

ENROLLED HOUSE
BILL NO. 1503

By: Roan and Nance of the House

and

Gumm of the Senate

An Act relating to public health and safety; amending 63 O.S. 2001, Sections 1-2509 and 1-2513, which relate to the Oklahoma Emergency Response Systems Development Act; providing licensure exemption for certain ambulance service; specifying origination of requests; providing for certain documentation request; authorizing certain investigation; authorizing certain licensing; providing for certain exceptions; and providing an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 2001, Section 1-2509, is amended to read as follows:

Section 1-2509. A. No person, company, governmental entity or trust authority may operate an ambulance service within this state except as provided ~~herein~~ in this section. The State Commissioner of Health, the district attorney of the county wherein the ambulance service operates or may be found, or the Attorney General of this state shall have the authority to bring an action to enjoin the operation of any ~~such~~ ambulance service not in compliance with the provisions of this act.

1. A ground ambulance service based outside of this state that is licensed and in good standing in its home state may respond to an emergency request for care and transport of a patient within this state provided no local licensed ambulance service is readily available and may be exempt from the licensing requirements of this state pursuant to rules promulgated by the State Board of Health.

2. Requests for service must be referred by an Oklahoma emergency dispatch center. The Board may require such exempt ambulance service to subsequently provide documentation of emergency response activities performed within this state.

3. The State Department of Health shall have the authority to investigate any complaint associated with an emergency response by an out-of-state ambulance service in the same manner as ambulance services licensed by the Department within this state.

B. The Commissioner shall have the authority to revoke or suspend any license, to issue probationary licenses, or to levy such administrative fines and penalties as may be deemed necessary, for violations of the provisions of this act, subject to the provisions

of the Oklahoma Administrative Procedures Act. The powers afforded the Commissioner within the general enforcement provisions of the Public Health Code are additionally incorporated herein.

C. In addition to any other penalties, any person, company, governmental entity or trust authority who violates any of the provisions of this act relating to compliance with the provisions of this act or of standards, specifications, procedures, rules and regulations adopted by the State Board may be punished by the assessment of a civil penalty of not more than One Hundred Dollars (\$100.00) for each violation. Each day a violation continues shall be considered a separate offense.

D. The operation or maintenance of an ambulance service in violation of this act, or the rules and regulations promulgated by the State Board, is declared a public nuisance inimical to the public welfare. The Commissioner in the name of the people of the state, through the Attorney General, or the district attorney of the county in which the ambulance service is located, may, in addition to other remedies herein provided, bring action for an injunction to restrain such violation or to enjoin the future operation or maintenance of any such ambulance service.

SECTION 2. AMENDATORY 63 O.S. 2001, Section 1-2513, is amended to read as follows:

Section 1-2513. A. All persons, companies, governmental entities or trust authorities desiring to operate an ambulance service shall file with the State Commissioner of Health an application for a license to operate ~~such~~ the service. The Commissioner shall, within two (2) months of the date of the application, notify the applicant in writing of the granting or ~~rejecting~~ rejection of the license and shall, in the event of rejection, specify the reasons for the rejection.

B. The Commissioner may issue an Oklahoma Air Ambulance Provider License to an Air Ambulance provider, duly licensed in good standing and operating from bases in an adjoining state, that makes application and provides documentation pursuant to rules promulgated by the State Board of Health. Such ambulance provider staff shall not be required to be licensed in this state but shall be required to meet the licensure requirements in the state of origin.

SECTION 3. This act shall become effective November 1, 2005.

Passed the House of Representatives the 11th day of May, 2005.

Presiding Officer of the House
of Representatives

Passed the Senate the 14th day of April, 2005.

Presiding Officer of the Senate