

HOUSE BILL No. 5454

April 17, 2014, Introduced by Reps. Kivela, Dianda, Haines, McBroom and Kosowski and referred to the Committee on Health Policy.

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.

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
9 ambulance to be operated.

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

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

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

16 (7) Beginning on July 22, 1997 **AND SUBJECT TO SUBSECTION (13)**,
17 an ambulance operation that meets all of the following requirements
18 may apply for an ambulance operation upgrade license under
19 subsection (8):

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

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

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

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

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

11 (8) ~~An~~ **EXCEPT AS PROVIDED IN SUBSECTION (13), AN** ambulance
12 operation meeting the requirements of subsection (7) that applies
13 for an ambulance operation upgrade license shall include all of the
14 following information in the application provided by the
15 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
23 life support, **PART-TIME LIMITED ADVANCED LIFE SUPPORT, PART-TIME**
24 **ADVANCED LIFE SUPPORT, OR A COMBINATION OF THOSE SERVICES** to take
25 place over a period of not more than 2 years. If the applicant is a
26 transporting limited advanced life support service, a plan of
27 action to upgrade from providing limited advanced life support to

1 providing **PART-TIME ADVANCED LIFE SUPPORT OR** advanced life support
2 to take place over a period of not more than 2 years.

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

8 (d) Other information required by the department.

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

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

1 training, equipment, and personnel.

2 (11) If an ambulance operation is designated by its regular
3 license as providing basic life support services, then an ambulance
4 operation upgrade license issued under this section allows the
5 ambulance operation to provide **PART-TIME LIMITED ADVANCED LIFE**
6 **SUPPORT SERVICES**, limited advanced life support services, ~~or PART-~~
7 **TIME ADVANCED LIFE SUPPORT SERVICES**, advanced life support
8 services, **OR A COMBINATION OF THOSE SERVICES** when the ambulance
9 operation is able to staff and equip 1 or more ambulances to
10 provide services at the higher levels. If an ambulance operation is
11 designated by its regular license as providing limited advanced
12 life support services, then an ambulance operation upgrade license
13 issued under this section allows the ambulance operation to provide
14 advanced life support services when the ambulance operation is able
15 to staff and equip 1 or more ambulances to provide services at the
16 higher level. An ambulance operation shall not provide services
17 under an ambulance operation upgrade license unless the medical
18 control authority under which the ambulance operation operates has
19 adopted protocols for the ambulance operation upgrade license
20 regarding quality monitoring procedures, use and protection of
21 equipment, and patient care.

22 (12) The department may revoke or fail to renew an ambulance
23 operation upgrade license for a violation of this part or a rule
24 promulgated under this part or for failure to comply with the plan
25 of action filed under subsection (8)(b). An ambulance operation
26 that obtains an ambulance operation upgrade license must annually
27 renew its regular license under subsections (2) to (6). An

1 ambulance operation's regular license is not affected by the
2 following:

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

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

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

10 ~~—— (13) By July 22, 2000, the department shall file a written~~
11 ~~report to the legislature. The department shall include all of the~~
12 ~~following information in the report:~~

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

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

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

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

~~1 ambulance operation upgrade license, but that improved their
2 services during the 3-year period.~~

~~3 (c) The number of ambulance operations that failed to
4 successfully upgrade, as described in subdivision (c), under an
5 ambulance operation upgrade license, and that showed no improvement
6 or a decline in their services.~~

~~7 (f) The effect of the amendatory act that added this
8 subsection on the delivery of emergency medical services in this
9 state.~~

10 (13) AN AMBULANCE OPERATION WHOSE PRIMARY SERVICE AREA IS NOT
11 IN A COUNTY OR MICROPOLITAN AREA WITH A POPULATION GREATER THAN
12 10,000 AND WHOSE PRIMARY SERVICE AREA HAS A POPULATION DENSITY OF
13 LESS THAN 7 PEOPLE PER SQUARE MILE MAY APPLY FOR A PART-TIME
14 LIMITED ADVANCED LIFE SUPPORT SERVICES UPGRADE LICENSE, A PART-TIME
15 ADVANCED LIFE SUPPORT SERVICES UPGRADE LICENSE, OR AN UPGRADE
16 LICENSE FOR A COMBINATION OF THOSE SERVICES. THE DEPARTMENT MAY
17 ISSUE A PART-TIME LIMITED ADVANCED LIFE SUPPORT SERVICES UPGRADE
18 LICENSE OR A PART-TIME ADVANCED LIFE SUPPORT SERVICES UPGRADE
19 LICENSE TO AN AMBULANCE OPERATION THAT MEETS THE SERVICE AREA
20 REQUIREMENT OF THIS SUBSECTION AND ALL OF THE EQUIPMENT AND
21 STAFFING REQUIREMENTS FOR A LIMITED ADVANCED LIFE SUPPORT SERVICES
22 UPGRADE LICENSE OR AN ADVANCED LIFE SUPPORT SERVICES UPGRADE
23 LICENSE EXCEPT THE REQUIREMENT FOR FULL-TIME AVAILABILITY OF THE
24 ADVANCED OR LIMITED ADVANCED LIFE SUPPORT SERVICES. A PART-TIME
25 LIMITED ADVANCED LIFE SUPPORT SERVICES UPGRADE LICENSE OR A PART-
26 TIME ADVANCED LIFE SUPPORT SERVICES UPGRADE LICENSE IS VALID FOR 2
27 YEARS FROM THE DATE OF ISSUE AND MAY BE RENEWED AN UNLIMITED NUMBER

