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S.B. 54

EMERGENCY MEDICAL SERVICES SYSTEMS ACT

1999 GENERAL SESSION

STATE OF UTAH

Sponsor: Leonard M. Blackham

AN ACT RELATING TO HEALTH; REPEALING AND ENACTING THE EMERGENCY MEDICAL SERVICES SYSTEM ACT; DEFINING TERMS; CREATING AN EMERGENCY MEDICAL SERVICES COMMITTEE; EXTENDING RULEMAKING AUTHORITY TO THE COMMITTEE AND THE DEPARTMENT; PERMITTING RULES TO BE WAIVED; ESTABLISHING EMERGENCY MEDICAL SERVICE PROGRAMS, PLANS, AND DUTIES; AMENDING THE EMERGENCY MEDICAL SERVICES GRANT PROGRAM; ESTABLISHING CERTIFICATE REQUIREMENTS FOR PERSONNEL, DESIGNATION REQUIREMENTS FOR FACILITIES AND PROVIDERS, PERMIT REQUIREMENTS FOR EMERGENCY MEDICAL VEHICLES, LICENSING REQUIREMENTS FOR AMBULANCE PROVIDERS AND PARAMEDIC PROVIDERS, AND CARVING OUT EXEMPTIONS; ESTABLISHING STATE REGULATION OF THE EMERGENCY MEDICAL SERVICES MARKET; REQUIRING THE DEPARTMENT TO SET JUST AND REASONABLE RATES AND TO CREATE EXCLUSIVE GEOGRAPHIC SERVICE AREAS FOR LICENSED PROVIDERS; CREATING AN ADMINISTRATIVE PROCESS FOR ISSUING LICENCES FOR EXCLUSIVE GEOGRAPHIC SERVICE AREAS TO AMBULANCE AND PARAMEDIC PROVIDERS; ESTABLISHING THE REQUIREMENT OF PUBLIC CONVENIENCE AND NECESSITY; PERMITTING THE DEPARTMENT TO TAKE DISCIPLINARY ACTION; AUTHORIZING THE DEPARTMENT TO CONDUCT INSPECTIONS; MAKING TECHNICAL AND CONFORMING AMENDMENTS; AND PROVIDING AN EFFECTIVE DATE.

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

AMENDS:

28 **26-6a-1**, as last amended by Chapter 282, Laws of Utah 1998
29 **58-57-7**, as last amended by Chapter 297, Laws of Utah 1993
30 **62A-12-232**, as last amended by Chapter 142, Laws of Utah 1995
31 **63-46b-1**, as last amended by Chapter 375, Laws of Utah 1997
32 **63-63a-3**, as last amended by Chapter 156, Laws of Utah 1993
33 **63C-7-202**, as enacted by Chapter 136, Laws of Utah 1997
34 **75-2-1105.5**, as enacted by Chapter 45, Laws of Utah 1993
35 **76-5-102.7**, as enacted by Chapter 4, Laws of Utah 1997
36 **76-10-915**, as enacted by Chapter 79, Laws of Utah 1979
37 **78-29-101**, as last amended by Chapter 282, Laws of Utah 1998
38 ENACTS:
39 **26-8a-101**, Utah Code Annotated 1953
40 **26-8a-102**, Utah Code Annotated 1953
41 **26-8a-104**, Utah Code Annotated 1953
42 **26-8a-105**, Utah Code Annotated 1953
43 **26-8a-106**, Utah Code Annotated 1953
44 **26-8a-201**, Utah Code Annotated 1953
45 **26-8a-202**, Utah Code Annotated 1953
46 **26-8a-203**, Utah Code Annotated 1953
47 **26-8a-204**, Utah Code Annotated 1953
48 **26-8a-205**, Utah Code Annotated 1953
49 **26-8a-206**, Utah Code Annotated 1953
50 **26-8a-208**, Utah Code Annotated 1953
51 **26-8a-209**, Utah Code Annotated 1953
52 **26-8a-301**, Utah Code Annotated 1953
53 **26-8a-302**, Utah Code Annotated 1953
54 **26-8a-303**, Utah Code Annotated 1953
55 **26-8a-304**, Utah Code Annotated 1953
56 **26-8a-305**, Utah Code Annotated 1953
57 **26-8a-306**, Utah Code Annotated 1953
58 **26-8a-307**, Utah Code Annotated 1953

26-8a-308, Utah Code Annotated 1953
26-8a-309, Utah Code Annotated 1953
26-8a-310, Utah Code Annotated 1953
26-8a-311, Utah Code Annotated 1953
26-8a-401, Utah Code Annotated 1953
26-8a-402, Utah Code Annotated 1953
26-8a-403, Utah Code Annotated 1953
26-8a-404, Utah Code Annotated 1953
26-8a-405, Utah Code Annotated 1953
26-8a-406, Utah Code Annotated 1953
26-8a-407, Utah Code Annotated 1953
26-8a-408, Utah Code Annotated 1953
26-8a-409, Utah Code Annotated 1953
26-8a-410, Utah Code Annotated 1953
26-8a-411, Utah Code Annotated 1953
26-8a-412, Utah Code Annotated 1953
26-8a-413, Utah Code Annotated 1953
26-8a-414, Utah Code Annotated 1953
26-8a-415, Utah Code Annotated 1953
26-8a-416, Utah Code Annotated 1953
26-8a-501, Utah Code Annotated 1953
26-8a-502, Utah Code Annotated 1953
26-8a-503, Utah Code Annotated 1953
26-8a-504, Utah Code Annotated 1953
26-8a-505, Utah Code Annotated 1953
26-8a-506, Utah Code Annotated 1953
26-8a-507, Utah Code Annotated 1953

RENUMBERS AND AMENDS:

26-8a-601, (Renumbered from 26-8-11, as last amended by Chapter 320, Laws of Utah 1990)

26-8a-103, (Renumbered from 26-8-3, as last amended by Chapters 194 and 243, Laws of

90 Utah 1996)
91 **26-8a-207**, (Renumbered from 26-8-2.5, as last amended by Chapter 156, Laws of Utah
92 1993)
93 REPEALS:
94 **26-8-1**, as enacted by Chapter 126, Laws of Utah 1981
95 **26-8-2**, as last amended by Chapter 288, Laws of Utah 1994
96 **26-8-4**, as last amended by Chapter 288, Laws of Utah 1994
97 **26-8-5**, as last amended by Chapter 169, Laws of Utah 1988
98 **26-8-5.5**, as enacted by Chapter 195, Laws of Utah 1993
99 **26-8-6**, as enacted by Chapter 126, Laws of Utah 1981
100 **26-8-7**, as last amended by Chapter 170, Laws of Utah 1996
101 **26-8-7.5**, as enacted by Chapter 90, Laws of Utah 1998
102 **26-8-8**, as enacted by Chapter 126, Laws of Utah 1981
103 **26-8-9**, as enacted by Chapter 126, Laws of Utah 1981
104 **26-8-10**, as enacted by Chapter 126, Laws of Utah 1981
105 **26-8-12**, as last amended by Chapter 161, Laws of Utah 1987
106 **26-8-13**, as enacted by Chapter 126, Laws of Utah 1981
107 **26-8-14**, as enacted by Chapter 126, Laws of Utah 1981
108 *Be it enacted by the Legislature of the state of Utah:*
109 Section 1. Section **26-6a-1** is amended to read:
110 **26-6a-1. Definitions.**
111 For purposes of this chapter:
112 (1) "Designated agent" means a person or persons designated by an agency employing or
113 utilizing emergency medical services providers as employees or volunteers to receive and
114 distribute test results in accordance with this chapter.
115 (2) "Disability" means the event of becoming physically incapacitated from performing
116 any work for remuneration or profit.
117 (3) "Disease" means Acquired Immunodeficiency Syndrome, Human Immunodeficiency
118 Virus infection, Hepatitis B, Hepatitis B seropositivity, and any other infectious disease designated
119 by the department.
120 (4) "Emergency medical services agency" means an agency, entity, or organization that

121 employs or utilizes emergency medical services providers as employees or volunteers.
122 (5) "Emergency medical services provider" means [~~an emergency medical technician as~~
123 ~~defined in Section 26-8-2~~] a person certified under Section 26-8a-302, a peace officer as defined
124 in Title 53, Chapter 13, Peace Officer Classifications, local fire department personnel, or officials
125 or personnel employed by the Department of Corrections or by a county jail, who provides
126 prehospital emergency medical care for an emergency medical services agency either as an
127 employee or as a volunteer.
128 (6) "Patient" means any individual cared for by an emergency medical services provider,
129 including but not limited to victims of accidents or injury, deceased persons, and prisoners or
130 persons in the custody of the Department of Corrections.
131 (7) "Significant exposure" means:
132 (a) contact of an emergency medical services provider's broken skin or mucous membrane
133 with a patient's blood or bodily fluids other than tears or perspiration;
134 (b) that a needle stick, or scalpel or instrument wound has occurred in the process of caring
135 for a patient; or
136 (c) exposure that occurs by any other method of transmission defined by the department
137 as a significant exposure.
138 Section 2. Section **26-8a-101** is enacted to read:
139 **CHAPTER 8a. UTAH EMERGENCY MEDICAL SERVICES SYSTEM ACT**
140 **Part 1. General Provisions**
141 **26-8a-101. Title.**
142 This chapter is known as the "Utah Emergency Medical Services System Act."
143 Section 3. Section **26-8a-102** is enacted to read:
144 **26-8a-102. Definitions.**
145 As used in this chapter:
146 (1) "Ambulance" means a ground, air, or water vehicle that:
147 (a) transports patients and is used to provide emergency medical services; and
148 (b) is required to obtain a permit under Section 26-8a-305 to operate in the state.
149 (2) "Ambulance provider" means an emergency medical service provider that:
150 (a) transports and provides emergency medical care to patients; and
151 (b) is required to obtain a license under Part 4, Ambulance and Paramedic Providers.

(3) "Committee" means the State Emergency Medical Services Committee created by Section 26-1-7.

(4) "Direct medical observation" means in-person observation of a patient by a physician, registered nurse, physician's assistant, or individual certified under Section 26-8a-302.

(5) "Emergency medical condition" means:

(a) a medical condition that manifests itself by symptoms of sufficient severity, including severe pain, that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in:

(i) placing the individual's health in serious jeopardy;

(ii) serious impairment to bodily functions; or

(iii) serious dysfunction of any bodily organ or part; or

(b) a medical condition that in the opinion of a physician or his designee requires direct medical observation during transport or may require the intervention of an individual certified under Section 26-8a-302 during transport.

(6) "Emergency medical service personnel":

(a) means an individual who provides emergency medical services to a patient and is required to be certified under Section 26-8a-302; and

(b) includes a paramedic, medical director of a licensed emergency medical service provider, emergency medical service instructor, and other categories established by the committee.

(7) "Emergency medical service providers" means:

(a) licensed ambulance providers and paramedic providers;

(b) a facility or provider that is required to be designated under Section 26-8a-303 or 26-8a-304; and

(c) emergency medical service personnel.

