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**HOUSE BILL 614**

**45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001**

**INTRODUCED BY**

**Luciano "Lucky" Varela**

**AN ACT**

**RELATING TO EMERGENCY MEDICAL SERVICES; EXPANDING THE SCOPE OF  
EMERGENCY MEDICAL SERVICES FUNDED BY THE DEPARTMENT OF HEALTH;  
AMENDING SECTIONS OF THE EMERGENCY MEDICAL SERVICES FUND ACT;  
MAKING AN APPROPRIATION.**

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:**

**Section 1. Section 24-10A-2 NMSA 1978 (being Laws 1978,  
Chapter 178, Section 2, as amended) is amended to read:**

**"24-10A-2. PURPOSE OF ACT. --The purpose of the Emergency  
Medical Services Fund Act is to make money available to  
municipalities and counties [~~in proportion to their needs~~] for  
use in the establishment and enhancement of local emergency  
medical services, statewide emergency medical services and  
trauma services in order to reduce injury and loss of life."**

**Section 2. Section 24-10A-2.1 NMSA 1978 (being Laws**

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1 1994, Chapter 61, Section 2) is amended to read:

2 "24-10A-2.1. DEFINITIONS. -- As used in the Emergency  
3 Medical Services Fund Act:

4 A. "bureau" means the [~~primary care~~] injury  
5 prevention and emergency medical services bureau of the public  
6 health division of the department;

7 B. "committee" means the statewide emergency  
8 medical services advisory committee appointed pursuant to the  
9 provisions of Section 24-10B-7 NMSA 1978;

10 C. "department" means the department of health;

11 D. "fund" means the emergency medical services  
12 fund;

13 E. "local recipient" means an ambulance service,  
14 medical rescue service, fire department rescue service, air  
15 ambulance service or other prehospital care provider:

16 (1) that routinely responds to an  
17 individual's need for immediate medical care in order to  
18 prevent loss of life or aggravation of physical or  
19 psychological illness or injury;

20 (2) whose application for funding through the  
21 Emergency Medical Services Fund Act is sponsored by a  
22 municipality or county; and

23 (3) that meets department guidelines  
24 concerning personnel training, use of bureau-approved run  
25 forms, participation in mutual aid agreements and medical

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1 control;

2 F. "municipality" means an incorporated city, town  
3 or village; and

4 [~~G. "run" means a separately documented and~~  
5 ~~reported response by a local recipient to a request for~~  
6 ~~assistance to or transportation of sick or injured persons;~~  
7 ~~and~~

8 ~~H.] G. "secretary" means the secretary of health. "~~

9 Section 3. Section 24-10A-3 NMSA 1978 (being Laws 1978,  
10 Chapter 178, Section 3, as amended) is amended to read:

11 "24-10A-3. EMERGENCY MEDICAL SERVICES FUND CREATED--  
12 FUNDING. --

13 A. The "emergency medical services fund" is  
14 created in the state treasury. Money in the fund shall not  
15 revert at the end of any fiscal year. Money appropriated to  
16 the fund or accruing to it through gifts, grants, fees or  
17 bequests shall be deposited in the fund. Interest earned on  
18 investment of the fund shall be credited to the general fund.  
19 Disbursements from the fund shall be made upon warrants drawn  
20 by the secretary of finance and administration pursuant to  
21 vouchers signed by the secretary or his authorized  
22 representative.

23 B. The bureau shall administer the fund and  
24 provide for the distribution of the fund pursuant to the  
25 Emergency Medical Services Fund Act and [~~regulations~~] rules

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1 adopted pursuant to the provisions of that act.

2 C. In any fiscal year, no less than seventy-five  
3 percent of the money in the fund shall be used for the local  
4 emergency medical services funding program to support the cost  
5 of supplies and equipment and operational costs other than  
6 salaries and benefits for emergency medical services  
7 personnel. This money shall be distributed to municipalities  
8 and counties on behalf of eligible local recipients, using a  
9 formula established pursuant to ~~[regulations]~~ rules adopted by  
10 the department. The formula shall determine each  
11 municipality's and county's share of the fund based on the  
12 relative geographic size and population of each county. The  
13 formula shall also base the distribution of money for each  
14 municipality and county on the relative number of runs of each  
15 local recipient eligible to participate in the distribution.

16 D. In any fiscal year, no more than:

17 (1) twenty-two percent of the fund may be  
18 used for emergency medical services system improvement  
19 projects, including the purchase of emergency medical services  
20 vehicles, local and statewide emergency medical services  
21 system support projects, ~~[and]~~ the statewide trauma care  
22 system program and the emergency medical dispatch agency  
23 support program; and

24 (2) three percent of the fund may be used by  
25 the bureau and emergency medical services regional offices for

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1 administrative costs, including monitoring and providing  
2 technical assistance.

