

SUBSTITUTE FOR
HOUSE BILL NO. 5454

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 20920 and 20921 (MCL 333.20920 and 333.20921),
as amended by 2004 PA 200, and by adding section 20921a; and to
repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 20920. (1) A person shall not establish, operate, or
2 cause to be operated an ambulance operation unless the ambulance
3 operation is licensed under this section.

4 (2) Upon proper application and payment of a \$100.00 fee, the
5 department shall issue a license as an ambulance operation to a
6 person who meets the requirements of this part and the rules
7 promulgated under this part.

8 (3) An applicant shall specify in the application each

1 ambulance to be operated.

2 (4) An ambulance operation license shall specify the
3 ambulances licensed to be operated.

4 (5) An ambulance operation license shall state the highest
5 level of life support the ambulance operation is licensed to
6 provide. An ambulance operation shall operate in accordance with
7 this part, rules promulgated under this part, and approved medical
8 control authority protocols and, **EXCEPT AS PROVIDED IN SECTION**
9 **20921A(2)**, shall not provide life support at a level that exceeds
10 its license and available licensed personnel or violates approved
11 medical control authority protocols.

12 (6) An ambulance operation license may be renewed annually
13 upon application to the department and payment of a \$100.00 renewal
14 fee. Before issuing a renewal license, the department shall
15 determine that the ambulance operation is in compliance with this
16 part, the rules promulgated under this part, and medical control
17 authority protocols.

18 (7) Beginning on July 22, 1997, an ambulance operation that
19 meets all of the following requirements may apply for an ambulance
20 operation upgrade license under subsection (8):

21 (a) On or before July 22, 1997, holds an ambulance operation
22 license that designates the ambulance operation either as a
23 transporting basic life support service or as a transporting
24 limited advanced life support service.

25 (b) Is a transporting basic life support service, that is able
26 to staff and equip 1 or more ambulances for the transport of
27 emergency patients at a life support level higher than basic life

1 support, or is a transporting limited advanced life support
2 service, that is able to staff and equip 1 or more ambulances for
3 the transport of emergency patients at the life support level of
4 advanced life support.

5 (c) Is owned or operated by or under contract to a local unit
6 of government and providing first-line emergency medical response
7 to that local unit of government on or before July 22, 1997.

8 (d) Will provide the services described in subdivision (b)
9 only to the local unit of government described in subdivision (c),
10 and only in response to a 911 call or other call for emergency
11 transport.

12 (8) An ambulance operation meeting the requirements of
13 subsection (7) that applies for an ambulance operation upgrade
14 license shall include all of the following information in the
15 application provided by the department:

16 (a) Verification of all of the requirements of subsection (7)
17 including, but not limited to, a description of the staffing and
18 equipment to be used in providing the higher level of life support
19 services.

20 (b) If the applicant is a transporting basic life support
21 service, a plan of action to upgrade from providing basic life
22 support to providing limited advanced life support or advanced life
23 support to take place over a period of not more than 2 years. If
24 the applicant is a transporting limited advanced life support
25 service, a plan of action to upgrade from providing limited
26 advanced life support to providing advanced life support to take
27 place over a period of not more than 2 years.

1 (c) The medical control authority protocols for the ambulance
2 operation upgrade license, along with a recommendation from the
3 medical control authority under which the ambulance operation
4 operates that the ambulance operation upgrade license be issued by
5 the department.

6 (d) Other information required by the department.

7 (9) The statewide emergency medical services coordination
8 committee shall review the information described in subsection
9 (8)(c) and make a recommendation to the department as to whether or
10 not an ambulance operation upgrade license should be granted to the
11 applicant.

12 (10) Upon receipt of a completed application as required under
13 subsection (8), a positive recommendation under subsection (9), and
14 payment of a \$100.00 fee, the department shall issue to the
15 applicant an ambulance operation upgrade license. Subject to
16 subsection (12), the license is valid for 2 years from the date of
17 issuance and is renewable for 1 additional 2-year period. An
18 application for renewal of an ambulance operation upgrade license
19 shall contain documentation of the progress made on the plan of
20 action described in subsection (8)(b). In addition, the medical
21 control authority under which the ambulance operation operates
22 shall annually file with the statewide emergency medical services
23 coordination committee a written report on the progress made by the
24 ambulance operation on the plan of action described in subsection
25 (8)(b), including, but not limited to, information on training,
26 equipment, and personnel.

27 (11) If an ambulance operation is designated by its regular

1 license as providing basic life support services, then an ambulance
2 operation upgrade license issued under this section allows the
3 ambulance operation to provide limited advanced life support
4 services or advanced life support services when the ambulance
5 operation is able to staff and equip 1 or more ambulances to
6 provide services at the higher levels. If an ambulance operation is
7 designated by its regular license as providing limited advanced
8 life support services, then an ambulance operation upgrade license
9 issued under this section allows the ambulance operation to provide
10 advanced life support services when the ambulance operation is able
11 to staff and equip 1 or more ambulances to provide services at the
12 higher level. An ambulance operation shall not provide services
13 under an ambulance operation upgrade license unless the medical
14 control authority under which the ambulance operation operates has
15 adopted protocols for the ambulance operation upgrade license
16 regarding quality monitoring procedures, use and protection of
17 equipment, and patient care.

