ENROLLED SENATE
BILL NO. 433 By: Henry of the Senate

and

Widener of the House

An Act relating to public health and safety; providing short title; providing for recognition of the Emergency Medical Services for Children Resource Center as part of the state's overall emergency medical services system for certain purpose; allowing certain contract under certain conditions; stating purposes of the Center; amending 63 O.S. 1991, Section 1-2515, which relates to Emergency Medical Services (EMS); modifying the start date for certain providers; creating an ambulance service provider lien; making lien inferior to certain liens; requiring notice of lien and specifying contents and procedures; determining jurisdiction for enforcement of lien; limiting time to bring action on lien; requiring certain action to conform with certain rules; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-706.10 of Title 63, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Emergency Medical Services for Children Resource Center Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-706.11 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma Emergency Medical Services for Children Resource Center, operated within the Department of Pediatrics through its Section of General Pediatrics and within the University of Oklahoma College of Medicine, shall be recognized by the State Department of Health as a resource to the state's overall emergency medical services system, thus ensuring that children have access to quality pediatric emergency medical services, including, but not limited to, prehospital and hospital care.

B. As funds are available, the State Department of Health may contract with the Center for the implementation of this act.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-706.12 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. The purposes of the Emergency Medical Services for Children Resource Center shall be to:

1. Maximize pediatric emergency care in Oklahoma through expert leadership, education, research and advocacy;

2. Develop guidelines for approval of emergency medical service facilities as Emergency Departments Approved for Pediatrics (EDA-P) and for rating the ability of a facility to provide pediatric emergency medical services;

3. Develop guidelines for equipment and its use for prehospital and hospital pediatric emergency care;

4. Develop guidelines and protocols for prehospital and hospital facilities which encompass all levels of pediatric emergency medical services, including, but not limited to, stabilization, treatment, transfers and referrals;

5. Provide initial and continuing professional education programs and guidelines on pediatric emergency medical care for emergency medical services personnel and other health care providers;

6. Conduct public education concerning pediatric emergency medical services including, but not limited to, prevention and access to pediatric emergency services;

7. Collect and analyze existing data from prehospital and hospital emergency medical systems related to pediatric emergency and critical care for the purpose of quality improvement;

8. Consult with and advise public and private organizations, including the Emergency Medical Services Division and the Trauma Systems Development Section of the Injury Prevention Service within the State Department of Health, the Oklahoma Highway Safety Office, law enforcement, fire service, ambulance services, educational institutions, professional organizations, business organizations, hospital organizations and any other federally funded projects in pediatric emergency and critical care medical services;

9. Provide other services and activities deemed necessary to maximize pediatric emergency care in the State of Oklahoma; and

10. Solicit and accept funds from the federal government and other public and private sources.

B. Equipment, protocols and educational guidelines developed pursuant to paragraphs 3, 4 and 5 of subsection A of this section shall be submitted to the State Department of Health Emergency Medical Services Advisory Council prior to action by the State Department of Health.

SECTION 4. AMENDATORY 63 O.S. 1991, Section 1-2515, is amended to read as follows:

Section 1-2515. A. Notwithstanding any other provision of this title, either Emergency Medical Services (EMS) Regions or municipalities are hereby authorized to regulate and control, pursuant to duly enacted ordinance or regulation, Ambulance Service transports originating within the jurisdiction of such EMS Regions or municipalities.

B. Any ordinance or regulation adopted pursuant to subsection A of this section shall meet and may exceed, but shall not be in contravention of, the standards promulgated by the State Board for Ambulance Service transports.

C. Any ordinance or regulation adopted by an EMS Region or a municipality may establish a sole-provider system for Ambulance Service transports; provided, however, that any such designated or contracted sole-provider which is not an EMS Region, municipality, or other public entity shall be selected by competitive bidding. A contract entered into pursuant to said bidding shall be with the lowest and best bidder and may be for an initial term of such duration as deemed operationally and fiscally prudent by the contracting agency. The term of such sole-provider contract shall be made public at the time bids are solicited, which solicitation

shall be not less than ~~one (1) year~~ sixty (60) days prior to the contract start date.

