

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.

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

2 87th General Assembly

# A Bill

3 Regular Session, 2009

HOUSE BILL 1751

4

5 By: Representative R. Green

6

7

8

## 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.

13

14

## Subtitle

15

16

17

18

19

20

21

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

22

23

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

24

25

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

26

27

(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;

28

29

30

31

32

33

34

(2) To establish, own, operate, regulate, control, manage, permit, franchise, license, and contract with, exclusively or otherwise, emergency medical services, ambulances, ambulance companies, and their

35

36



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

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

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

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

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

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

36 (C) To regulate patient transports originating from within

1 the regulating city by emergency medical service providers with an existing  
2 special purpose license issued by the Department of Health on the effective  
3 date of this act; and

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

9  
10 /s/ R. Green  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36