18 (12) The department may revoke or fail to renew an ambulance
19 operation upgrade license for a violation of this part or a rule
20 promulgated under this part or for failure to comply with the plan
21 of action filed under subsection (8)(b). An ambulance operation
22 that obtains an ambulance operation upgrade license must annually
23 renew its regular license under subsections (2) to (6). An
24 ambulance operation's regular license is not affected by the
25 following:

26 (a) The fact that the ambulance operation has obtained or
27 renewed an ambulance operation upgrade license.

1 (b) The fact that an ambulance operation's ambulance operation
2 upgrade license is revoked or is not renewed under this subsection.

3 (c) The fact that the ambulance operation's ambulance
4 operation upgrade license expires at the end of the second 2-year
5 period prescribed by subsection (10).

6 ~~—— (13) By July 22, 2000, the department shall file a written~~
7 ~~report to the legislature. The department shall include all of the~~
8 ~~following information in the report.~~

9 ~~—— (a) The number of ambulance operations that were qualified~~
10 ~~under subsection (7) to apply for an ambulance operation upgrade~~
11 ~~license under subsection (8) during the 3-year period.~~

12 ~~—— (b) The number of ambulance operations that in fact applied~~
13 ~~for an ambulance operation upgrade license during the 3-year~~
14 ~~period.~~

15 ~~—— (c) The number of ambulance operations that successfully~~
16 ~~upgraded from being a transporting basic life support service to a~~
17 ~~transporting limited advanced service or a transporting advanced~~
18 ~~life support service or that successfully upgraded from being a~~
19 ~~transporting limited advanced life support service to a~~
20 ~~transporting advanced life support service under an ambulance~~
21 ~~operation upgrade license.~~

22 ~~—— (d) The number of ambulance operations that failed to~~
23 ~~successfully upgrade, as described in subdivision (c), under an~~
24 ~~ambulance operation upgrade license, but that improved their~~
25 ~~services during the 3-year period.~~

26 ~~—— (e) The number of ambulance operations that failed to~~
27 ~~successfully upgrade, as described in subdivision (c), under an~~

~~1 ambulance operation upgrade license, and that showed no improvement~~
~~2 or a decline in their services.~~

~~3 (f) The effect of the amendatory act that added this~~
~~4 subsection on the delivery of emergency medical services in this~~
~~5 state.~~

6 Sec. 20921. (1) An ambulance operation shall do all of the
7 following:

8 (a) ~~Provide~~ **EXCEPT AS PROVIDED IN SECTION 20921A, PROVIDE** at
9 least 1 ambulance available for response to requests for emergency
10 assistance on a 24-hour-a-day, 7-day-a-week basis in accordance
11 with local medical control authority protocols.

12 (b) Respond or ensure that a response is provided to each
13 request for emergency assistance originating from within the bounds
14 of its service area.

15 (c) Operate under the direction of a medical control authority
16 or the medical control authorities with jurisdiction over the
17 ambulance operation.

18 (d) Notify the department immediately of a change that would
19 alter the information contained on its application for an ambulance
20 operation license or renewal.

21 (e) Subject to section 20920(7) to (12) **AND SECTION 20921A,**
22 provide life support consistent with its license and approved local
23 medical control authority protocols to each emergency patient
24 without prior inquiry into ability to pay or source of payment.

25 (2) An ambulance operation shall not do ~~1 or more~~ **ANY** of the
26 following:

27 (a) Knowingly provide a person with false or misleading

1 information concerning the time at which an emergency response will
2 be initiated or the location from which the response is being
3 initiated.

4 (b) Induce or seek to induce any person engaging an ambulance
5 to patronize a long-term care facility, mortuary, or hospital.

6 (c) Advertise, or permit advertising of, within or on the
7 premises of the ambulance operation or within or on an ambulance,
8 the name or the services of an attorney, accident investigator,
9 nurse, physician, long-term care facility, mortuary, or hospital.

10 If 1 of those persons or facilities owns or operates an ambulance
11 operation, the person or facility may use its business name in the
12 name of the ambulance operation and may display the name of the
13 ambulance operation within or on the premises of the ambulance
14 operation or within or on an ambulance.

15 (d) Advertise or disseminate information for the purpose of
16 obtaining contracts under a name other than the name of the person
17 holding an ambulance operation license or the trade or assumed name
18 of the ambulance operation.

19 (e) If the ambulance operation is operating under an ambulance
20 operation upgrade license issued under section 20920(7) to (12),
21 advertise or otherwise hold itself out as a full-time transporting
22 limited advanced life support service or a full-time transporting
23 advanced life support service unless the ambulance operation
24 actually provides those services on a 24-hour-per-day, 7-day-a-week
25 basis.

