
A BILL FOR AN ACT

RELATING TO EMERGENCY AEROMEDICAL SERVICES.

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

1 SECTION 1. The legislature finds that most rural
2 communities have fewer health care resources compared to
3 residents on Oahu, including access to advanced levels of trauma
4 care, medical specialists, and sub-specialists. This puts
5 patients in these underserved areas at greater risk of poor
6 outcomes for serious medical conditions such as heart attacks,
7 strokes, and traumatic bodily injuries.

8 The existing system of interisland transport of patients
9 for health care services is overburdened. The State is
10 currently served by only one interisland aeromedical provider,
11 for which there are few viable and cost-effective alternatives
12 in the event of a grounding, for example, due to maintenance
13 issues or crew availability. Emergency aeromedical services are
14 also not available for many patients in rural counties.

15 The legislature further finds that disruptions to
16 interisland medical transports pose a risk to human health and
17 safety, and therefore the consistent availability of interisland



1 medical transport and the overall resiliency of emergency
2 aeromedical services must be improved.

3 One model to improve emergency aeromedical services could
4 be based on the county of Maui's medevac service. Act 213,
5 Session Laws of Hawaii 2007, appropriated general funds for the
6 purchase of a twin-engine helicopter capable of medical
7 transport between Maui and Oahu to be operated by the county of
8 Maui medical emergency aeromedical services program. The
9 department of health cost shares the helicopter with the county
10 of Maui. The department bills for services and private sector
11 entities are contracted to provide the pilots, aircraft
12 maintenance technicians, and the medical flight staff. The
13 legislature finds that implementing the Maui model across the
14 State will increase the availability of reliable aeromedical
15 transport to all of the State's residents.

16 Accordingly, the purpose of this Act is to ensure the
17 availability of air ambulance services through the establishment
18 of an emergency aeromedical services partnership program
19 administered by the department of health in partnership with
20 rural counties.



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

4 "§321- State emergency aeromedical services partnership
5 program; established. (a) The department shall establish,
6 administer, and maintain, in cooperation with each county in the
7 state emergency medical services system service area, an
8 emergency aeromedical services partnership program. The
9 department shall consult with the advisory committee pursuant to
10 section 321-225 to implement this section.

11 (b) The department shall enter into a memorandum of
12 agreement with the county of Kauai, county of Maui, and county
13 of Hawaii to implement and maintain an emergency aeromedical
14 services partnership program. At a minimum, each memorandum of
15 agreement shall define responsibilities as follows:

- 16 (1) The department shall provide funds for the provision
17 and maintenance of a rotary-wing aircraft;
18 (2) The counties shall provide funds for the operations of
19 the rotary-wing aircraft, including flight crew and
20 medical staff; and



1 (3) The State and counties shall identify and document
2 applicable federal regulations and jurisdictions, and
3 shall amend the memorandums of agreement as necessary.

4 (c) The county of Kauai, county of Maui, and county of
5 Hawaii shall submit to the department all necessary information
6 for purposes of submitting claims for third-party reimbursement
7 within thirty days of the service for any emergency aeromedical
8 services provided. Funds received from reimbursements shall be
9 deposited into the emergency medical services special fund,
10 established pursuant to section 321-234.

11 (d) The department shall establish statewide standards for
12 the emergency aeromedical services partnership program
13 consistent with this part and applicable federal regulations for
14 those services.

15 (e) The director of health may adopt rules pursuant to
16 chapter 91 to effectuate the purposes of this section.

17 (f) No later than January 4, 2026, the department shall
18 adopt interim rules, which shall be exempt from chapter 91 and
19 chapter 201M, to effectuate the purposes of this section;
20 provided that the interim rules shall remain in effect until



1 July 1, 2028, or until rules are adopted pursuant to subsection
2 (e), whichever occurs sooner.

3 (g) The department may amend the interim rules, and the
4 amendments shall be exempt from chapters 91 and 201M, to
5 effectuate the purposes of this section; provided that any
6 amended interim rules shall remain in effect until July 1, 2028,
7 or until rules are adopted pursuant to subsection (e), whichever
8 occurs sooner."