(8) "Emergency medical services" means medical services, transportation services, or both rendered to a patient.

(9) "Emergency medical service vehicle" means a land, air, or water vehicle that is:

(a) maintained and used for the transportation of emergency medical personnel, equipment, and supplies to the scene of a medical emergency; and

(b) required to be permitted under Section 26-8a-305.

(10) "Interested party" means:

(a) a licensed or designated emergency medical services provider that provides emergency medical services within or in an area that abuts an exclusive geographic service area that is the subject of an application submitted pursuant to Part 4, Ambulance and Paramedic Providers;

(b) any municipality, county, or fire district that lies within or abuts a geographic service area that is the subject of an application submitted pursuant to Part 4, Ambulance and Paramedic Providers; or

(c) the department when acting in the interest of the public.

(11) "Medical control" means a person who provides medical supervision to an emergency medical service provider.

(12) "Paramedic provider" means an entity that:

(a) employs emergency medical service personnel; and

(b) is required to obtain a license under Part 4, Ambulance and Paramedic Providers.

(13) "Patient" means an individual who, as the result of illness or injury, meets any of the criteria in Subsection 26-8a-306(1).

Section 4. Section **26-8a-103**, which is renumbered from Section 26-8-3 is renumbered and amended to read:

[~~26-8-3~~]. 26-8a-103. State Emergency Medical Services Committee -- Membership -- Expenses.

(1) The State Emergency Medical Services Committee created by Section 26-1-7 shall be composed of [~~14~~] the following 16 members appointed by the governor[~~. The members are~~], at least five of whom must reside in a county of the third, fourth, fifth, or sixth class:

(a) five physicians licensed [~~to practice in this state, who practice in the following areas~~] under Title 58, Chapter 67, Utah Medical Practice Act, or Chapter 68, Utah Osteopathic Medical Practice Act, as follows:

(i) one [~~trauma~~] surgeon who actively provides trauma care at a hospital;

(ii) one rural physician [~~practicing in a rural area~~] involved in emergency medical care;

(iii) two physicians who practice in the emergency department of a general acute hospital; and

(iv) one pediatrician who practices in the emergency department or critical care unit of a general acute hospital or a children's specialty hospital;

(b) one representative from a private ambulance [~~services representative~~] provider;

(c) one representative from an ambulance provider that is neither privately owned nor operated by a fire department;

[~~(c)~~] (d) two chief officers from fire [~~chiefs, one who is a paramedic services provider and one who is an advanced life support provider~~] agencies operated by the following classes of licensed or designated emergency medical services providers: municipality, county, and fire district, provided that no class of medical services providers may have more than one representative under this Subsection (1)(d);

[~~(d)~~] (e) one [~~local public safety agency~~] director of [~~an~~] a law enforcement agency that provides emergency medical services;

[~~(e)~~] (f) one individual representing hospital [~~administrator~~] administration;

[~~(f)~~] (g) one emergency care nurse;

[~~(g)~~] (h) one [~~emergency medical technician-paramedic~~] paramedic in active field practice;

[~~(h)~~] (i) one emergency medical technician [~~with basic or advanced life support certification; and~~] in active field practice;

(j) one certified emergency medical dispatcher affiliated with an emergency medical dispatch center; and

[~~(i)~~] (k) one consumer.

(2) (a) Except as [~~required by~~] provided in Subsection (2)(b), members shall be appointed [~~for a term of four years with terms~~] to a four-year term beginning July 1.

(b) Notwithstanding [~~the requirements of~~] Subsection (2)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of committee members are staggered so that approximately half of the committee is appointed every two years.

(c) When a vacancy occurs in the membership for any reason, the replacement shall be appointed by the governor for the unexpired term [~~by the governor~~].

(3) (a) [~~The~~] Each January, the committee shall organize [~~annually~~] and select one of its members as chair and one member as vice chair. [~~The chair or vice chair shall be a physician.~~] The committee may organize standing or ad hoc subcommittees[~~, but members may not serve on standing committees~~], which shall operate in accordance with guidelines established by the committee.

(b) The chair shall convene a minimum of four meetings per year. [~~Special~~] The chair may call special meetings [~~may be called by the chair and~~]. The chair shall [~~be called by the chair~~] call

a meeting upon receipt of a written request signed by five or more members of the committee.

(c) [~~Eight~~] Nine members of the committee constitute a quorum for the transaction of business and the action of a majority of the members present is the action of the committee.

(4) (a) Members shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(b) Members may decline to receive per diem and expenses for their service.

(5) Administrative services for the committee shall be provided by the department.

Section 5. Section **26-8a-104** is enacted to read:

26-8a-104. Committee powers.

The committee shall adopt rules in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, that:

(1) establish certification and reciprocity requirements under Section 26-8a-302;

(2) establish designation requirements under Sections 26-8a-303 and 26-8a-304;

(3) promote the development of a statewide emergency medical services system under Section 26-8a-203;

(4) establish insurance requirements for ambulance providers;

(5) provide guidelines for requiring patient data under Section 26-8a-208;

(6) establish criteria for awarding grants under Section 26-8a-207;

(7) establish requirements for the coordination of emergency medical services and the medical supervision of emergency medical service providers under Section 26-8a-307; and

(8) are necessary to carry out the responsibilities of the committee as specified in other sections of this chapter.

Section 6. Section **26-8a-105** is enacted to read:

26-8a-105. Department powers.

The department shall:

(1) coordinate the emergency medical services within the state;

(2) administer this chapter and the rules established pursuant to it;

(3) establish a voluntary task force representing a diversity of emergency medical service providers to advise the department and the committee on rules; and

(4) adopt rules in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking

276 Act, to:
277 (a) license ambulance providers and paramedic providers;
278 (b) permit ambulances and emergency response vehicles;
279 (c) establish application, submission, and procedural requirements for licenses,
280 designations, certificates, and permits; and
281 (d) establish and implement the programs, plans, and responsibilities as specified in other
282 sections of this chapter.
283 Section 7. Section **26-8a-106** is enacted to read:
284 **26-8a-106. Waiver of rules.**
285 (1) Upon application, the committee or department may waive the requirements of a rule
286 it has adopted if:
287 (a) the person applying for the waiver satisfactorily demonstrates that:
288 (i) the waiver is necessary for a pilot project to be undertaken by the applicant;
289 (ii) in the particular situation, the requirement serves no beneficial public purpose; or
290 (iii) circumstances warrant that waiver of the requirement outweighs the public benefit to
291 be gained by adherence to the rule; and
292 (b) for a waiver granted under Subsection (1)(a)(ii) or (iii), the committee or department:
293 (i) extends the wavier to similarly situated persons upon application; or
294 (ii) amends the rule to be consistent with the waiver.
295 (2) No waiver may be granted under this section that is inconsistent with the provisions
296 of this chapter.
297 Section 8. Section **26-8a-201** is enacted to read:
298 **Part 2. Programs, Plans, and Duties**
299 **26-8a-201. Public awareness efforts.**
300 The department may:
301 (1) develop programs to inform the public of the emergency medical service system; and
302 (2) develop and disseminate emergency medical training programs for the public, which
303 emphasize the prevention and treatment of injuries and illnesses.
304 Section 9. Section **26-8a-202** is enacted to read:
305 **26-8a-202. Emergency medical communications.**
306 Consistent with federal law, the department is the lead agency for coordinating the

307 statewide emergency medical service communication systems under which emergency medical
308 personnel, dispatch centers, and treatment facilities provide medical control and coordination
309 between emergency medical service providers.
310 Section 10. Section **26-8a-203** is enacted to read:
311 **26-8a-203. Statewide trauma system and plan.**
312 (1) (a) The committee shall establish a statewide trauma system plan to:
313 (i) encourage the most efficient use of medical resources; and
314 (ii) improve the quality of trauma care, reduce costs, and enhance patient access.
315 (b) The plan shall:
316 (i) identify the emergency medical service needs and problems within the state; and
317 (ii) encourage cooperation between community organizations, health care facilities, public
318 health officials, emergency medical service providers, and rehabilitation facilities.
319 (2) The department shall encourage the creation of an inclusive trauma system that
320 coordinates the continuum of care for patients.
321 Section 11. Section **26-8a-204** is enacted to read:
322 **26-8a-204. Disaster coordination plan.**
323 The department shall develop and implement, in cooperation with state, federal, and local
324 agencies empowered to oversee disaster response activities, plans to provide emergency medical
325 services during times of disaster or emergency.
326 Section 12. Section **26-8a-205** is enacted to read:
327 **26-8a-205. Quality improvement programs.**
328 The department shall establish and maintain quality improvement programs for trauma care
329 and pediatric emergency medical services.
330 Section 13. Section **26-8a-206** is enacted to read:
331 **26-8a-206. Personnel stress management program.**
332 (1) The department shall develop and implement a statewide program to provide support
333 and counseling for personnel who have been exposed to one or more stressful incidents in the
334 course of providing emergency services.
335 (2) This program shall include:
336 (a) ongoing training for agencies providing emergency services and counseling program
337 volunteers; and

(b) critical incident stress debriefing for personnel at no cost to the emergency provider.

Section 14. Section **26-8a-207**, which is renumbered from Section 26-8-2.5 is renumbered and amended to read:

[~~26-8-2.5~~]. 26-8a-207. Emergency medical services grant program.

(1) (a) The department shall receive as nonlapsing dedicated credits the amount established in Section 63-63a-3. That amount shall be transferred to the department by the Division of Finance from funds generated by the surcharge imposed under Title 63, Chapter 63a.

(b) Funds transferred to the department under this section shall be used for improvement of statewide delivery of emergency medical services. Appropriations to the department for the purposes enumerated in this section shall be made from those dedicated credits.

(2) (a) The department may use up to [~~3%~~] 10% of the funds transferred to it under Subsection (1):

(i) to provide staff support [~~and~~];

(ii) for other expenses incurred in administration of those funds; and

(iii) for funding trauma system development.

[~~(3)~~] (b) After funding staff support [~~and~~], administrative expenses, and trauma system development, the department and the committee shall make emergency medical services grants [~~shall be made by the department to agencies, political subdivisions of local or state government, or nonprofit entities~~] from the remaining funds received as dedicated credits under Subsection (1) [~~as follows:~~]. A recipient of a grant under this Subsection (2)(b) must actively provide emergency medical services within the state.

