) medical treatment skills~~((, i.e., intravenous technicians, airway technicians, and paramedics))~~ as defined by chapter 18.71 RCW.

~~((+9))~~ (20) "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))~~ (21) "First responder" means a person who is authorized by the secretary to render emergency medical care ~~((pursuant to RCW 18.73-205))~~ as defined by section 7 of this 1987 act.

Sec. 3. Section 5, chapter 208, Laws of 1973 1st ex. sess. as amended by section 3, chapter 261, Laws of 1979 ex. sess. and RCW 18.73.050 are each amended to read as follows:

The committee shall:

(1) Advise the secretary regarding emergency medical care needs throughout the state.

(2) Review regional emergency medical services plans and recommend changes to the secretary before adoption of the plans.

(3) Review all administrative rules proposed for adoption by the secretary under this chapter or under RCW 18.71.205. The secretary shall submit all such rules to the committee in writing. The committee shall, within forty-five days of receiving the proposed rules, advise the secretary of its recommendations. If the committee fails to notify the secretary within forty-five days of receipt of a proposed rule it shall be deemed to be approved by the committee.

~~((+3))~~ (4) Assist the secretary, at the secretary's request, to fulfill any duty or exercise any power under this chapter.

Sec. 4. Section 6, chapter 208, Laws of 1973 1st ex. sess. and RCW 18.73.060 are each amended to read as follows:

(1) The secretary shall designate at least eight planning and service ~~((areas))~~ regions so that all parts of the state are within such an area. These regional designations are to be made on the basis of convenience and efficiency of delivery of needed emergency medical services.

(2) The secretary shall conduct a ~~((public hearing))~~ regional emergency medical services advisory council meeting in a major city of each planning and service ~~((area))~~ region at least sixty days prior to the formulation of a ~~((comprehensive))~~ plan for prehospital emergency medical services.

Such ~~((hearing))~~ meetings shall (a) afford an opportunity for participation by those interested in the determination of the need for, and the location of ambulances and first aid vehicles and (b) provide a public forum that affords a full opportunity for presenting views on any relevant aspect of pre-hospital emergency medical services.

Sec. 5. Section 7, chapter 208, Laws of 1973 1st ex. sess. as amended by section 5, chapter 261, Laws of 1979 ex. sess. and RCW 18.73.070 are each amended to read as follows:

After conducting a ~~((public hearing))~~ regional emergency medical services advisory council meeting in one or more major cities in each emergency medical service region, affording ~~((all))~~ interested persons an opportunity to present their views on any relevant aspect of emergency medicine, the secretary shall adopt a ~~((state-wide comprehensive))~~ regional plan for the development and implementation of emergency medical care systems ~~((based upon the regional plans))~~. The ~~((hearings))~~ meetings shall be held at least sixty days before adoption or revision of the plan. Components of this plan shall include but not be limited to: Facilities, vehicles, medical and communications equipment, personnel and training, transportation, public information and education, patient care protocols, and coordination of services.

The secretary, with the advice and assistance of the regional emergency medical services advisory council, shall encourage communities and medical care providers to implement the regional plan.

Sec. 6. Section 8, chapter 112, Laws of 1983 and RCW 18.73.073 are each amended 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 councils.

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

(a) Local emergency medical services advisory councils shall review ~~((and))~~, evaluate, and provide recommendations to the department regarding 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))~~ the plan for emergency medical services.

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

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

In addition to other duties prescribed by law, the secretary shall:

- (1) Prescribe minimum requirements for:
 - (a) Ambulance, air ambulance, and aid vehicles and equipment;
 - (b) Ambulance and aid services; and
 - (c) Emergency medical communication systems;
- (2) Prescribe minimum standards for first responder and emergency medical technician training including:
 - (a) Adoption of curriculum and period of certification;
 - (b) Procedures for certification, recertification, decertification, or modification of certificates;
 - (c) Procedures for reciprocity with other states or national certifying agencies;
 - (d) Review and approval or disapproval of training programs; and
 - (e) Adoption of standards for numbers and qualifications of instructional personnel required for first responder and emergency medical technician training programs;
- (3) Prescribe minimum standards for evaluating the effectiveness of emergency medical systems in the state;
- (4) Adopt a format for submission of regional plans;
- (5) Prescribe minimum requirements for liability insurance to be carried by licensed services except that this requirement shall not apply to public bodies; and
- (6) Certify emergency medical program directors.

