

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

As Engrossed: H3/8/23 S3/27/23

# A Bill

HOUSE BILL 1261

5 By: Representatives L. Johnson, *J. Mayberry, Watson*  
6 *By: Senator J. Boyd*  
7

## For An Act To Be Entitled

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

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.  
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27 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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29 SECTION 1. Arkansas Code Title 20, Chapter 13, Subchapter 1, is  
30 amended to add an additional section to read as follows:

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

33 (a) As used in this section:

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

36 (i) A federally qualified health center;



1 (ii) An urgent care center;  
2 (iii) A physician office or medical clinic, as  
3 selected by the patient; and  
4 (iv) A behavioral or mental healthcare facility  
5 including without limitation a crisis stabilization unit.

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

7 (i) Critical access hospital;

8 (ii) Dialysis center;

9 (iii) Hospital;

10 (iv) Private residence; or

11 (v) Skilled nursing facility;

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

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

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

20 (C) Licensed under the Ambulance Licensing Act, § 14-266-  
21 101 et seq.; and

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

26 (B) "Telemedicine" includes store-and-forward technology  
27 and remote patient monitoring.

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

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

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36 SECTION 2. Arkansas Code Title 23, Chapter 79, is amended to add an

1 additional subchapter to read as follows:

2 Subchapter 24 – Arkansas Triage, Treat, and Transport to Alternative  
3 Destination Act

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5 23-79-2401. Title.

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

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9 23-79-2402. Definitions.

10 As used in this subchapter:

11 (1) "911 call" means a communication made on behalf of an  
12 enrollee indicating that the enrollee may need emergency medical services;

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

15 (i) A federally qualified health center;

16 (ii) An urgent care center;

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

19 (iv) A behavioral or mental healthcare facility.

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

21 (i) Critical access hospital;

22 (ii) Dialysis center;

23 (iii) Hospital;

24 (iv) Private residence; or

25 (v) Skilled nursing facility;

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

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

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

34 (C) Licensed under the Ambulance Licensing Act, § 14-266-  
35 101 et seq.;

36 (4) "Enrollee" means an individual who has been enrolled in a

1 health benefit plan;

2 (5)(A) "Health benefit plan" means:

3 (i) An individual, blanket, or group plan, policy,  
4 or contract for healthcare services issued or delivered by a healthcare  
5 insurer in this state; and

6 (ii) Any health benefit program receiving state or  
7 federal appropriations from the State of Arkansas, including the Arkansas  
8 Medicaid Program and the Arkansas Health and Opportunity for Me Program, or  
9 any successor program.

10 (B) "Health benefit plan" includes:

11 (i) Indemnity and managed care plans; and

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

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

15 (i) A disability income plan;

16 (ii) A credit insurance plan;

17 (iii) Insurance coverage issued as a supplement to  
18 liability insurance;

19 (iv) A medical payment under automobile or  
20 homeowners insurance plans;

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

24 (vi) A plan that provides only indemnity for  
25 hospital confinement;

26 (vii) An accident-only plan;

27 (viii) A specified disease plan;

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

29 (x) A dental-only plan; or

30 (xi) A vision-only plan;

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

1 Program;

2 (7) "Local government" includes:

3 (A) A county;

4 (B) A city of the first class or a city of the second  
5 class; or

6 (C) An incorporated town; and

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

11 (B) "Telemedicine" includes store-and-forward technology  
12 and remote patient monitoring.

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

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16 23-79-2403. Coverage for ambulance service to triage and transport  
17 enrollee to alternative destination or treat in place.

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

21 (1) An ambulance service to:

22 (A) Treat an enrollee in place if the ambulance service is  
23 coordinating the care of the enrollee through telemedicine with a physician  
24 for a medical-based complaint or with a behavioral health specialist for a  
25 behavioral-based complaint; or

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

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

33 (A) The enrollee declines to be transported against  
34 medical advice; and

35 (B) The ambulance service is coordinating the care of the  
36 enrollee through telemedicine with a physician for a medical-based complaint

1 or with a behavioral health specialist for a behavioral-based complaint.

2 (b) The coverage under this section:

3 (1) Only includes ambulance service transportation to the  
4 treatment location;

5 (2) Is subject to the initiation of ambulance service treatment  
6 as a result of a 911 call that is documented in the records of the ambulance  
7 service;

8 (3) Is subject to health benefit plan deductibles or copayment  
9 requirements;

10 (4) Does not diminish or limit benefits otherwise allowable  
11 under a health benefit plan, even if the billing claims for medical or  
12 behavioral health services overlap in time that is billed by the ambulance  
13 service also providing care; and

14 (5) Is subject to any health benefit plan provisions that apply  
15 to other services covered by the health benefit plan.

16 (c) The reimbursement rate for an ambulance service whose operators  
17 triage, treat, and transport an enrollee to an alternative destination, or  
18 triage, treat, and do not transport an enrollee if the enrollee declines to  
19 be transported against medical advice, if the ambulance service is  
20 coordinating the care of the enrollee through telemedicine with a physician  
21 for a medical-based complaint or with a behavioral health specialist for a  
22 behavioral-based complaint under this section shall be at least at the rate:

23 (1) Contracted with a local government entity where the  
24 alternative destination is located; or

25 (2) Established by the Workers' Compensation Commission under  
26 its schedule for emergency Advance Life Support Level 1.

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28 /s/L. Johnson

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31 **APPROVED: 4/6/23**