

HOUSE BILL NO. 5723

April 24, 2020, Introduced by Rep. Sheppard and referred to the Committee on Government Operations.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 20910, 20921, 20954, 20958, and 20961 (MCL 333.20910, 333.20921, 333.20954, 333.20958, and 333.20961), section 20910 as amended by 2006 PA 582, section 20921 as amended by 2014 PA 413, section 20954 as amended by 2000 PA 375, section 20958 as amended by 2010 PA 304, and section 20961 as added by 1990 PA 179, and by adding section 20960.



THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 20910. (1) The department shall do all of the following:

2 (a) Be responsible for the development, coordination, and
3 administration of a statewide emergency medical services system.

4 (b) Facilitate and promote programs of public information and
5 education concerning emergency medical services.

6 (c) In case of actual disasters and disaster training drills
7 and exercises, provide emergency medical services resources
8 ~~pursuant to~~**under** applicable provisions of the Michigan emergency
9 preparedness plan, or as prescribed by the director of emergency
10 services ~~pursuant to~~**under** the emergency management act, 1976 PA
11 390, MCL 30.401 to 30.421.

12 (d) Consistent with the rules of the ~~federal communications~~
13 ~~commission~~**Federal Communications Commission**, plan, develop,
14 coordinate, and administer a statewide emergency medical services
15 communications system.

16 (e) Develop and maintain standards of emergency medical
17 services and personnel as follows:

18 (i) License emergency medical services personnel in accordance
19 with this part.

20 (ii) License ambulance operations, nontransport prehospital
21 life support operations, and medical first response services in
22 accordance with this part.

23 (iii) ~~At~~**Subject to section 20960**, at least annually, inspect or
24 provide for the inspection of each life support agency, except
25 medical first response services. As part of that inspection, the
26 department shall conduct random inspections of life support
27 vehicles. If a life support vehicle is determined by the department
28 to be out of compliance, the department shall give the life support



1 agency 24 hours to bring the life support vehicle into compliance.
2 If the life support vehicle is not brought into compliance in that
3 time period, the department shall order the life support vehicle
4 taken out of service until the life support agency demonstrates to
5 the department, in writing, that the life support vehicle has been
6 brought into compliance.

7 (iv) Promulgate rules to establish the requirements for
8 licensure of life support agencies, vehicles, and individuals
9 licensed under this part to provide emergency medical services and
10 other rules necessary to implement this part. The department shall
11 submit all proposed rules and changes to the state emergency
12 medical services coordination committee and provide a reasonable
13 time for the committee's review and recommendations before
14 submitting the rules for public hearing under the administrative
15 procedures act of 1969.

16 (f) Promulgate rules to establish and maintain standards for
17 and regulate the use of descriptive words, phrases, symbols, or
18 emblems that represent or denote that an ambulance operation,
19 nontransport prehospital life support operation, or medical first
20 response service is or may be provided. The department's authority
21 to regulate use of the descriptive devices includes use for the
22 purposes of advertising, promoting, or selling the services
23 rendered by an ambulance operation, nontransport prehospital life
24 support operation, or medical first response service, or by
25 emergency medical services personnel.

26 (g) Designate a medical control authority as the medical
27 control for emergency medical services for a particular geographic
28 region as provided for under this part.

29 (h) Develop and implement field studies involving the use of



skills, techniques, procedures, or equipment that are not included as part of the standard education for medical first responders, emergency medical technicians, emergency medical technician specialists, or paramedics, if all of the following conditions are met:

(i) The state emergency medical services coordination committee reviews the field study prior to implementation.

(ii) The field study is conducted in an area for which a medical control authority has been approved ~~pursuant to~~ **under** subdivision (g).

(iii) The medical first responders, emergency medical technicians, emergency medical technician specialists, and paramedics participating in the field study receive training for the new skill, technique, procedure, or equipment.

(i) Collect data as necessary to assess the need for and quality of emergency medical services throughout ~~the~~ **this** state ~~pursuant to~~ **under** 1967 PA 270, MCL 331.531 to ~~331.533~~ **331.534**.

(j) Develop, with the advice of the emergency medical services coordination committee, an emergency medical services plan that includes rural issues.

(k) Develop recommendations for territorial boundaries of medical control authorities that are designed to ~~assure~~ **ensure** that there exists reasonable emergency medical services capacity within the boundaries for the estimated demand for emergency medical services.

