



Montgomery County

Office of Intergovernmental Relations

ROCKVILLE: 240-777-6550

ANNAPOLIS: 240-777-8270

SB 78

DATE: February 1, 2021

SPONSOR: Senator Waldstreicher

ASSIGNED TO: Judicial Proceedings

CONTACT PERSON: Sara Morningstar (Sara.Morningstar@montgomerycountymd.gov)

POSITION: SUPPORT WITH AMENDMENTS (Montgomery County Fire & Rescue Service)

Public Safety- Law Enforcement and Emergency Medical Services Providers- Administration of Ketamine

Senate Bill 78 prohibits a police officer from administering ketamine to an individual or directing an emergency medical services (EMS) provider to administer the drug to someone. Further, the bill requires that an EMS provider obtain "medical direction" before administering ketamine to a severely agitated individual who is combative or violent unless the patient represents an immediate danger to him or herself or others.

Recent national reports on incidents of police officers (none in Maryland) using ketamine to chemically incapacitate criminal suspects are alarming. With that in mind, the Montgomery County Fire and Rescue Service (MCFRS) supports the goals of this legislation, which they believe are intended to eliminate the potential abuse of detainees and the use of ketamine for non-medical purposes.

Due to its safety and efficacy, ketamine (a dissociative anesthetic) is commonly used by medical practitioners, including EMS providers, to treat pain, to facilitate emergency medical procedures such as intubation or cardiopulmonary resuscitation (CPR), as well as to treat severe agitation. Patients who are reflexively resisting intubation or waking up during CPR are at great risk of harming themselves or impeding effective treatment without the use of an anesthetic. In Maryland, ketamine is used aboard Maryland State Police (MSP) helicopters, which are an important means of hospital access across the State.

The legislation presents two operational challenges identified by MCFRS' Emergency Medical and Integrated Healthcare Services Section. As drafted, SB 78 does not recognize that there are law enforcement officers in the State who are also trained paramedics and who administer ketamine in their course of medical duties. For example, Maryland State Police's (MSP) flight paramedics are also all sworn police officers. Under SB 78, MSP flight paramedics would be prevented from treating patients in accordance with best medical

practices during transport. MCFRS requests that the Committee amend the bill to recognize this distinction among sworn officers.

Further, MCFRS is concerned about the proposed language which codifies existing clinical protocols. There is a defined process for EMS protocols in the State of Maryland to be determined by a standing committee at Maryland Institute for Emergency Medical Services Systems (MIEMSS) and approved by the EMS Board. These protocols represent a consensus among physicians and EMS professionals as to clinical best practices. Following the MIEMSS process is important as evidence-based medicine is constantly evolving. Codifying protocols into law on a selective basis may lead to variances as the protocols change and the law doesn't. Moreover, care variances from the protocol are dealt with through a State-mandated quality assurance process; it is unclear from the proposed bill as to what the penalties would be to an EMS provider who violated this bill. MCFRS request that the Committee adopt an amendment striking that language.

And finally, should the Committee determine that additional study is warranted on the administration of ketamine, MCFRS would suggest an amendment to establish a work group to examine questions that may include:

- How are EMS and law enforcement agencies throughout the State working together to avoid deaths in patients suffering from severe agitation?
- Do EMS and law enforcement agencies have a clear understanding of each other's roles in emergencies when there is a safety concern for all those present?
- Are there best practices for the early detection of severe agitation by 9-1-1 call takers and first responding law enforcement officers?
- Is there a need for greater accountability and transparency for the use of ketamine for severe agitation by EMS, and if so, what process(es) is needed to assure this?

The Montgomery County Fire and Rescue Service appreciates the opportunity to comment on SB 78 and would urge that the Committee adopt a favorable report on the bill, as amended.