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**HOUSE BILL NO. 248**

Offered January 9, 2008

Prefiled December 28, 2007

*A BILL to amend and reenact §§ 15.2-1518, 32.1-111.1, 32.1-116.1:1, and 32.1-116.3 of the Code of Virginia, relating to emergency medical services personnel; definitions.*

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 Referred to Committee on Health, Welfare and Institutions
 

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**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 15.2-1518, 32.1111.1, 32.1116.1:1, and 32.1-116.3 of the Code of Virginia is amended and reenacted as follows:**

§ 15.2-1518. Liability insurance for officers, employees and volunteers of local government and members of its boards and commissions and constitutional officers.

Any locality and any political subdivision thereof may provide liability insurance or self-insurance for its fire department operational medical director, police department operational medical director, operational medical director, physician course director for any licensed emergency medical services agency or emergency medical services training program located therein endorsed by the Office of Emergency Medical Services and for its officers, employees and volunteers, including any commission or board, and employees and members thereof, of any authority created or controlled by the local governing body, or any local agency or public service corporation owned, operated or controlled by such local governing body and constitutional officers and their employees.

The insurance or self-insurance may cover the costs and expenses incident to liability, including those for settlement, suit, or satisfaction of judgment arising from the conduct of such operational medical directors, physician course directors, officers, employees, members or volunteers in the discharge of their official duties.

*For the purposes of this section, "physician course director" or "PCD" means an EMS physician who is responsible for the clinical aspects of emergency medical care training programs, including the clinical and field actions of enrolled students.*

§ 32.1-111.1. Definitions.

As used in this article:

"Advisory Board" means the State Emergency Medical Services Advisory Board.

"Agency" means any person engaged in the business, service or regular activity, whether or not for profit, of transporting persons who are sick, injured, wounded or otherwise incapacitated or helpless, or of rendering immediate medical care to such persons.

"Ambulance" means any vehicle, vessel or aircraft, which holds a valid permit issued by the Office of Emergency Medical Services, that is specially constructed, equipped, maintained and operated, and is intended to be used for emergency medical care and the transportation of patients who are sick, injured, wounded, or otherwise incapacitated or helpless. The word "ambulance" may not appear on any vehicle, vessel or aircraft that does not hold a valid permit.

"Automated external defibrillator" means a medical device which combines a heart monitor and defibrillator and (i) has been approved by the United States Food and Drug Administration, (ii) is capable of recognizing the presence or absence of ventricular fibrillation or rapid ventricular tachycardia, (iii) is capable of determining, without intervention by an operator, whether defibrillation should be performed, and (iv) automatically charges and requests delivery of an electrical impulse to an individual's heart, upon determining that defibrillation should be performed.

"Emergency medical services personnel" means persons responsible for the direct provision of emergency medical services in a given medical emergency including all persons who could be described as attendants, attendants-in-charge, or operators.

*"Emergency medical services physician" or "EMS physician" means a physician who holds a current endorsement from the Office of Emergency Medical Services (EMS) and may serve as an EMS agency operational medical director or training program physician course director.*

*"Emergency medical service provider" or "EMS provider" means a person who holds a valid certification issued by the Office of Emergency Medical Services.*

"Emergency medical services vehicle" means any vehicle, vessel, aircraft, or ambulance that holds a valid emergency medical services vehicle permit issued by the Office of Emergency Medical Services that is equipped, maintained or operated to provide emergency medical care or transportation of patients who are sick, injured, wounded, or otherwise incapacitated or helpless.

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59 *"Operational medical director" or "OMD" means an EMS physician, currently licensed to practice*  
60 *medicine or osteopathic medicine in the Commonwealth, who is formally recognized and responsible for*  
61 *providing medical direction, oversight and quality improvement to an EMS agency.*

62 § 32.1-116.1:1. Disclosure of medical records.

63 Any licensed physician, licensed health care provider, or licensed health care facility may disclose to  
64 an emergency medical ~~technician~~services provider, emergency medical services physician, or their  
65 licensed parent agency the medical records of a sick or injured person to whom such  
66 ~~technician~~emergency medical services provider or emergency medical services physician is providing or  
67 has rendered emergency medical care for the purpose of promoting the medical education of the specific  
68 person who provided such care or for quality improvement initiatives of their agency or of the EMS  
69 system as a whole. Any emergency medical ~~technician~~services provider or emergency medical services  
70 physician to whom such confidential records are disclosed shall not further disclose such information to  
71 any persons not entitled to receive that information in accordance with the provisions of this section.

72 § 32.1-116.3. Reporting of communicable diseases; definition.

73 A. For the purposes of this section:

74 "Communicable diseases" means any airborne infection or disease, including, but not limited to,  
75 tuberculosis, measles, certain meningococcal infections, mumps, chicken pox and Hemophilus Influenzae  
76 Type b, and those transmitted by contact with blood or other human body fluids, including, but not  
77 limited to, human immunodeficiency virus, Hepatitis B and Non-A, Non-B Hepatitis.

