

ASSEMBLY, No. 1993

STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED FEBRUARY 8, 2010

Sponsored by:

Assemblyman HERB CONAWAY, JR.

District 7 (Burlington and Camden)

SYNOPSIS

Establishes procedures for operation of air ambulance services.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning the operation of air ambulance services and
2 supplementing Title 26 of the Revised Statutes.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. As used in this act:

8 “Advanced life support” or “ALS” means an advanced level of
9 pre-hospital, inter-facility, or emergency medical care as defined by
10 regulation of the commissioner.

11 “Air ambulance service” means an entity licensed by the
12 department to provide advanced life support by means of a specially
13 equipped and specially staffed air medical unit.

14 “Air ambulance service medical staff” means an employee of an
15 air ambulance service who provides medical treatment or assistance
16 to patients.

17 “Air medical unit” or “AMU” means a specially equipped
18 helicopter that is operated as an air ambulance service and is
19 certified by the department pursuant to P.L.1984, c.146 (C.26:2K-7
20 et seq.) or P.L.1986, c.106 (C.26:2K-35 et seq.).

21 “AMU dispatch” means the request for emergency medical
22 transportation by air ambulance service of a victim of an accident or
23 trauma by a central communications center in accordance with the
24 protocols set forth in section 3 of this act. “AMU dispatch” shall
25 not include a request for medical transportation by an air ambulance
26 service when the request involves transportation to a licensed health
27 care facility.

28 “AMU responder” means an air ambulance service that is
29 operating as a primary or backup AMU responder pursuant to this
30 act.

31 “Available” means ready for immediate utilization or response as
32 it pertains to equipment, vehicles or personnel, or immediately
33 accessible as it pertains to records.

34 “Backup AMU responder” means an air ambulance service that
35 is certified by the commissioner as a backup AMU responder.

36 “Central communications center” means the single center
37 responsible for coordinating all emergency medical dispatch
38 requests made by regional communications centers and
39 implementing a dispatch pursuant to this act.

40 “Commissioner” means the Commissioner of Health and Senior
41 Services.

42 “Department” means the Department of Health and Senior
43 Services.

44 “Emergency medical transportation” means pre-hospital
45 transportation of an accident or trauma victim, or transportation of a
46 non-admitted trauma patient from an emergency department.

47 “GPTS” means the global positioning tracking system required
48 to be utilized by an AMU responder in accordance with the

1 provisions of this act and that allows 24-hour a day, seven-day a
2 week tracking of the geographic location of the AMU by the central
3 communications center while the aircraft is performing emergency
4 medical transportation.

5 “Level I or level II trauma center” means those acute care
6 hospitals designated by the department pursuant to certificate of
7 need and licensure requirements as capable of providing specialized
8 trauma services as set forth by regulation of the commissioner.

9 “Medical command/AMU” means the medical direction provided
10 to air ambulance service medical staff by a medical command
11 physician in accordance with criteria applicable to AMUs set forth
12 by regulation of the commissioner.

13 “Medical command physician/AMU” means a physician licensed
14 by the State Board of Medical Examiners or a comparable entity in
15 another state, who meets criteria set forth by regulation of the
16 commissioner to provide medical direction to air ambulance service
17 medical staff by radio, telephone, or other direct means of
18 communication.

19 “Medical transportation” means the pre-hospital or inter-hospital
20 transportation of a patient to or from medical treatment, but does
21 not include emergency medical transportation.

22 “Mobile intensive care program” means a program that is
23 operated by an acute care hospital licensed by the department, in
24 accordance with a certificate of need issued, pursuant to P.L.1971,
25 c.136 (C.26:2H-1 et seq.), which provides pre-hospital ALS by
26 means of a specially equipped and staffed mobile intensive care
27 unit.

28 “Mobile intensive care unit” or “MICU” means a specialized
29 emergency medical services vehicle operated under the medical
30 command of a mobile intensive care program pursuant to P.L.1984,
31 c.146 (C.26:2K-7 et seq.).

32 “Primary AMU responder” means an air ambulance service
33 operated pursuant to P.L.1986, c.106 (C.26:2K-35 et seq.).

34 “Regional communications center” means an approved MICU
35 dispatch center that provides requests for emergency medical
36 transportation and medical transportation, and dispatches for
37 medical transportation in accordance with the requirements of this
38 act and the rules and regulations adopted by the commissioner
39 pursuant to this act.

