

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               2nd Session of the 56th Legislature (2018)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 2721

By: Russ

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8                               COMMITTEE SUBSTITUTION

9                   An Act relating to public health and safety; amending  
10                   63 O.S. 2011, Section 1-2509, which relates to  
11                   Oklahoma Emergency Response Systems Development Act;  
12                   providing ambulance attendant and driver  
13                   requirements; providing exceptions; 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 1-2509, is  
17                   amended to read as follows:

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

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

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

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

15        B. 1. Except as otherwise provided in paragraph 3 of this  
16 subsection, under no circumstance during the transport of an  
17 ambulance patient shall the attendant be less than a licensed  
18 emergency medical technician.

19        2. Except as otherwise provided in paragraph 3 of this  
20 subsection, in addition to the requirement of licensed emergency  
21 medical technicians, each ground ambulance service shall have  
22 drivers who, at a minimum, are certified as emergency medical  
23 responders.  
24

1       3. If any volunteer EMS Region, Ambulance Service district or  
2 municipality serves any part of or is located in or partly in a  
3 municipality with a population of less than five thousand (5,000)  
4 according to the last Federal Decennial Census or any subsequent  
5 Federal Decennial Census:

6           a. the attendant shall either be a licensed emergency  
7 medical technician or an emergency medical responder,  
8 and

9           b. there shall be no emergency medical technician or an  
10 emergency medical responder licensing requirement for  
11 drivers of ground ambulance service.

12       4. All drivers of a ground ambulance service shall successfully  
13 complete an emergency vehicle operator course approved by the  
14 Department within one hundred twenty (120) days of employment.  
15 Emergency vehicle operators shall successfully complete a refresher  
16 course approved by the Department every two (2) years.

17       C. The Commissioner shall have the authority to revoke or  
18 suspend any license, to issue probationary licenses, or to levy such  
19 administrative fines and penalties as may be deemed necessary, for  
20 violations of the provisions of this act, subject to the provisions  
21 of the Administrative Procedures Act. The powers afforded the  
22 Commissioner within the general enforcement provisions of the Public  
23 Health Code are additionally incorporated herein.

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

9       ~~D.~~ E. The operation or maintenance of an ambulance service in  
10 violation of this act, or the rules promulgated by the Board, is  
11 declared a public nuisance inimical to the public welfare. The  
12 Commissioner in the name of the people of the state, through the  
13 Attorney General, or the district attorney of the county in which  
14 the ambulance service is located, may, in addition to other remedies  
15 herein provided, bring action for an injunction to restrain such  
16 violation or to enjoin the future operation or maintenance of any  
17 such ambulance service.

18       SECTION 2. This act shall become effective November 1, 2018.  
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21       COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 02/06/2018 -  
22 DO PASS, As Amended.  
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