

ADVISORY OPINION

Kentucky Board of Emergency Medical Services

KBEMS 2013-001

July 15, 2013

Issue Presented: Whether Class I ground ambulance services may refuse to provide basic life support (BLS), advanced life support (ALS), or medically necessary transportation for indigent patients in emergency situations if there is no one to guarantee payment.

Relevant Statutory Provisions: 311A.030. Administrative regulations relating to ambulance services, first-response providers, and emergency medical services training institutions.

Relevant Regulatory Provisions: 202 KAR 7:010. Definitions for 202 KAR Chapter 7; 202 KAR 7:501. Ambulance providers and medical first response agencies.

Advisory Opinion: A Class I ground ambulance service may not refuse to provide basic life support (BLS), advanced life support (ALS), or medically necessary transportation for indigent patients in emergency situations based solely on the fact that no one has guaranteed payment prior to the delivery of services.

202 KAR 7:051 § 1(21) defines an “emergency” situation as “services provided after the sudden onset of a medical condition or injury manifesting itself by acute symptoms of such severity (including severe pain) that the absence of immediate medical attention could reasonably be expected to result in placing the patient’s health in serious jeopardy, serious impairment to bodily functions or serious dysfunction of any bodily organ or part.” No language in this regulation suggests that an emergency situation is limited to a 9-1-1 response. In the case that an interfacility transport is necessitated by the fact that unless the patient is moved to a

different facility, their health will be placed in jeopardy in accordance with 202 KAR 7:051, an interfacility transport may be considered an “emergency”.

All ambulance providers, including Class I ground ambulance services, must answer any emergency call within their service area if a unit is available, according to 202 KAR 7:501 § 6(8), which plainly states that “a provider shall not refuse a request for emergency service if a unit is available in the service area.” Nothing in this administrative regulation, which details all ambulance providers’ operating requirements, indicates that an exception exists for circumstances in which no payment is provided on behalf of an indigent patient. If an indigent patient requires emergency medical transport within a Class I ground ambulance provider’s service area, service is to be provided in accordance with 202 KAR 7:501 § 6(3), which states that all “requests for emergency service shall be dispatched or notified within two (2) minutes of the call taker determining the correct address or location of the emergency incident site.”

Therefore, it is the opinion of the Kentucky Board of Emergency Medical Services that in an emergency situation, a Class I ground ambulance service may not refuse to provide basic life support (BLS), advanced life support (ALS), or medically necessary transportation for indigent patients based solely on the fact that payment has not been guaranteed prior to the delivery of services.