

Recommendation 1G

Ensure Emergency Medical Services can survive a disaster's financial impact. Due to statutory ambiguities, reimbursement for ambulance providers and health care facilities have too often been reduced, delayed or denied, for legitimate and requested services provided by ambulance firms. Eliminating the ambiguities in the Stafford Act, as suggested in Appendix F, can help ensure rapid response and appropriate reimbursement. The JAC also agrees with the FCC's Independent Katrina Panel implementing the NSTAC's recommendation that telecommunications infrastructure providers should be afforded emergency responder status under the Stafford Act and that this designation should be incorporated into the National Response Framework and state and local emergency response plans

Appendix F: Suggested Statutory Changes to the Stafford Act

Emergency medical services must also be able to survive a disaster's financial impact. Unfortunately, there have been cases where ambulance services have responded to local and regional disasters, only to find out after the fact that their costs cannot be reimbursed in the same way that other emergency responders or even garbage services can. The Stafford Act authorizes the payment of federal funds from FEMA to state and local governments to pay for the extraordinary costs, including interoperable communications, associated with a federally declared disaster. However, due to statutory ambiguities, reimbursement for ambulance providers and health care facilities have too often been reduced, delayed or denied, for legitimate and requested services provided by ambulance firms.

The Stafford Act provides examples of the types of "emergency work" that are eligible to be reimbursed through FEMA administered disaster relief funds. It should include "ambulance services" in the array of services described in the Act. While "debris removal" and "rescue services" are listed, "ambulance services" and "services provided by ambulance personnel" are not listed as examples. Rapid and early ambulance response is critical. So is eliminating ambiguities around their ability to financially survive a disaster when their services have been requested. The Act should clarify that all types of ambulance providers who are part of the local or state government's emergency response system may receive funding from FEMA or other disaster relief funds. The following legislative language can implement this suggested change.

The Robert T. Stafford Disaster and Emergency Assistance Act (42 U.S.C. 5150) Section 307 should be amended as follows:

* Strike out "reconstruction," and insert in lieu thereof
"reconstruction, ambulance services,"

The Robert T. Stafford Disaster and Emergency Assistance Act (42 U.S.C.5121 et seq.) should be amended to provide as follows:

"No language in this chapter shall be construed to preclude the disbursement of any funds made available under this chapter as reasonable compensation to a private organization, firm, or individual for the provision of ambulance services pursuant to a contract or other

agreement with a federal agency or state or local government unit, or in response to an emergency request for ambulance services in the event of a federally declared disaster in the absence of a contract or other agreement."

Section 607 of the recently enacted Warning, Alert and Response Network Act (WARN Act) amended the Stafford Act to add the term "essential service provider" which includes entities that provide telecommunications service. *See* Title VI of the Security and Accountability for Every Port Act of 2006, Pub. L. 109-347, § 607 (October 13, 2006) (Warning Alert and Response Network Act, or the "WARN Act"). This section of the WARN Act also states that, unless exceptional circumstances apply, in an emergency or major disaster, the head of a Federal agency, to the greatest extent practicable, shall not deny or impede access to the disaster site to an essential service provider whose access is necessary to restore and repair an essential service and shall not impede the restoration or repair of telecommunications services. *Id.*

