

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
94th General Assembly
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As Engrossed: H3/8/23 S3/27/23
A Bill

HOUSE BILL 1261

By: Representatives L. Johnson, *J. Mayberry, Watson*
By: *Senator J. Boyd*

For An Act To Be Entitled

AN ACT TO ALLOW AN AMBULANCE SERVICE TO TRIAGE, TREAT, AND TRANSPORT A PATIENT TO AN ALTERNATIVE DESTINATION; TO ENACT THE ARKANSAS TRIAGE, TREAT, AND TRANSPORT TO ALTERNATIVE DESTINATION ACT; TO MANDATE INSURANCE COVERAGE FOR AN AMBULANCE SERVICE TO TRIAGE, TREAT, AND TRANSPORT A PATIENT TO AN ALTERNATIVE DESTINATION; AND FOR OTHER PURPOSES.

Subtitle

TO ENACT THE ARKANSAS TRIAGE, TREAT, AND TRANSPORT TO AN ALTERNATIVE DESTINATION ACT; AND TO MANDATE INSURANCE COVERAGE FOR AN AMBULANCE SERVICE TO TRIAGE, TREAT, AND TRANSPORT A PATIENT TO AN ALTERNATIVE DESTINATION.

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

SECTION 1. Arkansas Code Title 20, Chapter 13, Subchapter 1, is amended to add an additional section to read as follows:

20-13-107. Ambulance service – Triage, treat, and transport to alternative destination – Definitions.

(a) As used in this section:

(1)(A) "Alternative destination" means a lower-acuity facility that provides medical services, including without limitation:

(i) A federally qualified health center;



(ii) An urgent care center;
(iii) A physician office or medical clinic, as selected by the patient; and
(iv) A behavioral or mental healthcare facility including without limitation a crisis stabilization unit.

(B) "Alternative destination" does not include a:

(i) Critical access hospital;
(ii) Dialysis center;
(iii) Hospital;
(iv) Private residence; or
(v) Skilled nursing facility;

(2) "Ambulance service" means an entity that provides transportation and emergency medical services to a patient and is:

(A) Licensed to service a designated area in this state through a basic 911 system under the Arkansas Public Safety Communications and Next Generation 911 Act of 2019, § 12-10-301 et seq.;

(B) Authorized and licensed by the Department of Health to provide care and transportation of patients upon the streets and highways of Arkansas; and

(C) Licensed under the Ambulance Licensing Act, § 14-266-101 et seq.; and

(3)(A) "Telemedicine" means the use of audio-visual electronic information and communication technology to deliver healthcare services, including without limitation the assessment, diagnosis, consultation, treatment, education, care management, and self-management of a patient.

(B) "Telemedicine" includes store-and-forward technology and remote patient monitoring.

(C) "Telemedicine" does not include the use of audio-only electronic technology.

(b) An ambulance service's operators may triage and transport a patient to an alternative destination in this state or treat in place if the ambulance service is coordinating the care of the patient through telemedicine with a physician for a medical-based complaint or with a behavioral health specialist for a behavioral-based complaint.

SECTION 2. Arkansas Code Title 23, Chapter 79, is amended to add an

additional subchapter to read as follows:

Subchapter 24 – Arkansas Triage, Treat, and Transport to Alternative Destination Act

23-79-2401. Title.

This subchapter shall be known and may be cited as the "Arkansas Triage, Treat, and Transport to Alternative Destination Act".

23-79-2402. Definitions.

As used in this subchapter:

(1) "911 call" means a communication made on behalf of an enrollee indicating that the enrollee may need emergency medical services;

(2)(A) "Alternative destination" means a lower-acuity facility that provides medical services, including without limitation:

(i) A federally qualified health center;

(ii) An urgent care center;

(iii) A physician's office or medical clinic, as chose by the patient; and

(iv) A behavioral or mental healthcare facility.

