**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “AIR AMBULANCE AFFORDABILITY ACT”; BY ADDING SECTION 44‑61‑55 SO AS TO PROVIDE THAT NO AIRCRAFT MAY BE OPERATED AS AN AIR AMBULANCE WITHOUT A PERMIT ISSUED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, TO PROVIDE REQUIREMENTS FOR THIS PERMIT, AND TO PROVIDE FOR THE DURATION OF THE PERMIT ABSENT REVOCATION OR SUSPENSION; TO AMEND SECTION 44‑61‑20, AS AMENDED, RELATING TO DEFINITIONS CONCERNING EMERGENCY MEDICAL SERVICES, SO AS TO DEFINE THE TERM ‘AIR AMBULANCE’; AND BY ADDING SECTION 38‑71‑285 SO AS TO PROVIDE THAT ALL INDIVIDUAL AND GROUP HEALTH INSURANCE POLICIES AND HEALTH MAINTENANCE ORGANIZATIONS SHALL PROVIDE COVERAGE FOR AIR AMBULANCE TRANSPORTATION TO A HOSPITAL OR MEDICAL FACILITY FOR EMERGENCY TREATMENT OR WHEN A PHYSICIAN CONSIDERS AIR TRANSPORTATION A MEDICAL NECESSITY, TO PROVIDE HOW THIS COVERAGE MUST PAY FOR AIR AMBULANCE TRANSPORTATION UNDER THESE POLICIES, TO PROVIDE THIS RATE REQUIREMENT IS RETROACTIVE FIVE YEARS FROM THE EFFECTIVE DATE, AND TO PROVIDE NECESSARY DEFINITIONS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. This act must be known and may be cited as the “Air Ambulance Affordability Act”.

SECTION 2. Article 1, Chapter 61, Title 44 of the 1976 Code is amended by adding:

“Section 44‑61‑55. (A) No aircraft may be operated as an air ambulance unless it has a licensed owner who applies for and receives an air ambulance permit issued by the department for that aircraft.

(B) The department shall not issue an original permit for an air ambulance until:

(1) the owner or operator of the aircraft for which the permit is sought provides certification of airworthiness of that aircraft from the federal aviation administration; and

(2) the aircraft for which the permit is issued meets all requirements regarding aircraft design, construction, staffing, medical and communication equipment and supplies, and sanitation in regulations promulgated by the board.

(C) Absent revocation or suspension, a permit issued for an air ambulance is valid for a period not to exceed two years.”

SECTION 3. Section 44‑61‑20 of the 1976 Code, as last amended by Act 157 of 2010, is further amended to read:

“Section 44‑61‑20. As used in this article, and unless otherwise specified, the term:

(1) ‘Air ambulance’ means an aircraft intended for use and maintained and operated to transport people who are sick, injured, or otherwise incapacitated.

(2) ‘Ambulance’ means a vehicle maintained or operated by a licensed provider who has obtained the necessary permits and licenses for the transportation of persons who are sick, injured, wounded, or otherwise incapacitated.

(~~2~~3) ‘Attendant’ means a trained and qualified individual responsible for the operation of an ambulance and the care of the patients, regardless of whether the attendant also serves as driver.

(~~3~~4) ‘Attendant‑driver’ means a person who is qualified as an attendant and a driver.

(~~4~~5) ‘Authorized agent’ means any individual designated to represent the department.

(~~5~~6) ‘Board’ means the governing body of the Department of Health and Environmental Control or its designated representative.

(~~6~~7) ‘Certificate’ means official acknowledgment by the department that an individual has completed successfully one of the appropriate emergency medical technician training courses referred to in this article in addition to completing successfully the requisite examinations, which entitles that individual to perform the functions and duties as delineated by the classification for which the certificate was issued.

(~~7~~8) ‘Condition requiring an emergency response’ means the sudden onset of a medical condition manifested by symptoms of such sufficient severity, including severe pain, that a prudent layperson who possesses an average knowledge of health and medicine could reasonably expect without medical attention, to result in:

(a) serious illness or disability;

(b) impairment of a bodily function;

(c) dysfunction of the body; or

(d) prolonged pain, psychiatric disturbance, or symptoms of withdrawal.

(~~8~~9) ‘Department’ means the administrative agency known as the Department of Health and Environmental Control.

(~~9~~10) ‘Driver’ means an individual who drives or otherwise operates an ambulance.

(~~10~~11) ‘Emergency medical responder agency’ means a licensed agency providing medical care at the EMT level or above, as a nontransporting emergency medical responder.

(~~11~~12) ‘Emergency medical service system’ means the arrangement of personnel, facilities, and equipment for the delivery of health care services under emergency conditions.

(~~12~~13) ‘Emergency medical technician’ (EMT) when used in general terms for emergency medical personnel, means an individual possessing a valid EMT, advanced EMT (AEMT), or paramedic certificate issued by the State pursuant to the provisions of this article.

(~~13~~14) ‘Emergency transport’ means services and transportation provided after the sudden onset of a medical condition manifesting itself by acute symptoms of such severity including severe pain that the absence of medical attention could reasonably be expected to result in the following:

(a) placing the patient’s health in serious jeopardy;

(b) causing serious impairment to bodily functions;

(c) causing serious dysfunction of bodily organ or part; or

(d) a situation that resulted from an accident, injury, acute illness, unconsciousness, or shock, for example, required oxygen or other emergency treatment, required the patient to remain immobile because of a fracture, stroke, heart attack, or severe hemorrhage.