Sec. 8. Section 8, chapter 261, Laws of 1979 ex. sess. and RCW 18.73.085 are each amended to read as follows:

(1) The secretary, with the assistance of the ~~((regional))~~ state emergency medical services ~~((councils))~~ advisory committee, shall adopt a program for the disbursement of funds for the development of the emergency medical ~~((care))~~ service system. Under the program, the secretary shall disburse funds to each regional council, or their chosen fiscal agent or agents, which shall be city or county governments, stipulating the purpose for which the funds shall be expended. The regional council shall use such funds to make available matching grants in an amount not to exceed fifty percent of the cost of the proposal for which the grant is made. Grants shall be made to any public or private nonprofit agency which, in the judgment of the regional council, will best fulfill the purpose of the grant.

(2) Grants may be awarded for any of the following purposes:

- (a) Establishment and initial development of an emergency medical service ~~((program))~~ system;
- (b) Expansion and improvement of an emergency medical service ~~((program))~~ system;

(c) Purchase of equipment for the operation of an emergency medical service ((~~program~~) system); and

(d) Training and continuing education of emergency medical personnel.

(3) Any emergency medical service ((~~program~~) agency) which receives a grant shall stipulate that it will:

(a) Operate in accordance with patient care ((~~guidelines~~) protocols) adopted by the ((~~regional council~~) medical program directors); and

(b) Provide, without prior inquiry as to ability to pay, emergency medical care to all patients requiring such care.

NEW SECTION. Sec. 9. A new section is added to chapter 18.73 RCW to read as follows:

The secretary may grant a variance from a provision of this chapter if no detriment to health and safety would result from the variance and compliance is expected to cause reduction or loss of existing emergency medical services. Variances may be granted for a period of no more than one year. A variance may be renewed by the secretary upon approval of the committee.

Sec. 10. Section 13, chapter 208, Laws of 1973 1st ex. sess. as last amended by section 13, chapter 261, Laws of 1979 ex. sess. and RCW 18.73.130 are each amended to read as follows:

An ambulance operator, ambulance director, ((~~first~~) aid vehicle operator or ((~~first~~) aid director) may not operate a service in the state of Washington without holding a license for such operation, issued by the secretary when such operation is consistent with the comprehensive plan established pursuant to RCW 18.73.070, indicating the general area to be served and the number of vehicles to be used, with the following exceptions:

(1) The United States government;

(2) Ambulance operators and ambulance directors providing service in other states when bringing patients into this state;

(3) Owners of businesses in which ambulance or ((~~first~~) aid vehicles) are used exclusively on company property but occasionally in emergencies may bring patients to hospitals not on company property;

(4) Operators of vehicles pressed into service for transportation of patients in emergencies when licensed ambulances are not available or cannot meet overwhelming demand.

The license shall be valid for a period of three years and shall be renewed on request provided the holder has consistently complied with the regulations of the department and the department of licensing and provided also that the needs of the area served have been met satisfactorily. The license shall not be transferable.

Sec. 11. Section 14, chapter 208, Laws of 1973 1st ex. sess. as amended by section 14, chapter 261, Laws of 1979 ex. sess. and RCW 18.73.140 are each amended to read as follows:

The secretary shall ~~((approve the issuance of))~~ issue an ambulance or aid vehicle license for each vehicle so designated. The license shall be for a period of one year and may be reissued on expiration if the vehicle and its ~~((operation))~~ equipment meet requirements in force at the time of expiration of the license period. The license may be revoked if the ambulance or aid vehicle is found to be operating in violation of the regulations promulgated by the department or without required equipment. The license shall be terminated automatically if the vehicle is sold or transferred to the control of anyone not currently licensed as an ambulance or aid vehicle operator or ~~((ambulance))~~ director. The ~~((ambulance))~~ license number shall be prominently displayed on each vehicle.

~~((Licensed ambulances shall be inspected periodically by the secretary at the location of the ambulance station. Inspection shall include adequacy and maintenance of medical equipment and supplies and the mechanical condition of the vehicle including its mechanical and electrical equipment.))~~

Sec. 12. Section 17, chapter 208, Laws of 1973 1st ex. sess. as amended by section 17, chapter 261, Laws of 1979 ex. sess. and RCW 18.73.170 are each amended to read as follows:

The ~~((first))~~ aid vehicle shall be operated in accordance with standards promulgated by the secretary, by at least one person holding a certificate recognized under RCW 18.73.120.

The ~~((first))~~ aid vehicle may be used for transportation of patients only when it is impossible or impractical to obtain an ambulance or when a wait for arrival of an ambulance would place the life of the patient in jeopardy. If so used, the vehicle shall be under the command of a person holding a certificate recognized pursuant to ~~((RCW 18.73.110))~~ section 7 of this 1987 act other than the driver ~~((who shall be in attendance to the patient))~~.

