

IN THE SENATE

SENATE BILL NO. 1108, As Amended

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO EMERGENCY MEDICAL SERVICES; AMENDING SECTION 56-1011,
2 IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES; AMENDING
3 SECTION 56-1012, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES,
4 TO REMOVE DEFINITIONS, TO REVISE DEFINITIONS, TO DEFINE NEW TERMS
5 AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 56-1013,
6 IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE A TECHNICAL
7 CORRECTION; AMENDING SECTION 56-1013A, IDAHO CODE, TO CORRECT
8 REFERENCE TO THE BOARD OF HEALTH AND WELFARE, TO PROVIDE FOR
9 CONTINUOUS APPROPRIATION OF INITIAL APPLICATION FEE, TO PROVIDE
10 A CORRECT CODE REFERENCE, TO REVISE TERMINOLOGY AND TO MAKE
11 A TECHNICAL CORRECTION; AMENDING SECTION 56-1014, IDAHO CODE,
12 TO REVISE DUTIES, TO PROVIDE CORRECT CODE REFERENCES AND TO
13 REVISE TERMINOLOGY; AMENDING SECTION 56-1015, IDAHO CODE, TO
14 PROVIDE CORRECT CODE REFERENCES AND TO REVISE TERMINOLOGY;
15 AMENDING SECTION 56-1016, IDAHO CODE, TO REVISE TERMINOLOGY, TO
16 PROVIDE STANDARDS FOR AIR MEDICAL SERVICE, TO REVISE AGENCY
17 MINIMUM STANDARDS, TO PROVIDE FOR NONTRANSPORT SERVICE
18 MINIMUM STANDARDS WAIVER, TO REQUIRE APPLICANTS TO SUBMIT
19 CERTAIN INFORMATION AND AGREE TO MEET CERTAIN REQUIREMENTS,
20 TO PROVIDE THAT THE EMS BUREAU PROVIDE CERTAIN NOTICE TO
21 CERTAIN ENTITIES, TO PROVIDE CERTAIN LIMITATIONS ON THE USE OF
22 CERTAIN DATA, TO PROVIDE FOR LICENSE DENIAL APPEAL AND TO MAKE
23 TECHNICAL CORRECTIONS; AMENDING CHAPTER 10, TITLE 56, IDAHO CODE,
24 BY THE ADDITION OF NEW SECTIONS 56-1020, 56-1021 AND 56-1022, IDAHO
25 CODE, TO PROVIDE PENALTIES FOR PERSONNEL LICENSE VIOLATIONS, TO
26 PROVIDE PENALTIES FOR AGENCY LICENSE VIOLATIONS, TO PROVIDE FOR
27 PERSONNEL AND AGENCY LICENSURE ACTION, TO PROVIDE GROUNDS AND
28 TO PROVIDE PROCEDURE; AMENDING SECTION 56-1017, IDAHO CODE, TO
29 REDESIGNATE THE SECTION, TO REVISE BOARD RULEMAKING AUTHORITY,
30 TO REVISE EMS BUREAU GUIDELINE RESPONSIBILITY, TO PROVIDE A
31 CORRECT CODE REFERENCE AND TO REVISE TERMINOLOGY.
32

33 Be It Enacted by the Legislature of the State of Idaho:

34 SECTION 1. That Section 56-1011, Idaho Code, be, and the same is hereby amended to
35 read as follows:

36 56-1011. EMERGENCY MEDICAL SERVICES – STATEMENT OF INTENT. It is
37 the purpose of the legislature of the state of Idaho in the adoption of sections 56-1011 through
38 56-1018B23, Idaho Code, to recognize the importance of the delivery of emergency medical

1 services and to provide reasonable regulation of the same. For this purpose, the provisions of
 2 section 54-1803, Idaho Code, shall not be so construed as to prohibit or penalize emergency
 3 medical services rendered by a person authorized to render emergency medical services by
 4 sections 56-1011 through 56-1018B23, Idaho Code, if such emergency medical service is
 5 rendered under the responsible supervision and control of a licensed physician.