9 SECTION 3. Section 321-232, Hawaii Revised Statutes, is
10 amended by amending subsection (a) to read as follows:

11 "(a) The department shall establish reasonable fees for
12 services rendered to the public within the service area by the
13 department, any county within the service area, or private
14 agency under this part; provided that all revenues collected by
15 the department and the respective counties pursuant to this
16 section shall be deposited into the state general fund, except
17 [amounts]:

18 (1) Amounts necessary to provide for collection services
19 for bad debt accounts[-]; and

20 (2) Funds received from reimbursements for emergency
21 aeromedical services and deposited into the emergency



1 medical services special fund pursuant to section 321-
2 234(c).

3 Fees required to be set by this section shall be established in
4 accordance with chapter 91."

5 SECTION 4. Section 321-234, Hawaii Revised Statutes, is
6 amended by amending subsections (b) and (c) to read as follows:

7 "(b) The moneys in the special fund shall be distributed
8 as follows:

9 (1) Beginning with fiscal year 2021-2022, \$3,500,000 shall
10 be distributed each fiscal year to a county operating
11 a county emergency medical services system pursuant to
12 part XI of chapter 46 for the operation of that
13 system; [~~and~~]

14 (2) Beginning with fiscal year 2024-2025, each quarter,
15 the deposits from reimbursements for emergency
16 aeromedical services for the previous quarter shall be
17 disbursed to the counties in the service area as
18 follows:

19 (A) Fifty per cent shall be divided equally among the
20 counties; and



1 (B) Fifty per cent shall be divided proportionately
2 based on the billed amount submitted by each
3 county; and

4 (3) The remainder shall be distributed to the department
5 for operating the system established pursuant to this
6 chapter, including enhanced and expanded services, and
7 shall not be used to supplant funding for emergency
8 medical services authorized prior to July 1, 2004.

9 (c) Fees remitted pursuant to section 249-31, cigarette
10 tax revenues designated under section 245-15, interest and
11 investment earnings attributable to the moneys in the special
12 fund, legislative appropriations, and grants, donations, [~~and~~]
13 contributions from private or public sources for the purposes of
14 the fund, and funds received from reimbursements for emergency
15 aeromedical services pursuant to section 321-_____, shall be
16 deposited into the special fund."

17 SECTION 5. In accordance with section 9 of article VII of
18 the Hawaii State Constitution and sections 37-91 and 37-93,
19 Hawaii Revised Statutes, the legislature has determined that the
20 appropriations contained in Act 164, Regular Session of 2023,
21 and this Act will cause the state general fund expenditure



1 ceiling for fiscal year 2024-2025 to be exceeded by
2 \$ or per cent. This current declaration takes
3 into account general fund appropriations authorized for fiscal
4 year 2024-2025 in Act 164, Regular Session of 2023, and this Act
5 only. The reasons for exceeding the general fund expenditure
6 ceiling are that:

- 7 (1) The appropriation made in this Act is necessary to
8 serve the public interest; and
- 9 (2) The appropriation made in this Act meets the needs
10 addressed by this Act.

11 SECTION 6. There is appropriated out of the general
12 revenues of the State of Hawaii the sum of \$ or so
13 much thereof as may be necessary for fiscal year 2024-2025 to be
14 deposited into the emergency medical services special fund.

15 SECTION 7. There is appropriated out of the emergency
16 medical services special fund the sum of \$ or so much
17 thereof as may be necessary for fiscal year 2024-2025 for the
18 establishment of the emergency aeromedical services partnership
19 program.

20 The sum appropriated shall be expended by the department of
21 health for the purposes of this Act.



1 SECTION 8. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 9. This Act shall take effect on July 1, 3000.



Report Title:

DOH; Emergency Aeromedical Services Partnership Program;
Established; Rules; Appropriation; Expenditure Ceiling

Description:

Establishes an Emergency Aeromedical Services Partnership Program to be administered by the Department of Health in counties with a population less than 500,000. Requires cost-sharing for program operations and maintenance and revenue sharing between the State and Counties of Hawaii, Kauai, and Maui. Authorizes deposits into the Emergency Medical Services Special Fund. Requires rulemaking. Appropriates funds. Effective 7/1/3000. (HD1)

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