General Assembly

February Session, 2006

Raised Bill No. 309

LCO No. **1770**

*01770_____PH_*

Referred to Committee on Public Health

Introduced by:
(PH)

AN ACT CONCERNING EMERGENCY AND NONEMERGENCY MEDICAL SERVICES AND THE CERTIFICATE OF NEED PROCESS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Subsection (a) of section 19a-180 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2006*):

(a) (1) No person shall operate any ambulance service, rescue service or management service without either a license or a certificate issued by the commissioner. No person shall operate a commercial ambulance service or commercial rescue service or a management service without a license issued by the commissioner. A certificate shall be issued to any volunteer or municipal ambulance service **[**which**]** that shows proof satisfactory to the commissioner that it meets the minimum standards of the commissioner in the areas of training, equipment and personnel. Applicants for a license shall use the forms prescribed by the commissioner and shall submit such application to the commissioner accompanied by an annual fee of one hundred dollars.

16 (2) In considering requests for approval of permits for new or
17 expanded emergency medical services in any region, the commissioner
18 shall consult with the Office of Emergency Medical Services and the
19 emergency medical services council of such region and shall hold a
20 public hearing to determine the necessity for such services, except as
21 provided in subdivision (3) of this subsection. Written notice of such
22 hearing shall be given to current providers in the geographic region
23 where such new or expanded services would be implemented,
24 provided, any volunteer ambulance service [which] that elects not to
25 levy charges for services rendered under this chapter shall be exempt
26 from the provisions concerning requests for approval of permits for
27 new or expanded emergency medical services set forth in this
28 subsection.

29 (3) Any ambulance service that is licensed or certified by the
30 commissioner pursuant to this chapter may add one emergency
31 vehicle to its service every third calendar year without undergoing a
32 needs assessment by the Department of Public Health or the Office of
33 Emergency Medical Services, provided the operator of such ambulance
34 service notifies the commissioner one month prior to the deployment
35 of such vehicle.

36 (4) Each applicant for licensure shall furnish proof of financial
37 responsibility which the commissioner deems sufficient to satisfy any
38 claim. The commissioner may adopt regulations, in accordance with
39 the provisions of chapter 54, to establish satisfactory kinds of coverage
40 and limits of insurance for each applicant for either licensure or
41 certification. Until such regulations are adopted, the following shall be
42 the required limits for licensure: [(1)] (A) For damages by reason of
43 personal injury to, or the death of, one person on account of any
44 accident, at least five hundred thousand dollars, and more than one
45 person on account of any accident, at least one million dollars, [(2)] (B)
46 for damage to property at least fifty thousand dollars, and [(3)] (C) for
47 malpractice in the care of one passenger at least two hundred fifty
48 thousand dollars, and for more than one passenger at least five

49 hundred thousand dollars. In lieu of the limits set forth in
50 [subdivisions (1) to (3),] subparagraphs (A) to (C), inclusive, of this
51 [subsection] subdivision, a single limit of liability shall be allowed as
52 follows: [(A)] (i) For damages by reason of personal injury to, or death
53 of, one or more persons and damage to property, at least one million
54 dollars; and [(B)] (ii) for malpractice in the care of one or more
55 passengers, at least five hundred thousand dollars. A certificate of such
56 proof shall be filed with the commissioner. Upon determination by the
57 commissioner that an applicant is financially responsible, properly
58 certified and otherwise qualified to operate a commercial ambulance
59 service, the commissioner shall issue a license effective for one year to
60 such applicant. If the commissioner determines that an applicant for
61 either a certificate or license is not so qualified, the commissioner shall
62 notify such applicant of the denial of the application with a statement
63 of the reasons for such denial. Such applicant shall have thirty days to
64 request a hearing on the denial of the application.

65 Sec. 2. Subdivision (9) of section 19a-177 of the 2006 supplement to
66 the general statutes is repealed and the following is substituted in lieu
67 thereof (*Effective from passage*):

68 (9) (A) Establish rates for the conveyance of patients by licensed
69 ambulance services and invalid coaches and establish emergency
70 service rates for certified ambulance services, provided (i) the present
71 rates established for such services and vehicles shall remain in effect
72 until such time as the commissioner establishes a new rate schedule as
73 provided in this subdivision, and (ii) any rate increase not in excess of
74 the Medical Care Services Consumer Price Index, as published by the
75 Bureau of Labor Statistics of the United States Department of Labor,
76 for the prior year, filed in accordance with subparagraph (B)(iii) of this
77 subdivision shall be deemed approved by the commissioner.

78 (B) Adopt regulations, in accordance with the provisions of chapter
79 54, establishing methods for setting rates, [and] conditions for charging
80 such rates and identifying rate categories. Such regulations shall

include, but not be limited to, provisions requiring that on and after July 1, 2000: (i) Requests for rate increases may be filed no more frequently than once a year, except that, in any case where an agency's schedule of maximum allowable rates falls below that of the Medicare allowable rates for that agency, the commissioner shall immediately amend such schedule so that the rates are at or above the Medicare allowable rates; (ii) only licensed ambulance services and certified ambulance services that apply for a rate increase in excess of the Medical Care Services Consumer Price Index, as published by the Bureau of Labor Statistics of the United States Department of Labor, for the prior year, and do not accept the maximum allowable rates contained in any voluntary state-wide rate schedule established by the commissioner for the rate application year shall be required to file detailed financial information with the commissioner, provided any hearing that the commissioner may hold concerning such application shall be conducted as a contested case in accordance with chapter 54; (iii) licensed ambulance services and certified ambulance services that do not apply for a rate increase in any year in excess of the Medical Care Services Consumer Price Index, as published by the Bureau of Labor Statistics of the United States Department of Labor, for the prior year, or that accept the maximum allowable rates contained in any voluntary state-wide rate schedule established by the commissioner for the rate application year shall, not later than July fifteenth of such year, file with the commissioner a statement of emergency and nonemergency call volume, and, in the case of a licensed ambulance service or certified ambulance service that is not applying for a rate increase, a written declaration by such licensed ambulance service or certified ambulance service that no change in its currently approved maximum allowable rates will occur for the rate application year; and (iv) detailed financial and operational information filed by licensed ambulance services and certified ambulance services to support a request for a rate increase in excess of the Medical Care Services Consumer Price Index, as published by the Bureau of Labor Statistics of the United States Department of Labor, for the prior year, shall

115 cover the time period pertaining to the most recently completed fiscal
116 year and the rate application year of the licensed ambulance service or
117 certified ambulance service.

118 (C) Establish rates for licensed ambulance services and certified
119 ambulance services for the following services and conditions: (i)
120 "Advanced life support assessment" and "specialty care transports",
121 which terms shall have the meaning provided in 42 CFR 414.605; and
122 (ii) intramunicipality mileage, which means mileage for an ambulance
123 transport when the point of origin and final destination for a transport
124 is within the boundaries of the same municipality. The rates
125 established by the commissioner for each such service or condition
126 shall be equal to (I) the ambulance service's base rate plus its
127 established advanced life support/paramedic surcharge when
128 advanced life support assessment services are performed; (II) two
129 hundred twenty-five per cent of the ambulance service's established
130 base rate for specialty care transports; and (III) "loaded mileage", as the
131 term is defined in 42 CFR 414.605, multiplied by the ambulance
132 service's established rate for intramunicipality mileage. Such rates shall
133 remain in effect until such time as the commissioner establishes a new
134 rate schedule as provided in this subdivision.

135 Sec. 3. Subsection (b) of section 19a-342 of the general statutes is
136 repealed and the following is substituted in lieu thereof (*Effective*
137 *October 1, 2006*):

138 (b) (1) Notwithstanding the provisions of section 31-40q, no person
139 shall smoke: (A) In any building or portion of a building owned and
140 operated or leased and operated by the state or any political
141 subdivision thereof; (B) in any area of a health care institution; (C) in
142 any area of a retail food store; (D) in any restaurant; (E) in any area of
143 an establishment with a permit issued for the sale of alcoholic liquor
144 pursuant to section 30-20a, 30-21, 30-21b, 30-22, <u>as amended,</u> 30-22c, <u>as</u>
145 <u>amended,</u> 30-28, 30-28a, 30-33a, 30-33b, 30-35a, 30-37a, 30-37e or 30-37f,
146 in any area of an establishment with a permit for the sale of alcoholic