26 (3) Except as provided in subsection (4) **AND SECTION 20921A**,
27 an ambulance operation shall not operate, attend, or permit an

1 ambulance to be operated while transporting a patient unless the
2 ambulance is, at a minimum, staffed as follows:

3 (a) If designated as providing basic life support, with at
4 least 1 emergency medical technician and 1 medical first responder.

5 (b) If designated as providing limited advanced life support,
6 with at least 1 emergency medical technician specialist and 1
7 emergency medical technician.

8 (c) If designated as providing advanced life support, with at
9 least 1 paramedic and 1 emergency medical technician.

10 (4) An ambulance operation that is licensed to provide
11 advanced life support and has more than 1 ambulance licensed under
12 its operation may operate an ambulance licensed to provide basic
13 life support or limited advanced life support at a higher level of
14 life support if all of the following are met:

15 (a) The ambulance operation has at least 1 ambulance under its
16 operation that is properly staffed and available to provide
17 advanced life support on a 24-hour-a-day, 7-day-a-week basis.

18 (b) The licensed personnel required to operate at that higher
19 level of life support are available at the scene and in the
20 ambulance during the patient transport to provide life support to
21 that patient at that higher level.

22 (c) The ambulance meets all equipment and communication
23 requirements to operate at that higher level of life support.

24 (d) The ambulance operation that is unable to respond to a
25 request for emergency assistance immediately requests assistance
26 pursuant to protocols established by the local medical control
27 authority and approved by the department under this part.

1 (5) Except as provided in subsection (6), an ambulance
2 operation shall ensure that an emergency medical technician, an
3 emergency medical technician specialist, or a paramedic is in the
4 patient compartment of an ambulance while transporting an emergency
5 patient.

6 (6) Subsection (5) does not apply to the transportation of a
7 patient by an ambulance if the patient is accompanied in the
8 patient compartment of the ambulance by an appropriate licensed
9 health professional designated by a physician and after a
10 physician-patient relationship has been established as prescribed
11 in this part or the rules promulgated by the department under this
12 part.

13 **SEC. 20921A. (1) A LIMITED OR ADVANCED AMBULANCE OPERATION**
14 **WHOSE PRIMARY SERVICE AREA IS IN A COUNTY OR MICROPOLITAN AREA WITH**
15 **A POPULATION OF 10,000 OR LESS AND WHOSE PRIMARY SERVICE AREA HAS A**
16 **POPULATION DENSITY OF LESS THAN 7 PEOPLE PER SQUARE MILE MAY HAVE**
17 **AN AMBULANCE AVAILABLE FOR LESS THAN 24-HOUR-A-DAY, 7-DAY-A-WEEK**
18 **AVAILABILITY IN SECTION 20921(1) (A) IF BOTH OF THE FOLLOWING**
19 **CONDITIONS ARE MET:**

20 **(A) THE MEDICAL CONTROL AUTHORITY UNDER WHICH THE AMBULANCE**
21 **OPERATION OPERATES AUTHORIZES THE LESSER AVAILABILITY.**

22 **(B) THE ADVANCED AMBULANCE OPERATION HAS DEPARTMENT-APPROVED**
23 **LOCAL MEDICAL CONTROL AUTHORITY PROTOCOLS IN PLACE.**

24 **(2) A BASIC AMBULANCE OPERATION WHOSE PRIMARY SERVICE AREA IS**
25 **IN A COUNTY OR MICROPOLITAN AREA WITH A POPULATION OF 10,000 OR**
26 **LESS AND WHOSE PRIMARY SERVICE AREA HAS A POPULATION DENSITY OF**
27 **LESS THAN 7 PEOPLE PER SQUARE MILE MAY OPERATE AT AN INCREASED**

1 LEVEL OF LICENSURE WHEN STAFFED WITH AN EMT-SPECIALIST OR EMT-
2 PARAMEDIC, IF ALL OF THE FOLLOWING CONDITIONS ARE MET:

3 (A) THE BASIC AMBULANCE IS EQUIPPED AT THE GREATER LICENSURE
4 LEVEL.

5 (B) THE MEDICAL CONTROL AUTHORITY UNDER WHICH THE AMBULANCE
6 OPERATION OPERATES AUTHORIZES THE CONDITIONAL INCREASED LEVEL OF
7 LICENSURE.

8 (C) THE BASIC AMBULANCE OPERATION HAS DEPARTMENT-APPROVED
9 LOCAL MEDICAL CONTROL AUTHORITY PROTOCOLS IN PLACE.

10 (3) AS USED IN THIS SECTION, "MICROPOLITAN AREA" MEANS A
11 MICROPOLITAN STATISTICAL AREA AS MOST RECENTLY DELINEATED BY THE
12 UNITED STATES OFFICE OF MANAGEMENT AND BUDGET.

13 Enacting section 1. Section 20921a of the public health code,
14 1978 PA 368, MCL 333.20921a, is repealed effective January 1, 2018.