

Cause No. 02-7M

Name: E.M.T. Inc.

Administrative Law Judge: William K. Teegarden

Date: June 26, 2003

Commission Action: Affirmed

FINDINGS OF FACT

1. The Commission is an agency within the meaning of IC 4-21.5.
2. IC 4-21.5, IC 16-31, and 836 IAC 1 apply to this proceeding.
3. The Commission is the State agency charged with regulating ambulance companies within the state of Indiana and is the ultimate authority within the meaning of IC 4-21.5.
4. At all times relevant to this proceeding, E.M.T., Inc. was a certified EMS transporter in Ohio but not in Indiana.
5. The closest medical facility to several nursing homes in West Central Ohio is Reid Hospital in Richmond, Indiana.
6. IC 16-3-3-3(a)(2) allows E.M.T., Inc. to bring patients from those Ohio nursing homes into Reid for tests or treatment.
7. IC 16-31-3-3(a) does not mention return trips.
8. 836 IAC 1-2-1(b)(5) promulgated by the Commission allows E.M.T. to return the patient to Ohio from Reid if the patient is not kept at the hospital.
9. By recent amendment, 836 IAC 1-2-1(b)(5) further defines return as "within 24 hours".
10. The waiver request, if granted, would allow E.M.T., Inc. to transport Ohio based patients who had been admitted to Reid for more than 24 hours from Indiana to Ohio using non-certified ambulances and non-certified personnel without insurance coverage by a company licensed to write policies in Indiana.
11. There is a need to allow a patient brought to the hospital for outpatient tests or surgery to be returned as a part of a round trip.
12. Once the patient is admitted and stays hospitalized, however, there is no need or reason to allow an uncertified service to come back to the hospital and return the patient to Ohio.
13. In fact, IC 16-31-3 appears to prohibit this practice and a waiver cannot be given to a statutory requirement.
14. The Commission is entitled to Summary Judgment.

NONFINAL ORDER

The denial of the Waiver request of E.M.T., Inc. dated July 22, 2002, is affirmed.