

HOUSE BILL 1356

P2

9lr3200
CF SB 650

By: **Delegate Smigiel**

Introduced and read first time: February 19, 2009

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Medevac Helicopter Improvement Act of 2009**

3 FOR the purpose of requiring the Department of Emergency Services, or the
4 Department of General Services under certain circumstances, to issue a request
5 for proposals under State procurement law to select an entity to operate the
6 State's helicopter fleet for emergency medical services; requiring a certain
7 number of fleets of helicopters to operate in the State; requiring the Maryland
8 State Police and other appropriate law enforcement agencies to operate a
9 certain fleet; requiring a certain fleet of helicopters to consist of a certain
10 number of helicopters; requiring the Maryland State Police to submit a proposal
11 in response to a certain request for proposals; requiring the consideration of a
12 State-operated helicopter fleet for emergency medical services and certain
13 options in the evaluation of requests for proposals; requiring the request for
14 proposals to include certain requirements; requiring certain savings to be
15 distributed to a certain fund; requiring the Secretary of Emergency Services, or
16 the Secretary of General Services under certain circumstances, to adopt certain
17 regulations; requiring the Secretary of Emergency Services or the Secretary of
18 General Services to submit a certain report to the Governor and the General
19 Assembly on or before a certain date and annually thereafter; making a certain
20 section of this Act contingent on the taking effect of another Act; making a
21 certain section of this Act contingent on the failure of certain legislation;
22 defining certain terms; and generally relating to State helicopters.

23 BY adding to

24 Article – Public Safety

25 Section 15–1101 through 15–1108 to be under the new subtitle “Subtitle 11.
26 State Helicopters”

27 Annotated Code of Maryland

28 (2003 Volume and 2008 Supplement)

29 BY adding to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – State Finance and Procurement

Section 4–324 through 4–331 to be under the new part “Part IV. State Helicopters”

Annotated Code of Maryland

(2006 Replacement Volume and 2008 Supplement)

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

Article – Public Safety

SUBTITLE 11. STATE HELICOPTERS.

15–1101.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “EMERGENCY MEDICAL DISPATCHER” (EMD) HAS THE MEANING STATED IN § 15–801 OF THIS TITLE.

(C) “EMERGENCY MEDICAL SERVICES” HAS THE MEANING STATED IN § 15–801 OF THIS TITLE.

(D) “EMERGENCY MEDICAL SERVICES PROVIDER” HAS THE MEANING STATED IN § 15–801 OF THIS TITLE.

15–1102.

(A) THERE SHALL BE TWO FLEETS OF HELICOPTERS OPERATING IN THE STATE AS FOLLOWS:

(1) ONE FLEET OF HELICOPTERS THAT WILL OPERATE FOR EMERGENCY MEDICAL SERVICES; AND

(2) ONE FLEET OF HELICOPTERS THAT WILL OPERATE FOR LAW ENFORCEMENT, HOMELAND SECURITY, AND SEARCH AND RESCUE.

(B) (1) THE MARYLAND STATE POLICE AND OTHER APPROPRIATE LAW ENFORCEMENT AGENCIES IN THE STATE SHALL OPERATE THE FLEET OF HELICOPTERS FOR LAW ENFORCEMENT, HOMELAND SECURITY, AND SEARCH AND RESCUE.

(2) THE LAW ENFORCEMENT, HOMELAND SECURITY, AND SEARCH AND RESCUE FLEET SHALL CONSIST OF FOUR HELICOPTERS AND ANY FIXED WING AIRCRAFT.

15-1103.

(A) THE DEPARTMENT SHALL ISSUE A REQUEST FOR PROPOSALS IN ACCORDANCE WITH THE PROVISIONS OF DIVISION II OF THE STATE FINANCE AND PROCUREMENT ARTICLE (GENERAL PROCUREMENT LAW) TO SELECT AN ENTITY TO OPERATE THE STATE'S HELICOPTER FLEET FOR EMERGENCY MEDICAL SERVICES.

(B) IN RESPONSE TO THE REQUEST FOR PROPOSALS, THE MARYLAND STATE POLICE SHALL SUBMIT A PROPOSAL TO OPERATE THE STATE'S HELICOPTER FLEET FOR EMERGENCY MEDICAL SERVICES.

15-1104.

