

Sixty-ninth
Legislative Assembly
of North Dakota

**PROPOSED AMENDMENTS TO
FIRST ENGROSSMENT**

ENGROSSED SENATE BILL NO. 2033

Introduced by

Legislative Management

(Health Services Committee)

In place of amendment (25.0113.03003) adopted by the House, Engrossed Senate Bill No. 2033 is amended by amendment (25.0113.03005) as follows:

1 A BILL for an Act to create and enact chapter 23-27.2 of the North Dakota Century Code,
2 relating to the distressed ambulance service program; to provide for a legislative management
3 report; ~~to provide an appropriation; and~~ to provide a continuing appropriation; and to declare an
4 emergency.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1.** Chapter 23-27.2 of the North Dakota Century Code is created and enacted as
7 follows:

8 **23-27.2-01. Definitions.**

9 As used in this chapter:

- 10 1. "Department" means the department of health and human services.
11 2. "Distressed ambulance service" means a licensee ~~the~~:
12 a. That self-indicates a substantial likelihood of closure within the next year; or
13 b. The department has declared a distressed ambulance service under section
14 23-27.2-05.
15 3. "Emergency medical services plan" or "plan" means a detailed improvement plan for a
16 distressed ambulance service developed by the department and the distressed
17 ambulance workgroup to deliver sustainable and reliable emergency medical response
18 and transport services to a patient within an assigned service area.
19 4. "Licensee" means an emergency medical services operation as defined in section
20 23-27-02.

1 5. "Program" means the distressed ambulance service program.

2 **23-27.2-02. Program creation and administration.**

3 1. The distressed ambulance service program is hereby created.

4 2. The department shall:

5 a. Carry out the administrative functions of the program;

6 b. Adopt rules necessary to implement this chapter and manage the program;

7 c. Take reasonable measures to ensure reliable ambulance response within a
8 distressed ambulance service's assigned service area;

9 d. Monitor the implementation of a response approved under section 23-27.2-04;

10 e. Monitor the implementation of a plan approved under section 23-27.2-06; and

11 f. Annually evaluate issued waivers.

12 3. The department may:

13 a. Issue waivers; and

14 b. Suspend or revoke a distressed ambulance service's license in accordance with
15 section 23-27.2-06.

16 **23-27.2-03. Licensee evaluation - Notice.**

17 1. The department shall identify and evaluate licensees that have:

18 a. Failed to comply with federal or state law or regulation;

19 b. Indicated an intention to cease operation or change licensure level within sixty
20 days; or

21 c. Indicated a substantial likelihood of failure to respond to requests for service.

22 2. Upon identification of a licensee that meets the criteria under subsection 1, the
23 department may provide notice, in accordance with subsection 3, to the licensee by
24 first-class mail. If provided, the notice must be sent to the:

25 a. Licensee;

26 b. Service leader of record;

27 c. Medical director of record; and

28 d. Political subdivision that has jurisdiction over the licensee, if applicable.

29 3. The notice must include:

30 a. The deadline for the licensee to respond in accordance with section 23-27.2-04;

- 1 b. If the licensee failed to comply with federal or state law or regulation, the law or
- 2 regulation violated;
- 3 c. A detailed description of the violation or noncompliance;
- 4 d. The corrective action that must be taken by the licensee; and
- 5 e. Any resources available to the licensee to assist in taking corrective action.

6 **23-27.2-04. Licensee - Response.**

- 7 1. A licensee that receives a notice under section 23-27.2-03 shall respond to the
- 8 department within forty-five days of the date of the notice. The response must include:
- 9 a. The licensee's proposed corrective action to address the violation or
- 10 noncompliance;
- 11 b. The licensee's proposed time frame in which to take corrective action and
- 12 become fully compliant; and
- 13 c. If necessary, a request for a waiver.
- 14 2. Within fifteen days of the date of the response, the department shall:
- 15 a. Approve the response; or
- 16 b. Request the licensee amend the response.
- 17 3. The department may extend the deadline to respond if an amendment to the response
- 18 is requested under subsection 2.

19 **23-27.2-05. Distressed ambulance service - Declaration and notice.**

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

1 **23-27.2-06. Distressed ambulance service - Procedure Workgroup - Plan.**

2 ~~1. The department shall assign a coordinator to the distressed ambulance service within~~
3 ~~seven days of the date of the notice of declaration. The coordinator may be an~~
4 ~~employee of the department or a contractor. The coordinator shall develop, implement,~~
5 ~~and monitor an emergency medical services plan.~~

6 ~~2. The emergency medical services plan must:~~

7 ~~a. Include a detailed planning and implementation timeline to deliver sustainable~~
8 ~~and reliable emergency medical response and transport services to a patient~~
9 ~~within the assigned service area;~~

10 ~~b. Evaluate the impact on the assigned and adjacent service areas; and~~

11 ~~c. Consider input from stakeholders, including:~~

12 ~~(1) The distressed ambulance service;~~

13 ~~(2) The political subdivision that has jurisdiction over the distressed ambulance~~
14 ~~service;~~

15 ~~(3) The county and city governments within the service area;~~

16 ~~(4) Licensed medical facilities;~~

17 ~~(5) Adjacent ambulance services;~~

18 ~~(6) Other emergency medical services within the service area; and~~

19 ~~(7) Other interested parties.~~

20 ~~3. The coordinator shall present a proposed plan at a public meeting held in the~~
21 ~~distressed ambulance service's assigned service area within thirty days of the date of~~
22 ~~assignment. The coordinator shall allow stakeholders and the public the opportunity to~~
23 ~~provide input relating to the plan.~~

