



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTY-FIRST LEGISLATURE, 2021**

ON THE FOLLOWING MEASURE:

H.B. NO. 1281, H.D. 1, RELATING TO EMERGENCY MEDICAL SERVICES.

BEFORE THE:

SENATE COMMITTEE ON HEALTH

DATE: Wednesday, March 24, 2021 **TIME:** 1:00 p.m.

LOCATION: State Capitol, Via Videoconference

TESTIFIER(S): Clare E. Connors, Attorney General, or
Andrea J. Armitage, Deputy Attorney General

Chair Keohokalole and Members of the Committee:

The Department of the Attorney General provides the following comments.

The purpose of this bill is to transfer the duties, functions, and powers relating to emergency medical services in counties that have a population of 500,000 or more from the Department of Health to those counties. The bill allows the counties with a population of 500,000 or more to charge fees for the emergency services they will provide (page 5, lines 8 – 16).

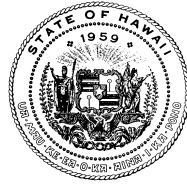
This transfer shall occur over a four-year period and shall be completed by June 30, 2025 (page 25, line 12, through page 26, line 2). The funding provided by the State to the counties shall be reduced over time so that in the fourth year and thereafter, the funding will cease (page 27, lines 1 – 5).

Section 5 of article VIII of the Constitution of the State of Hawai'i provides: "If any new program or increase in the level of service under an existing program shall be mandated to any of the political subdivisions by the legislature, it shall provide that the State share in the cost." By transferring a county's emergency medical services program from the State to the county, section 18 of the bill may violate section 5 of article VIII of the Constitution of the State of Hawai'i, to the extent that it requires all state funding for the county's emergency medical services to cease starting fiscal year 2024-2025. Currently, pursuant to section 321-232(a), Hawaii Revised Statutes, the fees collected by the Department of Health for emergency medical services shall be

deposited in the state general fund. It is not clear that allowing the counties with a population of more than 500,000 to charge fees for their services and keep those monies, would be considered sufficient "cost sharing" under this constitutional provision.

This concern may be resolved by amending the bill to continue making appropriations as deemed appropriate by the legislature to the counties with a population of more than 500,000 for emergency medical services after fiscal year 2023-2024, so that the State clearly continues to share in the cost of the increase in the level of service from fiscal year 2024-2025 and thereafter.

Thank you for the opportunity to share these comments.



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**Testimony in SUPPORT of HB1281 HD1
RELATING TO EMERGENCY MEDICAL SERVICES.**

SENATOR JARRETT KEOHOKALOOLE, CHAIR
SENATE COMMITTEE ON HEALTH

Hearing Date: March 24, 2021

Room Number: N/A

1 **Department Testimony:** The Department of Health (DOH) supports this measure and
2 recommends a SD1 PROPOSED.

3 The intent of HB1281 HD1 and HB1281 SD1 PROPOSED is to enable the long-term
4 sustainability of emergency medical services system (EMS) statewide. This measure assures the
5 continuity of EMS access, quality, and parity throughout the state for our residents and visitors.
6 To accomplish this goal, the department proposes a managed transfer from state funding and
7 oversight over Oahu EMS services to the City and County of Honolulu over a multi-year time
8 frame. Neighbor Island EMS systems are out of scope and the department recommends the
9 policy of full state support continue.

10 A resilient emergency medical services system for Oahu is critical to ensuring ongoing access to
11 ambulance and paramedic services, especially since Oahu has the largest population in the state.
12 Transitioning Oahu's EMS system to the City and County is a significant shift that must be done
13 carefully to assure a smooth transition.

14 DOH and City Administration have been meeting since early 2021 and have strong agreement in
15 principle regarding the benefits to Oahu residents and visitors of a county-based EMS system,
16 while the Department of Health continues to provide support and funding for the EMS systems
17 on the neighbor islands. The department recognizes this agreement would be a major transition
18 that is beneficial in the long run.

1 Stakeholders recognize that more direct control over City & County of Honolulu EMS produces
2 increased flexibility and the autonomy to make timely decisions on system improvements and
3 enhanced operations. A further benefit of this transfer is cost-savings, both to the state and
4 county: general funds expenditure will be reduced and eventually eliminated, and the county will
5 be able to generate new revenue through innovative programs like treat-not-transport,
6 community paramedicine, and transport to alternative destinations.

7 As a result, the department is requesting substantive amendments in the attached SD1
8 PROPOSED that lay the policy framework for a multi-year transition with no disruption to the
9 community. Critical elements of this plan include a four year transition time frame, full state
10 funding in Year 1, and decreasing support over subsequent years. This allows the transition to
11 begin on July 1, giving the City the latitude to start with training and operationalizing billing for
12 emergency services, and build out other critical infrastructure.

13 Operation of the current EMS system requires an annual budget of \$100 million from the state's
14 general fund. This amount is expected to increase annually. Half of this budget is allocated for
15 the Oahu EMS system, and the other half supports the EMS systems in the other three counties.
16 Transitioning Oahu's EMS system to the City and County of Honolulu is a supportable and more
17 equitable use of the state's general fund.

18 The department urges the Legislature to move this measure forward as the State and City and
19 County of Honolulu continue to discuss how to achieve the intent of this measure.

20 Thank you for the opportunity to testify.

21

22 **Offered Amendments:** N/A.

23

H.B. NO. 1281, H.D.1

Proposed S.D. 1

A BILL FOR AN ACT

RELATING TO EMERGENCY MEDICAL SERVICES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

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PART I

SECTION 1. Chapter 46, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows:

"PART .

COUNTY EMERGENCY MEDICAL SERVICES SYSTEM

§46- Definitions. As used in this part, unless the context clearly requires otherwise:

"Advanced life support" shall have the same meaning as defined in section 321-222.