[~~(a)~~] (i) [~~Forty-two and one-half percent shall be available to prehospital emergency medical services provider agencies in the form of~~] The department shall distribute 42-1/2% as per capita block grants for [~~discretionary~~] use specifically related to the provision of emergency medical services to nonprofit prehospital emergency medical services providers that are either licensed or designated and to emergency medical services that are the primary emergency medical services for a service area. [~~(i)~~] The department shall determine the grant amounts [~~of those grants~~] by prorating available funds on a per capita basis by county as described in department rule. [~~Population figures used as a basis for allocating grants shall be derived from the most recent population estimates issued by the state planning coordinator.~~]

[~~(ii) Allocation of funds to prehospital emergency medical services provider agencies~~

~~within each county shall be in proportion to the weighted number of state certified prehospital personnel in each prehospital emergency medical services provider agency that is actively involved in the provision of emergency care within the county. Weighting factors are: basic life support personnel = 1; advanced life support personnel (excluding EMT-paramedics) = 2; and EMT-paramedics = 3. The number of certified personnel is based upon the personnel rosters of each prehospital emergency medical services provider agency on March 1 immediately prior to the grant year.~~]

[~~(iii) The department may only disburse grant funds under this section after receipt of a claim for reimbursement from the agency, accompanied by a written description of the expenditures made.~~]

[~~(b)~~] (ii) [~~Forty-two and one-half percent shall be distributed~~] The committee shall award 42-1/2% of the remaining funds as competitive grants [~~to applicants~~] for use specifically related to the provision of emergency medical services based upon rules established by the [~~state Emergency Medical Services Committee~~] committee.

[~~(c)~~] (iii) [~~Fifteen percent shall be used~~] The committee shall use 15% of the remaining funds to fund high school emergency medical training programs [~~developed under Subsection 26-8-5 (13)~~].

[~~(4) Funds received under Subsection (1) may not be used to fund new local government emergency medical services if the new services compete with existing licensed private emergency medical services.~~]

[~~(5) (a) The department shall make an annual report to the Legislature which includes the amount received during the previous fiscal year and the estimated amounts for the current fiscal year. These amounts are the basis for legislative appropriations from the dedicated credits described in Subsection (1).~~]

[~~(b) The Legislature finds that these funds are for a general and statewide public purpose.~~]

Section 15. Section **26-8a-208** is enacted to read:

26-8a-208. Data collection.

As required by the committee, all persons licensed, certified, or designated pursuant to this chapter and health care facilities that accept emergency patients shall submit to the department information relating to the treatment and care of trauma patients and other patients who receive emergency medical services.

400 Section 16. Section **26-8a-209** is enacted to read:
401 **26-8a-209. Fees for training equipment rental, testing, and quality assurance reviews.**
402 (1) The department may charge fees, established pursuant to Section 26-1-6:
403 (a) for the use of department-owned training equipment;
404 (b) to administer tests and conduct quality assurance reviews; and
405 (c) to process an application for a certificate, designation, permit, or license.
406 (2) (a) Fees collected under Subsections (1)(a) and (b) shall be separate, nonlapsing
407 dedicated credits.
408 (b) Fees under Subsection (1)(a) may be used to purchase training equipment.
409 (c) Fees under Subsection (1)(b) may be used to administer tests and conduct quality
410 assurance reviews.
411 Section 17. Section **26-8a-301** is enacted to read:
412 **Part 3. Certificates, Designations, Permits, and Licenses.**
413 **26-8a-301. General requirement.**
414 (1) Except as provided in Section 26-8a-309:
415 (a) an individual may not provide emergency medical services without a certificate issued
416 under Section 26-8a-302;
417 (b) a facility or provider may not hold itself out as a designated emergency medical service
418 provider without a designation issued under Section 26-8a-303 or 26-8a-304;
419 (c) a vehicle may not operate as an ambulance or emergency response vehicle without a
420 permit issued under Section 26-8a-305; and
421 (d) an entity may not respond as an ambulance or paramedic provider without the
422 appropriate license issued under Part 4, Ambulance and Paramedic Providers.
423 (2) Section 26-8a-502 applies to violations of this section.
424 Section 18. Section **26-8a-302** is enacted to read:
425 **26-8a-302. Certification of emergency medical service personnel.**
426 (1) To promote the availability of comprehensive emergency medical services throughout
427 the state, the committee shall establish:
428 (a) initial and ongoing certification and training requirements for emergency medical
429 service personnel in the following categories:
430 (i) paramedic;

431 (ii) medical director;
432 (iii) emergency medical service instructor; and
433 (iv) other types of emergency medical personnel as the committee considers necessary; and
434 (b) guidelines for giving credit for out-of-state training and experience.
435 (2) The department shall, based on the requirements established in Subsection (1):
436 (a) develop, conduct, and authorize training and testing for emergency medical service
437 personnel; and
438 (b) issue certifications and certification renewals to emergency medical service personnel.
439 (3) As provided in Section 26-8a-502, an individual issued a certificate under this section
440 may only provide emergency medical services to the extent allowed by the certificate.
441 Section 19. Section **26-8a-303** is enacted to read:
442 **26-8a-303. Designation of emergency medical service providers.**
443 (1) To ensure quality emergency medical services, the committee shall establish
444 designation requirements for emergency medical service providers in the following categories:
445 (a) quick response provider;
446 (b) resource hospital for emergency medical providers;
447 (c) emergency medical service dispatch center;
448 (d) emergency patient receiving facilities; and
449 (e) other types of emergency medical service providers as the committee considers
450 necessary.
451 (2) The department shall, based on the requirements in Subsection (1), issue designations
452 to emergency medical service providers listed in Subsection (1).
453 (3) As provided in Section 26-8a-502, an entity issued a designation under Subsection (1)
454 may only function and hold itself out in accordance with its designation.
455 Section 20. Section **26-8a-304** is enacted to read:
456 **26-8a-304. Trauma center designation guidelines -- Inclusive trauma system.**
457 (1) The committee shall establish:
458 (a) voluntary trauma center designation requirements in consultation with industry
459 representatives; and
460 (b) model state protocols for the triage, treatment, transportation, and transfer of trauma
461 patients to the most appropriate health care facility.

462 (2) The department shall issue trauma center designations pursuant to the designation
463 requirements established by the committee.
464 (3) Plans and protocols developed by emergency medical service providers and resource
465 hospitals dealing with patient triage, treatment, transportation, and transfer must be reviewed and
466 approved by the department before they may go into effect.
467 Section 21. Section **26-8a-305** is enacted to read:
468 **26-8a-305. Permits for emergency medical service vehicles.**
469 (1) To ensure that emergency medical service vehicles are adequately staffed, safe,
470 maintained, and properly equipped, the committee shall establish permit requirements at levels it
471 considers appropriate in the following categories:
472 (a) ambulance; and
473 (b) emergency response vehicle.
474 (2) The department shall, based on the requirements established in Subsection (1), issue
475 permits to emergency medical service vehicles.
476 Section 22. Section **26-8a-306** is enacted to read:
477 **26-8a-306. Ambulance license required for emergency medical transport.**
478 Except as provided in Section 26-8a-309, only an ambulance operating under permit issued
479 under Section 26-8a-305, may transport an individual who:
480 (1) is in an emergency medical condition;
481 (2) is medically or mentally unstable, requiring direct medical observation during
482 transport;
483 (3) is physically incapacitated because of illness or injury and in need of immediate
484 transport by emergency medical service personnel;
485 (4) is likely to require medical attention during transport;
486 (5) is being maintained on any type of emergency medical electronic monitoring;
487 (6) is receiving or has recently received medications that could cause a sudden change in
488 medical condition that might require emergency medical services;
489 (7) requires IV administration or maintenance, oxygen that is not patient-operated, or other
490 emergency medical services during transport;
491 (8) needs to be immobilized during transport to a hospital, an emergency patient receiving
492 facility, or mental health facility due to a mental or physical condition, unless the individual is in

493 the custody of a peace officer and the primary purpose of the restraint is to prevent escape;
494 (9) needs to be immobilized due to a fracture, possible fracture, or other medical condition;
495 or
496 (10) otherwise requires or has the potential to require a level of medical care that the
497 committee establishes as requiring direct medical observation.
498 Section 23. Section **26-8a-307** is enacted to read:
499 **26-8a-307. Medical control.**
500 (1) The committee shall establish requirements for the coordination of emergency medical
501 services rendered by emergency medical service providers, including the coordination between
502 prehospital providers, hospitals, emergency patient receiving facilities, and other appropriate
503 destinations.
504 (2) The committee may establish requirements for the medical supervision of emergency
505 medical service providers to assure adequate physician oversight of emergency medical services
506 and quality improvement.
507 Section 24. Section **26-8a-308** is enacted to read:
508 **26-8a-308. Patient destination.**
509 (1) If an individual being transported by a ground or air ambulance is in critical or unstable
510 condition, the ground or air ambulance shall transport the patient to the trauma center or closest
511 emergency patient receiving facility appropriate to adequately treat the patient.
512 (2) If the patient's condition is not critical or unstable as determined by medical control,
513 the ground or air ambulance may transport the patient to the:
514 (a) hospital, emergency patient receiving facility, or other medical provider chosen by the
515 patient and approved by medical control as appropriate for the patient's condition and needs; or
516 (b) nearest hospital, emergency patient receiving facility, or other medical provider
517 approved by medical control as appropriate for the patient's condition and needs if the patient
518 expresses no preference.
519 Section 25. Section **26-8a-309** is enacted to read:
520 **26-8a-309. Exemptions.**
521 (1) The following persons may provide emergency medical services to a patient without
522 being certified or licensed under this chapter:
523 (a) out-of-state emergency medical service personnel and providers in time of disaster;

524 (b) an individual who gratuitously acts as a Good Samaritan;
525 (c) a family member;
526 (d) a private business if emergency medical services are provided only to employees at the
527 place of business and during transport;
528 (e) an agency of the United States government if compliance with this chapter would be
529 inconsistent with federal law; and
530 (f) police, fire, and other public service personnel if:
531 (i) emergency medical services are rendered in the normal course of the person's duties;
532 and
533 (ii) medical control, after being apprised of the circumstances, directs immediate transport.
534 (2) An ambulance or emergency response vehicle may operate without a permit issued
535 under Section 26-8a-305 in time of disaster.
536 (3) Nothing in this chapter or Title 58, Occupations and Professions, may be construed as
537 requiring a license, or certificate for an individual to perform cardiopulmonary resuscitation and
538 use a fully automated external defibrillator if that individual has successfully completed a course
539 that includes instruction on cardiopulmonary resuscitation and the operation and use of a fully
540 automated external defibrillator that is conducted in accordance with guidelines of the American
541 Heart Association by a person qualified by training or experience.
542 (4) Nothing in this chapter may be construed as requiring a license, permit, designation,
543 or certificate for an acute care hospital, medical clinic, physician's office, or other fixed medical
544 facility that:
545 (a) is staffed by a physician, physician's assistant, nurse practitioner, or registered nurse;
546 and
547 (b) treats an individual who has presented himself or was transported to the hospital, clinic,
548 office, or facility.
549 Section 26. Section **26-8a-310** is enacted to read:
550 **26-8a-310. Out-of-state vehicles.**
551 (1) An ambulance or emergency response vehicle from another state may not pick up a
552 patient in Utah to transport that patient to another location in Utah or to another state without a
553 permit issued under Section 26-8a-305 and, in the case of an ambulance, a license issued under
554 Part 4, Ambulance and Paramedic Providers.

