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Chairman Vincent C. Gray
at the request of the Mayor

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Chairman Vincent C. Gray, at the request of the Mayor, introduced the following bill, which was referred to the Committee on _____.

To establish a District-wide Emergency Medical Services system; require emergency medical services provider entities, emergency medical response vehicles, emergency medical services personnel, and emergency medical services training facilities and instructors to be licensed or certified by the Mayor; provide for procedures and standards for licensing and certifying emergency medical services provider entities, emergency medical response vehicles, emergency medical services personnel, and emergency medical services training facilities and instructors; provide for a District-wide trauma and emergency care and data collection system; provide for a program of emergency medical services for children; authorize the Mayor to promulgate regulations and to conduct inspections, evaluations, and investigations; and to provide penalties for violations.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,

That this act may be cited as the "Emergency Medical Services Act of 2008".

Sec. 2. Definitions.

For the purposes of this Act, the term:

(1) "Ambulance" means any privately or publicly owned vehicle specially designed, constructed, modified, or equipped for use as a means for transporting patients in a medical emergency; or any privately or publicly owned vehicle that is advertised, marked, or in any way held out as a vehicle for the transportation of patients in a medical emergency. "Ambulance" includes vehicles capable of operation over ground, on water, and in air.

1 (2) “Centralized medical control” means a system wherein the direct clinical instructions
2 given to emergency medical services personnel in the field are given by physicians in a single
3 designated hospital or medical resource center.

4 (3) “Competency evaluation” means any written, oral, or practical examination or
5 assessment of the knowledge or skills of an applicant for certification or recertification as
6 emergency medical services personnel which is pertinent to the ability of that applicant to
7 perform the duties required of him or her.

8 (4) “Emergency” means the existence of circumstances in which the element of time in
9 treating, or in transporting to medical treatment, a person who is ill, injured, wounded, or
10 otherwise incapacitated is essential to the health or life of that person, and in which rescue
11 operations, or competent first aid, or both may be essential to the health or life of that person.

12 (5) “Emergency medical response vehicle” means a vehicle or conveyance used to
13 respond to the scene of a medical emergency for the purpose of rendering medical assistance,
14 including the provision of medical assistance on the scene or the transportation of patients to a
15 health care facility or other treatment facility. “Emergency medical response vehicle” includes,
16 but is not limited to: ambulances which operate as motor vehicles, watercraft, or aircraft; and
17 fire engines, motor vehicles, segways, or other ground, water, or air vehicles used to transport
18 emergency medical services personnel, supplies, or equipment to the scene of an emergency.

19 (6) “Emergency medical services agency” means an entity engaged in the business or
20 service of 1 or more of the following: responding to requests for emergency medical
21 assistance; transporting patients from the scene of an emergency to a health care facility or other
22 treatment facility; or providing medical assistance to patients on the scene of an emergency or in
23 transit from the scene of an emergency to a health care facility or other treatment facility.

1 (7) “Emergency medical services instructor” means a person engaged in the business or
2 service of: teaching 1 or more courses of study or training designed to prepare interested
3 persons for the oral, written, or practical examinations required for certification or recertification
4 as emergency medical services personnel; or administering 1 or more such examinations; or
5 both.

6 (8) “Emergency medical services personnel” means a person performing the duties of
7 providing medical assistance, medical treatment, first aid, or lifesaving interventions, on the
8 scene of an emergency or in transit from the scene of an emergency to a health care facility or
9 other treatment facility, to a person who is ill, injured, wounded, or otherwise incapacitated.
10 “Emergency medical services personnel” includes, but is not limited to, persons otherwise
11 classified as “certified first responders”, “emergency medical technicians”, “basic, intermediate,
12 or advanced emergency medical technicians”, and “paramedics”.

13 (9) “Emergency medical services training facility” means an institution or entity engaged
14 in the business or service of providing 1 or more courses of study or training designed to
15 prepare interested persons for the oral, written, or practical examinations required for
16 certification or recertification as emergency medical services personnel.

17 (10) “Flight emergency medical services personnel” means a person performing the
18 duties of providing medical assistance, medical treatment, first aid, or lifesaving interventions, in
19 airborne transit from the scene of an emergency to a health care facility or other treatment
20 facility, or in airborne transit between facilities, to a person who is ill, injured, wounded, or
21 otherwise incapacitated. “Flight emergency medical services personnel” includes, but is not
22 limited to, persons otherwise classified as emergency medical services personnel herein, as well
23 as nurses, respiratory therapists, physician assistants, and physicians.

1 (11) “Health care facility” means a hospital, maternity center, ambulatory surgical
2 facility, or hospice, as defined in the Health-Care and Community Residence Facility, Hospice
3 and Home Care Licensure Act of 1983, effective February 24, 1984 (D.C. Law 5-48; D.C.
4 Official Code §§ 44-501 *et seq.*).

5 (12) “Mutual aid” means an agreement whereby the District of Columbia requests the
6 assistance of an outside entity to provide supplemental or specialized emergency medical
7 services in an emergent situation, pursuant to established protocols.

