

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

A Bill

HOUSE BILL 1261

5 By: Representative L. Johnson
6

For An Act To Be Entitled

8 AN ACT TO ALLOW AN AMBULANCE SERVICE TO TRIAGE,
9 TREAT, AND TRANSPORT A PATIENT TO AN ALTERNATIVE
10 DESTINATION; TO ENACT THE ARKANSAS TRIAGE, TREAT, AND
11 TRANSPORT TO ALTERNATIVE DESTINATION ACT; TO MANDATE
12 INSURANCE COVERAGE FOR AN AMBULANCE SERVICE TO
13 TRIAGE, TREAT, AND TRANSPORT A PATIENT TO AN
14 ALTERNATIVE DESTINATION; AND FOR OTHER PURPOSES.
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Subtitle

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18 TO ENACT THE ARKANSAS TRIAGE, TREAT, AND
19 TRANSPORT TO AN ALTERNATIVE DESTINATION
20 ACT; AND TO MANDATE INSURANCE COVERAGE
21 FOR AN AMBULANCE SERVICE TO TRIAGE,
22 TREAT, AND TRANSPORT A PATIENT TO AN
23 ALTERNATIVE DESTINATION.
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26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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28 SECTION 1. Arkansas Code Title 20, Chapter 13, Subchapter 1, is
29 amended to add an additional section to read as follows:

30 20-13-107. Ambulance service – Triage, treat, and transport to
31 alternative destination – Definitions.

32 (a) As used in this section:

33 (1)(A) "Alternative destination" means a lower-acuity facility
34 that provides medical services, including without limitation:

35 (i) A federally qualified health center;

36 (ii) An urgent care center;



1 (iii) A physician office or medical clinic, as
 2 selected by the patient; and

3 (iv) A behavioral or mental healthcare facility.

4 (B) "Alternative destination" does not include a:

5 (i) Critical access hospital;

6 (ii) Dialysis center;

7 (iii) Hospital;

8 (iv) Private residence; or

9 (v) Skilled nursing facility;

10 (2) "Ambulance service" means an entity that provides
 11 transportation and emergency medical services to a patient and is:

12 (A) Licensed to service a designated area in this state
 13 through a basic 911 system under the Arkansas Public Safety Communications
 14 and Next Generation 911 Act of 2019, § 12-10-301 et seq.;

15 (B) Authorized and licensed by the Department of Health to
 16 provide care and transportation of patients upon the streets and highways of
 17 Arkansas; and

18 (C) Licensed under the Ambulance Licensing Act, § 14-266-
 19 101 et seq.; and

20 (3)(A) "Telemedicine" means the use of audio-visual electronic
 21 information and communication technology to deliver healthcare services,
 22 including without limitation the assessment, diagnosis, consultation,
 23 treatment, education, care management, and self-management of a patient.

24 (B) "Telemedicine" includes store-and-forward technology
 25 and remote patient monitoring.

26 (C) "Telemedicine" does not include the use of audio-only
 27 electronic technology.

28 (b) An ambulance service's operators may triage, treat, and transport
 29 a patient to an alternative destination in this state if the ambulance
 30 service is coordinating the care of the patient with a physician through
 31 telemedicine.

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 33 SECTION 2. Arkansas Code Title 23, Chapter 79, is amended to add an
 34 additional subchapter to read as follows:

35 Subchapter 24 – Arkansas Triage, Treat, and Transport to Alternative
 36 Destination Act

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2 23-79-2401. Title.

3 This subchapter shall be known and may be cited as the "Arkansas
4 Triage, Treat, and Transport to Alternative Destination Act".

5
6 23-79-2402. Definitions.

7 As used in this subchapter:

8 (1)(A) "Alternative destination" means a lower-acuity facility
9 that provides medical services, including without limitation:

10 (i) A federally qualified health center;

11 (ii) An urgent care center;

12 (iii) A physician's office or medical clinic, as
13 chose by the patient; and

14 (iv) A behavioral or mental healthcare facility.

