

SENATE BILL 38

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2001 Regular Session  
11r0094

(PRE-FILED)

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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

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Committee Report: Favorable with amendments  
Senate action: Adopted  
Read second time: February 28, 2001

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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)

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

17 **Article - Education**

18 13-515.

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

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

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

7 {3} (i) "Ambulance service" means any individual, firm, partnership,  
 8 corporation, association, or organization engaged in the business of transporting by  
 9 ambulance individuals who are sick, injured, wounded, or otherwise incapacitated.

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

14 {3} (I) ~~"COMMERCIAL EMERGENCY MEDICAL SERVICE" MEANS ANY~~  
 15 ~~INDIVIDUAL, FIRM, PARTNERSHIP, CORPORATION, ASSOCIATION, OR ORGANIZATION~~  
 16 ~~THAT:~~

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

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

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

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

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

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

32 {1} {I} ~~PROVIDES FIRST AID OR CARE AT THE LEVEL OF A FIRST~~  
 33 ~~RESPONDER UNDER § 13-516 OF THIS SUBTITLE; AND~~

34 {II} ~~DOES NOT PROVIDE PATIENT TRANSPORT; OR~~

35 {2} ~~IS AFFILIATED WITH AND UNDER THE JURISDICTION OF A UNIT OF~~  
 36 ~~STATE GOVERNMENT, A POLITICAL SUBDIVISION, OR A VOLUNTEER FIRE COMPANY~~  
 37 ~~OR VOLUNTEER RESCUE SQUAD.~~

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

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

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

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

14                                 1.    Care} ~~CARE~~ for the patients being {transported}  
 15 ~~TREATED~~ {; and

16                                 2.    Communicate with the dispatcher};

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

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

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

28   A.    LICENSED PHYSICIANS;

29   B.    LICENSED NURSES; OR

30   C.    LICENSED RESPIRATORY THERAPISTS; and

31                   (iii)    {Each} ~~HAVE EACH~~ ambulance {operated by the ambulance  
 32 service be} ~~WHICH THE COMMERCIAL EMERGENCY MEDICAL SERVICE OPERATES~~  
 33 inspected:

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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