

Model EMD Legislation

Model Statute for the Regulation of Emergency Medical Dispatch Agencies and Emergency Medical Dispatchers

Over the last 25 years it has become widely recognized that the person who takes a telephone request for emergency medical assistance must be able to do more than take the address of the incident and then call the ambulance personnel on the radio and tell them where to go.

The modern Emergency Medical Dispatcher (EMD) must be able to quickly identify the seriousness of the problem,

dispatch the appropriate response (from a single ambulance with no lights-and-siren to the "cavalry": police, fire truck, paramedics, and ambulance with sirens blaring), and provide life-sustaining medical instructions to the caller when necessary.

The EMD has become a medical professional that makes medical decisions about what care the patient needs, e.g., what medical resources to send to the patient, and a teacher of medical care over the telephone,

what to do or not to do.

All other medical professionals are regulated by States for the purpose of assuring the public that those that provide the service are properly trained and supervised. This document provides a model that a State or Province can use to provide that same level of assurance for Emergency Medical Dispatchers and the agency that provides Emergency Medical Dispatch Services to the public.

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The Model EMD Legislation document was approved by the Task Force on May 4th, 2001, and by the NAEMD Board of Trustees on June 1st, 2001. This Model EMD Legislation document does not necessarily reflect the views of all participants or any participant's State agency.

Justification

Each of the following national standards-setting organizations have identified that emergency medical dispatch is a critical component of an emergency medical services system:

- American College of Emergency Physicians¹
- American Heart Association²
- EMS for Children Program, Department of Health and Human Services³
- National Academy of Emergency Medical Dispatch⁴
- National Association of EMS Physicians⁵
- National Association of State EMS Directors⁶
- National Emergency Number Association⁷
- National Highway Traffic Safety Administration⁸
- National Institutes of Health⁹
- Standard Practice for Emergency Medical Dispatch (F 1258)
- Standard Practice for Training Instructor Qualification and Certification Eligibility of Emergency Medical Dispatchers (F 1552)
- Standard Practice for Emergency Medical Dispatch Management (F 1560)

Furthermore, the ASTM F-30 Committee on Emergency Medical Services has published voluntary standards for emergency medical dispatch:

In spite of this national consensus, only 18 of the 50 states have legislation regulating Emergency Medical Dispatch. This document is designed to provide a framework for legislation and rules that will implement these national recommendations and standards. This document includes key components of legislation and rules with annotations regarding the need for specific language. The Academy is willing to assist with any additional information, including copies of the referenced documents. We hope you will find it useful.

Model EMD Legislation

Essential Areas and Elements for Safe, Efficient, and Effective Government Control

The Model Legislation Package approved by the National Academy of EMD contains the provisions for each State to regulate the individuals and agencies providing Emergency Medical Dispatch services to its citizens. The diversified Emergency Medical Dispatch Priority Reference System (EMDPRS) protocols used by EMDs today require specific training and knowledge in their proper use, therefore, the emergency medical dispatcher wishing certification must receive formal training in the specific EMDPRS that is used for the certification being sought and as used within the employing emergency medical dispatch agency. This document contains the following areas and elements, all of which are deemed essential to ensuring a complete process that ultimately results in the correct performance of EMDs and program management by EMD-provider agencies. A complete process as defined therein, must meet all applicable national standards for safe, efficient, and effective dispatch patient evaluation, patient care, and response decision-making as well as the equally safe, efficient, and effective deployment of EMS and public safety trained personnel and vehicles. The basic enabling legislation areas are:

- Purpose
- Authority and Responsibility
- Recognition
- Definitions

Within the area of **authority** and **responsibility** lie the 13 essential elements requiring regulation by the States. These are:

1. Certification of EMDs and EMD agencies
2. Recertification of EMDs and EMD agencies
3. Training and EMD curriculum standards
4. Instructor standards
5. Continuing Dispatch Education standards
6. Approval of the EMDPRS selected by the EMD agency
7. Required use of an approved EMDPRS
8. Compliance standards for EMDPRS use
9. Quality Assurance (including random case review and performance reporting)
10. EMD program governing Policies and Procedures standards
11. Medical Direction and Oversight