24 ~~4. The coordinator shall present a final plan at a second public meeting held in the~~
25 ~~distressed ambulance service's assigned service area within thirty days of the date of~~
26 ~~the first public meeting.~~

27 ~~a. The distressed ambulance service shall approve or reject the department's final~~
28 ~~plan at the second public meeting.~~

29 ~~(1) If the distressed ambulance service approves the plan, the distressed~~
30 ~~ambulance service shall comply with all aspects of the plan.~~

- 1 ~~(2) If the distressed ambulance service rejects the plan, the service leader of~~
2 ~~record shall present an amended plan to the department within fourteen~~
3 ~~days after the date of the second public meeting.~~
- 4 ~~b. The department shall approve or reject the amended plan within seven days of~~
5 ~~receipt.~~
- 6 ~~5. If the department and distressed ambulance service are unable to agree on a plan, or~~
7 ~~if the distressed ambulance service fails to comply with any aspect of an approved~~
8 ~~plan, the department may take action as necessary to protect the health, safety, and~~
9 ~~welfare of the public, in accordance with section 23-27.2-02.~~
- 10 ~~6. The department shall provide notice of a public meeting conducted under this section.~~
11 ~~The notice must be:~~
- 12 ~~a. Published in a newspaper of general circulation within the service area between~~
13 ~~fourteen and seven days before the meeting; and~~
- 14 ~~b. Delivered by first-class mail to the county auditor of each county in the service~~
15 ~~area at least seven days before the meeting.~~
- 16 ~~7. The department may request the distressed ambulance service reimburse the~~
17 ~~department for costs associated with administering this section and for any reasonable~~
18 ~~measures taken to ensure reliable ambulance response within the distressed~~
19 ~~ambulance service's assigned service area. The distressed ambulance service shall~~
20 ~~reimburse the department within thirty days after receipt of the request. If a licensee is~~
21 ~~identified by the department as a distressed ambulance service, the department shall:~~
- 22 ~~a. Identify stakeholders and schedule an initial public meeting with the stakeholders~~
23 ~~within forty-five days.~~
- 24 ~~b. Notify the distressed ambulance service of the department's intent to schedule a~~
25 ~~public meeting. If the distressed ambulance service does not respond to the~~
26 ~~notice within forty-five days, the department has an additional fifteen days to~~
27 ~~schedule the initial public meeting.~~
- 28 ~~2. The stakeholders identified and notified by the department of the initial public meeting~~
29 ~~must include:~~
- 30 ~~a. The political subdivision that has jurisdiction over the distressed ambulance~~
31 ~~service.~~

- 1 b. The county and city governments within the service area.
- 2 c. Licensed medical facilities.
- 3 d. Adjacent ambulance services.
- 4 e. Other emergency medical services within the service area.
- 5 3. The department shall provide notice of an initial public meeting conducted under this
6 section. The notice must be:
- 7 a. Published in a newspaper of general circulation within the service area between
8 fourteen and seven days before the meeting.
- 9 b. Delivered by first-class mail to the county auditor of each county in the service
10 area at least seven days before the meeting.
- 11 4. The department shall facilitate the initial distressed ambulance service meeting. The
12 meeting must focus on identifying the distressed ambulance service's strengths,
13 weaknesses, potential opportunities, and threats.
- 14 5. Within fifteen days of the initial meeting, a distressed ambulance workgroup must be
15 created to develop, in collaboration with the department, an emergency medical
16 services plan.
- 17 a. A distressed ambulance workgroup must include the following individuals
18 appointed by the commissioner of the department:
- 19 (1) At least one representative of the distressed ambulance service.
- 20 (2) One representative of the county commission of a county within the
21 distressed ambulance service's assigned service area.
- 22 (3) One representative of an impacted city council.
- 23 (4) One representative of the impacted law enforcement agencies.
- 24 (5) One representative of the impacted health care facilities.
- 25 (6) One representative of the impacted school board.
- 26 (7) One representative of an adjacent ambulance service.
- 27 (8) One representative of the ambulance district board.
- 28 (9) A citizen representative.
- 29 b. An emergency medical services plan may include:
- 30 (1) Recruitment and training initiatives.

1 (2) Review of available grant programs and one-time funding opportunities
2 issued by the state or other entities for the hiring of staff.

3 (3) Consideration of regional ambulance service establishment.

4 6. The workgroup shall present a final plan to the department and the ambulance district
5 board within thirty days of the date of the workgroup's first meeting.

6 7. If the workgroup determines the distressed ambulance service's licensure level must
7 change, the department shall divide the service in accordance with department rules.
8 An applicable tax district must be divided to the adjacent ambulance service without a
9 vote and in accordance with chapter 11-28.3.

10 **23-27.2-07. Distressed ambulance service program - Continuing appropriation.**

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

16 **23-27.2-08. Distressed ambulance service program - Report to legislative**
17 **management.**

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

22 ~~SECTION 2. APPROPRIATION - DEPARTMENT OF HEALTH AND HUMAN SERVICES -~~
23 ~~DISTRESSED AMBULANCE SERVICE PROGRAM - ONE-TIME FUNDING.~~ There is
24 ~~appropriated out of any moneys in the general fund in the state treasury, not otherwise~~
25 ~~appropriated, the sum of \$150,000, or so much of the sum as may be necessary, to the~~
26 ~~department of health and human services for the purpose of contracting with a consultant to~~
27 ~~identify, evaluate, and develop a plan to manage distressed ambulance services, for the~~
28 ~~biennium beginning July 1, 2025, and ending June 30, 2027. The funding provided in this~~
29 ~~section is considered a one-time funding item.~~

30 **SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.