

Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

SFA

BILL ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bill 297 (as enrolled)
Sponsor: Senator Loren Bennett
Senate Committee: Health Policy and Senior Citizens
House Committee: Health Policy

PUBLIC ACT 78 of 1997

Date Completed: 2-9-98

CONTENT

The bill amended Part 209 (Emergency Medical Services) of the Public Health Code to allow a licensed ambulance operation to apply for an ambulance operation upgrade license that allows it to provide a higher level of life support services than the operations' regular license allows. The operation must have a plan of action to upgrade its services over a two-year period, and be recommended for an upgrade by its medical control authority and by the Statewide Emergency Medical Services Coordinating Committee. An upgrade license is valid for two years and may be renewed once.

License Upgrade Criteria

An ambulance operation may apply for an upgrade license if the operation is either 1) a transporting basic life support service, that is able to staff and equip one or more ambulances for the transport of emergency patients at a life support level higher than basic life support, or 2) a transporting limited advanced life support service, that is able to staff and equip one or more ambulances for the transport of emergency patients at the life support level of advanced life support. On or before the bill's effective date (July 22, 1997), the operation must have held an ambulance operation license that designated the operation as either a transporting basic life support service or a transporting limited advanced life support service.

In addition, on or before the bill's effective date, the operation must have been owned or operated by or under contract to a local unit of government and providing first-line emergency medical response to that local unit. Also, the operation must provide the life support services only to that local unit and only in response to a 911 call or other call for emergency transport.

(Under the Code, "basic life support" means patient care that may include any care an *emergency medical technician* is qualified to provide. "Limited advanced life support" means patient care that may include any care an *emergency medical technician specialist* is qualified to provide. "Advanced life support" means patient care that may include any care a *paramedic* is qualified to provide. The Code prohibits an ambulance operation from providing life support at a level that exceeds its license or violates approved local medical control authority protocols.)

Application

An ambulance operation that meets the requirements described above and applies for an upgrade license must include in its application verification of all of those requirements, including a description of staffing and equipment to be used in providing the higher level of life support services. If the applicant is a transporting basic life support service, the application must include a plan of action to upgrade from providing basic life support to providing limited advanced life support or advanced life support. If the applicant is a transporting limited advanced life support service, the application must include a plan of action to upgrade from providing limited advanced life support to providing advanced life support. In either case, the plan of action must take place within two years.

Further, the application must include the medical control authority protocols for the upgrade license, along with a recommendation from the medical control authority under which the ambulance operation operates that the upgrade license be issued. The application also must include other information required by the Department of Consumer and Industry Services (DCIS).

The Statewide Emergency Medical Services Coordinating Committee must review the information concerning the medical control authority and make a recommendation to the DCIS as to whether an upgrade license should be granted to the applicant.

License Issuance/Revocation

Upon receiving a completed application, a positive recommendation from the Coordinating Committee, and payment of a \$100 fee, the DCIS must issue an upgrade license to the applicant. The license is valid for two years and may be renewed for one additional two-year period. A renewal application must contain documentation of the progress made on the ambulance operation's plan of action. In addition, the medical control authority under which the operation operates must file with the Coordinating Committee an annual written report on the progress made on the plan of action, including information on training, equipment, and personnel.

The DCIS may revoke or fail to renew an upgrade license for a violation of Part 209 or a rule promulgated under it, or for failure to comply with the ambulance operation's plan of action. An operation that obtains an upgrade license must annually renew its regular license as described in the Code.

Upgraded Services

If an ambulance operation is designated by its regular license as providing basic life support services, then an upgrade license allows it to provide limited advanced life support services or advanced life support services when the operation is able to staff and equip one or more ambulances to provide services at the higher level. If an operation is designated by its regular license as providing limited advanced life support services, then an upgrade license allows it to provide advanced life support services when the operation is able to staff and equip one or more ambulances to provide services at the higher level. An ambulance operation may not provide services under an upgrade license unless the medical control authority under which it operates has adopted protocols for the upgrade license regarding quality monitoring procedures, use and protection of equipment, and patient care.

If an ambulance operation is operating under an upgrade license, it may not advertise or otherwise hold itself out as a full-time transporting limited advanced life support service or a full-time transporting advanced life support service unless the operation actually provides those services on a 24-hour-per-day, seven-day-a-week basis.

Regular License

The bill specifies that an ambulance operation's regular license is not affected by the following:

- The fact that the operation has obtained or renewed an upgrade license.
- The fact that an operation's upgrade license is revoked or is not renewed.
- The fact that the operation's upgrade license expires at the end of the second two-year period.

Report to Legislature

Within three years after the bill's effective date, the DCIS must file a written report to the Legislature. The report must include the number of ambulance operations that were qualified to apply for an upgrade license during the three-year period, and the number of operations that actually applied for an upgrade license during that period. The report also must include the number of ambulance operations that successfully upgraded from being a transporting basic life support service to a transporting limited advanced service or a transporting advanced life support service, or that successfully upgraded from being a transporting limited advanced life support service to a transporting advanced life support service under an upgrade license.

In addition, the report must include the number of ambulance operations that failed to upgrade successfully but improved their services during the three-year period, as well as the number that failed to upgrade and showed no improvement or a decline in their services. Also, the report must include the effect of the bill on the delivery of emergency medical services in this State.

Liability

Under the Code, unless an act or omission is the result of gross negligence or willful misconduct, the acts or omissions of specific emergency medical service personnel do not impose liability on those individuals or on certain other people, including the life support agency or an officer, member of the staff, or other employee of the life support agency. The bill includes in this provision an ambulance operation operating under an upgrade license.

MCL 333.20920 et al.

Legislative Analyst: S. Lowe

FISCAL IMPACT

This bill creates an additional licensure category for ambulance operators in the State. Currently, all ambulance operators must obtain an operating license which is renewed annually for a fee of \$100. To obtain this additional license the operator still is required to obtain an annual license but also may apply for an Ambulance Operation Upgrade license, which allows the operator to upgrade its existing services over a period of two years. The new license will be valid for a two-year period and may be renewed once for another two years. The fee for this license is an additional \$100. According to the Department of Consumer and Industry Services, there is no way to predict the number of applications that will be submitted under this new category so there is no way to determine what the administrative costs will be. It is estimated that the fees charged for processing these applications and issuing the licenses will cover most of the additional costs the DCIS incurs as a result of these additional responsibilities. Additionally, the bill requires the Department to compile and submit a report on the activity of this new program within a three-year period. According to the Department, existing resources will be used to cover the administrative costs associated with doing the report.

Fiscal Analyst: M. Tyszkiewicz

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.