

ACT 158

S.B. NO. 2690

A Bill for an Act Relating to Emergency Medical Services.

Be It Enacted by the Legislature of the State of Hawaii:

PART I

SECTION 1. The legislature finds that rapid response of emergency medical services is critical for positive outcomes for emergency patients. The need to provide adequate emergency medical care to residents of rural areas, particularly on the neighbor islands, is vital. There is also a need to expand emergency medical services

on Oahu to meet nationally recognized guidelines for advanced life support response time to medical emergencies.

The legislature further finds that funding for emergency medical services has always been a critical issue. User fees for emergency medical services are deposited into the general fund but are not an adequate source of funding for emergency medical services.

The legislature further finds that the retention and recruitment of paramedics plays an essential role in maintaining a top-notch emergency medical service.

The purpose of this Act is to establish an emergency medical services special fund through additional state vehicle registration fees for the department of health to use in operating the State's comprehensive emergency medical services system. There exists a direct nexus between the use of motor vehicles and the need for emergency medical services. In addition, the Act provides funds for additional ambulance services for parts of Oahu, Maui, and Hawaii. The Act further provides for development and training for paramedics to address the recruitment and retention issue that would impede the State's emergency medical services system.

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

“§321- Emergency medical services special fund. (a) There is established within the state treasury a special fund to be known as the emergency medical services special fund to be administered and expended by the department.

(b) The moneys in the special fund shall be used by the department for operating a state comprehensive emergency medical services system including enhanced and expanded services, and shall not be used to supplant funding for emergency medical services authorized prior to the effective date of this Act.

(c) Fees remitted pursuant to section 249-31, interest and investment earnings attributable to the moneys in the special fund, legislative appropriations, and grants, donations, and contributions from private or public sources for the purposes of the fund, shall be deposited into the special fund.

(d) The department shall submit an annual report to the legislature no later than twenty days prior to the convening of each regular session that outlines the receipts of, and expenditures from, the special fund.”

SECTION 3. Section 249-31, Hawaii Revised Statutes, is amended to read as follows:

“§249-31 State registration fee. (a) All vehicles and motor vehicles in the State as defined in section 249-1, including antique motor vehicles, except as otherwise provided in sections 249-3 to 249-6 shall be subject to a [~~\$20~~] \$25 annual vehicle registration fee. The fee shall become due and payable on January 1, and shall be paid before April 1 in each year together with all other taxes and fees levied by this chapter; provided that should any county elect to renew motor vehicle registrations on a staggered basis as authorized by section 286-51, the state registration for that county shall likewise be staggered so that the state registration fee is due and payable at the same time and shall be collected together with the county fee. The state registration fee shall be deemed delinquent if not paid with the county registration fee. The respective counties shall collect this fee together with the vehicle registration tax collected for the county and shall transfer the moneys collected under this section to the State to be paid into the state highway fund.

(b) From each annual motor vehicle registration fee, the director shall deposit \$20 into the state highway fund and \$5 into the emergency medical services special fund.”

PART II

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$2,205,000 for fiscal year 2004-2005, to be deposited into the emergency medical services special fund.

SECTION 5. The legislature finds that the Waianae Coast in Leeward Oahu has only one ambulance, which is insufficient to serve the emergency medical needs of the over forty thousand residents living in Waianae, Nanakuli, and Maili. Waianae is also one of several areas on Oahu where back-up response time standards may be exceeded. The growing population and relative isolation of the area make improving emergency health services there critical.

The legislature further finds that on the Waianae Coast, ninety per cent of emergency calls are answered within an average of fifteen minutes, but thirty per cent of those calls must be handled by adjacent emergency response units, usually by the ambulance stationed at St. Francis Medical Center West in Ewa Beach, twenty miles from Makaha.

The legislature finds that in addition to the Leeward Coast, from Waianae to Makakilo, Kahaluu-Kaaawa and urban Honolulu areas lack sufficient emergency medical services commensurate with their population growth and high rates of motor vehicle crashes, medical emergencies, and other trauma. This situation combined with the fact that Hawaii finds itself in an ongoing state of heightened readiness, especially by first-responders, in response to the potential for terrorist attacks, creates a need for an increased level of medical self-sustainability due to the extremely limited availability of mutual aid resources posed by our island geography.

Accordingly, the legislature determines that it is necessary to provide funding for an emergency ambulance, to include personnel, equipment, and operational expenses for an emergency ambulance unit serving the Leeward Coast, including Makakilo, and Kahaluu-Kaaawa, and urban Honolulu areas.

