

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 HOUSE BILL 2833

By: Walker

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6 AS INTRODUCED

7 An Act relating to public health and safety; amending  
8 63 O.S. 2011, Sections 1-2513 and 1-2515, which  
9 relate to Oklahoma Emergency Response System  
10 Development Act; prohibiting the State Commissioner  
11 of Health from requiring certain approval before  
12 granting certain license; exempting certain patient  
13 transports from certain regulation; and providing an  
14 effective date.

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

16 SECTION 1. AMENDATORY 63 O.S. 2011, Section 1-2513, is  
17 amended to read as follows:

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

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

8 C. The Commissioner shall not require the approval of Emergency  
9 Medical Services (EMS) Regions, Ambulance Service districts or  
10 municipalities before granting a stretcher aid van license in that  
11 same service area, provided that the stretcher aid van service is  
12 solely engaged in nonemergency transfers of medically stable  
13 individuals who directly contact the stretcher aid van service to  
14 request transportation.

15 SECTION 2. AMENDATORY 63 O.S. 2011, Section 1-2515, is  
16 amended to read as follows:

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

23 B. Any ordinance or regulation adopted pursuant to subsection A  
24 of this section shall meet and may exceed, but shall not be in

1    contravention of, the standards promulgated by the State Board of  
2    Health for Ambulance Service transports.

3           C. 1. Any ordinance or regulation adopted by an EMS Region,  
4    Ambulance Service district or a municipality may establish a sole-  
5    provider system for stretcher aid van and/or Ambulance Service  
6    transports; provided, however, any such designated or contracted  
7    sole-provider which is not an EMS Region, Ambulance Service  
8    district, municipality, or other public entity shall be selected by  
9    competitive bidding.

10           2. A contract entered into pursuant to such bidding shall be  
11    with the lowest and best bidder and may be for an initial term of  
12    such duration as deemed operationally and fiscally prudent by the  
13    contracting agency. The term of such sole-provider contract shall  
14    be made public at the time bids are solicited, which solicitation  
15    shall be not less than sixty (60) days prior to the contract start  
16    date.

17           D. Any EMS Region, Ambulance Service district or municipality  
18    may establish a sole-provider system for stretcher aid van and/or  
19    Ambulance Service transports and may allow additional geographic or  
20    political subdivisions to join such a system at any time. Whenever  
21    such a geographic or political subdivision joins such a sole-  
22    provider system, competitive bidding shall not be required and  
23    provision for servicing the new jurisdiction may be accomplished by  
24    amending the existing sole-provider contract. Furthermore, in the

1 event the expansion of the service area of the EMS Region, Ambulance  
2 Service district or the municipality is substantial (in the sole  
3 opinion of the governing body of the EMS Region, Ambulance Service  
4 district or municipality), the existing sole-provider contract may  
5 be extended for a period sufficient to allow reasonable opportunity  
6 for recovery of capital costs of expansion, as determined by the  
7 contracting agency.

8 E. The provisions of this section shall not be construed or  
9 applied to limit the operation of any emergency medical service  
10 district established and operating pursuant to Section 9C of Article  
11 10 of the Oklahoma Constitution; provided, however, that, upon  
12 invitation and approval of a majority of the voters of the district,  
13 any such district is hereby authorized to join by appropriate  
14 agreement any system established by an EMS Region, Ambulance Service  
15 district or a municipality pursuant to the provisions of this  
16 section.

17 F. The following types of patient transports shall be exempt  
18 from regulation by EMS Regions, Ambulance Service districts or  
19 municipalities:

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

23 2. Any ambulance owned and operated by a hospital and in use to  
24 transport a patient of the owner-hospital, which patient has been

1 admitted to and not been discharged from the owner-hospital, to or  
2 from another hospital or medical care facility at which the patient  
3 receives a diagnostic or therapeutic procedure not available at the  
4 owner-hospital;

5 3. Any ambulance engaged in a routine transport call to  
6 transport a patient from a hospital, nursing home, or dialysis  
7 center located within an EMS Region, Ambulance Service district or  
8 municipality to any location outside the EMS Region, Ambulance  
9 Service district or municipality;

10 4. Any ambulance engaged in the transport of a patient from a  
11 location outside an EMS Region, Ambulance Service district or  
12 municipality to a location inside an EMS Region, Ambulance Service  
13 district or municipality; ~~or~~

14 5. Any ambulance engaged in the interstate transport of a  
15 patient; or

16 6. A stretcher aid van engaged in nonemergency transfers of  
17 medically stable individuals who directly contact the stretcher aid  
18 van service to request transportation.

19 SECTION 3. This act shall become effective November 1, 2016.

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21 55-2-8244 AMM 01/15/16  
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