

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

As Engrossed: H3/8/23

A Bill

HOUSE BILL 1261

5 By: Representative L. Johnson
6

For An Act To Be Entitled

8 AN ACT TO ALLOW AN AMBULANCE SERVICE TO TRIAGE,
9 TREAT, AND TRANSPORT A PATIENT TO AN ALTERNATIVE
10 DESTINATION; TO ENACT THE ARKANSAS TRIAGE, TREAT, AND
11 TRANSPORT TO ALTERNATIVE DESTINATION ACT; TO MANDATE
12 INSURANCE COVERAGE FOR AN AMBULANCE SERVICE TO
13 TRIAGE, TREAT, AND TRANSPORT A PATIENT TO AN
14 ALTERNATIVE DESTINATION; AND FOR OTHER PURPOSES.
15

Subtitle

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18 TO ENACT THE ARKANSAS TRIAGE, TREAT, AND
19 TRANSPORT TO AN ALTERNATIVE DESTINATION
20 ACT; AND TO MANDATE INSURANCE COVERAGE
21 FOR AN AMBULANCE SERVICE TO TRIAGE,
22 TREAT, AND TRANSPORT A PATIENT TO AN
23 ALTERNATIVE DESTINATION.
24

25
26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
27

28 SECTION 1. Arkansas Code Title 20, Chapter 13, Subchapter 1, is
29 amended to add an additional section to read as follows:

30 20-13-107. Ambulance service – Triage, treat, and transport to
31 alternative destination – Definitions.

32 (a) As used in this section:

33 (1)(A) "Alternative destination" means a lower-acuity facility
34 that provides medical services, including without limitation:

35 (i) A federally qualified health center;

36 (ii) An urgent care center;



1 (iii) A physician office or medical clinic, as
2 selected by the patient; and

3 (iv) A behavioral or mental healthcare facility.

4 (B) "Alternative destination" does not include a:

5 (i) Critical access hospital;

6 (ii) Dialysis center;

7 (iii) Hospital;

8 (iv) Private residence; or

9 (v) Skilled nursing facility;

10 (2) "Ambulance service" means an entity that provides
11 transportation and emergency medical services to a patient and is:

12 (A) Licensed to service a designated area in this state
13 through a basic 911 system under the Arkansas Public Safety Communications
14 and Next Generation 911 Act of 2019, § 12-10-301 et seq.;

15 (B) Authorized and licensed by the Department of Health to
16 provide care and transportation of patients upon the streets and highways of
17 Arkansas; and

18 (C) Licensed under the Ambulance Licensing Act, § 14-266-
19 101 et seq.; and

20 (3)(A) "Telemedicine" means the use of audio-visual electronic
21 information and communication technology to deliver healthcare services,
22 including without limitation the assessment, diagnosis, consultation,
23 treatment, education, care management, and self-management of a patient.

24 (B) "Telemedicine" includes store-and-forward technology
25 and remote patient monitoring.

26 (C) "Telemedicine" does not include the use of audio-only
27 electronic technology.

28 (b) An ambulance service's operators may triage and transport a
29 patient to an alternative destination in this state or treat in place if the
30 ambulance service is coordinating the care of the patient through
31 telemedicine with a physician for a medical-based complaint or with a
32 behavioral health specialist for a behavioral-based complaint.

33
34 SECTION 2. Arkansas Code Title 23, Chapter 79, is amended to add an
35 additional subchapter to read as follows:

36 Subchapter 24 – Arkansas Triage, Treat, and Transport to Alternative

Destination Act

23-79-2401. Title.

This subchapter shall be known and may be cited as the "Arkansas Triage, Treat, and Transport to Alternative Destination Act".

23-79-2402. Definitions.

As used in this subchapter:

(1)(A) "Alternative destination" means a lower-acuity facility that provides medical services, including without limitation:

(i) A federally qualified health center;

(ii) An urgent care center;

(iii) A physician's office or medical clinic, as chose by the patient; and

(iv) A behavioral or mental healthcare facility.