78 "Communicable disease of public health threat" means an illness of public health significance, as  
79 determined by the State Health Commissioner in accordance with regulations of the Board of Health,  
80 caused by a specific or suspected infectious agent that may be reasonably expected or is known to be  
81 readily transmitted directly or indirectly from one individual or person to another or to uninfected  
82 persons through airborne or nonairborne means and has been found to create a risk of death or  
83 significant injury or impairment; this definition shall not, however, be construed to include human  
84 immunodeficiency viruses or tuberculosis, unless used as a bioterrorism weapon. "Individual" shall  
85 include any companion animal.

86 B. Every licensed health care facility which transfers or receives patients via emergency medical  
87 services ambulances or mobile intensive care units shall notify the emergency medical services agencies  
88 providing such patient transport of the name and telephone number of the individual who is the infection  
89 control practitioner with the responsibility of investigating exposure to infectious diseases in the facility.

90 Every licensed emergency medical services agency established in the Commonwealth shall notify all  
91 facilities to which they transport patients or from which they transfer patients of the names and  
92 telephone numbers of the members, not to exceed three persons, who have been appointed to serve as  
93 the communicable disease liaison officers. Every licensed emergency medical services agency shall  
94 implement universal precautions and shall ensure that these precautions are appropriately followed and  
95 enforced.

96 C. Upon requesting any licensed emergency medical services agency to transfer (i) a patient who is  
97 known to be positive for or who suffers from any communicable disease which, in the judgment of the  
98 physician authorizing the transfer or the facility's infection control practitioner, presents any risk to the  
99 transporting emergency medical services personnel or to patients who may be subsequently transported  
100 in the same vehicle, or (ii) a patient who is known to be subject to an order of quarantine or an order of  
101 isolation pursuant to Article 3.02 (§ 32.1-48.05 et seq.) of Chapter 2 of this title, the transferring facility  
102 shall inform the attendant-in-charge of the transferring crew of the general condition of the patient and  
103 the types of precautions to be taken to prevent the spread of the disease. The identity of the patient shall  
104 be confidential.

105 D. If any firefighter, law-enforcement officer, emergency medical services ~~technician~~provider or  
106 paramedic has an exposure of blood or body fluid to mucous membrane, non-intact skin, or a  
107 contaminated needlestick injury, his communicable disease liaison officer shall be notified, a report  
108 completed and the infection control practitioner at the receiving facility notified.

109 E. If, during the course of medical care and treatment, any physician determines that a patient who  
110 was transported to a receiving facility by any licensed emergency medical services agency (i) is positive  
111 for or has been diagnosed as suffering from an airborne infectious disease or (ii) is subject to an order  
112 of quarantine or an order of isolation pursuant to Article 3.02 (§ 32.1-48.05 et seq.) of Chapter 2 of this  
113 title, then the infection control practitioner in the facility shall immediately notify the communicable  
114 disease liaison officer who represents the transporting emergency medical services agency of the name  
115 of the patient, and the date and time of the patient's admittance to the facility. The communicable  
116 disease liaison officer for the transporting emergency medical services agency shall investigate the  
117 incident to determine if any exposure of emergency medical services personnel or other emergency  
118 personnel occurred. The identity of the patient and all personnel involved in any such investigation shall  
119 be confidential.

120 F. If any firefighter, law-enforcement officer, emergency medical services ~~technician~~provider or

paramedic shall be exposed to a communicable disease, the communicable disease liaison officer shall immediately notify the infection control practitioner of the receiving facility. The infection control practitioner of the facility shall conduct an investigation and provide information concerning the extent and severity of the exposure and the recommended course of action to the communicable disease liaison officer of the transporting agency. This section shall not be construed to create a duty by the receiving facility to perform any test or tests beyond those necessary for the medical management of the patient delivered by an emergency medical services agency to the receiving facility nor shall it affect the operation of the provisions of § 32.1-45.1.

G. Any person requesting or requiring any employee of a public safety agency as defined in subsection J of § 32.1-45.2 to arrest, transfer, or otherwise exercise custodial supervision over an individual known to the requesting person (i) to be infected with any communicable disease or (ii) to be subject to an order of quarantine or an order of isolation pursuant to Article 3.02 (§ 32.1-48.05 et seq.) of Chapter 2 of this title shall inform such public safety agency employee of a potential risk of exposure to a communicable disease.

H. Local or state correctional facilities which transfer patients known to have a communicable disease or to be subject to an order of quarantine or an order of isolation pursuant to Article 3.02 (§ 32.1-48.05 et seq.) of Chapter 2 of this title shall notify the emergency medical services agency providing transportation services of a potential risk of exposure to a communicable disease, including a communicable disease of public health threat. For the purposes of this section, the chief medical person at a local or state correctional facility or the facility director or his designee shall be responsible for providing such information to the transporting agency.

I. Any person who, as a result of this provision, becomes aware of the identity or condition of a person known to be (i) positive for or to suffer from any communicable disease, or to have suffered exposure to a communicable disease or (ii) subject to an order of quarantine or an order of isolation pursuant to Article 3.02 (§ 32.1-48.05 et seq.) of Chapter 2 of this title, shall keep such information confidential, except as expressly authorized by this provision.

J. No person known to be (i) positive for or to suffer from any communicable disease, including any communicable disease of public health threat, or (ii) subject to an order of quarantine or an order of isolation pursuant to Article 3.02 (§ 32.1-48.05 et seq.) of Chapter 2 of this title, shall be refused transportation or service for that reason by an emergency medical services, law-enforcement, or public safety agency.