

Stricken language would be deleted from and underlined language would be added to present law.
Act 1122 of the Regular Session

State of Arkansas
91st General Assembly
Regular Session, 2017

As Engrossed: H3/28/17
A Bill

SENATE BILL 694

By: Senator A. Clark

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING AMBULANCE
LICENSING; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING AMBULANCE
LICENSING.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 14-266-101 is amended to read as follows:
14-266-101. Title.

This chapter shall be known as the "~~Municipal~~ Ambulance Licensing
Act".

Section 2. Arkansas Code § 14-266-102 is amended to read as follows:
14-266-102. Legislative determination.

(a)(1) It is legislatively determined that it may be desirable for
cities of the first class ~~and, cities of the second class, and counties~~
within this state to be authorized ~~and empowered~~ to own, operate, permit,
control, manage, franchise, license, and regulate emergency medical services,
emergency medical technicians, emergency and nonemergency ambulances,
ambulance companies, their relative properties, facilities, equipment,
personnel, and ~~any and~~ all aspects attendant to providing emergency medical
services and ambulance operations as the cities and counties may deem proper
to provide for the health, safety, and welfare of their citizens.

(2) In addition, it is legislatively determined that, in order to
accomplish the purposes enumerated in this chapter, it may also be necessary



for the cities and counties, in addition to all other powers granted in this chapter, to enact and establish standards, rules, and regulations that are equal to, or greater than, the minimum standards, rules, and regulations established by the state, pursuant to §§ 20-13-201 – 20-13-209 and 20-13-211, concerning emergency medical services, emergency medical technicians, ambulances, ambulance companies, their relative properties, facilities, equipment, personnel, and ~~any and~~ all aspects attendant to providing emergency medical services and ambulance operations within the boundaries of their respective cities or in respect to the unincorporated areas of the county.

(3) Further, it is the legislative intent that the standards, rules, and regulations shall not be less than those established by the state.

(b)(1) It is further legislatively determined that emergency medical services and ambulance operations, when subjected to competitive practices of multiple companies simultaneously serving the same city or with respect to the unincorporated areas of the county, operate under precarious financial conditions and that this type of competition is harmful to the health, safety, and welfare of residents of the state.

(2) However, it is also legislatively determined that periodic competition among companies for the right to provide ambulance services offers a safe and effective means of encouraging fair and equitable private-sector participation.

(3) Therefore, in order to ensure the availability of state-of-the-art advanced life-support systems and ambulance systems, the General Assembly specifically delegates and grants to cities of the first class ~~and~~, cities of the second class, and counties the ~~right and~~ power to contract exclusively or otherwise, using competitive procurement methods, for the provision of emergency medical services and ambulance services for the city and within the unincorporated areas of the county to provide continuing supervision of those services.

(c)(1) The General Assembly has determined that this chapter grants cities of the first class ~~and~~, cities of the second class, and counties broad authority regarding emergency medical services and nonemergency medical services.

(2) The General Assembly has further determined that cities of the first class ~~and~~, cities of the second class, and counties should be

allowed to enter into agreements with other cities within the county where they are located or with the county wherein they are located regarding emergency medical services and nonemergency medical services.

(3) Therefore, cities of the first class and cities of the second class may enter into interlocal agreements with other cities located within the county wherein the city of the first class or city of the second class is located, or with the county wherein the city of the first class or city of the second class is located, and thereby exercise as a cooperative governmental unit all power granted to the city of the first class ~~or, city~~ of the second class, or county by this chapter.

Section 3. Arkansas Code § 14-266-104 is amended to read as follows:
14-266-104. Applicability and construction.

(a) ~~Nothing in this~~ This chapter ~~shall~~ does not apply to nonprofit or hospital-based ambulance services operated on November 1, 1981, by a nonprofit organization or an Arkansas hospital licensed by the Department of Health.

(b) ~~Nothing in this chapter shall be construed as expanding~~ This chapter does not expand the authority of emergency medical technicians or other ambulance personnel beyond the authority existing under applicable ~~Arkansas~~ law.

(c) ~~Nothing in this chapter shall be construed to~~ This chapter does not give cities or counties the power to regulate, ~~in any way,~~ regional or state emergency medical service communication facilities.

Section 4. Arkansas Code § 14-266-105 is amended to read as follows:
14-266-105. Grant of authority.

(a) Cities of the first class ~~and,~~ cities of the second class, and counties ~~are authorized~~ may:

(1)(A) ~~To enact~~ Enact and establish standards, rules, and regulations that are equal to or greater than those established by the state concerning emergency medical services, ~~as defined in this chapter,~~ and emergency medical services personnel, emergency and nonemergency ambulances, and ambulance companies, as defined under §§ 20-13-201 – 20-13-209 and 20-13-211.

