

Sixty-ninth
Legislative Assembly
of North Dakota

**PROPOSED AMENDMENTS TO
FIRST ENGROSSMENT**

ENGROSSED SENATE BILL NO. 2033

Introduced by

Legislative Management

(Health Services Committee)

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.~~ for an Act to create
4 and enact a new section to chapter 23-27 of the North Dakota Century Code, relating to
5 distressed ambulance services; and to declare an emergency.

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

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

9 ~~23-27.2-01. Definitions:~~

10 As used in this chapter:

11 ~~1. "Department" means the department of health and human services;~~

12 ~~2. "Distressed ambulance service" means a licensee the department has declared a~~
13 ~~distressed ambulance service under section 23-27.2-05;~~

14 ~~3. "Emergency medical services plan" or "plan" means a detailed improvement plan for a~~
15 ~~distressed ambulance service to deliver sustainable and reliable emergency medical~~
16 ~~response and transport services to a patient within an assigned service area;~~

17 ~~4. "Licensee" means an emergency medical services operation as defined in section~~
18 ~~23-27-02;~~

19 ~~5. "Program" means the distressed ambulance service program.~~

1 ~~23-27.2-02. Program creation and administration:~~

2 ~~1. The distressed ambulance service program is hereby created;~~

3 ~~2. The department shall:~~

4 ~~a. Carry out the administrative functions of the program;~~

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

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

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

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

10 ~~f. Annually evaluate issued waivers;~~

11 ~~3. The department may:~~

12 ~~a. Issue waivers; and~~

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

15 ~~23-27.2-03. Licensee evaluation - Notice.~~

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

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

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

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

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

24 ~~a. Licensee;~~

25 ~~b. Service leader of record;~~

26 ~~c. Medical director of record; and~~

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

28 ~~3. The notice must include:~~

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

30 ~~b. If the licensee failed to comply with federal or state law or regulation, the law or~~
31 ~~regulation violated;~~

- 1 ~~c. A detailed description of the violation or noncompliance;~~
2 ~~d. The corrective action that must be taken by the licensee; and~~
3 ~~e. Any resources available to the licensee to assist in taking corrective action.~~

4 ~~**23-27.2-04. Licensee - Response.**~~

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

7 ~~a. The licensee's proposed corrective action to address the violation or~~
8 ~~noncompliance;~~

9 ~~b. The licensee's proposed time frame in which to take corrective action and~~
10 ~~become fully compliant; and~~

11 ~~c. If necessary, a request for a waiver.~~

12 ~~2. Within fifteen days of the date of the response, the department shall:~~

13 ~~a. Approve the response; or~~

14 ~~b. Request the licensee amend the response.~~

15 ~~3. The department may extend the deadline to respond if an amendment to the response~~
16 ~~is requested under subsection 2.~~

17 ~~**23-27.2-05. Distressed ambulance service - Declaration and notice.**~~

18 ~~1. The department may declare a licensee a distressed ambulance service if the~~
19 ~~licensee:~~

20 ~~a. Failed to respond to the department in accordance with section 23-27.2-04;~~

21 ~~b. Failed to make sufficient progress to address the violation or noncompliance~~
22 ~~described in the notice;~~

23 ~~c. Failed to take corrective action in accordance with the approved response;~~

24 ~~d. Indicated an intention to cease operation or change licensure level within sixty~~
25 ~~days; or~~

26 ~~e. Indicated a substantial likelihood of failure to respond to requests for service.~~

27 ~~2. The department shall provide notice of the declaration by first-class mail to the~~
28 ~~recipients under subsection 2 of section 23-27.2-03. The notice must include the~~