8 (13) “Qualified health care professional” means a person licensed and qualified
9 in accordance with the District of Columbia Health Occupations Revision Act of 1985, effective
10 March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 *et seq.*), and with rules
11 promulgated pursuant to that Act, to engage in the act of prescribing and of rendering medical
12 care and advice under the circumstances presented.

13 (14) “Treatment facility” means an urgent care center, treatment center, clinic, or other
14 facility or office at which medical or psychological services are performed, and which has been
15 designated by the Mayor as a facility authorized to receive patients transported by emergency
16 medical services entities or personnel.

17 Sec. 3. Applicability and exemptions.

18 (a) Except as otherwise provided herein, this Act shall apply to every person performing
19 the duties of emergency services personnel, compensated or uncompensated, within the District
20 of Columbia.

21 (b) Except as otherwise provided herein, this Act shall apply to every entity providing
22 emergency medical services within the District of Columbia, public or private, for profit or not
23 for profit, including but not limited to owners or operators of emergency medical services

1 agencies and owners or operators of emergency medical response vehicles.

2 (c) Except as otherwise provided herein, this Act shall apply to every person and entity
3 providing emergency medical services training and instruction, public or private, for profit or not
4 for profit, within the District of Columbia.

5 (d) The provisions of this Act shall not apply to the following:

6 (1) The unexpected rendering of immediate care by a private citizen, or the
7 unexpected use of a privately owned vehicle which is not ordinarily used in the business of
8 transporting persons who are sick, injured, wounded, or otherwise incapacitated or helpless, in
9 the performance of a lifesaving act;

10 (2) Agencies, vehicles, or training facilities owned or operated by the United
11 States government and operating on federal property;

12 (3) Agencies operating within the District of Columbia pursuant to mutual aid
13 agreements;

14 (4) Validly licensed or certified emergency medical response vehicles based
15 outside the District which do not otherwise constitute public vehicles for hire; and

16 (5) Validly licensed vehicles operated solely for the transportation of non-
17 emergency patients to and from treatment facilities as out-patients, provided that this exemption
18 shall not apply to any vehicle which is in any way held out as an emergency medical response
19 vehicle.

20 (e) The Mayor shall establish rules to ensure that emergency medical response vehicles
21 and emergency medical services personnel based outside of the District, but receiving patients
22 within the District for transport to a location within the District, shall meet the substantive
23 standards of this Act and of rules promulgated pursuant to this Act.

1 Sec. 4. Emergency medical services agencies: License required.

2 (a) Except as otherwise provided in this Act, no person or entity shall operate an
3 emergency medical services agency in the District, whether public or private, for profit or not for
4 profit, without first having obtained a license from the Mayor to do so.

5 (b) Unless otherwise specified, all provisions of this Act, including those contained
6 within this section, shall apply to any entity of the District government engaging or seeking to
7 engage in the operation of an emergency medical services agency in the District, except that such
8 entity shall be required to obtain a certification from the Mayor in lieu of a license.

9 (c) An applicant for a license to operate an emergency medical services agency shall
10 establish to the satisfaction of the Mayor that the agency meets all requirements set forth in this
11 Act and in rules promulgated pursuant to this Act.

12 (d) An applicant for a license shall:

13 (1) Submit an application to the Mayor on a form approved by the Mayor;

14 (2) Submit supporting documentation as required by the Mayor, including all
15 certificates of approval, authority, occupancy, or need that are required as a precondition to
16 lawful operation in the District of Columbia; and

17 (3) Pay the applicable fee established by the Mayor through rulemaking, except
18 that no license fee shall be required of any emergency medical services agency operated by the
19 District government.

20 (e) A license to operate an emergency medical services agency shall be issued for a
21 period of time not to exceed 2 years.

22 (f) A license to operate an emergency medical services agency shall be valid only for the
23 persons and premises named as applicants in the application. Any change in the ownership of an

1 agency owned by an individual, partnership, or association, or in the legal or beneficial
2 ownership of 25% or more of the stock of a corporation that owns or operates an agency, shall
3 require relicensure.

4 (g) An emergency medical services agency shall have as its medical director a physician
5 licensed to practice medicine in the District of Columbia. The medical director shall have
6 responsibility for medical oversight of all operations of the agency.

7 (h) Each person performing the duties of emergency medical services personnel while
8 employed by or otherwise affiliated with an emergency medical services agency shall practice
9 under the licensure authority of the agency's medical director as granted pursuant to the District
10 of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-
11 99; D.C. Official Code §§ 3-1201.01 *et seq.*), except when directed by another physician or
12 other qualified health care professional as part of the centralized medical control system.

13 Sec. 5. Emergency medical response vehicles: License or certification
14 required.

15 (a) Except as otherwise provided in this Act, no ambulance or other emergency medical
16 response vehicle intended to transport patients may be operated in the District without a currently
17 valid license having been issued by the Mayor for that vehicle and for its use as an emergency
18 medical response vehicle.

19 (b) Except as otherwise provided in this Act, no vehicle or other conveyance may be
20 operated as an emergency medical response vehicle not intended to transport patients in the
21 District without a currently valid certification having been issued by the Mayor for the
22 emergency medical response equipment and supplies contained therein.

23 (c) An applicant for a license or certification to operate an emergency medical response
24 vehicle shall establish to the satisfaction of the Mayor that the vehicle, including its emergency

1 medical response equipment and supplies, meets all applicable requirements set forth in this Act
2 and in rules promulgated pursuant to this Act.

