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**SUBSTITUTE HOUSE BILL 1721**

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**State of Washington**

**64th Legislature**

**2015 Regular Session**

**By** House Health Care & Wellness (originally sponsored by Representatives Robinson, Schmick, Cody, Harris, Riccelli, and Van De Wege)

READ FIRST TIME 02/20/15.

1 AN ACT Relating to the transport of patients by ambulance to  
2 facilities other than hospitals; amending RCW 70.168.100 and  
3 18.71.210; reenacting and amending RCW 70.168.015; adding a new  
4 section to chapter 70.168 RCW; adding a new section to chapter 18.73  
5 RCW; and adding a new section to chapter 74.09 RCW.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 70.168  
8 RCW to read as follows:

9 (1) The department, in consultation with the department of social  
10 and health services, shall convene a work group comprised of members  
11 of the steering committee and representatives of ambulance services,  
12 firefighters, mental health providers, and chemical dependency  
13 treatment programs. The work group shall establish alternative  
14 facility guidelines for the development of protocols, procedures, and  
15 applicable training appropriate to the level of emergency medical  
16 service provider for the appropriate transport of patients in need of  
17 immediate mental health or chemical dependency services.

18 (2) The alternative facility guidelines shall consider when  
19 transport to a mental health facility or chemical dependency  
20 treatment program is necessary as determined by:

1 (a) The presence of a medical emergency that requires immediate  
2 medical care;

3 (b) The severity of the mental health or substance use disorder  
4 needs of the patient;

5 (c) The training of emergency medical service personnel to  
6 respond to a patient experiencing emergency mental health or  
7 substance use disorders; and

8 (d) The risk the patient presents to the patient's self, the  
9 public, and the emergency medical service personnel.

10 (3) By July 1, 2016, the department shall make the guidelines  
11 available to all regional emergency medical services and trauma care  
12 councils for incorporation into regional emergency medical services  
13 and trauma care plans under RCW 70.168.100.

14 **Sec. 2.** RCW 70.168.015 and 2010 c 52 s 2 are each reenacted and  
15 amended to read as follows:

16 As used in this chapter, the following terms have the meanings  
17 indicated unless the context clearly requires otherwise.

18 (1) "Cardiac" means acute coronary syndrome, an umbrella term  
19 used to cover any group of clinical symptoms compatible with acute  
20 myocardial ischemia, which is chest discomfort or other symptoms due  
21 to insufficient blood supply to the heart muscle resulting from  
22 coronary artery disease. "Cardiac" also includes out-of-hospital  
23 cardiac arrest, which is the cessation of mechanical heart activity  
24 as assessed by emergency medical services personnel, or other acute  
25 heart conditions.

26 (2) "Communications system" means a radio and landline network  
27 which provides rapid public access, coordinated central dispatching  
28 of services, and coordination of personnel, equipment, and facilities  
29 in an emergency medical services and trauma care system.

30 (3) "Department" means the department of health.

31 (4) "Designated trauma care service" means a level I, II, III,  
32 IV, or V trauma care service or level I, II, or III pediatric trauma  
33 care service or level I, I-pediatric, II, or III trauma-related  
34 rehabilitative service.

35 (5) "Designation" means a formal determination by the department  
36 that hospitals or health care facilities are capable of providing  
37 designated trauma care services as authorized in RCW 70.168.070.

38 (6) "Emergency medical service" means medical treatment and care  
39 that may be rendered at the scene of any medical emergency or while

1 transporting any patient in an ambulance to an appropriate medical  
2 facility, including ambulance transportation between medical  
3 facilities.

4 (7) "Emergency medical services and trauma care planning and  
5 service regions" means geographic areas established by the department  
6 under this chapter.

7 (8) "Emergency medical services and trauma care system plan"  
8 means a statewide plan that identifies statewide emergency medical  
9 services and trauma care objectives and priorities and identifies  
10 equipment, facility, personnel, training, and other needs required to  
11 create and maintain a statewide emergency medical services and trauma  
12 care system. The plan also includes a plan of implementation that  
13 identifies the state, regional, and local activities that will  
14 create, operate, maintain, and enhance the system. The plan is  
15 formulated by incorporating the regional emergency medical services  
16 and trauma care plans required under this chapter. The plan shall be  
17 updated every two years and shall be made available to the state  
18 board of health in sufficient time to be considered in preparation of  
19 the biennial state health report required in RCW 43.20.050.