(B) "Alternative destination" does not include a:

(i) Critical access hospital;

(ii) Dialysis center;

(iii) Hospital;

(iv) Private residence; or

(v) Skilled nursing facility;

(3) "Ambulance service" means an entity that provides transportation and emergency medical services to a patient and is:

(A) Licensed to service a designated area in this state through a basic 911 system under the Arkansas Public Safety Communications and Next Generation 911 Act of 2019, § 12-10-301 et seq.;

(B) Authorized and licensed by the Department of Health to provide care and transportation of patients upon the streets and highways of Arkansas; and

(C) Licensed under the Ambulance Licensing Act, § 14-266-101 et seq.;

(4) "Enrollee" means an individual who has been enrolled in a

health benefit plan;

(5)(A) "Health benefit plan" means:

(i) An individual, blanket, or group plan, policy, or contract for healthcare services issued or delivered by a healthcare insurer in this state; and

(ii) Any health benefit program receiving state or federal appropriations from the State of Arkansas, including the Arkansas Medicaid Program and the Arkansas Health and Opportunity for Me Program, or any successor program.

(B) "Health benefit plan" includes:

(i) Indemnity and managed care plans; and

(ii) Nonfederal governmental plans as defined in 29 U.S.C. § 1002(32), as it existed on January 1, 2024.

(C) "Health benefit plan" does not include:

(i) A disability income plan;

(ii) A credit insurance plan;

(iii) Insurance coverage issued as a supplement to liability insurance;

(iv) A medical payment under automobile or homeowners insurance plans;

(v) A health benefit plan provided under Arkansas Constitution, Article 5, § 32, the Workers' Compensation Law, § 11-9-101 et seq., or the Public Employee Workers' Compensation Act, § 21-5-601 et seq.;

(vi) A plan that provides only indemnity for hospital confinement;

(vii) An accident-only plan;

(viii) A specified disease plan;

(ix) A long-term-care-only plan;

(x) A dental-only plan; or

(xi) A vision-only plan;

(6) "Healthcare insurer" means an entity subject to the insurance laws of this state or the jurisdiction of the Insurance Commissioner that contracts or offers to contract to provide health insurance coverage, including without limitation an insurance company, a health maintenance organization, a hospital medical service corporation, a self-insured governmental or church plan in this state, or the Arkansas Medicaid

Program;

(7) "Local government" includes:

(A) A county;

(B) A city of the first class or a city of the second class; or

(C) An incorporated town; and

(8)(A) "Telemedicine" means the use of audio-visual electronic information and communication technology to deliver healthcare services, including without limitation the assessment, diagnosis, consultation, treatment, education, care management, and self-management of a patient.

(B) "Telemedicine" includes store-and-forward technology and remote patient monitoring.

(C) "Telemedicine" does not include the use of audio-only electronic technology.

23-79-2403. Coverage for ambulance service to triage and transport enrollee to alternative destination or treat in place.

(a) On and after January 1, 2024, a healthcare insurer that offers, issues, or renews a health benefit plan in this state shall provide coverage for:

(1) An ambulance service to:

(A) Treat an enrollee in place if the ambulance service is coordinating the care of the enrollee through telemedicine with a physician for a medical-based complaint or with a behavioral health specialist for a behavioral-based complaint; or

(B) Triage or triage and transport an enrollee to an alternative destination if the ambulance service is coordinating the care of the enrollee through telemedicine with a physician for a medical-based complaint or with a behavioral health specialist for a behavioral-based complaint; or

(2) An encounter between an ambulance service and enrollee that results in no transport of the enrollee if:

(A) The enrollee declines to be transported against medical advice; and

(B) The ambulance service is coordinating the care of the enrollee through telemedicine with a physician for a medical-based complaint

or with a behavioral health specialist for a behavioral-based complaint.

(b) The coverage under this section:

(1) Only includes ambulance service transportation to the treatment location;

(2) Is subject to the initiation of ambulance service treatment as a result of a 911 call that is documented in the records of the ambulance service;

(3) Is subject to health benefit plan deductibles or copayment requirements;

(4) Does not diminish or limit benefits otherwise allowable under a health benefit plan, even if the billing claims for medical or behavioral health services overlap in time that is billed by the ambulance service also providing care; and

(5) Is subject to any health benefit plan provisions that apply to other services covered by the health benefit plan.

(c) The reimbursement rate for an ambulance service whose operators triage, treat, and transport an enrollee to an alternative destination, or triage, treat, and do not transport an enrollee if the enrollee declines to be transported against medical advice, if the ambulance service is coordinating the care of the enrollee through telemedicine with a physician for a medical-based complaint or with a behavioral health specialist for a behavioral-based complaint under this section shall be at least at the rate:

(1) Contracted with a local government entity where the alternative destination is located; or

(2) Established by the Workers' Compensation Commission under its schedule for emergency Advance Life Support Level 1.

/s/L. Johnson