

2016 Regular Session

SENATE BILL NO. 475 (Substitute of Senate Bill No. 455 by Senator White)

BY SENATOR WHITE

HEALTH CARE. Creates the Ambulance Transfer Alternatives Task Force. (gov sig)

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AN ACT

To enact R.S. 40:1135.13, relative to emergency medical transportation; to provide for the Ambulance Transportation Alternatives Task Force; to provide for membership; to provide for duties; to provide for a pilot program; to provide for reporting; to provide for rule making; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1135.13 is hereby enacted to read as follows:

§1135.13. Ambulance Transport Alternatives Task Force; pilot program; rules and regulations

A. Within the Department of Health and Hospitals there is hereby created the Ambulance Transport Alternatives Task Force, hereafter referred to as "task force". The task force shall be charged with advising the secretary of the department on its recommendation regarding the development and implementation of a pilot program for ambulance transport alternatives in the parish of East Baton Rouge. Implementation of the pilot program shall be contingent on available and appropriate funding and reimbursement rates from federal, state and commercial payors. The task force shall provide technical

1 assistance, as required by the department, on application to the Centers for
2 Medicare and Medicaid Services for an innovation grant award or any other
3 grant, waiver or federal or state funding opportunity to support implementation
4 and sustainment of this Section. The task force shall further establish a data
5 collection system to assess the progress and success of the pilot program and
6 make recommendations to the department on statewide implementation of an
7 ambulance transport alternatives program.

8 **B. The task force shall be composed of the following fourteen members:**

9 **(1) One member appointed by the chairman of the Senate Committee on**
10 **Health and Welfare.**

11 **(2) One member appointed by the chairman of the House Committee on**
12 **Health and Welfare.**

13 **(3) The secretary of the Department of Health and Hospitals, or his**
14 **designee.**

15 **(4) The executive director of the Louisiana Emergency Response**
16 **Network, or his designee.**

17 **(5) The executive director of the Louisiana Ambulance Alliance, or his**
18 **designee.**

19 **(6) The executive director of the Bureau of Emergency Medical Services,**
20 **or his designee.**

21 **(7) Two members representing ambulance service providers.**

22 **(8) The administrator of the East Baton Rouge Parish Department of**
23 **Emergency Medical Services, or his designee.**

24 **(9) Two members appointed by the mayor-president of East Baton**
25 **Rouge Parish.**

26 **(10) The executive director of the Capital Area Human Services District,**
27 **or his designee.**

28 **(11) One member representing a hospital in East Baton Rouge Parish**
29 **appointed by the Louisiana Hospital Association.**

1 (12) One member who shall be an emergency room physician appointed
2 by the Louisiana Chapter of the American College of Emergency Physicians.

3 C. The task force shall convene for its first meeting to be held at the
4 Department of Health and Hospitals headquarters in Baton Rouge no later than
5 October 1, 2016. At the first meeting the members shall elect a chairman and
6 vice chairman and other officers as they deem appropriate. The task force shall
7 establish a regular meeting schedule and after the first meeting, may meet at
8 such times and places as determined by the task force members. Meetings shall
9 be held at the call of the chairman or at the call of a quorum of members upon
10 not less than seven days notice. A majority of the members of the task force
11 shall constitute a quorum. A quorum shall be present to transact any business.
12 The members of the task force shall not be compensated for their services on the
13 task force but may seek travel reimbursement from their respective agencies
14 under their respective guidelines. Meetings of the task force shall be subject to
15 laws regarding open meetings, and records of the task force shall be subject to
16 laws regarding public records.

17 D. The task force shall study and evaluate all data available to carry out
18 its duties in anticipation of the pilot program being implemented when fully
19 funded. The task force shall evaluate and make recommendations on all matters
20 within their jurisdiction, including but not limited to:

21 (1) Options for alternative transportation destinations when a patient
22 dials 9-1-1 with a non-life-threatening, non-emergent, low acuity medical
23 condition who does not meet the definition of emergency medical condition as
24 defined in R.S. 22:1821(D)(2)(i).

25 (2) Appropriate medical director oversight and additional training for
26 paramedics, emergency medical technicians or other personnel on specific
27 protocols for low acuity, intoxicated and psychiatric patients, including the
28 addition of data fields in electronic medical records systems and a rigorous
29 quality assurance and quality improvement process.

1 (3) Methods for early destination evaluation and advanced assessment
2 to determine if a 9-1-1 patient could be safely treated at an alternative medical
3 facility, such as an urgent care clinic, community clinic, medical group office,
4 detoxification center, mental health hospital, or other appropriate health care
5 facility.

