

.....
(Original Signature of Member)

114TH CONGRESS
2D SESSION

H. R. _____

To amend the Controlled Substances Act with regard to the provision of emergency medical services.

IN THE HOUSE OF REPRESENTATIVES

Mr. HUDSON introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Controlled Substances Act with regard to the provision of emergency medical services.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protecting Patient Ac-
5 cess to Emergency Medications Act of 2016”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds as follows:

8 (1) The use of controlled substances by emer-
9 gency medical services agencies to administer med-

1 ical care and medicines to individuals in the field is
2 essential to save lives, manage pain, and improve
3 health outcomes.

4 (2) The unique nature of mobile emergency
5 medical services is unlike other health care services
6 governed by the Controlled Substances Act in that
7 it requires the provision of time-sensitive and mobile
8 medical care to individuals with critical injuries and
9 illnesses in the field and movement of such individ-
10 uals to definitive care.

11 (3) Regulatory oversight to prevent diversion
12 should not disrupt the current delivery model of pro-
13 viding medical care to individuals by emergency
14 medical services practitioners under the supervision
15 of a physician medical director.

16 (4) Such oversight should also recognize the va-
17 riety of emergency medical services agencies includ-
18 ing governmental, nongovernmental, private, and
19 volunteer emergency medical services agencies.

20 **SEC. 3. EMERGENCY MEDICAL SERVICES.**

21 Part C of the Controlled Substances Act (21 U.S.C.
22 821 et seq.) is amended by adding at the end the fol-
23 lowing:

24 **“SEC. 312. EMERGENCY MEDICAL SERVICES.**

25 “(a) REGISTRATION.—

1 “(1) IN GENERAL.—For the purpose of ena-
2 bling emergency medical services practitioners to
3 dispense controlled substances in schedule II, III,
4 IV, or V to ultimate users receiving emergency med-
5 ical services, the Attorney General shall, at the re-
6 quest of the emergency medical services agency em-
7 ploying such practitioners, register such emergency
8 medical services agency under section 303(f) in lieu
9 of registering the individual practitioners or one or
10 more medical directors of such agency.

11 “(2) SINGLE REGISTRATION.—In registering an
12 emergency medical services agency pursuant to para-
13 graph (1), the Attorney General shall require a sin-
14 gle registration per State, not a separate registration
15 for each location of the emergency medical services
16 agency.

17 “(b) MEDICAL OVERSIGHT.—Notwithstanding sec-
18 tion 309:

19 “(1) A registrant emergency medical services
20 agency shall have one or more medical directors re-
21 sponsible for medical oversight of the agency’s provi-
22 sion of emergency medical services.

23 “(2) Controlled substances in schedule II, III,
24 IV, or V may be administered by the emergency
25 medical services practitioners of a registrant emer-

1 agency medical services agency in the course of pro-
2 viding emergency medical services pursuant to a
3 standing order issued by one or more medical direc-
4 tors of such agency. A registrant emergency medical
5 services agency shall keep any such standing order
6 on file and make such standing order available to
7 the Attorney General upon the Attorney General's
8 request.

9 “(3) In the case of administering a controlled
10 substance pursuant to paragraph (2), the medical di-
11 rectors of the registrant emergency medical services
12 agency shall not be required—

13 “(A) to be present; or

14 “(B) to provide a written or oral prescrip-
15 tion with regard to a known individual before or
16 at the time of such administering.

17 “(c) RECEIPT, MOVEMENT, AND STORAGE OF CON-
18 TROLLED SUBSTANCES.—

19 “(1) RECEIPT.—The registrant emergency med-
20 ical services agency—

21 “(A) may receive controlled substances at
22 any location of the agency designated by the
23 agency for such receipt; and

24 “(B) may not receive controlled substances
25 at any location not so designated.

1 “(2) MOVEMENT AND DELIVERY.—The reg-
2 istrant emergency medical services agency may move
3 or deliver controlled substances within the possession
4 of such agency between any locations of such agen-
5 cy. A registrant emergency medical services agency
6 shall not be treated as a distributor of controlled
7 substances under this Act by reason of such move-
8 ment or distribution.

9 “(3) STORAGE.—Such agency—

10 “(A) may store controlled substances at
11 any location of the agency designated by the
12 agency for such storage; and

13 “(B) may not store controlled substances
14 at any location not so designated.

15 “(d) DEFINITIONS.—In this section:

16 “(1) The term ‘emergency medical services’
17 means emergency medical response, and emergency
18 mobile medical services, provided outside of a med-
19 ical facility.

20 “(2) The term ‘emergency medical services
21 agency’ means an organization providing emergency
22 medical services, including such organizations that—

23 “(A) are governmental (including fire-
24 based agencies), nongovernmental (including

1 hospital-based agencies), private, or volunteer-
2 based; and

3 “(B) provide emergency medical services
4 by ground, air, or otherwise.

5 “(3) The term ‘emergency medical services
6 practitioner’ means a health care practitioner (in-
7 cluding nurse, paramedic, or emergency medical
8 technician) licensed or certified by a State and
9 credentialed by a medical director of the respective
10 emergency medical services agency to provide emer-
11 gency medical services to individuals within the
12 scope of the practitioner’s State license or certifi-
13 cation.

14 “(4) The term ‘medical director’ means a physi-
15 cian providing medical oversight for an emergency
16 medical services agency.

17 “(5) The term ‘medical oversight’ means super-
18 vision of medical operations of an emergency medical
19 services agency.

20 “(6) The term ‘standing order’ means a written
21 medical protocol in which a medical director pre-
22 scribes in advance the medical criteria to be followed
23 by emergency medical services practitioners in ad-
24 ministering controlled substances to individuals in
25 need of emergency medical services.”.