"Basic life support" means initiating noninvasive emergency patient care designed to optimize the patient's chances of surviving the emergency situation. The care rendered consists of all first aid procedures needed, but does not include invasive procedures which constitute the practice of medicine; provided that state-approved basic life support personnel may

1 use fully automatic external defibrillators, initiate
2 intravenous lines, and perform manual external defibrillation
3 under the direction and personal supervision of a mobile
4 intensive care technician.

5 "Community paramedicine program" means an enhanced and
6 expanded service in the county emergency medical services system
7 that allows state-licensed health care professionals, and
8 community health workers, to assist with public health, primary
9 care, and prevention services, including services through
10 telehealth.

11 "County" means any county having a population of five
12 hundred thousand or more.

13 "County system" means the county emergency medical services
14 system.

15 "Emergency aeromedical services" shall have the same
16 meaning as defined in section 321-222.

17 "Emergency medical services for children" shall have the
18 same meaning as defined in section 321-222.

19 "Emergency medical services personnel" shall have the same
20 meaning as defined in section 321-222.

21 **§46- County emergency medical services system;**
22 **establishment.** Each county shall establish, administer, and

.B.NO.

1 maintain a county emergency medical services system to serve the
2 emergency health needs of the people in the county. The county,
3 in the implementation of this part, shall plan, coordinate, and
4 provide assistance to all entities and agencies, public and
5 private, involved in the county system. All emergency medical
6 services or ambulance services conducted by or under the
7 authority of the county shall be consistent with this part.

8 **§46- County, functions; duties.** In addition to other
9 functions and duties assigned under this part, the county shall:

- 10 (1) Establish emergency medical services throughout the
11 county that may include emergency aeromedical
12 services, that shall meet the requirements of this
13 part and include the purchase, maintenance, and
14 servicing of all vehicles, equipment, and supplies, a
15 National Emergency Medical Services Information System
16 compliant pre-hospital electronic patient care record
17 system, and compatible data uploads to the cardiac
18 arrest registry to enhance survival, the state trauma
19 system, and the department of health pre-hospital
20 electronic patient record registries;
21 (2) Establish, administer, and maintain a medical
22 communication system for the county;

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1 (3) Implement public information and education programs to
2 inform the public of the county system and its use,
3 and disseminate other emergency medical information,
4 including appropriate methods of medical self-help and
5 first-aid, and the availability of first-aid training
6 programs in the county;

7 (4) Establish a program that enables emergency service
8 personnel within the county to provide early
9 defibrillation; and

10 (5) Establish within the county the emergency medical
11 service system for children in the county.

12 **§46- Emergency medical services; fees.** (a) The county
13 may establish reasonable fees to be collected from individuals
14 who are:

15 (1) Transported by emergency ground ambulance services to
16 a health care facility within the county designated by
17 the county for the care of the individual;

18 (2) Provided health care by emergency medical services
19 personnel within the county but not transported by
20 ground ambulance to a health care facility; or

21 (3) Provided care by the community paramedicine program.

.B.NO.

1 (b) No ambulance services, or any other emergency medical
2 services available from or under the authority of this chapter
3 shall be denied to any person on the basis of the ability of the
4 person to pay or because of the lack of prepaid health care
5 coverage or proof of the ability to pay or coverage.

6 (c) The county may adopt rules pursuant to chapter 91
7 necessary to effectuate the purposes of this section.

8 **§46- Community paramedicine program; established.** (a)
9 The county may establish and administer the community
10 paramedicine program.

11 (b) The county may:

12 (1) Develop community paramedicine guidelines consistent
13 with those adopted by the department of health;

14 (2) Explore and develop partnerships with public and
15 private health care entities, insurers, and community
16 organizations to facilitate the community paramedicine
17 program; and

18 (3) Employ telehealth within the community paramedicine
19 program to enhance access and improve the patient
20 experience.

21 (c) The county shall adopt rules pursuant to chapter 91 to
22 effectuate the purposes of this section.

.**B. NO.**

1 **§46- Emergency medical services; levels of service;**
2 **contracts.** The county shall determine the levels of emergency
3 medical services that shall be implemented throughout the
4 county; provided that the county shall provide no fewer than
5 twenty-one ground ambulance units. The county may contract to
6 provide emergency medical services, including emergency
7 aeromedical services, or any necessary component of the county
8 emergency services system.

9 **§46- Grants.** The county system may seek and accept any
10 funds or property and other desirable support and assistance
11 from any source whatsoever, whether gift, grant, services, or
12 any combination thereof, subject to applicable laws.

13 **§46- Immunity and limitation on liability for emergency**
14 **aeromedical services.** The county shall not be liable for any
15 claim of injury or death based on a failure to establish or
16 continue emergency aeromedical services in any part of the
17 county.

18 **§46- Rules.** The county may adopt rules necessary for
19 the implementation of this part, subject to chapter 91."

20 SECTION 2. Chapter 321, Hawaii Revised Statutes, is
21 amended by adding a new section to part XVIII to be
22 appropriately designated and to read as follows:

.B. NO.

1 "§321- Retention of relevant documentation.

2 Notwithstanding any provision of this part or any other state or
3 county law to the contrary, the department shall maintain data
4 repositories, charts, patient information, data submission, and
5 epidemiology information for all emergency medical services
6 statewide."

7 SECTION 3. Chapter 321, part XVIII, Hawaii Revised
8 Statutes, is amended by amending its title to read as follows:

9 "**PART XVIII. STATE [COMPREHENSIVE] EMERGENCY MEDICAL**
10 **SERVICES SYSTEM."**

11 SECTION 4. Section 321-221, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "**§321-221 Findings and purpose.** The legislature finds
14 that the establishment of a state [~~comprehensive~~] emergency
15 medical services system [~~to include but not be limited to~~],
16 including emergency medical services for children, is a matter
17 of compelling state interest and necessary to protect and
18 preserve [~~the~~] public health [~~of the people of the State~~]. A
19 system designed to reduce medical emergency deaths, injuries,
20 and permanent long-term disability through the implementation of
21 a fully integrated, cohesive network of components, the
22 legislature further finds, will best serve [~~the~~] public health

.B. NO.

