

# Concerning the Regulation of Air Ambulance Service



## Background

[House Bill 16-1280 \(HB 1280\)](#) amended current law licensing air ambulance services by the Colorado Department of Public Health and Environment (CDPHE). The modifications were necessary based on correspondence received from the U.S. Department of Transportation (DOT) in April of 2015 in response to an inquiry from an air transport agency challenging Colorado's requirement for accreditation by the Commission on Accreditation of Medical Transport Systems (CAMTS) to fly or operate an air medical service in Colorado.

In summary, the DOT letter determined that several CAMTS standards relate to air carriers routes, rates, and services, as well as equipment, operations and pilot qualifications, all matters either preempted by the Airline Deregulation Act (ADA) or within the jurisdiction of the Federal Aviation Administration. In response to the letter, CDPHE created a task force to review and propose modifications to the statute that would maintain the patient care standards necessary to protect public health and safety while remaining in compliance with federal law. CHA was represented on the task force and supported the legislation.

## What You Need to Know

The bill established a minimum set of standards that will be adopted by the state Board of Health for air ambulance licensure and specifically stated that rules adopted shall not include activities preempted by federal law. CDPHE gained authority to grant conditional and provisional licenses (consistent with health facility provisions); recognizes licensure by other jurisdictions for limited work within the state's borders; creates a waiver process; allows CDPHE to impose a civil penalty in the form of a fine for entities who violate the statute or rules; and defines the disciplinary actions CDPHE may take to gain compliance.

The bill requires implementation rules be adopted by December 30, 2017, and a task force has been formed aiming to draft rules by the end of 2016. Rule adoption by the Board of Health could take place in early 2017.

Until new rules are adopted, CDPHE will continue to authorize air ambulance services to treat and transport patients if they are licensed by another state or accredited by an organization approved by the department (CAMTS). Additionally, during the time before the new rules are adopted, CDPHE may investigate complaints and take disciplinary actions to protect public health, safety and welfare.

## Additional Resources

- [HB 1280 Fiscal Note](#)
- HB 1280 took effect on June 1, 2016. Rules will be forthcoming from the Board of Health.

For questions or more information, contact Amber Burkhart, CHA policy analyst, at 720.330.6028.