20 (9) "Emergency medical services medical program director" means a  
21 person who is an approved program director as defined by RCW  
22 18.71.205(4).

23 (10) "Facility patient care protocols" means the written  
24 procedures adopted by the medical staff that direct the care of the  
25 patient. These procedures shall be based upon the assessment of the  
26 patients' medical needs. The procedures shall follow minimum  
27 statewide standards for trauma care services.

28 (11) "Hospital" means a facility licensed under chapter 70.41  
29 RCW, or comparable health care facility operated by the federal  
30 government or located and licensed in another state.

31 (12) "Level I-pediatric rehabilitative services" means  
32 rehabilitative services as established in RCW 70.168.060. Facilities  
33 providing level I-pediatric rehabilitative services provide the same  
34 services as facilities authorized to provide level I rehabilitative  
35 services except these services are exclusively for children under the  
36 age of fifteen years.

37 (13) "Level I pediatric trauma care services" means pediatric  
38 trauma care services as established in RCW 70.168.060. Hospitals  
39 providing level I services shall provide definitive, comprehensive,  
40 specialized care for pediatric trauma patients and shall also provide

1 ongoing research and health care professional education in pediatric  
2 trauma care.

3 (14) "Level I rehabilitative services" means rehabilitative  
4 services as established in RCW 70.168.060. Facilities providing level  
5 I rehabilitative services provide rehabilitative treatment to  
6 patients with traumatic brain injuries, spinal cord injuries,  
7 complicated amputations, and other diagnoses resulting in functional  
8 impairment, with moderate to severe impairment or complexity. These  
9 facilities serve as referral facilities for facilities authorized to  
10 provide level II and III rehabilitative services.

11 (15) "Level I trauma care services" means trauma care services as  
12 established in RCW 70.168.060. Hospitals providing level I services  
13 shall have specialized trauma care teams and provide ongoing research  
14 and health care professional education in trauma care.

15 (16) "Level II pediatric trauma care services" means pediatric  
16 trauma care services as established in RCW 70.168.060. Hospitals  
17 providing level II services shall provide initial stabilization and  
18 evaluation of pediatric trauma patients and provide comprehensive  
19 general medicine and surgical care to pediatric patients who can be  
20 maintained in a stable or improving condition without the specialized  
21 care available in the level I hospital. Complex surgeries and  
22 research and health care professional education in pediatric trauma  
23 care activities are not required.

24 (17) "Level II rehabilitative services" means rehabilitative  
25 services as established in RCW 70.168.060. Facilities providing level  
26 II rehabilitative services treat individuals with musculoskeletal  
27 trauma, peripheral nerve lesions, lower extremity amputations, and  
28 other diagnoses resulting in functional impairment in more than one  
29 functional area, with moderate to severe impairment or complexity.

30 (18) "Level II trauma care services" means trauma care services  
31 as established in RCW 70.168.060. Hospitals providing level II  
32 services shall be similar to those provided by level I hospitals,  
33 although complex surgeries and research and health care professional  
34 education activities are not required to be provided.

35 (19) "Level III pediatric trauma care services" means pediatric  
36 trauma care services as established in RCW 70.168.060. Hospitals  
37 providing level III services shall provide initial evaluation and  
38 stabilization of patients. The range of pediatric trauma care  
39 services provided in level III hospitals are not as comprehensive as  
40 level I and II hospitals.

1 (20) "Level III rehabilitative services" means rehabilitative  
2 services as established in RCW 70.168.060. Facilities providing level  
3 III rehabilitative services provide treatment to individuals with  
4 musculoskeletal injuries, peripheral nerve injuries, uncomplicated  
5 lower extremity amputations, and other diagnoses resulting in  
6 functional impairment in more than one functional area but with  
7 minimal to moderate impairment or complexity.

8 (21) "Level III trauma care services" means trauma care services  
9 as established in RCW 70.168.060. The range of trauma care services  
10 provided by level III hospitals are not as comprehensive as level I  
11 and II hospitals.

12 (22) "Level IV trauma care services" means trauma care services  
13 as established in RCW 70.168.060.

14 (23) "Level V trauma care services" means trauma care services as  
15 established in RCW 70.168.060. Facilities providing level V services  
16 shall provide stabilization and transfer of all patients with  
17 potentially life-threatening injuries.

