

[Second Reprint]

ASSEMBLY, No. 4107

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED MAY 26, 2022

Sponsored by:

Assemblyman GARY S. SCHAER

District 36 (Bergen and Passaic)

Assemblyman HERB CONAWAY, JR.

District 7 (Burlington)

Assemblyman ANTHONY S. VERRELLI

District 15 (Hunterdon and Mercer)

Senator JOSEPH F. VITALE

District 19 (Middlesex)

Senator ROBERT W. SINGER

District 30 (Monmouth and Ocean)

Co-Sponsored by:

**Assemblywoman McCarthy Patrick, Assemblyman Freiman,
Assemblywomen Tucker, Lopez, Haider, Lampitt, Assemblyman McKeon,
Assemblywomen McKnight, Swain, Assemblyman Tully, Senators
O'Scanlon and Pou**

SYNOPSIS

Makes various changes concerning regulation of emergency medical services; establishes mobile integrated health program and new State Emergency Medical Services Medical Director in DOH.

CURRENT VERSION OF TEXT

As reported by the Assembly Budget Committee on June 27, 2022, with amendments.

(Sponsorship Updated As Of: 6/29/2022)

1 AN ACT concerning emergency medical services ¹and mobile
 2 integrated health¹ and amending ¹and supplementing¹ P.L.1984,
 3 c.146.

4
 5 **BE IT ENACTED** by the Senate and General Assembly of the State
 6 of New Jersey:

7
 8 1. Section 1 of P.L.1984, c.146 (C.26:2K-7) is amended to read
 9 as follows:

10 1. As used in this act:

11 a. "Advanced life support" means an advanced level of [pre-
 12 hospital, inter-hospital, and] emergency [service] medical care,
 13 including specialty care transport, which includes basic life support
 14 functions[, cardiac monitoring, cardiac defibrillation, telemetered
 15 electrocardiography, administration of anti-arrhythmic agents,
 16 intravenous therapy, administration of specific medications, drugs
 17 and solutions, use of adjunctive ventilation devices, trauma care and
 18 other techniques and procedures authorized in writing by the
 19 commissioner] and procedures, medications, and equipment
 20 established by the National Highway Traffic Safety
 21 Administration's scope of practice for paramedics, and any other
 22 such procedures, medications, and equipment as set forth in
 23 ¹**[Section] section**¹ 6 of P.L.1984, c.146 (C.26:2K-12);

24 b. "Board of Medical Examiners" means the State Board of
 25 Medical Examiners;

26 c. "Board of Nursing" means the New Jersey Board of Nursing;

27 d. "Commissioner" means the Commissioner of the ¹**[State]**¹
 28 Department of Health;

29 e. "Department" means the ¹**[State]**¹ Department of Health;

30 f. "Emergency [service] department" means a program in a
 31 hospital staffed 24 hours a day by a licensed physician trained in
 32 emergency medicine;

33 g. **["Inter-hospital]** "Specialty care transport" means **[those**
 34 **emergency medical]** services that are above basic life support
 35 services rendered **[by mobile intensive care units]** to **[emergency]**
 36 **patients before and during transportation between [emergency**
 37 **treatment]** licensed facilities, during retrieval from those facilities,
 38 and upon arrival within those facilities;

39 h. "Mobile intensive care paramedic" means a person trained in
 40 advanced life support services and **[certified]** licensed by the
 41 commissioner to render advanced life support services as part of a
 42 mobile intensive care unit or as otherwise provided in section 4 of
 43 P.L.1984, c.146 (C.26:2K-10);

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
 not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AAP committee amendments adopted June 23, 2022.

²Assembly ABU committee amendments adopted June 27, 2022.

1 i. "Mobile intensive care unit" means a specialized emergency
2 medical service **【vehicle】 unit that is staffed 【by mobile intensive**
3 care paramedics or registered professional nurses trained in
4 advanced life support nursing**】 in accordance with paragraph (2) of**
5 **subsection a. of section 6 of P.L.1984, c.146 (C.26:2K-12) and**
6 operated for the provision of advanced life support services under
7 the direction of an authorized hospital;

8 j. "Pre-hospital care" means those **【emergency】** medical
9 services rendered by **【mobile intensive care units to emergency**
10 patients**】 emergency medical services personnel** before and during,
11 **or in lieu of,** transportation to **【emergency treatment】 medical**
12 facilities, and upon arrival within those facilities.

