

AN ACT

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend An Act To classify the officers and members of the fire department of the District of Columbia, and for other purposes to establish as a statutory position the Medical Director of the Fire and Emergency Medical Services Department, and to establish the Medical Director's duties and authority; to amend An Act Granting relief to the Metropolitan police, and to the officers and members of the fire department of the District of Columbia to eliminate a cap of \$75 per annum, per member, for the furnishing of uniforms and other official equipment to members of the Fire and Emergency Medical Services Department; to amend the Revenue Act for Fiscal Year 1978 to require that the Council approve any fee established by the Mayor for the provision of emergency medical services by the Fire and Emergency Medical Services Department; to amend the Omnibus Public Safety Agency Reform Amendment Act of 2004 to require the Fire Chief to coordinate with the Medical Director in developing and implementing a program of certification for firefighters, paramedics, and emergency medical technicians; and to amend the Medical Records Act of 1978 to include the Fire and Emergency Medical Services as subject to peer body review when it is operating as an emergency, pre-hospital care provider.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Emergency Medical Services Improvement Amendment Act of 2008".

Sec. 2. An Act To classify the officers and members of the fire department of the District of Columbia, and for other purposes, approved June 20, 1906 (34 Stat. 314; D.C. Official Code § 5-401 *et seq.*), is amended as follows:

(a) Section 1 (D.C. Official Code § 5-401) is amended as follows:

Amend
§ 5-401

(1) Designate the existing text as subsection (a).

(2) The newly designated subsection (a) is amended by striking the phrase "Fire Department" and inserting the phrase "Fire and Emergency Medical Services Department ("Department")" in its place.

(3) A new subsection (b) is added to read as follows:

“(b) The Fire and Emergency Medical Services Department shall provide pre-hospital medical care and transport within the geographical boundaries of the District of Columbia. Major changes in the manner the Department provides emergency medical services shall be approved by resolution of the Council.”

(b) Section 2 (D.C. Official Code § 5-402) is amended by striking the phrase “the Fire Chief of the Fire Department shall be selected from among the Deputy Fire Chiefs, the battalion fire chiefs, the Fire Marshal and the superintendent of machinery;”.

Amend
§ 5-402

(c) A new section 3a is added to read as follows:

“Sec. 3a. Medical Director.

“(a)(1) The Mayor shall appoint, with the advice and consent of the Council in accordance with paragraph (2) of this subsection, a Medical Director of the Fire and Emergency Medical Services Department (“Department”), who shall hold the rank of Assistant Fire Chief. The Medical Director shall report directly to the Fire Chief, but may be removed only by the Mayor.

“(2) Except as provided in paragraph (3) of this subsection, the Mayor shall submit a nomination for Medical Director to the Council for a 90-day period of review, excluding days of Council recess. If the Council does not approve or disapprove the nomination, by resolution, within the 90-day review period, the nomination shall be deemed disapproved.

“(3) The Mayor shall not be required to submit to the Council the appointment of the incumbent Medical Director serving as of December 19, 2007.

“(b) To be eligible for appointment, the Medical Director shall:

“(1) Be a physician licensed to practice medicine in the District of Columbia;

“(2) Be board certified in a medical specialty that represents the broad patient base that the Department serves, such as emergency medicine, general surgery, family medicine, or internal medicine; and

“(3) Have at least 4 years of substantial experience in emergency medical services, such as experience as a medical director or assistant medical director of emergency medical services, or successful completion of a recognized fellowship in emergency medical services.

“(c) The Medical Director shall maintain clinical practice at a District hospital or hold an appointment at an accredited academic medical center within the District.

“(d) The Medical Director shall:

“(1) Provide medical oversight for all aspects of pre-hospital medical services provided by the Department, including:

“(A) Written policies, procedures, and protocols for pre-hospital medical care;

“(B) Medical training; and

“(C) Quality assurance of medical services;

“(2) Supervise the administration of pre-hospital medical care; and

“(3) Work collaboratively with the Fire Chief, Assistant and Deputy Fire Chiefs,

and other personnel in the Department.

“(e)(1) The provision of pre-hospital medical care by the Department’s certified emergency medical technicians and paramedics shall be under the license of the Medical Director.

“(2) The Medical Director shall not be personally liable for the good-faith performance of the Medical Director’s duties under this act for a death or injury that results from the provision of pre-hospital medical care by the Department’s certified emergency medical technicians or paramedics practicing under the license of the Medical Director unless the death or injury is the result of willful misconduct or gross negligence of the Medical Director.

“(f)(1) The Medical Director shall have the authority to order hospital emergency rooms within the District of Columbia not to close to Department transports and to require hospitals and medical providers to accept the transfer of care of a patient or patients within a specified period of time.

“(2) The Department may transport patients to a pre-approved clinic or other medical facility that is not a hospital emergency room, appropriate to the patient’s need.

“(3) The Medical Director shall have the authority to work directly with the Mayor, the Director of the Department of Health, and other appropriate agencies to develop programs or make written agreements with clinics or other health care providers to receive the Department’s transport of patients.

“(4) The Medical Director shall have the authority to work with the District-based hospitals to coordinate pre-hospital medical services with medical research of best practices for delivery of pre-hospital medical care.”.

Sec. 3. An Act Granting relief to the Metropolitan police, and to the officers and members of the fire department of the District of Columbia, approved May 25, 1926 (44 Stat. 635; D.C. Official Code § 5-406), is amended by striking the phrase “not exceeding \$75 per annum”.

Amend
§ 5-406

Sec. 4. Section 502 of the Revenue Act for Fiscal Year 1978, effective April 19, 1977 (D.C. Law 1-124; D.C. Official Code § 5-416), is amended by striking the phrase “The Mayor of the District of Columbia is authorized, after a public hearing, to” and inserting the phrase “The Mayor, with the approval of the Council by resolution, and after the Council holds a public hearing, may” in its place.

Amend
§ 5-416

Sec. 5. Section 202(b) of the Omnibus Public Safety Agency Reform Amendment Act of 2004, effective September 30, 2004 (D.C. Law 15-194; D.C. Official Code § 5-441(b)), is amended by striking the phrase “Fire Chief” and inserting the phrase “Fire Chief, in close coordination with the Medical Director,” in its place.

Amend
§ 5-441

ENROLLED ORIGINAL

Sec. 6. Section 2 of the Medical Records Act of 1978, effective September 29, 1978 (D.C. Law 2-112; D.C. Official Code § 44-801), is amended as follows:

Amend
§ 44-801

(a) Paragraph (2) is amended by striking the period and inserting the phrase “, or the Fire and Emergency Medical Services Department to the extent that it is operating as a pre-hospital medical care provider.” in its place.

(b) Paragraph (3) is amended by adding a new sentence at the end to read as follows: “The term “health professional” also includes employees of the Fire and Emergency Medical Services Department who provide emergency medical services in accordance with approved medical protocols or under the direction of a physician licensed in accordance with the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201 *et seq.*).”.

Sec. 7. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 8. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia