

Regular Session, 2010

SENATE BILL NO. 205

BY SENATOR MCPHERSON

HEALTH SERVICES. Provides that certain medical transportation services provided by or to state owned facilities shall not be subject to regulation by local governing authorities. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 33:4791(A) and 4791.1(B)(introductory paragraph) and (E) and  
3 to enact R.S. 40:1231.3, relative to the ambulance services; to provide for regulation  
4 of ambulance services by local governing authorities; to provide relative to the  
5 applicability of such regulation to ambulance and similar services provided by or to  
6 state-owned public health care facilities; to prohibit certain conditions in ambulance  
7 service contracts or agreements with state-owned health care facilities; and to  
8 provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 33:4791(A) and 4791.1(B)(introductory paragraph) and (E) are  
11 hereby amended and reenacted to read as follows:

12 §4791. Regulation of private ambulance services

13 A. ~~Notwithstanding any other provision of law to the contrary~~ **Except as**  
14 **provided by R.S. 33:4791.1(E)(2)**, the governing authority of each municipality  
15 within the state of Louisiana shall have the power to adopt ordinances for the  
16 regulation of ambulance services operated by private individuals or companies  
17 within the corporate limits of said municipality.

\* \* \*

§4791.1. Regulation by local governing authorities of ambulance services, emergency medical services, and aspects attendant to ambulance operation

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B. **Every Except as provided by Subsection E of this Section, every** municipality or other local governing authority may protect the public health, safety, and welfare by licensing, controlling, and regulating by ordinance or resolution privately operated ambulance services, the furnishing of emergency medical services, and any and all aspects attendant to ambulance operations within the jurisdiction of the municipality or other local governing authority. Every municipality or other local governing authority is empowered to regulate the following:

\* \* \*

E. **(1)** Nothing in this Section shall be construed to authorize the regulation of ambulance services, emergency medical services, or ambulance operations which are located on the site of any manufacturing facility solely for use thereon.

**(2) Ambulance services, emergency medical services, or ambulance operations provided by or to a state-owned public healthcare facility, either by use of the facility vehicles and employees or by contract or agreement between the hospital and a public or private provider of such ambulance services, shall not be subject to regulations, licensing requirements, or monopolies established by any local governing authority.**

Section 2. R.S. 40:1231.3 is hereby enacted to read as follows:

**§1231.3. Public contracts for emergency medical services**

**No request for proposal, public contract or agreement issued by a state-owned or operated health care facility to a public or private provider of ambulance services shall contain any provision or requirement that the ambulance service shall be subject to local regulations or licensing**

1            **requirements.**

2            Section 3. This Act shall become effective upon signature by the governor or, if not  
3 signed by the governor, upon expiration of the time for bills to become law without signature  
4 by the governor, as provided in Article III, Section 18 of the Constitution of Louisiana. If  
5 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
6 effective on the day following such approval.

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Greg Waddell.

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#### DIGEST

Present law authorizes local governing authorities to regulate ambulance and emergency medical services. Specifically authorizes such governing authorities to regulate what companies provide such service in the area, how much they charge, insurance and safety requirements, and access to emergency communications dispatches.

Present law authorizes a local governing authority to establish an ambulance service monopoly. Extends the immunity of the state from liability under antitrust laws to local governing authorities acting pursuant to present law.

Present law, however, also provides that present law does not authorize local government regulation of any ambulance service located on the site of any manufacturing facility solely for use thereon.

Proposed law provides that ambulance and emergency medical services provided by or to state-owned public hospitals shall not be subject to regulations, licensing requirements, or monopolies established by any local governing authority.

Proposed law provides that no request for proposal, public contract or agreement issued by a state-owned or operated health care facility to a public or private provider of ambulance services shall contain any provision or requirement that the ambulance service shall be subject to local regulations or licensing requirements.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 33:4791(A) and 4791.1(B)(intro. para.) and (E); adds R.S. 40:1231.3)