(B) However, the standards, rules, and regulations shall

not be less than those established by this state;

(2) ~~To establish~~ Establish, own, operate, regulate, control, manage, permit, franchise, license, and contract with, exclusively or otherwise, emergency medical services, ambulances, ambulance companies, and their relative properties, facilities, equipment, personnel, and any aspects attendant to emergency medical services and ambulance operations, whether municipally owned or otherwise, including without limitation:

(A) Rates;

(B) Fees;

(C) Charges; and

(D) Other assessments the cities and counties consider proper to provide for the health, safety, and welfare of their citizens;

(3) ~~To establish an Emergency Medical Health Care Facilities Board, hereinafter called "Emergency Medical Services Board" or "EMS Board"~~ Establish as emergency medical health care facilities board, hereinafter called "emergency medical services board" or "EMS board", under the Public Facilities Boards Act, § 14-137-101 et seq., and ~~to~~ exercise all the powers conferred in this chapter and the power conferred under the Public Facilities Boards Act, § 14-137-101 et seq., either alone or in conjunction with the EMS ~~Board~~ board;

(4) ~~To provide~~ Provide emergency medical services to its residents and to the residents of the county, surrounding counties, and municipalities within those counties, but only if the governing bodies of the counties and municipalities request and authorize the service under § 14-14-101, §§ 14-14-103 – 14-14-110, or the Interlocal Cooperation Act, § 25-20-101 et seq.;

(5)(A) ~~To regulate all~~ Regulate:

(A)(i) All intracity patient transports, all intercity patient transports, and all intracounty patient transports originating from within the regulating city.

(ii) However, this chapter ~~shall~~ does not restrict or allow ~~local~~:

(a) Local regulation of ambulances owned and operated by a licensed hospital for their own admitted patients, except as provided in subdivisions (a)(5)(B) and (a)(5)(D) of this section; or

(b) County regulation of transportation

provided by a medical facility;

(B)(i) ~~To regulate patient~~ Patient transports, by the patient's choice of either the emergency medical service provided by the regulating city, regulating county, or the emergency medical service that is owned and operated by the licensed hospital for their own admitted patients, to the regulating city or regulating county originating from a medical facility outside the regulating city or cooperative governmental unit.

(ii) If the medical facility does not operate an emergency medical service and the patient has chosen to be transported by the medical facility, then the patient shall be transported by the emergency medical service provided by the city or county in which the medical facility is located;

(C) ~~To regulate patient~~ Patient transports originating from within the regulating city or county by emergency medical service providers with an existing special purpose license issued by the Department of Health on July 31, 2009; and

(D) ~~To regulate patient~~ Patient transports authorized by the regulating city's or county's franchised emergency medical service provider if the provider has entered into a mutual aid agreement with a third-party ambulance service, including without limitation a hospital-owned ambulance service to provide patient transports, and if the franchised emergency medical service provider cannot provide patient transports in a timely manner under the franchise agreement.

(b)(1) A city or county regulating ambulance companies ~~which that~~ contracts with private ambulance companies under this chapter shall permit those companies to offer ambulance services outside its boundaries.

(2) A city or county regulating ambulance services, ~~which municipally~~ when the municipality or county owns or operates those ambulance services, shall provide ambulance services to those surrounding areas whose governing bodies request and authorize those ambulance services but only if mutually agreeable contracts can be reached to provide those ambulance services.

(3) All direct and indirect costs of extending those ambulance services shall be borne entirely by patient user fees or subsidies provided by the patient, municipality, or county to whom those ambulance services are rendered.

(4) ~~In no event shall the~~ The city or county extending ambulance services beyond its boundaries ~~be required in any manner~~ is not required to subsidize or otherwise extend financial support to render those ambulance services.

(c) The city or county ~~shall have~~ has the same authority to regulate nonemergency ambulance services.

SECTION 5. Arkansas Code § 14-266-106(a), concerning the authority of EMS board, is amended to read as follows:

(a)(1) In addition to the powers granted ~~pursuant to~~ under §§ 14-137-101 – 14-137-123, the EMS ~~Board~~ board, unless limited by the governing body of the city or county, ~~shall have~~ has unlimited authority, by negotiation or by bidding, to own, acquire, lease, construct, contract, operate, manage, improve, extend, maintain, control, permit, license, supervise, and regulate emergency medical services, ambulances, ambulance companies, their related properties, facilities, equipment, personnel, and ~~any and~~ all aspects attendant to providing emergency medical services and ambulance operations in the city or county.

(2) ~~This may include, but not be limited to,~~ The authority under subdivision (a)(1) of this section includes without limitation the right to employ, regulate, license, and remove ~~any and all~~ personnel, assistants, and employees ~~of whatsoever nature, kind, or character~~ and to regulate and fix their compensation.

Section 6. Arkansas Code § 14-266-107 is amended to read as follows:
14-266-107. Franchise.

(a) Cities of the first class ~~and~~, cities of the second class, and counties, whether or not they establish an EMS ~~Board~~ board as provided in this chapter, ~~shall have and possess~~ all the powers that an EMS ~~Board~~ board is granted in this chapter and may exercise those powers alone or in conjunction with an EMS Board.

(b) The cities ~~shall also have the right and power to~~ and counties may franchise, exclusively or otherwise, emergency medical services, ambulances, ambulance companies, their related properties, facilities, equipment, personnel, and ~~any and~~ all aspects attendant to providing emergency medical services and ambulance operations within the cities or counties, whether or

not owned and operated by the ~~city~~ cities or counties.

(c) ~~In the event~~ If an exclusive franchise is issued, the process employed in the issuance shall provide periodic opportunity for competitive solicitation of ambulance franchise applications.

/s/A. Clark

APPROVED: 04/07/2017