

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). The alternative destination may include an urgent care
18 clinic, independent freestanding emergency center, or acute psychiatric facility.

19 * * *

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

22 §1131. Definitions

23 For purposes of this Chapter:

24 * * *

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

1 transport. Such transport may be made, based on approved protocols, to an
 2 alternative destination when the individual's condition does not meet the
 3 definition of emergency medical condition pursuant to R.S. 22:1821(D)(2)(g)(i).
 4 The alternate destination may include an urgent care clinic, independent free
 5 standing emergency center, or acute psychiatric facility. However, "ambulance
 6 service" and "ambulance provider" shall not include any of the following:

7 * * *

8 **§1131.3. Medical assistance program; ground ambulance transportation to**
 9 **alternative destination reimbursement**

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

14 * * *

15 §1133.14. Duties of emergency medical personnel

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

18 * * *

19 **(c) Determine based on approved protocols whether it is appropriate for**
 20 **a person to be transported by ground ambulance to an alternative destination**
 21 **when the individual's condition does not meet the definition of emergency**
 22 **medical condition pursuant to R.S. 22:1821(D)(2)(g)(i).** The alternative
 23 **destination may include an urgent care clinic, independent freestanding**
 24 **emergency center, or acute psychiatric facility.**

25 * * *

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

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. Provides that the alternative destination may be an urgent care clinic, independent freestanding emergency center, or acute psychiatric facility.

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

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.