

EMERGENCY SUSPENSION OF EMS LICENSURE REQUIREMENTS

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House Bill 5723 as introduced
Sponsor: Rep. Jason M. Sheppard
Committee: Government Operations
Complete to 4-29-20

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 5723 would amend the Public Health Code to provide that, generally, during the current states of emergency and disaster, certain licensing requirements for emergency medical services would be suspended. With the exception of providing exemption from liability for certain emergency service personnel and life support agencies, the bill would codify into law Executive Order 2020-39, described below.

On March 10, 2020, Michigan's first patient tested positive for COVID-19, at which time Governor Whitmer declared a statewide state of emergency.¹ On March 23, the governor signed a "Stay Home, Stay Safe" executive order directing all state businesses and operations to temporarily suspend in-person operations not necessary to sustain or protect life.² On April 7, she issued an executive order suspending certain licensing requirements and restrictions placed on emergency medical services, in recognition of the challenges faced by Michigan's first responders.³ The order took effect immediately and continues until the end of the declared states of emergency and disaster.

Executive Order 2020-39 wholly or partially suspends compliance with various rules and laws that pertain to emergency medical service providers and authorizes the Department of Health and Human Services (DHHS) to implement the order. Specifically, the order does all of the following:

- Suspends the required annual inspection of life support agencies and life support vehicles. Under the order, DHHS must inspect an agency or vehicle that it has reason to believe is out of compliance. Such an inspection must, to the extent possible, be conducted using remote means.
- Allows a medical first responder to staff an ambulance designated as providing limited advanced life support or advanced life support while that ambulance is transporting a patient (rather than the emergency medical technician required under the Public Health Code).

¹ Executive Order 2020-04, issued March 10, 2020 (<https://www.legislature.mi.gov/documents/2019-2020/executiveorder/pdf/2020-EO-04.pdf>); rescinded and replaced on April 1 with Executive Order 2020-33 (<https://www.legislature.mi.gov/documents/2019-2020/executiveorder/pdf/2020-EO-33.pdf>).

² Executive Order 2020-21, issued March 23, 2020 (<https://www.legislature.mi.gov/documents/2019-2020/executiveorder/pdf/2020-EO-21.pdf>); extended through April 30, 2020 on April 9, 2020 by Executive Order 2020-42 (<https://www.legislature.mi.gov/documents/2019-2020/executiveorder/pdf/2020-EO-42.pdf>).

³ Executive Order 2020-39, issued April 7, 2020: <http://www.legislature.mi.gov/documents/2019-2020/executiveorder/pdf/2020-EO-39.pdf>

- Allows the life support levels of ambulances and nontransport prehospital life support vehicles to be downgraded if necessary without notice to DHHS as follows:
 - An ambulance or vehicle designated as providing advanced life support can be designated as providing limited advanced life support or basic life support.
 - An ambulance or vehicle designated as providing limited advanced life support can be designated as providing basic life support.
- Allows the medical control authority to designate the transport destination of emergency and nonemergency patients.
- Waives verification of ongoing education requirements for license renewal or relicensure (if licensed within the last five years) for emergency medical services personnel.
- Waives verification of certain licensure standards for applicants licensed in another state.
- Delays expiration of emergency services personnel licenses that have expired or will expire during the declared states of emergency and disaster.
- Delays expiration of professional certifications in basic cardiac life support that have expired or will expire during the declared states of emergency and disaster.
- Provides immunity from liability for emergency services personnel and life support agencies providing medical services in response to the COVID-19 pandemic, except for injuries or death caused by gross negligence.
- Allows DHHS to promulgate rules, issue orders and directives, and take any other actions under law as necessary to implement the executive order. The rules, orders, directives, or other actions are only effective until the end of the declared states of emergency and disaster.

House Bill 5723 would generally codify those provisions into law. However, the bill would not include the provision of EO 2020-39 that provides immunity from liability for medical services rendered during the pandemic.

MCL 333.20910 et al

FISCAL IMPACT:

House Bill 5723 would have fiscal implications for DHHS for the Emergency Medical Services (EMS) licensing and enforcement program. Program costs and fee revenue would both be reduced related to the licensing process for EMS agencies, life support vehicles and personnel, as many licensing requirements would be suspended or delayed. Licensing fees are established in statute under Part 209 of the Public Health Code and are used only to support the EMS licensing program. Current year funding supporting EMS licensing programs is about \$2.0 million Gross, including \$1.5 million GF/GP and \$505,000 from licensing fees.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.