

2018 Regular Session

SENATE BILL NO. 414

BY SENATOR WHITE

HEALTH CARE. Provides relative to emergency medical services transporting patients to alternative destinations. (8/1/18)

1 AN ACT

2 To amend and reenact the introductory paragraph of R.S. 40:1131(4) and to enact R.S.

3 33:4791.1(A)(6) and (B)(7), and R.S. 40:1131.3 and 1133.14(A)(1)(c), relative to

4 emergency medical transportation services; to provide for alternative destination

5 transportation; to provide for regulation by municipalities and other local governing

6 authorities; to provide for definitions; to provide for duties and rulemaking; to

7 provide for a reimbursement methodology; to provide for an effective date; and to

8 provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 33:4791.1(A)(6) and (B)(7) are hereby enacted to read as follows:

11 §4791.1. Regulation by local governing authorities of ambulance services,

12 emergency medical services, and aspects attendant to ambulance

13 operation

14 A. The legislature hereby finds and declares the following:

15 * * *

16 **(6) The policy of this state is to ensure that transportation of a citizen by**

17 **ground ambulance be made to the most appropriate medical facility, which may**

1 include an alternative destination to a facility other than a hospital emergency
 2 department based on a protocol that has been approved by the provider or
 3 supplier's medical director.

4 B. Every municipality or other local governing authority may protect the
 5 public health, safety, and welfare by licensing, controlling, and regulating by
 6 ordinance or resolution privately operated ambulance services, the furnishing of
 7 emergency medical services, and any and all aspects attendant to ambulance
 8 operations within the jurisdiction of the municipality or other local governing
 9 authority. Every municipality or other local governing authority is empowered to
 10 regulate the following:

11 * * *

12 (7) The establishment of a protocol by all providers or suppliers
 13 operating ground ambulance services within the municipality to ensure the safe
 14 transport of a citizen to an alternative destination when the emergency medical
 15 services personnel has determined that the individual's condition does not meet
 16 the definition of emergency medical condition pursuant to R.S.
 17 22:1821(D)(2)(g)(i).

18 * * *

19 Section 2. The introductory paragraph of R.S. 40:1131(4) is hereby amended and
 20 reenacted and R.S. 40:1131.3 and 1133.14(A)(1)(c) are hereby enacted to read as follows:

21 §1131. Definitions

22 For purposes of this Chapter:

23 * * *

24 (4) "Ambulance service" or "ambulance provider" means any person, firm,
 25 association, or government entity owning, controlling, or operating any business or
 26 service which furnishes, operates, conducts, maintains, advertises, engages in,
 27 proposes to engage in, or professes to engage in the business or service of
 28 transporting, in ambulances, individuals who may need medical attention during
 29 transport. Such transport may be made, based on approved protocols, to an

1 alternative destination when the individual's condition does not meet the
2 definition of emergency medical condition pursuant to R.S. 22:1821(D)(2)(g)(i).

3 However, "ambulance service" and "ambulance provider" shall not include any of
4 the following:

5 * * *

6 §1131.3. Medical assistance program; ground ambulance transportation to
7 alternative destination reimbursement

8 The department shall promulgate rules and regulations to provide for
9 a reimbursement methodology to cover alternative destination transport by a
10 ground ambulance service provider to ensure that reimbursement rates are
11 reasonable and adequate.

12 * * *

13 §1133.14. Duties of emergency medical personnel

14 A.(1) A licensed emergency medical services practitioner may perform any
15 of the following functions:

16 * * *

17 (c) Determine based on approved protocols whether it is appropriate for
18 a person to be transported by ground ambulance to an alternative destination
19 when the individual's condition does not meet the definition of emergency
20 medical condition pursuant to R.S. 22:1821(D)(2)(g)(i).

21 * * *

The original instrument was prepared by Christine Arbo Peck. The following digest, which does not constitute a part of the legislative instrument, was prepared by Tammy Crain-Waldrop.

DIGEST

SB 414 Reengrossed 2018 Regular Session White

Present law provides for laws governing emergency medical services provided by ambulance transport but is silent on whether an emergency medical services provider can determine to transport an individual to a location other than a hospital emergency department.

Proposed law clarifies that protocols may be established to allow for alternative destination transportation if the individual's condition does not meet the definition of emergency medical condition pursuant to present law.

Proposed law provides for rulemaking by the Department of Health to establish a reasonable and adequate reimbursement methodology for ground ambulance transfers.

Effective August 1, 2018.

(Amends R.S. 40:1131(4)(intro para); adds R.S. 33:4791.1(A)(6) and (B)(7), and R.S. 40:1131.3 and 1133:14(A)(1)(c))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Health and Welfare to the original bill

1. Changes terminology from behavioral health clinic to acute psychiatric facility.
2. Clarifies that alternative transport is permissible when the individual's condition does not meet the definition of emergency medical condition in present law.

Senate Floor Amendments to engrossed bill

1. Removes the language that the alternate or alternative destination may include an urgent care clinic, independent freestanding emergency center, or acute psychiatric facility.