

Study on the Legal Risks of Social Entities' Participation in Non-Emergency Transfers

Ruiqiang Chen*

School of Politics and Public Administration, Guangxi Minzu University, Nanning 530008, China

**Corresponding author: Ruiqiang Chen, E-mail: njdtnjcrq@163.com.*

Abstract

Non-emergency transfer multi-level protection system is an important livelihood project in China and an important diversified support for a sound Chinese-style modern social security system, as well as an ideal governance tool to effectively solve the problems of non-emergency demand crowding out the emergency capacity, unbalanced transfer resources and differences in the quality of service, imperfect management mechanism and laws and regulations, and low social acceptance. We use structural theory to analyse the main problems in the current practice of China's non-emergency transfer security system, accordingly construct the non-emergency transfer security system, and put forward suggestions to promote the development of the system in a benign cycle. Improve the internal resource allocation mechanism to enhance the efficiency of non-emergency transfer services; focus on the cultivation of the talent team to steadily improve the quality of services; optimise the management system and strengthen the articulation mechanism to boost patients' beliefs in recovery; and strengthen the all-round management of information technology for market supervision to deepen the emotional communication and connection.

Keywords

non-emergency transfer, medical security, structuring

1. Introduction

As the total population has continued to rise over the course of the 20th century, all aspects of society have faced unprecedented challenges. Among them, the increase in demand for transit is particularly prominent. With the acceleration of urbanisation and the improvement of people's living standards, there is a growing demand for convenient and efficient transit services. Whether it is medical emergency, logistics distribution or travelling, transit service plays a crucial role. Therefore, studying the risks faced by social actors involved in non-emergency transfer not only helps us to better cope with the current social challenges, but also provides useful references for future urban planning and optimisation of transfer services. After several years of practical exploration, China has made significant progress and achievements in the standardised diagnostic and treatment process of pre-hospital medical emergencies and the construction of green channels for emergency medical triage. According to the regulations, emergency centres and emergency network hospitals are not allowed to use ambulances for non-pre-hospital medical emergency services. Comparatively speaking, non-emergency transfer refers to the process of transferring patients who do not require emergency care from the place of inpatient treatment to other medical institutions or home for recovery. Regulatory divestment of non-emergency transfer services has led to a short-term reduction in the pressure on the demand for emergency transfer services, but there is a relative lack of uniform standards and regulatory measures for non-emergency transfers compared to pre-hospital emergency transfers. This situation has given rise to the frequent occurrence of chaotic phenomena such as indiscriminate charging after boarding and unqualified black ambulances, which has reduced service quality and transfer efficiency and triggered widespread concern in the community.

2. Legal Risks in the Participation of Social Entities in the Practice of Non-Emergency Transfers

2.1 Vague Legal Definitions

In the field of social subjects' participation in non-emergency transport services, the ambiguity of legal definitions has become a problem that needs to be solved urgently. This ambiguity is not only reflected in the absence or imperfection of relevant laws and regulations, but also lies in the unclear definition of the nature, purpose, scope, and responsibility of social subjects participating in non-emergency transport services. Thus, it has brought a lot of trouble and challenges to the social subject participants, patients and the whole industry.

Firstly, from the perspective of social actors, the vagueness of the legal definition makes them lack clear guidance when conducting business. Non-emergency transfer service is different from both emergency medical rescue and ordinary cargo transport. It involves a number of aspects such as patient's life safety, medical care, and safety and security during the transfer process, and therefore requires a set of clear and specific legal norms to guide the behaviour of the social subject participants. At present, due to the absence or imperfection of relevant laws and regulations, it is often difficult for social subject participants to judge whether their service behaviours comply with the legal requirements, which relatively increases the likelihood of them facing legal risks. Secondly, from the perspective of patients, the vagueness of the legal definition also leads to the fact that their rights and interests cannot be fully protected (Tian et al., 2023). When receiving non-emergency transfer services, patients often expect to receive professional, safe and timely services. However, under the current legal framework, the specific scope and responsibilities of non-emergency transfer services have not been clearly defined. This makes it difficult for social subject participants to accurately grasp the boundaries of their own services and legal responsibilities when conducting business. At the same time, patients are often not clear about the scope of their rights and interests when they receive the service, and in the event of a dispute, it is difficult for both parties to find a clear legal basis to safeguard their rights and interests. This may not only harm the physical health and life safety of patients, but also lead to a decrease in patients' trust in the social subject participants, which in turn affects the healthy development of the entire industry. In addition, the vagueness of the legal definition may also lead to confusion in the market order. Due to the lack of clear legal norms, some unscrupulous elements may take advantage of legal loopholes to engage in illegal transfer activities, such as charging illegal fees, overloading transport, and poor service quality. These behaviours not only harm the interests of patients, but also undermine the order of fair competition in the market, bringing negative impacts on the entire industry.