29 ~~department's basis for the declaration.~~

- 1 ~~23-27.2-06. Distressed ambulance service - Procedure - 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.~~
- 21 ~~**23-27.2-07. Distressed ambulance service program - Continuing appropriation.**~~
22 ~~There is created in the state treasury a distressed ambulance service program fund. The~~
23 ~~fund consists of all moneys transferred to the fund and all interest and earnings upon moneys in~~
24 ~~the fund. Moneys in the fund are appropriated to the department on a continuing basis for the~~
25 ~~purposes of administering this chapter, including for the payment of contractor fees and~~
26 ~~expenses incurred by or for the operation of the program.~~
- 27 ~~**23-27.2-08. Distressed ambulance service program - Report to legislative**~~
28 ~~**management.**~~
- 29 ~~Each interim, the department shall provide a report to the legislative management regarding~~
30 ~~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.~~

~~SECTION 2. APPROPRIATION - DEPARTMENT OF HEALTH AND HUMAN SERVICES -~~

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

SECTION 1. A new section to chapter 23-27 of the North Dakota Century Code is created
and enacted as follows:

Distressed ambulance service.

1. As used in this section:

a. "Department" means the department of health and human services.

b. "Distressed ambulance service" means a licensee that:

**(1) Self-indicates to the department a substantial likelihood of closure within the
next year; or**

**(2) Is identified by the department as failing to comply with federal or state law
or regulation and is likely to face closure within the next year.**

**c. "Emergency medical services plan" or "plan" means a detailed improvement plan
for a distressed ambulance service developed by the department and the
distressed ambulance work group to deliver sustainable and reliable emergency
medical response and transport services to a patient within an assigned service
area.**

**2. If a licensee is identified by the department as a distressed ambulance service, the
department shall identify stakeholders and schedule an initial public meeting with the
stakeholders within forty-five days. The department shall notify the distressed
ambulance service of the department's intent to schedule a public meeting. If the
distressed ambulance service does not respond to the notice within forty-five days, the
department has an additional fifteen days to schedule the initial public meeting.**

- 1 3. The stakeholders identified and notified by the department of the initial public meeting
2 must include:
 - 3 a. The political subdivision that has jurisdiction over the distressed ambulance
4 service.
 - 5 b. The county and city governments within the service area.
 - 6 c. Licensed medical facilities.
 - 7 d. Adjacent ambulance services.
 - 8 e. Other emergency medical services within the service area.
- 9 4. The department shall provide notice of an initial public meeting conducted under this
10 section. The notice must be:
 - 11 a. Published in a newspaper of general circulation within the service area between
12 fourteen and seven days before the meeting.
 - 13 b. Delivered by first-class mail to the county auditor of each county in the service
14 area at least seven days before the meeting.
- 15 5. The department shall facilitate the initial distressed ambulance service meeting. The
16 meeting must focus on identifying the distressed ambulance service's strengths,
17 weaknesses, potential opportunities, and threats.
- 18 6. Following the initial meeting, a distressed ambulance work group must be created to
19 develop an emergency medical services plan.
 - 20 a. A distressed ambulance work group must include:
 - 21 (1) At least one representative of the distressed ambulance service.
 - 22 (2) A representative of the county commissioner.
 - 23 (3) A representative of each impacted city council.
 - 24 (4) A representative of the impacted law enforcement agencies.
 - 25 (5) A representative of the impacted school board.
 - 26 (6) A citizen representative.
 - 27 b. An emergency medical services plan may include:
 - 28 (1) Recruitment and training initiatives.
 - 29 (2) Review of available grant programs and one-time funding opportunities
30 issued by the state or other entities.

1 (3) The issuance of a waiver by the department allowing adjacent ambulances
2 to assist in coverage.

3 (4) Consideration of regional ambulance service establishment.

4 7. If the work group determines the distressed ambulance service's license must be
5 downgraded, the department shall divide the service in accordance with department
6 rules. An applicable tax district must be divided to the adjacent ambulance service
7 without a vote.

8 8. The department shall monitor the distressed ambulance service and distressed
9 ambulance work group.

10 9. The department may adopt rules to administer this section.

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