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Representative Ginter

Cosponsors: Representatives LaTourette, Blessing, Schaffer, Vitale, Lepore-Hagan, Ruhl, Becker, Hambley, Huffman, Barnes, Bishoff, Brown, Anielski, Boyce, Brenner, Cera, Craig, Grossman, Hackett, Johnson, T., Leland, Rezabek, Rogers, Romanchuk, Sheehy, Stinziano, Thompson

A BILL

To amend sections 4741.20 and 4765.01 and to enact
section 4765.52 of the Revised Code to authorize
specified emergency personnel to provide certain
emergency medical services to an injured dog or
cat.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 4741.20 and 4765.01 be amended
and section 4765.52 of the Revised Code be enacted to read as
follows:

Sec. 4741.20. This chapter does not apply to:

(A) A person who administers to animals, the title to
which is vested in the person's self, except when the title is
so vested for the purpose of circumventing the provisions of
this chapter. No person shall vest title of an animal in the
person's self for the purposes of circumventing this chapter.

(B) A person who is a regular student in a legally

chartered college of veterinary medicine or a veterinary 16
technology college while in the performance of those duties and 17
actions assigned by the person's instructors; 18

(C) A person who is a member of the armed forces of the 19
United States or an employee of the United States department of 20
agriculture, the United States public health service, or other 21
federal agency, or the Ohio department of agriculture except a 22
licensed veterinarian, and who, while so commissioned or 23
employed, performs official duties; 24

(D) A person who advises with respect to or performs acts 25
which the state veterinary medical licensing board by rule has 26
prescribed as accepted management practices in connection with 27
livestock production; 28

(E) A person who conducts routine vaccinations, pullorum 29
testing, and typhoid testing of poultry and other poultry 30
disease control activity under supervision of a national poultry 31
improvement plan as administered by an official state agency or 32
the United States department of agriculture; 33

(F) A physician licensed to practice medicine in this 34
state, or the assistant of such a licensed physician, while 35
engaged in medical research; 36

(G) A person who is supervised by a licensed veterinarian 37
and who is engaged in bona fide medical biomedical research 38
which requires the application of the principles of a veterinary 39
practice; 40

(H) A veterinary consultant when consulting with a 41
licensed veterinarian, on the condition that the service 42
performed by the veterinary consultant is limited to the 43
consultation and under all circumstances, the responsibility for 44

the care and treatment of the patient remains with the 45
veterinarian who holds a current license in this state and who 46
is providing treatment, or consultation as to treatment, to the 47
patient; 48

(I) A person who offers gratuitous services in the case of 49
an emergency; 50

(J) Any of the following, as defined in section 4765.01 of 51
the Revised Code, who provides emergency medical services to a 52
dog or cat in accordance with section 4765.52 of the Revised 53
Code: a first responder, emergency medical technician-basic, 54
emergency medical technician-intermediate, or emergency medical 55
technician-paramedic. 56

Sec. 4765.01. As used in this chapter: 57

(A) "First responder" means an individual who holds a 58
current, valid certificate issued under section 4765.30 of the 59
Revised Code to practice as a first responder. 60

(B) "Emergency medical technician-basic" or "EMT-basic" 61
means an individual who holds a current, valid certificate 62
issued under section 4765.30 of the Revised Code to practice as 63
an emergency medical technician-basic. 64

(C) "Emergency medical technician-intermediate" or "EMT-I" 65
means an individual who holds a current, valid certificate 66
issued under section 4765.30 of the Revised Code to practice as 67
an emergency medical technician-intermediate. 68

(D) "Emergency medical technician-paramedic" or 69
"paramedic" means an individual who holds a current, valid 70
certificate issued under section 4765.30 of the Revised Code to 71
practice as an emergency medical technician-paramedic. 72

(E) "Ambulance" means any motor vehicle that is used, or 73
is intended to be used, for the purpose of responding to 74
emergency medical situations, transporting emergency patients, 75
and administering emergency medical service to patients before, 76
during, or after transportation. 77

(F) "Cardiac monitoring" means a procedure used for the 78
purpose of observing and documenting the rate and rhythm of a 79
patient's heart by attaching electrical leads from an 80
electrocardiograph monitor to certain points on the patient's 81
body surface. 82