555 (2) Notwithstanding Subsection (1), an ambulance or emergency response vehicle from
556 another state may, without a permit or license:
557 (a) transport a patient into Utah; and
558 (b) provide assistance in time of disaster.
559 (3) The department may enter into agreements with ambulance and paramedic providers
560 and their respective licensing agencies from other states to assure the expeditious delivery of
561 emergency medical services beyond what may be reasonably provided by licensed ambulance and
562 paramedic providers, including the transportation of patients between states.
563 Section 27. Section **26-8a-311** is enacted to read:
564 **26-8a-311. Criminal background check.**
565 (1) At the time of application for, or renewal of, a certificate, the department shall obtain,
566 at the applicant's expense, information from a criminal history record or warrant of arrest
567 information maintained by the Department of Public Safety pursuant to Title 53, Chapter 10, Part
568 2, Bureau of Criminal Identification, to determine whether the individual has been convicted of
569 a crime that bears upon his fitness to be certified or to have responsibility for the safety and
570 well-being of children, the elderly, or persons with disabilities.
571 (2) (a) An applicant who has not had residency in the state for the last five years shall
572 submit fingerprints and other identifying information.
573 (b) The department shall submit fingerprints obtained under Subsection (2)(a) to the
574 Department of Public Safety to be forwarded to the Federal Bureau of Investigation for a
575 nationwide criminal history record check to determine whether the individual has been convicted
576 of a crime that bears upon his fitness to be certified or to have responsibility for the safety and
577 well-being of children, the elderly, or persons with disabilities.
578 (3) Information obtained pursuant to Subsections (1) and (2) may be used to:
579 (a) withhold certification or renewal;
580 (b) commence or substantiate disciplinary action under Section 26-8a-503;
581 (c) enforce the provisions of this chapter; and
582 (d) notify the individual's employer as necessary to protect the public.
583 Section 28. Section **26-8a-401** is enacted to read:
584 **Part 4. Ambulance and Paramedic Providers**
585 **26-8a-401. State regulation of emergency medical services market.**

586 (1) To ensure emergency medical service quality and minimize unnecessary duplication,
587 the department shall regulate the emergency medical service market after October 1, 1999, by
588 creating and operating a statewide system that:
589 (a) consists of exclusive geographic service areas as provided in Section 26-8a-402; and
590 (b) establishes maximum rates as provided in Section 26-8a-403.
591 (2) (a) All licenses issued prior to July 1, 1996, shall expire as stated in the license.
592 (b) If no expiration date is stated on a license issued before July 1, 1996, the license shall
593 expire on October 1, 1999, unless:
594 (i) the license holder requests agency action before August 1, 1999; and
595 (ii) before October 1, 1999, the department:
596 (A) finds the license has been used as the basis for responding to requests for ambulance
597 or paramedic services during the past five years;
598 (B) identifies one or more specific geographic areas covered by the license in which the
599 license holder has actively and adequately responded as the primary provider to requests for
600 ambulance or paramedic services during the past five years; and
601 (C) determines that the continuation of a license in a specific geographic area identified
602 in Subsection (2)(b)(ii)(B) satisfies:
603 (I) the standards established pursuant to Subsection 26-8a-404(2); and
604 (II) the requirement of public convenience and necessity.
605 (c) If the department finds that a license meets the requirements of Subsection (2)(b), the
606 department shall amend the license to reflect:
607 (i) the specific geographic area of the license; and
608 (ii) a four-year term extension.
609 (d) Before July 1, 1999, the department shall publish notice once a week for four
610 consecutive weeks of the expiration of licenses pursuant to Subsection (2)(b) in a newspaper of
611 general circulation in the state.
612 (e) Nothing in this Subsection (2) may be construed as restricting the authority of the
613 department to amend overlapping licenses pursuant to Section 26-8a-416.
614 (3) After October 1, 1999, new licenses and license renewals shall be for a four-year term.
615 Section 29. Section **26-8a-402** is enacted to read:
616 **26-8a-402. Exclusive geographic service areas.**

617 (1) Each ground ambulance provider license issued under this part shall be for an exclusive
618 geographic service area as described in the license. Only the licensed ground ambulance provider
619 may respond to an ambulance request that originates within the provider's exclusive geographic
620 service area, except as provided in Subsection (5) and Section 26-8a-416.
621 (2) Each paramedic provider license issued under this part shall be for an exclusive
622 geographic service area as described in the license. Only the licensed paramedic provider may
623 respond to a paramedic request that originates within the exclusive geographic service area, except
624 as provided in Subsection (6).
625 (3) Nothing in this section may be construed as either requiring or prohibiting that the
626 formation of boundaries in a given location be the same for a licensed paramedic provider as it is
627 for a licensed ambulance provider.
628 (4) (a) A licensed ground ambulance or paramedic provider may, as necessary, enter into
629 a mutual aid agreement to allow another licensed provider to give assistance in times of unusual
630 demand, as that term is defined by the committee in rule.
631 (b) A mutual aid agreement shall include a formal written plan detailing the type of
632 assistance and the circumstances under which it would be given.
633 (c) The parties to a mutual aid agreement shall submit a copy of the agreement to the
634 department.
635 (d) Notwithstanding this Subsection (4), a licensed provider may not subcontract with
636 another entity to provide services in the licensed provider's exclusive geographic service area.
637 (5) Notwithstanding Subsection (1), a licensed ground ambulance provider may respond
638 to an ambulance request that originates from the exclusive geographic area of another provider:
639 (a) pursuant to a mutual aid agreement;
640 (b) to render assistance on a case-by-case basis to that provider; and
641 (c) as necessary to meet needs in time of disaster or other major emergency.
642 (6) Notwithstanding Subsection (2), a licensed paramedic provider may respond to a
643 paramedic request that originates from the exclusive geographic area of another provider:
644 (a) pursuant to a mutual aid agreement;
645 (b) to render assistance on a case-by-case basis to that provider; and
646 (c) as necessary to meet needs in time of disaster or other major emergency.
647 Section 30. Section **26-8a-403** is enacted to read:

648 **26-8a-403. Establishment of maximum rates.**
649 (1) The department shall, after receiving recommendations under Subsection (2), establish
650 maximum rates for ambulance providers and paramedic providers that are just and reasonable.
651 (2) The committee may make recommendations to the department on the maximum rates
652 that should be set under Subsection (1).
653 Section 31. Section **26-8a-404** is enacted to read:
654 **26-8a-404. Ground ambulance and paramedic licenses -- Application and department**
655 **review.**
656 (1) Except as provided in Section 26-8a-413, an applicant for a ground ambulance or
657 paramedic license shall apply to the department for a license only by:
658 (a) submitting a completed application;
659 (b) providing information in the format required by the department; and
660 (c) paying the required fees, including the cost of the hearing officer.
661 (2) The department may make rules establishing minimum qualifications and requirements
662 for:
663 (a) personnel;
664 (b) capital reserves;
665 (c) equipment;
666 (d) a business plan;
667 (e) operational procedures;
668 (f) resource hospital and medical direction agreements;
669 (g) management and control; and
670 (h) other matters that may be relevant to an applicant's ability to provide ground ambulance
671 or paramedic service.
672 (3) An application for a license to provide ground ambulance service or paramedic service
673 shall be for all ground ambulance services or paramedic services arising within the geographic
674 service area, except that an applicant may apply for a license for less than all ground ambulance
675 services or all paramedic services arising within an exclusive geographic area if it can demonstrate
676 how the remainder of that area will be served.
677 (4) Upon receiving a completed application and the required fees, the department shall
678 review the application and determine whether the application meets the minimum requirements

679 for licensure.
680 (5) The department may deny an application if it finds that it contains any materially false
681 or misleading information, is incomplete, or if the application demonstrates that the applicant fails
682 to meet the minimum requirements for licensure.
683 (6) If the department denies an application, it shall notify the applicant in writing setting
684 forth the grounds for the denial.
685 Section 32. Section **26-8a-405** is enacted to read:
686 **26-8a-405. Ground ambulance and paramedic licenses -- Agency notice of**
687 **administrative proceeding.**
688 If the department determines that the application meets the minimum requirements for
689 licensure under Section 26-8a-404, the department shall:
690 (1) issue a notice of agency action to the applicant to commence an informal administrative
691 proceeding;
692 (2) provide notice of the application to all interested parties; and
693 (3) publish notice of the application, at the applicant's expense, once a week for four
694 consecutive weeks, in a newspaper of general circulation in the geographic service area that is the
695 subject of the application.
696 Section 33. Section **26-8a-406** is enacted to read:
697 **26-8a-406. Ground ambulance and paramedic licenses -- Parties.**
698 (1) An interested party has 30 days to object to an application.
699 (2) If an interested party objects, the presiding officer must join the interested party as an
700 indispensable party to the proceeding.
701 (3) The department may join the proceeding as a party to represent the public interest.
702 (4) Others who may be affected by the grant of a license to the applicant may join the
703 proceeding, if the presiding officer determines that they meet the requirement of legal standing.
704 Section 34. Section **26-8a-407** is enacted to read:
705 **26-8a-407. Ground ambulance and paramedic licenses -- Proceedings.**
706 (1) The presiding officer shall:
707 (a) commence an informal adjudicative proceeding within 120 days of receiving a
708 completed application;
709 (b) meet with the applicant and objecting interested parties and provide no less than 120

710 days for a negotiated resolution, consistent with the criteria in Section 26-8a-408;
711 (c) set aside a separate time during the proceedings to accept public comment on the
712 application; and
713 (d) present a written decision to the executive director if a resolution has been reached that
714 satisfies the criteria in Section 26-8a-408.
715 (2) At any time during an informal adjudicative proceeding under Subsection (1), any party
716 may request conversion of the informal adjudicative proceeding to a formal adjudicative
717 proceeding in accordance with Section 63-46b-4.
718 (3) Upon conversion to a formal adjudicative proceeding, a hearing officer shall be
719 assigned to the application as provided in Section 26-8a-409. The hearing office shall:
720 (a) set aside a separate time during the proceedings to accept public comment on the
721 application;
722 (b) apply the criteria established in Section 26-8a-408; and
723 (c) present a recommended decision to the executive director in writing.
724 (4) The executive director may, as set forth in a final written order, accept, modify, reject,
725 or remand the decision of a presiding or hearing officer after:
726 (a) reviewing the record;
727 (b) giving due deference to the officer's decision; and
728 (c) determining whether the criteria in Section 26-8a-408 have been satisfied.
729 Section 35. Section **26-8a-408** is enacted to read:
730 **26-8a-408. Criteria for determining public convenience and necessity.**
731 (1) The criteria for determining public convenience and necessity is set forth in
732 Subsections (2) through (6).
733 (2) Access to emergency medical services must be maintained or improved. The officer
734 shall consider the impact on existing services, including the impact on response times, call
735 volumes, populations and exclusive geographic service areas served, and the ability of surrounding
736 licensed providers to service their exclusive geographic service areas. The issuance or amendment
737 of a license may not create an orphaned area.
738 (3) The quality of service in the area must be maintained or improved. The officer shall
739 consider the:
740 (a) staffing and equipment standards of the current licensed provider and the applicant;

741 (b) training and certification levels of the current licensed provider's staff and the
742 applicant's staff;
743 (c) continuing medical education provided by the current licensed provider and the
744 applicant;
745 (d) levels of care as defined by department rule;
746 (e) plan of medical control; and
747 (f) the negative or beneficial impact on the regional emergency medical service system to
748 provide service to the public.
749 (4) The cost to the public must be justified. The officer must consider:
750 (a) the financial solvency of the applicant;
751 (b) the applicant's ability to provide services within the rates established under Section
752 26-8a-403;
753 (c) the applicant's ability to comply with cost reporting requirements;
754 (d) the cost efficiency of the applicant; and
755 (e) the cost effect of the application on the public, interested parties, and the emergency
756 medical services system.
757 (5) Local desires concerning cost, quality, and access must be considered. The officer
758 shall assess and consider:
759 (a) the existing provider's record of providing services and the applicant's record and
760 ability to provide similar or improved services;
761 (b) locally established emergency medical services goals, including those established in
762 Subsection (7);
763 (c) comment by local governments on the applicant's business and operations plans;
764 (d) comment by interested parties that are providers on the impact of the application on
765 the parties' ability to provide emergency medical services;
766 (e) comment by interested parties that are local governments on the impact of the
767 application on the citizens it represents; and
768 (f) public comment on any aspect of the application or proposed license.
769 (6) Other related criteria:
770 (a) the officer considers necessary; or
771 (b) established by department rule.