6 SECTION 2. That Section 56-1012, Idaho Code, be, and the same is hereby amended to
 7 read as follows:

8 56-1012. DEFINITIONS. As used in sections 56-1011 through 56-1018B23, Idaho
 9 Code:

10 (1) "Advanced emergency medical technician" means a person who has met the
 11 qualifications for licensure as set forth in sections 56-1011 through 56-1023, Idaho Code, is
 12 licensed by the EMS bureau under sections 56-1011 through 56-1023, Idaho Code, carries out
 13 the practice of emergency care within the scope of practice determined by the commission and
 14 practices under the supervision of an Idaho licensed physician.

15 (2) "Agency" means any organization licensed by the EMS bureau that operates an air
 16 medical service, ambulance service or nontransport service.

17 (3) "Air ambulance" means any privately or publicly owned fixed wing aircraft or rotary
 18 wing aircraft used for, or intended to be used for, the transportation of persons experiencing
 19 physiological or psychological illness or injury who may need medical attention during
 20 transport. This may include dual or multipurpose vehicles which otherwise comply with
 21 sections 56-1011 through 56-1023, Idaho Code, and specifications established by board rule.

22 (4) "Air medical service" means an agency licensed by the EMS bureau that responds to
 23 requests for patient care and transportation from hospitals and EMS agencies using a fixed wing
 24 aircraft or rotary wing aircraft.

25 (5) "Ambulance" means any privately or publicly owned ~~ground motor vehicle, or~~
 26 nautical vessel, ~~fixed wing aircraft or rotary wing aircraft~~ used for, or intended to be used for,
 27 the transportation of sick or injured persons who may need medical attention during transport.
 28 This may include dual or multipurpose vehicles which otherwise comply with sections 56-1011
 29 through 56-1018B23, Idaho Code, and specifications established by ~~the board of health and~~
 30 welfare rule.

31 (6) "Ambulance service" means an agency licensed by the EMS bureau operated with the
 32 intent to provide personnel and equipment for medical treatment at an emergency scene, during
 33 transportation or during transfer of persons experiencing physiological or psychological illness
 34 or injury who may need medical attention during transport.

35 (7) "Applicant" means any organization that is requesting an agency license under this
 36 chapter and includes the following:

37 (a) An organization seeking a new license;

38 (b) An existing agency that intends to change the level of licensed personnel it utilizes;

39 (c) An existing agency that intends to change its geographic coverage area, except by
 40 agency annexation;

41 (d) An existing nontransport service that intends to provide ambulance service;

42 (e) An existing ambulance service that intends to discontinue transport and become a
 43 nontransport service.

44 (28) "Board of Health and Welfare" means the Idaho board of health and welfare.

~~(3) "Certified Personnel" means individuals who have completed training and successfully passed examinations for training and skills proficiency in one (1) or several levels as certified by the department of health and welfare. These several levels of certified personnel shall include:~~

~~(a) FR—"First Responder" (hereafter FR) means an individual certified by the EMS bureau of the Idaho department of health and welfare as an FR on the basis of successful completion of an FR course approved by the board of health and welfare and subsequent required continuing training.~~

~~(b) EMT B—"Emergency Medical Technician Basic" (hereafter EMT B) means an individual certified by the EMS bureau of the Idaho department of health and welfare on the basis of successful completion of an EMT B course approved by the board of health and welfare and subsequent required continuing training.~~

~~(c) "Ambulance Rating" means a certification issued by the EMS bureau of the Idaho department of health and welfare to an EMT B on the basis of successful completion of supervised infield ambulance experience as defined by the board of health and welfare.~~

~~(d) "Advanced Emergency Medical Technician Ambulance" (hereafter advanced EMT A) means a person who:~~

~~(i) Is certified by the EMS bureau of the Idaho department of health and welfare on the basis of successful completion of EMT A training and in addition, has completed advanced training in such techniques as intravenous fluid therapy, airway management, and subsequent required continued training; and~~

~~(ii) Has received additional training under the supervision of a licensed physician:~~

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

~~(B) To perform such other acts under written or oral authorization of a licensed physician as shall be defined by the commission; and~~

~~(iii) Has been examined and certified as an advanced EMT A by an authorized representative of the department.~~

