

# ENROLLMENT(S)



(5)

# COUNCIL OF THE DISTRICT OF COLUMBIA

## NOTICE

### D.C. LAW 12-145

#### "Access to Emergency Medical Services Act of 1998"

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P.L. 93-198 "the Act", the Council of the District of Columbia adopted Bill No. 12-193 on first and second readings, April 7, 1998 and May 5, 1998, respectively. Following the signature of the Mayor on May 6, 1998, pursuant to Section 404(e) of "the Act", and was assigned Act No. 12-356 and published in the June 12, 1998, edition of the D.C. Register (Vol. 45 page 3785) and transmitted to Congress on June 8, 1998 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 12-145, effective September 11, 1998.



LINDA W. CROPP  
Chairman of the Council

#### Dates Counted During the 30-day Congressional Review Period:

June	9,10,11,12,15,16,17,18,19,22,23,24,25
July	14,15,16,17,20,21,22,23,24,27,28,29,30,31,
Sept.	8,9,10

AN ACT

D.C. ACT 12-356

*Codification  
District of  
Columbia  
Code  
1999 Supp.*

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 6, 1998

To assure equitable coverage and treatment of emergency services under all health plans by using the prudent lay person standard.

**New Chapter  
48,  
Title 35**

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Access to Emergency Medical Services Act of 1998".

Sec. 2. Definitions.

**New Section  
35-4801**

For the purposes of this act, the term:

(1) "Ancillary services" means standard medical procedures that are reasonably necessary for the diagnosis and treatment of a patient.

(2) "Emergency services" means:

(A) Health care services furnished in the emergency department of a hospital for the treatment of a medical emergency;

(B) Ancillary services routinely available to the emergency department of a hospital for the treatment of a medical emergency; and

(C) Emergency medical services transportation.

(3) "Medical emergency" means the sudden onset or sudden worsening of a medical condition that manifests itself by symptoms of sufficient severity, including severe pain, that the absence of immediate medical attention could reasonably be expected by a prudent lay person, who possesses an average knowledge of health and medicine, to result in:

(A) Placing the patient's health in serious jeopardy;

(B) Serious impairment to bodily functions; or

(C) Serious dysfunction of any bodily organ or part.

Sec. 3. Covered services.

**New Section  
35-4802**

(a) All health insurers, hospitals or medical services corporations, and health maintenance organizations shall reimburse for emergency services that are due to a medical emergency.

(b) A hospital emergency department or emergency medical service transporter shall provide a health insurer, hospital or medical services corporation, or health maintenance organization with any claim for reimbursement of services, and information on the presenting

symptoms of the insured as well as the services provided.

(c) A health insurer, hospital or medical services corporation, or health maintenance organization shall consider both the presenting symptoms and the services provided in processing a claim for reimbursement of emergency services.

(d) A health insurer, hospital or medical services corporation, or health maintenance organization may not deny reimbursement, except for co-payments, deductibles, and co-insurance, for the provision of emergency services that are due to a medical emergency solely because the member failed to obtain pre-authorization for emergency services from the health insurer, hospital or medical services corporation, or health maintenance organization.

Sec. 4. The Council adopts the fiscal impact statement in the committee report, prepared by the Chief Financial Officer, as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(3)).

Sec. 5. This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(a)), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and publication in the District of Columbia Register.



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia

APPROVED: May 6, 1998



COUNCIL OF THE DISTRICT OF COLUMBIA

COUNCIL PERIOD TWELVE

RECORD OF OFFICIAL COUNCIL VOTE

B12-193

Docket No.

ITEM ON CONSENT CALENDAR

ADOPTED FIRST READING, 4-7-98

ACTION & DATE

APPROVED

VOICE VOTE  
 RECORDED VOTE ON REQUEST

ALL PRESENT

ABSENT

ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Chavous					Schwartz				
Allen					Evans					Smith, Jr.				
Ambrose					Jarvis					Thomas, Sr.				
Brazil					Mason									
Catania					Patterson									

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

*[Signature]*  
Secretary to the Council

*May 5, 1998*  
Date

ITEM ON CONSENT CALENDAR

ADOPTED FINAL READING, 5-5-98

ACTION & DATE

APPROVED

VOICE VOTE  
 RECORDED VOTE ON REQUEST

ALL PRESENT

ABSENT

ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Chavous					Schwartz				
Allen					Evans					Smith, Jr.				
Ambrose					Jarvis					Thomas, Sr.				
Brazil					Mason									
Catania					Patterson									

X - Indicates Vote

AB - Absent

NV - Present not voting

CERTIFICATION RECORD

*[Signature]*  
Secretary to the Council

*May 5, 1998*  
Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

VOICE VOTE  
 RECORDED VOTE ON REQUEST

ABSENT

ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Chavous					Schwartz				
Allen					Evans					Smith, Jr.				
Ambrose					Jarvis					Thomas, Sr.				
Brazil					Mason									
Catania					Patterson									

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

Secretary to the Council

Date