2.2 Legal Risks to Medical Safety

The legal risks to medical safety are a serious problem that cannot be ignored when social actors are involved in the practice of non-emergency transport services. The illegal practice of medicine, the illegal use of medical equipment and the unauthorized practice of medicine without obtaining a licence to practice as a medical institution are of particular concern. These illegal acts may not only directly harm the life safety and health of patients, but also may bring serious legal consequences to the social subject participants.

Illegal practice of medicine is one of the common legal risks of medical safety for social subjects involved in non-emergency transport services. Social entity participants should have the appropriate medical qualifications and skills to ensure that any medical problems that may arise during the transfer process can be properly handled. On the contrary, some social actors may engage in transfer services without obtaining the legal qualifications to practise medicine for the sake of profit or for the sake of luck. Such behaviour not only violates the relevant laws and regulations, but also seriously undermines the legitimate rights and interests of patients. Secondly, the illegal use of medical devices is also one of the common legal risks of medical safety in non-emergency transport services. The safety and effectiveness of medical devices are directly related to the life safety of patients. In order to reduce costs or pursue convenience, some social participants use uncertified or expired medical devices, or even modify or repair medical devices without authorisation. These behaviours may not only cause the performance of medical devices to deteriorate or become ineffective, but may also pose a serious threat to the safety of patients. Based on this, social subject participants should strictly abide by the regulations on the use of medical devices and ensure that the medical devices used comply with the relevant standards and requirements. In addition, unauthorised practice without

a medical institution practice permit is also one of the legal risks to medical safety in non-emergency transfer services (Lu & Shen, 2023). The practice permit for medical institutions is a legal certificate for medical institutions to carry out diagnosis and treatment activities, and is also an important measure to protect the rights and interests of patients. In order to avoid regulation or reduce costs, some social participants may carry out transfer services without obtaining a medical institution practice permit. Such behaviour not only violates the relevant laws and regulations, but also makes it impossible to effectively guarantee medical safety during the transfer service.

2.3 Legal Risks to Traffic Safety

The legal risks to traffic safety are an important issue that cannot be ignored when social actors are involved in non-emergency transfer services. These risks arise mainly from the improper use of “120” and other symbols by social vehicles, the unauthorised use of sirens and symbol lamps without obtaining the relevant documents, the participation of unqualified ambulances in transfer operations, and the violation of traffic safety laws and regulations while the vehicles are in motion, among other aspects.

The improper use of “120” and other symbols by social vehicles is one of the common traffic safety legal risks in non-emergency transport services. In order to obtain more business opportunities, some social participants use the “120” and other special symbols for emergency vehicles on their vehicles without authorisation. Their behaviour not only violates relevant laws and regulations, but also easily leads to misunderstanding and confusion among the public, increasing the risk of traffic accidents. Once a traffic accident occurs, due to the incorrect signage of social vehicles, there is a possibility of delayed rescue, and even cause greater losses. Secondly, the unauthorised use of sirens and sign lamps without obtaining the Certificate for the Use of Special Vehicle Sirens and Sign Lamps is also an important traffic safety legal risk (Wu, 2022). According to relevant laws and regulations, only specific types of vehicles can use sirens and sign lamps. However, in order to attract attention or pursue fast passage, some social entity participants will use these devices without obtaining the relevant certificates without authorisation. This practice not only disrupts traffic order, but may also lead to misunderstanding and misjudgment by other vehicles, thus causing traffic accidents. The unauthorised use of unqualified ambulances to transfer patients for business and profit without obtaining the Road Transport Operating Licence and Vehicle Operating Licence is also a serious traffic safety legal risk in the participation of social entities in non-emergency transfer services. Unqualified ambulances often have poor vehicle conditions and poor driver quality, which not only increase the risk of traffic accidents, but also may lead to accidents during the transfer of patients. Moreover, the operation of unqualified ambulances disrupts the normal market order and harms the interests of regular social actors. Violation of traffic safety laws and regulations while the vehicle is in motion is the most direct traffic safety legal risk for social subjects participating in non-emergency transfer services. Social subject participants should strictly abide by traffic rules to ensure that the vehicles are driven in a safe and orderly manner. Some social subject participants may ignore traffic safety laws and regulations, such as speeding, running red lights, and driving against traffic, in order to rush or pursue economic benefits. These offences not only endanger the lives of patients and drivers, but may also pose a threat to the safety of other road users.

