

107TH CONGRESS
1ST SESSION

S. 587

To amend the Public Health Service Act and title XVIII of the Social Security Act to sustain access to vital emergency medical services in rural areas.

IN THE SENATE OF THE UNITED STATES

MARCH 21, 2001

Mr. CONRAD (for himself, Mr. THOMAS, Mr. DASCHLE, Mr. JOHNSON, and Mr. ROBERTS) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend the Public Health Service Act and title XVIII of the Social Security Act to sustain access to vital emergency medical services in rural areas.

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 “Sustaining Access to
5 Vital Emergency Medical Services Act of 2001”.

6 **SEC. 2. RURAL EMERGENCY MEDICAL SERVICE TRAINING**
7 **AND EQUIPMENT ASSISTANCE PROGRAM.**

8 Part E of title XII of the Public Health Service Act
9 (42 U.S.C. 300d–51 et seq.), as amended by section 1305

1 of the Children’s Health Act of 2000 (Public Law 106–
 2 310; 114 Stat. 1141) is amended by adding at the end
 3 the following new section:

4 **“SEC. 1254. RURAL EMERGENCY MEDICAL SERVICE TRAIN-**
 5 **ING AND EQUIPMENT ASSISTANCE PROGRAM.**

6 “(a) GRANTS.—The Secretary, acting through the
 7 Administrator of the Health Resources and Services Ad-
 8 ministration (referred to in this section as the ‘Secretary’)
 9 shall award grants to eligible entities to enable such enti-
 10 ties to provide for improved emergency medical services
 11 in rural areas.

12 “(b) ELIGIBILITY.—To be eligible to receive a grant
 13 under this section, an entity shall—

14 “(1) be—

15 “(A) a State emergency medical services
 16 office;

17 “(B) a State emergency medical services
 18 association;

19 “(C) a State office of rural health;

20 “(D) a local government entity;

21 “(E) a State or local ambulance provider;

22 or

23 “(F) any other entity determined appro-
 24 priate by the Secretary; and

1 “(2) prepare and submit to the Secretary an
2 application at such time, in such manner, and con-
3 taining such information as the Secretary may re-
4 quire, that includes—

5 “(A) a description of the activities to be
6 carried out under the grant; and

7 “(B) an assurance that the applicant will
8 comply with the matching requirement of sub-
9 section (e).

10 “(c) USE OF FUNDS.—An entity shall use amounts
11 received under a grant made under subsection (a), either
12 directly or through grants to emergency medical service
13 squads that are located in, or that serve residents of, a
14 non-metropolitan statistical area, an area designated as
15 rural area by any law or regulation of the State, or a rural
16 census tract of a metropolitan statistical area (as deter-
17 mined under the most recent Goldsmith Modification,
18 originally published in the Federal Register on February
19 27, 1992 (57 Fed. Reg. 6725)), to—

20 “(1) hire or recruit emergency medical service
21 personnel;

22 “(2) recruit or retain volunteer emergency med-
23 ical service personnel;

24 “(3) train emergency medical service personnel
25 in emergency response, injury prevention, safety

1 awareness, and other topics relevant to the delivery
2 of emergency medical services;

3 “(4) fund specific training to meet State or
4 Federal certification requirements;

5 “(5) develop new ways to educate emergency
6 health care providers through the use of technology-
7 enhanced educational methods (such as distance
8 learning);

9 “(6) acquire emergency medical services vehi-
10 cles, including ambulances;

11 “(7) acquire emergency medical services equip-
12 ment, including cardiac defibrillators;

13 “(8) acquire personal protective equipment for
14 emergency medical services personnel as required by
15 the Occupational Safety and Health Administration;
16 and

17 “(9) educate the public concerning
18 cardiopulmonary resuscitation (CPR), first aid, in-
19 jury prevention, safety awareness, illness prevention,
20 and other related emergency preparedness topics.

21 “(d) PREFERENCE.—In awarding grants under this
22 section the Secretary shall give preference to—

23 “(1) applications that reflect a collaborative ef-
24 fort by 2 or more of the entities described in sub-

1 paragraphs (A) through (F) of subsection (b)(1);
 2 and

3 “(2) applications submitted by entities that in-
 4 tend to use amounts provided under the grant to
 5 fund activities described in any of paragraphs (1)
 6 through (5) of subsection (c).

7 “(e) MATCHING REQUIREMENT.—The Secretary may
 8 not make a grant under this section to an entity unless
 9 the entity agrees that the entity will make available (di-
 10 rectly or through contributions from other public or pri-
 11 vate entities) non-Federal contributions toward the activi-
 12 ties to be carried out under the grant in an amount equal
 13 to 5 percent of the amount received under the grant.

14 “(f) EMERGENCY MEDICAL SERVICES.—In this sec-
 15 tion, the term ‘emergency medical services’—

16 “(1) means resources used by a qualified public
 17 or private nonprofit entity, or by any other entity
 18 recognized as qualified by the State involved, to de-
 19 liver medical care outside of a medical facility under
 20 emergency conditions that occur—

21 “(A) as a result of the condition of the pa-
 22 tient; or

23 “(B) as a result of a natural disaster or
 24 similar situation; and

“(2) includes services delivered by an emergency medical services provider (either compensated or volunteer) or other provider recognized by the State involved that is licensed or certified by the State as an emergency medical technician or its equivalent (as determined by the State), a registered nurse, a physician assistant, or a physician that provides services similar to services provided by such an emergency medical services provider.

“(g) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There is authorized to be appropriated to carry out this section, \$50,000,000 for each of fiscal years 2002 through 2007.

“(2) ADMINISTRATIVE COSTS.—The Director may use not more than 10 percent of the amount appropriated under paragraph (1) for a fiscal year for the administrative expenses of carrying out this section.”.

**SEC. 3. PRUDENT LAYPERSON STANDARD FOR EMERGENCY
AMBULANCE SERVICES UNDER MEDICARE
AND MEDICAID.**

(a) AMBULANCE SERVICES FOR MEDICARE FEE-FOR-SERVICE BENEFICIARIES.—Section 1861(s)(7) of the Social Security Act (42 U.S.C. 1395x(s)(7)) is amended by inserting before the semicolon at the end the fol-

1 lowing: “, except that such regulations shall not fail to
 2 treat ambulance services as medical and other health serv-
 3 ices solely because the ultimate diagnosis of the individual
 4 receiving the ambulance services results in the conclusion
 5 that ambulance services were not necessary, as long as the
 6 request for ambulance services is made after the sudden
 7 onset of a medical condition that would be classified as
 8 an emergency medical condition (as defined in section
 9 1852(d)(3)(B)).”.

10 (b) AMBULANCE SERVICES FOR MEDICARE+CHOICE
 11 ENROLLEES.—Section 1852(d)(3)(A) of the Social Secu-
 12 rity Act (42 U.S.C. 1395w–22(d)(3)(A)) is amended by
 13 inserting “(including the services described in section
 14 1861(s)(7))” after “outpatient services” in the matter
 15 preceding clause (i).

16 (c) AMBULANCE SERVICES IN MEDICAID MANAGED
 17 CARE PLANS.—Section 1932(b)(2)(B) of the Social Secu-
 18 rity Act (42 U.S.C. 1396u–2(b)(2)(B)) is amended by in-
 19 serting “(including the services described in section
 20 1861(s)(7) (if covered by the State plan))” after “out-
 21 patient services” in the matter preceding clause (i).

22 (d) EFFECTIVE DATE.—The amendments made by
 23 this section shall apply with respect to services provided
 24 on and after the date of enactment of the Act.

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