THE REQUEST FOR PROPOSALS TO OPERATE THE STATE'S HELICOPTER FLEET FOR EMERGENCY MEDICAL SERVICES ISSUED UNDER § 15-1103 OF THIS SUBTITLE SHALL REQUIRE AN OFFEROR TO:

(1) COMPLY WITH THE PROVISIONS OF DIVISION II OF THE STATE FINANCE AND PROCUREMENT ARTICLE;

(2) BE LICENSED AND IN COMPLIANCE WITH PART 135 OF THE FEDERAL AVIATION ADMINISTRATION REGULATIONS;

(3) BE CERTIFIED BY THE COMMISSION OF ACCREDITATION OF MEDICAL TRANSPORT SYSTEMS;

(4) HAVE AN EMERGENCY MEDICAL SERVICES DISPATCH SYSTEM THAT IS OPERATED BY EMERGENCY MEDICAL DISPATCHERS;

(5) AGREE TO HAVE ALL HELICOPTER MAINTENANCE PERFORMED BY A REPAIR FACILITY WITH A FEDERAL AVIATION ADMINISTRATION PART 145 REPAIR STATION CERTIFICATE;

(6) PROVIDE INFORMATION ON THE CAPITAL EXPENDITURES NECESSARY TO OPERATE THE HELICOPTER FLEET FOR EMERGENCY MEDICAL SERVICES;

(7) PROVIDE INFORMATION ON EXPENDITURES NECESSARY FOR:

(I) EMPLOYING PERSONNEL TO STAFF EACH FLIGHT WITH
AT LEAST TWO MEDICAL SERVICES PROVIDERS;

(II) HELICOPTER MAINTENANCE;

(III) EMPLOYING HELICOPTER PILOTS TO STAFF EACH
FLIGHT; AND

(IV) ANY OTHER STAFFING NEEDS OR COSTS ASSOCIATED
WITH OPERATING THE HELICOPTER FLEET FOR EMERGENCY MEDICAL
SERVICES; AND

(8) PROVIDE INFORMATION ON THE ABILITY TO APPLY FOR
REIMBURSEMENT FROM PRIVATE INSURANCE CARRIERS FOR THE TRANSPORT
OF PATIENTS FROM THE SCENE OF AN OUT-OF-HOSPITAL MEDICAL EMERGENCY
TO A HEALTH CARE FACILITY.

15-1105.

(A) IN EVALUATING THE PROPOSALS SUBMITTED UNDER THE REQUEST
FOR PROPOSALS, THE DEPARTMENT SHALL CONSIDER A STATE-OPERATED
HELICOPTER FLEET FOR EMERGENCY MEDICAL SERVICES.

(B) IN EVALUATING THE PROPOSALS SUBMITTED UNDER THE REQUEST
FOR PROPOSALS, THE DEPARTMENT MAY CONSIDER:

(1) HELICOPTER LEASING;

(2) REFURBISHING OF HELICOPTERS; OR

(3) ANY OTHER OPTION TO IMPROVE THE SAFETY AND
EFFICIENCY OF THE STATE'S HELICOPTER FLEET FOR EMERGENCY MEDICAL
SERVICES SO LONG AS THE REQUIREMENTS OF THIS SUBTITLE ARE MET.

15-1106.

ANY SAVINGS REALIZED FROM MODIFICATIONS TO THE OPERATION OF
THE EMERGENCY MEDICAL SERVICES HELICOPTER FLEET AS A RESULT OF THE
REQUEST FOR PROPOSALS UNDER THIS SUBTITLE SHALL BE DISTRIBUTED TO
THE SENATOR WILLIAM H. AMOSS FIRE, RESCUE, AND AMBULANCE FUND
UNDER TITLE 8 OF THIS ARTICLE.

15-1107.

1 **THE SECRETARY SHALL ADOPT REGULATIONS NECESSARY TO CARRY OUT**
2 **THE PROVISIONS OF THIS SUBTITLE.**

3 **15-1108.**

4 **(A) ON OR BEFORE OCTOBER 1, 2010, AND ANNUALLY THEREAFTER,**
5 **THE SECRETARY SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE**
6 **WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL**
7 **ASSEMBLY ON THE OPERATION OF THE EMERGENCY MEDICAL SERVICES**
8 **HELICOPTER FLEET.**

9 **(B) THE REPORT REQUIRED UNDER SUBSECTION (A) OF THIS SECTION**
10 **SHALL ASSESS THE PROGRAM FOR ITS EFFECTIVENESS, SAFETY, AND**
11 **EFFICIENCY IN OPERATING THE STATE'S HELICOPTER FLEET FOR EMERGENCY**
12 **MEDICAL SERVICES.**

13 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
14 read as follows:

15 **Article – State Finance and Procurement**

16 **4-322. RESERVED.**

17 **4-323. RESERVED.**

18 **PART IV. STATE HELICOPTERS.**

19 **4-324.**

20 **(A) IN THIS PART THE FOLLOWING WORDS HAVE THE MEANINGS**
21 **INDICATED.**

22 **(B) “EMERGENCY MEDICAL DISPATCHER” (EMD) HAS THE MEANING**
23 **STATED IN § 13-516 OF THE EDUCATION ARTICLE.**

24 **(C) “EMERGENCY MEDICAL SERVICES” HAS THE MEANING STATED IN §**
25 **13-516 OF THE EDUCATION ARTICLE.**

26 **(D) “EMERGENCY MEDICAL SERVICES PROVIDER” HAS THE MEANING**
27 **STATED IN § 13-516 OF THE EDUCATION ARTICLE.**

28 **4-325.**

1 (A) **THERE SHALL BE TWO FLEETS OF HELICOPTERS OPERATING IN THE**
2 **STATE AS FOLLOWS:**

3 (1) **ONE FLEET OF HELICOPTERS THAT WILL OPERATE FOR**
4 **EMERGENCY MEDICAL SERVICES; AND**

5 (2) **ONE FLEET OF HELICOPTERS THAT WILL OPERATE FOR LAW**
6 **ENFORCEMENT, HOMELAND SECURITY, AND SEARCH AND RESCUE.**

7 (B) (1) **THE MARYLAND STATE POLICE AND OTHER APPROPRIATE**
8 **LAW ENFORCEMENT AGENCIES IN THE STATE SHALL OPERATE THE FLEET OF**
9 **HELICOPTERS FOR LAW ENFORCEMENT, HOMELAND SECURITY, AND SEARCH**
10 **AND RESCUE.**

11 (2) **THE LAW ENFORCEMENT, HOMELAND SECURITY, AND SEARCH**
12 **AND RESCUE FLEET SHALL CONSIST OF FOUR HELICOPTERS AND ANY FIXED**
13 **WING AIRCRAFT.**

14 **4-326.**

15 (A) **THE DEPARTMENT SHALL ISSUE A REQUEST FOR PROPOSALS IN**
16 **ACCORDANCE WITH THE PROVISIONS OF DIVISION II OF THIS ARTICLE**
17 **(GENERAL PROCUREMENT LAW) TO SELECT AN ENTITY TO OPERATE THE**
18 **STATE'S HELICOPTER FLEET FOR EMERGENCY MEDICAL SERVICES.**

19 (B) **IN RESPONSE TO THE REQUEST FOR PROPOSALS, THE MARYLAND**
20 **STATE POLICE SHALL SUBMIT A PROPOSAL TO OPERATE THE STATE'S**
21 **HELICOPTER FLEET FOR EMERGENCY MEDICAL SERVICES.**

22 **4-327.**

23 **THE REQUEST FOR PROPOSALS TO OPERATE THE STATE'S HELICOPTER**
24 **FLEET FOR EMERGENCY MEDICAL SERVICES ISSUED UNDER § 4-326 OF THIS**
25 **PART SHALL REQUIRE AN OFFEROR TO:**

26 (1) **COMPLY WITH THE PROVISIONS OF DIVISION II OF THIS**
27 **ARTICLE;**

28 (2) **BE LICENSED AND IN COMPLIANCE WITH PART 135 OF THE**
29 **FEDERAL AVIATION ADMINISTRATION REGULATIONS;**

30 (3) **BE CERTIFIED BY THE COMMISSION OF ACCREDITATION OF**
31 **MEDICAL TRANSPORT SYSTEMS;**

1 (4) HAVE AN EMERGENCY MEDICAL SERVICES DISPATCH SYSTEM
2 THAT IS OPERATED BY EMERGENCY MEDICAL DISPATCHERS;

