Bill as Introduced

HB 1104 – AS INTRODUCED

2000 SESSION

00-2174
09/01

HOUSE BILL *1104*

AN ACT limiting the liability of paramedics caring for patients in transport between hospitals.

SPONSORS: Rep. Brothers, Graf 6

COMMITTEE: Judiciary

ANALYSIS

This bill limits the liability of any paramedic who cares for a patient in transport between hospitals under orders from a physician caring for that patient.

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

00-2174
09/01

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand

AN ACT limiting the liability of paramedics caring for patients in transport between hospitals.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Section Heading. Amend the section heading of RSA 151-B:14 to read as follows:

151-B:14 [~~Exception~~] ***Exceptions*** for Physician, Registered Nurse, [~~and~~] Physician Assistant, ***and Paramedic.***

2 Paramedic Added. Amend RSA 151-B:14, II to read as follows:

II. A physician, registered nurse, or physician assistant providing services in accordance with this section shall be immune from liability under RSA 151-B:15. Nothing in this section shall be construed as restricting the authority or practice of any registered nurse ***or paramedic***, who cares for any patient while that patient is being transported by an emergency medical service vehicle, or other means of conveyance, from one hospital to another hospital under orders from a physician caring for that patient.

3 Effective Date. This act shall take effect January 1, 2001.

Hearing Minutes

HOUSE COMMITTEE ON JUDICIARY

PUBLIC HEARING ON HB 1104

BILL TITLE: limiting the liability of paramedics caring for patients in transport between hospitals.

DATE: Feb. 9, 2000

LOB ROOM: 208 **Time Public Hearing Called to Order:**

Time Adjourned:

(please circle if present)

Committee Members: Reps. Mock, Peterson, Jacobson, Keans, Bergin, Dokmo, L. Jean, Rowe, Ford, Withee, Dudley, Piccola, Soltani, Woods, Wall, DePecol, J. Pratt, Craig, Lasky, Mitchell, Solow and Wood.

Bill Sponsors: Rep. Brothers, Graf 6

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Brothers, speaking supporting

-Extends limits of liability to cover paramedics which nurses currently enjoy. This problem with a shortage of nurses often results in delays of much needed critical service. Nurses are required to have 2 years school – paramedics need a certificate.

Scott Hodgkins – supporting

-Does transfers, supports bill, will not affect hospital's liability – doesn't cover negligence. Paramedics are trained for a very specific narrow approach only in the area of emergency ambulance transport. They do 600 to 800 transfers per year.

Rep. Tim McGough – supporting – paramedic from Merrimack

-Performs many transfers per week. Worked on Bureau of Emergency Medical Services. Offered amendment giving correct 153 A:17 that will be affected. Amendment which was offered changes "paramedic" to "emergency medical care provider". Paramedics usually have 1,000 hours of study (2 years) set by DOT. Care requirement says must be registered with the national registry.

Rep. Brothers spoke a second time.

Respectfully submitted,

Janet W. Wall

Rep. Janet W. Wall, Clerk

HOUSE COMMITTEE ON JUDICIARY

PUBLIC HEARING ON HB 1104

BILL TITLE: limiting the liability of paramedics caring for patients in transport between hospitals.

DATE: 9/2/00

LOB ROOM: 208 **Time Public Hearing Called to Order:**

Time Adjourned:

(please circle if present)

Committee Members: Reps. Mock, Petersen, Jacobson, Keans, Bergin, Dokmo, L. Jean, Rowe, Ford, Withee, Dudley, Piccon, Soltani, Woods, Wall, DePecol, J. Pratt, Craig, Lasky, Mitchell, Solow and Wood.

Bill Sponsors:

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

HB 1104 Rep. Brothers - Grafton District 6 - Extends Limits of Liability to cover paramedics which nurses currently enjoy. This problem with a shortage of nurses often results in delays of much needed critical service. Nurses are required to have 2 yrs. school - paramedics need a certificate.

Scott Hodgkins - does Transfers and supports bill - will not affect hospital's liability - doesn't cover negligence - Paramedics are trained for a very specific narrow approach only in the area of emergency ambulance transport. They do 600-800 Transfers per year.