SECTION 6. There is appropriated out of the emergency medical services special fund, the sum of \$1,500,000, or so much thereof as may be necessary for fiscal year 2004-2005, for an additional ambulance to serve the residents of and visitors of the Leeward Coast, including Makakilo.

The sum appropriated shall be expended by the department of health for the purpose of section 5.

SECTION 7. There is appropriated out of the emergency medical services special fund the sum of \$430,000, or so much thereof as may be necessary for fiscal year 2004-2005, to upgrade the rapid response unit in urban Honolulu to a 24/7 advance life support unit.

The sum appropriated shall be expended by the department of health for the purpose of section 5.

SECTION 8. There is appropriated out of the emergency medical services special fund the sum of \$351,622, or so much thereof as may be necessary for fiscal year 2004-2005, to establish a 16-hour, 7-day rapid response unit in the Kahaluu-Kaaawa area.

The sum appropriated shall be expended by the department of health for the purpose of section 5.

SECTION 9. The legislature finds that the Kihei/Wailea region of Maui is the State's fastest growing community, as well as a tourist center, that includes only

one twenty-four hour, locally based, advanced life support ambulance service for its residents and visitors. Thus, in emergency situations occurring when the single overburdened ambulance is already on call, the response time of ambulances from nearby communities increases by an additional twenty to thirty minutes, depending on the location of the ambulance. The legislature further finds that in many emergency medical situations, this prolonged response time can mean the difference between life and death for individuals visiting or living in this community.

The legislature intends to provide parity in emergency health care for residents and visitors of the Kihei/Wailea region of Maui by providing an additional twenty-four hour advanced life support ambulance service.

SECTION 10. There is appropriated out of the emergency medical services special fund the sum of \$850,000, or so much thereof as may be necessary for fiscal year 2004-2005, to provide sufficient twenty-four hour advanced life support ambulance services for the Kihei/Wailea region of Maui.

The sum appropriated shall be expended by the department of health for the purpose of section 9.

SECTION 11. The legislature finds that unacceptably long and potentially life-threatening delays in emergency ambulance service have occurred in the Hawaiian Ocean View Estates area of the island of Hawaii. These delays, which can last up to two hours, occur when the Ka'u ambulance—located in Naalehu—is already on call. Although emergency medical technicians with the fire department can provide basic life support until a back-up advanced life support ambulance with mobile intensive care technicians arrives on scene, there is a vast difference between the level of care that each kind of technician is qualified to provide. Delays in the provision of appropriate emergency medical care because of geography are inhumane and unfair.

Consequently, the legislature finds a need to appropriate funds to the department of health to provide emergency advanced life support ambulance service to the residents of Hawaiian Ocean View Estates on the island of Hawaii. Additionally, the residents of the Hawaiian Ocean View Estates area have secured a charitable foundation grant to provide for the vehicle itself.

SECTION 12. There is appropriated out of the emergency medical services special fund the sum of \$750,680, or so much thereof as may be necessary for fiscal year 2004-2005, to staff the ambulance at Hawaiian Ocean View Estates, including operating expenses for supplies, equipment, and vehicle maintenance.

The sum appropriated shall be expended by the department of health for the purpose of section 11.

PART III

SECTION 13. The legislature finds that retention and recruitment of highly qualified paramedics is a challenge and a top priority for Hawaii. The legislature further finds that professional development and training for paramedics is a good way to address the challenge of retention and recruitment of paramedics, which was identified as a top priority in keeping Hawaii's emergency response system in top shape at the 2003 Hawaii EMS Agenda for the Future Summit.

SECTION 14. There is appropriated out of the emergency medical services special fund the sum of \$350,000, or so much thereof as may be necessary for fiscal year 2004-2005, for:

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| (1) Development and training instructor for Kauai | \$ 75,000 |
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- (2) Video conference system to connect Kauai, Maui, and Hawaii with EMS Instruction on Oahu \$ 75,000
- (3) Paramedic training equipment for Kauai, Maui, and Hawaii \$200,000

The sum appropriated shall be expended by the department of health for the purpose of section 13.

SECTION 15. The purpose of this section is to provide a mechanism for the department of health to reimburse the general fund for start-up costs associated with this Act. The department of health shall deposit into the general fund from moneys collected and deposited into the emergency medical services special fund pursuant to section 249-31, Hawaii Revised Statutes, an amount equal to \$2,205,000, no later than June 30, 2006.

PART IV

SECTION 16. If any provision of this Act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

SECTION 17. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.¹

SECTION 18. This Act shall take effect on July 1, 2004; provided that section 3 shall take effect on October 1, 2004.

(Approved July 1, 2004.)

Note

- 1. Edited pursuant to HRS §23G-16.5.