3 (d) An applicant for a license or certification shall:

4 (1) Submit an application to the Mayor on a form approved by the Mayor;

5 (2) Submit supporting documentation as required by the Mayor, including all
6 certificates of approval, authority, motor vehicle registration, or need that are required as a
7 precondition to lawful operation in the District of Columbia; and

8 (3) Pay the applicable fee established by the Mayor through rulemaking, except
9 that no license or certification fee shall be required for any emergency medical response vehicle
10 operated by the District government.

11 (e) No license for an emergency medical response vehicle intended to transport patients
12 shall be issued unless the Mayor finds that the vehicle is, and will be at all times when in such
13 use, in compliance with all applicable laws and ordinances relating to health, sanitation, and
14 safety.

15 (f) No ground emergency medical response vehicle shall be operated to transport patients
16 in the District unless it is staffed by at least 2 persons, each of whom is certified pursuant to
17 this Act and to rules promulgated pursuant to this Act at a level equal to or greater than a basic
18 emergency medical technician.

19 (g) No air or water emergency medical response vehicle shall be operated to transport
20 patients in the District unless it is staffed by at least 2 persons, 1 of whom is a validly
21 licensed pilot and the other of whom is certified pursuant to this Act and to rules promulgated
22 pursuant to this Act at a level equal to or greater than an intermediate emergency medical
23 technician or a paramedic.

1 (h) A license or certification for the operation of an emergency medical response vehicle
2 shall be issued for a period of time not to exceed 1 year.

3 (i) A license or certification for the operation of an emergency medical response vehicle
4 shall be valid only for the persons and vehicle named as applicants in the application. No
5 emergency medical response vehicle license or certification shall be sold, transferred, or assigned
6 without the approval of the Mayor. Approval may be granted only upon a demonstration that the
7 vehicle and its operation will conform to all licensing or certification requirements set forth in
8 this Act and in rules promulgated pursuant to this Act.

9 Sec. 6. Emergency medical services personnel: Certification required.

10 (a) Except as otherwise provided in this Act, no person shall perform the duties of
11 emergency medical services personnel in the District, whether for compensation or not for
12 compensation, without first having obtained a certification from the Mayor to do so.

13 (b) Except as otherwise provided in this Act, no person possessing a certification to
14 perform the duties of emergency medical services personnel shall perform the duties of
15 emergency medical services personnel in the District, whether for compensation or not for
16 compensation, at a higher classification level than that at which he or she has been certified.

17 (c) An applicant for certification as emergency medical services personnel shall establish
18 to the satisfaction of the Mayor that he or she meets all applicable requirements set forth in this
19 Act and in rules promulgated pursuant to this Act.

20 (d) An applicant for certification shall:

21 (1) Submit an application to the Mayor on a form approved by the Mayor;

22 (2) Submit supporting documentation as required by the Mayor, including but not
23 limited to proof of required education, training, competency evaluation, physical and mental

1 health, and criminal history; and

2 (3) Pay the applicable fee established by the Mayor through rulemaking, provided
3 that nothing in this section shall prohibit a private entity or government agency from paying the
4 application fee on behalf of a current or prospective employee.

5 (e) An emergency medical services personnel certification shall be issued for a period of
6 time not to exceed 2 years.

7 (f) An emergency medical services personnel certification shall be valid only for the
8 person named as applicant in the application. No emergency medical services personnel
9 certification may be sold, assigned, or transferred.

10 (g) The Mayor shall adopt classifications of emergency medical services personnel,
11 including permissible scopes of performance and certification requirements for each such
12 classification. The Mayor may adopt nationally recognized standards or develop standards
13 specific to the emergency medical services needs of the District of Columbia.

14 (h) The Mayor shall require each applicant for emergency medical services personnel
15 certification to successfully complete 1 or more competency evaluations, demonstrating both
16 theoretical and practical knowledge of the skills required for acceptable performance of the
17 duties of that classification of personnel. The Mayor may adopt nationally recognized
18 evaluations or develop evaluations specific to the emergency medical services needs of the
19 District of Columbia.

20 (i) A person possessing an emergency medical services personnel certification shall be
21 recertified, no less than once every 2 years, in order to continue performing the duties of
22 emergency medical services personnel.

23 (j) The Mayor shall require each applicant for emergency medical services personnel

1 recertification to successfully complete continuing professional education or supplemental
2 training or to successfully complete 1 or more competency evaluations demonstrating
3 knowledge of the skills required for acceptable performance of the duties of that classification of
4 personnel. The Mayor may adopt nationally recognized training requirements and evaluations or
5 develop requirements and evaluations specific to the emergency medical services needs of the
6 District of Columbia.

7 Sec. 7. Flight emergency medical services personnel: Certification required

8 (a) Except as otherwise provided in this Act, no person shall perform the duties of flight
9 emergency medical services personnel in the District, whether for compensation or not for
10 compensation, without first having obtained a certification from the Mayor to do so.

