

105TH CONGRESS  
2D SESSION

# S. 2091

To amend title XVIII of the Social Security Act to ensure medicare reimbursement for certain ambulance services, and to improve the efficiency of the emergency medical system, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MAY 19, 1998

Mr. GRAMS introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To amend title XVIII of the Social Security Act to ensure medicare reimbursement for certain ambulance services, and to improve the efficiency of the emergency medical system, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Emergency Medical  
5 Services Efficiency Act of 1998”.

1 **TITLE I—MEDICARE COVERAGE**  
2 **OF CERTAIN AMBULANCE**  
3 **SERVICES**

4 **SEC. 101. MEDICARE COVERAGE OF CERTAIN AMBULANCE**  
5 **SERVICES.**

6 (a) COVERAGE.—Section 1861(s)(7) of the Social Se-  
7 curity Act (42 U.S.C. 1395x(s)(7)) is amended by striking  
8 “regulations;” and inserting “regulations, except that  
9 such regulations shall not fail to treat ambulance services  
10 as medical and other health services solely because the ul-  
11 timate diagnosis of the individual receiving the ambulance  
12 services results in the conclusion that ambulance services  
13 were not necessary, as long as the request for ambulance  
14 services is made after the sudden onset of a medical condi-  
15 tion that is manifested by symptoms of such sufficient se-  
16 verity, including severe pain, that a prudent layperson,  
17 who possesses an average knowledge of health and medi-  
18 cine, could reasonably expect to result, without immediate  
19 medical attention, in—

20 “(A) placing the individual’s health in serious  
21 jeopardy;

22 “(B) serious impairment to the individual’s  
23 bodily functions; or

24 “(C) serious dysfunction of any bodily organ or  
25 part of the individual;”.

1 (b) EFFECTIVE DATE.—The amendment made by  
 2 subsection (a) shall apply to items and services provided  
 3 on or after the date of enactment of this Act.

4 **TITLE II—STATE EMERGENCY**  
 5 **MEDICAL SERVICES AGENCY**  
 6 **PARTICIPATION IN CERTAIN**  
 7 **FEDERAL PROGRAMS**

8 **SEC. 201. TELEMEDICINE AND DISTANCE LEARNING SERV-**  
 9 **ICES IN RURAL AREAS.**

10 (a) IN GENERAL.—Section 2333(c)(1) of chapter 1  
 11 of subtitle D of title XXIII of the Food, Agriculture, Con-  
 12 servation, and Trade Act of 1990 (7 U.S.C. 950aaa–  
 13 2(c)(1)) is amended by adding at the end the following  
 14 flush sentence:

15 “For purposes of this paragraph, the term ‘entities’  
 16 shall include State emergency medical services agen-  
 17 cies.”.

18 (b) EFFECTIVE DATE.—The amendment made by  
 19 subsection (a) shall take effect on the date of enactment  
 20 of this Act.

21 **SEC. 202. INFORMATICS, TELEMEDICINE, AND EDUCATION**  
 22 **DEMONSTRATION PROJECT.**

23 (a) IN GENERAL.—Section 4207(c) of the Balanced  
 24 Budget Act of 1997 (42 U.S.C. 1395b–1(c) note.) is

1 amended by adding at the end the following flush sen-  
 2 tence:

3 “A State emergency medical services agency may  
 4 participate in the consortium under this section.”.

5 (b) EFFECTIVE DATE.—The amendment made by  
 6 subsection (a) shall take effect on the date of enactment  
 7 of this Act.

8 **TITLE III—FEDERAL COMMIS-**  
 9 **SION FOR EMERGENCY AMBU-**  
 10 **LANCE SERVICES**

11 **SEC. 301. DEFINITION OF EMERGENCY AMBULANCE SERV-**  
 12 **ICES.**

13 In this title, the term “emergency ambulance serv-  
 14 ices”—

15 (1) means resources used by a qualified public,  
 16 private, or nonprofit entity to deliver medical care  
 17 under emergency conditions—

18 (A) that occur as a result of the condition  
 19 of a patient; or

20 (B) that occur as a result of a natural dis-  
 21 aster or similar situation; and

22 (2) includes services delivered by an emergency  
 23 ambulance employee that is licensed or certified by  
 24 a State as an emergency medical technician, a para-

1        medic, a registered nurse, a physician assistant, or  
2        a physician.

