

1 MICHIGAN DEPARTMENT OF COMMUNITY HEALTH
2
3 CERTIFICATE OF NEED (CON) REVIEW STANDARDS
4 FOR AIR AMBULANCE SERVICES
5

6 (By authority conferred on the CON Commission by Section 22215 of Act No. 368 of the Public Acts of
7 1978, as amended, and sections 7 and 8 of Act No. 306 of the Public Acts of 1969, as amended, being
8 sections 333.22215, 24.207 and 24.208 of the Michigan Compiled Laws.)
9

10 **Section 1. Applicability**

11
12 Sec. 1. (1) These standards are requirements for approval OF THE INITIATION, REPLACEMENT,
13 EXPANSION, OR ACQUISITION OF AIR AMBULANCE SERVICES, and THE delivery of THESE services
14 ~~for all projects approved and Certificates of Need issued under Part 222 of the Code which involve air~~
15 ~~ambulance services.~~

16
17 ~~— (2) PURSUANT TO PART 222 OF THE CODE,~~ Air ambulance is a covered clinical ~~service for~~
18 ~~purposes of Part 222 of the Code.~~

19
20 ~~— (3) This service. The~~ Department shall use ~~sections 3, 4, 5, 6, and 9, as applicable,~~ THESE
21 STANDARDS in applying Section 22225(1) of the Code, being Section 333.22225(1) of the Michigan
22 Compiled Laws.

23
24 ~~— (4) The Department shall use Section 8, as applicable, in applying Laws AND~~ Section 22225(2)(c) of
25 the Code, being Section 333.22225(2)(c) of the Michigan Compiled Laws.
26

27 **Section 2. Definitions**

28
29 Sec. 2. (1) As used in these standards:

30 ~~(a) "Acquisition of an existing air ambulance service" means obtaining possession and control of an~~
31 ~~existing air ambulance service by contract, ownership, lease or other comparable arrangement.~~

32 (b) "Advanced life support services" means patient care that may include any care a paramedic is
33 qualified to provide by paramedic education that meets the educational requirements established by the
34 Department under Section 20912 of the Code, being Section 333.20912 of the Michigan Compiled Laws,
35 or is authorized to provide by the protocols established by the local medical control authority under Section
36 20919 of the Code, being Section 333.20919 of the Michigan Compiled Laws, for a paramedic.

37 (c) "Advanced life support intercept" means the use of an air ambulance to provide advanced life
38 support services to a patient at the scene of an emergency that does not involve the transport of that
39 patient by air.

40 (d) "Air ambulance" means a rotary wing aircraft that is capable of providing treatment or
41 transportation of a patient at or from the scene of an emergency. An air ambulance may also be used for
42 the inter-facility transport of a patient requiring at minimum advanced life support. The term does not
43 include an air ambulance licensed in a state other than Michigan that does not transport patients from the
44 scene of an emergency in Michigan, except pursuant to mutual aid agreements, and which is not required
45 to be licensed as an air ambulance under Part 209 of the Code, being Section 20901 et seq. of the
46 Michigan Compiled Laws.

47 (e) "Air ambulance service" means providing at least advanced life support services utilizing an air
48 ambulance(s) that operates in conjunction with a base hospital(s). Other functions of the service may
49 include searches, emergency transportation of drugs, organs, medical supplies, equipment or personnel.
50 An air ambulance service may operate a back-up air ambulance when the primary air ambulance(s) is not
51 available or for a designated event with prior notification and approval from the local medical control
52 authority.

53 (f) "Back-up air ambulance" means an air ambulance that is used to provide air ambulance
54 services when the primary air ambulance is not available to provide air ambulance services. A back-up air

55 ambulance shall not be operated at the same time as the primary aircraft for the provision of air
56 ambulance services except for a designated event.

57 (g) "Base hospital(s)" means the hospital or hospitals designated by the applicant in the CON
58 application as the location(s) to which the majority of patient transports will be completed.

59 (h) "Base of operations" means the site or sites at which the air ambulance(s) and crew are located
60 for the air ambulance service.

61 (i) "Certificate of Need Commission" or "CON Commission" means the Commission created
62 pursuant to Section 22211 of the Code, being Section 333.22211 of the Michigan Compiled Laws.

63 (j) "Code" means Act No. 368 of the Public Acts of 1978, as amended, being Section 333.1101 et
64 seq. of the Michigan Compiled Laws.

