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EMS Providers,

The Bureau of EMS & Preparedness has received numerous responses to an email that was recently distributed throughout the state regarding medical supervision and the ability to provide EMS as a licensed provider. The EMS Physician Commission (EMPSC) met and worked together with the Bureau to compile a more detailed, comprehensive summary of the current requirements to safely provide EMS in Idaho.

The laws and rules that govern the provision of EMS in Idaho require that the following three conditions be met:

- 1) Hold a current EMS personnel license issued by the State of Idaho;
- 2) Affiliated with and authority to act granted by an EMS agency licensed by the State of Idaho;
- 3) Credentialed and supervised by a physician medical director licensed by the State of Idaho.

EMS personnel who meet all three of these conditions are granted protection from civil liability, so long as they do not act in a grossly negligent manner (Idaho Code 56-1014).

For scenarios that don't meet the conditions above, it is important to differentiate between what is considered a professional EMS response and acting as a Good Samaritan.

Professional EMS Response: When an EMS agency is licensed they are required to have a deployment plan that is approved by the state and the agency's medical director. This plan defines a geographical response area and a dispatch plan to respond to calls within that area. Providers are purposefully scheduled, staged, and equipped by the agency to respond to emergencies. They are protected from liability because they are individually licensed and are responding under the agency's jurisdiction with the responsible supervision of a physician. These providers may represent themselves as licensed EMS personnel. As part of a professional response, EMS personnel must also function in accordance with statutes and rules adopted by the Department of Health and Welfare (IDAPA 16.01.07, 16.01.12, 16.02.03 and 16.05.06) and the EMS Physician Commission (16.02.02). Variance from those rules can result in losing protection from civil liability (56-1014) and possibly criminal or administrative license action (54-1804 and IDAPA 16.01.12).

Good Samaritan: Happening upon an injured person outside of the parameters established in your agency's deployment plan places you in the position of a Good Samaritan. In these situations, you may have immunity from civil liability according to the conditions set forth in Idaho Code <u>5-330</u>, <u>5-333</u> and <u>5-337</u>. Anyone can offer and provide first aid in these scenarios; the practice of first aid is not regulated or defined in statute or rule and does not require any type of licensure, agency or medical direction.

The complete EMS Act statutes are found at <u>56-1011</u> through 56-1023.

While the preceding paragraphs are not intended to provide legal advice, we hope it will help guide some of your decisions in your personal and professional EMS pursuits. The following questions and responses provide examples of common situations presented by licensed EMS personnel:

1) Q. If I come upon a crash scene within my agency's boundaries but I am off duty, can I still stop and treat the victims?

A. Yes. Anyone can provide first aid. Further, the EMSPC requires that EMS medical directors identify what providers should do if they discover the need for EMS when not on duty. These guidelines should be included in your agency's medical supervision plan.

2) Q. If I come across a crash scene outside my agency's response area should I not stop and help?

A. Stopping and helping is a personal decision. Just as in question 1, the EMSPC requires that EMS medical directors approve the manner in which EMS providers administer first aid or emergency medical attention. If you identify yourself as an EMS provider, you are required to act under the medical supervision plan and deployment plan of your agency. If you do not identify yourself as an EMS provider, you are only allowed to provide first aid and CPR as a Good Samaritan.

3) Q. I often volunteer as an EMS provider for local events (sports, fairs, races and festivals). Do I need permission from my agency and medical director to volunteer as an EMS provider when off duty?

A. Yes. If you advertise or represent yourself as an EMS provider in any situation, you must operate under your agency deployment plan as approved by the agency medical director. This protects you from civil liability (Idaho Statute 56-1014). Event standby is not considered Good Samaritan because you have purposefully been deployed to provide EMS. EMS providers are not independent practitioners; they may only advertise or provide EMS as members of a licensed EMS agency in a manner approved by the agency's medical director.

4) Q. I've volunteered to run the first aid counter at a local scout camp for years. Do I need permission from my agency and medical director to provide volunteer first aid?

A. No. If you do not advertise or represent yourself as an EMS provider, you can provide basic first aid and CPR as a volunteer. If you identify yourself as an EMS provider or if being an EMS

provider is part of your job description, then you would need to function as part of a licensed EMS agency's deployment plan approved by the agency medical director (see question 3). You should consult your own legal advisor about your potential liability in acting as a first aid volunteer.

5) Q. If part of our crew wanted to deploy an ambulance to a wildland fire, what permissions would need to be in place?

A. This question can be answered in multiple ways:

- 1) If the fire was within your agency's response area, then no other arrangements would be necessary.
- 2) If the fire is outside of your agency's response area, but a mutual aid agreement exists between your agency and medical director and the agency and medical director whose jurisdiction contains the fire area, you may provide assistance in accordance with the agreement.
- 3) The agency can develop a planned deployment to the fire which would be approved by the agency's medical director. This includes coordination with the organization and medical director that are already providing services for the particular incident.
- 4) The crew can become affiliated with a licensed agency that is already providing services for the particular fire; this would include being credentialed by their medical director.

6) Q. Because we are licensed by the state, can't we practice anywhere within Idaho?

A. Remember, in order to be protected from liability you must be affiliated and authorized by a licensed agency and under the supervision of a medical director. You are protected as long as you are responding in accordance with your agency's deployment plan and medical supervision plan.

7) Q. I am part of the Medical Reserve Corps; what would I do in a national emergency?

A. You can be part of this group and respond under their authority. Disaster declarations and responses are regulated separately from EMS and create some exceptions to EMS regulations during a disaster.

8) Q. As an EMT in Idaho, do I have a duty to act?

A. No. Idaho EMS providers do not have a duty to act as a Good Samaritan. That is your choice. However, you are expected to provide EMS when scheduled, staged, or dispatched to a scene or event by your licensed EMS agency under medical supervision.

Wayne Denny Bureau Chief

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