

# HOUSE BILL No. 4980

September 17, 2013, Introduced by Reps. Tlaib, Townsend, Switalski, Darany, Kandrevas, Hobbs and Cavanagh and referred to the Committee on Local Government.

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
by amending section 20919 (MCL 333.20919), as amended by 2006 PA  
582.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 20919. (1) A ~~local~~ medical control authority shall  
2       establish written protocols for the practice of life support  
3       agencies and licensed emergency medical services personnel within  
4       its region. The **MEDICAL CONTROL AUTHORITY SHALL DEVELOP AND ADOPT**  
5       **THE** protocols ~~shall be developed and adopted~~ **REQUIRED UNDER THIS**  
6       **SECTION** in accordance with procedures established by the department  
7       and shall include all of the following:

8       (a) The acts, tasks, or functions that may be performed by  
9       each type of emergency medical services personnel licensed under

1 this part.

2 (b) Medical protocols to ensure the appropriate dispatching of  
3 a life support agency based upon medical need and the capability of  
4 the emergency medical services system.

5 (c) Protocols for complying with the Michigan do-not-  
6 resuscitate procedure act, 1996 PA 193, MCL 333.1051 to 333.1067.

7 (d) Protocols defining the process, actions, and sanctions a  
8 medical control authority may use in holding a life support agency  
9 or personnel accountable.

10 (e) Protocols to ensure that if the medical control authority  
11 determines that an immediate threat to the public health, safety,  
12 or welfare exists, appropriate action to remove medical control can  
13 immediately be taken until the medical control authority has had  
14 the opportunity to review the matter at a medical control authority  
15 hearing. The protocols ~~shall~~**MUST** require that the hearing is held  
16 within 3 business days after the medical control authority's  
17 determination.

18 (f) Protocols to ensure that if medical control has been  
19 removed from a participant in an emergency medical services system,  
20 the participant does not provide prehospital care until medical  
21 control is reinstated, and that the medical control authority that  
22 removed the medical control notifies the department within 1  
23 business day of the removal.

24 (g) Protocols ~~that~~**TO** ensure **THAT** a quality improvement  
25 program is in place within a medical control authority and provides  
26 data protection as provided in 1967 PA 270, MCL 331.531 to  
27 ~~331.533-331.534.~~

1 (h) Protocols to ensure that an appropriate appeals process is  
2 in place.

3 (i) ~~Within 1 year after December 23, 2003, protocols~~ **PROTOCOLS**  
4 to ensure that each life support agency that provides basic life  
5 support, limited advanced life support, or advanced life support is  
6 equipped with epinephrine or epinephrine auto-injectors and that  
7 each emergency services personnel authorized to provide those  
8 services is properly trained to recognize an anaphylactic reaction,  
9 to administer the epinephrine, and to dispose of the epinephrine  
10 auto-injector or vial.

11 (j) ~~Within 6 months after the effective date of the amendatory~~  
12 ~~act that added this subdivision, protocols~~ **PROTOCOLS** to ensure that  
13 each life support vehicle that is dispatched and responding to  
14 provide medical first response life support, basic life support, or  
15 limited advanced life support is equipped with an automated  
16 external defibrillator and that each emergency services personnel  
17 is properly trained to utilize the automated external  
18 defibrillator.

19 (K) **WITHIN 6 MONTHS AFTER THE EFFECTIVE DATE OF THE AMENDATORY**  
20 **ACT THAT ADDED THIS SUBDIVISION, FOR A MEDICAL CONTROL AUTHORITY**  
21 **THAT HAS MORE THAN 500,000 RESIDENTS WITHIN ITS REGION, PROTOCOLS**  
22 **TO ENSURE THAT EACH LIFE SUPPORT VEHICLE THAT IS DISPATCHED AND**  
23 **RESPONDING TO PROVIDE BASIC LIFE SUPPORT, LIMITED ADVANCED LIFE**  
24 **SUPPORT, OR ADVANCED LIFE SUPPORT IS DISPATCHED AND RESPONDING IN A**  
25 **REASONABLE TIME WITHIN THAT REGION.**

26 (2) A **MEDICAL CONTROL AUTHORITY SHALL NOT ESTABLISH A** protocol  
27 ~~established under this section shall not conflict~~ **THAT CONFLICTS**

1 with the Michigan do-not-resuscitate procedure act, 1996 PA 193,  
2 MCL 333.1051 to 333.1067.