3    **SEC. 302. ESTABLISHMENT OF COMMISSION.**

4        (a) ESTABLISHMENT.—There is established a com-  
5        mission to be known as the Federal Commission for Emer-  
6        gency Ambulance Services (in this title referred to as the  
7        “Commission”).

8        (b) MEMBERSHIP.—

9            (1) COMPOSITION.—The Commission shall be  
10        composed of 21 members, of whom—

11            (A) 1 shall be an individual who is ap-  
12            pointed by the Majority Leader of the Senate;

13            (B) 1 shall be an individual who is ap-  
14            pointed by the Minority Leader of the Senate;

15            (C) 1 shall be an individual who is ap-  
16            pointed by the Speaker of the House of Rep-  
17            resentatives;

18            (D) 1 shall be an individual who is ap-  
19            pointed by the Minority Leader of the House of  
20            Representatives;

21            (E) 1 shall be a member of the American  
22            Academy of Pediatrics, appointed by the Presi-  
23            dent from a list of nominations submitted by  
24            the American Academy of Pediatrics;

1 (F) 1 shall be a member of the American  
2 Ambulance Association, appointed by the Presi-  
3 dent from a list of nominations submitted by  
4 the American Ambulance Association;

5 (G) 1 shall be a member of the American  
6 College of Emergency Physicians, appointed by  
7 the President from a list of nominations sub-  
8 mitted by the American College of Emergency  
9 Physicians;

10 (H) 1 shall be a member of the Committee  
11 on Trauma within the American College of Sur-  
12 geons, appointed by the President from a list of  
13 nominations submitted by the American College  
14 of Surgeons;

15 (I) 1 shall be a member of the American  
16 Hospital Association, appointed by the Presi-  
17 dent from a list of nominations submitted by  
18 the American Hospital Association;

19 (J) 1 shall be a member of the Committee  
20 on EMS–F30 within the American Society for  
21 Testing and Material, appointed by the Presi-  
22 dent from a list of nominations submitted by  
23 the American Society for Testing and Material;

24 (K) 1 shall be a member of the Associated  
25 Public Safety Communications Officials Inter-

1 national, appointed by the President from a list  
2 of nominations submitted by the Associated  
3 Public Safety Communications Officials Inter-  
4 national;

5 (L) 1 shall be a member of the Association  
6 of Air Medical Services, appointed by the Presi-  
7 dent from a list of nominations submitted by  
8 the Association of Air Medical Services;

9 (M) 1 shall be a member of the Emergency  
10 Nurses Association, appointed by the President  
11 from a list of nominations submitted by the  
12 Emergency Nurses Association;

13 (N) 1 shall be a member of the Inter-  
14 national Association of Fire Chiefs, appointed  
15 by the President from a list of nominations sub-  
16 mitted by the International Association of Fire  
17 Chiefs;

18 (O) 1 shall be a member of the Inter-  
19 national Association of Fire Fighters, appointed  
20 by the President from a list of nominations sub-  
21 mitted by the International Association of Fire  
22 Fighters;

23 (P) 1 shall each be a member of a govern-  
24 ing body of an Indian tribe (as that term is de-  
25 fined in section 4(e) of the Indian Self-Deter-

1 mination and Education Assistance Act (25  
2 U.S.C. 450b(e)), appointed by the President;

3 (Q) 1 shall be a member of the National  
4 Association of Emergency Medical Services  
5 Physicians, appointed by the President from a  
6 list of nominations submitted by the National  
7 Association of Emergency Medical Services  
8 Physicians;

9 (R) 1 shall be a member of the National  
10 Association of State Emergency Medical Serv-  
11 ices Directors, appointed by the President from  
12 a list of nominations submitted by the National  
13 Association of State Emergency Medical Serv-  
14 ices Directors;

15 (S) 1 shall be a member of the National  
16 Association of Emergency Medical Technicians,  
17 appointed by the President from a list of nomi-  
18 nations submitted by the National Association  
19 of Emergency Medical Technicians;

20 (T) 1 shall be a member of the National  
21 Rural Health Association, appointed by the  
22 President from a list of nominations submitted  
23 by the National Rural Health Association; and

24 (U) 1 shall be a member of the National  
25 Volunteer Fire Council, appointed by the Presi-



dent from a list of nominations submitted by  
the National Volunteer Fire Council.

