



Rep. Elaine Nekritz

Filed: 4/3/2006

09400SB2170ham001

LRB094 13493 LCT 57972 a

1 AMENDMENT TO SENATE BILL 2170

2 AMENDMENT NO. _____. Amend Senate Bill 2170 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Nursing Home Care Act is amended by adding
5 Section 2-217 as follows:

6 (210 ILCS 45/2-217 new)

7 Sec. 2-217. Order for transportation of resident by
8 ambulance. If a facility orders transportation of a resident of
9 the facility by ambulance, the facility must maintain a written
10 record that shows (i) the name of the person who placed the
11 order for that transportation and (ii) the medical reason for
12 that transportation. The facility must maintain the record for
13 a period of at least 3 years after the date of the order for
14 transportation by ambulance.

15 Section 10. The Hospital Licensing Act is amended by adding
16 Section 6.22 as follows:

17 (210 ILCS 85/6.22 new)

18 Sec. 6.22. Arrangement for transportation of patient by
19 ambulance.

20 (a) In this Section:

21 "Ambulance service provider" means a Vehicle Service
22 Provider as defined in the Emergency Medical Services (EMS)

1 Systems Act who provides non-emergency transportation
2 services by ambulance.

3 "Patient" means a person who is transported by an
4 ambulance service provider.

5 (b) If a hospital arranges for transportation of a patient
6 of the hospital by ambulance, the hospital must provide the
7 ambulance service provider, prior to transport, a Physician
8 Certification Statement formatted and completed in compliance
9 with federal regulations or an equivalent form developed by the
10 hospital. The Physician Certification Statement or equivalent
11 form is not required prior to transport if a delay in transport
12 can be expected to negatively affect the patient outcome.

13 (c) If a hospital is unable to provide a Physician
14 Certification Statement or equivalent form, then the hospital
15 shall provide to the patient a written notice and a verbal
16 explanation of the written notice, which notice must meet all
17 of the following requirements:

18 (1) The following caption must appear at the beginning
19 of the notice in at least 14-point type: Notice to Patient
20 Regarding Non-Emergency Ambulance Services.

21 (2) The notice must contain each of the following
22 statements in at least 14-point type:

23 (A) The purpose of this notice is to help you make
24 an informed choice about whether you want to be
25 transported by ambulance because your medical
26 condition does not meet medical necessity for
27 transportation by an ambulance.

28 (B) Your insurance may not cover the charges for
29 ambulance transportation.

30 (C) You may be responsible for the cost of
31 ambulance transportation.

32 (D) The estimated cost of ambulance transportation
33 is \$(amount).

34 (3) The notice must be signed by the patient or by the

1 patient's authorized representative. A copy shall be given
2 to the patient and the hospital shall retain a copy.

3 (d) The notice set forth in subsection (c) of this Section
4 shall not be required if a delay in transport can be expected
5 to negatively affect the patient outcome.

6 (e) If a patient is physically or mentally unable to sign
7 the notice described in subsection (c) of this Section and no
8 authorized representative of the patient is available to sign
9 the notice on the patient's behalf, the hospital must be able
10 to provide documentation of the patient's inability to sign the
11 notice and the unavailability of an authorized representative.
12 In any case described in this subsection (e), the hospital
13 shall be considered to have met the requirements of subsection
14 (c) of this Section.

15 Section 15. The Consumer Fraud and Deceptive Business
16 Practices Act is amended by adding Section 2XX as follows:

17 (815 ILCS 505/2XX new)

18 Sec. 2XX. Notification requirements for non-emergency
19 ambulance services.

20 (a) In this Section:

21 "Ambulance service provider" means a Vehicle Service
22 Provider, as defined in the Emergency Medical Services (EMS)
23 Systems Act, who provides non-emergency transportation
24 services by ambulance.

25 "Patient" means a person who is transported by an ambulance
26 service provider.

27 (b) An ambulance service provider shall provide a written
28 notice, and a verbal explanation of the written notice, prior
29 to non-emergency ambulance transports that originate at a
30 health care facility other than a hospital when no written
31 documentation of medical necessity is available at the time of
32 transport. This notice must meet all of the following

1 requirements:

2 (1) The following caption must appear at the beginning
3 of the notice, in at least 14-point type: Notice to Patient
4 Regarding Non-Emergency Ambulance Services.

5 (2) The remainder of the notice must be expressed in
6 clear, simple language and in at least 14-point type.

7 (3) The notice must contain each of the following
8 statements:

9 (A) Notice: Medicare and other insurers may not pay
10 for any part of the cost of your transport by ambulance
11 unless certified by your physician or healthcare
12 provider as allowed under federal rules as being
13 medically necessary.

14 (B) The purpose of this notice is to help you make
15 an informed choice about whether or not you want to be
16 transported by ambulance, knowing that you might have
17 to pay for this transport yourself. Before you make any
18 decision about your options, you should:

19 (i) Read this entire notice carefully.

20 (ii) Ask a representative of the physician or
21 facility ordering transport to explain, if you do
22 not understand or are not sure, the guidelines
23 regarding medical necessity for transport by
24 ambulance and to tell you whether or not you meet
25 these guidelines.

26 (iii) Ask us how much being transported by
27 ambulance will cost you, in case you have to pay
28 for transport by ambulance out of your own pocket
29 or through other insurance. The estimated cost
30 will be \$(amount).

31 (C) Please choose one option by checking one box
32 and signing and dating your selection below:

33 (i) Option 1. Yes. I want to be transported by
34 ambulance. I understand that Medicare and many

1 other insurers may not pay for any part of the cost
2 of my ambulance transport unless certified by my
3 physician or healthcare provider as allowed under
4 federal rules as being medically necessary. I
5 understand that you will file a claim on my behalf
6 to Medicare or my other insurer. I understand that
7 you may bill me for items or services and that I
8 may have to pay the bill while Medicare or my other
9 insurer is making its decision. If Medicare or my
10 other insurer does pay on my behalf, I understand
11 that you will refund to me any payments that I made
12 to you that are due to me. If Medicare or my other
13 insurer denies payment, I agree to be personally
14 and fully responsible for payment. I understand
15 that I can appeal the decision made by Medicare or
16 my other insurer.

17 (ii) Option 2. No. I have decided not to be
18 transported by ambulance.

19 (4) The notice must be signed by the patient or by the
20 patient's authorized representative.

21 (5) The notice must contain the patient's full name and
22 the date of service.

23 (6) The notice must contain the full name and business
24 address (including the street name and number, city, state,
25 and zip code) of the ambulance service provider.

26 (c) If a patient is physically or mentally unable to sign
27 the notice described in subsection (b) at the time of transport
28 by ambulance and no authorized representative of the patient is
29 available to sign the notice on the patient's behalf, the
30 ambulance service provider must be able to provide
31 documentation of the patient's inability to sign the notice and
32 the unavailability of an authorized representative. In any case
33 described in this subsection (c), the ambulance service
34 provider shall be considered to have met the requirements of

1 subsection (b).

2 (d) If an ambulance service provider has obtained
3 documentation of medical necessity prior to transport and the
4 patient's Medicare or other insurer denies the claim for
5 transport by ambulance despite this fact, the ambulance service
6 provider is considered to have met the requirements of
7 subsection (b).

8 (e) In addition to any other penalty provided in this Act,
9 if the court finds that an ambulance service provider has
10 violated any provision of subsection (b), the court may order
11 that the ambulance service provider pay to the patient an
12 amount equal to 3 times the amount claimed due by the ambulance
13 provider, including any interest, collection costs, and
14 attorney's fees claimed by the ambulance service provider, and
15 any attorney's fees incurred by the patient."