11 (b) An applicant for certification as flight emergency medical services personnel shall be
12 certified as emergency medical services personnel pursuant to this Act, or shall be licensed
13 pursuant to the District of Columbia Health Occupations Revision Act of 1985, effective March
14 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 *et seq.*), in addition to obtaining
15 special certification from the Mayor to perform his or her duties in an airborne setting.

16 (c) An applicant for certification as flight emergency medical services personnel shall
17 establish to the satisfaction of the Mayor that he or she meets all applicable requirements set
18 forth in this Act and in rules promulgated pursuant to this Act.

19 Sec. 8. Emergency medical services training facilities: Certification required.

20 (a) Except as otherwise provided in this Act, no person or entity shall operate an
21 emergency medical services training facility in the District, whether public or private, for profit
22 or not for profit, without first having obtained a certification from the Mayor to do so.

23 (b) An applicant for a certification to operate an emergency medical services training

1 facility shall establish to the satisfaction of the Mayor that the facility meets all requirements set
2 forth in this Act and in rules promulgated pursuant to this Act.

3 (c) An applicant for a certification shall:

4 (1) Submit an application to the Mayor on a form approved by the Mayor;

5 (2) Submit supporting documentation as required by the Mayor, including all
6 certificates of approval, authority, occupancy, or need that are required as a precondition to
7 lawful operation in the District of Columbia; and

8 (3) Pay the applicable fee established by the Mayor through rulemaking, except
9 that no certification fee shall be required of any emergency medical services training facility
10 operated by the District government.

11 (d) A certification to operate an emergency medical services training facility shall be
12 issued for a period of time not to exceed 2 years.

13 (e) A certification to operate an emergency medical services training facility shall be
14 valid only for the persons and premises named as applicants in the application. Any change in
15 the ownership of a facility owned by an individual, partnership, or association, or in the legal or
16 beneficial ownership of 25% or more of the stock of a corporation that owns or operates a
17 facility, shall require recertification.

18 (f) An emergency medical services training facility shall conform to curriculum and
19 competency evaluation standards as developed by the Mayor. The Mayor may adopt nationally
20 recognized standards or develop standards specific to the emergency medical services needs of
21 the District of Columbia.

22 (g) An emergency medical services training facility shall have as its medical director a
23 physician licensed to practice medicine in the District of Columbia. The medical director shall

1 have responsibility for medical oversight of all operations of the facility.

2 Sec. 9. Emergency medical services instructors: Certification required.

3 (a) Except as otherwise provided in this Act, no person shall perform the duties of an
4 emergency medical services instructor in the District, whether for compensation or not for
5 compensation, without first having obtained a certification from the Mayor to do so.

6 (b) No person may obtain certification as an instructor for a classification of emergency
7 medical services personnel without first having been certified pursuant to this Act as emergency
8 medical services personnel at an equal or higher classification, or having been licensed pursuant
9 to the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986
10 (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 *et seq.*), as a health care professional with
11 a greater scope of practice. Each instructor shall maintain the requisite provider certification, as
12 specified herein, in good standing throughout his or her period of instructor certification.

13 (c) An applicant for certification as an emergency medical services instructor shall
14 establish to the satisfaction of the Mayor that he or she meets all applicable requirements set
15 forth in this Act and in rules promulgated pursuant to this Act.

16 (d) An applicant for certification shall:

17 (1) Submit an application to the Mayor on a form approved by the Mayor;

18 (2) Submit supporting documentation as required by the Mayor, including but not
18 limited to proof of required education, training, and competency evaluation; and

20 (3) Pay the applicable fee established by the Mayor through rulemaking, provided
21 that nothing in this section shall prohibit a private entity or government agency from paying the
22 application fee on behalf of a current or prospective employee.

23 (e) An emergency medical services instructor certification shall be issued for a period of

1 time not to exceed 2 years.

2 (f) An emergency medical services instructor certification shall be valid only for the
3 person named as applicant in the application. No emergency medical services instructor
4 certification may be sold, assigned, or transferred.

5 (g) The Mayor shall require each applicant for emergency medical services instructor
6 certification to successfully complete 1 or more competency evaluations, demonstrating both
7 theoretical and practical knowledge of the skills required for acceptable performance of the
8 duties of instruction. In addition, the Mayor may require each applicant to successfully complete
9 1 or more emergency medical services instructor courses. The Mayor may adopt nationally
10 recognized evaluations and courses or develop evaluations and courses specific to the emergency
11 medical services needs of the District of Columbia.

12 (h) A person possessing an emergency medical services instructor certification shall be
13 recertified, no less than once every 2 years, in order to continue performing the duties of
14 emergency medical services instruction.

15 (i) The Mayor shall require each applicant for emergency medical services instructor
16 recertification to successfully complete continuing professional education or supplemental
17 training or to successfully complete 1 or more competency evaluations demonstrating
18 knowledge of the skills required for acceptable performance of the duties of instruction. The
19 Mayor may adopt nationally recognized training requirements and evaluations or develop
20 requirements and evaluations specific to the emergency medical services needs of the District of
21 Columbia.

