

SENATE BILL 38

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2001 Regular Session
11r0094

(PRE-FILED)

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

Requested: October 26, 2000

Introduced and read first time: January 10, 2001

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Emergency Medical Services - Commercial Emergency Medical Services -**
3 **Regulation**

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.

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

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

15 **Article - Education**

16 13-515.

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

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

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

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

4 (ii) "Ambulance service" does not include the transporting of
5 individuals in an ambulance owned, operated, or under the jurisdiction of a unit of
6 State government, a political subdivision of the State, or a volunteer fire company or
7 volunteer rescue squad.]

8 (3) (I) "COMMERCIAL EMERGENCY MEDICAL SERVICE" MEANS ANY
9 INDIVIDUAL, FIRM, PARTNERSHIP, CORPORATION, ASSOCIATION, OR ORGANIZATION
10 THAT:

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

14 2. TRANSPORTS BY AMBULANCE INDIVIDUALS WHO ARE
15 SICK, INJURED, WOUNDED, OR OTHERWISE INCAPACITATED.

16 (II) "COMMERCIAL EMERGENCY MEDICAL SERVICE" DOES NOT
17 INCLUDE AN EMERGENCY MEDICAL SERVICE OWNED, OPERATED, OR UNDER THE
18 JURISDICTION OF A UNIT OF STATE GOVERNMENT, A POLITICAL SUBDIVISION OF
19 THE STATE, OR A VOLUNTEER FIRE COMPANY OR VOLUNTEER RESCUE SQUAD.

20 (4) "Fund" means the Commercial [Ambulance] EMERGENCY MEDICAL
21 Service Fund.

22 (5) "License" means a license issued by the institute to operate [an
23 ambulance service] A COMMERCIAL EMERGENCY MEDICAL SERVICE in the State.

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

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

28 (II) DOES NOT PROVIDE PATIENT TRANSPORT; OR

29 (2) IS AFFILIATED WITH AND UNDER THE JURISDICTION OF A UNIT OF
30 STATE GOVERNMENT, A POLITICAL SUBDIVISION, OR A VOLUNTEER FIRE COMPANY
31 OR VOLUNTEER RESCUE SQUAD.

32 [(b)] (C) Unless issued a license under this section, an individual, firm,
33 partnership, corporation, association, or organization may not operate [an
34 ambulance] A COMMERCIAL EMERGENCY MEDICAL service in the State.

35 [(c)] (D) (1) The [Institute] EMS BOARD, in consultation with
36 representatives of the [ambulance] COMMERCIAL EMERGENCY MEDICAL service
37 industry in Maryland, shall adopt regulations [necessary to establish a periodic

1 licensing system for ambulance services] TO ENSURE THE SAFE AND EFFECTIVE
2 OPERATION OF COMMERCIAL EMERGENCY MEDICAL SERVICES in the State.

3 (2) The regulations shall, at a minimum, require EACH COMMERCIAL
4 EMERGENCY MEDICAL SERVICE TO:

5 (i) [Each ambulance operated by the ambulance service to be
6 equipped with adequate] POSSESS SUFFICIENT MEDICAL AND COMMUNICATIONS
7 equipment and supplies to[:

8 1. Care] CARE for the patients being [transported]
9 TREATED[; and

10 2. Communicate with the dispatcher];

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

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

17 2. [Has successfully completed a course of training
18 determined by the Institute to be substantially equivalent to the training necessary
19 for certification or licensure as an emergency medical technician] PERSONNEL
20 EQUIVALENT OR SUPERIOR TO THE REQUIREMENTS OF ITEM 1 OF THIS
21 SUBPARAGRAPH AS DEMONSTRATED TO THE INSTITUTE; and

22 (iii) [Each] HAVE EACH ambulance [operated by the ambulance
23 service be] WHICH THE COMMERCIAL EMERGENCY MEDICAL SERVICE OPERATES
24 inspected:

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

29 2. [In accordance with the] FOR ANY OTHER TYPE OF
30 AMBULANCE, UNDER ANY APPLICABLE STATE AND FEDERAL INSPECTION
31 requirements for the [operation of an ambulance owned, operated, or under the
32 jurisdiction of a unit of State government, a political subdivision of the State, or a
33 volunteer fire company or volunteer rescue squad in the jurisdiction where the
34 ambulance service is located] TYPE OF AMBULANCE.

35 [(d)] (E) To qualify for [an ambulance] A COMMERCIAL EMERGENCY
36 MEDICAL service license, an applicant shall:

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

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

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

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

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

11 1. Nonrenewal or cancellation of a policy required by this
12 subsection; or

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

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

17 [(e)] (F) (1) There is a Commercial [Ambulance] EMERGENCY MEDICAL
18 Service Fund within the Institute.

19 (2) (i) The Institute shall set reasonable fees for the licensing and
20 license renewal of [ambulance] COMMERCIAL EMERGENCY MEDICAL services.

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

24 (iii) The total reasonable cost of maintaining the licensing program
25 may not be more than the revenues generated by the fees for the licensing and license
26 renewal for [ambulance] COMMERCIAL EMERGENCY MEDICAL services.

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

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

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

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

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

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

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

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

9 [(f)] (G) The Institute may inspect the operating base, equipment, supplies,
10 and company procedures necessary to ensure compliance with the requirements of
11 this section and all regulations adopted by the Institute under this section.

12 [(g)] (H) Subject to the hearing provisions of subsection [(h)] (I) of this section,
13 the Institute may deny an application for [an ambulance] A COMMERCIAL
14 EMERGENCY MEDICAL service license or suspend or revoke a license if the applicant
15 or licensee violates any provision of this section or any regulation adopted by the
16 Institute under this section.

17 [(h)] (I) Before the Institute takes any final action under subsection [(g)] (H)
18 of this section, the Institute shall give the person against whom the action is
19 contemplated an opportunity for a hearing [in accordance with] UNDER the
20 provisions of § 10-226 of the State Government Article.

21 [(i)] (J) The Institute may waive the requirements of this section for any
22 [ambulance service] COMMERCIAL EMERGENCY MEDICAL SERVICE WHICH
23 TRANSPORTS PATIENTS BY AMBULANCE:

24 (1) Licensed in another state if the [ambulance] COMMERCIAL
25 EMERGENCY MEDICAL service provides adequate evidence that the [ambulance]
26 COMMERCIAL EMERGENCY MEDICAL service is licensed in the other state after
27 meeting requirements that are at least as stringent as the licensing requirements of
28 this State; or

29 (2) [That transports patients into] INTO this State only on an occasional
30 basis as determined by the Institute.

31 [(j)] (K) A person who violates any provision of this section or any regulation
32 adopted by the Institute under this section is guilty of a misdemeanor and on
33 conviction is subject to a fine not exceeding \$1,000.

34 [(k)] (L) This section preempts the authority of a county or municipal
35 corporation to regulate any [ambulance] COMMERCIAL EMERGENCY MEDICAL
36 service with a base of operation located outside the county or municipal corporation
37 that is licensed [in accordance with the provisions of] UNDER this section.

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