

SENATE BILL 38

Unofficial Copy  
J1

2001 Regular Session  
(11r0094)

ENROLLED BILL

-- Economic and Environmental Affairs/Environmental Matters --

Introduced by **Chairman, Economic and Environmental Affairs Committee**  
**(Departmental - Maryland Institute for Emergency Medical Services**  
**Systems)**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
President.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Emergency Medical Services - ~~Commercial Emergency Medical Services -~~**  
3 **Regulation Ambulance Services - Definitions and Regulations**

4 FOR the purpose of ~~regulating certain entities that provide commercial emergency~~  
5 ~~medical services; exempting certain providers from regulation; requiring certain~~  
6 ~~entities to meet certain requirements; defining certain terms; and generally~~  
7 ~~relating to the regulation of commercial emergency medical services~~ altering a  
8 certain definition; clarifying certain regulation requirements regarding  
9 ambulance transport; and generally relating to emergency medical services.

10 BY repealing and reenacting, with amendments,  
11 Article - Education  
12 Section 13-515  
13 Annotated Code of Maryland  
14 (1999 Replacement Volume and 2000 Supplement)

1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article - Education**

4 13-515.

5 (a) (1) In this section the following words have the meanings indicated.

6 (2) (I) "Ambulance" means any [vehicle] CONVEYANCE designed and  
7 constructed or modified and equipped to be used, maintained, or operated [for the  
8 transportation of] TO TRANSPORT individuals who are sick, injured, wounded, or  
9 otherwise incapacitated.

10 (II) "AMBULANCE" INCLUDES A CONVEYANCE DESIGNED AND  
11 CONSTRUCTED OR MODIFIED AND EQUIPPED FOR AEROMEDICAL TRANSPORT.

12 {(3) (i) "Ambulance service" means any individual, firm, partnership,  
13 corporation, association, or organization engaged in the business of transporting by  
14 ambulance individuals who are sick, injured, wounded, or otherwise incapacitated.

15 (ii) "Ambulance service" does not include the transporting of  
16 individuals in an ambulance owned, operated, or under the jurisdiction of a unit of  
17 State government, a political subdivision of the State, or a volunteer fire company or  
18 volunteer rescue squad.}

19 (3) (I) ~~"COMMERCIAL EMERGENCY MEDICAL SERVICE" MEANS ANY~~  
20 ~~INDIVIDUAL, FIRM, PARTNERSHIP, CORPORATION, ASSOCIATION, OR ORGANIZATION~~  
21 ~~THAT:~~

22 1. ~~MAKES AVAILABLE EMERGENCY MEDICAL SERVICES~~  
23 ~~THROUGH EMERGENCY MEDICAL SERVICE PROVIDERS LICENSED OR CERTIFIED~~  
24 ~~UNDER § 13-516 OF THIS SUBTITLE TO PROVIDE EMERGENCY MEDICAL SERVICES; OR~~

25 2. ~~TRANSPORTS BY AMBULANCE INDIVIDUALS WHO ARE~~  
26 ~~SICK, INJURED, WOUNDED, OR OTHERWISE INCAPACITATED.~~

27 (II) ~~"COMMERCIAL EMERGENCY MEDICAL SERVICE" DOES NOT~~  
28 ~~INCLUDE AN EMERGENCY MEDICAL SERVICE OWNED, OPERATED, OR UNDER THE~~  
29 ~~JURISDICTION OF A UNIT OF STATE GOVERNMENT, A POLITICAL SUBDIVISION OF~~  
30 ~~THE STATE, OR A VOLUNTEER FIRE COMPANY OR VOLUNTEER RESCUE SQUAD.~~

31 (4) "Fund" means the Commercial {Ambulance} ~~EMERGENCY MEDICAL~~  
32 Service Fund.

33 (5) "License" means a license issued by the institute to operate {an  
34 ambulance service} ~~A COMMERCIAL EMERGENCY MEDICAL SERVICE~~ in the State.

35 (B) ~~THIS SECTION DOES NOT APPLY TO ANY INDIVIDUAL, FIRM,~~  
36 ~~PARTNERSHIP, CORPORATION, ASSOCIATION, OR ORGANIZATION THAT:~~

1           (1)    (1)    ~~PROVIDES FIRST AID OR CARE AT THE LEVEL OF A FIRST~~  
2 ~~RESPONDER UNDER § 13-516 OF THIS SUBTITLE; AND~~

3                   (1)    ~~DOES NOT PROVIDE PATIENT TRANSPORT; OR~~

4           (2)    ~~IS AFFILIATED WITH AND UNDER THE JURISDICTION OF A UNIT OF~~  
5 ~~STATE GOVERNMENT, A POLITICAL SUBDIVISION, OR A VOLUNTEER FIRE COMPANY~~  
6 ~~OR VOLUNTEER RESCUE SQUAD.~~

7    {(b)}    (1)    Unless issued a license under this section, an individual, firm,  
8 partnership, corporation, association, or organization may not operate {an  
9 ambulance} ~~A COMMERCIAL EMERGENCY MEDICAL~~ service in the State.

