

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 SUBCOMMITTEE RECOMMENDATION  
4 FOR

5 HOUSE BILL NO. 2436

6 By: Cockroft

7 SUBCOMMITTEE RECOMMENDATION

8 An Act relating to public health and safety; creating  
9 the Emergency Medical Service Survival Act; amending  
10 63 O.S. 2011, Section 1-2530.9, which relates to the  
11 Trauma Care Assistance Revolving Fund; permitting  
12 fund to be used for certain programs; requiring  
13 certain distribution of funds to exceed certain  
14 percentage; establishing the Rural Emergency Medical  
15 Technician and Paramedic Scholarship Program;  
16 providing for purpose; providing for administration  
17 and funding; providing certain eligibility for  
18 program; requiring licensed emergency medical  
19 providers to have certain individuals available  
20 beginning certain year; establishing the Rural  
21 Emergency Medical Service Survival Program; providing  
22 for purpose; providing for administration and  
23 funding; providing certain eligibility for program;  
24 establishing standards for paramedic education  
programs; requiring State Department of Health to  
revoke certain program under certain condition;  
providing for the promulgation of certain rules;  
providing for applicability; requiring certain report  
annually; providing for codification; and declaring  
an emergency.

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

1 SECTION 1. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 1-2530.8-1 of Title 63, unless  
3 there is created a duplication in numbering, reads as follows:

4 This act may be cited as the "Emergency Medical Service Survival  
5 Act".

6 SECTION 2. AMENDATORY 63 O.S. 2011, Section 1-2530.9, is  
7 amended to read as follows:

8 Section 1-2530.9 A. There is hereby created in the State  
9 Treasury a revolving fund for the State Department of Health to be  
10 designated the "Trauma Care Assistance Revolving Fund". The fund  
11 shall be a continuing fund, not subject to fiscal year limitations,  
12 and shall consist of all monies received by the State Department of  
13 Health from monies apportioned thereto for purposes of this section.  
14 All monies accruing to the credit of the fund are hereby  
15 appropriated and may be budgeted and expended by the Department as  
16 follows:

17 1. Ninety percent (90%) of such monies shall be used for the  
18 Rural Emergency Medical Technician and Paramedic Scholarship Program  
19 as established in Section 3 of this act, the Rural Emergency Medical  
20 Service Survival Program as established in Section 5 of this act,  
21 and to reimburse recognized trauma facilities, licensed ambulance  
22 service providers and physicians for uncompensated trauma care  
23 expenditures as documented in the statewide emergency medical  
24 services and trauma analysis system developed pursuant to the

1 provisions of Section 1-2511 of this title. In lieu of or in  
2 combination with reimbursement for uncompensated care, monies from  
3 the fund may also be used to support readiness costs incurred by  
4 licensed ambulance service providers and recognized trauma  
5 facilities associated with ensuring a stable trauma care system with  
6 availability of twenty-four-hour prehospital emergency medical  
7 services and physician services for the provision of trauma care.  
8 Any monies used for the treatment of Medicaid-eligible patients that  
9 are subsequently used to establish federal matching fund  
10 requirements shall also be reimbursed to eligible trauma facilities,  
11 licensed ambulance service providers and physicians; and

12 2. Ten percent (10%) of such monies shall be used by the  
13 Department in the furtherance of its powers and duties set forth in  
14 the Oklahoma Emergency Response Systems Development Act.

15 B. Expenditures from the fund shall be made upon warrants  
16 issued by the State Treasurer against claims filed as prescribed by  
17 law with the Director of State Finance for approval and payment.

18 C. The State Board of Health shall establish by rule a formula  
19 and procedure for the distribution of funds for uncompensated trauma  
20 care and/or readiness costs that shall provide for the allocation of  
21 funds to hospitals, ambulance service providers and physicians.

22 D. Annually, monies accumulated in the fund may be transferred  
23 to the Oklahoma Health Care Authority, by order of the State  
24 Commissioner of Health, to maximize Medicaid reimbursement of trauma

1 care. The Oklahoma Health Care Authority shall use these funds with  
2 federal matching funds to reimburse hospitals, ambulance service  
3 providers and physicians for trauma care provided to severely  
4 injured patients who are participants in Medicaid.

5 At no time shall distribution for uncompensated trauma care to  
6 emergency medical services be less than ten percent (10%) of funds  
7 available for distribution. Of such ten percent (10%), no less than  
8 five percent (5%) shall be distributed to ground licensed emergency  
9 medical service providers.

10 E. An annual report detailing the disbursements from the fund  
11 shall be provided on January 1 of each year to the Speaker of the  
12 House of Representatives, the President Pro Tempore of the Senate,  
13 and the Chair of each health-related committee of both the House of  
14 Representatives and the Senate.

15 SECTION 3. NEW LAW A new section of law to be codified  
16 in the Oklahoma Statutes as Section 1-2530.10 of Title 63, unless  
17 there is created a duplication in numbering, reads as follows:

18 A. There is hereby established the Rural Emergency Medical  
19 Technician and Paramedic Scholarship Program. The purpose of the  
20 program is to encourage persons to enter an emergency medical  
21 technician program or a paramedic education program that leads to an  
22 associate degree from a nationally accredited Emergency Medical  
23 Services (EMS) program and to serve in rural or medically  
24

1 underserved areas of this state. The program shall ensure statewide  
2 access by utilizing distance learning resources.