D. Any EMS Region or municipality may establish a sole-provider system for Ambulance Service transports and may allow additional geographic or political subdivisions to join such a system at any time. Whenever such a geographic or political subdivision joins such a sole-provider system, competitive bidding shall not be required and provision for servicing the new jurisdiction may be accomplished by amending the existing sole-provider contract. Furthermore, in the event the expansion of the service area of the EMS Region or the municipality is substantial (in the sole opinion of the governing body of the EMS Region or municipality), the existing sole-provider contract may be extended for a period sufficient to allow reasonable opportunity for recovery of capital costs of expansion, as determined by the contracting agency.

E. The provisions of this section shall not be construed or applied to limit the operation of any emergency medical service district established and operating pursuant to Section 9C of Article 10 of the Oklahoma Constitution; provided, however, that, upon invitation and approval of a majority of the voters of the district, any such district is hereby authorized to join by appropriate agreement any system established by an EMS Region or a municipality pursuant to the provisions of this section.

F. The following types of patient transports shall be exempt from regulation by EMS Regions or municipalities:

1. Any ambulance owned or operated by, or under contract to perform ambulance transport services for, the Federal or State government, or any agency thereof;

2. Any ambulance owned and operated by a hospital and in use to transport a patient of the owner-hospital, which patient has been admitted to and not been discharged from the owner-hospital, to or from another hospital or medical care facility at which the patient receives a diagnostic or therapeutic procedure not available at the owner-hospital;

3. Any ambulance engaged in a routine transport call to transport a patient from a hospital, nursing home, or dialysis center located within an EMS Region or municipality to any location outside the EMS Region or municipality;

4. Any ambulance engaged in the transport of a patient from a location outside an EMS Region or municipality to a location inside an EMS Region or municipality; or

5. Any ambulance engaged in the interstate transport of a patient.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 49 of Title 42, unless there is created a duplication in numbering, reads as follows:

A. Every person, company, governmental entity, or trust authority operating an ambulance service within this state who performs ambulance services for any person injured as a result of the negligence or act of another shall, if the injured person asserts or maintains a claim against another person for damages on account of the injuries, have a lien for the amount due for the ambulance services upon any recovery or sum had or collected or to be collected by the injured person or the estate of the injured person in the event of the injured person's death, whether by judgment, settlement, or compromise. The lien shall be inferior to any lien or claim of any attorney handling the claim for or on behalf of the injured person. The lien shall not be applied or considered valid against any claim for amounts due pursuant to the provisions of Title 85 of the Oklahoma Statutes.

B. In addition to the lien provided for in subsection A of this section, every person, company, governmental entity, or trust authority operating an ambulance service within this state who performs ambulance services for any person injured as a result of the negligence or act of another shall have, if the injured person asserts or maintains a claim against an insurer, a lien for the amount due for the ambulance services upon any monies payable by the insurer to the injured person.

C. No lien which is provided for in this section shall be effective unless, before the payment of any monies to the injured person or the injured person's attorney or legal representative, as compensation for the injuries or death:

1. A written notice is sent setting forth an itemized statement of the amount claimed, identifying the insurance policy or policies against which the lien is asserted, if any, and containing the name and address of the person, company, governmental entity, or trust authority claiming the lien, the injured person, and the person, firm, or corporation against whom the claim is made, is filed on the mechanic's and materialman's lien docket in the office of the county clerk of the county where the principal office of the claimant is located; and

2. The claimant sends, by registered or certified mail, postage prepaid, a copy of the notice with a statement of the date of filing thereof to the person, firm, or corporation against whom the claim is made and to the injured person. The claimant shall also send a copy of the notice to the attorney for the injured person, if the name and address of the attorney is known to the claimant.

D. The liens provided for in this section may be enforced by civil action in the district court of the county where the lien was filed. An action shall be brought within one (1) year from the time of the filing of the lien with the county clerk. The practice, pleading, and proceedings in the action shall conform to the rules prescribed by the Oklahoma Pleading Code, Section 2001 et seq. of Title 12 of the Oklahoma Statutes, to the extent applicable.

SECTION 6. This act shall become effective November 1, 1995.

Passed the Senate the 9th day of May, 1995.

President of the Senate

Passed the House of Representatives the 11th day of May, 1995.

Speaker of the House of Representatives