(2) ADDITIONAL REQUIREMENTS.—

(A) GEOGRAPHICAL REPRESENTATION AND  
URBAN AND RURAL REPRESENTATION.—In  
making appointments of members under para-  
graph (1), the appointing officials described in  
such paragraph shall, through consultation and  
collaboration with each other, select—

(i) members who are geographically  
representative of the United States; and

(ii) members who are representative of  
rural areas and urban areas.

(B) SPECIAL RULE.—The appointing offi-  
cials described paragraph (1) shall ensure that,  
of the members appointed—

(i) 11 shall be representative of rural  
areas; and

(ii) 11 shall be representative of  
urban areas.

(3) DATE.—The appointments of the members  
of the Commission shall be made not later than Jan-  
uary 1, 1999.

(c) PERIOD OF APPOINTMENT; VACANCIES.—

1           (1) PERIOD OF APPOINTMENT.—Members shall  
2       be appointed for a term of 4 years.

3           (2) VACANCY.—

4               (A) IN GENERAL.—Any vacancy in the  
5       Commission shall not affect the powers of the  
6       Commission, but shall be filled in the same  
7       manner as the original appointment.

8               (B) FILLING UNEXPIRED TERMS.—An in-  
9       dividual chosen to fill a vacancy under this  
10      paragraph shall be appointed for the unexpired  
11      term of the member replaced.

12      (d) INITIAL MEETING.—Not later than 30 days after  
13      the date on which all members of the Commission have  
14      been appointed, the Commission shall hold its first meet-  
15      ing.

16      (e) MEETINGS.—The Commission shall meet at the  
17      call of the Chairperson.

18      (f) QUORUM.—A majority of the members of the  
19      Commission shall constitute a quorum, but a lesser num-  
20      ber of members may hold hearings.

21      (g) CHAIRPERSON AND VICE CHAIRPERSON.—The  
22      Commission shall select a Chairperson and Vice Chair-  
23      person from among the members of the Commission.

1 **SEC. 303. DUTIES OF THE COMMISSION.**

2 (a) STUDY.—The Commission shall conduct a thor-  
3 ough study of all matters relating to emergency ambulance  
4 services, including any existing or proposed Federal de-  
5 partment or agency rules that impact such services.

6 (b) RECOMMENDATIONS.—The Commission shall de-  
7 velop recommendations regarding the improvement of all  
8 matters relating to emergency ambulance services, includ-  
9 ing any existing or proposed Federal department or agen-  
10 cy rules that impact such services.

11 (c) REPORT.—Not later than 1 year after the date  
12 of enactment of this Act and annually thereafter, the Com-  
13 mission shall submit a report to the President and Con-  
14 gress containing a detailed statement of the results of the  
15 matters studied by the Commission pursuant to subsection  
16 (a), together with the Commission’s recommendations for-  
17 mulated pursuant to subsection (b).

18 **SEC. 304. POWERS OF THE COMMISSION.**

19 (a) HEARINGS.—The Commission may hold such  
20 hearings, sit and act at such times and places, take such  
21 testimony, and receive such evidence as the Commission  
22 considers necessary to carry out the purposes of this title.

23 (b) INFORMATION FROM FEDERAL AGENCIES.—The  
24 Commission may secure directly from any Federal depart-  
25 ment or agency such information as the Commission con-  
26 sidered necessary to carry out the provisions of this title.

1 Upon request of the Chairperson of the Commission, the  
2 head of such department or agency shall furnish such in-  
3 formation to the Commission.

4 (c) POSTAL SERVICES.—The Commission may use  
5 the United States mails in the same manner and under  
6 the same conditions as other departments and agencies of  
7 the Federal Government.

8 (d) GIFTS.—The Commission may accept, use, and  
9 dispose of gifts or donations of services or property.

10 **SEC. 305. COMMISSION PERSONNEL MATTERS.**

11 (a) COMPENSATION OF MEMBERS.—Members of the  
12 Commission shall receive no additional pay, allowances, or  
13 benefits by reason of the service of the members on the  
14 Commission.

