

**Effective 7/1/2015**

**26-8a-408 Criteria for determining public convenience and necessity.**

- (1) The criteria for determining public convenience and necessity is set forth in Subsections (2) through (6).
- (2) Access to emergency medical services shall be maintained or improved. The officer shall consider the impact on existing services, including the impact on response times, call volumes, populations and exclusive geographic service areas served, and the ability of surrounding licensed providers to service their exclusive geographic service areas. The issuance or amendment of a license may not create an orphaned area.
- (3) The quality of service in the area shall be maintained or improved. The officer shall consider the:
  - (a) staffing and equipment standards of the current licensed provider and the applicant;
  - (b) training and certification levels of the current licensed provider's staff and the applicant's staff;
  - (c) continuing medical education provided by the current licensed provider and the applicant;
  - (d) levels of care as defined by department rule;
  - (e) plan of medical control; and
  - (f) the negative or beneficial impact on the regional emergency medical service system to provide service to the public.
- (4) The cost to the public shall be justified. The officer shall consider:
  - (a) the financial solvency of the applicant;
  - (b) the applicant's ability to provide services within the rates established under Section 26-8a-403;
  - (c) the applicant's ability to comply with cost reporting requirements;
  - (d) the cost efficiency of the applicant; and
  - (e) the cost effect of the application on the public, interested parties, and the emergency medical services system.
- (5) Local desires concerning cost, quality, and access shall be considered. The officer shall assess and consider:
  - (a) the existing provider's record of providing services and the applicant's record and ability to provide similar or improved services;
  - (b) locally established emergency medical services goals, including those established in Subsection (7);
  - (c) comment by local governments on the applicant's business and operations plans;
  - (d) comment by interested parties that are providers on the impact of the application on the parties' ability to provide emergency medical services;
  - (e) comment by interested parties that are local governments on the impact of the application on the citizens it represents; and
  - (f) public comment on any aspect of the application or proposed license.
- (6) Other related criteria:
  - (a) the officer considers necessary; or
  - (b) established by department rule.
- (7) Local governments shall establish cost, quality, and access goals for the ground ambulance and paramedic services that serve their areas.
- (8) In a formal adjudicative proceeding, the applicant bears the burden of establishing that public convenience and necessity require the approval of the application for all or part of the exclusive geographic service area requested.

Amended by Chapter 307, 2015 General Session