13 k. "Volunteer paramedic unit" means an operational subunit
14 within a mobile intensive care unit that is exclusively staffed by at
15 least two volunteer paramedics with access to any vehicle,
16 including a personal vehicle.

17 l. "Agency EMS medical director" means a physician licensed
18 in this State who is certified in emergency medicine or emergency
19 medical services, or both, and is responsible for the medical
20 oversight of a hospital mobile intensive care program.

21 m. "Mobile integrated health" means ¹【the provision of non-
22 emergency】¹ health care services ¹【by a paramedic, registered
23 nurse, advanced practice nurse, or physician assistant under a
24 mobile intensive care program using】 delivered with the approval
25 of the Department of Health to patients outside of a hospital setting,
26 using mobile resources, and employing team-based and¹ patient-
27 centered ¹【, mobile resources in a prehospital】¹ care ¹【environment
28 through an approved mobile intensive care hospital】¹.

29 (cf: P.L.2021, c.480, s.1)

30
31 2. Section 2 of P.L.1984, c.146 (C.26:2K-8) is amended to read
32 as follows:

33 2. a. A mobile intensive care paramedic shall obtain
34 **【certification】 licensure** from the commissioner to **【staff a mobile**
35 intensive care unit**】 provide advanced life support** and shall make
36 application therefor on forms prescribed by the commissioner.

37 b. The commissioner with the approval of the **【board of**
38 medical examiners**】 State Board of Medical Examiners** shall
39 establish written standards which a mobile intensive care paramedic
40 shall meet in order to obtain **【certification】 licensure**. The
41 commissioner shall act on a regular basis upon applications of
42 candidates for **【certification】 licensure** as a mobile intensive care
43 paramedic. **【The commissioner shall certify a candidate who**
44 provides satisfactory evidence of the successful completion of an
45 educational program approved by the commissioner for the training
46 of mobile intensive care paramedics and who passes an examination
47 in the provision of advance life support services, which examination

1 shall be conducted by the department at least twice a year.】 The
2 commissioner shall **【certify】** license a candidate ¹**【for】** as¹ a
3 mobile intensive care paramedic **【certification】** who has equivalent
4 military training or experience in any branch of the active duty or
5 reserve component of the Armed Forces of the United States or the
6 National Guard of any state if the commissioner determines that the
7 candidate's military training and experience exceed or are
8 equivalent to the certification standards established by the
9 **【commissioner】** National Registry of Emergency Medical
10 Technicians. The commissioner shall license a candidate ¹**【for】** as¹
11 a mobile intensive care paramedic who is registered as a paramedic
12 with the National Registry of Emergency Medical Technicians.

13 c. The department shall maintain a register of all applicants for
14 **【certification】** licensure hereunder, which register shall include but
15 not be limited to:

16 (1) The name and residence of the applicant;

17 (2) The date of the application;

18 (3) Information as to whether the applicant was rejected or
19 **【certified】** licensed and the date of that action.

20 The department shall annually compile a list of mobile intensive
21 care paramedics. This list shall be available to the public.

22 (cf: P.L.2013, c.101, s.2)

23

24 3. Section 3 of P.L.1984, c.146 (C.26:2K-9) is amended to read
25 as follows:

26 3. The commissioner after notice and hearing may revoke the
27 **【certification】** license of a mobile intensive care paramedic for
28 violation of any provision of this act or regulation promulgated
29 hereunder.