(~~14~~15) ‘Immediate family’ means a person’s spouse. In the event there is no spouse, ‘immediate family’ means a person’s parents and children.

(~~15~~16) ‘In‑service training’ means a course of training approved by the department that is conducted by the licensed provider for his personnel at his prime location.

(~~16~~17) ‘Investigative Review Committee’ means a professional peer review committee that is convened by the department when the findings of an official investigation against an entity or an individual regulated by the department may warrant suspension or revocation of a license or certification. This committee consists of the State Medical Control Physician, three regional EMS office representatives, at least one paramedic, and at least one emergency room physician who is also a medical control physician. Appointment is made to this committee by the Director of the Division of EMS and Trauma.

(~~17~~18) ‘Legal guardian’ means a person who is lawfully invested with the power, and charged with the obligation of, taking care of and managing the property and rights of a person who, because of age, understanding, or self‑control, is considered incapable of administering his or her own affairs.

(~~18~~19) ‘Legal representative’ of a person is his personal representative, general guardian, or conservator of his property or estate, or the person to whom power of attorney has been granted.

(~~19~~20) ‘License’ means an authorization to a person, firm, corporation, or governmental division or agency to provide emergency medical services in the State.

(~~20~~21) ‘Licensee’ means any person, firm, corporation, or governmental division or agency possessing authorization, permit, license, or certification to provide emergency medical service in this State.

(~~21~~22) ‘Moral turpitude’ means behavior that is not in conformity with and is considered deviant by societal standards.

(~~22~~23) ‘National Registry of Emergency Medical Technicians Registration’ is given to an individual who has completed successfully the National Registry of Emergency Medical Technicians examination and its requirements.

(~~23~~24) ‘Nonemergency ambulance transport’ means services and transportation provided to a patient whose condition is considered stable. A stable patient is one whose condition reasonably can be expected to remain the same throughout the transport and for whom none of the criteria for emergency transport has been met. Prearranged transports scheduled at the convenience of the service or medical facility will be classified as a nonemergency transport.

(~~24~~25) ‘Nonemergency ambulance transport service’ means an ambulance service that provides for routine transportation of patients that require medical monitoring in a nonemergency setting including, but not limited to, prearranged transports.

(~~25~~26) ‘Operator’ means an individual, firm, partnership, association, corporation, company, group, or individuals acting together for a common purpose or organization of any kind, including any governmental agency other than the United States.

(~~26~~27) ‘Patient’ means an individual who is sick, injured, wounded, or otherwise incapacitated or helpless.

(~~27~~28) ‘Permit’ means an authorization issued for an ambulance vehicle which meets the standards adopted pursuant to this article.

(~~28~~29) ‘Revocation’ means that the department has permanently voided a license or certificate and the holder no longer may perform the function associated with the license, or certificate. The department will not reissue the license or certificate for a period of two years for a license or permit and four years for a certificate. At the end of this period the holder may petition for reinstatement.

(~~29~~30) ‘Standards’ means the required measurable components of an emergency medical service system having permanent and recognized value that provide adequate emergency health care delivery.

(~~30~~31) ‘State Medical Control Physician’ means a physician who shall be contracted with the department to oversee all medical aspects of the EMS Program. The contracted physician must both reside and be licensed to practice in this State. Duties of the State Medical Control Physician shall include, but not be limited to, the following:

(a) protocol development;

(b) establishment of the scope of practice for EMTs at all levels;

(c) provide recommendations for disciplinary actions in cases involving inappropriate patient care; and

(d) serve as Chairman of the State Medical Control Committee and the State Emergency Medical Services Advisory Council.

(~~31~~32) ‘Suspension’ means that the department has temporarily voided a license, permit, or certificate and the holder may not perform the function associated with the license, permit, or certificate until the holder has complied with the statutory requirements and other conditions imposed by the department.”

SECTION 4. Article 1, Chapter 71, Title 38 of the 1976 Code is amended by adding:

“Section 38‑71‑285. (A) All individual and group health insurance policies and health maintenance organizations shall provide coverage for air ambulance transportation to a hospital or medical facility for emergency treatment or when a physician considers air transportation a medical necessity.

(B) Coverage required under subsection (A) must pay for the Medicare rate for these services, plus fifteen percent. The provisions of this section are retroactive five years from the effective date of this section.

(C) For the purposes of this section:

(1) ‘Air ambulance’ means an aircraft licensed as an air ambulance by the Department of Health and Environmental Control and as defined in Section 44‑61‑20(1).

(2) ‘Emergency medical technician’ or ‘EMT’ means an individual possessing a valid EMT, advanced EMT, or paramedic certificate issued by the State pursuant to the provisions of Article 1, Chapter 61, Title 44.

(3) ‘Emergency transportation’ means services and transportation provided after the sudden onset of a medical condition manifesting itself by acute symptoms of such severity including severe pain that the absence of medical attention could reasonably be expected to result in the following:

(a) placing the health of the patient in serious jeopardy;

(b) causing serious impairment to bodily functions;

(c) causing serious dysfunction of a bodily organ or part; or

(d) a situation that resulted from an accident, injury, acute illness, unconsciousness, or shock, for example, required oxygen or other emergency treatment, required the patient to remain immobile because of a fracture, stroke, heart attack, or severe hemorrhage.”

SECTION 5. This act takes effect upon approval by the Governor.

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