10   {(c)}    (1)    The [Institute] EMS BOARD, in consultation with  
11 representatives of the {ambulance} ~~COMMERCIAL EMERGENCY MEDICAL~~ service  
12 industry in Maryland, shall adopt regulations {necessary to establish a periodic  
13 licensing system for ambulance services} ~~TO ENSURE THE SAFE AND EFFECTIVE~~  
14 ~~OPERATION OF COMMERCIAL EMERGENCY MEDICAL SERVICES~~ in the State.

15           (2)    The regulations shall, at a minimum, require ~~EACH COMMERCIAL~~  
16 ~~EMERGENCY MEDICAL SERVICE TO:~~

17                   (i)    {Each ambulance operated by the ambulance service to be  
18 equipped with adequate} ~~POSSESS SUFFICIENT MEDICAL AND COMMUNICATIONS~~  
19 equipment and supplies to{:

20                                 1.       Care} ~~CARE~~ for the patients being {transported}  
21 ~~TREATED~~ {; and

22                                 2.       Communicate with the dispatcher};

23                   (ii)    [At least 1 individual, in addition to the driver, be in attendance  
24 on the ambulance during each transport who] ~~PROVIDE:~~

25                                 1.       [Is] AT LEAST ONE INDIVIDUAL, IN ADDITION TO THE  
26 DRIVER, IN ATTENDANCE DURING TREATMENT OR TRANSPORT WHO IS certified or  
27 licensed [by the State as an emergency medical technician] under § 13-516 of this  
28 subtitle ~~FOR THE APPROPRIATE LEVEL FOR THE CARE TO BE RENDERED; or~~

29                                 2.       [Has successfully completed a course of training  
30 determined by the Institute to be substantially equivalent to the training necessary  
31 for certification or licensure as an emergency medical technician] ~~PERSONNEL~~  
32 ~~EQUIVALENT OR SUPERIOR TO THE REQUIREMENTS OF ITEM 1 OF THIS~~  
33 ~~SUBPARAGRAPH AS DEMONSTRATED TO THE INSTITUTE~~ INCLUDING:

34   A.       LICENSED PHYSICIANS;

35   B.       LICENSED NURSES; OR

36   C.       LICENSED RESPIRATORY THERAPISTS; and

1 (iii) ~~{Each} HAVE EACH~~ ambulance ~~{operated by the ambulance~~  
 2 service be] ~~WHICH THE COMMERCIAL EMERGENCY MEDICAL SERVICE OPERATES~~  
 3 inspected:

4 1. [Once] FOR AN AMBULANCE INTENDED FOR USE ON A  
 5 ROADWAY, ONCE every 12 months by an inspection station licensed under § 23-103 of  
 6 the Transportation Article and be issued an inspection certificate by the inspection  
 7 station; or

8 2. [In accordance with the] FOR ANY OTHER TYPE OF  
 9 AMBULANCE, UNDER ~~ANY~~ ALL APPLICABLE STATE AND FEDERAL INSPECTION  
 10 requirements for the [operation of an ambulance owned, operated, or under the  
 11 jurisdiction of a unit of State government, a political subdivision of the State, or a  
 12 volunteer fire company or volunteer rescue squad in the jurisdiction where the  
 13 ambulance service is located] TYPE OF AMBULANCE.

14 ~~{(d)}~~ ~~(E)~~ To qualify for ~~{an ambulance}~~ ~~A COMMERCIAL EMERGENCY~~  
 15 ~~MEDICAL~~ service license, an applicant shall:

16 (1) Pay [to] the Institute an application fee established [in accordance  
 17 with] UNDER this section;

18 (2) Maintain commercial general liability insurance [that provides] for  
 19 at least \$1 million in coverage in [the form of] an insurance policy issued by an  
 20 insurer acceptable to the Maryland Insurance Commissioner to write such policies in  
 21 the State;

22 (3) Provide [to] the Institute a certificate of insurance that at a  
 23 minimum:

24 (i) Indicates that the insurance required under this subsection is  
 25 in effect [at the time] ~~WHEN~~ the application is submitted; and

26 (ii) Lists the Institute as an additional party entitled to notification  
 27 at least 10 days before any:

28 1. Nonrenewal or cancellation of a policy required by this  
 29 subsection; or

30 2. Substantive change is made in the coverage or level of  
 31 insurance [provided] under a policy required by this subsection; and

32 (4) Meet the requirements of this section and all regulations [adopted by  
 33 the Institute] under this section.