~~(e) "Emergency Medical Technician Intermediate" (hereafter EMT I) means a person who:~~

~~(i) Has completed all the requirements for certification as an EMT I; and~~

~~(ii) Has successfully completed a course in patient care including the required training under the supervision of a licensed physician covering the scope of practice defined by the commission; and~~

~~(iii) Has been examined and certified as an EMT I by an authorized representative of the department.~~

~~(f) "Emergency Medical Technician Paramedic" (hereafter EMT P) means a person who:~~

~~(i) Has completed all the requirements for certification as an EMT P; and~~

~~(ii) Has successfully completed a course in intensive patient care including the required training under the supervision of a licensed physician, including training in cardiac defibrillation, cardiac monitoring, endotracheal intubation and drug administration; and~~

~~(iii) Has been examined and certified as an EMT P by an authorized representative of the department.~~

~~(49) "Commission" means the Idaho emergency medical services physician commission.~~

~~(510) "Department" means the Idaho department of health and welfare.~~

1 (11) "Emergency medical responder" means a person who has met the qualifications for
 2 licensure as set forth in sections 56-1011 through 56-1023, Idaho Code, is licensed by the
 3 EMS bureau under sections 56-1011 through 56-1023, Idaho Code, carries out the practice of
 4 emergency care within the scope of practice determined by the commission and practices under
 5 the supervision of an Idaho licensed physician.

6 ~~(612)~~ "Emergency M~~e~~medical S~~e~~services" or "EMS" means the ~~services~~ system utilized in
 7 responding to a perceived individual need for immediate care in order to prevent loss of life or
 8 aggravation of physiological or psychological illness or injury.

9 (13) "EMS bureau" means the bureau of emergency medical services of the department.

10 (14) "Emergency medical technician" means a person who has met the qualifications for
 11 licensure as set forth in sections 56-1011 through 56-1023, Idaho Code, is licensed by the
 12 EMS bureau under sections 56-1011 through 56-1023, Idaho Code, carries out the practice of
 13 emergency care within the scope of practice determined by the commission and practices under
 14 the supervision of an Idaho licensed physician.

15 (15) "Licensed personnel" means those individuals who are emergency medical
 16 responders, emergency medical technicians, advanced emergency medical technicians and
 17 paramedics.

18 (16) "National emergency medical services information system technical assistance
 19 center" means an organization that validates software for compliance with the EMS data
 20 set defined by the United States department of transportation national highway traffic safety
 21 administration.

22 ~~(717)~~ "Non Transport S~~e~~Nontransport service" means an ~~service~~ agency licensed by the
 23 department of health and welfare, EMS bureau, operated with the intent to provide personnel or
 24 equipment for medical stabilization at an emergency scene, but not intended to be the service
 25 that will actually transport sick or injured persons.

26 ~~(818)~~ "Non Transport V~~e~~Nontransport vehicle" means any vehicle ~~licensed by the~~
 27 department of health and welfare, EMS bureau, operated by an agency with the intent to
 28 provide personnel or equipment for medical stabilization at an emergency scene, but not
 29 intended as the vehicle that will actually transport sick or injured persons.

30 (19) "Paramedic" means a person who has met the qualifications for licensure as set
 31 forth in sections 56-1011 through 56-1023, Idaho Code, is licensed by the EMS bureau under
 32 sections 56-1011 through 56-1023, Idaho Code, carries out the practice of emergency care
 33 within the scope of practice determined by the commission and practices under the supervision
 34 of an Idaho licensed physician.

35 ~~(920)~~ "Supervision" means the medical direction by a licensed physician of activities
 36 provided by ~~certified~~ licensed personnel affiliated with a licensed ambulance, air medical or
 37 ~~non-transport~~ nontransport service, including, but not limited to: establishing standing orders
 38 and protocols, reviewing performance of ~~certified~~ licensed personnel, providing instructions for
 39 patient care via radio or telephone, and other oversight.

40 ~~(210)~~ "Transfer" means the transportation of a patient from one (1) medical care facility
 41 to another.