65 (k) "Department" means the Michigan Department of Community Health (MDCH).

66 (l) "Designated event" means a temporary event, such as an air show, of no more than seven (7)
67 days in duration that requires the full-time on-site availability of an air ambulance.

68 (m) "Emergency" means a condition or situation in which an individual declares a need for
69 immediate medical attention for any individual, or where that need is declared by emergency medical
70 services personnel or a public safety official, pursuant to MCL 333.20904.

71 (n) "Existing air ambulance" means an operational air ambulance on the date which an application
72 is submitted to the Department.

73 (o) "Existing air ambulance service" means an operational air ambulance service or an air
74 ambulance service approved, but not yet operational on the date which an application is submitted to the
75 Department.

76 ~~(p) "Expand an air ambulance service" means increasing the number of air ambulances operated~~
77 ~~by an existing air ambulance service.~~

78 (qp) "Health facility" means a health facility or agency as defined in Section 20106 of the Code, being
79 Section 333.20106 of the Michigan Compiled Laws.

80 (rq) "Hospital" means a health facility licensed under Part 215 of the Code.

81 ~~(s) "Initiate an air ambulance service" means begin operation of an air ambulance service from a~~
82 ~~base of operations that does not provide air ambulance services in compliance with Part 222 of the Code~~
83 ~~and is not listed on the Department inventory of air ambulances on the date on which an application is~~
84 ~~submitted to the Department. The term does not include the renewal of a lease.~~

85 (tr) "Inter-facility transport" means the transport of a patient between health facilities using an air
86 ambulance.

87 ~~(u) "Medicaid" means title XIX of the social security act, chapter 531, 49 Stat. 620, 1396r-6 TO~~
88 ~~1396G and 1396r-8; to 1396v to 1396u.~~

89 (vs) "Medical control authority" means an organization designated by the Department under Section
90 20910(1)(g) to provide medical control, pursuant to MCL 333.20906.

91 (wt) "Monitored bed" means a licensed hospital bed that has, at a minimum, the capability of
92 electronically monitoring in real time a patient's cardiac activity.

93 (xu) "Mutual aid" means a written agreement between 2 or more air ambulance services for the
94 provision of emergency medical services when an air ambulance service is unable to respond to a request
95 for a pre-hospital transport.

96 (yv) "Organ transport" means the use of an air ambulance to transport an organ(s) and surgical
97 transplant team between hospitals for transplantation purposes occurring in Michigan.

98 (zw) "Patient transport" means the use of an air ambulance to provide an advanced life support
99 intercept, a pre-hospital transport or an inter-facility transport occurring in Michigan.

100 (aax) "Pre-hospital transport" means the use of an air ambulance to provide transportation and
101 advanced life support services to a patient from the scene of an emergency to a hospital.

102 ~~(bb) "Replace an air ambulance" means an equipment change which results in an air ambulance~~
103 ~~service operating an air ambulance, with a different aircraft manufacturer's serial number, other than a~~
104 ~~back-up air ambulance.~~

105 (eey) "Rotary wing aircraft" means a helicopter.

106

107 (2) The definitions of Part 209 and 222 shall apply to these standards.

108

109 **Section 3. Requirements for approval to initiate an air ambulance service**

110
111 Sec. 3. "Initiate an air ambulance service" means begin operation of an air ambulance service from
112 a base of operations that does not provide air ambulance services in compliance with Part 222 of the
113 Code and is not listed on the Department inventory of air ambulances on the date on which an application
114 is submitted to the Department. The term does not include the renewal of a lease. An applicant
115 proposing to initiate an air ambulance service shall:

- 116
117 (1) Operate only one (1) air ambulance.
118
119 (2) Identify the base hospital(s) of the proposed air ambulance service.
120
121 (3) Identify the base of operations of the proposed air ambulance service.
122
123 (4) Provide a letter of support from the medical control authority for the base of operations
124 indicating that the applicant's proposed protocols comply with the requirements of the medical control
125 authority.
126

127 ~~_____ (5) Project, in accordance with the methodology in Section 9, that at least 275 patient transports will~~
128 ~~be made in the second 12 months after beginning operation.~~

129
130 ~~(65)~~ Demonstrate that all existing air ambulance services with a base of operations within a 75-mile
131 radius of the base of operations of the proposed air ambulance service have been notified of the
132 applicant's intent to initiate an air ambulance service, by means of certified mail return receipt, dated
133 before the deemed complete date of the application.
134

