

House Bill No. 195

An act relating to emergency medical dispatch; creating s. 768.1335, F.S.; creating the Emergency Medical Dispatch Act; providing definitions; providing a presumption of nonnegligence for certain persons who use emergency dispatch protocols; providing exceptions; amending s. 401.111, F.S.; providing for grants to local agencies to support emergency medical dispatch; providing an effective date.

WHEREAS, emergency medical dispatch programs promote appropriate standards that result in the more effective dispatch of emergency medical services and the saving of lives, and

WHEREAS, the dispatcher is the first responder to a medical emergency when someone dials 911 or calls a medical dispatch agency directly, and dispatchers are being recognized nationally as the true first responders to the emergency scene, and

WHEREAS, an emergency medical dispatcher has an immediate response time during which to offer basic instructions to the caller regardless of the emergency medical services response time and is crucial for the delivery and receipt of information to EMS units, and

WHEREAS, an emergency medical dispatch program is a key component of a quality EMS system, and

WHEREAS, organizations such as the American Heart Association (AHA), the American College of Emergency Physicians (ACEP), the National Association of Emergency Medical Services Physicians (NAEMSP), the National Institute of Health (NIH), the National Highway Traffic Safety Administration (NHTSA), and the American Society of Testing and Materials (ASTM) have endorsed the development and adoption of standards for emergency medical dispatch, and

WHEREAS, a properly trained emergency medical dispatcher significantly improves the quality of care provided by an EMS system because the dispatcher is able to identify the level of need of the caller, including resource allocations and response modes, thus enabling more effective and efficient dispatch of limited response resources; identify situations that might require prearrival instructions; gather information to be relayed to the responding crews to help them better manage and respond to the emergency medical situation upon arrival; and obtain information regarding emergency medical scene safety for the patient, bystanders, and responding personnel, and

WHEREAS, many states are now adopting a standard emergency medical dispatch program, and

WHEREAS, the most successful EMS systems are those that have strong field response times coupled with well-trained emergency medical dispatchers, NOW, THEREFORE,

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 768.1335, Florida Statutes, is created to read:

768.1335 Emergency Medical Dispatch Act; presumption.—

(1) This section may be known by the popular name the “Emergency Medical Dispatch Act.”

(2) As used in this section:

(a) “Emergency medical dispatch” means the function of utilizing emergency medical dispatch protocols.

(b) “Emergency medical dispatcher” means a person who is trained or certified in the prompt and accurate processing of calls for emergency medical assistance.

(c) “Emergency medical dispatch agency” means any private or public entity that is responsible for the emergency medical dispatch by emergency medical dispatchers.

(d) “Emergency medical dispatch protocol” means guidelines for processing calls for emergency medical assistance or for the dispatching of emergency medical services in a prehospital setting which are substantially similar to standards set forth by the American Society for Testing and Materials or the National Highway Traffic Safety Administration and which have been incorporated into an emergency medical dispatch training program.

(3) Notwithstanding any other provision of law to the contrary, and unless otherwise immune under s. 768.28, any emergency medical dispatcher or the emergency medical dispatch agency, its agents, or its employees who utilize emergency medical dispatch protocols are presumed not to have acted negligently regarding any injuries or damages resulting from the use of emergency medical dispatch protocols, if the emergency medical dispatcher or the emergency medical dispatch agency, its agents, or its employees:

(a) Properly trained their emergency medical dispatchers in an emergency medical dispatch that is substantially similar to standards set forth by the American Society for Testing and Materials or the National Highway Traffic Safety Administration.

(b) Implemented standard practices and management for emergency medical dispatch or practices that are substantially similar to standards set forth by the American Society for Testing and Materials or the National Highway Traffic Safety Administration.

(c) Utilized standard practices for training, instructor qualification, and certification eligibility of emergency medical dispatchers or practices that are substantially similar to standards set forth by the American Society for Testing and Materials or the National Highway Traffic Safety Administration.

Section 2. Section 401.111, Florida Statutes, is amended to read:

401.111 Emergency medical services grant program; authority.—The department is hereby authorized to make grants to local agencies and emergency medical services organizations in accordance with any agreement entered into pursuant to this part. These grants shall be designed to assist said agencies and organizations in providing emergency medical services, including emergency medical dispatch. The cost of administering this program shall be paid by the department from funds appropriated to it.

Section 3. This act shall take effect September 11, 2003.

Approved by the Governor June 23, 2003.

Filed in Office Secretary of State June 23, 2003.