42 SECTION 3. That Section 56-1013, Idaho Code, be, and the same is hereby amended to
 43 read as follows:

44 56-1013. AUTHORIZED ACTIONS. Persons ~~certified~~ licensed by the ~~department~~ EMS
 45 bureau shall be authorized to perform such acts under written or oral authorization of a licensed

1 physician as shall be established by rules of the commission, including, but not limited to,
 2 administration of intravenous solutions and drugs, cardiac defibrillation, airway management,
 3 endotracheal intubation, and other patient care.

4 SECTION 4. That Section 56-1013A, Idaho Code, be, and the same is hereby amended
 5 to read as follows:

6 56-1013A. IDAHO EMERGENCY MEDICAL SERVICES PHYSICIAN
 7 COMMISSION – TERMS AND OPERATION. (1) There is hereby created in the department
 8 ~~of health and welfare~~ an Idaho emergency medical services physician commission for the
 9 purpose of establishing standards for scope of practice and medical supervision for certified
 10 licensed personnel, ~~ambulance services,~~ and ~~nontransport~~ agencies licensed by the ~~department~~
 11 EMS bureau, and for making disciplinary action recommendations to the ~~department~~ EMS
 12 bureau against certified licensed personnel. Notwithstanding any other provision of law to the
 13 contrary, the commission shall exercise its powers and duties in accordance with the provisions
 14 of sections 56-1011 through 56-101~~B~~23, Idaho Code, relative to scope of practice and medical
 15 supervision of certified licensed personnel.

16 (2) The commission shall be composed of eleven (11) voting members appointed by the
 17 governor upon assurance of equitable geographic and rural representation. Six (6) members
 18 shall be physicians currently licensed in Idaho and appointed as follows: one (1) member
 19 representing the Idaho board of medicine as provided in chapter 18, title 54, Idaho Code,
 20 one (1) member representing the Idaho medical association, one (1) member representing the
 21 ~~emergency medical services (EMS) bureau of the department,~~ one (1) member representing the
 22 Idaho chapter of the American college of emergency physicians, one (1) member representing
 23 the Idaho chapter of the American academy of pediatrics and one (1) member representing
 24 the Idaho chapter of the American college of surgeons committee on trauma. Three (3)
 25 members shall be physicians currently licensed in Idaho and practicing as an EMS medical
 26 director representing the following associations: one (1) member representing the Idaho
 27 association of counties, one (1) member representing the Idaho fire chiefs association and one
 28 (1) member representing the Idaho hospital association. Two (2) members shall be Idaho
 29 citizens representing the public interest.

30 (3) Except as provided in this subsection, members of the commission shall be appointed
 31 for a term of three (3) years. The following four (4) members shall be appointed to an
 32 initial term of two (2) years: the member representing the board of medicine, the member
 33 representing the Idaho chapter of the American college of emergency physicians, the member
 34 representing the Idaho chapter of the American college of surgeons committee on trauma and
 35 the member representing the Idaho fire chiefs association. The remaining seven (7) members
 36 shall be appointed for an initial term of three (3) years. Thereafter, all terms shall be for a
 37 period of three (3) years.

38 (4) The commission shall elect a chair and such officers as it may deem necessary and
 39 appropriate. The commission shall meet at least annually and at the call of the chair. Members
 40 of the commission shall be compensated as provided in section 59-509(b), Idaho Code.

41 (5) Prior to the expiration of the regular term of a member of the commission or
 42 upon the occurrence or declaration of a vacancy in the membership of the commission, the
 43 ~~department~~ EMS bureau shall notify the represented entity of that fact in writing and the
 44 represented entity shall, within sixty (60) days thereafter, nominate at least three (3) persons to
 45 fill the vacancy in a manner as shall be determined by the rules and bylaws of the represented

1 entity and shall forward the nominations to the governor, who shall appoint from among the
 2 nominees a person to be a member of the commission to fill the vacancy. Persons nominated
 3 for a seat held by a physician must be licensed by the state of Idaho to practice medicine.

4 (6) Moneys collected pursuant to rules promulgated by the ~~department~~ board for initial
 5 applications and renewal of EMS certifications personnel licenses are hereby continuously
 6 appropriated and shall be utilized exclusively for the purposes set forth in this section as
 7 determined by the commission.

8 (7) The commission shall prepare a budget on an annual basis indicating that portion of
 9 the funds necessary for the continuous operation of the commission to achieve the purposes of
 10 this section.

11 SECTION 5. That Section 56-1014, Idaho Code, be, and the same is hereby amended to
 12 read as follows:

13 56-1014. LIABILITY. No act or omission of any person who is duly ~~certified~~ licensed
 14 under sections 56-1011 through 56-1018B23, Idaho Code, by the ~~department of health and~~
 15 ~~welfare~~ EMS bureau done or omitted in good faith while rendering emergency medical services
 16 to a person or persons who are perceived to need immediate care in order to prevent loss of
 17 life or aggravation of physiological or psychological illness or injury shall impose any liability
 18 upon those personnel, the supervising physician, the hospital, the organization providing
 19 the service, or upon a federal, state, county, city or other local governmental unit, or upon
 20 employees of such governmental unit, unless such provider of care or such personnel be shown
 21 to have caused injury and damages to such person or persons as a proximate result of his,
 22 her or their reckless or grossly negligent misconduct, which shall be the sole grounds for
 23 civil liability of such persons in the provision of care or assistance under sections 56-1011
 24 through 56-1018B23, Idaho Code, regardless of the circumstance under which such care or
 25 assistance may be provided. This section shall not relieve the organization or agency operating
 26 the service from the duty of securing, maintaining and operating, the equipment and licensure
 27 designated for use in performing the emergency medical services.

28 SECTION 6. That Section 56-1015, Idaho Code, be, and the same is hereby amended to
 29 read as follows:

30 56-1015. FAILURE TO OBTAIN CONSENT. No person ~~certified~~ licensed under
 31 sections 56-1011 through 56-1018B23, Idaho Code, or physician or hospital licensed in this
 32 state shall be subject to civil liability, based solely upon failure to obtain consent in rendering
 33 emergency medical, surgical, hospital or health services to any individual regardless of age
 34 where that individual is unable to give this consent for any reason and there is no other
 35 person reasonably available who is legally authorized to consent to the providing of such care,
 36 provided, however, that such person, physician, or hospital has acted in good faith and without
 37 knowledge of facts negating consent. The provision or refusal of consent under sections
 38 56-1011 through 56-1018B23, Idaho Code, shall be governed by chapter 45, title 39, Idaho
 39 Code.

40 SECTION 7. That Section 56-1016, Idaho Code, be, and the same is hereby amended to
 41 read as follows:

1 56-1016. AMBULANCE AGENCY MINIMUM STANDARDS. Each ambulance
 2 service, air medical service and ~~non-transport~~ nontransport service shall be licensed by the
 3 ~~department~~ EMS bureau based on the level of licensed personnel it utilizes, transport capability
 4 and self-declared geographic coverage area and shall meet the following standards:

5 (1) ~~Ambulance vehicles~~ — Each new ambulance vehicle purchased after the effective
 6 date of these standards shall conform to the ambulance vehicle specifications for that type
 7 established by the board of health and welfare. The patient compartment of each ambulance
 8 vehicle shall be maintained in a clean and sanitary condition.

9 (2) ~~Ambulance equipment~~ — Each ambulance shall be equipped with the patient care
 10 items deemed essential for that type of ambulance by the board of health and welfare.

11 (3) ~~Ambulance p~~Personnel during transport or transfer — There shall be at least two
 12 (2) ambulance crew members on each patient transport or transfer, with the crew member
 13 delivering patient care being, at a minimum, a state certified licensed emergency medical
 14 technician (EMT), ~~except that with the patient's and the patient's physician's permission, an~~
 15 ~~EMT attendant shall not be required on routine, nonemergency transfer calls.~~

16 (4) ~~Ambulance d~~Dispatch — Each ~~ambulance service~~ licensed EMS agency shall have
 17 a twenty-four (24) hour dispatch arrangement and shall respond to calls on a twenty-four (24)
 18 hour basis.