2.4 Other Legal Risks in the Course of Services

In the practice of social subject participation in non-emergency transfer services, in addition to the risks of medical safety and traffic safety, there are a variety of other legal risks, which should also not be ignored. These include the illegal distribution of advertisements by social subject participants, the illegal collection, dissemination and trading of patient information, and contractual disputes in the course of the service. These risks may not only harm the rights and interests of patients, but also have serious legal consequences for social subject participants.

Illegal distribution of advertisements is one of the common legal risks in the participation of social subjects in non-emergency transfer services. In order to expand its market share, the social subject participant adopts illegal means of advertising, such as exaggerating the effects of publicity and using misleading terms. Such behaviour not only violates the relevant provisions of the Advertising Law, but also misleads patients to make inappropriate transport decisions. When advertising, social subject participants must strictly abide by laws and regulations to ensure that the advertisement content is true, accurate and legal. Secondly, illegal collection, dissemination, and trading of patient information is another important legal risk

for social subjects participating in non-emergency transfer services. Social subject participants have direct access to patients' personal information, such as name, contact information, and condition, in the course of the service (Yin, 2023). Such information involves patients' privacy and rights and must be properly protected. However, social subject participants may collect, disseminate or even trade such information in violation of the law in order to seek personal gain. Their behaviour not only infringes on patients' right to privacy, but may also lead to unnecessary harassment and loss of patients. Therefore, social subject participants must strengthen the protection of patient information to ensure the security and privacy of the information. In addition, contractual disputes during the service process are also common legal risks in social subject participants in non-emergency transfer services. The rights and obligations of both parties are clarified through the service contract between the social subject participant and the patient. As the terms of the contract may be unclear, unfair or illegal, as well as possible breaches of contract in the process of contract fulfilment, these factors may lead to contractual disputes (Tian & Zhu, 2020). Not only does this affect the smooth running of the transfer service, but it also brings financial losses and legal risks to both parties.

3. Recommendations for the Management of Legal Risks for Social Actors Involved in Non-emergency Transfers

3.1 Clarifying the Legal Definition of Non-emergency Transfer Services

In the field of non-emergency transfer services of social subjects, it is of great significance to clarify its legal definition and strengthen the industry regulation in order to protect the rights and interests of patients, improve the quality of services and promote the healthy development of the industry. Currently, the legal definition of non-emergency transfer service is still somewhat ambiguous, which not only brings operational confusion to the social subject participants, but also brings difficulties in law enforcement to the regulatory authorities. Therefore, it is necessary to conduct an in-depth analysis of the legal definition of non-emergency transfer services and strengthen the industry regulation on this basis. Clarifying the legal definition of non-emergency transfer services is the basis for regulating the development of the industry. As an important part of the medical service system, non-emergency transfer service should have clear legal provisions on its service content, service scope and service standards. By formulating special laws and regulations or relevant policy documents to clearly define the nature, status, rights and obligations of non-emergency transfer services, it helps to eliminate ambiguities in the industry, reduce legal disputes, and provide clear operational guidelines for social subject participants. Secondly, strengthening industry norms is the key to improving the quality of non-emergency transfer services. Industry norms are the inherent requirements of industry development and an important means to protect the rights and interests of patients. Aiming at the characteristics and needs of non-emergency transfer services, a set of perfect industry norms system should be formulated, including the service process, service standards, personnel qualification, vehicle equipment and other aspects of the regulations. By strengthening the industry's self-regulation and promoting conscious compliance with the norms by the social subject participants, the service quality can be effectively improved and the occurrence of medical accidents and disputes can be reduced.

In the process of clarifying legal definitions and strengthening industry norms, the following points also need to be noted: Firstly, cross-sectoral collaboration should be strengthened to form a synergy. Non-emergency transfer service involves a number of fields such as medical care, transport and insurance, and requires close collaboration among various departments to jointly promote the development of the industry. Through the establishment of a cross-sector coordination mechanism to strengthen information sharing and communication and collaboration, policy synergy can be formed to promote the normative and standardised development of non-emergency transfer services. Secondly, we should focus on the protection of patients' rights and interests. The object of non-emergency transfer services is patients, so protecting patients' rights and interests is the core of industry development. When formulating legal definitions and industry norms, full consideration should be given to the needs and interests of patients to ensure that social subject participants can provide safe, effective and convenient services. At the same time, a sound mechanism for handling patients' complaints should be established to solve the problems reflected by patients in a timely manner and safeguard the legitimate rights and interests of patients. Third, regulation and law enforcement should be strengthened. Clarifying legal definitions and strengthening industry norms are only the first step, and it is more important to ensure that these provisions are effectively enforced. Regulators should

strengthen supervision, inspection and law enforcement of non-emergency transfer services, and crack down on and penalise violations of the law to form an effective legal deterrent. At the same time, they should also strengthen training and guidance for social subject participants to raise their awareness of the law and norms to ensure the healthy development of the industry.