1 needs [~~of the people~~]. Accordingly, the purpose of this part is
2 to establish and maintain a state [~~comprehensive~~] emergency
3 medical services system [~~throughout the~~] in communities that can
4 be most effectively served by the State, and to fix the
5 responsibility for the administration of this state system,
6 which shall provide for the arrangement of personnel,
7 facilities, and equipment for the effective and coordinated
8 delivery of health care services under emergency conditions,
9 whether occurring as the result of a patient's condition [~~or~~
10 ~~of~~], from natural disasters, or from other causes. The system
11 shall provide for personnel, personnel training, communications,
12 emergency transportation, facilities, coordination with
13 emergency medical and critical care services, coordination and
14 use of available public safety agencies, promotion of consumer
15 participation, accessibility to care, mandatory standard medical
16 recordkeeping, consumer information and education, independent
17 review and evaluation, disaster linkage, mutual aid agreements,
18 and other components necessary to meet the purposes of this
19 part."

20 SECTION 5. Section 321-222, Hawaii Revised Statutes, is
21 amended by adding new definitions to be appropriately inserted
22 and to read as follows:

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1 "Service area" means the State, excluding any county
2 having a population of five hundred thousand or more.

3 "Statewide" means all counties in the State."

4 SECTION 6. Section 321-222, Hawaii Revised Statutes, is
5 amended by amending the definition of "emergency medical
6 services for children" to read as follows:

7 ""Emergency medical services for children" means
8 [~~comprehensive~~] emergency medical services including preventive,
9 pre-hospital, hospital, rehabilitative, and other post-hospital
10 care for children.""

11 SECTION 7. Section 321-222, Hawaii Revised Statutes, is
12 amended by amending the definition of "state system" to read as
13 follows:

14 ""State system" means the state [~~comprehensive~~] pre-
15 hospital medical services system."

16 SECTION 8. Section 321-223, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "~~+~~§321-223~~+~~ **State [~~comprehensive~~] emergency medical**
19 **services system, establishment.** The department [~~of health~~]
20 shall establish, administer, and maintain the state
21 [~~comprehensive~~] emergency medical services system to serve the
22 emergency health needs of the people [~~of~~] in the [~~State.~~]

.B. NO.

1 service area. [~~The department, in the implementation of this~~
2 ~~part shall plan, coordinate, and provide assistance to all~~
3 ~~entities and agencies, public and private, involved in the state~~
4 ~~system.~~] All emergency medical services or ambulance services
5 [~~conducted~~] contracted by or under the authority of the
6 department [~~of health~~] or any county within the service area
7 shall be consistent with this part."

8 SECTION 9. Section 321-224, Hawaii Revised Statutes, is
9 amended by amending subsection (a) to read as follows:

10 "(a) In addition to other functions and duties assigned
11 under this part, the department shall:

- 12 (1) Regulate ambulances and ambulance services~~[*]~~
13 statewide;
- 14 (2) Establish emergency medical services throughout the
15 ~~[State,]~~ service area, including emergency aeromedical
16 services, which shall meet the requirements of this
17 part, subject to section 321-228;
- 18 (3) Review and approve the curricula and syllabi of
19 training courses offered to emergency medical services
20 personnel statewide who provide basic, intermediate,
21 and advanced life support, consult and coordinate with
22 the University of Hawaii, or any other accredited

.B.NO.

- 1 community college, college, or university, or any
2 professional organization that provides emergency
3 medical services training, regarding the training for
4 basic, intermediate, and advanced life support
5 personnel, as provided in section 321-229;
- 6 (4) Collect and evaluate data for the continued evaluation
7 of the [~~state~~] statewide emergency medical services
8 system, subject to section 321-230;
- 9 (5) Coordinate, on a statewide basis, emergency medical
10 resources and the allocation of [~~the state system's~~]
11 emergency services and facilities in the event of mass
12 casualties, natural disasters, national emergencies,
13 and other emergencies, ensuring linkage to local,
14 state, and national disaster plans, and participation
15 in exercises to test these plans;
- 16 (6) Establish, administer, and maintain a communication
17 system for the [~~state system;~~] service area;
- 18 (7) Assist each county in the service area in the
19 development of a "911" emergency telephone system;
- 20 (8) Secure technical assistance and other assistance and
21 consultation necessary for the implementation of this
22 part, subject to section 321-230;

____.B. NO.____

- 1 (9) Implement public information and education programs to
2 inform the public of the state system and its use, and
3 disseminate other emergency medical information,
4 including appropriate methods of medical self-help and
5 first-aid, and the availability of first-aid training
6 programs in the [~~State,~~] service area;
- 7 (10) Establish standards and provide training for
8 dispatchers in the state system, and maintain a
9 program of quality assurance for dispatch equipment
10 and operations. Dispatchers statewide shall obtain
11 and maintain emergency medical dispatch certification
12 by July 1, 2026,;
- 13 (11) Establish a program that will enable emergency service
14 personnel working in the service area to provide early
15 defibrillation;
- 16 (12) Establish within the department the emergency medical
17 service system for children[+] in the service area;
- 18 (13) Consult with the advisory committee on matters
19 relating to the implementation of this part; and
- 20 (14) Establish and maintain statewide standards for
21 emergency medical services course instructor

.B.NO.

1 qualifications and statewide requirements for
2 emergency medical services training facilities."

3 SECTION 10. Section 321-224.2, Hawaii Revised Statutes, is
4 amended by amending subsection (a) to read as follows:

5 "(a) The department shall establish reasonable fees to be
6 collected from individuals who are:

7 (1) Transported by emergency ground ambulance services to
8 a health care facility within the service area
9 designated by the department for the care of the
10 individual; or

11 (2) Provided health care by emergency medical services
12 personnel within the service area but not transported
13 by ground ambulance to a health care facility."

14 SECTION 11. Section 321-224.4, Hawaii Revised Statutes, is
15 amended as follows:

16 (1) By amending subsection (a) to read as follows:

17 "(a) The department [~~of health~~] shall establish and
18 administer the community paramedicine program[-] within the
19 service area."