18 (24) "Patient care procedures" means written operating guidelines  
19 adopted by the regional emergency medical services and trauma care  
20 council, in consultation with local emergency medical services and  
21 trauma care councils, emergency communication centers, and the  
22 emergency medical services medical program director, in accordance  
23 with minimum statewide standards. The patient care procedures shall  
24 identify the level of medical care personnel to be dispatched to an  
25 emergency scene, procedures for triage of patients, the level of  
26 trauma care facility, mental health facility, or chemical dependency  
27 program to first receive the patient, and the name and location of  
28 other trauma care facilities, mental health facilities, or chemical  
29 dependency programs to receive the patient should an interfacility  
30 transfer be necessary. Procedures on interfacility transfer of  
31 patients shall be consistent with the transfer procedures required in  
32 chapter 70.170 RCW.

33 (25) "Pediatric trauma patient" means trauma patients known or  
34 estimated to be less than fifteen years of age.

35 (26) "Prehospital" means emergency medical care or transportation  
36 rendered to patients prior to hospital admission or during  
37 interfacility transfer by licensed ambulance or aid service under  
38 chapter 18.73 RCW, by personnel certified to provide emergency  
39 medical care under chapters 18.71 and 18.73 RCW, or by facilities

1 providing level V trauma care services as provided for in this  
2 chapter.

3 (27) "Prehospital patient care protocols" means the written  
4 procedures adopted by the emergency medical services medical program  
5 director that direct the out-of-hospital emergency care of the  
6 emergency patient which includes the trauma patient. These procedures  
7 shall be based upon the assessment of the patients' medical needs and  
8 the treatment to be provided for serious conditions. The procedures  
9 shall meet or exceed statewide minimum standards for trauma and other  
10 prehospital care services.

11 (28) "Rehabilitative services" means a formal program of  
12 multidisciplinary, coordinated, and integrated services for  
13 evaluation, treatment, education, and training to help individuals  
14 with disabling impairments achieve and maintain optimal functional  
15 independence in physical, psychosocial, social, vocational, and  
16 avocational realms. Rehabilitation is indicated for the trauma  
17 patient who has sustained neurologic or musculoskeletal injury and  
18 who needs physical or cognitive intervention to return to home, work,  
19 or society.

20 (29) "Secretary" means the secretary of the department of health.

21 (30) "Trauma" means a major single or multisystem injury  
22 requiring immediate medical or surgical intervention or treatment to  
23 prevent death or permanent disability.

24 (31) "Trauma care system" means an organized approach to  
25 providing care to trauma patients that provides personnel,  
26 facilities, and equipment for effective and coordinated trauma care.  
27 The trauma care system shall: Identify facilities with specific  
28 capabilities to provide care, triage trauma victims at the scene, and  
29 require that all trauma victims be sent to an appropriate trauma  
30 facility. The trauma care system includes prevention, prehospital  
31 care, hospital care, and rehabilitation.

32 (32) "Triage" means the sorting of patients in terms of  
33 disposition, destination, or priority. Triage of prehospital trauma  
34 victims requires identifying injury severity so that the appropriate  
35 care level can be readily assessed according to patient care  
36 guidelines.

37 (33) "Verification" means the identification of prehospital  
38 providers who are capable of providing verified trauma care services  
39 and shall be a part of the licensure process required in chapter  
40 18.73 RCW.

1 (34) "Verified trauma care service" means prehospital service as  
2 provided for in RCW 70.168.080, and identified in the regional  
3 emergency medical services and trauma care plan as required by RCW  
4 70.168.100.

5 **Sec. 3.** RCW 70.168.100 and 1990 c 269 s 13 are each amended to  
6 read as follows:

7 Regional emergency medical services and trauma care councils are  
8 established. The councils (~~shall~~):

9 (1) By June 1990, shall begin the development of regional  
10 emergency medical services and trauma care plans to:

11 (a) Assess and analyze regional emergency medical services and  
12 trauma care needs;

13 (b) Identify personnel, agencies, facilities, equipment,  
14 training, and education to meet regional and local needs;

15 (c) Identify specific activities necessary to meet statewide  
16 standards and patient care outcomes and develop a plan of  
17 implementation for regional compliance;

18 (d) Establish and review agreements with regional providers  
19 necessary to meet state standards;

20 (e) Establish agreements with providers outside the region to  
21 facilitate patient transfer;

22 (f) Include a regional budget;