22 Sec. 10. Liability insurance required for vehicles, facilities, and agencies.

23 (a) No license shall be issued pursuant to this Act to any emergency medical response
24 vehicle used to transport patients unless there is, at all times in force and effect, insurance

1 coverage for the vehicle, issued by an insurance company or companies licensed to do business
2 in the District, providing for the payment of damages for the following:

3 (1) Bodily injury to, or death of, individuals in accidents resulting from any cause
4 for which the owner of the vehicle would be liable, regardless of whether the vehicle was being
5 operated by the owner or by his or her agent; and

6 (2) Loss of, or damage to, the property of another, including personal property,
7 under similar circumstances.

8 (b) No certification shall be issued pursuant to this Act to any emergency medical
9 services training facility, on the premises of which training instruction or evaluation is
10 conducted, unless there is, at all times in force and effect, insurance coverage for the facility
11 premises, issued by an insurance company or companies licensed to do business in the District,
12 providing for the payment of damages for bodily injury, death, and damage to or loss of personal
13 property, for any reason for which the owner or operator of the premises would be liable.

14 (c) No license shall be issued pursuant to this Act to any emergency medical services
15 agency unless there is, in addition to vehicle and premises coverage as specified herein, at all
16 times in force and effect, incidental malpractice insurance coverage specific to the duties of a
17 medical director.

18 (d) The provisions of this section shall not be applicable to vehicles, facilities, and
19 agencies owned and operated by agencies of the District government.

20 (e) The Mayor shall promulgate rules further specifying the insurance to be required of
21 all vehicles, facilities, and agencies licensed or certified pursuant to this Act.

22 (f) The cancellation or other termination of any insurance policy required pursuant to this

1 section shall be grounds for immediate termination of the licenses or certifications issued for the
2 vehicles, facilities, and agencies covered by the policy, unless another insurance policy
3 complying with the provisions of this section has been obtained and is in effect at the time of the
4 cancellation or termination.

5 Sec. 11. Provisional and restricted licenses and certifications.

6 (a) The Mayor may issue provisional licenses or certifications to new emergency
7 medical services agencies or training facilities, in order to afford the Mayor sufficient time and
8 evidence to evaluate whether a new agency or facility is capable of complying with the
9 provisions of this Act, rules promulgated pursuant to this Act, and other applicable provisions of
10 law.

11 (b) As an alternative to denial, nonrenewal, suspension, or revocation of a license or
12 certification, when an agency, facility, or vehicle is not in substantial compliance with the
13 provisions of this Act, rules promulgated pursuant to this Act, or other applicable provisions of
14 law, and when the Mayor finds that the public interest would be served thereby, the Mayor may:

15 (1) Issue a provisional license or certification, if the owner or operator of the
16 agency, facility, or vehicle is taking appropriate ameliorative action in accordance with an
17 agreed-upon timetable; or

18 (2) Issue a restricted license or certification that prohibits the agency, facility, or
19 vehicle from accepting new patients or students, or from delivering certain specified services
20 that it would otherwise be authorized to deliver, until appropriate ameliorative action is taken.

21 (c) The Mayor may issue provisional certifications to emergency medical services
22 personnel who do not fully meet the requirements specified in this Act or in rules promulgated
23 pursuant to this Act, if the Mayor finds that the public interest would be served thereby.

1 (d) Provisional licenses or certifications issued pursuant to this section may be granted
2 for a period of time up to and including 180 days, and may be renewed no more than once.

3 Sec. 12. Licenses and certifications issued pursuant to prior authority.

4 Except as otherwise provided in this Act, any emergency medical services agency,
5 ambulance or other emergency medical response vehicle, emergency medical technician or
6 paramedic, emergency medical services instructor or preceptor, or emergency medical services
7 training facility currently licensed or certified pursuant to the Regulation to Establish Standards
8 for Ambulances and Medical Personnel and to Provide for their Certification, enacted December
9 13, 1972 (Reg. 72-29; 29 DCMR §§ 500 *et seq.*) ("Ambulance and Medical Personnel
10 Regulation"), as amended, shall be considered licensed or certified pursuant to this Act, and shall
11 be subject to the renewal requirements established by this Act and by rules promulgated pursuant
12 to this Act.

13 Sec. 13. Reciprocity for emergency medical services personnel certified in other
14 jurisdictions.

15 (a) The Mayor may grant provisional certification, at the equivalent classification level,
16 to any individual possessing a current valid emergency medical services personnel credential
17 issued by any state or United States territory.

18 (b) The provisional certification issued pursuant to this section shall be effective for a
19 period not to exceed 90 days.

20 (c) The Mayor may fully certify the individual as emergency medical services personnel
21 in the District of Columbia, at the appropriate classification level, upon verification from the
22 state or territory originally granting certification that the individual has successfully completed
23 training and competency evaluation equivalent to that required by the Mayor by this Act and by
24 rules promulgated pursuant to this Act, or upon the successful completion by the individual of

1 the District's competency evaluation at the appropriate classification level.

2 Sec. 14. Powers and duties of the Mayor.

3 (a) To ensure compliance with the provisions of this Act and of any rules promulgated
4 pursuant to this Act, the Mayor, or any duly authorized designee, shall be permitted at reasonable
5 times to conduct an inspection of any agency, vehicle, or training facility, or to conduct a
6 competency evaluation of any person, licensed or certified pursuant to this Act or for which a
7 licensure or certification application has been filed.