Rep. Tim McGough - Paramedic from Merrimack - performs Transfers many times a week - worked on bureau of emergency Medical services - offered amendment giving correct 153-A:17 that will be affected. Amendment which was offered changes "paramedic" to "emergency medical care provider." Paramedics usually have 1,000 study (2 yrs.) set by D.O.T. care requirement says must be registered with Nat'l. registry.

REP. BROTHERS (2nd time)

1:08

Testimony

BERLIN EMERGENCY MEDICAL SERVICES, INC.

DAVID G. DUBEY
President

182 East Mason Street
Berlin, New Hampshire 03570
Telephone: (603) 752-1020

FILE COPY

February 8, 2000

NH Judiciary Committee
attn: Mr Henry Mock, Chairman

Dear Sir,

I respectfully request your support for the idea of amending House Bill 1104 to allow paramedics to administer medications to patients during hospital-to-hospital ambulance transfers.

In it's present proposed form, HB 1104 would limit this practice to registered nurses. This limitation would create a hardship in our community. We often experience difficulty in finding nurses to go on ambulance transfers, and we are attempting to alleviate this problem by utilizing paramedics whenever we can.

Thank you for your attention to this matter, and for your anticipated support.

Sincerely,

David G. Dubey

David G. Dubey

BestCare Ambulance Services, Inc.

P.O. Box 1057
Alton, NH 03809-1057
1-800-559-5880 Transfers
1-800-439-9293 Business

Tuesday, February 08, 2000

Sent Via: Fax 603.271.6689

Chairman Henry Mock
Chairman of the Judiciary Committee
NH House of Representatives
Legislative Office Building
Concord, NH 03301

Dear Honorable Mr. Mock,

I am writing to you to ask for your and the judiciary committee's vote to pass HB1104, which would add the word "Paramedic" to NHRSA 151-B:14. While I suspect the failure to add the word "paramedic" was an oversight at the time the law was written, it should be changed. This change will benefit rural Hospitals, ambulance providers and most of all the patients of our state.

With the impending cutbacks from the balanced budget act, combined with the very strong economy, nursing staff is very difficult for Hospitals to obtain. This becomes very acute during inter-facility transfers where critical patients are transferred from one hospital to the other for higher levels of care. By allowing this change, more of these patient transfers could be done by Paramedics, which would ease up staffing concerns for the hospital and allow for a quicker, more expedient transfer of the patient to definitive care. Additionally, the hospitals will be able to tailor the care to the specific patient needs.

The benefit to ambulances companies is that they will have a quicker response time and better availability, because they will not be encumbered by having to return nurses to area hospitals after a call. In effect a key component in "doing more with less", this allows the ambulances to become "in service and available" much quicker.

The patients will benefit the most from this correction, because ambulance services will be more available, facilities will not delay transfers while waiting for scarce staff to come in from home. Lastly the patient will benefit from the advanced skills and scope of the paramedic's care, which is specifically tailored to the rigors of the ambulance environment.

While I suspect the absence of "paramedic" was an oversight in the set up of this section if law, this change is of vital importance to all participants of healthcare, hospitals, allied healthcare providers and patients. The committee and your support is appreciated and thanked for in advance. If you have any questions or concerns regarding this matter, please do not hesitate to contact me personally at the business number listed above.

Sincerely,

Scott A. Hodgkins,
President,
BestCare Ambulance Services, Inc.

********** -COMM. JOURNAL- ********** DATE FEB-09-2000 ***** TIME 17:09 *********

MODE = MEMORY TRANSMISSION START=FEB-08 16:52 END=FEB-08 17:08

FILE NO.=021

STN NO.	COMM.	ABBR NO.	STATION NAME/TEL NO.	PAGES	DURATION
001	BUSY	8	2713184	000/001	00:00:00

-LRGH ADMINISTRATION -

********** - ***** - 6035272887- **********

LAKES REGION GENERAL HOSPITAL

MEMORANDUM

VIA FASCIMILIE 271-3184

TO: The Honorable Henry P. Mock
Chairman, House Judiciary Committee

FROM: Thomas A. Clairmont, President
Lakes Region General Hospital

DATE: February 8, 2000

RE: HB 1104

Please accept this letter in support of the above legislation.

Thank you.

Voting Sheets

HOUSE COMMITTEE ON JUDICIARY

EXECUTIVE SESSION on HB 1104

BILL TITLE: limiting the liability of paramedics caring for patients in transport between hospitals.