12. Prevention of misrepresentation
13. Revocation and suspension of certification

Within the area of **recognition** lie 5 essential elements to be addressed by the States in dealing with national standard-setting organizations. These are:

1. Certification programs
2. Recertification programs
3. Continuing Dispatch Education programs
4. Instructor programs
5. Accreditation programs

Within the area of **definitions**, the following should be addressed either within the legislation itself or within administrative rules. They may be present in other associated legislation such as EMS, EMT, and Paramedic, but must be consistent with the required meanings for EMD. If not, the suggested wording below should be used. These are:

- “Advanced Life Support Provider”
- “Continuing Dispatcher Education”
- “Compliance to Protocol”
- “Department”
- “Dispatch Life Support (DLS)”
- “Emergency Medical Dispatcher (EMD)”
- “Emergency Medical Dispatching”
- “Emergency Medical Dispatch Agency (EMD Agency)”
- “Emergency Medical Dispatch Priority Reference System (EMDPRS)”
- “EMD Medical Direction”
- “EMD Medical Director”
- “Pre-arrival Instructions”
- “Post-dispatch Instructions”
- “Quality Assurance and Improvement Program”
- “Vehicle Response Mode”
- “Vehicle Response Configuration”

Model State Emergency Medical Dispatch Act

enabling legislation for EMD regulation

Sec. 1. Short title.

This Act shall be known and may be cited as the “Emergency Medical Dispatch Act.”

Sec. 2. Definitions.

“Advanced Life Support Provider” means a person that has been licensed or certified as an EMT-Intermediate, an EMT-Paramedic, a Registered Nurse, or a licensed physician in any State [Territory, Province]. [this definition may

not be necessary if identified elsewhere in the applicable EMS statute or rules]

“Call Routing” shall mean the reception of emergency calls where the purpose is to only determine the course of direction of routing (police, fire, medical) resulting in rapid transfer of medical callers to the EMD agency or EMD calltaker for emergency medical dispatching services.

“Compliance to Protocol” shall mean the adherence to the written text or scripts and other processes within the approved EMDPRS except that, deviation from the text or script may only occur for the express purpose of clarifying the meaning or intent of a question or facilitating the clear understanding of a required action, instruction, or response from the caller. EMD performance is determined by the evaluation of this compliance.

“Continuing Dispatcher Education” shall mean medical dispatch relevant educational experiences in accordance with standards set forth in national standards established for the practice for emergency medical dispatching (i.e., ASTM F 1560 Standard practice for Emergency Medical Dispatch, Section 13).

“Department” shall mean the Department of [Health or agency with responsibility for certifying emergency medical personnel].

“Dispatch Life Support (DLS)” shall mean the knowledge, procedures, and skills used by trained EMDs in providing care and advice through pre-arrival instructions and post-dispatch instructions to callers requesting emergency medical assistance.

“EMD Medical Direction” shall mean the management and accountability for the medical care aspects of an emergency medical dispatch agency including: responsibility for the medical decision and care advice rendered by the emergency medical dispatcher and emergency medical dispatch agency; approval and medical control of the operational emergency medical dispatch priority reference system (EMDPRS); evaluation of the medical care and pre-arrival instructions rendered by the EMD personnel; direct participation in the EMD system evaluation and continuous quality improvement process; and, the medical oversight of the training of the EMD personnel.

“EMD Medical Director” shall mean a licensed physician approved by the Department who provides EMD medical direction to the emergency medical dispatch agency and works with the local EMS medical director if not the same person.

Model EMD Legislation

“Emergency Medical Dispatcher (EMD)” shall mean a person trained to provide emergency medical dispatch services and is *[certified, licensed]* in accordance with this Act.