30 (cf: P.L.1984, c.146, s.3)

31

32 4. Section 4 of P.L.1984, c.146 (C.26:2K-10) is amended to
33 read as follows:

34 4. a. A mobile intensive care paramedic may perform
35 advanced life support services, provided that the paramedic is
36 following a standing order, or if the paramedic maintains direct
37 voice communication with and is taking orders from a licensed
38 physician or physician directed registered professional nurse, both
39 of whom are affiliated with a mobile intensive care hospital which
40 is approved by the commissioner to provide advanced life support
41 services. **【A telemetered electrocardiogram shall be monitored**
42 **when deemed appropriate by the licensed physician or when**
43 **required by written rules and regulations established by the mobile**
44 **intensive care hospital and approved by the commissioner.】**

45 b. (1) A mobile intensive care paramedic may deliver
46 advanced life support services, or any other services within the
47 approved scope of practice for mobile intensive care paramedics, in

1 a pre-hospital setting, in a mobile integrated health care setting,
2 health care specialty setting, or any other hospital-controlled
3 setting, through an approved mobile intensive care hospital, as
4 determined by the commissioner and as authorized by the agency
5 EMS medical director. A mobile intensive care paramedic shall be
6 permitted to provide advanced life support services when operating
7 outside of a mobile intensive care unit in situations directly related
8 to EMS first response or mobile integrated health as authorized by
9 the mobile intensive care paramedic's agency EMS medical
10 director. A single mobile intensive care paramedic shall not be
11 acknowledged as a mobile intensive care unit.

12 (2) The authorized services provided under a mobile integrated
13 health program shall be determined by the agency EMS medical
14 director overseeing the program, and may include, but need not be
15 limited to: providing paramedicine care, chronic disease
16 management, preventive care, and post-discharge follow-up visits;
17 or providing referrals and transportation assistance to appropriate
18 care and services to patients requiring health care services who do
19 not require hospital-based treatment.

20 c. Nothing in this section shall be construed to alter the scope
21 of practice of any licensed health care professional under Title 45 of
22 the Revised Statutes or the scope or authority of any agency, board,
23 department, or other entity in this State that is responsible for
24 licensing health care workers.

25 ²d. The provisions of this section shall apply notwithstanding
26 the provisions of section 12 of P.L.1984, c.146 (C.26:2K-18) and
27 notwithstanding the provisions of any law to the contrary.²
28 (cf: P.L.2021, c.480, s.2)
29

30 5. Section 6 of P.L.1984, c.146 (C.26:2K-12) is amended to
31 read as follows:

32 6. a. (1) Only a hospital exclusively authorized to develop and
33 maintain advanced life support services in the municipality in which
34 the trauma center is located pursuant to section 1 of P.L.2015, c.70
35 (C.26:2K-12.1), or a hospital authorized by the commissioner with
36 an accredited emergency [service] department may develop and
37 maintain a mobile intensive care unit, and provide advanced life
38 support services utilizing licensed physicians, registered
39 professional nurses trained in advanced life support nursing, and
40 mobile intensive care paramedics.

41 (2) ²(a)² A mobile intensive care unit, when in service, shall be
42 staffed by a minimum of two persons, which two persons may be
43 two mobile intensive care paramedics, two registered professional
44 nurses trained in advanced life support nursing, ²or² one mobile
45 intensive care paramedic and one registered professional nurse
46 trained in advanced life support nursing ²], or one emergency
47 medical technician and one mobile intensive care paramedic or
48 registered professional nurse trained in advanced life support

1 nursing¹. Any individual providing advanced life support as
2 provided in this paragraph shall be authorized to render care within
3 that individual's scope of practice based on the agency EMS
4 medical director's determination of competency. ²[In the case of a
5 mobile intensive care unit staffed by one emergency medical
6 technician and one mobile intensive care paramedic or registered
7 professional nurse trained in advanced life support nursing treating
8 a patient in need of advanced life support services, the mobile
9 intensive care paramedic or registered professional nurse trained in
10 advanced life support nursing shall provide primary patient care. A
11 mobile intensive care unit shall not be staffed by an emergency
12 medical technician under this paragraph unless approved by the
13 agency EMS medical director, based on the EMS medical director's
14 determination of the competency of the mobile intensive care
15 paramedic or registered professional nurse trained in advanced life
16 support nursing and the emergency medical technician to work
17 together to provide mobile intensive care services.]²

18 ²(b) The Department of Health shall establish criteria for and a
19 process by which a hospital may apply to the department for
20 permission to operate a mobile intensive care unit that is staffed by
21 one emergency medical technician and one mobile intensive care
22 paramedic or registered professional nurse trained in advanced life
23 support nursing, if the hospital is experiencing a staffing shortage.²

24 (3) Agency EMS medical directors shall have the authority to
25 establish advanced life support protocols, within the scope of
26 practice for advanced life support providers established by the
27 commissioner, which protocols shall include, but shall not be
28 limited to, protocols concerning medications, equipment,
29 procedures, and clinical practice. Aspects of clinical practice that
30 exceed the scope established by commissioner shall be submitted by
31 an agency EMS medical director to the mobile intensive care
32 advisory council for review and recommendation to the
33 commissioner.