(l) Within 1 year after the statewide trauma care advisory subcommittee is established under section 20917a and in consultation with the statewide trauma care advisory subcommittee, develop, implement, and promulgate rules for the implementation and



1 operation of a statewide trauma care system within the emergency
2 medical services system consistent with the document entitled
3 "Michigan Trauma Systems Plan" prepared by the Michigan ~~trauma~~
4 ~~coalition~~, **Trauma Coalition**, dated November 2003. The
5 implementation and operation of the statewide trauma care system,
6 including the rules promulgated in accordance with this
7 subdivision, are subject to review by the emergency medical
8 services coordination committee and the statewide trauma care
9 advisory subcommittee. The rules promulgated under this subdivision
10 shall not require a hospital to be designated as providing a
11 certain level of trauma care. ~~Upon~~**On** implementation of a statewide
12 trauma care system, the department shall review and identify
13 potential funding mechanisms and sources for the statewide trauma
14 care system.

15 (m) Promulgate other rules to implement this part.

16 (n) Perform other duties as set forth in this part.

17 (2) The department may do all of the following:

18 (a) In consultation with the emergency medical services
19 coordination committee, promulgate rules to require an ambulance
20 operation, nontransport prehospital life support operation, or
21 medical first response service to periodically submit designated
22 records and data for evaluation by the department.

23 (b) Establish a grant program or contract with a public or
24 private agency, emergency medical services professional
25 association, or emergency medical services coalition to provide
26 training, public information, and assistance to medical control
27 authorities and emergency medical services systems or to conduct
28 other activities as specified in this part.

29 Sec. 20921. (1) An ambulance operation shall do all of the



1 following:

2 (a) Except as provided in section 20921a, provide at least 1
3 ambulance available for response to requests for emergency
4 assistance on a 24-hour-a-day, 7-day-a-week basis in accordance
5 with local medical control authority protocols.

6 (b) Respond or ensure that a response is provided to each
7 request for emergency assistance originating from within the bounds
8 of its service area.

9 (c) Operate under the direction of a medical control authority
10 or the medical control authorities with jurisdiction over the
11 ambulance operation.

12 (d) Notify the department immediately of a change that would
13 alter the information contained on its application for an ambulance
14 operation license or renewal.

15 (e) Subject to section 20920(7) to (12) and section 20921a,
16 provide life support consistent with its license and approved local
17 medical control authority protocols to each emergency patient
18 without prior inquiry into ability to pay or source of payment.

19 (2) An ambulance operation shall not do any of the following:

20 (a) Knowingly provide a person with false or misleading
21 information concerning the time at which an emergency response will
22 be initiated or the location from which the response is being
23 initiated.

24 (b) Induce or seek to induce any person engaging an ambulance
25 to patronize a long-term care facility, mortuary, or hospital.

26 (c) Advertise, or permit advertising of, within or on the
27 premises of the ambulance operation or within or on an ambulance,
28 the name or the services of an attorney, accident investigator,
29 nurse, physician, long-term care facility, mortuary, or hospital.



1 If 1 of those persons or facilities owns or operates an ambulance
2 operation, the person or facility may use its business name in the
3 name of the ambulance operation and may display the name of the
4 ambulance operation within or on the premises of the ambulance
5 operation or within or on an ambulance.

6 (d) Advertise or disseminate information for the purpose of
7 obtaining contracts under a name other than the name of the person
8 holding an ambulance operation license or the trade or assumed name
9 of the ambulance operation.

10 (e) If the ambulance operation is operating under an ambulance
11 operation upgrade license issued under section 20920(7) to (12),
12 advertise or otherwise hold itself out as a full-time transporting
13 limited advanced life support service or a full-time transporting
14 advanced life support service unless the ambulance operation
15 actually provides those services on a 24-hour-per-day, 7-day-a-week
16 basis.

17 (3) Except as provided in subsection (4) and section 20921a
18 **and subject to section 20960**, an ambulance operation shall not
19 operate, attend, or permit an ambulance to be operated while
20 transporting a patient unless the ambulance is, at a minimum,
21 staffed as follows:

22 (a) If designated as providing basic life support, with at
23 least 1 emergency medical technician and 1 medical first responder.