19 (5) ~~Ambulance Agency~~ inspections and licensing — The ~~department of health and~~
 20 ~~welfare~~, EMS bureau, shall conduct inspections at least annually related to ~~ambulance service~~
 21 agency licensing or shall contract to have the inspections carried out. Each ~~ambulance and~~
 22 ~~non-transport vehicle~~ agency shall have a current state license in order to operate.

23 (6) Ambulance service minimum standards waiver — The controlling authority providing
 24 ambulance services may petition the board ~~of health and welfare~~ for waiver of the ambulance
 25 standards of sections ~~56-1011 through 56-1018B~~, 56-1016(2), Idaho Code, if compliance with
 26 these standards would cause undue hardship on the community being served, or would result in
 27 abandonment of ambulance services.

28 (5) Nontransport service minimum standards waiver — The controlling authority
 29 providing nontransport services may petition the EMS bureau for waiver of the twenty-four
 30 (24) hour response requirement of this section if the petition demonstrates that the community,
 31 setting, industrial site or event is not populated on a twenty-four (24) hour basis or does
 32 not exist on a three hundred sixty-five (365) day per year basis or if compliance with these
 33 standards would cause undue hardship on the community being served, or would result in
 34 abandonment of nontransport services.

35 (7) Supervision — A licensed physician shall supervise the medical activities provided
 36 by ~~certified~~ licensed personnel affiliated with the licensed ~~ambulance or non-transport service~~
 37 agency including, but not limited to: establishing standing orders and protocols, reviewing
 38 performance of ~~certified~~ licensed personnel, approving methods for ~~certified~~ licensed personnel
 39 to receive instructions for patient care via radio, telephone, or in person, and other oversight as
 40 provided in the rules of the commission.

41 (7) Applicants must submit the following information with their applications and agree to
 42 meet the following requirements as a condition of licensure:

43 (a) A declaration of anticipated applicant agency costs and revenues; a statement of
 44 projected changes in response time; and a narrative describing projected clinical benefits
 45 to patients resulting from licensure using methods defined in board rules concerning such
 46 matters on an application provided by the EMS bureau; and

1 (b) Collect and report data to the EMS bureau upon receiving a license using a data
 2 collection system that is validated as compliant by the national emergency medical
 3 services information system technical assistance center in accordance with board rules.

4 (8) The EMS bureau will provide notice of any such application to all cities, counties
 5 and other units of local government that have any geographic coverage area in common with
 6 the applicant in accordance with board rules. Such notice will include a summary of the
 7 applicant data supplied to the EMS bureau. Any other EMS bureau use of the cost and revenue
 8 data supplied by applicants is limited exclusively to informational purposes.

9 (9) Appeal of a denial of an applicant's license will be governed by IDAPA 16.05.03,
 10 rules governing contested case proceedings and declaratory rulings.

11 SECTION 8. That Chapter 10, Title 56, Idaho Code, be, and the same is hereby amended
 12 by the addition thereto of NEW SECTIONS, to be known and designated as Sections 56-1020,
 13 56-1021 and 56-1022, Idaho Code, and to read as follows:

14 56-1020. PENALTIES FOR PERSONNEL LICENSE VIOLATIONS. Any person who
 15 practices or attempts to practice EMS as a licensed provider of emergency care as provided for
 16 in sections 56-1011 through 56-1023, Idaho Code, without having at the time of so doing a
 17 valid, unexpired, unrestricted, unrevoked and unsuspended license issued by the EMS bureau
 18 under sections 56-1011 through 56-1023, Idaho Code, shall be guilty of a misdemeanor and
 19 shall be subject to a fine of not more than five hundred dollars (\$500) or imprisonment for
 20 not more than six (6) months, or both, for each violation. In the event that the prosecuting
 21 attorney in the county where the alleged violation occurred fails or refuses to act within sixty
 22 (60) days of notification of the alleged violation, the attorney general is authorized to prosecute
 23 the alleged violation.