“Emergency Medical Dispatching” shall mean the reception, evaluation, processing, provision of dispatch life support, management of requests for emergency medical assistance, and participation in ongoing evaluation and improvement of the emergency medical dispatch process. This process includes identifying the nature of the request, prioritizing the severity of the request, dispatching the necessary resources, providing medical aid and safety instructions to the callers and coordinating the responding resources as needed but does not include call routing per se.

“Emergency Medical Dispatch Agency (EMD Agency)” shall mean any company, organization, or government agency that provides emergency medical dispatch services for emergency medical assistance, and is *[certified, licensed]* in accordance with this Act.

“Emergency Medical Dispatch Priority Reference System (EMDPRS)” shall mean a Department approved and EMD Medical Director approved system that includes: the protocol used by an emergency medical dispatcher in an emergency medical dispatch agency to dispatch aid to medical emergencies that includes: systematized caller interrogation questions; systematized dispatch life support instructions; and, systematized coding protocols that match the dispatcher's evaluation of the injury or illness severity with the vehicle response mode and vehicle response configuration; continuous quality improvement program that measures compliance to protocol through ongoing random case review for each EMD; and a training curriculum and testing process consistent with the specific EMDPRS protocol used by the emergency medical dispatch agency.

“National EMD Standard-Setting & Certification Organization (NESSCO)” An organization that provides and maintains a comprehensive EMD protocol and training system development process including a scientific methods-based standards improvement methodology. Such organizations must maintain current and up-to-date EMDPRS, curriculum, training, testing, certification, recertification, instructor, quality improvement, and accreditation programs and standards.

“Pre-arrival Instructions” shall mean the current, scripted medical instructions given in life threatening situations whenever possible

and appropriate, where correct evaluation, verification, and advice given by Emergency Medical Dispatchers is essential to provide necessary assistance and control of the situation prior to arrival of emergency medical services personnel. These protocols are part of an EMDPRS and are used as close to word-for-word as possible.

“Post-dispatch Instructions” shall mean case-specific advice, warnings, and treatments given by trained EMDs whenever possible and appropriate after dispatching field responders. These protocols are part of an EMDPRS.

“Quality Assurance and Improvement Program” shall mean a program approved by the medical director and administered by the EMD agency for the purpose of insuring safe, efficient, and effective performance of EMDs in regard to their use of the EMDPRS and patient care advice provided. This program shall include at a minimum, the random case review evaluating EMD performance, feedback of EMDPRS compliance levels to EMDs, related CDE retraining and remediation, and submission of compliance data to medical director and the Department.

“Vehicle Response Mode” shall mean the use of emergency driving techniques, such as warning lights-and-siren or routine driving response as assigned by the EMS agency and approved by the EMS Medical Director.

“Vehicle Response Configuration” shall mean the specific vehicle(s) of varied types, capabilities, and numbers responding to render assistance as assigned by the EMS agency and approved by the EMS Medical Director.

Sec. 3. Certificate Required.

(a) No person may represent herself/himself as an emergency medical dispatcher unless *[certified, licensed, accredited]* by the Department as an emergency medical dispatcher.

(b) No business, organization, or government agency may represent itself as an emergency medical dispatch agency unless the business, organization, or government agency is *[certified, licensed, accredited]* by the Department as an emergency medical dispatch agency.

Sec. 4. National Standards Required.

The Department shall use applicable national standards when developing the rules and requirements for emergency medical dispatchers and emergency medical dispatch agencies.

Sec. 5. Authority and Responsibilities.

The Department shall have the authority and responsibility to establish rules and requirements for the following pursuant to this Act:

(a) Require certification and recertification of a

person who meets the training and other requirements as an emergency medical dispatcher.

(b) Require certification and recertification of a business, organization, or government agency that operates an emergency medical dispatch agency that meets the minimum standards prescribed by the Department for an emergency medical dispatch agency.

(c) Establish a biannual recertification requirement that requires at least 12 hours of medical dispatch specific continuing education each year.

(d) Require minimum education and continuing education for the Emergency Medical Dispatcher which meet national standards.

(e) Require the EMD to follow the questions and decision-making processes within their EMDPRS in compliance to the written policies and procedures of their EMD agency as approved by the Department.