8 (b) In the alternative or in addition to conducting an inspection or evaluation, the Mayor,
9 or any duly authorized designee, shall be permitted to demand the production of all records
10 relating to the operation of any agency, vehicle, or training facility, or to the performance of
11 duties by any person, licensed or certified pursuant to this Act or for which a licensure or
12 certification application has been filed.

13 (c) To ensure compliance with the provisions of this Act and of any rules promulgated
14 pursuant to this Act, the Mayor may conduct investigations as needed. In this regard, the Mayor
15 may administer oaths, examine witnesses, and issue subpoenas to compel the attendance and
16 testimony of witnesses or the production of books, records, or other documents. In case of
17 contempt or refusal to obey a subpoena, the Superior Court of the District of Columbia, at the
18 request of the Mayor, shall issue an order requiring the person to appear and testify or to produce
19 books, papers, or other evidence bearing on the investigation. Failure to obey the court's order
20 shall be punishable as contempt of court.

21 (d) The Mayor shall maintain and make available to the public information concerning:

22 (1) Application, licensure, and renewal requirements and procedures;

23 (2) An official register of licensed or certified emergency medical services

1 agencies and emergency medical services training facilities; and

2 (3) Trauma and emergency care data as required by this Act and by rules
3 promulgated pursuant to this Act.

4 Sec. 15. License and certification renewal.

5 (a) An application for renewal of a license or certification shall be submitted to the
6 Mayor no later than 90 days before expiration of the license or certification, on a form approved
7 by the Mayor, accompanied by the appropriate renewal fee established by the Mayor through
8 rulemaking. An application for renewal submitted later than 90 days before expiration shall be
9 subject to a late fee.

10 (b) A license or certification issued pursuant to this Act for which timely renewal
11 application is made shall continue in force beyond the expiration date until the Mayor acts on the
12 renewal application.

13 Sec. 16. Denial, suspension, and revocation of license or certification.

14 (a) The Mayor may, subject to the right to a hearing as provided in section 19 herein,
15 deny issuance of, deny renewal of, suspend, or revoke a license or certification to operate an
16 emergency medical services agency, an emergency medical response vehicle, or an emergency
17 medical services training facility to a person or entity which is found to have:

18 (1) Failed to comply with the applicable provisions of this Act or of rules
19 promulgated pursuant to this Act;

20 (2) Failed to comply with any other federal or District law applicable to the
21 operation of an emergency medical services agency, an emergency medical response vehicle, or
22 an emergency medical services training facility;

23 (3) Committed, aided, abetted, or permitted to be committed any act of

1 dishonesty, fraud, gross negligence, abuse, assault, or other illegal act related to the operation of
2 the agency, vehicle, or facility; or

3 (4) Been convicted of a crime involving moral turpitude.

4 (b) The Mayor may, subject to the right to a hearing as provided in section 19 herein,
5 deny issuance of, deny renewal of, suspend, or revoke a certification to perform the duties of
6 emergency medical services personnel or of an emergency medical services instructor to an
7 individual who is found to have:

8 (1) Failed to comply with the applicable provisions of this Act or of rules
9 promulgated pursuant to this Act;

10 (2) Failed to comply with any other federal or District law applicable to the
11 duties of emergency medical services personnel or an emergency medical services instructor;

12 (3) Filed a false document or made a false statement to the government regarding
13 his or her qualifications for the emergency medical services personnel or instructor position;

14 (4) Committed, aided, abetted, or permitted to be committed any act of
15 dishonesty, fraud, gross negligence, abuse, assault, or other illegal act related to the performance
16 of his or her duties;

17 (5) Committed, aided, abetted, or permitted to be committed repeated acts of
18 malfeasance, negligence, or dereliction of duty, or any act of malfeasance, negligence, or
19 dereliction of duty resulting in demonstrable harm to a patient, related to the performance of his
20 or her duties; or

21 (6) Been convicted of a crime involving moral turpitude.

22 (c) Upon suspension, revocation, or termination of a license or certification to operate an
23 emergency medical services agency, emergency medical response vehicle, or emergency medical

1 services training facility, the owner or operator of the agency, vehicle, or facility so certified
2 shall immediately surrender the license or certification, and the agency, vehicle, or facility shall
3 immediately cease emergency medical services operations. In the case of a vehicle used to
4 transport patients, no person or entity shall permit the vehicle to be used for that purpose.

5 (d) Upon suspension, revocation, or termination of a certification to perform the duties of
6 emergency medical services personnel or an emergency medical services instructor, the
7 individual so certified shall immediately surrender his or her certification, and shall immediately
8 cease to perform emergency medical services or instruction duties. No person, entity, or
9 government agency shall employ the individual, or permit the individual to act, in that capacity.

10 Sec. 17. Summary suspension.

11 (a) If, after an investigation, the Mayor determines that an agency, vehicle, person or
12 facility licensed or certified pursuant to this Act has failed to comply with the provisions of this
13 Act, or with rules promulgated pursuant to this Act, in such a manner as to present an imminent
14 danger to the health, safety, or welfare of any person or of the general public, the Mayor may
15 summarily suspend the license or certification prior to a hearing.

16 (b) The Mayor must provide the person, or the owner or operator of the agency, vehicle,
17 or facility, licensed or certified with written notice of the summary suspension. The notice must
18 inform the affected person or entity of the reason for the suspension and of the right to request a
19 hearing.