135 **Section 4. Requirements for approval to ~~expand~~REPLACE an air ambulance service**

136
137 _____ Sec. 4. "Replace an air ambulance" means an equipment change which results in an air ambulance
138 service operating an air ambulance, with a different aircraft manufacturer's serial number, other than a
139 back-up air ambulance. An applicant proposing to replace an existing air ambulance shall: An applicant
140 proposing to ~~expand~~REPLACE an air ambulance service shall:

141
142 (1) ~~Demonstrate that in the most recent 12-month period for which verifiable data are available to~~
143 ~~the Department, the air ambulance service met one (1) of the following:~~
144 ~~_____ (a) 600 patient transports and organ transports for an air ambulance service expanding to two (2)~~
145 ~~air ambulances, of which 275 must be patient transports.~~
146 ~~_____ (b) 1,200 patient transports and organ transports for an air ambulance service expanding to three~~
147 ~~(3) air ambulances, of which 550 must be patient transports.~~
148 ~~_____ (c) 1,800 patient transports and organ transports for an air ambulance service expanding to four (4)~~
149 ~~air ambulances, of which 825 must be patient transports.~~ Demonstrate that the existing air ambulance to
150 be replaced is fully depreciated according to generally accepted accounting principles, or that the
151 replacement air ambulance offers significant technological improvements which enhance safety or quality
152 of care, increases efficiency, or reduces operating costs.
153

154 (2) Identify the existing base of operations of the air ambulance service.
155

156 (3) ~~Identify any proposed base of operations and demonstrate that the proposed base of operations~~
157 ~~is within the same medical control authority as the existing base of operations.~~

158
159 ~~_____ (4) Identify the existing and proposed base hospital(s) of the air ambulance service.~~

160
161 _____ (4) Assert that the air ambulance to be replaced shall be removed from operation at the applicant's
162 air ambulance service or designated as a back-up air ambulance.

163
164 (5) PROVIDE A LETTER OF SUPPORT FROM THE MEDICAL CONTROL AUTHORITY FOR
165 THE BASE OF OPERATIONS INDICATING THAT THE APPLICANT'S PROPOSED PROTOCOLS
166 COMPLY WITH THE REQUIREMENTS OF THE MEDICAL CONTROL AUTHORITY.
167

168 **Section 5. Requirements for approval to ~~replace~~ EXPAND an air ambulance**
169

170 Sec. 5. "Expand an air ambulance service" means increasing the number of air ambulances
171 operated by an existing air ambulance service. An applicant proposing to ~~replace~~ EXPAND an existing air
172 ambulance shall:
173

174 (1) ~~Demonstrate that in the most recent 12-month period for which verifiable data are available to~~
175 ~~the Department, the air ambulance service met one (1) of the following:~~

176 ~~— (a) 275 patient transports for an air ambulance service with one (1) air ambulance.~~

177 ~~— (b) 600 patient transports and organ transports for an air ambulance service with two (2) air~~
178 ~~ambulances, of which 550 must be patient transports.~~

179 ~~— (c) 1,200 patient transports and organ transports for an air ambulance service with three (3) air~~
180 ~~ambulances, of which 825 must be patient transports.~~

181 ~~— (d) 1,800 patient transports and organ transports for an air ambulance service with four (4) air~~
182 ~~ambulances, of which 1,100 must be patient transports.~~
183

184 ~~— (2) Demonstrate that the existing air ambulance to be replaced is fully depreciated according to~~
185 ~~generally accepted accounting principles, or that the replacement AIR AMBULANCE offers significant~~
186 ~~technological improvements which enhance safety or quality of care, increases efficiency, or reduces~~
187 ~~operating costs.~~
188

189 ~~— (3) Identify the existing base of operations of the air ambulance service.~~
190

191 (2) Identify any proposed base of operations and demonstrate that the proposed base of operations
192 is within the same medical control authority as the existing base of operations.
193

194 (43) Identify the existing and proposed base hospital(s) of the air ambulance service.
195

196 (54) ~~Assert that the air ambulance to be replaced shall be removed from operation at the applicant's~~
197 ~~air ambulance service or designated as a back-up air ambulance.~~ PROVIDE A LETTER OF SUPPORT
198 FROM THE MEDICAL CONTROL AUTHORITY FOR THE BASE OF OPERATIONS INDICATING THAT
199 THE APPLICANT'S PROPOSED PROTOCOLS COMPLY WITH THE REQUIREMENTS OF THE
200 MEDICAL CONTROL AUTHORITY.
201

202 **Section 6. Requirements for approval to acquire an existing air ambulance service**
203

204 Sec. 6. "Acquisition of an existing air ambulance service" means obtaining possession and control of
205 an existing air ambulance service by contract, ownership, lease or other comparable arrangement.