(f) Require the EMD to provide dispatch life support (including pre-arrival instructions) in compliance to the written text or scripts and other processes within the approved EMDPRS.

(g) Require the EMD agency to have in place Department-approved policies and procedures for the safe and effective use of the EMDPRS.

(h) Require the EMD to keep the Department currently informed as to the entity or agency that employs or supervises his/her activities as an Emergency Medical Dispatcher.

(i) Approve all EMDPRS protocols used by emergency medical dispatch agencies to assure compliance with national standards.

(j) Require that Department-approved emergency medical dispatch certification training programs shall be conducted in accordance with national standards and shall include a written examination approved by the Department that tests for competency in the specific EMDPRS taught in the approved certification training program.

(k) Require that Department-approved emergency medical dispatcher certification training programs shall be conducted by instructors that meet Department-approved qualifications.

(l) Require that the emergency medical dispatch agency be operated in a safe, efficient, and effective manner in accordance with national approved standards including but not limited to:

1) All personnel providing emergency medical dispatch services must be certified by the Department prior to functioning alone in an on-line capacity.

2) The use on every request for medical

Model EMD Legislation

assistance of a Department-approved emergency medical dispatch priority reference system (EMDPRS).

3) The EMD interrogating the caller and coding the incident must be the same EMD that gives the DLS instructions. The EMD dispatching the response may be another person.

4) Under the approval and supervision of the medical director, the establishment of a continuous quality assurance, improvement and management program that measures various areas of compliance to the EMDPRS through ongoing random case review for each EMD and provides feed back to the individuals and management of the EMS agency regarding the level of compliance and performance.

5) A case review process evaluating the EMD's compliance to various Department defined areas within the EMDPRS.

6) Reporting of EMDPRS performance and compliance data at Department approved intervals.

7) The appointment of a dispatch medical director to review and approve the EMDPRS, the EMD training program, quality assurance/improvement program, medical dispatch oversight committee(s), continuing dispatch education program, and the medical aspects of the operation of the emergency medical dispatch agency.

8) The agency shall have and use the most current version of the Department approved EMDPRS selected for use by the agency as defined by the Department.

9) The EMDPRS selected for use by the agency and approved by the Department,

including its questions, instructions, and protocols, shall be used as a whole and not piecemeal.

(m) Require that a person, organization, or government agency may not offer or conduct a training course that is represented as a course for emergency medical dispatcher certification unless the person, organization, or agency is approved by the Department to offer or conduct that course.

(n) Establish recognition and reciprocity between the Department and national standard-setting organizations having programs that meet the requirements contained in this Act and the rules established for it by the Department.

(o) Require each EMD, EMD agency, or recognized national standard-setting organization to report to the Department whenever an action has taken place that may require the revocation or suspension of a certificate issued by the Department.

Sec 6. Effective Dates.

The provisions of this chapter shall become effective on [within 2 years].

Sec 7. Penalties.

(a) Any person guilty of willfully violating or failing to comply with any provision of this Act or regulations set forth by the Department under Section 5 of this Act shall be fined not more than two hundred fifty dollars, or imprisoned not more than three months, or be both fined and imprisoned.

(b) Any agency or organization guilty of willfully violating or failing to comply with any provision of this Act or regulations set forth by the Department under Section 5 of this Act shall be fined not more than one thousand

dollars, or imprisoned not more than six months, or be both fined and imprisoned.

Sec 8. Grants (optional)

(a) The Department shall establish a grant in aid program to provide funds to government and non-profit agencies that provide emergency medical dispatch services for the purpose of initially implementing the provisions of this Act.

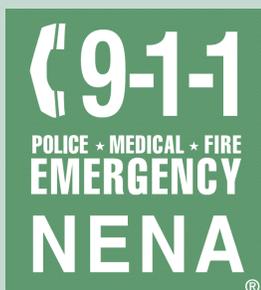
(b) The Department shall develop a statewide implementation plan and budget for submission to the legislature during the next regular session of the legislature.

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