NEW SECTION. Sec. 13. A new section is added to chapter 18.73 RCW to read as follows:

The secretary shall adopt a self-inspection program to assure compliance with minimum standards for vehicles and for medical equipment and personnel on all licensed vehicles. The self-inspection shall coincide with the vehicle licensing cycle and shall be recorded on forms provided by the department. The department may perform an on-site inspection of any licensed service or vehicles as needed.

Sec. 14. Section 18, chapter 208, Laws of 1973 1st ex. sess. as amended by section 18, chapter 261, Laws of 1979 ex. sess. and RCW 18.73.180 are each amended to read as follows:

Other vehicles not herein defined by this chapter shall not be used ~~((commercially or by public services))~~ for transportation of patients who

must be carried on a stretcher (~~and~~) or who may require medical attention en route, except that such transportation may be used when a disaster creates a situation that cannot be served by licensed ambulances.

Sec. 15. Section 19, chapter 208, Laws of 1973 1st ex. sess. and RCW 18.73.190 are each amended to read as follows:

Any person who (~~shall~~) violates any of the provisions of this chapter and for which a penalty is not provided shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined in any sum not exceeding one hundred dollars for each day of the violation, or may be imprisoned in the county jail not exceeding six months.

Sec. 16. Section 1, chapter 178, Laws of 1980 and RCW 18.73.210 are each amended to read as follows:

The legislature finds that accidental and purposeful (~~ingestions of~~) exposure to drugs and poisonous substances continues to be a severe health problem in the state of Washington. It further finds that a significant reduction in the consequences of such accidental (~~ingestions~~) exposures have occurred as a result of the (~~development of regional~~) services provided by poison information centers.

The purpose of (~~RCW 18.73.210 through 18.73.230~~) this chapter is to reduce morbidity and mortality associated with overdose and poisoning incidents by providing emergency telephone assistance and treatment referral to victims of such incidents, by providing immediate treatment information to health care professionals, and (~~by establishing an effective~~) public education and prevention programs. Further, the purpose is to improve utilization of drugs by providing information to health professionals relating to appropriate therapeutic drug use.

The legislature recognizes that enhanced cooperation between the emergency medical system and poison control centers will aid in responding to emergencies resulting from exposure to drugs and poisonous substances.

Sec. 17. Section 2, chapter 178, Laws of 1980 and RCW 18.73.220 are each amended to read as follows:

(~~As limited by the availability of funds appropriated by this act,~~) The department shall, in a manner consistent with this chapter, provide support for the (~~establishment of a~~) state-wide program of poison (~~control~~) and drug information services (~~with regional units to be~~) conducted by poison information centers located in the (~~city~~) cities of Seattle and (~~the city of~~) Spokane and satellite units (~~that may be established~~) located in the cities of Tacoma and Yakima. The services of this program shall be:

- (1) Emergency telephone management and treatment referral of victims of poisoning and overdose incidents;
- (2) Information to health professionals involved in management of poisoning and overdose victims;

(3) Community education programs designed to inform the public of poison prevention methods; and

(4) Information to health professionals (~~(relating to)~~) regarding appropriate therapeutic use of medications, their compatibility and stability, and adverse drug reactions and interactions.

Sec. 18. Section 3, chapter 178, Laws of 1980 and RCW 18.73.230 are each amended to read as follows:

(1) The principal activities of the poison (~~(control and drug information program)~~) information centers shall be answering requests by telephone for poison information and making recommendations for appropriate emergency management and treatment referral of poisoning exposure and overdose victims. These services, provided around-the-clock, will involve determining whether treatment can be accomplished (~~(in the home setting)~~) at the scene of the incident or whether transport to an emergency treatment facility is required; recommending treatment measures to appropriate personnel; and carrying out follow-up to assure that adequate care is provided.

(2) (~~(Program)~~) Poison center personnel shall provide follow-up education to prevent future similar incidents. They shall also provide community education programs designed to improve public awareness of poisoning and overdose problems, and to educate the public regarding prevention.

(3) (~~(Program)~~) Poison center personnel shall answer drug information questions from health professionals by providing current, accurate, and unbiased information (~~(relating to)~~) regarding drugs and their therapeutic uses.

(4) (~~(The program)~~) Poison centers shall utilize physicians, pharmacists, nurses, and supportive personnel trained in various aspects of toxicology, poison control and prevention, and drug information retrieval and analysis.

NEW SECTION. Sec. 19. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

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

(2) "Poison information center medical director" means a person who: (a) Is licensed to practice medicine and surgery under chapter 18.71 RCW or osteopathy and surgery under chapter 18.57 RCW; (b) is certified by the secretary under standards adopted under section 20 of this act; and (c) provides services enumerated under sections 17 and 18 of this act, and is responsible for supervision of poison information specialists.