(G) "Emergency medical service" means any of the services 83
described in sections 4765.35, 4765.37, 4765.38, and 4765.39 of 84
the Revised Code that are performed by first responders, 85
emergency medical technicians-basic, emergency medical 86
technicians-intermediate, and paramedics. "Emergency medical 87
service" includes such services performed before or during any 88
transport of a patient, including transports between hospitals 89
and transports to and from helicopters. 90

(H) "Emergency medical service organization" means a 91
public or private organization using first responders, EMTs- 92
basic, EMTs-I, or paramedics, or a combination of first 93
responders, EMTs-basic, EMTs-I, and paramedics, to provide 94
emergency medical services. 95

(I) "Physician" means an individual who holds a current, 96
valid certificate issued under Chapter 4731. of the Revised Code 97
authorizing the practice of medicine and surgery or osteopathic 98
medicine and surgery. 99

(J) "Registered nurse" means an individual who holds a 100
current, valid license issued under Chapter 4723. of the Revised 101

Code authorizing the practice of nursing as a registered nurse.	102
(K) "Volunteer" means a person who provides services	103
either for no compensation or for compensation that does not	104
exceed the actual expenses incurred in providing the services or	105
in training to provide the services.	106
(L) "Emergency medical service personnel" means first	107
responders, emergency medical service -technicians-basic,	108
emergency medical service -technicians-intermediate, emergency	109
medical service -technicians-paramedic, and persons who provide	110
medical direction to such persons.	111
(M) "Hospital" has the same meaning as in section 3727.01	112
of the Revised Code.	113
(N) "Trauma" or "traumatic injury" means severe damage to	114
or destruction of tissue that satisfies both of the following	115
conditions:	116
(1) It creates a significant risk of any of the following:	117
(a) Loss of life;	118
(b) Loss of a limb;	119
(c) Significant, permanent disfigurement;	120
(d) Significant, permanent disability.	121
(2) It is caused by any of the following:	122
(a) Blunt or penetrating injury;	123
(b) Exposure to electromagnetic, chemical, or radioactive	124
energy;	125
(c) Drowning, suffocation, or strangulation;	126
(d) A deficit or excess of heat.	127

(O) "Trauma victim" or "trauma patient" means a person who 128
has sustained a traumatic injury. 129

(P) "Trauma care" means the assessment, diagnosis, 130
transportation, treatment, or rehabilitation of a trauma victim 131
by emergency medical service personnel or by a physician, nurse, 132
physician assistant, respiratory therapist, physical therapist, 133
chiropractor, occupational therapist, speech-language 134
pathologist, audiologist, or psychologist licensed to practice 135
as such in this state or another jurisdiction. 136

(Q) "Trauma center" means all of the following: 137

(1) Any hospital that is verified by the American college 138
of surgeons as an adult or pediatric trauma center; 139

(2) Any hospital that is operating as an adult or 140
pediatric trauma center under provisional status pursuant to 141
section 3727.101 of the Revised Code; 142

(3) Until December 31, 2004, any hospital in this state 143
that is designated by the director of health as a level II 144
pediatric trauma center under section 3727.081 of the Revised 145
Code; 146

(4) Any hospital in another state that is licensed or 147
designated under the laws of that state as capable of providing 148
specialized trauma care appropriate to the medical needs of the 149
trauma patient. 150

(R) "Pediatric" means involving a patient who is less than 151
sixteen years of age. 152

(S) "Adult" means involving a patient who is not a 153
pediatric patient. 154

(T) "Geriatric" means involving a patient who is at least 155

seventy years old or exhibits significant anatomical or	156
physiological characteristics associated with advanced aging.	157
(U) "Air medical organization" means an organization that	158
provides emergency medical services, or transports emergency	159
victims, by means of fixed or rotary wing aircraft.	160
(V) "Emergency care" and "emergency facility" have the	161
same meanings as in section 3727.01 of the Revised Code.	162
(W) "Stabilize," except as it is used in division (B) of	163
section 4765.35 of the Revised Code with respect to the manual	164
stabilization of fractures, has the same meaning as in section	165
1753.28 of the Revised Code.	166
(X) "Transfer" has the same meaning as in section 1753.28	167
of the Revised Code.	168
(Y) "Firefighter" means any member of a fire department as	169
defined in section 742.01 of the Revised Code.	170
(Z) "Volunteer firefighter" has the same meaning as in	171
section 146.01 of the Revised Code.	172
(AA) "Part-time paid firefighter" means a person who	173
provides firefighting services on less than a full-time basis,	174
is routinely scheduled to be present on site at a fire station	175
or other designated location for purposes of responding to a	176
fire or other emergency, and receives more than nominal	177
compensation for the provision of firefighting services.	178
(BB) "Physician assistant" means an individual who holds a	179
valid license to practice as a physician assistant issued under	180
Chapter 4730. of the Revised Code.	181
<u>Sec. 4765.52. (A) As used in this section, "veterinarian"</u>	182
<u>means an individual licensed under Chapter 4741. of the Revised</u>	183

