

SB103 INTRODUCED



1 SB103
2 WRXQ555-1
3 By Senator Carnley
4 RFD: Healthcare
5 First Read: 14-Feb-24



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SYNOPSIS:

Under existing law, a health care provider must obtain a certificate of need from the State Health Planning and Development Agency (SHPDA) before the provider may operate a new institutional health service. Under the State Health Plan developed by SHPDA, an air ambulance service is considered an institutional health service. Certain federal courts have held that a state's authority to require a certificate of need for air ambulance services is preempted by federal aviation laws.

This bill would exempt air ambulance services from the jurisdiction of SHPDA and would prohibit SHPDA from requiring a certificate of need for air ambulance services.

A BILL
TO BE ENTITLED
AN ACT

Relating to air ambulances; to add Section 22-21-279 to the Code of Alabama 1975, to exempt air ambulance services from obtaining a certificate of need in order to operate.
BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:



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29 Section 1. Section 22-21-279 is added to the Code of
30 Alabama 1975, to read as follows:

31 §22-21-279

32 (a) Any air ambulance service shall not be subject to
33 or governed by the provisions of this article, including, but
34 not limited to, the provisions that require a certificate of
35 need to be obtained from the State Health Planning and
36 Development Agency as a condition precedent to the offering or
37 development of new institutional health services.

38 (b) For purposes of this section, the term "air
39 ambulance" includes either a fixed wing or a rotary wing air
40 ambulance that provides medically necessary services or
41 supplies by air.

42 Section 2. This act shall become effective on October
43 1, 2024.