34 (4) A hospital with a mobile intensive care unit may authorize a
35 board-certified or board-eligible emergency medicine physician,
36 advanced practice nurse, or physician assistant, who has
37 successfully completed an in-house practical competency-based
38 ¹[EMS] emergency medical services¹ orientation and training
39 guided by respective relevant professional standards and approved
40 by the agency EMS medical director, and is employed by the
41 hospital to deliver care within the approved scope of practice of the
42 ¹[board certified] board-certified¹ or ¹[board eligible] board-
43 eligible¹ emergency medicine physician, advanced practice nurse,
44 or physician assistant in a ¹[prehospital] pre-hospital¹ setting or an
45 interfacility setting, as determined by the agency EMS medical
46 director.

1 b. A hospital authorized by the commissioner pursuant to
2 subsection a. of this section shall provide mobile intensive care unit
3 services on a seven-day-a-week basis.

4 c. The commissioner shall establish, in writing, criteria which a
5 hospital shall meet in order to qualify for the authorization.

6 d. The commissioner may withdraw his authorization if the
7 hospital or unit violates any provision of this act or rules or
8 regulations promulgated pursuant thereto.

9 e. Nothing in this section shall be construed to alter the scope
10 of practice of any licensed health care professional under Title 45 of
11 the Revised Statutes or the scope or authority of any agency, board,
12 department, or other entity in this State that is responsible for
13 licensing health care workers.

14 (cf: P.L.1985, c.351, s.2)

15
16 6. Section 7 of P.L.1984, c.146 (C.26:2K-13) is amended to
17 read as follows:

18 7. a. No person may advertise or disseminate information to
19 the public that the person provides advanced life support services
20 by a mobile intensive care unit unless the person is authorized to do
21 so pursuant to section 6 of ¹**[this act]** P.L.1984, c.146 (C.26:2K-
22 12)¹.

23 b. No person may impersonate or refer to himself or herself as
24 a mobile intensive care paramedic unless ¹**[he or she]** the person¹ is
25 **[certified]** licensed or approved therefor, as appropriate.

26 (cf: P.L.1984, c.146, s.7)

27
28 7. Section 8 of P.L.1984, c.146 (C.26:2K-14) is amended to
29 read as follows:

30 8. No emergency medical technician, mobile intensive care
31 paramedic, licensed physician, hospital or its board of trustees,
32 officers and members of the medical staff, **[nurses]** registered
33 nurse, advanced practice nurse, physician assistant, or other
34 employees of the hospital, first aid, **[ambulance]** ¹**[emergency**
35 **medical service]** ambulance¹ or rescue squad, licensed emergency
36 medical ¹**[service]** services¹ agency, or officers and members of a
37 first aid, ¹**[emergency medical service]** ambulance¹ or rescue squad
38 shall be liable for any civil damages as the result of an act or the
39 omission of an act committed while in training for or in the
40 rendering of basic and advanced life support services in good faith
41 and in accordance with this act.

42 (cf: P.L.1984, c.146, s.8)

43
44 8. Section 10 of P.L.1984, c.146 (C.26:2K-16) is amended to
45 read as follows:

46 10. ¹**[a]** a.¹ (1) The Commissioner of Health shall appoint a
47 State Emergency Medical Services Medical Director to the Office

1 of Emergency Medical Services 'in the Department of Health' .
2 The State Emergency Medical Services Medical Director shall be a
3 licensed physician in this State and board certified in emergency
4 medicine with leadership experience in the medical oversight of
5 emergency medical services, specifically in advanced life support,
6 basic life support, critical care transport, and emergency medical
7 services dispatching. In selecting the State Emergency Medical
8 Services Medical Director, the Commissioner of Health shall give
9 preference to a candidate who is board certified in emergency
10 medical services. The State Emergency Medical Services Medical
11 Director shall not be permitted to be employed as an agency EMS
12 medical director while serving as State Emergency Medical
13 Services Medical Director.