3.2 Strengthening Medical Safety Management

In the practice of social subjects participating in non-emergency transfer services, medical safety is a crucial link. Strengthening medical safety management and reducing the legal risk of medical safety is of great significance for safeguarding the life safety of patients, safeguarding the legitimate rights and interests of social subject participants and promoting the healthy development of the industry.

Strengthening medical safety management requires the establishment of a perfect medical safety management system. This includes the development of a detailed medical safety management system and operating norms, clarifying the duties and responsibilities of healthcare personnel, and ensuring that there are clear operating guidelines for every aspect of the medical service process. It is also necessary to establish a medical risk assessment and early warning mechanism to identify, assess and respond to possible medical safety risks in a timely manner to ensure the safety and effectiveness of medical services. Strengthening medical safety management requires attention to the qualification audit and training of healthcare personnel. Healthcare personnel are the core force of medical services, and their professionalism and operational skills are directly related to the quality and safety of medical services. Social participants should strictly audit the qualifications of medical and nursing personnel to ensure that they have the professional ability and quality to engage in non-emergency transfer services. In addition, the training and education of medical and nursing personnel should be strengthened to enhance their medical safety awareness and risk prevention ability, and ensure that they are able to make rapid and accurate judgements and dispositions in emergencies. Strengthening medical safety management also requires attention to the management of medical equipment and medicines. The use of medical equipment and medicines is essential in the process of non-emergency transfer services. Social subject participants should establish a perfect medical equipment and drug management system to ensure the normal operation of the equipment and the safety and effectiveness of the drugs. Regular maintenance and inspection of medical equipment should be carried out to ensure that it is in good working condition; strict management of the procurement, storage and use of medicines should be carried out to prevent the use of expired, deteriorated or unqualified medicines. In the process of strengthening medical safety management, it is also necessary to focus on communication and collaboration with patients. Non-emergency transfer service involves the life safety of patients, so it is especially important to maintain good communication with patients. Healthcare personnel should take the initiative to introduce the process, risks and precautions of the transfer service to patients and their families, so as to enhance the patients' sense of trust and safety. At the same time, they should also actively listen to patients' opinions and suggestions, continuously improve service quality and enhance patient satisfaction. Finally, strengthening medical safety management also requires enhanced supervision and law enforcement. Government departments should strengthen the supervision of non-emergency transfer services, formulate strict regulatory standards and penalties, and severely crack down on and punish violations of the law. It should further strengthen the supervision and guidance of social subject participants, help them establish a sound medical safety management system, and improve service quality and safety.

3.3 Enhancing Traffic Safety Supervision in the Service Process

In non-emergency transfer services, the issue of traffic safety is directly related to the safety of patients' lives and the quality of services. Therefore, strengthening traffic safety supervision in the service process and preventing traffic safety legal risks are crucial to ensuring the safety and reliability of non-emergency transfer services.

Strengthening traffic safety supervision requires the establishment of a sound traffic safety management system. This includes the formulation of detailed traffic rules and operational specifications, and the clarification of drivers' duties and authority to ensure that transfer vehicles strictly comply with traffic regulations and safety standards in the course of travelling. At the same time, it is also necessary to establish a traffic safety risk assessment and response mechanism to identify, assess and deal with possible traffic safety risks in a timely manner, so as to prevent traffic accidents from occurring. Enhanced traffic safety supervision requires strengthening the management and maintenance of transfer vehicles. As an important