772 (7) The role of local governments in the licensing of ground ambulance and paramedic
773 providers that serve areas also served by the local governments is important. The Legislature
774 strongly encourages local governments to establish cost, quality, and access goals for the ground
775 ambulance and paramedic services that serve their areas.
776 (8) In a formal adjudicative proceeding, the applicant bears the burden of establishing that
777 public convenience and necessity compel the approval of the application for all or part of the
778 exclusive geographic service area requested.
779 Section 36. Section **26-8a-409** is enacted to read:
780 **26-8a-409. Ground ambulance and paramedic licenses -- Hearing and presiding**
781 **officers.**
782 (1) The department shall set certification and training standards for hearing officers and
783 presiding officers.
784 (2) At a minimum, a presiding officer shall:
785 (a) be familiar with the theory and application of public convenience and necessity; and
786 (b) have a working knowledge of the emergency medical service system in the state.
787 (3) In addition to the requirements in Subsection (2), a hearing officer shall also be
788 licensed to practice law in the state.
789 (4) The department shall provide training for hearing officer and presiding officer
790 candidates in the theory and application of public convenience and necessity and on the emergency
791 medical system in the state.
792 (5) The department shall maintain a roster of no less than five individuals who meet the
793 minimum qualifications for both presiding and hearing officers and the standards set by the
794 department.
795 (6) The parties may mutually select an officer from the roster if the officer is available.
796 (7) If the parties cannot agree upon an officer under Subsection (4), the department shall
797 randomly select an officer from the roster or from a smaller group of the roster agreed upon by the
798 applicant and the objecting interested parties.
799 Section 37. Section **26-8a-410** is enacted to read:
800 **26-8a-410. Local approvals.**
801 (1) Licensed ambulance providers and paramedic providers must meet all local zoning and
802 business licensing standards generally applicable to businesses operating within the jurisdiction.

803 (2) Publicly subsidized providers must demonstrate approval of the taxing authority that
804 will provide the subsidy.
805 (3) A publicly operated service must demonstrate that the governing body has approved
806 the provision of services to the entire exclusive geographic service area that is the subject of the
807 license, including those areas that may lie outside the territorial or jurisdictional boundaries of the
808 governing body.
809 Section 38. Section **26-8a-411** is enacted to read:
810 **26-8a-411. Limitation on repetitive applications.**
811 A person who has previously applied for a license under this part may not apply for a
812 license for the same service that covers any exclusive geographic service area that was the subject
813 of the prior application unless:
814 (1) one year has passed from the date of the issuance of a final decision under Section
815 26-8a-407; or
816 (2) all interested parties and the department agree that a new application is in the public
817 interest.
818 Section 39. Section **26-8a-412** is enacted to read:
819 **26-8a-412. License for air ambulance providers.**
820 (1) An applicant for an air ambulance provider shall apply to the department for a license
821 only by:
822 (a) submitting a complete application;
823 (b) providing information in the format required by the department; and
824 (c) paying the required fees.
825 (2) The department may make rules establishing minimum qualifications and requirements
826 for:
827 (a) personnel;
828 (b) capital reserves;
829 (c) equipment;
830 (d) business plan;
831 (e) operational procedures;
832 (f) resource hospital and medical direction agreements;
833 (g) management and control qualifications and requirements; and

834 (h) other matters that may be relevant to an applicant's ability to provide air ambulance
835 services.
836 (3) Upon receiving a completed application and the required fees, the department shall
837 review the application and determine whether the application meets the minimum requirements
838 for licensure.
839 (4) The department may deny an application for an air ambulance if:
840 (a) the department finds that the application contains any materially false or misleading
841 information or is incomplete;
842 (b) the application demonstrates that the applicant fails to meet the minimum requirements
843 for licensure; or
844 (c) the department finds after inspection that the applicant does not meet the minimum
845 requirements for licensure.
846 (5) If the department denies an application under this section, it shall notify the applicant
847 in writing setting forth the grounds for the denial.
848 Section 40. Section **26-8a-413** is enacted to read:
849 **26-8a-413. License renewals.**
850 (1) A licensed provider desiring to renew its license must meet the renewal requirements
851 established by department rule.
852 (2) The department shall issue a renewal license for a ground ambulance provider or a
853 paramedic provider upon the licensee's application for a renewal and without a public hearing if
854 there has been no:
855 (a) change in controlling interest in the ownership of the licensee as defined in Section
856 26-8a-415;
857 (b) serious, substantiated public complaints filed with the department against the licensee
858 during the term of the previous license;
859 (c) material or substantial change in the basis upon which the license was originally
860 granted;
861 (d) reasoned objection from the committee or the department; and
862 (e) conflicting license application.
863 (3) The department shall issue a renewal license for an air ambulance provider upon the
864 licensee's application for renewal and completion of the renewal requirements established by

865 department rule.
866 Section 41. Section **26-8a-414** is enacted to read:
867 **26-8a-414. Annexations.**
868 (1) If a licensee is a municipality that desires to provide service to an area that it has
869 annexed, the municipality may apply to the department to amend its license to include the annexed
870 area. Upon receipt of a completed application to amend the license, the department shall issue
871 written notice of the municipality's application to all other licensed providers who serve any
872 portion of the annexed area.
873 (2) If the department does not receive an objection from a licensed provider that serves
874 some portion of the annexed area within 30 days of issuing the notice that identifies an adverse
875 impact to the provider or the public, the department shall:
876 (a) review the application to amend the license to determine whether the applicant can
877 adequately provide services to the proposed area and whether the public interest in the areas of
878 cost, quality, and access would be harmed; and
879 (b) if the application meets the requirements of Subsection (2)(a), amend the municipality's
880 license and all other affected licenses to reflect the municipality's new boundaries.
881 (3) If an objection is received under Subsection (2), the municipality shall file a standard
882 application for a license with the department under the provisions of Sections 26-8a-404 through
883 26-8a-409.
884 Section 42. Section **26-8a-415** is enacted to read:
885 **26-8a-415. Changes in ownership.**
886 (1) A licensed provider whose ownership or controlling ownership interest has changed
887 shall submit information to the department, as required by department rule:
888 (a) to establish whether the new owner or new controlling party meets minimum
889 requirements for licensure; and
890 (b) except as provided in Subsection (2), to commence an administrative proceeding to
891 determine whether the new owner meets the requirement of public convenience and necessity
892 under Section 26-8a-408.
893 (2) An administrative proceeding is not required under Subsection (1)(b) if:
894 (a) the change in ownership interest is among existing owners of a closely held corporation
895 and the change does not result in a change in the management of the licensee or in the name of the

896 licensee;
897 (b) the change in ownership in a closely held corporation results in the introduction of new
898 owners, provided that:
899 (i) the new owners are limited to individuals who would be entitled to the equity in the
900 closely held corporation by the laws of intestate succession had the transferor died intestate at the
901 time of the transfer;
902 (ii) the majority owners on January 1, 1999, have been disclosed to the department by
903 October 1, 1999, and the majority owners on January 1, 1999, retain a majority interest in the
904 closely held corporation; and
905 (iii) the name of the licensed provider remains the same;
906 (c) the change in ownership is the result of one or more owners transferring their interests
907 to a trust, limited liability company, partnership, or closely held corporation so long as the
908 transferors retain control over the receiving entity;
909 (d) the change in ownership is the result of a distribution of an estate or a trust upon the
910 death of the testator or the trustor and the recipients are limited to individuals who would be
911 entitled to the interest by the laws of intestate succession had the transferor died intestate at the
912 time of the transfer; or
913 (e) other similar changes that the department establishes, by rule, as having no significant
914 impact on the cost, quality, or access to emergency medical services.
915 Section 43. Section **26-8a-416** is enacted to read:
916 **26-8a-416. Transition to eliminate inconsistent licenses.**
917 (1) By May 30, 2000, the department shall review all licenses in effect on October 2, 1999,
918 to identify overlap, as defined in department rule, in the service areas of two or more licensed
919 providers.
920 (2) By June 30, 2000, the department shall notify all licensed providers affected by an
921 overlap. By September 30, 2000, the department shall schedule, by order, a deadline to resolve
922 each overlap, considering the effects on the licensed providers and the areas to be addressed.
923 (3) For each overlap, the department shall meet with the affected licensed providers and
924 provide 120 days for a negotiated resolution, consistent with the criteria in Section 26-8a-408.
925 (4) (a) If a resolution is reached under Subsection (2) that the department finds satisfies
926 the criteria in Section 26-8a-408, the department shall amend the licenses to reflect the resolution

927 consistent with Subsection (6).
928 (b) If a resolution is not reached under Subsection (2), the department or any of the
929 licensed providers involved in the matter may request the commencement of a formal adjudicative
930 proceeding to resolve the overlap.
931 (5) The department shall commence adjudicative proceedings for any overlap that is not
932 resolved by July 1, 2003.
933 (6) Notwithstanding the exclusive geographic service requirement of Section 26-8a-402,
934 the department may amend one or more licenses after a resolution is reached or an adjudicative
935 proceeding has been held to allow:
936 (a) a single licensed provider to serve all or part of the overlap area;
937 (b) more than one licensed provider to serve the overlap area;
938 (c) licensed providers to provide different types of service in the overlap area; or
939 (d) licenses that recognize service arrangements that existed on September 30, 1999.
940 (7) Notwithstanding Subsection (6), any license for an overlap area terminates upon:
941 (a) relinquishment by the provider; or
942 (b) revocation by the department.
943 Section 44. Section **26-8a-501** is enacted to read:
944 **Part 5. Enforcement Provisions**
945 **26-8a-501. Discrimination.**
946 (1) No person licensed, certified, or designated pursuant to this chapter may discriminate
947 in the provision of emergency medical services on the basis of race, sex, color, creed, or prior
948 inquiry as to ability to pay.
949 (2) This chapter does not authorize or require medical assistance or transportation over the
950 objection of an individual on religious grounds.
951 Section 45. Section **26-8a-502** is enacted to read:
952 **26-8a-502. Illegal activity.**
953 (1) Except as provided in Section 26-8a-309, a person may not:
954 (a) practice or engage in the practice, represent himself to be practicing or engaging in the
955 practice, or attempting to practice or engage in the practice of any activity that requires a license,
956 certification, or designation under this chapter unless that person is so licensed, certified, or
957 designated; or