20 (c) The person, or owner or operator of the agency, vehicle, or facility, shall have 5 days
21 after service of the notice of summary suspension in which to request a hearing to challenge the
22 summary suspension. If requested, the hearing shall be conducted by the District of Columbia
23 Office of Administrative Hearings, in accordance with the District of Columbia Administrative

1 Procedure Act of 1968, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code §§ 2-501
2 *et seq.*), and pursuant to the Office of Administrative Hearings Establishment Act of 2001,
3 effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code §§ 2-1831.01 *et seq.*), and to rules
4 promulgated pursuant to that Act (1 DCMR §§ 2800 *et seq.*). Unless otherwise provided by the
5 Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C.
6 Law 14-76; D.C. Official Code §§ 2-1831.01 *et seq.*), and the rules promulgated pursuant to that
7 Act (1 DCMR §§ 2800 *et seq.*), a hearing shall be held within 5 business days of a timely
8 request, and a decision shall be issued within 5 business days after the record is closed.

9 Sec. 18. Hearings.

10 (a) Except in the case of a summary suspension as provided in section 18 herein, before
11 the Mayor denies an application for initial or renewal licensure or certification, or suspends or
12 revokes a license or certification, or imposes a civil fine, the Mayor shall give the person, or the
13 owner or operator of the agency, vehicle, or facility, against whom the action is contemplated
14 written notice of the contemplated action. The notice must inform the affected person or entity
15 of the reason for the action and of the right to request a hearing.

16 (b) If requested, the hearing shall be conducted by the District of Columbia
17 Office of Administrative Hearings, in accordance with the District of Columbia Administrative
18 Procedure Act of 1968, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code §§ 2-501
19 *et seq.*), and pursuant to the Office of Administrative Hearings Establishment Act of 2001,
20 effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code §§ 2-1831.01 *et seq.*), and to rules
21 promulgated pursuant to that Act (1 DCMR §§ 2800 *et seq.*).

22 Sec. 19. Judicial review.

23 A person or entity aggrieved by a decision of the Office of Administrative Hearings may

1 appeal the decision to the District of Columbia Court of Appeals, in accordance with the District
2 of Columbia Administrative Procedure Act of 1968, approved October 21, 1968 (82 Stat. 1204;
3 D.C. Official Code §§ 2-501 *et seq.*), and pursuant to the Office of Administrative Hearings
4 Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code §§ 2-
5 1831.01 *et seq.*).

6 Sec. 20. Trauma care system.

7 (a) The Mayor shall establish criteria for the designation of, and shall designate, 1 or
8 more hospitals within the District of Columbia as specialized trauma care facilities.

9 (b) The Mayor may establish criteria for the designation of, and may designate, 1 or
10 more hospitals within the District of Columbia as specialized care facilities for other types of
11 commonly occurring medical emergencies.

12 (c) The Mayor may establish and maintain a database of information regarding trauma
13 and emergency medical care services provided within the District of Columbia. All hospitals,
14 health care facilities, and treatment facilities receiving emergency medical care patients, and all
15 entities providing emergency medical care services, shall provide data to the Mayor as specified
16 in rulemaking promulgated pursuant to this Act.

17 (d) To the extent that trauma and emergency medical care records compiled and
18 maintained by the Mayor, hospitals, other health care facilities, treatment facilities, or emergency
19 medical services providers in connection with the trauma and emergency medical care
20 information system pursuant to this Act contain patient identifiable data, that data shall be
21 maintained pursuant to applicable privacy laws.

22 Sec. 21. Advertising.

1 (a) No person, entity, or government agency shall advertise or disseminate information
2 to the public that it offers ambulance service, unless that service is provided by persons certified
3 pursuant to this Act and to rules promulgated pursuant to this Act at a level equal to or greater
4 than a basic emergency medical technician.

5 (b) No person, entity, or government agency shall advertise or disseminate information
6 to the public that it offers emergency medical services training, unless that training is provided
7 by persons certified as emergency medical services instructors pursuant to this Act and to rules
8 promulgated pursuant to this Act.

9 Sec. 22. Rulemaking.

10 The Mayor shall promulgate all rules necessary to implement the provisions of this
11 Act, including but not limited to the following:

12 (a) Minimum standards of operation of an emergency medical services agency, including
13 but not limited to: medical director and staff qualifications and responsibilities; premises
14 and equipment standards; hours and scope of operation; safety and health standards; and
15 recordkeeping and reporting requirements;

16 (b) Minimum standards of operation of an emergency medical response vehicle,
17 including but not limited to: operator and attendant qualifications; vehicle, equipment, and
18 supplies requirements; safety and health standards; and recordkeeping and reporting
19 requirements;

20 (c) Minimum standards of qualification and performance for emergency medical services
21 personnel at each classification level, including but not limited to: permissible scope of practice
22 and practice settings; education and training; competency evaluations; health requirements;
23 character standards; and recertification requirements;

1 (d) Minimum standards of qualification and performance for emergency medical
2 services instructors, including but not limited to: education and training; competency
3 evaluations; and recertification requirements;