DATE: 3/22/00

LOB ROOM:

Amendments:

Sponsor: Rep. _____ OLS Document #: _____ Adopted/Failed

Sponsor: Rep. _____ OLS Document #: _____ Adopted/Failed

Sponsor: Rep. _____ OLS Document #: _____ Adopted/Failed

Motions: OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep. Reams

Seconded by Rep. Wood

Vote: 16 - 0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep. _____

Seconded by Rep. _____

Vote: _____ (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: 16 - 0

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Loren J. Jean, Clerk

OFFICE OF THE HOUSE CLERK

2000 SESSION

JUDICIARY

Bill #: HB 1104 **Title:**

PH Date: ___/___/___ **Exec Session Date:** 2/22/00

Motion: ITL **Amendment #:**

MEMBER	YEAS	NAYS
Mock, Henry P, Chairman	✓	
Peterson, Andrew R, V Chairman		
Jacobson, Alf E	✓	
Keans, Sandra B	✓	
Bergin, Peter F		
Dokmo, Cynthia J	✓	
Jean, Loren J, Clerk	✓	
Rowe, Robert H	✓	
Ford, Nancy M		
Withee, Dennis J		
Dudley, Terri C	✓	
Picconi, Al J		
Soltani, Tony F	✓	
Woods, Phyllis L	✓	
Wall, Janet G	✓	
DePecol, Benjamin J		
Pratt, John M	✓	
Craig, James W	✓	
Lasky, Bette R	✓	
Mitchell, McKim W	✓	
Solow, Martha S	✓	
Wood, Jane	✓	
TOTAL VOTE:	16	0

Printed: 12/30/1999

Committee Report

COMMITTEE REPORT

COMMITTEE: **Judiciary**

BILL NUMBER: **HB 1104**

TITLE: limiting the liability of paramedics caring for patients in transport between hospitals.

DATE: Feb. 22, 2000 CONSENT CALENDAR YES ☒ NO ☐

☐ OUGHT TO PASS

☐ OUGHT TO PASS WITH AMENDMENT

☒ INEXPEDIENT TO LEGISLATE

☐ RE-REFER

☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

The sponsor of this legislation has spoken with others in the emergency services and has agreed to this bill being reported inexpedient to legislate. Paramedics in fact work under the supervision of a doctor and therefore should not be thought of as independent providers under the New Hampshire Laws.

Vote 16-0.

Rep. Sandra B. Keans
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

CONSENT CALENDAR

Judiciary

HB 1104, limiting the liability of paramedics caring for patients in transport between hospitals. INEXPEDIENT TO LEGISLATE

Rep. Sandra B. Keans for Judiciary: The sponsor of this legislation has spoken with others in the emergency services and has agreed to this bill being reported inexpedient to legislate. Paramedics in fact work under the supervision of a doctor and therefore should not be thought of as independent providers under the New Hampshire Laws. Vote 16-0.

COMMITTEE REPORT

COMMITTEE: **Judiciary**

BILL NUMBER: **HB 1104**

TITLE: limiting the liability of paramedics caring for patients in transport between hospitals.

DATE: 3/22/00 CONSENT CALENDAR YES ☑ NO ☐

☐ OUGHT TO PASS

☐ OUGHT TO PASS WITH AMENDMENT

☑ INEXPEDIENT TO LEGISLATE

☐ RE-REFER

☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

Vote 16 — 0

Rep. Keans
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

THE SPONSOR OF THIS LEGISLATION HAS SPOKEN WITH OTHERS IN THE EMERGENCY ~~#~~ SERVICES AND HAS AGREED TO THIS BILL BEING ~~KILLED~~ REPORTED INEXPEDIENTLY To Legislate. PARAMEDICS IN FACT WORK UNDER THE ~~SUPERVISION~~ OF A DOCTOR ~~AND~~ AND THEREFORE SHOULD NOT BE THOUGHT OF AS AN INDEPENDENT PROVIDER UNDER THE NH LAWS. ~~AND THIS LEGISLATION MAKES NO DIFFERENTIATION AMONG THE VARIOUS LEVEL OF CERTIFICATION~~ 16-0 SBKlemm

Ole Hum