40

41 2. a. Notwithstanding the provisions of any other law to the
42 contrary, the commissioner shall certify an air ambulance service to
43 operate as a backup AMU responder in this State if the air
44 ambulance service:

45 (1) is licensed and operated in compliance with all applicable
46 provisions of Title 6 of the Revised Statutes;

47 (2) is operated under the medical command/AMU of a mobile
48 intensive care program that is affiliated with a level I or level II

1 trauma center in New Jersey;

2 (3) is licensed as an air medical service in compliance with the
3 air ambulance service regulations of the department;

4 (4) demonstrates that it has applied for or has obtained
5 accreditation from the Commission on Accreditation of Medical
6 Transport Systems within one year of the enactment of this act; and

7 (5) demonstrates that it uses a GPTS that is compatible with the
8 GPTS used by the central communications center.

9 b. The commissioner shall maintain a registry of all certified
10 backup AMU responders and shall ensure that the registry is
11 updated on a monthly basis and provided to the central
12 communications center. The registry shall include:

13 (1) the name of each backup AMU responder;

14 (2) a list of written requests for certification and the date that
15 each request was made; and

16 (3) a list of any requests for certification that have been denied
17 by the commissioner, the reasons for denial, and whether the denial
18 is being appealed.

19 c. The commissioner shall not certify a backup AMU responder
20 that does not meet the requirements of this section as of the
21 effective date of this act, unless the commissioner determines that
22 there is a need for additional backup AMU responders pursuant to a
23 study of Statewide emergency medical services.

24

25 3. a. (1) The central communications center shall be established
26 within the Division of State Police in the Department of Law and
27 Public Safety no later than the 60th day after the effective date of
28 this act, and shall operate pursuant to a written inter-agency
29 agreement between the Superintendent of State Police and the
30 commissioner that conforms with the provisions of this act.

31 (2) The commissioner shall require the central communications
32 center to utilize a GPTS for tracking the location and flight status of
33 all available AMU responders and all AMU responders while
34 engaged in emergency medical transportation or medical
35 transportation.

36 (3) The commissioner shall implement an AMU dispatch system
37 as set forth in this section. To improve patient outcomes, the
38 dispatch system shall provide accident and trauma victims with
39 timely access to air ambulance services and level I and level II
40 trauma care, in accordance with the dispatch protocols established
41 in this section.

42 b. Upon receipt of a request for AMU services, the regional
43 communications center shall record the time of the following, as
44 applicable: call received; ALS dispatched; request for AMU;
45 request made to central communications center for AMU services
46 for emergency medical transportation; primary AMU assigned; and
47 backup AMU assigned.

48 c. A backup AMU responder shall regularly, or upon status

1 change, notify the regional communications center if it is not
2 available to respond to a dispatch. The regional communications
3 center shall immediately notify the central communications center if
4 a backup AMU responder is not available.

5 d. If a regional communications center receives a request for
6 emergency medical transportation AMU services, it shall
7 immediately communicate the request and availability of backup
8 AMU responders to the central communications center, and advise
9 whether ALS has been dispatched to the scene. The regional or
10 central communications center shall document the time of its receipt
11 of the request for AMU services, and the central communications
12 center shall document whether ALS services have already been
13 dispatched to the scene.

14 e. Upon receipt of a request for AMU services, the central
15 communications center shall utilize a GPTS to identify the
16 geographic location of the accident or trauma scene or medical
17 patient, as well as the geographic location and flight status of all
18 available AMU responders.

19 f. When a call is received by the central communications center,
20 the central communications center shall:

21 (1) in the case of a person requiring emergency medical
22 transportation, request the dispatch of a primary AMU responder to
23 the accident or trauma scene unless the estimated flight time of the
24 primary AMU responder to the geographic location of the scene
25 exceeds 20 minutes and a backup AMU responder can arrive at the
26 scene at least 10 minutes sooner than the primary AMU responder;
27 or approve transportation by a backup AMU responder that is
28 within a 10-minute ground transport to that backup AMU
29 responder's base when the air medical unit is at the base and is
30 immediately available. For purposes of determining the estimated
31 flight time of a backup AMU responder, its flight status shall be
32 taken into account. The central communications center shall
33 dispatch the geographically closest backup AMU responder in the
34 event that no primary AMU responder is available for dispatch; and

35 (2) in the case of a person requiring medical transportation,
36 utilize GPTS to identify the geographic location of the patient as
37 well as the geographic location and flight status of the AMU
38 responders and shall first contact the backup AMU responder that is
39 identified as being the geographically closest to the location of the
40 patient. However, in the event that the geographically closest
41 backup AMU responder is located at a distance which is more than
42 20 minutes further from the patient than the primary AMU
43 responder is located, the central communications center shall
44 dispatch the primary AMU responder.