4 (e) Minimum standards of operation of an emergency medical services training facility,
5 including but not limited to: premises and equipment standards; director and instructor
6 qualifications and responsibilities; curricula and course contents; competency evaluations; and
7 recordkeeping and reporting requirements;

8 (f) Licensure and certification application, issuance, and renewal procedures;

9 (g) Grounds and procedures for denial, non-renewal, suspension, and revocation of a
10 license or certification;

11 (h) Standards and requirements for the operation of a 24-hour emergency response
12 vehicle service;

13 (i) Minimum standards and criteria for the designation of specialized trauma care
14 facilities, and for the designation of other specialized emergency medical care facilities as
15 deemed warranted by the Mayor;

16 (j) Standards and criteria for emergency medical care data collection;

17 (k) Encouraging health-care facilities, including long-term care and assisted living
18 facilities, to provide or procure inter-facility transport services independent of the 911
19 emergency system for their nonemergent needs; and

20 (l) The establishment of a fee schedule to recover the costs of regulating emergency
21 medical services agencies, emergency medical response vehicles, emergency medical services
22 personnel, and emergency medical services training facilities and instructors pursuant to this Act.

23 Sec. 23. Criminal and civil penalties.

1 (a) Any person or entity who violates any provision of this Act shall, upon conviction, be
2 subject to imprisonment not to exceed 6 months, or a fine not to exceed \$1,000.00, or both. Each
3 unlawful act shall constitute a separate violation.

4 (b) Any person or entity who has been previously convicted pursuant to this Act shall,
5 upon conviction for a subsequent violation, be subject to imprisonment not to exceed 1 year,
6 or a fine not to exceed \$5,000.00, or both.

7 (c) Civil fines and penalties may be imposed as alternative sanctions for any violations
8 of the provisions of this Act or of rules promulgated under the authority of this Act, pursuant to
9 the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective
10 October 5, 1985 (D.C. Law 6-42; D.C. Official Code §§ 2-1801.01 *et seq.*). The adjudication of
11 any infraction shall be conducted by the District of Columbia Office of Administrative Hearings,
12 pursuant to the Office of Administrative Hearings Establishment Act of 2001, effective March 6,
13 2002 (D.C. Law 14-76; D.C. Official Code §§ 2-1831.01 *et seq.*), and to the Department of
14 Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C.
15 Law 6-42; D.C. Official Code §§ 2-1801.01 *et seq.*), and to rules promulgated pursuant to those
16 Acts.

17 Sec. 24. Prosecutions.

18 (a) Criminal prosecutions for violations of this Act shall be brought by the Attorney
19 General for the District of Columbia in the name of the District of Columbia.

20 (b) In any prosecution initiated pursuant to this Act, a person or entity claiming an
21 exemption from a licensing or certification requirement contained herein shall have the burden of
22 proving entitlement to the exemption.

23 Sec. 25. Injunctions.

1 (a) The Attorney General for the District of Columbia may bring an action in the
2 Superior Court of the District of Columbia, in the name of the District of Columbia, to enjoin
3 any violation of this Act.

4 (b) The remedy established by this section shall be in addition to criminal sanctions, civil
5 sanctions, and disciplinary action initiated by the Mayor.

6 (c) In any proceeding brought pursuant to this section, it shall not be necessary to prove
7 that any person has been injured by the violation alleged.

8 Sec. 26. Repeal of existing regulations.

9 (a) To the extent not explicitly superseded by the provisions of this Act, the Ambulance
10 and Medical Personnel Regulation (29 DCMR §§ 500 *et seq.*) shall remain in effect until
11 superseded by rules promulgated by the Mayor pursuant to the authority of this Act. Upon the
12 effective date of rules promulgated pursuant to this Act, each superseded portion of the
13 Ambulance and Medical Personnel Regulation shall be deemed repealed.

14 (b) The Adult Trauma Care rules (22 DCMR §§ 2700 *et seq.*) and the Pediatric Trauma
15 care rules (22 DCMR §§ 2800 *et seq.*) shall remain in effect until superseded by new trauma care
16 rules promulgated pursuant to this Act.

17 Sec. 27. Pending actions and proceedings; existing orders.

18 (a) No judicial or administrative proceeding commenced by or against any emergency
19 medical services agency, emergency medical response vehicle owner or operator, emergency
20 medical services training facility or instructor, emergency medical technician, or paramedic shall
21 abate by reason of the taking effect of this Act. Each such action or proceeding shall be
22 continued with substitution as to parties and government agencies as appropriate.

23 (b) All decisions issued pursuant to the Ambulance and Medical Personnel Regulation

1 (29 DCMR §§ 500 *et seq.*) shall continue in effect until modified, rescinded, or superseded by
2 regulations issued pursuant to this Act.

3 Sec. 28. Fiscal Impact.

4 The Council adopts the fiscal impact statement of the Chief Financial Officer dated
5 _____ as the fiscal impact statement required by section 602(c)(3) of the District of
6 Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
7 206.02(c)(3)).

8 Sec. 29. Effective Date.

9 This Act shall take effect following approval by the Mayor (or in the event of veto by the
10 Mayor, action by the Council to override the veto), a 30-day period of Congressional review as
11 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
12 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
13 Columbia Register.