6 (4) Methods for an advanced assessment to confirm that no priority
7 symptoms exist that require treatments that can only be performed in an
8 emergency department.

9 (5) Process for explaining to a patient that their medical condition may
10 be appropriately treated at an alternative care location when the patient meets
11 the criteria for transport to an alternative destination, including an explanation
12 of factors such as insurance accepted, facility hours, facility capability and
13 capacity, and the nearest appropriate location with consideration that patient
14 choice and consent shall be the final determinant.

15 E. The task force is authorized to consult with the Centers for Medicare
16 and Medicaid Services and other states that have pilot programs or statewide
17 programs for ambulance transport alternatives to determine best practices.

18 F. The task force shall submit biannual updates to the Senate and House
19 committees on health and welfare on progress towards development of the pilot
20 program and securing of funds for implementation of the pilot program. The
21 first biannual report shall be due six months after the task force convenes and
22 each annual report shall be due on October first of each year.

23 G. The task force shall continue to meet until such time as either of the
24 provisions of this Subsection are met:

25 (1) The task force has thoroughly assessed the issue and makes a
26 recommendation to the legislature that a pilot program in East Baton Rouge
27 Parish is not recommended at this time. The task force shall notify the
28 legislature in writing and shall include the specific reasons why the task force
29 believes that the pilot program is not recommended. The Senate and House

1 committees on health and welfare may jointly or separately convene a hearing
2 within sixty days of receipt of the recommendation from the task force to review
3 the recommendation. The committees may ask the task force for additional
4 information or ask the task force to further study the issue. If the committees
5 take no action, the task force shall dissolve within ninety days of giving notice
6 to the legislature of the recommendation provided in this Paragraph.

7 (2) The pilot project in East Baton Rouge Parish is complete and a
8 recommendation has been made to the legislature regarding statewide
9 implementation. The task force shall notify the legislature in writing and shall
10 include the specific reasons why the task force believes that statewide
11 implementation is or is not recommended. The Senate and House committees
12 on health and welfare may jointly or separately convene a hearing within sixty
13 days of receipt of the recommendation from the task force to review the
14 recommendation of the task force. The committees may ask the task force for
15 additional information or ask the task force to further study the issue. If the
16 committees take no action, the task force shall dissolve within ninety days of
17 giving notice to the legislature of the recommendation provided in this
18 Paragraph.

19 H. If recommended by the task force, continuation of the pilot program
20 in East Baton Rouge Parish or statewide implementation under the provisions
21 of this Section shall be dependent upon the availability and receipt of all
22 funding necessary to fully implement and sustain the program. The program
23 shall cease if funding necessary to fully implement and sustain the program is
24 not available until such time as replacement funds are available or if any of the
25 following occur:

26 (1) The legislature does not appropriate funds to replace any lost
27 funding.

28 (2) State, federal and commercial payors fail to provide reimbursement
29 for ambulance transport alternatives as established in this Section.

1 **(3) A majority of the transportation providers participating in the**
 2 **program provide data showing negative outcomes to both the provider and the**
 3 **patients they serve as a result of participating in the program. Negative**
 4 **outcomes to the provider shall include any increased liability and insurance**
 5 **costs which are not offset by increased revenue or protection provided by**
 6 **statute solely based on transport to an alternative destination.**

7 **I. Based upon the recommendation of the task force, the secretary of the**
 8 **Department of Health and Hospitals shall promulgate the necessary rules and**
 9 **regulations to implement the provisions of this Section in accordance with the**
 10 **Administrative Procedure Act. Such rules and regulations shall include**
 11 **provisions for the health and safety of the patients transported to alternative**
 12 **destinations as well as the reimbursement methodology to cover alternative**
 13 **destination transport by a ground ambulance service provider to ensure that**
 14 **reimbursement rates are reasonable, adequate and coverage is available by the**
 15 **patient's payor source.**

16 Section 2. This Act shall become effective upon signature by the governor or, if not
 17 signed by the governor, upon expiration of the time for bills to become law without signature
 18 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 19 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 20 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Christine Arbo Peck.

DIGEST

SB 475 Engrossed 2016 Regular Session White

Proposed law establishes the Ambulance Transport Alternatives Task Force to assist and advise DHH on the establishment of a pilot program in East Baton Rouge Parish to transport non-emergency 9-1-1 patients to destinations other than a hospital emergency department.

Proposed law provides for task force membership, duties, reporting requirements, and rule making responsibilities.

Effective upon signature of the governor or upon lapse of gubernatorial action.

(Adds R.S. 40:1135.13)