

SENATE BILL NO. 414

BY SENATOR WHITE

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AN ACT

To amend and reenact R.S. 40:1131(4) and to enact R.S. 33:4791.1(A)(6) and (B)(7), and R.S. 40:1131.3 and 1133.14(A)(1)(c), relative to emergency medical transportation services; to provide for alternative destination transportation; to provide for regulation by municipalities and other local governing authorities; to provide for definitions; to provide for duties and rulemaking; to provide for a reimbursement method; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

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

§4791.1. Regulation by local governing authorities of ambulance services, emergency medical services, and aspects attendant to ambulance operation

A. The legislature hereby finds and declares the following:

* * *

(6) The policy of this state is to ensure that transportation of a citizen by ground ambulance be made to the most appropriate medical facility, which may include an alternative destination to a facility other than a hospital emergency department based on a protocol consistent with the requirements of Paragraph (B)(7) of this Section that has been approved by the provider or supplier's medical director.

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

1 regulate the following:

2 * * *

3 (7)(a) The establishment of a protocol by all providers or suppliers
4 operating ground ambulance services within the municipality to ensure the safe
5 transport of a citizen to an alternative destination when the emergency medical
6 services personnel has determined that the individual's condition does not meet
7 the definition of emergency medical condition pursuant to R.S.
8 22:1821(D)(2)(g)(i).

9 (b) The protocol required by this Paragraph shall ensure all of the
10 following:

11 (i) That no person is transported to an alternative destination unless he
12 and the alternative destination both consent to the transport.

13 (ii) That no ambulance service transports a person to an alternative
14 destination in which the ambulance service has a financial interest.

15 * * *

16 Section 2. R.S. 40:1131(4) is hereby amended and reenacted and R.S. 40:1131.3 and
17 1133.14(A)(1)(c) are hereby enacted to read as follows:

18 §1131. Definitions

19 For purposes of this Chapter:

20 * * *

21 (4)(a) "Ambulance service" or "ambulance provider" means any person, firm,
22 association, or government entity owning, controlling, or operating any business or
23 service which furnishes, operates, conducts, maintains, advertises, engages in,
24 proposes to engage in, or professes to engage in the business or service of
25 transporting, in ambulances, individuals who may need medical attention during
26 transport. Such transport may be made, based on approved protocols, to an
27 alternative destination when the individual's condition does not meet the
28 definition of emergency medical condition pursuant to R.S. 22:1821(D)(2)(g)(i).

29 However, no person shall be transported to an alternative destination unless he
30 consents to being transported to that destination, and no ambulance service

1 shall transport a person to an alternative destination in which the ambulance
2 service has a financial interest.

3 (b) For purposes of this Chapter,"ambulance service" and "ambulance
4 provider" shall not include any of the following:

5 ~~(a)~~(i) An agency of the federal government.

6 ~~(b)~~(ii) A volunteer nonprofit organization or municipal nonprofit organization
7 operating an invalid coach or coaches.

8 ~~(c)~~(iii) An entity rendering assistance to a licensed ambulance or ambulances
9 in the case of a major disaster.

10 ~~(d)~~(iv) A licensed hospital providing nonemergency, noncritical interhospital
11 transfer and patient transportation for diagnostic and therapeutic purposes when such
12 transportation originates at a licensed hospital.

13 ~~(e)~~(v) An entity operating an ambulance or ambulances from a location outside
14 of the state to transport patients from a location outside of the state to a location inside
15 the state or to transport a patient or patients from a medical facility inside of the state to
16 a location outside of the state.

17 ~~(f)~~(vi) An entity providing transportation to employees who become sick or
18 injured during the course of their employment from a job site to the nearest appropriate
19 medical facility.

20 * * *

21 §1131.3. Medical assistance program; ground ambulance transportation to
22 alternative destination reimbursement

23 The department shall promulgate rules and regulations to provide for a
24 reimbursement methodology to cover alternative destination transport by a ground
25 ambulance service provider to ensure that reimbursement rates are reasonable and
26 adequate.

27 * * *

28 §1133.14. Duties of emergency medical personnel

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

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(c) Determine based on approved protocols whether it is appropriate for a person to be transported by ground ambulance to an alternative destination when the individual's condition does not meet the definition of emergency medical condition pursuant to R.S. 22:1821(D)(2)(g)(i). However, no person shall be transported to an alternative destination unless he consents to being transported to that destination, and no emergency medical services practitioner shall transport a person to an alternative destination in which he or his employer has a financial interest.

* * *

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____