958 (b) offer an emergency medical service that requires a license, certificate, or designation
959 unless the person is so licensed, certified, or designated.
960 (2) A person may not advertise or hold himself out as one holding a license, certification,
961 or designation required under this chapter, unless that person holds the license, certification, or
962 designation.
963 (3) A person may not employ or permit any employee to perform any service for which
964 a license or certificate is required by this chapter, unless the person performing the service
965 possesses the required license or certificate.
966 (4) A person may not wear, display, sell, reproduce, or otherwise use any Utah Emergency
967 Medical Services insignia without authorization from the department.
968 (5) A person may not reproduce or otherwise use materials developed by the department
969 for certification or recertification testing or examination without authorization from the
970 department.
971 (6) A person may not willfully summon an ambulance or emergency response vehicle or
972 report that one is needed when such person knows that the ambulance or emergency response
973 vehicle is not needed.
974 (7) A person who violates this section is subject to Section 26-23-6.
975 Section 46. Section **26-8a-503** is enacted to read:
976 **26-8a-503. Discipline of emergency medical services personnel.**
977 (1) The department may refuse to issue a certificate or renewal, or revoke, suspend,
978 restrict, or place on probation an individual's certificate if:
979 (a) the individual does not meet the qualifications for certification under Section
980 26-8a-302;
981 (b) the individual has engaged in conduct, as defined by committee rule, that:
982 (i) is unprofessional;
983 (ii) is adverse to the public health, safety, morals, or welfare; or
984 (iii) would adversely affect public trust in the emergency medical service system;
985 (c) the individual has violated Section 26-8a-502 or other provision of this chapter;
986 (d) a court of competent jurisdiction has determined the individual to be mentally
987 incompetent for any reason; or
988 (e) the individual is unable to provide emergency medical services with reasonable skill

989 and safety because of illness, drunkenness, use of drugs, narcotics, chemicals, or any other type
990 of material, or as a result of any other mental or physical condition, when the individual's condition
991 demonstrates a clear and unjustifiable threat or potential threat to oneself, coworkers, or the public
992 health, safety, or welfare that cannot be reasonably mitigated.
993 (2) (a) An action to revoke, suspend, restrict, or place a certificate on probation shall be
994 done in accordance with Title 63, Chapter 46b, Administrative Procedures Act.
995 (b) Notwithstanding Subsection (2)(a), the department may issue a cease and desist order
996 under Section 26-8a-507 to immediately suspend an individual's certificate pending an
997 administrative proceeding to be held within 30 days if there is evidence to show that the individual
998 poses a clear, immediate, and unjustifiable threat or potential threat to the public health, safety, or
999 welfare.
1000 (3) An individual whose certificate has been suspended, revoked, or restricted may apply
1001 for reinstatement of the certificate at reasonable intervals and upon compliance with any conditions
1002 imposed upon the certificate by statute, committee rule, or the terms of the suspension, revocation,
1003 or restriction.
1004 (4) In addition to taking disciplinary action under Subsection (1), the department may
1005 impose sanctions in accordance with Section 26-23-6.
1006 Section 47. Section **26-8a-504** is enacted to read:
1007 **26-8a-504. Discipline of designated and licensed providers.**
1008 (1) The department may refuse to issue a license or designation or a renewal, or revoke,
1009 suspend, restrict, or place on probation, an emergency medical service provider's license or
1010 designation if the provider has:
1011 (a) failed to abide by terms of the license or designation;
1012 (b) violated statute or rule;
1013 (c) failed to provide services at the level or in the exclusive geographic service area
1014 required by the license or designation;
1015 (d) failed to submit a renewal application in a timely fashion as required by department
1016 rule;
1017 (e) failed to follow operational standards established by the committee; or
1018 (f) committed an act in the performance of a professional duty that endangered the public
1019 or constituted gross negligence.

1020 (2) (a) An action to revoke, suspend, restrict, or place a license or designation on probation
1021 shall be done in accordance with Title 63, Chapter 46b, Administrative Procedures Act.
1022 (b) Notwithstanding Subsection (2)(a), the department may issue a cease and desist order
1023 under Section 26-8a-507 to immediately suspend a license or designation pending an
1024 administrative proceeding to be held within 30 days if there is evidence to show that the provider
1025 or facility poses a clear, immediate, and unjustifiable threat or potential threat to the public health,
1026 safety, or welfare.
1027 (3) In addition to taking disciplinary action under Subsection (1), the department may
1028 impose sanctions in accordance with Section 26-23-6.
1029 Section 48. Section **26-8a-505** is enacted to read:
1030 **26-8a-505. Service interruption or cessation -- Receivership -- Default coverage --**
1031 **Notice.**
1032 (1) Acting in the public interest, the department may petition the district court where an
1033 ambulance or paramedic provider operates or the district court with jurisdiction in Salt Lake
1034 County to appoint the department or an independent receiver to continue the operations of a
1035 provider upon any one of the following conditions:
1036 (a) the provider ceases or intends to cease operations;
1037 (b) the provider becomes insolvent;
1038 (c) the department has initiated proceedings to revoke the provider's license and has
1039 determined that the lives, health, safety, or welfare of the population served within the provider's
1040 exclusive geographic service area are endangered because of the provider's action or inaction
1041 pending a full hearing on the license revocation; or
1042 (d) the department has revoked the provider's license and has been unable to adequately
1043 arrange for another provider to take over the provider's exclusive geographic service area.
1044 (2) If a licensed or designated provider ceases operations or is otherwise unable to provide
1045 services, the department may arrange for another licensed provider to provide services on a
1046 temporary basis until a license is issued.
1047 (3) A licensed provider shall give the department 30 days notice of its intent to cease
1048 operations.
1049 Section 49. Section **26-8a-506** is enacted to read:
1050 **26-8a-506. Investigations for enforcement of chapter.**

1051 (1) The department may, for the purpose of ascertaining compliance with the provisions
1052 of this chapter, enter and inspect on a routine basis the business premises and equipment of a
1053 person:
1054 (a) with a certificate, designation, permit, or license; or
1055 (b) who holds himself out to the general public as providing a service for which a
1056 certificate, designation, permit, or license is required under Section 26-8a-301.
1057 (2) Before conducting an inspection under Subsection (1), the department shall, after
1058 identifying the person in charge:
1059 (a) give proper identification;
1060 (b) describe the nature and purpose of the inspection; and
1061 (c) if necessary, explain the authority of the department to conduct the inspection.
1062 (3) In conducting an inspection under Subsection (1), the department may, after meeting
1063 the requirements of Subsection (2):
1064 (a) inspect records, equipment, and vehicles; and
1065 (b) interview personnel.
1066 (4) An inspection conducted under Subsection (1) shall be during regular operational
1067 hours.
1068 Section 50. Section **26-8a-507** is enacted to read:
1069 **26-8a-507. Cease and desist orders.**
1070 The department may issue a cease and desist order to any person who:
1071 (1) may be disciplined under Section 26-8a-503 or 26-8a-504; or
1072 (2) otherwise violates this chapter or any rules adopted under this chapter.
1073 Section 51. Section **26-8a-601**, which is renumbered from Section 26-8-11 is renumbered
1074 and amended to read:
1075 **Part 6. Miscellaneous**
1076 **[~~26-8-11~~]. 26-8a-601. Persons and activities exempt from civil liability.**
1077 (1) A licensed physician [~~or~~], physician's assistant, licensed registered nurse who, in good
1078 faith, gives oral or written instructions to an individual certified [~~basic or advanced life support~~
1079 ~~personnel to provide emergency care authorized by this chapter~~] under Section 26-8a-302 is not
1080 liable for any civil damages as a result of issuing the instructions, unless the instructions given
1081 were the result of gross negligence or willful misconduct.

1082 (2) [~~A basic or advanced life support person~~] An individual certified under Section
1083 26-8a-302, during either training or after certification, a licensed physician, physician's assistant,
1084 or a registered nurse who, in good faith, provides emergency medical instructions or renders
1085 emergency medical care authorized by this chapter is not liable for any civil damages as a result
1086 of any act or omission in providing the emergency medical instructions or medical care, unless
1087 the act or omission is the result of gross negligence or willful misconduct.
1088 (3) [~~A~~] An individual certified [~~basic or advanced life support person~~] under Section
1089 26-8a-302 is not subject to civil liability for failure to obtain consent in rendering emergency
1090 medical [~~care~~] services authorized by this chapter to any individual who is unable to give his
1091 consent, regardless of the individual's age, where there is no other person present legally authorized
1092 to consent to emergency [~~treatment~~] medical care, provided that [~~such personnel act~~] the certified
1093 individual acted in good faith.
1094 (4) A principal, agent, contractor, employee, or representative of an agency, organization,
1095 institution, corporation, or entity of state or local government that sponsors, authorizes, supports,
1096 finances, or supervises any functions of an [~~emergency medical services person~~] individual
1097 certified [~~and authorized pursuant to this chapter, including an advanced life support person,~~]
1098 under Section 26-8a-302 is not liable for any civil damages for any act or omission in connection
1099 with such sponsorship, authorization, support, finance, or supervision of [~~such emergency medical~~
1100 ~~services person~~] the certified individual where the act or omission occurs in connection with [~~that~~
1101 ~~person's~~] the certified individual's training or occurs outside a hospital where the life of a patient
1102 is in immediate danger, unless the act or omission is inconsistent with the training of the
1103 [~~emergency medical services personnel~~] certified individual, and unless the act or omission is the
1104 result of gross negligence or willful misconduct.
1105 (5) A physician who in good faith arranges for, requests, recommends, or initiates the
1106 transfer of a patient from a hospital to a critical [~~medical~~] care [~~facility~~] unit in another hospital
1107 is not liable for any civil damages as a result of such transfer where:
1108 (a) sound medical judgment indicates that the patient's medical condition is beyond the
1109 care capability of the transferring hospital or the medical community in which that hospital is
1110 located; and
1111 (b) the physician has secured an agreement from the [~~transferee~~] receiving facility to accept
1112 and render necessary treatment to the patient.

(6) A person who is a registered member of the National Ski Patrol System (NSPS) or a member of a ski patrol who has completed a course in winter emergency care offered by the NSPS combined with CPR for medical technicians offered by the American Red Cross or American Heart Association, or an equivalent course of instruction, and who in good faith renders emergency [~~medical~~] care in the course of ski patrol duties is not liable for civil damages as a result of any act or omission in rendering the emergency care, unless the act or omission is the result of gross negligence or willful misconduct.