3 B. The Rural Emergency Medical Technician and Paramedic  
4 Scholarship Program shall be administered by the State Department of  
5 Health pursuant to rules promulgated by the Department and shall be  
6 funded by the Trauma Care Assistance Revolving Fund as established  
7 in Section 1-2530.9 of Title 63 of the Oklahoma Statutes. The Rural  
8 Emergency Medical Technician and Paramedic Scholarship Program shall  
9 be funded annually based on need as determined by the Department but  
10 in no year shall less than One Million Two Hundred Thousand Dollars  
11 (\$1,200,000.00) be made available to the Rural Emergency Medical  
12 Technician and Paramedic Scholarship Program by the Department. The  
13 amount of each award granted by the Department pursuant to the Rural  
14 Emergency Medical Technician and Paramedic Scholarship Program shall  
15 not exceed the annual cost of books, tuition and fees, uniforms,  
16 supplies, equipment, drug testing, background checks and insurance  
17 required by the Rural Emergency Medical Technician and Paramedic  
18 Scholarship Program and as determined by the Department.

19 C. Only individuals who are residents of this state and who  
20 have been admitted as a student in an emergency medical technician  
21 program or a nationally accredited paramedic program and agree to  
22 work for two (2) years as a licensed emergency medical service  
23 provider shall be eligible to participate in the Rural Emergency  
24 Medical Technician and Paramedic Scholarship Program.

1 D. In the event an individual receiving funds from the Rural  
2 Emergency Medical Technician and Paramedic Scholarship Program fails  
3 to fully comply with the provisions of the contract for such funds,  
4 such individual shall refund to the Department all funds received  
5 pursuant to the provisions of the contract plus interest at a rate  
6 that equals the prime interest rate plus one percent (1%) from the  
7 date of disbursement of the funds and shall be liable for any other  
8 liquidated damages as specified in the contract. Such refund shall  
9 be deposited into the Trauma Care Assistance Revolving Fund for use  
10 by the Rural Emergency Medical Technician and Paramedic Scholarship  
11 Program.

12 SECTION 4. NEW LAW A new section of law to be codified  
13 in the Oklahoma Statutes as Section 1-2530.11 of Title 63, unless  
14 there is created a duplication in numbering, reads as follows:

15 Beginning January 1, 2018, all licensed emergency medical  
16 providers shall have, as a minimum, a basic emergency medical  
17 technician and an emergency medical technician advanced on every  
18 emergency or nonemergency response unless an event occurs that  
19 overwhelms the resources available. Volunteer licensed emergency  
20 medical providers whether paid or unpaid shall not be subject to  
21 this section.

22 SECTION 5. NEW LAW A new section of law to be codified  
23 in the Oklahoma Statutes as Section 1-2530.12 of Title 63, unless  
24 there is created a duplication in numbering, reads as follows:

1       A. There is hereby established the Rural Emergency Medical  
2 Service Survival Program. The purpose of the program is to ensure  
3 the access of emergency care to rural and medically underserved  
4 areas of this state.

5       B. The Rural Emergency Medical Service Survival Program shall  
6 be administered by the State Department of Health pursuant to rules  
7 promulgated by the Department and shall be funded by the Trauma Care  
8 Assistance Revolving Fund as established in Section 1-2530.9 of  
9 Title 63 of the Oklahoma Statutes. The Rural Emergency Medical  
10 Service Survival Program shall be funded annually based on need as  
11 determined by the Department but in no year shall less than Five  
12 Million Dollars (\$5,000,000.00) be made available to the Rural  
13 Emergency Medical Service Survival Program by the Department. Only  
14 licensed emergency medical service providers who provide the  
15 Department a statement of need and documentation of financial  
16 statements for the previous two (2) years and are working towards a  
17 stable emergency medical system shall be eligible to participate in  
18 the Rural Emergency Medical Service Survival Program.

19       SECTION 6.       NEW LAW       A new section of law to be codified  
20 in the Oklahoma Statutes as Section 1-2530.13 of Title 63, unless  
21 there is created a duplication in numbering, reads as follows:

22       A. Establishing certain standards for paramedic educational  
23 programs is necessary in order to protect the health and safety of  
24 the citizens of this state.

1 B. Educational programs for training paramedic-level or  
2 emergency medical technical advanced-level courses shall be approved  
3 by the State Department of Health and shall be offered by the  
4 state's colleges, universities, community colleges, tribal entities  
5 and technology centers.

6 C. Beginning January 1, 2016, paramedic and emergency medical  
7 technician advanced educators shall be required to be nationally  
8 certified Emergency Medical Services (EMS) Educators and possess a  
9 minimum of an associate degree.

10 D. Beginning January 1, 2016, the Department shall revoke the  
11 licensure of any paramedic or emergency medical technical advanced  
12 educational program which does not achieve the lesser of the student  
13 average first time pass rate of seventy percent (70%) or the  
14 national average on the National Registry examination in three (3)  
15 of the last five (5) years.

16 E. The Department shall promulgate rules pursuant to this  
17 section that are consistent with achieving at least the national  
18 average first time pass rate on the national Registry of Emergency  
19 Medical Technicians examination.

20 F. This section shall not apply to continuing education, in-  
21 service instruction or refresher courses as required by the National  
22 Registry of Emergency Medical Technicians.

23 G. By the first Monday in February of each year, the State  
24 Department of Health shall provide a report on the state of

1 emergency medical services to the Governor, the Speaker of the House  
2 of Representatives, the President Pro Tempore of the Senate, the  
3 Chairperson of the House Public Health Committee and the chairperson  
4 of the Senate Public Safety Committee. The report shall be signed  
5 by the State Commissioner of Health and approved by the State Board  
6 of Health. Such report shall include all activities taken by the  
7 Emergency Services Division to ensure a stable emergency medical  
8 system for the previous year.

9 SECTION 7. It being immediately necessary for the preservation  
10 of the public peace, health and safety, an emergency is hereby  
11 declared to exist, by reason whereof this act shall take effect and  
12 be in full force from and after its passage and approval.

13

14 53-2-9532 AM 02/17/12

15

16

17

18

19

20

21

22

23

24