20 (2) By amending subsection (c) to read as follows:

21 "(c) For purposes of this part, "community paramedicine
22 program" means an enhanced and expanded service in the state

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1 [~~comprehensive~~] emergency medical services system that allows
2 state-licensed health care professionals, and community health
3 workers, to assist with public health, primary care, and
4 prevention services, including services through telehealth."

5 SECTION 12. Section 321-226, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "**§321-226 Emergency medical services and systems,**
8 **standards.** The department [~~of health~~] shall establish statewide
9 standards for emergency medical services and for emergency
10 medical service systems consistent with [~~the state system~~] this
11 part and applicable federal guidelines for [~~such~~] those
12 services, including a requirement that ambulance service
13 providers licensed by the State establish and maintain an
14 alcohol and substance abuse policy for employees that the
15 department [~~of health~~] deems is equivalent to, or exceeds the
16 provisions of, the safety and health standards established by
17 the federal Department of Transportation for holders of
18 commercial driver's licenses. In the event the standards are
19 determined or regulated by any other law, or by applicable
20 federal guidelines, standards required to be set by this section
21 shall be at least equivalent to or exceed the other state and
22 federal standards."

.B.NO.

1 SECTION 13. Section 321-227, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§321-227 Regulation of ambulances.** The department of
4 health shall adopt, amend, and repeal rules under chapter 91 for
5 the regulation of ambulances within the State, including but not
6 limited to the certification of vehicles, equipment, supplies,
7 and communications systems[-]; provided that any county
8 operating a county emergency medical services system pursuant to
9 part of chapter 46 shall be responsible for the purchase,
10 maintenance, and servicing of all vehicles, equipment, supplies,
11 and communication systems. The department may contract to
12 certify air and ground ambulance units statewide. The
13 department may charge a reasonable fee for annual certification
14 and safety inspections of air and ground ambulances. Any person
15 who provides emergency medical service as an employee of any
16 emergency ambulance service statewide shall be subject to
17 chapter 453."

18 SECTION 14. Section 321-228, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "**§321-228 Emergency medical services; counties.** The
21 department shall determine, in consultation with the advisory
22 committee under section 321-225, the levels of emergency medical

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1 services that shall be implemented in each county~~[a]~~ within the
2 service area. The department may contract to provide emergency
3 medical services, including emergency aeromedical services, or
4 any necessary component of ~~[a county]~~ the emergency services
5 system of a county within the service area in conformance with
6 the state system. ~~[In the event]~~ If any county within the
7 service area shall apply to the department to operate emergency
8 medical ambulance services within the respective county, the
9 department may contract with the county for the provision of
10 those services. The department shall operate emergency medical
11 ambulance services or contract with a private agency in those
12 counties ~~[which]~~ within the service area that do not apply to it
13 under this section. Any county or private agency contracting to
14 provide emergency medical ambulance services under this section
15 shall be required by the department to implement those services
16 in a manner and at a level consistent with the levels determined
17 under this section."

18 SECTION 15. Section 321-229, Hawaii Revised Statutes, is
19 amended by amending subsections (a) and (b) to read as follows:

20 "(a) The University of Hawaii shall provide training
21 courses in basic, intermediate, and advanced life support for
22 emergency medical services personnel statewide. The curricula

.B. NO.

1 and syllabi of these courses shall be approved in advance by the
2 department [~~of health~~]. The curricula and syllabi of courses
3 for ambulance personnel shall be consistent with the scope and
4 level of the practice of emergency medical services associated
5 with emergency ambulance personnel certification defined by the
6 Hawaii medical board under part II of chapter 453.

7 (b) The University of Hawaii, or other accredited
8 community college, college, or university, or any professional
9 organization that is approved by the department [~~of health~~] to
10 provide emergency medical services training, shall consult with
11 the department [~~of health~~] and any county operating a county
12 emergency medical services system pursuant to part of
13 chapter 46 to determine the number and type of emergency medical
14 services courses necessary to support the staffing requirements
15 for emergency medical services. The basic life support and
16 advanced life support training programs shall be relevant to and
17 consistent with the training course required for certification
18 under chapter 453."

19 SECTION 16. Section 321-230, Hawaii Revised Statutes, is
20 amended by amending subsections (a) and (b) to read as follows:

21 "(a) The department may contract for technical assistance
22 and consultation, including [~~but not limited to~~] categorization,

.B. NO.

1 data collection, and evaluation appropriate to the needs of the
2 [~~state~~] statewide emergency medical services system. The
3 collection and analysis of statewide emergency medical services
4 data, including pediatrics, trauma, cardiac, medical, and
5 behavioral medical emergencies, shall be for the purpose of
6 improving the quality of services provided.

7 The department may implement and maintain a trauma registry
8 for the collection of information concerning the treatment of
9 critical trauma patients at state designated trauma centers, and
10 carry out a system for the management of that information. The
11 system may provide for the recording of information concerning
12 treatment received before and after a trauma patient's admission
13 to a hospital or medical center. All state designated trauma
14 centers shall submit to the department [~~of health~~] periodic
15 reports of each patient treated for trauma in the state system
16 in [~~such~~] the manner as the department shall specify.

17 For the purposes of this subsection, "categorization" means
18 systematic identification of the readiness and capabilities of
19 hospitals and their staffs to adequately, expeditiously, and
20 efficiently receive and treat emergency patients.

21 (b) The department shall establish, administer, and
22 maintain an aeromedical emergency medical services system

.B.NO.

1 designed to collect and analyze data to measure the efficiency
2 and effectiveness of each phase of [~~an~~] the statewide emergency
3 aeromedical program.

4 The department shall monitor aeromedical emergency
5 ambulance service flights statewide to include date of service,
6 patient demographics, transport diagnosis, and medical outcome.
7 The department shall work with each health care facility as the
8 intermediary to arrange emergency transport of bariatric
9 patients by the U.S. Coast Guard, and maintain a registry of all
10 emergency transports provided by the U.S. Coast Guard. All
11 statewide aeromedical providers shall submit their data to the
12 department as specified and requested by the department.