206 An applicant proposing to acquire an existing air ambulance service shall:
207

208 (1) ~~Demonstrate that in the most recent 12-month period for which verifiable data are available to~~
209 ~~the department, the air ambulance service met one (1) of the following:~~

210 ~~— (a) 275 patient transports for an air ambulance service with one (1) air ambulance.~~

211 ~~— (b) 600 patient transports and organ transports for an air ambulance service with two (2) air~~
212 ~~ambulances, of which 550 must be patient transports.~~

213 ~~— (c) 1,200 patient transports and organ transports for an air ambulance service with three (3) air~~
214 ~~ambulances, of which 825 must be patient transports.~~

215 ~~— (d) 1,800 patient transports and organ transports for an air ambulance service with four (4) air~~
216 ~~ambulances, of which 1,100 must be patient transports.~~

- 217 |
- 218 | ~~(2)~~ Identify the existing base of operations of the air ambulance service.
- 219 |
- 220 | ~~(32)~~ Identify any proposed base of operations and demonstrate that the proposed base of operations
- 221 | is within the same medical control authority as the existing base of operations.
- 222 |
- 223 | ~~(43)~~ Identify the existing and proposed base hospital(s) of the air ambulance service.
- 224 |
- 225 | ~~(54)~~ Provide a letter of support from the medical control authority for the base of operations
- 226 | indicating that the applicant's proposed protocols comply with the requirements of the medical control
- 227 | authority.
- 228 |

229 | **Section 7. Requirements for ~~approval for all applicants~~ MEDICAID PARTICIPATION**

230 |

231 | Sec. 7. An applicant shall provide verification of Medicaid participation. An applicant that is a new

232 | provider not currently enrolled in Medicaid shall certify that proof of Medicaid participation will be provided

233 | to the Department within six (6) months from the offering of services, if a CON is approved.

234 |

235 | **Section 8. Project delivery requirements--terms of approval for all applicants**

236 |

237 | Sec. 8. ~~(1)~~ An applicant shall agree that, if approved, the AIR AMBULANCE services ~~provided by~~

238 | ~~the air ambulance service~~ shall be delivered in compliance with the following terms of ~~CON~~ approval:

239 |

240 | ~~(a1)~~ Compliance with these standards.

241 |

242 | (2) COMPLIANCE WITH THE FOLLOWING QUALITY ASSURANCE REQUIREMENTS:

243 | ~~(ba)~~ Compliance with applicable state and federal safety, operating, and licensure standards.

244 | ~~(eb)~~ Compliance with applicable local medical control authority protocols for scene responses by air

245 | ambulances.

246 | ~~(d) An average of 275 patient transports annually for each existing air ambulance.~~

247 | ~~(ec)~~ Compliance with either of the following quality assurance standards:

248 | (i) The applicant shall be accredited as an air ambulance service by the Commission on the

249 | Accreditation of Medical Transport Systems (CAMTS) within 2 years of beginning operation; or

250 | (ii) the applicant shall maintain the following:

251 | (A) written policies and procedures specifying the levels of patient care to be provided. The level of

252 | patient care provided shall be commensurate with the education and experience of the staff and the

253 | capabilities of the base hospitals.

254 | (B) written patient care protocols including provisions for continuity of care;

255 | (C) written policies and procedures that define the roles and responsibilities of all staff members;

256 | (D) written policies and procedures addressing the appropriate use of air ambulance services;

257 | (E) a written communicable disease and infection control program;

258 | (F) a written plan for dealing with situations involving hazardous materials;

259 | (G) a planned and structured program for initial and continuing education and training, including

260 | didactic, clinical and in-flight, for all scheduled staff members appropriate for the respective duties and

261 | responsibilities;

262 | (H) written policies and procedures addressing the integration of the air ambulance service with

263 | public safety agencies governing the base hospitals including but not limited to the federal aviation

264 | administration, medical control authorities, ground emergency vehicles and disaster planning;

265 | (I) a quality management program;

266 | (J) a clinical data base for utilization review and quality assurance purposes; and

267 | (K) procedures to screen patients to assure appropriate utilization of the air ambulance service.