23 (g) Establish the number and level of facilities to be designated  
24 which are consistent with state standards and based upon availability  
25 of resources and the distribution of trauma within the region;

26 (h) Identify the need for and recommend distribution and level of  
27 care of prehospital services to assure adequate availability and  
28 avoid inefficient duplication and lack of coordination of prehospital  
29 services within the region; (~~and~~)

30 (i) Identify procedures to allow for the appropriate transport of  
31 patients to mental health facilities or chemical dependency programs,  
32 as informed by the alternative facility guidelines adopted under  
33 section 1 of this act; and

34 (j) Include other specific elements defined by the department;

35 (2) By June 1991, shall begin the submission of the regional  
36 emergency medical services and trauma care plan to the department;

37 (3) Shall advise the department on matters relating to the  
38 delivery of emergency medical services and trauma care within the  
39 region;

1 (4) Shall provide data required by the department to assess the  
2 effectiveness of the emergency medical services and trauma care  
3 system;

4 (5) May apply for, receive, and accept gifts and other payments,  
5 including property and service, from any governmental or other public  
6 or private entity or person, and may make arrangements as to the use  
7 of these receipts, including any activities related to the design,  
8 maintenance, or enhancements of the emergency medical services and  
9 trauma care system in the region. The councils shall report in the  
10 regional budget the amount, source, and purpose of all gifts and  
11 payments.

12 NEW SECTION. **Sec. 4.** A new section is added to chapter 18.73  
13 RCW to read as follows:

14 An ambulance service may transport patients to a nonmedical  
15 facility, such as a mental health facility or chemical dependency  
16 program as authorized in regional emergency medical services and  
17 trauma care plans under RCW 70.168.100.

18 **Sec. 5.** RCW 18.71.210 and 1997 c 275 s 1 are each amended to  
19 read as follows:

20 (1) No act or omission of any physician's trained emergency  
21 medical service intermediate life support technician and paramedic,  
22 as defined in RCW 18.71.200, or any emergency medical technician or  
23 first responder, as defined in RCW 18.73.030, done or omitted in good  
24 faith while rendering emergency medical service under the responsible  
25 supervision and control of a licensed physician or an approved  
26 medical program director or delegate(s) to a person who has suffered  
27 illness or bodily injury shall impose any liability upon:

28 ~~((1))~~ (a) The physician's trained emergency medical service  
29 intermediate life support technician and paramedic, emergency medical  
30 technician, or first responder;

31 ~~((2))~~ (b) The medical program director;

32 ~~((3))~~ (c) The supervising physician(s);

33 ~~((4))~~ (d) Any hospital, the officers, members of the staff,  
34 nurses, or other employees of a hospital;

35 ~~((5))~~ (e) Any training agency or training physician(s);

36 ~~((6))~~ (f) Any licensed ambulance service; or

37 ~~((7))~~ (g) Any federal, state, county, city or other local  
38 governmental unit or employees of such a governmental unit.



1       (2) This section shall apply to an act or omission committed or  
2 omitted in the performance of the actual emergency medical procedures  
3 and not in the commission or omission of an act which is not within  
4 the field of medical expertise of the physician's trained emergency  
5 medical service intermediate life support technician and paramedic,  
6 emergency medical technician, or first responder, as the case may be.

7       (3) This section shall apply also, as to the entities and  
8 personnel described in subsection((s)) (1) (~~through (7)~~) of this  
9 section, to any act or omission committed or omitted in good faith by  
10 such entities or personnel in rendering services at the request of an  
11 approved medical program director in the training of emergency  
12 medical service personnel for certification or recertification  
13 pursuant to this chapter.

14       (4) This section shall apply also, as to the entities and  
15 personnel described in subsection (1) of this section, to any act or  
16 omission committed or omitted in good faith by such entities or  
17 personnel involved in the transport of patients to mental health  
18 facilities or chemical dependency programs, in accordance with  
19 applicable alternative facility procedures adopted under RCW  
20 70.168.100.

21       (5) This section shall not apply to any act or omission which  
22 constitutes either gross negligence or willful or wanton misconduct.

23       NEW SECTION. Sec. 6. A new section is added to chapter 74.09  
24 RCW to read as follows:

25       The authority shall develop a reimbursement methodology for  
26 ambulance services when transporting a medical assistance enrollee to  
27 a mental health facility or chemical dependency program in accordance  
28 with the applicable alternative facility procedures adopted under RCW  
29 70.168.100.

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