24 56-1021. PENALTIES FOR AGENCY LICENSE VIOLATIONS. Any person
 25 establishing, conducting, managing or operating any agency as provided for in sections 56-1011
 26 through 56-1023, Idaho Code, without a license issued by the EMS bureau under sections
 27 56-1011 through 56-1023, Idaho Code, shall be guilty of a misdemeanor and shall be subject to
 28 a fine of not more than one thousand dollars (\$1,000) or imprisonment for not more than six (6)
 29 months, or both. Each day of continuing violation shall constitute a separate offense. In the
 30 event that the prosecuting attorney in the county where the alleged violation occurred fails or
 31 refuses to act within sixty (60) days of notification of the alleged violation, the attorney general
 32 is authorized to prosecute the alleged violation.

33 56-1022. PERSONNEL AND AGENCIES LICENSURE ACTIONS – GROUNDS –
 34 PROCEDURE. (1) Subject to the provisions of chapter 52, title 67, Idaho Code, the EMS
 35 bureau, upon recommendation of the commission, may deny a license or refuse to renew a
 36 license for a person, or may suspend or revoke a license or may impose probationary conditions
 37 if the holder of a license or the applicant for a license has engaged in unprofessional conduct
 38 which has endangered or is likely to endanger the health, welfare or safety of the public. Such
 39 unprofessional conduct includes, but is not limited to:

40 (a) Obtaining a license by means of fraud, misrepresentation or concealment of a
 41 material fact;

42 (b) Being found guilty of unprofessional conduct as defined by rule established by the
 43 board;

1 (c) Being convicted of a crime which would have a direct and adverse bearing on the
2 licensee's ability to practice or perform emergency medical care competently;

3 (d) The unauthorized practice of medicine;

4 (e) Violating any provisions of sections 56-1011 through 56-1023, Idaho Code, or any of
5 the rules established by the board or the commission thereunder; or

6 (f) Being found mentally incompetent by a court of competent jurisdiction.

7 (2) Subject to the provisions of chapter 52, title 67, Idaho Code, the EMS bureau may
8 deny, revoke or refuse to renew a license of an agency, or may impose probationary conditions
9 or fines as a condition of an agency's ability to retain a license in accordance with board rule.

10 (3) A denial, refusal to renew, suspension, revocation or imposition of probationary
11 conditions upon a license may be ordered by the EMS bureau after opportunity for a hearing
12 in a manner provided by rule established by the board. An application for reinstatement may
13 be filed with the EMS bureau one (1) year from the date of license revocation. In the event a
14 timely application is filed, the EMS bureau shall:

15 (a) Hold a hearing to consider such reinstatement; and

16 (b) Accept or reject the application for reinstatement.

17 SECTION 9. That Section 56-1017, Idaho Code, be, and the same is hereby amended to
18 read as follows:

19 ~~56-1017~~23. RULES. (1) The commission is authorized and directed to adopt
20 appropriate rules defining the allowable scope of practice and acts and duties which can be
21 performed by persons ~~certified licensed~~ by the ~~department~~ EMS bureau and the required level
22 of supervision by a licensed physician.

23 (2) The board ~~of health and welfare~~ is authorized and directed to adopt appropriate
24 rules and standards concerning the administration of sections 56-1011 through 56-1018~~B~~22 and
25 this section, Idaho Code, including criteria for ~~training~~ educational programs, certification and
26 licensure of personnel, certification of EMS instructors, licensure of ambulance, air medical and
27 nontransport services, ~~licensure of~~ manufacturing standards for ambulances and nontransport
28 vehicles, criteria for the use of air medical services by ~~certified licensed~~ EMS personnel at
29 emergency scenes, establishment of fees for training, inspections, and ~~certifications~~ licensure,
30 appropriate requirements for ~~recertification~~ renewal of licensure of personnel and ~~equipment~~
31 agencies and the management of complaints, investigations ~~and certification~~ and license actions
32 against ~~certified licensed~~ EMS personnel and ~~licensed EMS services~~ agencies. The rules of the
33 board ~~of health and welfare~~ must be consistent with the rules adopted by the commission.

34 (3) Additionally, the department shall develop guidelines, standards and procedures for
35 reducing exposure to pathogens from human blood, tissue or fluids. Such guidelines, standards
36 and procedures shall be made available to all law enforcement personnel, all emergency
37 medical services personnel and agencies, and such other emergency personnel who request such
38 information.