45 g. The regional communications center shall not be required to
46 contact the central communications center for medical
47 transportation dispatch.

48 h. A regional communications center shall relay the information

- 1 regarding any patient flight to the central communications center
- 2 for purposes of flight monitoring, traffic notification, and safety.
- 3 i. Once a primary or backup AMU responder is dispatched to the
- 4 accident or trauma scene, the central communications center shall
- 5 document the time of AMU dispatch, and shall document and
- 6 maintain the following information, which the dispatched AMU
- 7 responder shall report to the central communications center:
- 8 (1) the times that the AMU is en route to the scene, arrives at the
- 9 scene, departs the scene, and lands at the hospital or trauma center,
- 10 respectively; and
- 11 (2) any cancellation of the request for its services, whether the
- 12 cancellation is received en route to the scene or upon arrival at the
- 13 scene, and the reason for the cancellation.
- 14 j. For emergency medical transportation, a primary or backup
- 15 AMU responder shall transport a patient to the health care facility
- 16 in the State that is most appropriate to the patient's medical needs,
- 17 in accordance with the provisions of this act.
- 18 k. The central communications center shall maintain all
- 19 documentation required pursuant to this section for a period of no
- 20 less than two years and shall make it available to the public upon
- 21 request.
- 22
- 23 4. A primary or backup AMU responder shall not charge an
- 24 uninsured patient an amount for AMU services that exceeds the
- 25 amount reimbursed by the federal Medicare program established
- 26 pursuant to Title XVIII of the federal Social Security Act,
- 27 Pub.L.89-97 (42 U.S.C. s.1395 et seq.), for those services.
- 28
- 29 5. This act shall take effect immediately.
- 30
- 31

32 STATEMENT

- 33
- 34 The purpose of this bill is to improve the current air ambulance
- 35 dispatch system in New Jersey by requiring the utilization of a
- 36 global positioning tracking system to identify and locate the closest
- 37 available licensed air ambulance service, and by establishing
- 38 dispatch procedures that ensure the most timely response to the
- 39 scene of an accident or trauma.
- 40 The bill provides as follows:
- 41 •The Commissioner of Health and Senior Services is required to
- 42 certify an air ambulance service to operate as a backup AMU
- 43 responder in this State if the air ambulance service:
- 44 -- is licensed and operated in compliance with all applicable
- 45 provisions of Title 6 of the Revised Statutes;
- 46 -- is operated under the medical command/AMU of a mobile
- 47 intensive care program that is affiliated with a level I or level II
- 48 trauma center in the State;

- 1 -- is licensed as an air medical service in compliance with the air
2 ambulance service regulations of the Department of Health and
3 Senior Services;
- 4 -- demonstrates that it has applied for or has obtained
5 accreditation from the Commission on Accreditation of Medical
6 Transport Systems within one year of the enactment of the
7 substitute; and
- 8 -- demonstrates that it uses a global positioning tracking system
9 (GPTS) that is compatible with the GPTS used by the central
10 communications center.
- 11 • The commissioner is to maintain a registry of all certified backup
12 AMU responders and to ensure that the registry is updated on a
13 monthly basis and provided to the central communications center.
 - 14 • The commissioner is prohibited from certifying a backup AMU
15 responder that does not meet the requirements of this bill as of its
16 effective date, unless the commissioner determines that there is a
17 need for additional backup AMU responders pursuant to a study
18 of Statewide emergency medical services.
 - 19 • The central communications center is to be established within the
20 Division of State Police in the Department of Law and Public
21 Safety no later than the 60th day after the effective date of the
22 substitute, and will operate pursuant to a written inter-agency
23 agreement between the Superintendent of State Police and the
24 commissioner that conforms with the provisions of this bill.
 - 25 • The commissioner is to require the central communications center
26 to utilize a GPTS for tracking the location and flight status of all
27 available AMU responders and all AMU responders while
28 engaged in emergency medical transportation or medical
29 transportation.
 - 30 • The commissioner is to implement an AMU dispatch system that
31 provides accident and trauma victims with timely access to air
32 ambulance services and level I and level II trauma care, in
33 accordance with the dispatch protocols established in the
34 substitute.
 - 35 • Upon receipt of a request for AMU services, the regional
36 communications center is to record the time of the following, as
37 applicable: call received; ALS dispatched; request for AMU;
38 request made to central communications center for AMU services
39 for emergency medical transportation; primary AMU assigned;
40 and backup AMU assigned.
 - 41 • A backup AMU responder is to regularly, or upon status change,
42 notify the regional communications center if it is not available to
43 respond to a dispatch.
 - 44 • The regional communications center is to immediately notify the
45 central communications center if a backup AMU responder is not
46 available.
 - 47 • If a regional communications center receives a request for
48 emergency medical transportation AMU services, it is to