tool for non-emergency transfer services, the performance and safety of transfer vehicles are directly related to the quality and safety of the services. Social subject participants should regularly inspect and maintain transfer vehicles to ensure that they are in good working condition. They should also strengthen the management of the use of vehicles to prevent violations such as overloading and speeding. Strengthening traffic safety supervision also requires attention to the qualification audit and training of drivers. Drivers are the actual operators of transit vehicles, and their driving skills and safety awareness are directly related to traffic safety. The social subject participants should strictly audit the qualifications of drivers to ensure that they have the driving ability and experience to engage in non-emergency transfer services. Traffic safety education and training for drivers should also be strengthened to enhance their traffic safety awareness and risk prevention ability to ensure that they are able to drive safely in complex traffic environments. Strengthening traffic safety supervision also requires enhanced co-operation and communication with traffic management departments. Traffic management departments, as authorities responsible for traffic safety, have rich experience and resources in traffic safety management. Social subject participants should actively establish co-operation with traffic management departments to jointly promote traffic safety management of non-emergency transfer services. The efficiency and effectiveness of traffic safety supervision can be effectively enhanced by sharing information and carrying out joint law enforcement. Strengthening traffic safety supervision also requires strengthening social supervision and public opinion guidance. Social supervision and public opinion guidance are important means to enhance the level of traffic safety supervision. Social subject participants should take the initiative to accept social supervision, actively respond to public concerns, and promptly improve the problems in the service. Public opinion guidance should also be strengthened, and public awareness and attention to traffic safety in non-emergency transfer services should be raised through media publicity and public service advertisements, so as to form a favourable social atmosphere.

3.4 Actively Improve the Legal Risk Prevention System

In the process of social subjects participating in the practice of non-emergency transit services, actively improving the legal risk prevention system and coping with other legal risks is an important guarantee to ensure the legitimate rights and interests of the social subjects participating parties and to maintain the healthy development of the industry.

Specifically, improving the legal risk prevention system requires the establishment of a comprehensive risk identification mechanism. The process of non-emergency transfer services may face a variety of legal risks, including, but not limited to, contract disputes, inappropriate advertising and publicity, and leakage of patient information. Therefore, social subject participants should establish a set of comprehensive risk identification mechanism to comprehensively sort out and assess possible legal risks. Through regular risk screening and special inspections, potential legal risk points can be discovered in time to provide a basis for formulating preventive measures.

Improving the legal risk prevention system requires increasing the frequency of legal training for industry participants and enhancing their awareness of legal compliance. Social subject participants should organise legal training activities on a regular basis and invite legal experts to educate service personnel on legal knowledge popularisation and risk prevention. Through training, improve the legal literacy and risk awareness of service personnel, so that they can consciously comply with laws and regulations in their daily work, and effectively prevent the occurrence of legal risks. In addition, improving the legal risk prevention system also requires the establishment of a sound internal management system. Participants in the social body should formulate a detailed internal management system and operating norms, clarify the responsibilities and authority of each department, and ensure the standardisation and standardisation of all work. At the same time, they should also establish a sound internal supervision mechanism to regularly check and evaluate the implementation of the systems to ensure their effective implementation.

In terms of dealing with other legal risks, social subject participants should pay special attention to the following aspects: first, the prevention of advertising and publicity risks. When conducting advertising and publicity, non-emergency social subject participants should ensure the authenticity and legality of the content of the advertisements, and avoid the use of false publicity, exaggeration and other inappropriate means. At the same time, they should also comply with relevant laws and regulations and industry rules to prevent legal risks arising from illegal advertising. Second, the prevention of patient information protection risks. Non-emergency transfer services involve the collection and storage of a large amount of patients' personal

information, and social subject participants should strengthen the protection and management of patient information to prevent information leakage and abuse. The security and privacy of patient information is ensured through the establishment of a sound information security management system and technical protection measures. Third, the prevention of contract dispute risk. In the process of non-emergency transfer services, contractual disputes may arise between social subject participants and patients due to service content, costs and other issues. Based on this, the social subject participant should formulate a perfect contract management system, clarify the contract terms and the rights and obligations of both parties, and avoid legal risks arising from unclear contract terms or improper performance.

4. Summary

In the participation of social agents in non-emergency transfer practices, legal responsibility and compliance with and application of medical regulations and policies are complementary. On the one hand, compliance with legal responsibilities is the basis for ensuring the legality and safety of the transfer service. Social subject participants should strengthen their legal awareness to ensure that their own behaviours comply with the requirements of laws and regulations, and avoid unnecessary legal liability due to illegal behaviours. On the other hand, compliance with and application of medical regulations and policies is also the key to improving the quality of transfer services. Social participants should actively learn and master the relevant medical regulations and policies to ensure the standardisation and effectiveness of transfer services. At the same time, they should also optimise the service process according to the policy direction and improve the service quality to meet the needs of patients and society. The application of legal responsibility and medical regulations and policies in non-emergency transport practice is of great significance. By complying with legal responsibilities and medical regulations and policies, it can ensure the legality, safety and standardisation of the transfer service, and improve the quality and efficiency of the service. It also helps to enhance the legal awareness and responsibility of social subject participants and promote the healthy development of non-emergency transfer services.

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