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As of: June 12, 2008 (1:36pm)

LCS5-6

**** Bill No. ****

Introduced By *****

By Request of the Children, Families, Health, and Human Services
Interim Committee

A Bill for an Act entitled: "An Act providing for evaluation of emergency medical service medical run reviews; providing definitions; authorizing the department of public health and human services to request local EMS medical run reviews and provide rules; establishing standards for EMS council meetings; requiring the confidentiality of medical run review data in some instances; and providing an immediate effective date."

Be it enacted by the Legislature of the State of Montana:

NEW SECTION. **Section 1. Legislative purpose.** The public welfare requires the providing of assistance and encouragement for the development of enhanced review, evaluation, and improvement of emergency medical services, at the state and local level, within the state of Montana in order to ensure the provision of the highest quality emergency medical services to the residents of the state.

NEW SECTION. **Section 2. Definitions.** As used in this part, the following definitions apply:

(1) "Department" means the department of public health and human services provided for in Title 2, chapter 15, part 22.

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(2) "Emergency medical service" means an emergency medical service as defined in 50-6-302.

(3) "Emergency medical technician" has the meaning provided in 50-6-202(2).

(4) "EMS council" means a state or local group of emergency medical service personnel and health care professionals who serve to provide standards of service operation for air and grounds medical transport by critiquing care to improve patient outcome and developing medical standards for on-going system review and quality improvement.

(5) "Medical run review" means review of an emergency medical call for service after the call has been completed.

(6) "Offline medical director" has the meaning provided in 50-6-302(7).

(7) "Peer review" means an evaluation of emergency medical services by a state or local professional council of emergency medical service providers or health care providers.

(8) "Quality improvement" means the process of defining medical/trauma care system performance standards, collecting data against which the standards may be applied, using the data to determine compliance with the standards, and using the data and compliance information in a nonpunitive manner, including peer review, that will continuously improve performance and facilitate compliance with the standards.

NEW SECTION. **Section 3. Powers and duties of department.**

(1) The department shall request local EMS council medical run reviews for purposes of conducting statewide medical run reviews.

(2) In order to carry out the provisions of this part, the department shall prescribe and enforce rules for EMS councils, including rules relating to [section 4].

NEW SECTION. **Section 4. EMS council meetings.** Emergency council meetings, state or local, must be open to the public, and the information presented at the meetings is public as well, unless the council determines that the meeting, or a portion of the meeting, will perform quality improvement activities such as peer review or performance improvement activities, in which case:

(1) The meeting, or relevant portion of the meeting, is limited to:

(a) members of the council; and

(b) guests who further the process of quality improvement, are invited by the EMS council chairperson, and are approved by the EMS council in advance.

(2) Each council member and guest must sign a form indicating they will not divulge any proceedings of the closed meeting, conversations during the meeting, or documents used during the meeting.

(3) The minutes and the information presented, including all records and deliberations of the meeting, are confidential and not discoverable, but may be given to the department for

purposes of [section 3].

NEW SECTION. **Section 5. Confidentiality.** (1) Review of data, or discussion of data, contained in the EMS council state or local medical run review is not subject to discovery in a civil action and may not be introduced into evidence in a judicial or administrative proceeding.

(2) Data and reports concerning quality improvement, or the quality of field care, provided by emergency medical technicians to a offline medical director, on behalf of an EMS council, as well as the proceedings of the EMS council meetings concerning medical run reviews are not subject to discovery in a civil action and may not be introduced into evidence in a judicial or administrative proceeding.

(3) Information in an offline medical director report that is used to evaluate and improve the quality of emergency medical service field care is not subject to discovery and may not be introduced as evidence in a judicial or administrative proceeding.

NEW SECTION. **Section 6. {standard} Codification instruction.** [Sections 1 through 5] are intended to be codified as an integral part of Title 50, chapter 6, and the provisions of Title 50, chapter 6, apply to [sections 1 through 5].

NEW SECTION. **Section 7. {standard} Effective date.** [This

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act] is effective on passage and approval.

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