13 The statewide aeromedical emergency medical services system
14 shall serve the emergency health needs of the people of the
15 State by identifying:

- 16 (1) The system's strengths and weaknesses;
17 (2) The allocation of resources; and
18 (3) The development of rotary-wing emergency aeromedical
19 services standards;

20 provided that emergency helicopter use, including triage
21 protocols, shall be based on national aeromedical triage and
22 transport guidelines established by the Association of Air

.B. NO.

1 Medical Services, the American College of Surgeons, ~~and~~ the
2 National Association of Emergency Medical Service Physicians ~~],~~
3 or other department-approved national aeromedical accreditation
4 agency. The department, in the implementation of this
5 subsection, shall plan, coordinate, and provide assistance to
6 all entities and agencies, public and private, involved in the
7 statewide system."

8 SECTION 17. Section 321-232, Hawaii Revised Statutes, is
9 amended as follows:

10 (1) By amending subsection (a) to read as follows:

11 "(a) The department ~~[of health]~~ shall establish reasonable
12 fees for services rendered to the public within the service area
13 by the department ~~[of health]~~, any county ~~],~~ within the service
14 area, or private agency under this part; provided that all
15 ~~[such]~~ revenues ~~[which shall be]~~ collected by the department ~~[of~~
16 ~~health]~~ and the respective counties pursuant to this section
17 shall be deposited into the state general fund, except ~~[such]~~
18 amounts necessary to provide for collection services for bad
19 debt accounts. Fees required to be set by this section shall be
20 established in accordance with chapter 91."

21 (2) By amending subsection (c) to read as follows:

.B.NO.

1 "(c) In the event of nonpayment of any fees required to be
2 assessed by this section, the department [~~of health~~] shall
3 determine whether the recipient of [~~such~~] services is
4 financially able to pay [~~such~~] the fees and make every
5 reasonable effort to collect [~~such~~] the fees. In the event the
6 department finds the person is without sufficient resources to
7 pay for the services, no further action to collect the fees
8 shall be taken. If the services are paid by a county or any
9 other entity, and collection of [~~such~~] the fee is delegated by
10 contractual agreement to the county or other agency [~~which~~] that
11 provides the services, the county or other agency shall forward
12 records relating to unpaid fees for action by the department [~~of~~
13 ~~health~~] under this subsection. No county or other entity shall
14 make a final determination of the ability of a person to pay
15 under this subsection. Any determination of ability to pay for
16 purposes of this subsection shall be in accordance with rules
17 [~~which~~] that the department [~~of health~~] shall adopt, subject to
18 chapter 91, governing [~~such~~] the determinations."

19 SECTION 18. Section 321-234, Hawaii Revised Statutes, is
20 amended by amending subsection (b) to read as follows:

21 "(b) The moneys in the special fund shall be used by the
22 department for operating a state [~~comprehensive~~] emergency

.B.NO.

1 medical services system including enhanced and expanded
2 services, and shall not be used to supplant funding for
3 emergency medical services authorized prior to [+]July 1,
4 2004[+]."

5
6 SECTION 19. Section 321-236, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "[+]§321-236[+] **Emergency medical services; use of latex**
9 **gloves prohibited.** The use of latex gloves by personnel
10 providing ambulance services or emergency medical services
11 statewide pursuant to this part and part of chapter 46 shall
12 be prohibited."

13 PART II

14 SECTION 20. (a) The transition of all rights, powers,
15 functions, and duties of the department of health under
16 part XVIII of chapter 321, Hawaii Revised Statutes, that are
17 exercised within the island of Oahu are hereby transferred to
18 the city and county of Honolulu and such transition shall
19 commence with the transfer of all billing for emergency services
20 on July 1, 2022. The transition of the rights, powers,
21 functions, and duties of the department of health pursuant to

____.B. NO.____

1 part I, to the city and county of Honolulu shall be completed no
2 later than July 1, 2024.

3 (b) Funding for the transition and maintenance of the
4 rights, powers, functions, and duties of the department of
5 health pursuant to part I, to the city and county of Honolulu
6 shall be allocated as follows:

7 (1) For the first year of the transition, the city and
8 county of Honolulu shall receive for fiscal year 2021-
9 2022, \$46,171,411 in general funds, and \$3,500,000
10 from the emergency medical services special fund for
11 the operation of an emergency medical service system
12 in the city and county of Honolulu. Any additional
13 costs shall be borne by the city and county of
14 Honolulu. The department shall continue to provide
15 all emergency service medical billing and collections
16 for the city and county of Honolulu with all moneys
17 received deposited in the State's general fund;

18 (2) For the second year of the transition, the city and
19 county of Honolulu shall retain the amounts it
20 receives from billing for its services of \$28,362,414,
21 receive fifty per cent of the amounts previously
22 allocated from the general fund that do not include

.B.NO.

1 the amounts obtained through billing of \$8,904,499,
2 and receive \$3,500,000 from the emergency medical
3 services special fund for the operation of an
4 emergency medical services system in the city and
5 county of Honolulu. Any additional costs shall be
6 borne by the county;

7 (3) For the third year of the transition, the city and
8 county of Honolulu shall retain the amounts it
9 receives from billing for its services of \$28,362,414,
10 receive twenty-five percent of the amounts previously
11 allocated from the general fund that do not include
12 the amounts obtained through billing of \$4,452,249,
13 and \$3,500,000 from the emergency medical services
14 special fund for the operation of an emergency medical
15 services system in the city and county of Honolulu.
16 Any additional costs shall be borne by the county; and

17 (4) For the fourth year of the transition and every year
18 thereafter, the city and county of Honolulu shall
19 continue to retain the amounts it receives from
20 billing for its services and \$3,500,000 from the
21 emergency medical services special fund as the State's
22 share pursuant to section 5 of article VIII of the

.B.NO.

1 Constitution of the State of Hawaii, and receive no
2 additional funds from the State's general fund for the
3 operation of an emergency medical services system in
4 the city and county of Honolulu. Any additional costs
5 shall be borne by the city and county of Honolulu.

6 SECTION 21. All rules, policies, procedures, guidelines,
7 and other material adopted or developed by the department of
8 health to implement provisions of the Hawaii Revised Statutes
9 that are reenacted or made applicable to the city and county of
10 Honolulu by this Act shall remain in full force and effect until
11 amended or repealed by the city and county of Honolulu pursuant
12 to chapter 91, Hawaii Revised Statutes. In the interim, every
13 reference to the department of health or director of health in
14 those rules, policies, procedures, guidelines, and other
15 material as made applicable by this Act, is amended to refer to
16 the city and county of Honolulu **or the mayor of the city and**
17 **county of Honolulu.**

18 SECTION 22. All deeds, leases, contracts, loans,
19 agreements, permits, or other documents executed or entered into
20 by or on behalf of the department of health, pursuant to the
21 provisions of the Hawaii Revised Statutes, that are reenacted or
22 made applicable to the city and county of Honolulu by this Act

.B. NO.

1 shall remain in full force and effect. Effective July 1, 2021,
2 every reference to the department of health or the director of
3 health in those deeds, leases, contracts, loans, agreements,
4 permits, or other documents shall be construed as a reference to
5 the city and county of Honolulu or the mayor of the city and
6 county of Honolulu.

7 SECTION 23. All personal computers and radios used,
8 acquired, or held by the department of health relating to the
9 functions transferred to the city and county of Honolulu shall
10 be transferred with the functions to which they relate; provided
11 that the department of health shall retain data repositories,
12 charts, patient information, data submission, and epidemiology
13 information for all emergency medical services within the State.

14 SECTION 24. There is appropriated out of the general
15 revenues of the State of Hawaii the sum of \$46,171,411 or so
16 much thereof as may be necessary for fiscal year 2021-2022, and
17 \$8,904,499 or so much thereof as may be necessary for fiscal
18 year 2022-2023 for emergency medical services in the city and
19 county of Honolulu.

20 The sum appropriated shall be expended by the city and
21 county of Honolulu for the purposes of this Act.

____.B.NO.____

1 SECTION 25. There is appropriated out of the emergency
2 medical services special fund established pursuant to section
3 321-234, Hawaii Revised Statutes, the sum of \$3,500,000 or so
4 much thereof as may be necessary for fiscal year 2021-2022 and
5 the same sum or so much thereof as may be necessary for fiscal
6 year 2023-2024 for emergency medical services in the city and
7 county of Honolulu.

8 The sum appropriated shall be expended by the city and
9 county of Honolulu for the purposes of this Act.

10 PART III

11 SECTION 26. This Act does not affect rights and duties
12 that matured, penalties that were incurred, and proceedings that
13 were begun before its effective date.

14 SECTION 27. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 28. This Act shall take effect on July 1, 2021.

17
18
19
20



**THE SENATE
THE THIRTY-FIRST LEGISLATURE
REGULAR SESSION OF 2021**

COMMITTEE ON HEALTH
Senator Jarrett Keohokalole, Chair
Senator Rosalyn Baker, Vice Chair

Wednesday, March 24, 2021, 1:00 PM
Via Videoconference

Re: Testimony on HB1281 HD1 – RELATING TO EMERGENCY MEDICAL SERVICES

Chair Keohokalole, Vice Chair Baker, and Members of the Committee on Health:

The United Public Workers, AFSCME Local 646, AFL-CIO (“UPW”) is the exclusive bargaining representative for approximately 14,000 public employees, which includes blue collar, non-supervisory employees in Bargaining Unit 1 and institutional, health, and correctional employees in Bargaining Unit 10, in the State of Hawaii and various counties. The UPW also represents 1,500 members in the private sector.

UPW **would like to provide the following comments on** HB1281 HD1, which establishes a four-year transfer of certain duties, functions, and powers relating to emergency medical services for the City and County of Honolulu from the Department of Health to the City and County of Honolulu. Under this bill the transition would begin with the training and billing for emergency services on July 1, 2021 and eventually phase out state funding for emergency medical services in the City and County of Honolulu by June 30, 2025.

As the exclusive bargaining representative for Bargaining Unit 10, our members include Emergency Medical Service employees for the City and County of Honolulu. When considering any such transfer of fiscal and operational responsibilities, we remain committed to ensuring that our members are treated fairly through any proposed legislation or process. We would respectfully urge both the City and State to ensure that any final determination will not hamper the City’s fiscal responsibilities to support the Emergency Medical Service or the future ability to recruit, hire and retain qualified personnel and positions within the Emergency Medical Services system.

Thank you for the opportunity to submit this testimony.



March 24, 2021

The Honorable Jarrett Keohokalole, Chair
The Honorable Rosalyn H. Baker, Vice Chair
Senate Committee on Health

Re: HB 1281 HD1 – Relating to Emergency Medical Services

Dear Chair Keohokalole, Vice Chair Baker, and Committee Members:

Hawaii Medical Service Association (HMSA) appreciates the opportunity to testify on HB 1281, HD1, which establishes a four-year transfer of certain duties, functions, and powers relating to emergency medical services for the city and county of Honolulu from the department of health to the city and county of Honolulu. Begins transition with the training and billing for emergency services on 7/1/2021. Appropriates general funds to the city and county of Honolulu for emergency medical services for fiscal years 2021-2022 and 2022-2023. Appropriates half of the moneys in the emergency medical services special fund to the general for fiscal years 2021-2022 and 2022-2023. Phases out state funding for emergency medical services in the city and county of Honolulu by 6/30/2025.

HMSA supports the role that a robust emergency medical services system plays in the health care ecosystem. HMSA stands committed to helping improve the well-being of our community, and we look forward to further discussions on the transfer of certain duties and functions of emergency medical services for the island of Oahu to the City and County of Honolulu.

Thank you for allowing us to testify in support of HB 1281 HD1. Your consideration of our comments is appreciated.

