

2016 Regular Session

SENATE BILL NO. 455

BY SENATOR WHITE

HEALTH CARE. Provides relative to emergency medical services transporting patients to medical facilities. (9/6/16)

1 AN ACT

2 To amend and reenact R.S. 40:1131(4) and to enact R.S. 33:4791.1(A)(6) and (B)(7), and

3 R.S. 40:1131.3 and 1133:14(A)(1)(c), relative to emergency medical transportation

4 services; to provide for alternative destination transportation; to provide for

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

6 definitions; to provide for duties and rulemaking; to provide for a reimbursement

7 methodology; to provide for an effective date; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

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

10 §4791.1. Regulation by local governing authorities of ambulance services,

11 emergency medical services, and aspects attendant to ambulance

12 operation

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

14 \* \* \*

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

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

17 **include an alternative destination to a facility other than a hospital emergency**

1 department based on a protocol that has been approved by the provider or  
2 supplier's medical director.

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

10 \* \* \*

11 (7) The establishment of a protocol by all providers or suppliers  
12 operating ground ambulance services within the municipality to ensure the safe  
13 transport of a citizen to an alternative destination when the emergency medical  
14 services personnel has determined that transport to a hospital emergency  
15 department is not necessary. The alternative destination may include an urgent  
16 care clinic or independent freestanding emergency center.

17 \* \* \*

18 Section 2. R.S. 40:1131(4) is hereby amended and reenacted and R.S. 40:1131.3 and  
19 1133:14(A)(1)(c) are hereby enacted to read as follows:

20 §1131. Definitions

21 For purposes of this Chapter:

22 \* \* \*

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

1 location other than a hospital emergency department. The alternate destination  
2 may include an urgent care clinic or independent free standing emergency  
3 center. However, "ambulance service" and "ambulance provider" shall not include  
4 any of the following:

5 \* \* \*

6 §1131.3 Medical assistance program; ground ambulance transportation to  
7 alterative 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 §1133.14. Duties of emergency medical personnel

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

15 \* \* \*

16 (c) Determine based on approved protocols whether it is appropriate for  
17 a person to be transported by ground ambulance to an alternative destination  
18 for care other than a hospital emergency department. The alternative  
19 destination may include an urgent care clinic or independent freestanding  
20 emergency center.

21 \* \* \*

22 Section 3. This Act shall become effective on September 6, 2016; if vetoed by the  
23 governor and subsequently approved by the legislature, this Act shall become effective on  
24 September 6, 2016, or on the day following such approval by the legislature, whichever is  
25 later.

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

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## DIGEST

SB 455 Original

2016 Regular Session

White

Present law provides for laws governing emergency medical services provided by ambulance transport. 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 can be appropriately treated at a location other than a hospital emergency department. Clarifies that the alternative destination may be an urgent care clinic or an independent freestanding emergency center.

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

Effective September 6, 2016.

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