

# SENATE BILL 650

P2

9lr1356

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By: **Senators Pipkin and Astle**

Introduced and read first time: February 6, 2009

Assigned to: Finance and Budget and Taxation

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## 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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – State Finance and Procurement  
2 Section 4–324 through 4–331 to be under the new part “Part IV. State  
3 Helicopters”  
4 Annotated Code of Maryland  
5 (2006 Replacement Volume and 2008 Supplement)

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

8 **Article – Public Safety**

9 **SUBTITLE 11. STATE HELICOPTERS.**

10 **15–1101.**

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

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

15 (C) “EMERGENCY MEDICAL SERVICES” HAS THE MEANING STATED IN §  
16 15–801 OF THIS TITLE.

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

19 **15–1102.**

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

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

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

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

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

4 **15-1103.**

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

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

13 **15-1104.**

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

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

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

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

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

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

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

31           **(7) PROVIDE INFORMATION ON EXPENDITURES NECESSARY FOR:**

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

3 (II) HELICOPTER MAINTENANCE;

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

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

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

13 **15-1105.**

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

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

19 (1) HELICOPTER LEASING;

20 (2) REFURBISHING OF HELICOPTERS; OR

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

24 **15-1106.**

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

30 **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

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

4 **4-329.**

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

10 **4-330.**

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

13 **4-331.**

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

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

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

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

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