268 | ~~(fd)~~ Compliance with staffing and essential equipment as required by Part 209 of the Code, being

269 | Section 20901 et seq. of the Michigan Compiled Laws.

270 |

271 (3) COMPLIANCE WITH THE FOLLOWING ACCESS TO CARE REQUIREMENTS:
272 ~~(ga)~~ Compliance with all appropriate requests for services for pre-hospital transports.
273 ~~(hb)~~ Assurance that an air ambulance service will be utilized by all segments of the Michigan
274 population, shall:
275 (i) not deny air ambulance services to any individual based on ability to pay or source of payment;
276 (ii) provide air ambulance services to any individual based on ~~the clinical indications~~ NECESSITY
277 of need for the service; and
278 (III) ParticipationPARTICIPATE in Medicaid at least 12 consecutive months within the first two years
279 of operation and continue to participate annually thereafter.

281 (4) COMPLIANCE WITH THE FOLLOWING MONITORING AND REPORTING REQUIREMENTS:
282 ~~(ia)~~ Participation in a data collection network established and administered by the Department or its
283 designee. The data may include, but is not limited to: annual budget and cost information; operating
284 schedules; through-put schedules; demographic and diagnostic information; the volume of care provided
285 to patients from all payor sources; and other data requested by the Department. The applicant shall
286 provide the required data on a separate basis for each separate and distinct site, as required by the
287 Department; in a format established by the Department; and in a mutually agreed upon media. The
288 Department may elect to verify the data through on-site review of appropriate records.
289 ~~(jb) Provision of notice to~~ THE APPLICANT SHALL PROVIDE the Department with a-TIMELY notice
290 stating the date the new, additional, or replacement air ambulance, is placed in operation and such notice
291 shall be submitted to the Department OF THE PROPOSED PROJECT IMPLEMENTATION consistent
292 with applicable statute and promulgated rules.

293
294 ~~(k) Participation in Medicaid at least 12 consecutive months within the first two years of operation~~
295 ~~and continue to participate annually thereafter.~~

296
297 ~~(25)~~ The agreements and assurances required by this section shall be in the form of a certification
298 agreed to by the applicant or its authorized agent.

299
300 **~~Section 9. Methodology for projecting patient transports~~**

301
302 ~~Sec. 9. An applicant required to project patient transports shall compute projected patient transports~~
303 ~~as follows:~~

304 ~~(1) Identify the base hospital(s) to which patient transports will be completed by the proposed air~~
305 ~~ambulance service.~~

306
307 ~~(2) In order to include data from any hospital, an applicant shall document in the application each~~
308 ~~hospital's intent to utilize the proposed air ambulance service. For each hospital from which patients will~~
309 ~~be transported to a base hospital(s), document each of the following:~~

310 ~~(a) The number of patients that were transferred to each base hospital and either admitted to a~~
311 ~~monitored bed or expired prior to admission during the most recent 12-month period preceding the date~~
312 ~~on which an application is submitted to the Department.~~

313 ~~(b) The number of patients identified in subdivision (a) that were transferred by ground~~
314 ~~transportation.~~

315 ~~(c) The number of patients identified in subdivision (b) for which air transport would have been~~
316 ~~appropriate and for which an existing air ambulance service within a 75-mile radius was unavailable for~~
317 ~~reasons other than weather.~~

318
319 ~~(3) An applicant shall document the number of patients transferred from the scene of an emergency by~~
320 ~~ground transport to the base hospital(s) for which air transport would have been appropriate and for which an~~
321 ~~existing air ambulance service within a 75-mile radius was unavailable for reasons other than weather and~~
322 ~~the patients were either admitted to a monitored bed or expired prior to admission during the most recent 12-~~
323 ~~month period preceding the date on which an application is submitted to the Department.~~

324

325 | ~~(4) The projected number of patient transports shall be the sum of the results of subsections (2)(c)~~
326 | ~~and (3).~~

327

328 | **Section 409. Effect on Prior CON Review Standards; Comparative reviews**

329

330 | Sec. 409. (1) These CON review standards supersede and replace the CON Review Standards for
331 | Air Ambulance Services approved by the CON Commission on ~~March 9, 2004~~ JUNE 10, 2010 and
332 | effective on ~~June 4, 2004~~ AUGUST 12, 2010.

333

334 | (2) Projects reviewed under these standards shall not be subject to comparative review.