24 (b) If designated as providing limited advanced life support,
25 with at least 1 emergency medical technician specialist and 1
26 emergency medical technician.

27 (c) If designated as providing advanced life support, with at
28 least 1 paramedic and 1 emergency medical technician.

29 (4) An ambulance operation that is licensed to provide



1 advanced life support and has more than 1 ambulance licensed under
2 its operation may operate an ambulance licensed to provide basic
3 life support or limited advanced life support at a higher level of
4 life support if all of the following are met:

5 (a) The ambulance operation has at least 1 ambulance under its
6 operation that is properly staffed and available to provide
7 advanced life support on a 24-hour-a-day, 7-day-a-week basis.

8 (b) The licensed personnel required to operate at that higher
9 level of life support are available at the scene and in the
10 ambulance during the patient transport to provide life support to
11 that patient at that higher level.

12 (c) The ambulance meets all equipment and communication
13 requirements to operate at that higher level of life support.

14 (d) The ambulance operation that is unable to respond to a
15 request for emergency assistance immediately requests assistance
16 ~~pursuant to~~ **under** protocols established by the local medical
17 control authority and approved by the department under this part.

18 (5) Except as provided in subsection (6), an ambulance
19 operation shall ensure that an emergency medical technician, an
20 emergency medical technician specialist, or a paramedic is in the
21 patient compartment of an ambulance while transporting an emergency
22 patient.

23 (6) Subsection (5) does not apply to the transportation of a
24 patient by an ambulance if the patient is accompanied in the
25 patient compartment of the ambulance by an appropriate licensed
26 health professional designated by a physician and after a
27 physician-patient relationship has been established as prescribed
28 in this part or the rules promulgated by the department under this
29 part.



1 Sec. 20954. (1) ~~Upon~~ **Subject to section 20960, on** proper
2 application to the department and payment of the renewal fee under
3 subsection (2), the department may renew an emergency medical
4 services personnel license if the applicant meets the requirements
5 of this part and provides, upon request of the department,
6 verification of having met ongoing education requirements
7 established by the department. If an applicant for renewal fails to
8 provide the department with a change of address, the applicant
9 shall pay a \$20.00 fee in addition to the renewal and late fees
10 required under subsections (2) and (3).

11 (2) Except as otherwise provided in subsection (5), an
12 applicant for renewal of a license under section 20950 shall pay a
13 renewal fee as follows:

- 14 (a) Medical first responder - no fee.
15 (b) Emergency medical technician - \$25.00.
16 (c) Emergency medical technician specialist - \$25.00.
17 (d) Paramedic - \$25.00.
18 (e) Emergency medical services instructor-coordinator -
19 \$25.00.

20 (3) Except as otherwise provided in subsection (5), if an
21 application for renewal under subsection (1) is postmarked after
22 the date the license expires, the applicant shall pay a late fee in
23 addition to the renewal fee under subsection (2) as follows:

- 24 (a) Medical first responder - \$50.00.
25 (b) Emergency medical technician - \$50.00.
26 (c) Emergency medical technician specialist - \$50.00.
27 (d) Paramedic - \$50.00.
28 (e) Emergency medical services instructor-coordinator -
29 \$50.00.



1 (4) A license or registration shall be renewed by the licensee
2 on or before the expiration date as prescribed by rule. The
3 department shall mail a notice to the licensee at the last known
4 address on file with the department advising of the time,
5 procedure, and fee for renewal. Failure of the licensee to receive
6 notice under this subsection does not relieve the licensee of the
7 responsibility for renewing his or her license. A license not
8 renewed by the expiration date may be renewed within 60 days of the
9 expiration date upon application, payment of renewal and late
10 renewal fees, and fulfillment of any continued continuing education
11 requirements set forth in rules promulgated under this article. The
12 licensee may continue to practice and use the title during the 60-
13 day period. If a license is not so renewed within 60 days of the
14 expiration date, the license is void. The licensee shall not
15 practice or use the title. An individual may be relicensed within 3
16 years of the expiration date upon application, payment of the
17 application processing, renewal, and late renewal fees, and
18 fulfillment of any continuing education requirements in effect at
19 the time of the expiration date, or that would have been required
20 had the individual renewed his or her license ~~pursuant to~~ **under**
21 subsection (1). An individual may be relicensed more than 3 years
22 after the expiration date upon application as a new applicant,
23 meeting all licensure requirements in effect at the time of
24 application, taking or retaking and passing any examinations
25 required for initial licensure, and payment of fees required of new
26 applicants.

