

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

As Engrossed: H3/28/17

A Bill

SENATE BILL 694

5 By: Senator A. Clark
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING AMBULANCE
9 LICENSING; AND FOR OTHER PURPOSES.

Subtitle

12 TO AMEND THE LAW CONCERNING AMBULANCE
13 LICENSING.
14

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16
17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

18
19 SECTION 1. Arkansas Code § 14-266-101 is amended to read as follows:
20 14-266-101. Title.

21 This chapter shall be known as the "~~Municipal~~ Ambulance Licensing
22 Act".

23
24 Section 2. Arkansas Code § 14-266-102 is amended to read as follows:
25 14-266-102. Legislative determination.

26 (a)(1) It is legislatively determined that it may be desirable for
27 cities of the first class ~~and, cities of the second class, and counties~~
28 within this state to be authorized ~~and empowered~~ to own, operate, permit,
29 control, manage, franchise, license, and regulate emergency medical services,
30 emergency medical technicians, emergency and nonemergency ambulances,
31 ambulance companies, their relative properties, facilities, equipment,
32 personnel, and ~~any and~~ all aspects attendant to providing emergency medical
33 services and ambulance operations as the cities and counties may deem proper
34 to provide for the health, safety, and welfare of their citizens.

35 (2) In addition, it is legislatively determined that, in order to
36 accomplish the purposes enumerated in this chapter, it may also be necessary



1 for the cities and counties, in addition to all other powers granted in this
2 chapter, to enact and establish standards, rules, and regulations that are
3 equal to, or greater than, the minimum standards, rules, and regulations
4 established by the state, pursuant to §§ 20-13-201 – 20-13-209 and 20-13-211,
5 concerning emergency medical services, emergency medical technicians,
6 ambulances, ambulance companies, their relative properties, facilities,
7 equipment, personnel, and ~~any and~~ all aspects attendant to providing
8 emergency medical services and ambulance operations within the boundaries of
9 their respective cities or in respect to the unincorporated areas of the
10 county.

11 (3) Further, it is the legislative intent that the standards,
12 rules, and regulations shall not be less than those established by the state.

13 (b)(1) It is further legislatively determined that emergency medical
14 services and ambulance operations, when subjected to competitive practices of
15 multiple companies simultaneously serving the same city or with respect to
16 the unincorporated areas of the county, operate under precarious financial
17 conditions and that this type of competition is harmful to the health,
18 safety, and welfare of residents of the state.

19 (2) However, it is also legislatively determined that periodic
20 competition among companies for the right to provide ambulance services
21 offers a safe and effective means of encouraging fair and equitable private-
22 sector participation.

23 (3) Therefore, in order to ensure the availability of state-of-
24 the-art advanced life-support systems and ambulance systems, the General
25 Assembly specifically delegates and grants to cities of the first class ~~and~~,
26 cities of the second class, and counties the ~~right and~~ power to contract
27 exclusively or otherwise, using competitive procurement methods, for the
28 provision of emergency medical services and ambulance services for the city
29 and within the unincorporated areas of the county to provide continuing
30 supervision of those services.

31 (c)(1) The General Assembly has determined that this chapter grants
32 cities of the first class ~~and~~, cities of the second class, and counties broad
33 authority regarding emergency medical services and nonemergency medical
34 services.

35 (2) The General Assembly has further determined that cities of
36 the first class ~~and~~, cities of the second class, and counties should be

1 allowed to enter into agreements with other cities within the county where
2 they are located or with the county wherein they are located regarding
3 emergency medical services and nonemergency medical services.

4 (3) Therefore, cities of the first class and cities of the
5 second class may enter into interlocal agreements with other cities located
6 within the county wherein the city of the first class or city of the second
7 class is located, or with the county wherein the city of the first class or
8 city of the second class is located, and thereby exercise as a cooperative
9 governmental unit all power granted to the city of the first class ~~or, city~~
10 of the second class, or county by this chapter.