15 (B) "Alternative destination" does not include a:

16 (i) Critical access hospital;

17 (ii) Dialysis center;

18 (iii) Hospital;

19 (iv) Private residence; or

20 (v) Skilled nursing facility;

21 (2) "Ambulance service" means an entity that provides
22 transportation and emergency medical services to a patient and is:

23 (A) Licensed to service a designated area in this state
24 through a basic 911 system under the Arkansas Public Safety Communications
25 and Next Generation 911 Act of 2019, § 12-10-301 et seq.;

26 (B) Authorized and licensed by the Department of Health to
27 provide care and transportation of patients upon the streets and highways of
28 Arkansas; and

29 (C) Licensed under the Ambulance Licensing Act, § 14-266-
30 101 et seq.;

31 (3) "Enrollee" means an individual who has been enrolled in a
32 health benefit plan;

33 (4)(A) "Health benefit plan" means:

34 (i) An individual, blanket, or group plan, policy,
35 or contract for healthcare services issued or delivered by a healthcare
36 insurer in this state; and

1 (ii) Any health benefit program receiving state or
 2 federal appropriations from the State of Arkansas, including the Arkansas
 3 Medicaid Program and the Arkansas Health and Opportunity for Me Program, or
 4 any successor program.

5 (B) “Health benefit plan” includes:

6 (i) Indemnity and managed care plans; and

7 (ii) Nonfederal governmental plans as defined in 29
 8 U.S.C. § 1002(32), as it existed on January 1, 2024.

9 (C) “Health benefit plan” does not include:

10 (i) A disability income plan;

11 (ii) A credit insurance plan;

12 (iii) Insurance coverage issued as a supplement to
 13 liability insurance;

14 (iv) A medical payment under automobile or
 15 homeowners insurance plans;

16 (v) A health benefit plan provided under Arkansas
 17 Constitution, Article 5, § 32, the Workers’ Compensation Law, § 11-9-101 et
 18 seq., or the Public Employee Workers’ Compensation Act, § 21-5-601 et seq.;

19 (vi) A plan that provides only indemnity for
 20 hospital confinement;

21 (vii) An accident-only plan;

22 (viii) A specified disease plan;

23 (ix) A long-term-care-only plan;

24 (x) A dental-only plan; or

25 (xi) A vision-only plan;

26 (5) “Healthcare insurer” means an entity subject to the
 27 insurance laws of this state or the jurisdiction of the Insurance
 28 Commissioner that contracts or offers to contract to provide health insurance
 29 coverage, including without limitation an insurance company, a health
 30 maintenance organization, a hospital medical service corporation, a self-
 31 insured governmental or church plan in this state, or the Arkansas Medicaid
 32 Program;

33 (6) “Local government” includes:

34 (A) A county;

35 (B) A city of the first class or a city of the second
 36 class; or

1 (C) An incorporated town; and

2 (7)(A) "Telemedicine" means the use of audio-visual electronic
 3 information and communication technology to deliver healthcare services,
 4 including without limitation the assessment, diagnosis, consultation,
 5 treatment, education, care management, and self-management of a patient.

6 (B) "Telemedicine" includes store-and-forward technology
 7 and remote patient monitoring.

8 (C) "Telemedicine" does not include the use of audio-only
 9 electronic technology.

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 11 23-79-2403. Coverage for ambulance service to triage, treat, and
 12 transport enrollee to alternative destination.

13 (a) On and after January 1, 2024, a healthcare insurer that offers,
 14 issues, or renews a health benefit plan in this state shall provide coverage
 15 for:

16 (1) An ambulance service to:

17 (A) Treat an enrollee in place if the ambulance service is
 18 coordinating the care of the enrollee with a physician through telemedicine;
 19 or

20 (B) Triage or triage and transport an enrollee to an
 21 alternative destination if the ambulance service is coordinating the care of
 22 the enrollee with a physician through telemedicine; or

23 (2) An encounter between an ambulance service and enrollee that
 24 results in no transport of the enrollee if:

25 (A) The enrollee declines to be transported against
 26 medical advice; and

27 (B) The ambulance service is coordinating the care of the
 28 enrollee with a physician through telemedicine.

29 (b) The coverage under this section:

30 (1) Is not subject to policy deductibles or copayment
 31 requirements; and

32 (2) Does not diminish or limit benefits otherwise allowable
 33 under a health benefit plan.

34 (c) For a government self-insured plan, the coverage under this
 35 section is subject to any health benefit plan provisions that apply to other
 36 services covered by the health benefit plan.

1 (d) The reimbursement rate for an ambulance service whose operators
2 triage, treat, and transport an enrollee to an alternative destination, or
3 triage, treat, and do not transport an enrollee if the enrollee declines to
4 be transported against medical advice, if the ambulance service is
5 coordinating the care of the enrollee with a physician through telemedicine
6 under this section shall be at least at the rate:

7 (1) Contracted with a local government entity where the
8 alternative destination is located; or

9 (2) Established by the Workers' Compensation Commission under
10 its schedule for emergency Advance Life Support Level 1.

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