

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 1448 of the Regular Session

1 State of Arkansas As Engrossed: H3/4/09 H3/12/09 S3/18/09 S4/1/09 S4/2/09

2 87th General Assembly

A Bill

3 Regular Session, 2009

HOUSE BILL 1751

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5 By: Representative R. Green

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For An Act To Be Entitled

9 AN ACT TO CLARIFY THE AUTHORITY OF A CITY OF THE
10 FIRST CLASS AND A CITY OF THE SECOND CLASS TO
11 REGULATE AMBULANCE PATIENT TRANSPORTS; AND FOR
12 OTHER PURPOSES.

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Subtitle

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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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SECTION 1. Arkansas Code § 14-266-105(a), concerning what ambulance transfers a city is authorized to regulate, is amended to read as follows:

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(a) Cities of the first class and cities of the second class are authorized:

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(1) To enact and establish standards, rules, and regulations ~~which~~ that are equal to or greater than those established by the state concerning emergency medical services, as defined in this chapter, and emergency medical technicians, emergency and nonemergency ambulances, and ambulance companies, as defined under §§ 20-13-201 – 20-13-209 and 20-13-211; however, the standards, rules, and regulations shall not be less than those established by this state;

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(2) To establish, own, operate, regulate, control, manage, permit, franchise, license, and contract with, exclusively or otherwise,



1 emergency medical services, ambulances, ambulance companies, and their
2 relative properties, facilities, equipment, personnel, and any and all
3 aspects attendant to emergency medical services and ambulance operations,
4 whether municipally owned or otherwise, including, ~~but not limited to,~~
5 without limitation rates, fees, charges, or other assessments as the cities
6 consider proper to provide for the health, safety, and welfare of their
7 citizens;

8 (3) To establish an Emergency Medical Health Care Facilities
9 Board, hereinafter called "Emergency Medical Services Board" or "EMS Board",
10 under ~~§§ 14-137-101—14-137-123~~ the Public Facilities Boards Act, § 14-137-
11 101 et seq., and to exercise all the powers conferred in this chapter and the
12 power conferred under ~~§§ 14-137-101—14-137-123~~ the Public Facilities Boards
13 Act, § 14-137-101 et seq., either alone or in conjunction with the EMS Board;

14 (4) To provide emergency medical services to its residents and
15 to the residents of the county, surrounding counties, and municipalities
16 within those counties, but only if the governing bodies of the counties and
17 municipalities request and authorize the service under §§ 14-14-101, 14-14-
18 103 – 14-14-110 or §§ 25-20-101 – 25-20-108;

19 (5)(A) To regulate all intracity patient transports ~~and~~, all
20 intercity patient transports, and all intracounty patient transports
21 originating from within the regulating city. However, this chapter shall not
22 restrict or allow local regulation of not-for-hire on a fee-for-service basis
23 transportation, ~~any intercounty patient transports~~, or intercity patient
24 transports to ~~or from~~ medical facilities within the regulating city
25 originating from anywhere outside the regulating city, except as provided in
26 subdivisions (a)(5)(B) and (D) of this section;

27 (B)(i) To regulate patient transports, by the patient's
28 choice of either the emergency medical service provided by the regulating
29 city or the emergency medical service provided by the medical facility, to
30 the regulating city originating from a medical facility outside the
31 regulating city or cooperative governmental unit.

32 (ii) If the medical facility does not operate an
33 emergency medical service and the patient has chosen to be transported by the
34 medical facility, then the patient shall be transported by the emergency
35 medical service provided by the city in which the medical facility is
36 located;

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(C) To regulate patient transports originating from within the regulating city by emergency medical service providers with an existing special purpose license issued by the Department of Health on the effective date of this act; and

(D) To regulate patient transports authorized by the regulating city's franchised emergency medical service provider in a mutual aid agreement if the franchised emergency medical service provider is not able to provide patient transports in a timely manner under the franchise agreement.

/s/ R. Green

APPROVED: 4/10/2009