

Act No. 385
Public Acts of 2018
Approved by the Governor
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**STATE OF MICHIGAN
99TH LEGISLATURE
REGULAR SESSION OF 2018**

Introduced by Rep. LaFave

ENROLLED HOUSE BILL No. 5219

AN ACT to amend 1978 PA 368, entitled “An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” (MCL 333.1101 to 333.25211) by adding sections 20921b, 20921c, 20932a, 20932b, and 21542.

The People of the State of Michigan enact:

Sec. 20921b. (1) Before transporting a nonemergency patient in an ambulance that is a rotary aircraft, an ambulance operation shall do all of the following:

- (a) Provide the nonemergency patient, or that patient’s representative, all of the following information:
 - (i) Whether the ambulance operation is a participating provider with the nonemergency patient’s health benefit plan.
 - (ii) A good-faith estimate of the cost for transporting the nonemergency patient.
 - (iii) That the nonemergency patient has a right to be transported by a method other than an ambulance that is a rotary aircraft.

(b) Complete the notice described in subsection (2) and, after completing the notice, obtain on the notice the signature of the nonemergency patient, or that patient’s representative, acknowledging that the nonemergency patient, or that patient’s representative, has received, has read, and understands the notice. An ambulance operation shall retain a copy of the notice required under this subdivision for not less than 7 years.

(2) The notice required under subsection (1)(b) must be in not less than 12-point type and in substantially the following form:

"I have been provided the following good-faith estimate of the cost of transportation by the ambulance that is a rotary aircraft that will be provided to me by _____ (insert name of ambulance operation): _____ (insert good-faith cost estimate).

I have been notified by _____ (insert name of ambulance operation) that the ambulance that is a rotary aircraft that is transporting me _____ (is or is not) a participating provider with my health benefit plan.

I was informed by _____ (insert name of ambulance operation) that I have the right to request transportation from an ambulance operation that is a participating provider with my health benefit plan.

I am aware that if my health benefit plan provides coverage for transportation by an ambulance that is a rotary aircraft or coverage for transportation provided by _____ (insert name of ambulance operation), I may be subject to a deductible, a copayment, or coinsurance. If the ambulance operation is not a participating provider with my health benefit plan, I have been informed that I may be responsible for the costs of being transported by the ambulance operation that are not covered by my health benefit plan.

I have been informed that I have the right to be transported by a method other than an ambulance that is a rotary aircraft.

(Patient's or patient representative's signature) (Date)

(Type or print patient's or patient representative's name)".

(3) Upon the request of a nonemergency patient's health benefit plan or third party administrator, an ambulance operation shall provide a copy of the notice required under subsection (1)(b) to the person designated in the nonemergency patient's health benefit plan or to the third party administrator.

(4) If the ambulance operation fails to provide a nonemergency patient with the notice required under subsection (1)(b), the ambulance operation shall accept the amount covered by the nonemergency patient's health benefit plan for transporting the nonemergency patient as payment in full, other than coinsurance, copayments, or deductibles.

(5) If the patient is an emergency patient, the ambulance operation shall accept the amount covered by the emergency patient's health benefit plan for transporting the emergency patient as payment in full, other than coinsurance, copayments, or deductibles. However, if an ambulance operation is not a participating provider with the emergency patient's health benefit plan, the ambulance operation shall accept as payment in full the greater of the following:

(a) The average amount negotiated by the emergency patient's health benefit plan with participating providers for transporting the patient excluding any in-network coinsurance, copayments, or deductibles.

(b) One hundred fifty percent of the amount that would be covered by Medicare for the emergency service, excluding any in-network coinsurance, copayments, or deductibles.

(6) As used in this section and section 20921c:

(a) "Health benefit plan" means that term as defined in section 21501.

(b) "Participating provider" means that term as defined in section 21501.

(c) "Patient's representative" means that term as defined in section 21501.

(d) "Third party administrator" means that term as defined in section 2 of the third party administrator act, 1984 PA 218, MCL 550.902.

Sec. 20921c. If a patient at a hospital requests transportation from an ambulance operation that is a participating provider with the patient's health benefit plan, an ambulance that is a rotary aircraft that is operated by the ambulance operation shall have the right to land at the destination hospital for the purpose of transporting the patient, regardless of whether the ambulance operation is a contracted provider with the originating hospital or the destination hospital.

Sec. 20932a. (1) Before transporting a nonemergency patient in an aircraft transport vehicle, an aircraft transport operation shall do all of the following:

(a) Provide the nonemergency patient, or that patient's representative, all of the following information:

(i) Whether the aircraft transport operation is a participating provider with the nonemergency patient's health benefit plan.

(ii) A good-faith estimate of the cost for transporting the nonemergency patient.