(7) An emergency medical service provider who, in good faith, transports an individual against his will but at the direction of a law enforcement officer pursuant to Section 62A-12-232 is not liable for civil damages for transporting the individual.

Section 52. Section **58-57-7** is amended to read:

58-57-7. Exemptions from licensure.

(1) In addition to the exemptions from licensure in Section 58-1-307, the following persons may engage in the practice of respiratory therapy subject to the stated circumstances and limitations without being licensed under this chapter:

(a) any person who provides gratuitous care for a member of his immediate family without representing himself as a licensed respiratory care practitioner;

(b) any person who is a licensed or qualified member of another health care profession, if this practice is consistent with the accepted standards of the profession and if the person does not represent himself as a respiratory care practitioner;

(c) any person who serves in the Armed Forces of the United States or any other agency of the federal government and is engaged in the performance of his official duties; and

(d) any person who acts under a certification issued pursuant to Title 26, Chapter [~~8~~] 8a, Utah Emergency Medical Services System Act, while providing emergency medical services.

(2) Nothing in this chapter permits a respiratory care practitioner to engage in the unauthorized practice of other health disciplines.

Section 53. Section **62A-12-232** is amended to read:

62A-12-232. Temporary commitment -- Requirements and procedures.

(1) (a) An adult may be temporarily, involuntarily committed to a local mental health authority upon:

(i) written application by a responsible person who has reason to know, stating a belief that

1144 the individual is likely to cause serious injury to himself or others if not immediately restrained,
1145 and stating the personal knowledge of the individual's condition or circumstances which lead to
1146 that belief; and
1147 (ii) a certification by a licensed physician or designated examiner stating that the physician
1148 or designated examiner has examined the individual within a three-day period immediately
1149 preceding that certification, and that he is of the opinion that the individual is mentally ill and,
1150 because of his mental illness, is likely to injure himself or others if not immediately restrained.
1151 (b) Application and certification as described in Subsection (1)(a) authorizes any peace
1152 officer to take the individual into the custody of a local mental health authority and transport the
1153 individual to that authority's designated facility.
1154 (2) If a duly authorized peace officer observes a person involved in conduct that gives the
1155 officer probable cause to believe that the person is mentally ill, as defined in Section 62A-12-202,
1156 and because of that apparent mental illness and conduct, there is a substantial likelihood of serious
1157 harm to that person or others, pending proceedings for examination and certification under this
1158 part, the officer may take that person into protective custody. The peace officer shall transport the
1159 person to be transported to the designated facility of the appropriate local mental health authority
1160 pursuant to this section, either on the basis of his own observation or on the basis of a mental
1161 health officer's observation that has been reported to him by that mental health officer.
1162 Immediately thereafter, the officer shall place the person in the custody of the local mental health
1163 authority and make application for commitment of that person to the local mental health authority.
1164 The application shall be on a prescribed form and shall include the following:
1165 (a) a statement by the officer that he believes, on the basis of personal observation or on
1166 the basis of a mental health officer's observation reported to him by the mental health officer, that
1167 the person is, as a result of a mental illness, a substantial and immediate danger to himself or
1168 others;
1169 (b) the specific nature of the danger;
1170 (c) a summary of the observations upon which the statement of danger is based; and
1171 (d) a statement of facts which called the person to the attention of the officer.
1172 (3) A person committed under this section may be held for a maximum of 24 hours,
1173 excluding Saturdays, Sundays, and legal holidays. At the expiration of that time period, the person
1174 shall be released unless application for involuntary commitment has been commenced pursuant

to Section 62A-12-234. If that application has been made, an order of detention may be entered under Subsection 62A-12-234(3). If no order of detention is issued, the patient shall be released unless he has made voluntary application for admission.

(4) Transportation of mentally ill persons pursuant to Subsections (1) and (2) shall be conducted by the appropriate municipal, or city or town, law enforcement authority or, under the appropriate law enforcement's authority, by ambulance. However, if the designated facility is outside of that authority's jurisdiction, the appropriate county sheriff shall transport the person or cause the person to be transported by ambulance.

(5) Notwithstanding Subsections (2) and (4), a peace officer shall cause a person to be transported by ambulance if the person meets any of the criteria in Subsection 26-8a-306(1). In addition, if the person requires physical medical attention, the peace officer shall direct that transportation be to an appropriate medical facility for treatment.

Section 54. Section **63-46b-1** is amended to read:

63-46b-1. Scope and applicability of chapter.

(1) Except as set forth in Subsection (2), and except as otherwise provided by a statute superseding provisions of this chapter by explicit reference to this chapter, the provisions of this chapter apply to every agency of the state and govern:

(a) all state agency actions that determine the legal rights, duties, privileges, immunities, or other legal interests of one or more identifiable persons, including all agency actions to grant, deny, revoke, suspend, modify, annul, withdraw, or amend an authority, right, or license; and

(b) judicial review of these actions.

(2) This chapter does not govern:

(a) the procedures for making agency rules, or the judicial review of those procedures or rules;

(b) the issuance of any notice of a deficiency in the payment of a tax, the decision to waive penalties or interest on taxes, the imposition of and penalties or interest on taxes, or the issuance of any tax assessment, except that this chapter governs any agency action commenced by a taxpayer or by another person authorized by law to contest the validity or correctness of those actions;

(c) state agency actions relating to extradition, to the granting of pardons or parole, commutations or terminations of sentences, or to the rescission, termination, or revocation of

1206 parole or probation, to actions and decisions of the Psychiatric Security Review Board relating to
1207 discharge, conditional release, or retention of persons under its jurisdiction, to the discipline of,
1208 resolution of grievances of, supervision of, confinement of, or the treatment of inmates or residents
1209 of any correctional facility, the Utah State Hospital, the Utah State Developmental Center, or
1210 persons in the custody or jurisdiction of the Division of Mental Health, or persons on probation
1211 or parole, or judicial review of those actions;
1212 (d) state agency actions to evaluate, discipline, employ, transfer, reassign, or promote
1213 students or teachers in any school or educational institution, or judicial review of those actions;
1214 (e) applications for employment and internal personnel actions within an agency
1215 concerning its own employees, or judicial review of those actions;
1216 (f) the issuance of any citation or assessment under Title 34A, Chapter 6, Utah
1217 Occupational Safety and Health Act, and Title 58, Chapter 55, Utah Construction Trades Licensing
1218 Act, except that this chapter governs any agency action commenced by the employer, licensee, or
1219 other person authorized by law to contest the validity or correctness of the citation or assessment;
1220 (g) state agency actions relating to management of state funds, the management and
1221 disposal of school and institutional trust land assets, and contracts for the purchase or sale of
1222 products, real property, supplies, goods, or services by or for the state, or by or for an agency of
1223 the state, except as provided in those contracts, or judicial review of those actions;
1224 (h) state agency actions under Title 7, Chapter 1, Article 3, Powers and Duties of
1225 Commissioner of Financial Institutions; and Title 7, Chapter 2, Possession of Depository
1226 Institution by Commissioner; Title 7, Chapter 19, Acquisition of Failing Depository Institutions
1227 or Holding Companies; and Title 63, Chapter 30, [~~Utah~~] Governmental Immunity Act, or judicial
1228 review of those actions;
1229 (i) the initial determination of any person's eligibility for unemployment benefits, the
1230 initial determination of any person's eligibility for benefits under Title 34A, Chapter 2, Workers'
1231 Compensation, and Title 34A, Chapter 3, Utah Occupational Disease Act, or the initial
1232 determination of a person's unemployment tax liability;
1233 (j) state agency actions relating to the distribution or award of monetary grants to or
1234 between governmental units, or for research, development, or the arts, or judicial review of those
1235 actions;
1236 (k) the issuance of any notice of violation or order under Title 26, Chapter [~~8~~] 8a, Utah

1237 Emergency Medical Services System Act; Title 19, Chapter 2, Air Conservation Act; Title 19,
1238 Chapter 3, Radiation Control Act, Title 19, Chapter 4, Safe Drinking Water Act; Title 19, Chapter
1239 5, Water Quality Act; Title 19, Chapter 6, Part 1, Solid and Hazardous Waste Act; Title 19,
1240 Chapter 6, Part 4, Underground Storage Tank Act; or Title 19, Chapter 6, Part 7, Used Oil
1241 Management Act, except that this chapter governs any agency action commenced by any person
1242 authorized by law to contest the validity or correctness of the notice or order;
1243 (l) state agency actions, to the extent required by federal statute or regulation to be
1244 conducted according to federal procedures;
1245 (m) the initial determination of any person's eligibility for government or public assistance
1246 benefits;
1247 (n) state agency actions relating to wildlife licenses, permits, tags, and certificates of
1248 registration;
1249 (o) licenses for use of state recreational facilities; and
1250 (p) state agency actions under Title 63, Chapter 2, Government Records Access and
1251 Management Act, except as provided in Section 63-2-603.
1252 (3) This chapter does not affect any legal remedies otherwise available to:
1253 (a) compel an agency to take action; or
1254 (b) challenge an agency's rule.
1255 (4) This chapter does not preclude an agency, prior to the beginning of an adjudicative
1256 proceeding, or the presiding officer during an adjudicative proceeding from:
1257 (a) requesting or ordering conferences with parties and interested persons to:
1258 (i) encourage settlement;
1259 (ii) clarify the issues;
1260 (iii) simplify the evidence;
1261 (iv) facilitate discovery; or
1262 (v) expedite the proceedings; or
1263 (b) granting a timely motion to dismiss or for summary judgment if the requirements of
1264 Rule 12(b) or Rule 56, respectively, of the Utah Rules of Civil Procedure are met by the moving
1265 party, except to the extent that the requirements of those rules are modified by this chapter.
1266 (5) (a) Declaratory proceedings authorized by Section 63-46b-21 are not governed by this
1267 chapter, except as explicitly provided in that section.

(b) Judicial review of declaratory proceedings authorized by Section 63-46b-21 are governed by this chapter.

(6) This chapter does not preclude an agency from enacting rules affecting or governing adjudicative proceedings or from following any of those rules, if the rules are enacted according to the procedures outlined in Title 63, Chapter 46a, Utah Administrative Rulemaking Act, and if the rules conform to the requirements of this chapter.

(7) (a) If the attorney general issues a written determination that any provision of this chapter would result in the denial of funds or services to an agency of the state from the federal government, the applicability of those provisions to that agency shall be suspended to the extent necessary to prevent the denial.

(b) The attorney general shall report the suspension to the Legislature at its next session.

(8) Nothing in this chapter may be interpreted to provide an independent basis for jurisdiction to review final agency action.

(9) Nothing in this chapter may be interpreted to restrict a presiding officer, for good cause shown, from lengthening or shortening any time period prescribed in this chapter, except those time periods established for judicial review.

Section 55. Section **63-63a-3** is amended to read:

63-63a-3. EMS share of surcharge -- Accounting.