3 E. In any fiscal year, money in the fund that is  
4 not distributed pursuant to the provisions of Subsection D of  
5 this section may be distributed pursuant to the provisions of  
6 Subsection C of this section."

7 Section 4. Section 24-10A-4 NMSA 1978 (being Laws 1978,  
8 Chapter 178, Section 4, as amended) is amended to read:

9 "24-10A-4. FUNDING PROGRAM - PURPOSE - - DETERMINATION OF  
10 NEEDS. - -

11 A. The "local emergency medical services funding  
12 program" is created. The program shall provide for the:

13 (1) establishment or enhancement of local  
14 emergency medical services, including the use of advanced  
15 technology equipment;

16 (2) operational costs other than salaries and  
17 benefits of local emergency medical services personnel;

18 (3) purchase, repair and maintenance of  
19 emergency medical services vehicles, equipment and supplies,  
20 including the use of advanced technology equipment; and

21 (4) training and licensing of local emergency  
22 medical services personnel.

23 B. Annually on or before June 1, the bureau shall  
24 consider and determine, in accordance with the formula adopted  
25 by rule of the department, the amount of distribution to

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1 municipalities and counties that have applied for money from  
2 the fund. In making its determination, the bureau shall  
3 ensure that no municipality or county receives money from the  
4 fund for the purpose of accumulation as defined by rule of the  
5 department [~~provided, however, that a municipality or county~~  
6 ~~may accumulate balances for no more than three years to~~  
7 ~~purchase vehicles or equipment if the accumulation and a~~  
8 ~~purchase plan have been approved by the bureau~~], except as  
9 waived by the bureau in writing for good cause shown. The  
10 bureau shall also ensure that each local recipient is in  
11 compliance with the rules of the department. "

12 Section 5. Section 24-10A-4.1 NMSA 1978 (being Laws  
13 1994, Chapter 61, Section 10, as amended) is amended to read:

14 "24-10A-4.1. EMERGENCY MEDICAL SERVICES SYSTEM  
15 IMPROVEMENT PROJECTS. --

16 A. Applications for emergency medical services  
17 system improvement projects shall be submitted separately from  
18 applications for the local emergency medical services funding  
19 program. The bureau shall award emergency medical services  
20 system improvement projects after a review of the  
21 applications. The awards shall be made based on a priority  
22 ranking, demonstrated need for funding and recommendations  
23 from the committee. Money awarded shall be used in compliance  
24 with applicable rules [~~and regulations~~].

25 B. Applications for funding to purchase emergency

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1 medical services vehicles shall be submitted by [~~incorporated~~]  
2 municipalities or counties on behalf of local recipients. The  
3 municipality or county shall commit to providing matching  
4 funds of at least twenty-five percent of the cost of  
5 purchasing the vehicle.

6 C. Applications for funding of local and statewide  
7 projects shall demonstrate the need for funding and a plan to  
8 use the funding to enhance or better integrate local emergency  
9 medical services systems or to improve the health, safety and  
10 training of emergency medical services technicians statewide.

11 D. [~~The~~] A statewide trauma care system program  
12 shall be developed and determined by the bureau in  
13 consultation with the committee. The statewide trauma care  
14 system program shall provide for the support, development and  
15 expansion of the statewide trauma care system in accordance  
16 with [~~regulations~~] rules adopted by the department.

17 E. The emergency medical dispatch agency support  
18 program shall fund allowable costs of dispatch agencies that  
19 meet criteria established pursuant to rules by the  
20 department. "

21 Section 6. Section 24-10A-6 NMSA 1978 (being Laws 1978,  
22 Chapter 178, Section 6, as amended) is amended to read:

23 "24-10A-6. DISTRIBUTION OF FUND. -- On or before August  
24 31, the local emergency medical services funding program  
25 distribution shall be made to each [~~incorporated~~] municipality

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1 and county as determined by the department. [~~No more than~~  
2 ~~twenty thousand dollars (\$20,000) shall~~] No more than one  
3 percent of the amount appropriated to the local emergency  
4 medical services funding program shall be distributed from the  
5 fund to the benefit of a single local recipient in any fiscal  
6 year pursuant to the local emergency medical services funding  
7 program, to ensure that appropriate emergency medical service  
8 is available statewide. "

9 Section 7. APPROPRIATION. -- Six million four hundred  
10 thousand dollars (\$6,400,000) is appropriated from the general  
11 fund to the department of health for expenditure in fiscal  
12 year 2002 and subsequent fiscal years to provide emergency  
13 medical services pursuant to the provisions of the Emergency  
14 Medical Services Fund Act. Any unexpended or unencumbered  
15 balance remaining at the end of a fiscal year shall not revert  
16 to the general fund.

17 Section 8. EFFECTIVE DATE. -- The effective date of the  
18 provisions of this act is July 1, 2001.