(iii) That the nonemergency patient has a right to be transported by a method other than an aircraft transport vehicle.

(b) Complete the notice described in subsection (2) and, after completing the notice, obtain on the notice the signature of the nonemergency patient, or that patient's representative, acknowledging that the nonemergency patient, or that

patient's representative, has received, has read, and understands the notice. An aircraft transport operation shall retain a copy of the notice required under this subdivision for not less than 7 years.

(2) The notice required under subsection (1)(b) must be in not less than 12-point type and in substantially the following form:

"I have been provided the following good-faith estimate of the cost of transportation by the aircraft transport vehicle that will be provided to me by _____ (insert name of aircraft transport operation): _____ (insert good-faith cost estimate).

I have been notified by _____ (insert name of aircraft transport operation) that the aircraft transport vehicle transporting me _____ (is or is not) a participating provider with my health benefit plan.

I was informed by _____ (insert name of aircraft transport operation) that I have the right to request transportation from an aircraft transport operation that is a participating provider with my health benefit plan.

I am aware that if my health benefit plan provides coverage for transportation by an aircraft transport vehicle or coverage for transportation provided by _____ (insert name of aircraft transport operation), I may be subject to a deductible, a copayment, or coinsurance. If the aircraft transport operation is not a participating provider with my health benefit plan, I have been informed that I may be responsible for the costs of being transported by the aircraft transport operation that are not covered by my health benefit plan.

I have been informed that I have the right to be transported by a method other than an aircraft transport vehicle.

(Patient's or patient representative's signature)

(Date)

(Type or print patient's or patient representative's name)".

(3) Upon the request of a nonemergency patient's health benefit plan or third party administrator, an aircraft transport operation shall provide a copy of the notice required under subsection (1)(b) to the person designated in the nonemergency patient's health benefit plan or to the third party administrator.

(4) If the aircraft transport operation fails to provide a nonemergency patient with the notice required under subsection (1)(b), the aircraft transport operation shall accept the amount covered by the nonemergency patient's health benefit plan for transporting the nonemergency patient as payment in full, other than coinsurance, copayments, or deductibles.

(5) If a patient is an emergency patient, the aircraft transport operation shall accept the amount covered by the emergency patient's health benefit plan for transporting the emergency patient as payment in full, other than coinsurance, copayments, or deductibles. However, if an aircraft transport operation is not a participating provider with the emergency patient's health benefit plan, the aircraft transport operation shall accept as payment in full the greater of the following:

(a) The average amount negotiated by the emergency patient's health benefit plan with participating providers for transporting the patient excluding any in-network coinsurance, copayments, or deductibles.

(b) One hundred fifty percent of the amount that would be covered by Medicare for the emergency service, excluding any in-network coinsurance, copayments, or deductibles.

(6) As used in this section and section 20932b:

(a) "Health benefit plan" means that term as defined in section 21501.

(b) "Participating provider" means that term as defined in section 21501.

(c) "Patient's representative" means that term as defined in section 21501.

(d) "Third party administrator" means that term as defined in section 2 of the third party administrator act, 1984 PA 218, MCL 550.902.

Sec. 20932b. If a patient at a hospital requests transportation from an aircraft transport operation that is a participating provider with the patient's health benefit plan, an aircraft transport vehicle that is operated by the aircraft transport operation shall have the right to land at the destination hospital for the purpose of transporting the patient, regardless of whether the aircraft transport operation is a contracted provider with the originating hospital or the destination hospital.

Sec. 21542. (1) If a hospital has the infrastructure necessary to allow an aircraft transport vehicle or ambulance that is a rotary aircraft to land at the hospital, the hospital shall grant the right to land at the hospital to an aircraft transport vehicle or ambulance that is a rotary aircraft, that is a participating provider with a patient's health benefit plan. If a hospital denies an aircraft transport vehicle or ambulance that is a rotary aircraft the right to land at the hospital, the hospital shall, within 10 days after the denial, provide to the person designated in the patient's health benefit plan written documentation explaining the reason for the denial. A hospital shall not deny an aircraft transport vehicle or ambulance that is a rotary aircraft the right to land at the hospital for the purpose of allowing an aircraft

transport vehicle that is a contracted provider with the hospital or ambulance that is a rotary aircraft that is a contracted provider with the hospital to remain on standby.


(2) In addition to the sanctions set forth in section 20165, a hospital that violates this section is liable to the aircraft transport operation or ambulance operation for the cost of transporting the patient by that operation's aircraft transport vehicle or ambulance that is a rotary aircraft to the extent that the cost exceeds the amount covered by the patient's health benefit plan.

Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted into law.

Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 99th Legislature are enacted into law:

- (a) House Bill No. 5217.
- (b) House Bill No. 5218.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor