

CHAPTER 23-27.2 DISTRESSED AMBULANCE SERVICE PROGRAM

23-27.2-01. Definitions.

As used in this chapter:

1. "Department" means the department of health and human services.
2. "Distressed ambulance service" means a licensee the department has declared a distressed ambulance service under section 23-27.2-05.
3. "Emergency medical services plan" or "plan" means a detailed improvement plan for a distressed ambulance service to deliver sustainable and reliable emergency medical response and transport services to a patient within an assigned service area.
4. "Licensee" means an emergency medical services operation as defined in section 23-27-02.
5. "Program" means the distressed ambulance service program.

23-27.2-02. Program creation and administration.

1. The distressed ambulance service program is hereby created.
2. The department shall:
 - a. Carry out the administrative functions of the program;
 - b. Adopt rules necessary to implement this chapter and manage the program;
 - c. Take reasonable measures to ensure reliable ambulance response within a distressed ambulance service's assigned service area;
 - d. Monitor the implementation of a response approved under section 23-27.2-04;
 - e. Monitor the implementation of a plan approved under section 23-27.2-06; and
 - f. Annually evaluate issued waivers.
3. The department may:
 - a. Waive specific provisions of chapter 23-27 or rules adopted under chapter 23-27 for a defined period of time, provided such waiver does not adversely affect the health and safety of the public; and
 - b. Suspend or revoke a distressed ambulance service's license in accordance with section 23-27.2-06.

23-27.2-03. Licensee evaluation - Notice.

1. The department shall identify and evaluate licensees that have:
 - a. A substantial likelihood to fail to comply with federal or state law or regulation;
 - b. Indicated an intention to cease operation or change licensure level within sixty days; or
 - c. Indicated a substantial likelihood of failure to respond to requests for service.
2. Upon identification of a licensee that meets the criteria under subsection 1, the department may provide notice, in accordance with subsection 3, to the licensee by first-class mail. If provided, the notice must be sent to the:
 - a. Licensee;
 - b. Service leader of record;
 - c. Medical director of record; and
 - d. Political subdivision that has jurisdiction over the licensee, if applicable.
3. The notice must include:
 - a. The deadline for the licensee to respond in accordance with section 23-27.2-04;
 - b. A detailed description of the circumstances of the licensee under subsection 1;
 - c. The proposed corrective action that must be taken by the licensee; and
 - d. Any resources available to the licensee to assist in taking corrective action.

23-27.2-04. Licensee - Response.

1. A licensee that receives a notice under section 23-27.2-03 shall respond to the department within forty-five days of the date of the notice. The response must include:

- a. The licensee's proposed corrective action to address the criteria under subsection 1 of section 23-27.2-03;
 - b. The licensee's proposed time frame in which to take corrective action and become fully compliant; and
 - c. If necessary, a request for a waiver.
2. Within fifteen days of the date of the response, the department shall:
 - a. Approve the response; or
 - b. Request the licensee amend the response.
3. The department may extend the deadline to respond if an amendment to the response is requested under subsection 2.

23-27.2-05. Distressed ambulance service - Declaration and notice.

1. The department may declare a licensee a distressed ambulance service if the licensee:
 - a. Failed to respond to the department in accordance with section 23-27.2-04;
 - b. Failed to make sufficient progress to address the circumstances described in the notice;
 - c. Failed to take corrective action in accordance with the approved response;
 - d. Indicated an intention to cease operation or change licensure level within sixty days; or
 - e. Indicated a substantial likelihood of failure to respond to requests for service.
2. The department shall provide notice of the declaration by first-class mail to the recipients under subsection 2 of section 23-27.2-03. The notice must include the department's basis for the declaration.

23-27.2-06. Distressed ambulance service - Procedure - Plan.

1. The department shall assign a coordinator to the distressed ambulance service within seven days of the date of the notice of declaration. The coordinator may be an employee of the department or a contractor. The coordinator shall develop, implement, and monitor an emergency medical services plan.
2. The emergency medical services plan must:
 - a. Include a detailed planning and implementation timeline to deliver sustainable and reliable emergency medical response and transport services to a patient within the assigned service area;
 - b. Evaluate the impact on the assigned and adjacent service areas; and
 - c. Consider input from stakeholders, including:
 - (1) The distressed ambulance service;
 - (2) The political subdivision that has jurisdiction over the distressed ambulance service;
 - (3) The county and city governments within the service area;
 - (4) Licensed medical facilities;
 - (5) Adjacent ambulance services;
 - (6) Other emergency medical services within the service area; and
 - (7) Other interested parties.
3. The coordinator shall present a proposed plan at a public meeting held in the distressed ambulance service's assigned service area within thirty days of the date of assignment. The coordinator shall allow stakeholders and the public the opportunity to provide input relating to the plan.
4. The coordinator shall present a final plan at a second public meeting held in the distressed ambulance service's assigned service area within thirty days of the date of the first public meeting.
 - a. The distressed ambulance service shall approve or reject the department's final plan at the second public meeting.
 - (1) If the distressed ambulance service approves the plan, the distressed ambulance service shall comply with all aspects of the plan.

- (2) If the distressed ambulance service rejects the plan, the service leader of record shall present an amended plan to the department within fourteen days after the date of the second public meeting.
- b. The department shall approve or reject the amended plan within seven days of receipt.
5. If the department and distressed ambulance service are unable to agree on a plan, or if the distressed ambulance service fails to comply with any aspect of an approved plan, the department may take action as necessary to protect the health, safety, and welfare of the public, in accordance with section 23-27.2-02.
6. The department shall provide notice of a public meeting conducted under this section. The notice must be:
 - a. Published in a newspaper of general circulation within the service area between fourteen and seven days before the meeting; and
 - b. Delivered by first-class mail to the county auditor of each county in the service area at least seven days before the meeting.
7. The department may request the distressed ambulance service reimburse the department for direct costs incurred in the administration of this section and for any reasonable measures taken to ensure reliable ambulance response within the distressed ambulance service's assigned service area. The distressed ambulance service shall reimburse the department within thirty days after receipt of the request.

23-27.2-07. Distressed ambulance service program - Continuing appropriation.

There is created in the state treasury a distressed ambulance service program fund. The fund consists of all moneys transferred to the fund and all interest and earnings upon moneys in the fund. Moneys in the fund are appropriated to the department on a continuing basis for the purposes of administering this chapter, including for the payment of contractor fees and expenses incurred by or for the operation of the program.

23-27.2-08. Distressed ambulance service program - Report to legislative management.

Each interim, the department shall provide a report to the legislative management regarding the status of the program. The report must include the provisions of the program, the number of distressed ambulance services, coordinated efforts and activities, program costs and expenses, and the overall effectiveness of the program.