

**EMERGENCY CARE TRAINING**

1998 GENERAL SESSION

STATE OF UTAH

**Sponsor: John L. Valentine**

AN ACT RELATING TO HEALTH; PERMITTING A TRAINED PERSON TO PERFORM CPR AND USE AN AUTOMATIC EXTERNAL DEFIBRILLATOR WITHOUT A LICENSE OR CERTIFICATE; AND MAKING IT A DUTY OF THE DEPARTMENT OF HEALTH AND THE DIVISION OF OCCUPATIONAL SAFETY AND HEALTH TO ENCOURAGE EMPLOYERS AND OTHER BUSINESS OWNERS TO HAVE STAFF SO TRAINED.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

**26-8-2**, as last amended by Chapter 288, Laws of Utah 1994

**26-8-5**, as last amended by Chapter 169, Laws of Utah 1988

**26-8-7**, as last amended by Chapter 170, Laws of Utah 1996

**34A-6-109**, as renumbered and amended by Chapter 375, Laws of Utah 1997

*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **26-8-2** is amended to read:

**26-8-2. Definitions.**

As used in this chapter:

(1) "Advanced life support" means an advanced level of prehospital and interhospital emergency care that includes basic life support functions, including cardiopulmonary resuscitation, and some or all of the following techniques or procedures:

(a) cardiac monitoring;

(b) cardiac defibrillation;

(c) telemetered electrocardiography;

(d) administration of specific medications, drugs, and solutions;

(e) use of adjunctive medical devices;

1 (f) trauma care; and

2 (g) other techniques and procedures authorized by the committee.

3 (2) "Advanced life support personnel" means emergency medical technicians and other  
4 persons certified by the committee who provide advanced life support.

5 (3) "Agency" means any department, division, board, council, committee, authority, or  
6 agency of the state, or any of its political subdivisions.

7 (4) "Ambulance" means any privately or publicly owned land, air, or water vehicle  
8 specifically designed, constructed, or modified, and equipped, which is intended to be used for and  
9 is maintained or operated for transportation, upon streets, highways, airways, or waterways in this  
10 state, of individuals who are sick, injured, wounded, or otherwise incapacitated or helpless.

11 (5) "Ambulance service" means transportation and care of patients by ambulance.

12 (6) "Basic emergency care training for cardiac arrest" means a course that:

13 (a) includes instruction on cardiopulmonary resuscitation and the operation and use of an  
14 automatic external defibrillator; and

15 (b) is conducted in accordance with the standards of the American Heart Association by  
16 a person qualified by training or experience.

17 [(6)] (7) "Basic life support" means prehospital and interhospital emergency care or  
18 medical instructions which include some or all of the techniques and procedures taught in a  
19 department-approved emergency medical technician basic training course.

20 [(7)] (8) "Basic life support personnel" means emergency medical technicians, emergency  
21 medical care first responders, emergency medical dispatchers, and other certified persons as  
22 specified by the committee who are engaged in the provision of basic life support.

23 [(8)] (9) "Chapter" means the provisions of this chapter and all rules adopted pursuant to  
24 it.

25 [(9)] (10) "Committee" means the State Emergency Medical Services Committee created  
26 by Section 26-1-7.

27 [(10)] (11) (a) "Critical care categorization guidelines" means a stratified profile of  
28 hospital critical care services related to emergency patient condition which aids a physician in  
29 selecting the most appropriate facility for critical patient referral.

30 (b) Guideline categories include trauma, spinal cord, burns, high risk infant, pediatrics,  
31 poisons, cardiac, respiratory, and psychiatric.

1           [(11)] (12) "Emergency medical services" means services used to respond to perceived  
2 individual needs for immediate medical care in order to prevent loss of life or aggravation of  
3 physiological or psychological illness or injury.

4           [(12)] (13) "Emergency medical care first responder" means an individual who has  
5 completed a department-approved emergency care first responder training program and is certified  
6 by the department as qualified to render services enumerated in rules adopted under this chapter.

7           [(13)] (14) "Emergency medical technician" means an individual who has completed a  
8 basic or advanced life support training program approved by the department who is certified by  
9 the department as qualified to render services enumerated in rules adopted under this chapter in  
10 accordance with his respective level of training.

11           [(14)] (15) "Emergency response vehicle" means any privately or publicly owned land,  
12 air, or water vehicle which is intended to be used for and is maintained or operated for the  
13 transportation of basic or advanced life support personnel, equipment, and supplies to the scene  
14 of a medical emergency for the provision of emergency medical services.

15           [(15)] (16) "License" means the authorization issued by the department to a person to  
16 provide emergency medical services.

17           [(16)] (17) "Local government" means city, county, city-county, multicounty government,  
18 or other political subdivisions of the state.

19           [(17)] (18) "Medical control" means direction and advice provided by medical personnel  
20 at a designated medical facility to prehospital basic or advanced life support personnel by radio,  
21 telephonic communications, written protocol, or direct verbal order.

22           [(18)] (19) "Patient" means an individual who, as the result of illness or injury, needs  
23 immediate medical attention, whose physical or mental condition is such that he is in imminent  
24 danger of loss of life or significant health impairment, or who may be otherwise incapacitated or  
25 helpless as a result of a physical or mental condition.

26           [(19)] (20) "Permit" means the authorization issued by the department in respect to an  
27 emergency medical services vehicle used or to be used to provide services.