3 (3) The **DEPARTMENT SHALL ESTABLISH** procedures ~~established by~~  
4 ~~the department for~~ **THE** development and adoption of written  
5 protocols under this section. ~~shall comply with~~ **THE PROCEDURES MUST**  
6 **INCLUDE** at least all of the following requirements:

7 (a) At least 60 days before adoption of a protocol, the  
8 medical control authority shall circulate a written draft of the  
9 proposed protocol to all significantly affected persons within the  
10 emergency medical services system served by the medical control  
11 authority and submit the written draft to the department for  
12 approval.

13 (b) The department shall review a proposed protocol for  
14 consistency with other protocols concerning similar subject matter  
15 that have already been established in this state and shall consider  
16 any written comments received from interested persons in its  
17 review.

18 (c) Within 60 days after receiving a written draft of a  
19 proposed protocol from a medical control authority, the department  
20 shall provide a written recommendation to the medical control  
21 authority with any comments or suggested changes on the proposed  
22 protocol. If the department does not respond within 60 days after  
23 receiving the written draft, the proposed protocol ~~shall be~~ **IS**  
24 considered to be approved by the department.

25 (d) After department approval of a proposed protocol, the  
26 medical control authority may formally adopt and implement the  
27 protocol.

1 (e) A medical control authority may establish an emergency  
2 protocol necessary to preserve the health or safety of individuals  
3 within its ~~jurisdiction~~**REGION** in response to a present medical  
4 emergency or disaster without following the procedures established  
5 by the department under this ~~section~~**SUBSECTION** for an ordinary  
6 protocol. An emergency protocol established under this subdivision  
7 is effective only for a limited time ~~period~~ and does not take  
8 permanent effect unless it is approved according to **THE PROCEDURES**  
9 **ESTABLISHED BY THE DEPARTMENT UNDER** this subsection.

10 (4) A medical control authority shall provide an opportunity  
11 for an affected participant in an emergency medical services system  
12 to appeal a decision of the medical control authority. Following  
13 appeal, the medical control authority may affirm, suspend, or  
14 revoke its original decision. After appeals to the medical control  
15 authority have been exhausted, the affected participant in an  
16 emergency medical services system may appeal the medical control  
17 authority's decision to the ~~statewide~~**STATE** emergency medical  
18 services coordination committee **CREATED IN SECTION 20915**. The  
19 ~~statewide~~**STATE** emergency medical services coordination committee  
20 shall issue an opinion on whether the actions or decisions of the  
21 medical control authority are in accordance with the department-  
22 approved protocols of the medical control authority and state law.  
23 If the ~~statewide~~**STATE** emergency medical services coordination  
24 committee determines in its opinion that the actions or decisions  
25 of the medical control authority are not in accordance with the  
26 medical control authority's department-approved protocols or with  
27 state law, the **STATE** emergency medical services coordination

1 committee shall recommend that the department take any enforcement  
2 action authorized under this code.

3 (5) If adopted in protocols approved by the department, a  
4 medical control authority may require life support agencies within  
5 its region to meet reasonable additional standards for equipment  
6 and personnel, other than medical first responders, that may be  
7 more stringent than are otherwise required under this part. If a  
8 medical control authority **PROPOSES A PROTOCOL THAT** establishes  
9 additional standards for equipment and personnel, the medical  
10 control authority and the department shall consider the medical and  
11 economic impact on the local community, the need for communities to  
12 do long-term planning, and the availability of personnel. If either  
13 the medical control authority or the department determines that  
14 negative medical or economic impacts outweigh the benefits of those  
15 additional standards as they affect public health, safety, and  
16 welfare, **THE MEDICAL CONTROL AUTHORITY SHALL NOT ADOPT AND THE**  
17 **DEPARTMENT SHALL NOT APPROVE** protocols containing those additional  
18 standards. ~~shall not be adopted.~~

19 (6) If adopted in protocols approved by the department, a  
20 ~~local~~ medical control authority may require medical first response  
21 services and licensed medical first responders within its region to  
22 meet additional standards for equipment and personnel to ensure  
23 that each medical first response service is equipped with an  
24 epinephrine auto-injector, and that each licensed medical first  
25 responder is properly trained to recognize an anaphylactic reaction  
26 and to administer and dispose of the epinephrine auto-injector, if  
27 a life support agency that provides basic life support, limited

1 advanced life support, or advanced life support is not readily  
2 available in that location.

3 (7) If a decision of the medical control authority under  
4 subsection (5) or (6) is appealed by an affected person, the  
5 medical control authority shall make available, in writing, the  
6 medical and economic information it considered in making its  
7 decision. On appeal, the ~~statewide~~**STATE** emergency medical services  
8 coordination committee shall review this information under  
9 subsection (4) and shall issue its findings in writing.