34 ~~{(e)}~~ ~~(F)~~ (1) There is a Commercial ~~{Ambulance}~~ ~~EMERGENCY MEDICAL~~  
 35 Service Fund within the Institute.

36 (2) (i) The Institute shall set reasonable fees for the licensing and  
 37 license renewal of ~~{ambulance}~~ ~~COMMERCIAL EMERGENCY MEDICAL~~ services.

1 (ii) The fees charged by the Institute shall be set in a manner that  
 2 will produce funds sufficient to cover the actual direct and indirect costs of  
 3 maintaining the licensing program under this section.

4 (iii) The total reasonable cost of maintaining the licensing program  
 5 may not be more than the revenues generated by the fees for the licensing and license  
 6 renewal for ~~{ambulance} COMMERCIAL EMERGENCY MEDICAL~~ services.

7 (3) (i) The Institute shall pay all funds collected under this section to  
 8 the Comptroller of the State.

9 (ii) The Comptroller shall distribute the fees to the Fund.

10 (4) The Fund shall be used to cover the actual documented direct and  
 11 indirect costs of fulfilling the statutory and regulatory duties of the Institute as  
 12 provided by the provisions of this section.

13 (5) The Fund is a continuing, nonlapsing fund, not subject to § 7-302 of  
 14 the State Finance and Procurement Article.

15 (6) Any unspent portions of the Fund may not be transferred or revert to  
 16 the General Fund of the State, but shall remain in the Fund to be used for the  
 17 purposes specified in this section.

18 (7) (i) A designee of the Institute shall administer the Fund.

19 (ii) Moneys in the Fund may be expended only for any lawful  
 20 purpose authorized under the provisions of this section.

21 (8) The Legislative Auditor shall audit the accounts and transactions of  
 22 the Fund as provided in § 2-1220 of the State Government Article.

23 ~~{f)}~~ ~~(G)~~ The Institute may inspect the operating base, equipment, supplies,  
 24 and company procedures necessary to ensure compliance with the requirements of  
 25 this section and all regulations adopted by the Institute under this section.

26 ~~{g)}~~ ~~(H)~~ Subject to the hearing provisions of subsection ~~{h)}~~ ~~(I)~~ of this section,  
 27 the Institute may deny an application for ~~{an ambulance} A COMMERCIAL~~  
 28 ~~EMERGENCY MEDICAL~~ service license or suspend or revoke a license if the applicant  
 29 or licensee violates any provision of this section or any regulation adopted by the  
 30 Institute under this section.

31 ~~{h)}~~ ~~(J)~~ Before the Institute takes any final action under subsection ~~{g)}~~ ~~(H)~~  
 32 of this section, the Institute shall give the person against whom the action is  
 33 contemplated an opportunity for a hearing [in accordance with] UNDER the  
 34 provisions of § 10-226 of the State Government Article.

35 ~~{i)}~~ ~~(K)~~ The Institute may waive the requirements of this section for any  
 36 ~~{ambulance service} COMMERCIAL EMERGENCY MEDICAL SERVICE WHICH~~  
 37 ~~TRANSPORTS PATIENTS BY AMBULANCE:~~

1           (1)       Licensed in another state if the {ambulance} ~~COMMERCIAL~~  
2 ~~EMERGENCY MEDICAL~~ service provides adequate evidence that the {ambulance}  
3 ~~COMMERCIAL EMERGENCY MEDICAL~~ service is licensed in the other state after  
4 meeting requirements that are at least as stringent as the licensing requirements of  
5 this State; or

6           (2)       {That transports patients into} ~~INTO~~ this State only on an occasional  
7 basis as determined by the Institute.

8       {j}       ~~(k)~~       A person who violates any provision of this section or any regulation  
9 adopted by the Institute under this section is guilty of a misdemeanor and on  
10 conviction is subject to a fine not exceeding \$1,000.

11       {k}       ~~(l)~~       This section preempts the authority of a county or municipal  
12 corporation to regulate any {ambulance} ~~COMMERCIAL EMERGENCY MEDICAL~~  
13 service with a base of operation located outside the county or municipal corporation  
14 that is licensed [in accordance with the provisions of] UNDER this section.

15       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 July 1, 2001.