27 (5) If a life support agency certifies to the department that
28 an applicant for renewal under this section is a volunteer and if
29 the life support agency does not charge for its services, the



1 department shall not require the applicant to pay the fee required
2 under subsection (2) or a late fee under subsection (3). If the
3 applicant for renewal ceases to meet the definition of a volunteer
4 under this part at any time during the effective period of his or
5 her license renewal and is employed as a licensee under this part,
6 the applicant for renewal shall at that time pay the fee required
7 under subsection (2).

8 (6) An individual seeking renewal under this section is not
9 required to maintain national registry status as a condition of
10 license renewal.

11 Sec. 20958. (1) The department may deny, revoke, or suspend an
12 emergency medical services personnel license upon finding that an
13 applicant or licensee meets 1 or more of the following:

14 (a) Is guilty of fraud or deceit in procuring or attempting to
15 procure licensure.

16 (b) Has illegally obtained, possessed, used, or distributed
17 drugs.

18 (c) Has practiced after his or her license has expired or has
19 been suspended.

20 (d) Has knowingly violated, or aided or abetted others in the
21 violation of, this part or rules promulgated under this part.

22 (e) Is not performing in a manner consistent with his or her
23 education, licensure, or approved medical control authority
24 protocols.

25 (f) Is physically or mentally incapable of performing his or
26 her prescribed duties.

27 (g) Has been convicted of a criminal offense under sections
28 520a to ~~520l~~**520o** of the Michigan penal code, 1931 PA 328, MCL
29 750.520a to ~~750.520l~~**750.520o**. A certified copy of the court record



1 is conclusive evidence of the conviction.

2 (h) Has been convicted of a misdemeanor or felony reasonably
3 related to and adversely affecting the ability to practice in a
4 safe and competent manner. A certified copy of the court record is
5 conclusive evidence of the conviction.

6 (2) ~~The Subject to section 20960, the~~ department shall provide
7 notice of intent to deny, revoke, or suspend an emergency services
8 personnel license by certified mail or personal service. The notice
9 of intent shall set forth the particular reasons for the proposed
10 action and shall advise the applicant or licensee that he or she is
11 entitled to the opportunity for a hearing before the director or
12 the director's authorized representative. If the person to whom the
13 notice is sent does not make a written request to the department
14 for a hearing within 30 days of receiving the notice, the license
15 is considered denied, revoked, or suspended as stated in the
16 notice. If requested, the hearing ~~shall~~**must** be conducted ~~pursuant~~
17 ~~to~~**under** the administrative procedures act of 1969 and rules
18 promulgated by the department. A full and complete record ~~shall~~
19 **must** be kept of the proceeding and ~~shall~~**must** be transcribed when
20 requested by an interested party, who shall pay the cost of
21 preparing the transcript. On the basis of a hearing or on the
22 default of the applicant or licensee, the department may issue,
23 deny, suspend, or revoke a license.

24 (3) The department may establish procedures, hold hearings,
25 administer oaths, issue subpoenas, or order testimony to be taken
26 at a hearing or by deposition in a proceeding pending at any stage
27 of the proceeding. A person may be compelled to appear and testify
28 and to produce books, papers, or documents in a proceeding.

29 (4) In case of disobedience of a subpoena, a party to a



1 hearing may invoke the aid of the circuit court of the jurisdiction
2 in which the hearing is held to require the attendance and
3 testimony of witnesses. The circuit court may issue an order
4 requiring an individual to appear and give testimony. Failure to
5 obey the order of the circuit court may be punished by the court as
6 a contempt.