3 (5) AGREE TO HAVE ALL HELICOPTER MAINTENANCE
4 PERFORMED BY A REPAIR FACILITY WITH A FEDERAL AVIATION
5 ADMINISTRATION PART 145 REPAIR STATION CERTIFICATE;

6 (6) PROVIDE INFORMATION ON THE CAPITAL EXPENDITURES
7 NECESSARY TO OPERATE THE HELICOPTER FLEET FOR EMERGENCY MEDICAL
8 SERVICES;

9 (7) PROVIDE INFORMATION ON EXPENDITURES NECESSARY FOR:

10 (I) EMPLOYING PERSONNEL TO STAFF EACH FLIGHT WITH
11 AT LEAST TWO MEDICAL SERVICES PROVIDERS;

12 (II) HELICOPTER MAINTENANCE;

13 (III) EMPLOYING HELICOPTER PILOTS TO STAFF EACH
14 FLIGHT; AND

15 (IV) ANY OTHER STAFFING NEEDS OR COSTS ASSOCIATED
16 WITH OPERATING THE HELICOPTER FLEET FOR EMERGENCY MEDICAL
17 SERVICES; AND

18 (8) PROVIDE INFORMATION ON THE ABILITY TO APPLY FOR
19 REIMBURSEMENT FROM PRIVATE INSURANCE CARRIERS FOR THE TRANSPORT
20 OF PATIENTS FROM THE SCENE OF AN OUT-OF-HOSPITAL MEDICAL EMERGENCY
21 TO A HEALTH CARE FACILITY.

22 **4-328.**

23 (A) IN EVALUATING THE PROPOSALS SUBMITTED UNDER THE REQUEST
24 FOR PROPOSALS, THE DEPARTMENT SHALL CONSIDER A STATE-OPERATED
25 HELICOPTER FLEET FOR EMERGENCY MEDICAL SERVICES.

26 (B) IN EVALUATING THE PROPOSALS SUBMITTED UNDER THE REQUEST
27 FOR PROPOSALS, THE DEPARTMENT MAY CONSIDER:

28 (1) HELICOPTER LEASING;

29 (2) REFURBISHING OF HELICOPTERS; OR

(3) ANY OTHER OPTION TO IMPROVE THE SAFETY AND EFFICIENCY OF THE STATE'S HELICOPTER FLEET FOR EMERGENCY MEDICAL SERVICES SO LONG AS THE REQUIREMENTS OF THIS PART ARE MET.

4-329.

ANY SAVINGS REALIZED FROM MODIFICATIONS TO THE OPERATION OF THE EMERGENCY MEDICAL SERVICES HELICOPTER FLEET AS A RESULT OF THE REQUEST FOR PROPOSALS UNDER THIS PART SHALL BE DISTRIBUTED TO THE SENATOR WILLIAM H. AMOSS FIRE, RESCUE, AND AMBULANCE FUND UNDER TITLE 8 OF THE PUBLIC SAFETY ARTICLE.

4-330.

THE SECRETARY SHALL ADOPT ANY REGULATIONS NECESSARY TO CARRY OUT THE PROVISIONS OF THIS PART.

4-331.

(A) ON OR BEFORE OCTOBER 1, 2010, AND ANNUALLY THEREAFTER, THE SECRETARY SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON THE OPERATION OF THE EMERGENCY MEDICAL SERVICES HELICOPTER FLEET.

(B) THE REPORT SHALL ASSESS THE PROGRAM FOR ITS EFFECTIVENESS, SAFETY, AND EFFICIENCY IN OPERATING THE STATE'S HELICOPTER FLEET FOR EMERGENCY MEDICAL SERVICES.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect October 1, 2009, contingent on the taking effect of Chapter____(S.B.____/H.B.____) (9lr1355/9lr3198) of the Acts of the General Assembly of 2009, and if Chapter____ (S.B.____/H.B.____) (9lr1355/9lr3198) does not become effective, Section 1 shall be null and void without the necessity of further action by the General Assembly.

SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect October 1, 2009, contingent on the failure of Chapter____(S.B.____/H.B.____) (9lr1355/9lr3198) of the Acts of the General Assembly of 2009, and if Chapter____ (S.B.____/H.B.____) (9lr1355/9lr3198) becomes effective, Section 2 shall be null and void without the necessity of further action by the General Assembly.

SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.

