H.R. 4365, the Protecting Patient Access to Emergency Medications Act of 2016

Background

The triage, treatment, and transport emergency medical service practitioners provide can often be the difference between life and death for patients with a medical emergency. The unique nature of emergency medical services is unlike other health care services governed by the Controlled Substances Act. There is a routinely encountered clinical need for controlled substance medications in the practice of EMS medicine, ranging from the administration of pain narcotics to anti-seizure medications. Emergency Medical Technicians and Paramedics need to administer these lifesaving drugs as quickly as they are able to reach and assess the patient, and any delay wastes valuable time in the provision of care. Established practice allows emergency medical service practitioners to administer and deliver these controlled substances under the oversight of physicians, primarily through directional guidelines written by physicians, commonly known as standing orders.

Despite this longstanding practice, the Drug Enforcement Administration has determined that it will not allow emergency medical service personnel to deliver or administer controlled substances through standing orders as the Controlled Substances Act is currently written. This means that emergency medical service practitioners will not be able to administer or deliver patients lifesaving medications in emergency situations, endangering patients’ lives.

Solution

To remedy this dilemma, Congressman Hudson has authored H.R. 4365, the Protecting Patient Access to Emergency Medications Act. This legislation will clarify that the current practice of physician Medical Directors overseeing care provided by paramedics and other emergency medical service practitioners via “standing orders” is statutorily allowed and protected. The use of “standing orders” is necessary so that physician Medical Directors can establish these pre-set protocols which emergency medical service practitioners follow in delivering emergency medical care. In the absence of standing orders, patients would not have access to the time-sensitive and potentially life-saving interventions they so desperately need.

H.R. 4365 ensures patients will continue to receive these vital medications by:

- Codifying the practice of standing orders by a physician Medical Director for the administration and delivery of controlled substances, maintaining physician oversight of medical decisions, while,
- Making the EMS Agency liable for the receiving, storing, and tracking of controlled substances, similar to current procedure at hospitals.

This Legislation is Endorsed by:
The American Ambulance Association
American College of Emergency Physicians
Association of Air Medical Services
Association of Critical Care Transport
International Association of Fire Chiefs
International Association of Fire Fighters
National Association of EMS Physicians
National Association of Emergency Medical Technicians
National Association of State EMS Officials