(3) "Poison information specialist" means a person who provides services enumerated under sections 17 and 18 of this act under the supervision of a poison information center medical director and is certified by the secretary under standards adopted under section 20 of this act.

(4) "Secretary" means the secretary of social and health services.

NEW SECTION. Sec. 20. The secretary with the advice of the emergency medical services committee established under RCW 18.73.050 shall adopt rules, under chapter 34.04 RCW, prescribing:

- (1) Standards for the operation of a poison information center;
- (2) Standards and procedures for certification, recertification and decertification of poison center medical directors and poison information specialists; and
- (3) Standards and procedures for reciprocity with other states or national certifying agencies.

NEW SECTION. Sec. 21. (1) A person may not act as a poison center medical director or poison information specialist of a poison information center without being certified by the secretary under this chapter.

(2) Notwithstanding subsection (1) of this section, if a poison center medical director terminates certification or is decertified, that poison center medical director's authority may be delegated by the department to any other person licensed to practice medicine and surgery under chapter 18.71 RCW or osteopathy and surgery under chapter 18.57 RCW for a period of thirty days, or until a new poison center medical director is certified, whichever comes first.

NEW SECTION. Sec. 22. (1) No act done or omitted in good faith while performing duties as a poison center medical director or poison information specialist of a poison information center shall impose any liability on the poison center, its officers, the poison center medical director, the poison information specialist, or other employees.

(2) This section:

(a) Applies only to acts or omissions committed or omitted in the performance of duties which are within the area of responsibility and expertise of the poison center medical director or poison information specialist.

(b) Does not relieve the poison center or any person from any duty imposed by law for the designation or training of a person certified under this chapter.

(c) Does not apply to any act or omission which constitutes gross negligence or wilful or wanton conduct.

NEW SECTION. Sec. 23. The department shall defend any poison center medical director or poison information specialist for any act or omission subject to section 22 of this act.

NEW SECTION. Sec. 24. Sections 19 through 23 of this act shall constitute a new chapter in Title 18 RCW.

NEW SECTION. Sec. 25. RCW 18.73.210, 18.73.220, and 18.73.230 are each recodified as sections in the chapter created under section 24 of this act.

NEW SECTION. Sec. 26. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or

the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 27. The following acts or parts of acts are each repealed:

- (1) Section 7, chapter 112, Laws of 1983 and RCW 18.73.077;
- (2) Section 8, chapter 208, Laws of 1973 1st ex. sess., section 6, chapter 261, Laws of 1979 ex. sess. and RCW 18.73.080;
- (3) Section 9, chapter 208, Laws of 1973 1st ex. sess., section 9, chapter 261, Laws of 1979 ex. sess. and RCW 18.73.090;
- (4) Section 10, chapter 208, Laws of 1973 1st ex. sess., section 10, chapter 261, Laws of 1979 ex. sess. and RCW 18.73.100;
- (5) Section 11, chapter 208, Laws of 1973 1st ex. sess., section 11, chapter 261, Laws of 1979 ex. sess., section 1, chapter 53, Laws of 1982 and RCW 18.73.110;
- (6) Section 16, chapter 208, Laws of 1973 1st ex. sess., section 16, chapter 261, Laws of 1979 ex. sess. and RCW 18.73.160; and
- (7) Section 6, chapter 112, Laws of 1983 and RCW 18.73.205.

Passed the House April 15, 1987.

Passed the Senate April 7, 1987.

Approved by the Governor April 29, 1987.

Filed in Office of Secretary of State April 29, 1987.

CHAPTER 215

[Senate Bill No. 5513]

STATE PATROL RETIREMENT CONTRIBUTIONS—REVISIONS REGARDING WITHDRAWAL, RESTORATION, AND INTEREST

AN ACT Relating to withdrawal, restoration, and interest on state patrol retirement contributions; amending RCW 43.43.130 and 43.43.280; providing an effective date; and declaring an emergency.

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

Sec. 1. Section 43.43.130, chapter 8, Laws of 1965 as last amended by section 1, chapter 154, Laws of 1986 and RCW 43.43.130 are each amended to read as follows:

(1) A Washington state patrol retirement fund is hereby established for members of the Washington state patrol which shall include funds created and placed under the management of a retirement board for the payment of retirement allowances and other benefits under the provisions hereof.

(2) Any employee of the Washington state patrol, upon date of commissioning, shall be eligible to participate in the retirement plan and shall start contributing to the fund immediately. Any employee of the Washington state patrol employed by the state of Washington or any of its political subdivisions prior to August 1, 1947, unless such service has been