

PUBLIC HEALTH CODE (EXCERPT)
Act 368 of 1978

***** 333.21541.added THIS ADDED SECTION IS EFFECTIVE MARCH 19, 2019 *****

333.21541.added Transportation of nonemergency patient by aircraft transport vehicle or rotary aircraft ambulance; disclosure required; notice; signature; immunity; violation; liability.

Sec. 21541. (1) Subject to section 21540, before an aircraft transport vehicle is ordered to transport a nonemergency patient or an ambulance that is a rotary aircraft is ordered to transport a nonemergency patient, a hospital shall do all of the following:

(a) Disclose to the nonemergency patient, or that patient's representative, all of the following information:

(i) Whether the aircraft transport operation or ambulance operation is a participating provider with the nonemergency patient's health benefit plan. This subparagraph does not apply if the hospital does not have electronic access to all of the following information:

(A) Whether the nonemergency patient's health benefit plan provides coverage for transportation by an aircraft transport vehicle or an ambulance that is a rotary aircraft.

(B) A list of all aircraft transport operations and ambulance operations that are fully contracted participating providers with the nonemergency patient's health benefit plan and do not participate with the health benefit plan on only a per claim basis.

(ii) That the nonemergency patient has a right to be transported by a method other than an aircraft transport vehicle or ambulance that is a rotary aircraft.

(b) Complete the notice described in subsection (2) and, after completing the notice, obtain on the notice the signature of the nonemergency patient, or that patient's representative, acknowledging that the nonemergency patient, or that patient's representative, has received, has read, and understands the notice. A hospital shall retain a copy of the notice required under this subdivision for not less than 7 years.

(2) The notice required under subsection (1)(b) must be in not less than 12-point type and in substantially the following form:

"Your physician has ordered transport by an aircraft transport vehicle or ambulance that is a rotary aircraft. Your health benefit plan may or may not provide coverage for this transportation. You may be responsible for the costs of the transportation that is not covered by your health benefit plan.

We have conducted a good-faith search to determine whether your health benefit plan provides coverage for this transportation and, if so, to order this transportation from a provider that participates with your health benefit plan.

You have a right to be transported by a method other than transport by an aircraft transport vehicle or ambulance that is a rotary aircraft.

The hospital and the ordering physician are immune from civil liability for injuries or damages arising out of your decision to use a form of transportation other than the one ordered by the ordering physician.

I have received, read, and understand this notice.

(Patient's or patient representative's signature)

(Date)

(Type or print patient's or patient representative's name)".

(3) A hospital and ordering physician are immune from civil liability for injuries or damages arising out of the decision of a patient or the patient's representative to use a form of transportation other than the one ordered by the ordering physician.

(4) Upon the request of a nonemergency patient's health benefit plan or third party administrator, the hospital shall provide a copy of the notice required under subsection (1)(b) to the person designated in the nonemergency patient's health benefit plan or by the third party administrator.

(5) A hospital that violates this section is liable to the aircraft transport operation or ambulance operation for the reasonable cost of transporting the nonemergency patient, as negotiated between the hospital and the aircraft transport operation or ambulance operation, to the extent that the cost exceeds the amount covered by the patient's health benefit plan.

History: Add. 2018, Act 384, Eff. Mar. 19, 2019.

Popular name: Act 368