

1 HB126  
2 214902-1  
3 By Representative Sorrell  
4 RFD: Health  
5 First Read: 13-JAN-22

SYNOPSIS: Under existing law, a health care provider must obtain a certificate of need from the State Health Planning and Development Agency (SHPDA) before the provider may operate a new institutional health service. Under the State Health Plan developed by SHPDA, an air ambulance service is considered an institutional health service. Certain federal courts have held that a state's authority to require a certificate of need for air ambulance services is preempted by federal aviation laws.

This bill would exempt air ambulance services from the jurisdiction of SHPDA and would prohibit SHPDA from requiring a certificate of need for air ambulance services.

A BILL  
TO BE ENTITLED  
AN ACT

1                   Relating to air ambulances; to add Section 22-21-279  
2 to the Code of Alabama 1975, to exempt air ambulance services  
3 from obtaining a certificate of need in order to operate.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5                   Section 1. Section 22-21-279 is added to the Code of  
6 Alabama 1975, to read as follows:

7                   §22-21-279.

8                   (a) Any air ambulance service shall not be subject  
9 to or governed by the provisions of this article, including,  
10 but not limited to, the provisions that require a certificate  
11 of need to be obtained from the State Health Planning and  
12 Development Agency as a condition precedent to the offering or  
13 development of new institutional health services.

14                   (b) For purposes of this section, the term air  
15 ambulance includes either a fixed wing or a rotary wing air  
16 ambulance that provides medically necessary services or  
17 supplies by air.

18                   Section 2. This act shall become effective on the  
19 first day of the third month following its passage and  
20 approval by the Governor, or its otherwise becoming law.