



AN ASSOCIATION OF  
MONTANA HEALTH  
CARE PROVIDERS

448  
SENATE PUBLIC HEALTH, WELFARE & SAFETY  
EXHIBIT NO. 2 *Olsen*  
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BILL NO. SB 448

**MHA...An Association of Montana Health Care  
Providers**

**Testimony Before the Senate Public Health, Safety  
and Welfare Committee**

**Pertaining to Senate Bill 448; Revise Emergency  
Medical Technician Laws**

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MHA is the principal spokesperson for the collective interests of our member institutions. MHA represents Montana hospitals, nursing facilities, home health agencies, independent living facilities, hospices and other health providers.

We ask that this committee approve Senate Bill 448. SB 448 is a simple bill. In section 1, the statute is amended to add the hospital emergency department to the places where an EMT is allowed to provide limited medical care. Section 2 of the bill requires the Board of Medical Examiners to establish the standards, protocols and the scope of practice necessary to provide this type of care safely, effectively and competently.

MHA asked to have this bill introduced to accomplish one goal: Hospitals are attempting to resolve a conflict in the statutes that limit the ability for EMTs to deliver medical care at the hospital. We find ourselves caught between the concerns about EMT licensing raised by the Board of Nursing and the Board of Medical Examiners' authority to authorize EMTs to perform certain medical tasks in the outpatient hospital emergency department setting.

The issues raised by the Board of Nursing include their concern that the EMT is properly licensed to perform certain medical tasks in the hospital ED. The Board of Nursing also expressed its concern that nurses who supervise EMTs not place their personal nursing licenses at risk when directing EMTs in hospital emergency departments. Finally, the Board of Nursing expressed its concern about the appropriate training and demonstration of competency by EMTs to receive a license to perform tasks at the hospital.

This issue is of serious concern for our hospitals. Within the 2004 MHA annual employee survey, rural Montana hospitals, most of whom are Critical Access Hospitals, reported 111 employed EMTs. Without SB 448 many rural hospitals may find themselves unable to utilize EMTs to augment their nursing staff.

SB 448 addresses the Board of Nursing's main concerns by authorizing the Board of Medical Examiners to develop rules addressing the appropriate combination of education and training necessary to assure competent delivery of medical care in a hospital emergency room. The bill also allows EMTs to provide limited medical care in the emergency department.

You may hear from opponents that this bill is all about a dispute between a Missoula hospital and the nurses' union. At issue is whether using EMTs in a hospital emergency department replaces the role of licensed nurses. You may also hear that this issue affects just one community - Missoula. This is simply not true. The question about using EMTs in an emergency department may have been raised in Missoula, but the bill affects nearly every hospital in Montana.

EMTs are Emergency Medical Technicians. Some EMTs are licensed to perform many skilled medical tasks, including first aid, cardiopulmonary resuscitation, defibrillation, insertion of endotracheal tubes, the use of backboards and splints to secure fractures, head, neck and spinal injuries, starting IVs and delivering certain medications. There are four levels of EMTs: EMT-First Responder, EMT-Basic, EMT-Intermediate and EMT-Paramedic.

The Board of Medical Examiners is responsible for licensing EMTs, Standards for licensure

include: completion of a board-approved national standard educational program, successful completion of a national examination and national registration. The Board of Medical Examiners has adopted detailed rules governing the EMT that follow national standards.

EMTs are usually thought of as a “pre-hospital” care provider. An EMT is most likely to be the person on an ambulance, responding to emergency medical situations. Most EMTs in rural communities are volunteers providing service for the local ambulance company. In larger communities the EMTs may be employed by the ambulance service or the hospital.

Current training and licensure standards do not specifically address delivering EMT tasks in a hospital setting. But the tasks performed by EMTs in a “pre-hospital” setting are not essentially different merely because the EMT is inside the hospital doors.

For some time, hospitals all over Montana have used emergency medical technicians – EMTs – as unlicensed emergency department technicians to complement their emergency department (ED) staff. They do so because the skill sets provided by EMT-trained personnel augment the skill sets offered by emergency nurses, emergency physicians and other staff in the ED.

In these situations, EMTs do not operate within their scope of practice, as EMT as defined by the Board of Medical Examiners. They operate as unlicensed health care providers only according to the job description developed by their employers.

In small, rural hospitals, where nurses are often in short supply, these unlicensed emergency department technicians provide the extra pair of hands often needed in the ED. They are a critically-important part of a rural hospital’s efforts handle trauma care.

### **Why is the bill necessary?**

Nurses from Missoula raised a concern that the EMTs were providing services inside the hospital, tasks they allege are beyond the scope of the “pre-hospital” license currently held by EMTs. This problem resulted in an order to “cease and desist” being issued to the EMTs by the Montana Board of Nursing (they were perceived to be performing nursing tasks, therefore practicing nursing w/o a license). Since the EMT license comes under the purview of the Board of Medical Examiners the hospitals are caught between two licensing authorities.

SB 448 is not about a turf war, its about solving a problem.

### **Who is liable for the medical care provided by EMTs, when that care is delivered in the ED?**

The hospital and the attending physician (or mid-level practitioner) are liable for the safe and effective delivery of medical care. The hospital's nurses are typically responsible for the

coordination of services and the direct supervision of the staff.

SB 448 addresses the concerns that nurses have about delegating medical tasks to unlicensed personnel by creating the appropriate license. SB 448 also addresses the concern that the EMTs demonstrate their competency to the Board of Medical Examiners in order to provide services in the hospital setting.

### **Do EMTs have the skills to perform patient assessments in the hospital setting?**

EMTs have a narrow protocol for patient "assessment" when providing emergency response. EMTs do not have the skills to provide nursing assessments; SB 448 does not expand existing EMT skills to include anything other than what they currently do as an EMS provider.

### **Will EMT's replace LPNs?**

EMTs may provide the hospital with additional staff resources to perform certain medical tasks. EMTs and LPNs may both be able to provide a set of clinical tasks. But only LPNs are allowed to provide the modified nursing **assessment**, administer a much wider variety of medications, and other nursing tasks that fall within their scope of practice. SB 448 does not seek to replace the role of the LPN. Small, rural hospitals, in particular, cannot replace nurses they do not have. The bill does intend to make use of existing, competent persons to add additional resources to hospitals, and to resolve the professional licensing conflicts.

### **Will the Public Safety be Placed at Risk?**

SB 448 is not intended to decrease the quality of medical care provided by the hospital. Quite the reverse. Hospitals throughout Montana already use the EMT in the emergency department setting (as unlicensed assistive personnel or volunteers), and have done so for years.

SB 448 intends to resolve the conflict between two professional licensure boards. At the end of the day we seek to address the concerns raised by the Board of Nursing, assure the appropriate education and training for EMTs who deliver care in the hospital ED, ensure access to patients in need of care, and improve the quality of care provided by the hospital.

Montana's hospitals need the opportunity to use EMTs in the emergency department setting. Their presence augments the nursing team, and helps us meet the patient's medical needs. Not passing SB 448 puts public safety at greater risk by possibly cutting the staff needed to meet the care needs in Montana.

Please support passage of SB 448.