- 1 immediately communicate the request and availability of backup
2 AMU responders to the central communications center, and
3 advise whether ALS has been dispatched to the scene. The
4 regional or central communications center is to document the
5 time of its receipt of the request for AMU services, and the
6 central communications center is to document whether ALS
7 services have already been dispatched to the scene.
- 8 • Upon receipt of a request for AMU services, the central
9 communications center is to utilize GPTS to identify the
10 geographic location of the accident or trauma scene or medical
11 patient, as well as the geographic location and flight status of all
12 available AMU responders.
- 13 • When calls are directly received by the central communications
14 center, it is to do the following:
- 15 -- in the case of a person requiring emergency medical
16 transportation, request the dispatch of a primary AMU responder to
17 the accident or trauma scene unless the estimated flight time of the
18 primary AMU responder to the geographic location of the scene
19 exceeds 20 minutes and a backup AMU responder can arrive at the
20 scene at least 10 minutes sooner than the primary AMU responder;
21 or approve transportation by a backup AMU responder that is
22 within a 10-minute ground transport to that backup AMU
23 responder's base when the air medical unit is at the base and is
24 immediately available. For purposes of determining the estimated
25 flight time of a backup AMU responder, its flight status is to be
26 taken into account. The central communications center is to
27 dispatch the geographically closest backup AMU responder in the
28 event that no primary AMU responder is available for dispatch; and
- 29 --in the case of a person requiring medical transportation, utilize
30 GPTS to identify the geographic location of the patient as well as
31 the geographic location and flight status of the AMU responders
32 and first contact the backup AMU responder that is identified as
33 being the geographically closest to the location of the patient.
34 However, in the event that the geographically closest backup AMU
35 responder is located at a distance which is more than 20 minutes
36 further from the patient than the primary AMU responder is located,
37 the central communications center is to dispatch the primary AMU
38 responder.
- 39 • The regional communications center is not required to contact the
40 central communications center for medical transportation
41 dispatch.
- 42 • A regional communications center is to relay the information
43 regarding the flight to the central communications center for
44 purposes of flight monitoring, traffic notification, and safety.
- 45 • Once a primary or backup AMU responder is dispatched to the
46 accident or trauma scene, the central communications center is to
47 document the time of AMU dispatch, and document and maintain
48 the following information, which the dispatched AMU responder

- 1 is to report to the central communications center:
- 2 -- the times that the AMU is en route to the scene, arrives at the
3 scene, departs the scene, and lands at the hospital or trauma center,
4 respectively; and
- 5 -- any cancellation of the request for its services, whether the
6 cancellation is received en route to the scene or upon arrival at the
7 scene, and the reason for the cancellation.
- 8 • For emergency medical transportation, a primary or backup AMU
9 responder is to transport a patient to the health care facility in the
10 State that is most appropriate to the patient's medical needs, in
11 accordance with the provisions of this act.
- 12 • The central communications center is to maintain all
13 documentation required pursuant to the bill for a period of no less
14 than two years and make it available to the public upon request.
- 15 The bill also specifies that a primary or backup AMU responder
16 is not to charge an uninsured patient an amount for AMU services
17 that exceeds the amount reimbursed under Medicare for those
18 services.