15 (b) TRAVEL EXPENSES.—The members of the Com-  
16 mission shall be allowed travel expenses, including per  
17 diem in lieu of subsistence, at rates authorized for employ-  
18 ees of agencies under subchapter I of chapter 57 of title  
19 5, United States Code, while away from the homes or reg-  
20 ular places of business of the members in the performance  
21 of services for the Commission.

22 (c) STAFF.—

23 (1) IN GENERAL.—The Chairperson of the  
24 Commission may, without regard to the civil service  
25 laws and regulations, appoint and terminate an execu-

1       utive director and such other additional personnel as  
2       may be necessary to enable the Commission to per-  
3       form the duties of the Commission. The employment  
4       of an executive director shall be subject to confirma-  
5       tion by the Commission.

6               (2) COMPENSATION.—The Chairperson of the  
7       Commission may fix the compensation of the execu-  
8       tive director and other personnel without regard to  
9       the provisions of chapter 51 and subchapter III of  
10      chapter 53 of title 5, United States Code, relating  
11      to classification of positions and General Schedule  
12      pay rates, except that the rate of pay for the execu-  
13      tive director and other personnel may not exceed the  
14      rate payable for level V of the Executive Schedule  
15      under section 5316 of such title.

16      (d) DETAIL OF GOVERNMENT EMPLOYEES.—Any  
17      Federal Government employee may be detailed to the  
18      Commission without compensation in addition to that re-  
19      ceived for service as an employee of the United States,  
20      and such detail shall be without interruption or loss of  
21      civil service status or privilege.

22      (e) PROCUREMENT OF TEMPORARY AND INTERMIT-  
23      TENT SERVICES.—The Chairperson of the Commission  
24      may procure temporary and intermittent services under  
25      section 3109(b) of title 5, United States Code, at rates

1 for individuals that do not exceed the daily equivalent of  
2 the annual rate of basic pay prescribed for level V of the  
3 Executive Schedule under section 5316 of such title.

4 **SEC. 306. FUNDING.**

5 The Secretary of Labor, the Secretary of Commerce,  
6 and the Secretary of Health and Human Services shall  
7 equally provide to the Commission, out of funds otherwise  
8 available to such Secretaries, such sums as are necessary  
9 to carry out the purposes of the Commission under this  
10 title.

11 **SEC. 307. APPLICABILITY OF FEDERAL ADVISORY COMMIT-**  
12 **TEE ACT.**

13 Section 14 of the Federal Advisory Committee Act  
14 (5 U.S.C. App.) shall not apply to the Commission.

15 **TITLE IV—STUDY AND REPORT**  
16 **REGARDING CONSOLIDATION**  
17 **OF FEDERAL AUTHORITY**  
18 **OVER EMERGENCY MEDICAL**  
19 **SERVICES**

20 **SEC. 401. STUDY AND REPORT REGARDING CONSOLIDA-**  
21 **TION OF FEDERAL AUTHORITY OVER EMER-**  
22 **GENCY MEDICAL SERVICES.**

23 (a) STUDY AND RECOMMENDATIONS.—

24 (1) IN GENERAL.—The Comptroller General of  
25 the United States shall conduct a thorough study

1       and make recommendations on all matters relating  
2       to the transfer of all functions (other than the func-  
3       tions referred to in paragraph (2)) of Federal agen-  
4       cies relating to emergency medical services to a sin-  
5       gle Federal agency (and if appropriate, to a specific  
6       office within such agency), including the transfer of  
7       appropriations and personnel associated with such  
8       services to such agency.

9               (2) EXCEPTIONS.—The recommendations for-  
10       mulated pursuant to paragraph (1) shall not provide  
11       for the transfer of any function—

12                       (A) of the Department of Defense; or

13                       (B) related to a Federal health care pro-  
14       gram (as defined in section 1128B(f) of the So-  
15       cial Security Act (42 U.S.C. 1320a–7b(f))).

16       (b) REPORT.—Not later than 1 year after the date  
17       of enactment of this Act, the Comptroller General of the  
18       United States shall submit a report to the President and  
19       Congress containing a detailed statement of the results of  
20       the matters studied and recommendations formulated by  
21       the Comptroller General pursuant to subsection (b), to-  
22       gether with any legislative recommendations that the  
23       Comptroller General determines to be appropriate for car-  
24       rying out the recommendations.

○