11
12 Section 3. Arkansas Code § 14-266-104 is amended to read as follows:
13 14-266-104. Applicability and construction.

14 (a) ~~Nothing in this~~ This chapter ~~shall~~ does not apply to nonprofit or
15 hospital-based ambulance services operated on November 1, 1981, by a
16 nonprofit organization or an Arkansas hospital licensed by the Department of
17 Health.

18 (b) ~~Nothing in this chapter shall be construed as expanding~~ This
19 chapter does not expand the authority of emergency medical technicians or
20 other ambulance personnel beyond the authority existing under applicable
21 ~~Arkansas~~ law.

22 (c) ~~Nothing in this chapter shall be construed to~~ This chapter does
23 not give cities or counties the power to regulate, ~~in any way,~~ regional or
24 state emergency medical service communication facilities.

25
26 Section 4. Arkansas Code § 14-266-105 is amended to read as follows:
27 14-266-105. Grant of authority.

28 (a) Cities of the first class ~~and,~~ cities of the second class, and
29 counties ~~are authorized~~ may:

30 (1)(A) ~~To enact~~ Enact and establish standards, rules, and
31 regulations that are equal to or greater than those established by the state
32 concerning emergency medical services, ~~as defined in this chapter,~~ and
33 emergency medical services personnel, emergency and nonemergency ambulances,
34 and ambulance companies, as defined under §§ 20-13-201 – 20-13-209 and 20-13-
35 211.

36 (B) However, the standards, rules, and regulations shall

1 not be less than those established by this state;

2 (2) ~~To establish~~ Establish, own, operate, regulate, control,
3 manage, permit, franchise, license, and contract with, exclusively or
4 otherwise, emergency medical services, ambulances, ambulance companies, and
5 their relative properties, facilities, equipment, personnel, and any aspects
6 attendant to emergency medical services and ambulance operations, whether
7 municipally owned or otherwise, including without limitation:

8 (A) Rates;

9 (B) Fees;

10 (C) Charges; and

11 (D) Other assessments the cities and counties consider
12 proper to provide for the health, safety, and welfare of their citizens;

13 (3) ~~To establish an Emergency Medical Health Care Facilities~~
14 ~~Board, hereinafter called "Emergency Medical Services Board" or "EMS Board"~~
15 Establish as emergency medical health care facilities board, hereinafter
16 called "emergency medical services board" or "EMS board", under the Public
17 Facilities Boards Act, § 14-137-101 et seq., and ~~to~~ exercise all the powers
18 conferred in this chapter and the power conferred under the Public Facilities
19 Boards Act, § 14-137-101 et seq., either alone or in conjunction with the EMS
20 ~~Board~~ board;

21 (4) ~~To provide~~ Provide emergency medical services to its
22 residents and to the residents of the county, surrounding counties, and
23 municipalities within those counties, but only if the governing bodies of the
24 counties and municipalities request and authorize the service under § 14-14-
25 101, §§ 14-14-103 – 14-14-110, or the Interlocal Cooperation Act, § 25-20-101
26 et seq.;

27 (5)(A) ~~To regulate all~~ Regulate:

28 (A)(i) All intracity patient transports, all intercity
29 patient transports, and all intracounty patient transports originating from
30 within the regulating city.

31 (ii) However, this chapter ~~shall~~ does not restrict
32 or allow ~~local~~;

33 (a) Local regulation of ambulances owned and
34 operated by a licensed hospital for their own admitted patients, except as
35 provided in subdivisions (a)(5)(B) and (a)(5)(D) of this section; or

36 (b) County regulation of transportation

1 provided by a medical facility;

2 (B)(i) ~~To regulate patient~~ Patient transports, by the
3 patient's choice of either the emergency medical service provided by the
4 regulating city, regulating county, or the emergency medical service that is
5 owned and operated by the licensed hospital for their own admitted patients,
6 to the regulating city or regulating county originating from a medical
7 facility outside the regulating city or cooperative governmental unit.