1 OF TIMES. AS USED IN THIS SUBSECTION, "MICROPOLITAN AREA" MEANS A
2 MICROPOLITAN STATISTICAL AREA AS MOST RECENTLY DELINEATED BY THE
3 UNITED STATES OFFICE OF MANAGEMENT AND BUDGET.

4 (14) AS USED IN THIS SECTION AND SECTION 20921 IN RELATION TO
5 ADVANCED OR LIMITED ADVANCED LIFE SUPPORT SERVICES, "PART-TIME"
6 MEANS ON LESS THAN A 24-HOUR-A-DAY, 7-DAY-A-WEEK BASIS.

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

9 (a) Provide at least 1 ambulance available for response to
10 requests for emergency assistance on a 24-hour-a-day, 7-day-a-week
11 basis in accordance 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)~~, **(13)**, provide life
22 support consistent with its license and approved local medical
23 control authority protocols to each emergency patient without prior
24 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 (13), advertise or otherwise hold itself out as a full-time
22 transporting limited advanced life support service or a full-time
23 transporting advanced life support service unless the ambulance
24 operation actually provides those services on a 24-hour-per-day, 7-
25 day-a-week basis.

26 (3) Except as provided in subsection (4), an ambulance
27 operation shall not operate, attend, or permit an ambulance to be

1 operated while transporting a patient unless the ambulance is, at a
2 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 (D) IF DESIGNATED AS PROVIDING PART-TIME ADVANCED LIFE
11 SUPPORT, WITH AT LEAST 1 PARAMEDIC AND 1 EMERGENCY MEDICAL
12 TECHNICIAN WHILE PROVIDING ADVANCED LIFE SUPPORT SERVICES.

13 (E) IF DESIGNATED AS PROVIDING PART-TIME LIMITED ADVANCED LIFE
14 SUPPORT, WITH AT LEAST 1 EMERGENCY MEDICAL TECHNICIAN SPECIALIST
15 AND 1 EMERGENCY MEDICAL TECHNICIAN WHILE PROVIDING LIMITED ADVANCED
16 LIFE SUPPORT SERVICES.

17 (4) An ambulance operation that is licensed to provide **PART-**
18 **TIME ADVANCED LIFE SUPPORT OR** advanced life support and has more
19 than 1 ambulance licensed under its operation may operate an
20 ambulance licensed to provide basic life support or limited
21 advanced life support at a higher level of life support if all of
22 the following are met:

23 (a) The ambulance operation has at least 1 ambulance under its
24 operation that is properly staffed and available to provide
25 advanced life support on a 24-hour-a-day, 7-day-a-week basis. **AN**
26 **AMBULANCE OPERATION PROVIDING PART-TIME ADVANCED LIFE SUPPORT**
27 **SERVICES IS EXEMPT FROM THE REQUIREMENTS OF THIS SUBDIVISION.**

1 (b) The licensed personnel required to operate at that higher
2 level of life support are available at the scene and in the
3 ambulance during the patient transport to provide life support to
4 that patient at that higher level.

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

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

11 (5) Except as provided in subsection (6), an ambulance
12 operation shall ensure that an emergency medical technician, an
13 emergency medical technician specialist, or a paramedic is in the
14 patient compartment of an ambulance while transporting an emergency
15 patient.

16 (6) Subsection (5) does not apply to the transportation of a
17 patient by an ambulance if the patient is accompanied in the
18 patient compartment of the ambulance by an appropriate licensed
19 health professional designated by a physician and after a
20 physician-patient relationship has been established as prescribed
21 in this part or the rules promulgated by the department under this
22 part.