(B) "Alternative destination" does not include a:

(i) Critical access hospital;

(ii) Dialysis center;

(iii) Hospital;

(iv) Private residence; or

(v) Skilled nursing facility;

(2) "Ambulance service" means an entity that provides transportation and emergency medical services to a patient and is:

(A) Licensed to service a designated area in this state through a basic 911 system under the Arkansas Public Safety Communications and Next Generation 911 Act of 2019, § 12-10-301 et seq.;

(B) Authorized and licensed by the Department of Health to provide care and transportation of patients upon the streets and highways of Arkansas; and

(C) Licensed under the Ambulance Licensing Act, § 14-266-101 et seq.;

(3) "Enrollee" means an individual who has been enrolled in a health benefit plan;

(4)(A) "Health benefit plan" means:

(i) An individual, blanket, or group plan, policy, or contract for healthcare services issued or delivered by a healthcare

1 insurer in this state; and

2 (ii) Any health benefit program receiving state or
3 federal appropriations from the State of Arkansas, including the Arkansas
4 Medicaid Program and the Arkansas Health and Opportunity for Me Program, or
5 any successor program.

6 (B) "Health benefit plan" includes:

7 (i) Indemnity and managed care plans; and

8 (ii) Nonfederal governmental plans as defined in 29
9 U.S.C. § 1002(32), as it existed on January 1, 2024.

10 (C) "Health benefit plan" does not include:

11 (i) A disability income plan;

12 (ii) A credit insurance plan;

13 (iii) Insurance coverage issued as a supplement to
14 liability insurance;

15 (iv) A medical payment under automobile or
16 homeowners insurance plans;

17 (v) A health benefit plan provided under Arkansas
18 Constitution, Article 5, § 32, the Workers' Compensation Law, § 11-9-101 et
19 seq., or the Public Employee Workers' Compensation Act, § 21-5-601 et seq.;

20 (vi) A plan that provides only indemnity for
21 hospital confinement;

22 (vii) An accident-only plan;

23 (viii) A specified disease plan;

24 (ix) A long-term-care-only plan;

25 (x) A dental-only plan; or

26 (xi) A vision-only plan;

27 (5) "Healthcare insurer" means an entity subject to the
28 insurance laws of this state or the jurisdiction of the Insurance
29 Commissioner that contracts or offers to contract to provide health insurance
30 coverage, including without limitation an insurance company, a health
31 maintenance organization, a hospital medical service corporation, a self-
32 insured governmental or church plan in this state, or the Arkansas Medicaid
33 Program;

34 (6) "Local government" includes:

35 (A) A county;

36 (B) A city of the first class or a city of the second

1 class; or

2 (C) An incorporated town; and

3 (7)(A) "Telemedicine" means the use of audio-visual electronic
4 information and communication technology to deliver healthcare services,
5 including without limitation the assessment, diagnosis, consultation,
6 treatment, education, care management, and self-management of a patient.

7 (B) "Telemedicine" includes store-and-forward technology
8 and remote patient monitoring.

9 (C) "Telemedicine" does not include the use of audio-only
10 electronic technology.

11
12 23-79-2403. Coverage for ambulance service to triage and transport
13 enrollee to alternative destination or treat in place.

14 (a) On and after January 1, 2024, a healthcare insurer that offers,
15 issues, or renews a health benefit plan in this state shall provide coverage
16 for:

17 (1) An ambulance service to:

18 (A) Treat an enrollee in place if the ambulance service is
19 coordinating the care of the enrollee through telemedicine with a physician
20 for a medical-based complaint or with a behavioral health specialist for a
21 behavioral-based complaint; or

22 (B) Triage or triage and transport an enrollee to an
23 alternative destination if the ambulance service is coordinating the care of
24 the enrollee through telemedicine with a physician for a medical-based
25 complaint or with a behavioral health specialist for a behavioral-based
26 complaint; or

27 (2) An encounter between an ambulance service and enrollee that
28 results in no transport of the enrollee if:

29 (A) The enrollee declines to be transported against
30 medical advice; and

31 (B) The ambulance service is coordinating the care of the
32 enrollee through telemedicine with a physician for a medical-based complaint
33 or with a behavioral health specialist for a behavioral-based complaint.

34 (b) The coverage under this section:

35 (1) Is not subject to policy deductibles or copayment
36 requirements; and