Sincerely,

Matthew W. Sasaki
Director, Government Relations

HB-1281-HD-1

Submitted on: 3/19/2021 3:18:26 PM

Testimony for HTH on 3/24/2021 1:00:00 PM

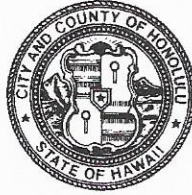
Submitted By	Organization	Testifier Position	Present at Hearing
Yulia Muzychenko	Individual	Oppose	No

Comments:

Let department of health deal with health issues. We don't need city and county of Honolulu take in their hands the matter that has nothing to do with it. We saw the mess it has created last year. No, thank you.

HONOLULU EMERGENCY SERVICES DEPARTMENT
CITY AND COUNTY OF HONOLULU

3375 KOAPAKA STREET, SUITE H-450 • HONOLULU, HAWAII 96819-1814
Phone: (808) 723-7800 • Fax: (808) 723-7836



RICK BLANGIARDI
MAYOR



JAMES H.E. IRELAND, MD
DIRECTOR DESIGNATE

IAN T.T. SANTEE, MPA
DEPUTY DIRECTOR

March 23, 2021

The Honorable Jarett Keohokalole
The Honorable Rosalyn Baker, Vice Chair
and Members of the Senate Committee on Health
State Capitol Room 306
415 South Beretania Street
Honolulu, Hawaii 96813

SUBJECT: HB1281 HD1, Relating to Emergency Services

Dear Chair Keohokalole, Vice Chair Baker, and Honorable Members of the
Committee on Health:

Thank you for the opportunity to express our concerns regarding HB1281, HD1
and provide comments for your further consideration.

HB1281, HD1 proposes to amend Chapter 46, Hawaii Revised Statutes
(hereinafter HRS), to add a new part entitled "COUNTY EMERGENCY MEDICAL
SERVICES SYSTEM", and amend Chapter 321, HRS, to transfer "certain duties,
functions, and powers" relating to emergency medical services (EMS) for the island of
O'ahu from the Department of Health to the City and County of Honolulu.

HB 1281, HD1 has passed through the House Committees on Health,
Homelessness and Human Services as well as Finance. It was amended once to
address the funding distribution from two (2) years to four (4) years. However, as
drafted, the bill continues to give us much cause for concern.

Most significantly, the current version of the bill does not permit revenue
generated from billings to be retained by the City and County of Honolulu ("County")
consistent with the goal of greater autonomy of County EMS operations. Further, the
County is concerned that the bill, as drafted, does not strike the proper balance
between those regulatory duties, functions and powers appropriate for transfer to the
County versus those regulatory duties, functions and powers to be retained by the state
to ensure uniform EMS standards across state-wide operations.

The Honorable Jarett Keohokalole
The Honorable Rosalyn Baker, Vice Chair
and Members of the Senate Committee on Health
March 23, 2021
Page 2

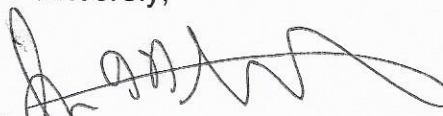
While the County continues to conduct its due diligence regarding the considerable financial and regulatory implications of the proposed transfer, we also note that on March 17, 2021, the Honolulu City Council adopted Resolution 21-047 by a vote of 9 ayes, Urging the City Administration and Hawaii State Legislature to Oppose the Transfer of the Responsibility and Costs for Emergency Medical Services from the State to the City and County of Honolulu. A copy of Resolution 21-047 is attached for your review.

As such, the County would suggest that the following amendments be made:

- Remove all language that makes the County the regulatory branch and transfer authority and liabilities to the County.
- Provide the autonomy and flexibility to run the EMS service.
- Provide the ability to generate more funds by increasing the vehicle tax.
- Provide a Statewide increase in ambulance rates.
- Provide the ability for the revenue generated from the billing on O'ahu to be directly deposit to the County fund for EMS.
- Provide in perpetuity the continued funding from the State EMS special fund short of an administrative fee.

While we appreciate that certain amendments have been adopted in consideration of the County's prior testimony, the situation remains that the County is still in progress of doing its due diligence to undertake this task and the current HD1 does not provide for a sustainable system capable of serving the residents of O'ahu. As such, the County maintains apprehensions with HB1281, HD1 and is unable to support the measure given the absence of funding.

Sincerely,


FOR
James H.E. Ireland, MD
Director Designate



RESOLUTION

URGING THE CITY ADMINISTRATION AND HAWAII STATE LEGISLATURE TO OPPOSE THE TRANSFER OF THE RESPONSIBILITY AND COSTS FOR EMERGENCY MEDICAL SERVICES FROM THE STATE TO THE CITY AND COUNTY OF HONOLULU.

WHEREAS, Section 321-221, Hawaii Revised Statutes ("HRS"), places upon the Hawaii State Department of Health ("DOH") the "responsibility for the administration of this state system which shall provide for the arrangement of personnel, facilities, and equipment for the effective and coordinated delivery of health care services under emergency conditions..."; and

WHEREAS, the Hawaii State Legislature is currently considering House Bill 1281, H.D. 1, ("HB1281, HD1") to transfer certain duties, functions, and powers relating to emergency medical services ("EMS") for the island of Oahu from the DOH to the City and County of Honolulu ("City"); and

WHEREAS, HB1281, HD1, as currently proposed, establishes a four-year period of transition, beginning with the transition of training and billing for emergency services on July 1, 2021, and transition of all rights, powers, functions, and duties of the DOH under Part XVIII of Chapter 321, Hawaii Revised Statutes ("HRS") ("State Comprehensive Emergency Medical Services System"), to be completed no later than June 30, 2025; and

WHEREAS, HB1281, HD1, currently proposes that: for the first year of the transition, the City shall receive one hundred percent of all State funds allocated for fiscal year ("FY") 2021; for the second year of the transition, the City shall receive fifty percent of all State funds allocated for FY2022; for the third year of transition, the City shall receive ten percent of all State funds allocated for FY2023; and for the fourth year and every year thereafter, the City shall receive no State funds; and