147 liquor pursuant to section 30-23 issued after May 1, 2003, and, on and
148 after April 1, 2004, in any area of an establishment with a permit issued
149 for the sale of alcoholic liquor pursuant to section 30-22a or 30-26 or
150 the bar area of a bowling establishment holding a permit pursuant to
151 subsection (a) of section 30-37c; (F) within a school building while
152 school is in session or student activities are being conducted; (G) in any
153 passenger elevator, provided no person shall be arrested for violating
154 this subsection unless there is posted in such elevator a sign **[**which**]**
155 that indicates that smoking is prohibited by state law; (H) in any
156 dormitory in any public or private institution of higher education; **[**or**]**
157 (I) on and after April 1, 2004, in any area of a dog race track or a facility
158 equipped with screens for the simulcasting of off-track betting race
159 programs or jai alai games; or (J) in any vehicle used to provide
160 nonemergency medical transportation services to medical assistance
161 recipients or nursing facility or chronic disease hospital residents. For
162 purposes of this subsection, "restaurant" means space, in a suitable and
163 permanent building, kept, used, maintained, advertised and held out
164 to the public to be a place where meals are regularly served to the
165 public.

166 (2) This section shall not apply to (A) correctional facilities; (B)
167 designated smoking areas in psychiatric facilities; (C) public housing
168 projects, as defined in subsection (b) of section 21a-278a; (D)
169 classrooms where demonstration smoking is taking place as part of a
170 medical or scientific experiment or lesson; (E) smoking rooms
171 provided by employers for employees, pursuant to section 31-40q; (F)
172 notwithstanding the provisions of subparagraph (E) of subdivision (1)
173 of this subsection, the outdoor portion of the premises of any permittee
174 listed in subparagraph (E) of subdivision (1) of this subsection,
175 provided, in the case of any seating area maintained for the service of
176 food, at least seventy-five per cent of the outdoor seating capacity is an
177 area in which smoking is prohibited and which is clearly designated
178 with written signage as a nonsmoking area, except that any temporary
179 seating area established for special events and not used on a regular
180 basis shall not be subject to the smoking prohibition or signage

181 requirements of this subparagraph; or (G) any tobacco bar, provided
182 no tobacco bar shall expand in size or change its location from its size
183 or location as of December 31, 2002. For purposes of this subdivision,
184 "outdoor" means an area which has no roof or other ceiling enclosure,
185 "tobacco bar" means an establishment with a permit for the sale of
186 alcoholic liquor to consumers issued pursuant to chapter 545 that, in
187 the calendar year ending December 31, 2002, generated ten per cent or
188 more of its total annual gross income from the on-site sale of tobacco
189 products and the rental of on-site humidors, and "tobacco product"
190 means any substance that contains tobacco, including, but not limited
191 to, cigarettes, cigars, pipe tobacco or chewing tobacco.

192 Sec. 4. (NEW) (*Effective October 1, 2006*) No person who provides
193 nonemergency medical transportation to recipients of medical
194 assistance or nursing facility or chronic disease hospital residents shall
195 transport such recipients or residents in a vehicle that smells of smoke
196 from a cigar, cigarette, pipe or any other matter or substance that
197 contains tobacco.

This act shall take effect as follows and shall amend the following sections:		
Section 1	*July 1, 2006*	19a-180(a)
Sec. 2	*from passage*	19a-177(9)
Sec. 3	*October 1, 2006*	19a-342(b)
Sec. 4	*October 1, 2006*	New section

Statement of Purpose:

To allow certified or licensed emergency medical service providers to add one emergency vehicle to their service every three years without undergoing a needs assessment by the Office of Emergency Medical Services, to clarify the Commissioner of Public Health's responsibilities with respect to establishing methods for setting emergency service rates for certified ambulance services and to protect patients from the dangers of secondhand smoke while being transported to or from nonemergency medical services.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]