8 (ii) If the medical facility does not operate an
9 emergency medical service and the patient has chosen to be transported by the
10 medical facility, then the patient shall be transported by the emergency
11 medical service provided by the city or county in which the medical facility
12 is located;

13 (C) ~~To regulate patient~~ Patient transports originating
14 from within the regulating city or county by emergency medical service
15 providers with an existing special purpose license issued by the Department
16 of Health on July 31, 2009; and

17 (D) ~~To regulate patient~~ Patient transports authorized by
18 the regulating city's or county's franchised emergency medical service
19 provider if the provider has entered into a mutual aid agreement with a
20 third-party ambulance service, including without limitation a hospital-owned
21 ambulance service to provide patient transports, and if the franchised
22 emergency medical service provider cannot provide patient transports in a
23 timely manner under the franchise agreement.

24 (b)(1) A city or county regulating ambulance companies ~~which that~~
25 contracts with private ambulance companies under this chapter shall permit
26 those companies to offer ambulance services outside its boundaries.

27 (2) A city or county regulating ambulance services, ~~which~~
28 ~~municipally~~ when the municipality or county owns or operates those ambulance
29 services, shall provide ambulance services to those surrounding areas whose
30 governing bodies request and authorize those ambulance services but only if
31 mutually agreeable contracts can be reached to provide those ambulance
32 services.

33 (3) All direct and indirect costs of extending those ambulance
34 services shall be borne entirely by patient user fees or subsidies provided
35 by the patient, municipality, or county to whom those ambulance services are
36 rendered.

1 (4) ~~In no event shall the~~ The city or county extending ambulance
2 services beyond its boundaries ~~be required in any manner~~ is not required to
3 subsidize or otherwise extend financial support to render those ambulance
4 services.

5 (c) The city or county ~~shall have~~ has the same authority to regulate
6 nonemergency ambulance services.

7
8 SECTION 5. Arkansas Code § 14-266-106(a), concerning the authority of
9 EMS board, is amended to read as follows:

10 (a)(1) In addition to the powers granted ~~pursuant to~~ under §§ 14-137-
11 101 – 14-137-123, the EMS ~~Board~~ board, unless limited by the governing body
12 of the city or county, ~~shall have~~ has unlimited authority, by negotiation or
13 by bidding, to own, acquire, lease, construct, contract, operate, manage,
14 improve, extend, maintain, control, permit, license, supervise, and regulate
15 emergency medical services, ambulances, ambulance companies, their related
16 properties, facilities, equipment, personnel, and ~~any and~~ all aspects
17 attendant to providing emergency medical services and ambulance operations in
18 the city or county.

19 (2) ~~This may include, but not be limited to,~~ The authority under
20 subdivision (a)(1) of this section includes without limitation the right to
21 employ, regulate, license, and remove ~~any and all~~ personnel, assistants, and
22 employees ~~of whatsoever nature, kind, or character~~ and to regulate and fix
23 their compensation.

24
25 Section 6. Arkansas Code § 14-266-107 is amended to read as follows:
26 14-266-107. Franchise.

27 (a) Cities of the first class ~~and~~, cities of the second class, and
28 counties, whether or not they establish an EMS ~~Board~~ board as provided in
29 this chapter, ~~shall have and possess~~ all the powers that an EMS ~~Board~~ board
30 is granted in this chapter and may exercise those powers alone or in
31 conjunction with an EMS Board.

32 (b) The cities ~~shall also have the right and power to~~ and counties may
33 franchise, exclusively or otherwise, emergency medical services, ambulances,
34 ambulance companies, their related properties, facilities, equipment,
35 personnel, and ~~any and~~ all aspects attendant to providing emergency medical
36 services and ambulance operations within the cities or counties, whether or

1 not owned and operated by the ~~city~~ cities or counties.

2 (c) ~~In the event~~ If an exclusive franchise is issued, the process
3 employed in the issuance shall provide periodic opportunity for competitive
4 solicitation of ambulance franchise applications.

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/s/A. Clark