WHEREAS, currently, the State reimburses the City for costs incurred by the City for the provision of emergency medical services; and

WHEREAS, the City Administration has testified and expressed concerns that HB1281, HD1, does not reflect the discussions to date between the State and City, and that the City has not had an opportunity to conduct its required due diligence with the DOH and its Emergency Medical Services and Injury Prevention Branch ("EMSIPB") regarding amenable conditions for any proposed or scheduled transition plan; and

WHEREAS, the City Administration also testified that the City has a contract to implement emergency medical services on Oahu with the DOH's EMSIPB, and the current contract commenced on July 1, 2017; and



RESOLUTION

WHEREAS, the DOH has expressed support "to return authority and responsibility for emergency medical services to Hawaii counties using a shared cost model. However, the [DOH] recommends initially limiting this change" to just the City and not the three other counties of the State of Hawaii; and

WHEREAS, the DOH also believes this "concept of cost-sharing is timely as the total state cost of operating a statewide comprehensive EMS system now exceeds \$100,000,000" and that the eventual budget savings for the State from transfer of operations and maintenance costs to the City proposed in HB1281, HD1, would be approximately \$51 million dollars annually; and

WHEREAS, the DOH's position appears to contradict the purpose of the State Comprehensive Emergency Medical Services System pursuant to HRS Section 321-221, which states that such a system "is a matter of compelling state interest and necessary to protect and preserve the health of the people of the State"; and

WHEREAS, in recent years the Hawaii State Legislature has explored various options to address the need to adequately fund the State Comprehensive Emergency Medical Services System, and has repeatedly acknowledged that the existing partnership between the counties and the State has worked well; and

WHEREAS, HB1281, HD1, appears to reflect a belief that this partnership is no longer working, and the entirety of the financial burden in administration of the emergency medical services system should be borne by the City; and

WHEREAS, given that the State currently reimburses the City for costs incurred by the City for the Emergency Medical Services activity--costs which are budgeted to be over \$40 million dollars in fiscal year 2021--the City Council believes it is appropriate for the Hawaii State Legislature to consider any and all alternatives to imposing such a substantial financial burden solely upon the City; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that it urges the Hawaii State Legislature and City Administration to oppose the transfer of the responsibility and costs for emergency medical services from the State to the City and County of Honolulu; and



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. 21-47

RESOLUTION

BE IT FINALLY RESOLVED that copies of this resolution be transmitted to the Mayor; the President of the Hawaii State Senate; the Speaker of the Hawaii State House of Representatives; the Director of the State Department of Health; and the Director of Emergency Services.

INTRODUCED BY:

Radiant Roberts

DATE OF INTRODUCTION:

FEB 19 2021

Honolulu, Hawaii

Councilmembers

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

RESOLUTION 21-47

Introduced: 02/19/21 By: RADIANT CORDERO

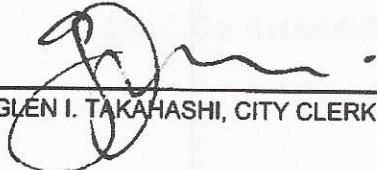
Committee: TRANSPORTATION,
SUSTAINABILITY AND HEALTH
(TSH)

Title: URGING THE CITY ADMINISTRATION AND HAWAII STATE LEGISLATURE TO OPPOSE THE TRANSFER OF THE RESPONSIBILITY AND COSTS FOR EMERGENCY MEDICAL SERVICES FROM THE STATE TO THE CITY AND COUNTY OF HONOLULU.

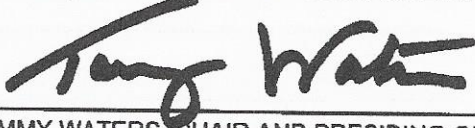
Voting Legend: * = Aye w/Reservations

02/19/21	INTRO	Introduced.
02/25/21	TSH	Reported out for adoption. CR-61 4 AYES: CORDERO, ELEFANTE, KIAINA, TULBA
03/17/21	CCL	Committee report and Resolution were adopted. 9 AYES: CORDERO, ELEFANTE, FUKUNAGA, KIAINA, SAY, TSUNEYOSHI, TULBA, TUPOLA, WATERS

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this RESOLUTION.



GLEN I. TAKAHASHI, CITY CLERK



TOMMY WATERS, CHAIR AND PRESIDING OFFICER

LATE

HB-1281-HD-1

Submitted on: 3/24/2021 9:01:08 AM
Testimony for HTH on 3/24/2021 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Anonymous	Individual	Comments	No

Comments:

Sen. Jarrett Keohokalole, Chair
Sen. Rosalyn H Baker, Vice Chair

Committee on Health

Anonymous

Wednesday, March 24, 2021

COMMENTS TO HB 12181 HD1, which proposes emergency medical services to be transferred from the Department of Health to the City and County of Honolulu

Aloha Chair Jarrett Keohokalole, Vice Chair Rosalyn H Baker, and Members of the Committee:

My name is left anonymous and I am a graduate student of Social Work currently attending the University of Hawaii at Manoa. I have interned and have been employed with multiple agencies dealing within the healthcare system. The well being of Hawaii's residents is highly reliant on the opportunity to receive a reliable and standardized level of healthcare. This bill will be able to accommodate Emergency Medical Services best fit for the county's needs. However, part of allowing our Hawaii residents to receive access to care is economics.

This testimony has economic concerns with HB 12181 HD1, because this bill represents what Hawaii has been experiencing within the last year during the COVID-19 pandemic. This bill may provide a more standardized Emergency Medical Service, however the concern is the cost of ambulatory services. The City and County of Honolulu has the highest need as it also the most densely populated county within the state, the comment I have on this bill is "reasonable" fee for our residents who need Emergency Medical Services.

This pandemic has shown the painful side effects our residents face financially and emotionally. My hope is that with **HB 12181 HD1**, residents will be able to afford quality emergency services provided. Mahalo for this opportunity to testify.