(1) The Division of Finance shall allocate 14% of the collected surcharge established in Section 63-63a-1, but not to exceed the amount appropriated by the Legislature, to the Emergency Medical Services (EMS) Grants Program Account under Section [~~26-8-2.5~~] 26-8a-207.

(2) The amount shall be recorded by the Department of Health as a dedicated credit.

Section 56. Section **63C-7-202** is amended to read:

63C-7-202. Powers of the Utah Communications Agency Network.

The Utah Communications Agency Network shall have the power to:

(1) sue and be sued in its own name;

(2) have an official seal and power to alter that seal at will;

(3) make and execute contracts and all other instruments necessary or convenient for the performance of its duties and the exercise of its powers and functions under this chapter, including contracts with private companies licensed under Title 26, Chapter [~~8~~] 8a, Utah Emergency Medical Services System Act;

1299 (4) own, acquire, construct, operate, maintain, and repair a communications network, and
1300 dispose of any portion of it;
1301 (5) borrow money and incur indebtedness;
1302 (6) issue bonds as provided in this chapter;
1303 (7) enter into agreements with public agencies, the state, and federal government to
1304 provide communications network services on terms and conditions it considers to be in the best
1305 interest of its members;
1306 (8) acquire, by gift, grant, purchase, or by exercise of eminent domain, any real property
1307 or personal property in connection with the acquisition and construction of a communications
1308 network and all related facilities and rights-of-way which it owns, operates, and maintains;
1309 (9) contract with other public agencies, the state, or federal government to provide public
1310 safety communications services in excess of those required to meet the needs or requirements of
1311 its members and the state and federal government if:
1312 (a) it is determined by the executive committee to be necessary to accomplish the purposes
1313 and realize the benefits of this chapter; and
1314 (b) any excess is sold to other public agencies, the state, or federal government and is sold
1315 on terms that assure that the cost of providing the excess service will be received by the Utah
1316 Communications Agency Network; and
1317 (10) perform all other duties authorized by this chapter.
1318 Section 57. Section **75-2-1105.5** is amended to read:
1319 **75-2-1105.5. Emergency medical services -- Directive not to resuscitate.**
1320 (1) (a) A person 18 years of age or older who is in a terminal condition may, by a directive
1321 made under this section, direct that emergency medical [~~services~~] service providers licensed or
1322 certified under Title 26, Chapter [~~8~~] 8a, who respond to a call to provide to that person emergency
1323 medical services as defined in Section [~~26-8-2~~] 26-8a-102, withhold all life sustaining procedures.
1324 (b) The directive is binding upon emergency medical services providers only if the person
1325 issuing the directive is in compliance with the system developed under Subsection (2).
1326 (2) (a) The Department of Health shall by rule establish a uniform system to allow
1327 emergency medical service providers to readily identify persons who have made a directive under
1328 this section.
1329 (b) The system may provide for personal, tamper-proof identifying bracelets or other

1330 means necessary to assure identification of persons who have made a directive under this section.
1331 (3) An emergency medical services provider is not bound to act in accordance with a
1332 directive issued under this section unless the person executing the directive complies with
1333 Department of Health rules made under this section, such as the wearing of an identifying bracelet,
1334 to clearly express to emergency medical service providers the continued intent to be readily
1335 identified as a person who has made a directive under this section.
1336 (4) A directive made under this section shall be:
1337 (a) in writing and on a form approved by the Department of Health;
1338 (b) signed by the declarant or by another person in the declarant's presence and by the
1339 declarant's expressed direction, or if the declarant does not have the ability to give current
1340 directions concerning his care and treatment, by the following persons, as proxy, in the following
1341 order of priority if no person in a prior class is available, willing, and competent to act:
1342 (i) an attorney-in-fact appointed as provided in Section 75-2-1106, but authorized to act
1343 under this section;
1344 (ii) any previously appointed legal guardian of the declarant;
1345 (iii) the person's spouse if not legally separated;
1346 (iv) the parents or surviving parent;
1347 (v) the person's child 18 years of age or older, or if the person has more than one child, by
1348 a majority of the children 18 years of age or older who are reasonably available for consultation
1349 upon good faith efforts to secure participation of all those children;
1350 (vi) by the declarant's nearest reasonably available living relative 18 years of age or older
1351 if the declarant has no parent or child living; or
1352 (vii) by a legal guardian appointed for the purposes of this section; [~~and~~]
1353 (c) dated;
1354 (d) signed, completed, and certified by the declarant's attending physician; and
1355 (e) signed pursuant to Subsection (4)(b) above in the presence of two or more witnesses
1356 who are 18 years of age or older.
1357 (5) Neither of the witnesses may be:
1358 (a) the person who signed the directive on behalf of the declarant;
1359 (b) related to the declarant by blood or marriage;
1360 (c) entitled to any portion of the declarant's estate according to the laws of intestate

succession of this state or under any will or codicil of the declarant;

(d) directly financially responsible for the declarant's medical care; or

(e) an agent of any health care facility in which the declarant is a patient or resident at the time of executing the directive.

(6) A directive made under this section takes precedence over a directive made pursuant to Section 75-2-1104.

Section 58. Section **76-5-102.7** is amended to read:

76-5-102.7. Assault against health care provider and emergency medical service worker -- Penalty.

(1) A person who assaults a health care provider or [~~basic life support~~] emergency medical service worker is guilty of a class A misdemeanor if:

(a) the person knew that the victim was a health care provider or [~~basic life support~~] emergency medical service worker; and

(b) the health care provider or [~~basic life support~~] emergency medical service worker was performing emergency or life saving duties within the scope of his authority at the time of the assault.

(2) As used in this section:

(a) "[~~Basic life support~~] Emergency medical service worker" [~~has the same meaning as "basic life support personnel" provided in Section 26-8-2~~] means a person certified under Section 26-8a-302.

(b) "Health care provider" has the meaning as provided in Section 78-14-3.

Section 59. Section **76-10-915** is amended to read:

76-10-915. Exempt activities.

(1) No provision of this act shall be construed to prohibit:

(a) the activities of any public utility to the extent that those activities are subject to regulation by the public service commission, the state or federal department of transportation, the federal energy regulatory commission, the federal communications commission, the interstate commerce commission, or successor agencies;

(b) the activities of any insurer, insurance agent, insurance broker, independent insurance adjuster or rating organization including, but not limited to, making or participating in joint underwriting or reinsurance arrangements, to the extent that those activities are subject to

regulation by the commissioner of insurance;

(c) the activities of securities dealers, issuers or agents, to the extent that those activities are subject to regulation under the laws of either this state or the United States;

(d) the activities of any state or national banking institution, to the extent that such activities are regulated or supervised by state government officers or agencies under the banking laws of this state or by federal government officers or agencies under the banking laws of the United States;

(e) the activities of any state or federal savings and loan association to the extent that those activities are regulated or supervised by state government officers or agencies under the banking laws of this state or federal government officers or agencies under the banking laws of the United States; [~~or~~]

(f) the activities of a municipality to the extent authorized or directed by state law; or

(g) the activities of an emergency medical service provider licensed under Title 26, Chapter 8a, Utah Emergency Medical Service System Act, to the extent that those activities are regulated by state government officers or agencies under that act.

(2) The labor of a human being is not a commodity or article of commerce. Nothing contained in the antitrust laws shall be construed to forbid the existence and operation of labor, agricultural or horticultural organizations, instituted for the purpose of mutual help and not having capital stock or conducted for profit, or to forbid or restrain individual members of such organizations from lawfully carrying out the legitimate object thereof; nor shall such organizations or membership in them be held to be illegal combinations or conspiracies in restraint of trade under the antitrust laws.

Section 60. Section **78-29-101** is amended to read:

78-29-101. Definitions.

For purposes of this part:

(1) "Blood or blood-contaminated body fluids" include blood, amniotic fluid, pericardial fluid, peritoneal fluid, pleural fluid, synovial fluid, cerebrospinal fluid, semen, and vaginal secretions, and any body fluid visibly contaminated with blood.

(2) "Emergency medical services provider" means an [~~emergency medical technician as defined in~~] individual certified under Section [~~26-8-2~~] 26-8a-302, local fire department personnel, or county jail personnel, who provide prehospital emergency medical care for an emergency

1423 medical services [~~agency~~] provider either as an employee or as a volunteer.
1424 (3) "First aid volunteer" means a person who provides voluntary emergency assistance or
1425 first aid medical care to an injured person prior to the arrival of an emergency medical services
1426 provider or public safety officer.
1427 (4) "HIV" means the Human Immunodeficiency Virus infection as determined by current
1428 medical standards and detected by any of the following:
1429 (a) presence of antibodies to HIV, verified by a positive confirmatory test, such as Western
1430 blot or other methods approved by the Utah State Health Laboratory. Western blot interpretation
1431 will be based on criteria currently recommended by the Association of State and Territorial Public
1432 Health Laboratory Directors;
1433 (b) presence of HIV antigen;
1434 (c) isolation of HIV; or
1435 (d) demonstration of HIV proviral DNA.
1436 (5) "Public safety officer" means a peace officer as defined in Title 53, Chapter 13, Peace
1437 Officer Classifications.
1438 (6) "Significantly exposed" means exposure of the body of one person to HIV or other
1439 blood-borne pathogens from the blood of another person by:
1440 (a) percutaneous inoculation; or
1441 (b) contact with an open wound, nonintact skin which includes chapped, abraded, weeping,
1442 or dermatitic skin, or mucous membranes to blood and blood-contaminated body fluids.
1443 Section 61. **Repealer.**
1444 This act repeals:
1445 Section **26-8-1, Short title.**
1446 Section **26-8-2, Definitions.**
1447 Section **26-8-4, Powers and responsibilities of committee.**
1448 Section **26-8-5, Powers and responsibilities of department.**
1449 Section **26-8-5.5, Emergency personnel stress debriefing program -- General Fund**
1450 **appropriation for training and reimbursement.**
1451 Section **26-8-6, Delegation of responsibilities to local departments -- Collection of fees**
1452 **-- Entry into reciprocity agreements -- Authority of department.**
1453 Section **26-8-7, License or permit required for operation of emergency medical**

1454 **services -- Hearing and ruling on new licenses -- Information required of licensees --**
1455 **Employees to be licensed.**
1456 Section **26-8-7.5, Fully automatic external defibrillator.**
1457 Section **26-8-8, Discrimination in provision of services prohibited -- Religious**
1458 **objections to services.**
1459 Section **26-8-9, Out-of-state services -- Reciprocity agreements.**
1460 Section **26-8-10, Exemptions from application of chapter.**
1461 Section **26-8-12, Notice of violations.**
1462 Section **26-8-13, Denial, suspension or revocation of license -- Issuance of new license**
1463 **-- Period of suspension.**
1464 Section **26-8-14, Injunction or other process to restrain or prevent operations in**
1465 **violation of chapter.**
1466 Section 62. **Effective date.**
1467 This act takes effect on October 1, 1999, except Section 26-8a-401 which takes effect on
1468 June 1, 1999.

Legislative Review Note
as of 2-8-99 8:36 AM

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

Office of Legislative Research and General Counsel