14 (2) The State Emergency Medical Services Medical Director
15 shall be coequal with the Director of Emergency Medical Services.
16 The State Emergency Medical Services Medical Director shall have
17 primary responsibility for the oversight, regulation, and discipline
18 related to clinical issues pertaining to the provision of emergency
19 medical services in New Jersey, and the Director of Emergency
20 Medical Services shall have primary responsibility for the oversight
21 of non-clinical issues related to the provision of emergency medical
22 services in New Jersey. The State Emergency Medical Services
23 Medical Director shall additionally be responsible for aiding the
24 commissioner in promulgating rules and regulations establishing the
25 scope of practice for providers of emergency medical services,
26 including new standards for basic and advanced life support based
27 on the National EMS Scope of Practice Model and the
28 recommendations of the mobile intensive care advisory council.

29 b. The commissioner shall establish a State mobile intensive
30 care advisory council, which shall: advise the department on all
31 matters of [mobile intensive care services] advanced life support,
32 the Emergency Medical Service Helicopter Response Program and
33 emergency medical transportation; annually review advanced life
34 support scope of practice; and provide recommendations directly to
35 the commissioner for clinical updates. The council shall [select a
36 chairman annually to chair the meetings and coordinate the
37 activities of the advisory council] be chaired by the State
38 Emergency Medical Services Medical Director. Within 60 days
39 following the effective date of ' [this act] P.L. , c. (pending
40 before the Legislature as this bill) ' , the council shall create new by-
41 laws, and select a vice-chair from among its members. In the event
42 that the State Emergency Medical Services Medical Director
43 position is vacant, the vice-chair shall act as chair of the council
44 until the State Emergency Medical Services Medical Director
45 position is no longer vacant. The [chairman] chair shall appoint
46 subcommittees to review and recommend policy on subjects
47 including, but not limited to, advanced life support training
48 programs, advanced life support patient care equipment, biomedical

1 and telecommunications equipment and procedures, treatment
2 protocols, and helicopter equipment and procedures, as well as
3 other medical matters.

4 (cf: P.L.1986, c.106, s.5)

5
6 ¹9. (New section) a. The Department of Health shall establish a
7 mobile integrated health program. In establishing the mobile
8 integrated health program, the Department of Health shall consider
9 relevant standards and criteria developed or adopted by nationally
10 recognized agencies or organizations, as well as recommendations
11 of interested stakeholders, including, but not limited to, the State
12 Trauma System Advisory Committee and the Mobile Intensive Care
13 Advisory Council.

14 b. The Department of Health shall establish, in writing, criteria
15 by which an entity may apply for and receive authorization from the
16 department to participate in the mobile integrated health program,
17 and criteria by which an entity may lose authorization to participate
18 in the mobile integrated health program.

19 c. The Commissioner of Health shall adopt rules and
20 regulations as are necessary to effectuate the provisions of this
21 section, which rules and regulations shall be effective immediately
22 upon filing with the Office of Administrative Law for a period not
23 to exceed 18 months, and shall, thereafter, be amended, adopted, or
24 readopted in accordance with the provisions of the "Administrative
25 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.)."¹

26
27 ¹[9.] 10.¹ Section 11 of P.L.1984, c.146 (C.26:2K-17) is
28 amended to read as follows:

29 11. The commissioner shall promulgate such rules and
30 regulations in accordance with the "Administrative Procedure Act,"
31 P.L.1968, c.410 (C.52:14B-1 et seq.) as **[he]** the commissioner
32 deems necessary to effectuate the purposes of this act, and the
33 **[board of medical examiners]** State Board of Medical Examiners
34 and the [board of nursing] New Jersey Board of Nursing shall
35 promulgate such rules and regulations as they deem necessary to
36 carry out their functions under this act.

37 (cf: P.L.1984, c.146, s.11)

38
39 ¹[10.] 11.¹ This act shall take effect immediately.