<u>Code to practice veterinary medicine.</u>	184
<u>(B) In the course of an emergency medical response, fire</u>	185
<u>response, or response to aid law enforcement, a first responder,</u>	186
<u>emergency medical technician-basic, emergency medical</u>	187
<u>technician-intermediate, or emergency medical technician-</u>	188
<u>paramedic may provide any of the following emergency medical</u>	189
<u>services to a dog or cat prior to the dog or cat being</u>	190
<u>transferred to a veterinarian for further treatment, but only to</u>	191
<u>the extent that the first responder, EMT-basic, EMT-I, or</u>	192
<u>paramedic is authorized by this chapter or rules adopted</u>	193
<u>pursuant to this chapter to perform the corresponding form of</u>	194
<u>each of the services when providing emergency medical services</u>	195
<u>to a human patient:</u>	196
<u>(1) Opening and manually maintaining an airway;</u>	197
<u>(2) Giving mouth to snout or mouth to barrier ventilation;</u>	198
<u>(3) Administering oxygen;</u>	199
<u>(4) Managing ventilation by mask;</u>	200
<u>(5) Controlling hemorrhage with direct pressure;</u>	201
<u>(6) Immobilizing fractures;</u>	202
<u>(7) Bandaging;</u>	203
<u>(8) Administering naloxone hydrochloride, if administering</u>	204
<u>the drug has been authorized by the medical director or</u>	205
<u>cooperating physician advisory board of an emergency medical</u>	206
<u>service organization and the drug is administered either in</u>	207
<u>accordance with a written protocol established and provided by a</u>	208
<u>veterinarian or pursuant to a consultation with a veterinarian.</u>	209
<u>(C) In addition to the immunity from civil liability</u>	210

granted under division (A) of section 4765.49 of the Revised 211
Code, a first responder, EMT-basic, EMT-I, paramedic, or medical 212
director or member of a cooperating physician advisory board of 213
an emergency medical service organization is not subject to 214
prosecution in a criminal proceeding or professional 215
disciplinary action allegedly arising from an act or omission 216
associated with the provision of emergency medical services to a 217
dog or cat under this section, unless the act or omission 218
constitutes willful or wanton misconduct. 219

(D) (1) An emergency medical service organization is not 220
liable for or subject to any of the following that allegedly 221
arises from an act or omission associated with the provision of 222
emergency medical services to a dog or cat under this section, 223
unless the act or omission constitutes willful or wanton 224
misconduct: damages in a civil action for injury, death, or loss 225
to person or property; prosecution in a criminal proceeding; or 226
professional disciplinary action. 227

(2) The state board of pharmacy shall not take 228
disciplinary action against an emergency medical service 229
organization's license issued under Chapter 4729. of the Revised 230
Code as a terminal distributor of dangerous drugs for reasons 231
arising from an act or omission associated with the provision of 232
emergency medical services to a dog or cat under this section, 233
unless the act or omission constitutes willful or wanton 234
misconduct. 235

(E) (1) Notwithstanding any conflicting provision of 236
Chapter 4741. of the Revised Code or rule adopted by the state 237
veterinary medical licensing board, a veterinarian may establish 238
and provide a written protocol to, or consult with, a first 239
responder, EMT-basic, EMT-I, or paramedic for the purpose of 240

<u>enabling the provision of emergency medical services to a dog or</u>	241
<u>cat under this section.</u>	242
<u>(2) A veterinarian who acts in good faith in accordance</u>	243
<u>with this section is not liable for or subject to any of the</u>	244
<u>following for any act or omission associated with a first</u>	245
<u>responder's, EMT-basic's, EMT-I's, or paramedic's provision of</u>	246
<u>emergency medical services to a dog or cat under this section:</u>	247
<u>damages in any civil action; prosecution in any criminal</u>	248
<u>proceeding; or professional disciplinary action.</u>	249
Section 2. That existing sections 4741.20 and 4765.01 of	250
the Revised Code are hereby repealed.	251