7 **Sec. 20960. (1) Notwithstanding any provision of this part to**
8 **the contrary, during the states of emergency and disaster declared**
9 **under Executive Order No. 2020-39 or any extension of that order,**
10 **all of the following relief measures apply:**

11 **(a) The department may temporarily suspend strict compliance**
12 **with the annual inspection requirements for life support vehicles**
13 **and life support agencies under section 20910(1)(e)(iii). The**
14 **department shall inspect a life support vehicle or life support**
15 **agency if the department has reason to believe that the vehicle or**
16 **agency is out of compliance. An inspection conducted under this**
17 **subdivision must, to the greatest extent possible, be conducted**
18 **remotely, such as by videoconferencing, telephone conversation, and**
19 **electronic review of required documents.**

20 **(b) The department may temporarily suspend strict compliance**
21 **with the ambulance staffing requirements under section 20921(3). An**
22 **ambulance must not be operated while transporting a patient unless**
23 **it is staffed with emergency medical services personnel possessing**
24 **at least the following qualifications:**

25 **(i) If designated as providing basic life support, with at**
26 **least 1 emergency medical technician and 1 medical first responder.**

27 **(ii) If designated as providing limited advanced life support,**
28 **with at least 1 emergency medical technician specialist and 1**
29 **medical first responder.**



(iii) If designated as providing advanced life support, with at least 1 paramedic and 1 medical first responder.

(c) An ambulance operation or nontransport prehospital life support operation may downgrade the life support level of its vehicles according to staffing and vehicle availability without advising the department as follows:

(i) An ambulance or nontransport prehospital life support vehicle that is designated as providing advanced life support may be designated as providing limited advanced life support or basic life support.

(ii) An ambulance or nontransport prehospital life support vehicle that is designated as providing limited advanced life support may be designated as providing basic life support.

(iii) Any ambulance operation or nontransport prehospital life support operation that has downgraded a vehicle under this subdivision must appropriately and securely store all advanced level equipment and medications that should no longer be in the downgraded vehicle.

(d) The transport of a patient, whether emergency or nonemergency, is allowed to any destination designated by the medical control authority.

(e) The department may waive verification of ongoing education requirements when reviewing an application for renewal or relicensure of an emergency medical services personnel license. If the application is for relicensure, the department may only waive verification if the applicant has been licensed by the department within the last 5 years.

(f) All emergency medical services personnel licenses that have expired since March 10, 2020 or that would expire during the



1 declared states of emergency and disaster are considered unexpired
2 and do not expire until 6 months after the end of the declared
3 states of emergency and disaster.

4 (g) All professional certifications in basic cardiac life
5 support that have expired since March 10, 2020 or that would expire
6 during the declared states of emergency and disaster are considered
7 unexpired and do not expire until 6 months after the end of the
8 declared states of emergency and disaster.

9 (h) The department may temporarily suspend compliance with
10 section 20961(1) (a) and (d) to grant a license under this part to
11 an applicant licensed in another state without regard to whether
12 the applicant meets the requirements of this part and the rules
13 promulgated by the department for licensure or whether the state in
14 which the applicant is licensed maintains licensure standards
15 equivalent to or more stringent than those of this state.

16 (i) The department may temporarily suspend strict compliance
17 with section 20958(2) to allow a notice of intent to deny, revoke,
18 or suspend an emergency services personnel license to be provided
19 to the applicant or licensee by electronic communication.

20 (j) The department may promulgate rules, issue orders and
21 directives, and take other actions provided by law as necessary to
22 implement Executive Order No. 2020-39. Any rules, orders,
23 directives, and actions taken under this subdivision ceases to be
24 in effect at the end of the declared states of emergency and
25 disaster.

26 (2) As used in this section, "COVID-19" means coronavirus
27 disease 2019 (COVID-19).

28 Sec. 20961. (1) The department may grant a license under this
29 part to a person who is licensed in another state at the time of



1 application if the applicant provides evidence satisfactory to the
2 department as to all of the following:

3 (a) ~~The~~**Subject to section 20960, the** applicant meets the
4 requirements of this part and rules promulgated by the department
5 for licensure.

6 (b) There are no pending disciplinary proceedings against the
7 applicant before a similar licensing agency of this or any other
8 state or country.

9 (c) If sanctions have been imposed against the applicant by a
10 similar licensing agency of this or any other state or country
11 based upon grounds that are substantially similar to those set
12 forth in section 20165 or 20958, as determined by the department,
13 the sanctions are not in force at the time of the application.

14 (d) ~~The~~**Subject to section 20960, the** other state maintains
15 licensure standards equivalent to or more stringent than those of
16 this state.

17 (2) The department may make an independent inquiry to
18 determine whether an applicant meets the requirements described in
19 subsection (1) (b) and (c).