28           [(20)] (21) "Person" means any individual, firm, partnership, association, corporation,  
29 company, group of individuals acting together for a common purpose, agency or organization of  
30 any kind, public or private.

31           Section 2. Section **26-8-5** is amended to read:

**26-8-5. Powers and responsibilities of department.**

The department shall have the following powers and responsibilities:

(1) coordinate emergency medical services within the state;

(2) administer and enforce rules established by the committee;

(3) license providers of emergency medical services pursuant to rules of the committee;

(4) issue ambulance and emergency response vehicle permits pursuant to rules of the committee;

(5) establish an emergency medical services data system which shall provide for the collection of data, as defined by the committee, relating to the treatment and care of patients who use or have used the emergency medical services system;

(6) develop, conduct, or authorize training programs for emergency medical services personnel;

(7) test and certify basic and advanced life support personnel pursuant to rules of the committee;

(8) prepare a state plan for the coordinated delivery of emergency medical services which shall be updated at least every three years which plan shall reflect recommendations of local government emergency medical services councils;

(9) develop hospital critical care categorization guidelines in consultation with the state medical association and state hospital association which guidelines shall not require transfer of any patient contrary to the wishes of the patient, his next of kin, or his attending physician;

(10) develop treatment protocols for the critical patient categories described in Section 26-8-2;

(11) consistent with the rules of the Federal Communications Commission, plan and coordinate statewide development and operation of communications systems which join emergency medical personnel, facilities and equipment to provide interagency coordination and medical control;

(12) develop programs to inform the public of the availability and use of the emergency medical services system;

(13) develop and disseminate emergency medical training programs for the public, which emphasize the treatment of injuries or illnesses threatening to life or limb, including cardiopulmonary resuscitation;

1           (14) develop programs to encourage employers, retailers, common carriers, restaurants,  
2 hotels, and other public accommodations to have employees on staff who have received basic  
3 emergency care training for cardiac arrest;

4           [(14)] (15) develop and implement, in cooperation with state and local agencies  
5 empowered to oversee disaster response activities, plans to ensure that emergency medical services  
6 will be provided at the time of a disaster or state of emergency within the state; and

7           [(15)] (16) make investigations and inspections necessary for the enforcement of this  
8 chapter. Inspections may be made of any person providing emergency medical services and may  
9 include personnel, vehicles, facilities, communications, equipment, methods, procedures,  
10 materials, and all other matters and things used in the provision of such services. Inspections may  
11 be made on a regular or special basis at such times and places as the department shall determine.

12           Section 3. Section **26-8-7** is amended to read:

13           **26-8-7. License or permit required for operation of emergency medical services --**  
14 **Hearing and ruling on new licenses -- Information required of licensees -- Employees to be**  
15 **licensed.**

16           (1) No person shall furnish, operate, conduct, maintain, advertise, or otherwise be engaged  
17 in or profess to be engaged in the provision of emergency medical services unless the person is  
18 licensed, designated, certified, or possesses the appropriate permit issued by the department  
19 pursuant to this chapter.

20           (2) New licenses may be issued only after public hearing and ruling by the committee that  
21 the public convenience and necessity requires the service. The committee shall cause notice of  
22 hearing to be served at least 40 days before the hearing upon every person who then holds a license  
23 to provide or who has applied for a license to provide emergency medical services in the territory  
24 proposed to be served by the applicant and upon other interested parties as determined by the  
25 committee. Any interested party may offer testimony for or against the granting of such  
26 certificate. If the committee finds that the public convenience and necessity requires the proposed  
27 service or any part thereof, it may issue the license as requested or issue it for the partial exercise  
28 of the privilege sought; otherwise it shall deny the application. The committee shall adopt hearing  
29 procedures as required by the Utah Administrative Rulemaking Act.

30           (3) Persons providing emergency medical services shall provide to the department  
31 information for the emergency medical services information system established pursuant to

1 Subsection 26-8-5(5).

2 (4) No employer shall employ or permit any employee to perform any services for which  
3 a license or certificate is required by this chapter unless the person performing the services  
4 possesses the required license or certificate.

5 (5) Notwithstanding Subsections (1) and (4), a person who has received basic emergency  
6 care training for cardiac arrest may provide cardiopulmonary resuscitation and use an automatic  
7 external defibrillator without a license, certificate, designation, or permit issued under this chapter  
8 or Title 58, Occupations and Professions.

9 Section 4. Section **34A-6-109** is amended to read:

10 **34A-6-109. Educational and training programs.**

11 (1) The division, after consultation with other appropriate agencies, shall conduct, directly  
12 or by assistance:

13 (a) educational programs to provide an adequate supply of qualified personnel to carry out  
14 the purpose of this chapter; and

15 (b) informational programs on the importance of adequate safety and health equipment.

16 (2) The division is authorized to conduct, directly or by assistance, training for personnel  
17 engaged in work related to its responsibilities under this chapter.

18 (3) The division shall:

19 (a) establish and supervise programs for the education and training of employers and  
20 employees for recognition, avoidance, and prevention of unsafe or unhealthful working conditions;

21 (b) consult and advise employers and employees about effective means for prevention of  
22 any work-related injury or occupational disease; [and]

23 (c) encourage employers to have employees who have received basic emergency care  
24 training for cardiac arrest, as defined in Section 26-8-2; and

25 [(c)] (d) provide safety and health workplace surveys.

**Legislative Review Note**  
**as of 1-19-98 11:55 AM**

A limited legal review of this bill raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**