

**PROVISION FOR EMERGENCY MEDICAL
SERVICES**

2003 GENERAL SESSION

STATE OF UTAH

Sponsor: Peggy Wallace

This act modifies the Municipal Code and the Health Code by amending provisions related to emergency medical services provided by municipalities. The act requires a municipality that intends to annex a geographic service area and provide emergency medical services to that area, to certify to the Department of Health that the municipality can meet current emergency medical service levels. The act requires the department to amend a municipality's license for emergency medical services to include the annexed area after final approval of the annexation. The act makes technical amendments.

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

AMENDS:

10-2-425, as last amended by Chapter 318, Laws of Utah 2000

26-8a-414, as last amended by Chapter 86, Laws of Utah 2000

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

Section 1. Section **10-2-425** is amended to read:

10-2-425. Filing of plat or map and amended articles -- Notice requirements.

(1) Within 30 days after enacting an ordinance annexing an unincorporated area or adjusting a boundary under this part, the municipal legislative body shall:

(a) record with the county recorder a certified copy of the ordinance approving the annexation or boundary adjustment, together with a plat or map prepared by a licensed surveyor and approved by the municipal legislative body, showing the new boundaries of the affected area; ~~and~~

(b) file with the lieutenant governor amended articles of incorporation reflecting the annexation or boundary adjustment, as provided in Section 10-1-117[:]; and



(c) in accordance with Section 26-8a-414, file the documents described in Subsection (1)(a) with the Department of Health.

(2) The municipal legislative body shall comply with the notice requirements of Section 10-1-116.

Section 2. Section **26-8a-414** is amended to read:

26-8a-414. Annexations.

(1) ~~[If a licensee is a]~~ A municipality shall comply with the provisions of this section if the municipality [that] is licensed under this chapter and desires to provide service to an area that [it has annexed,] is:

(a) included in a petition for annexation under Title 10, Chapter 2, Part 4, Annexation; and

(b) currently serviced by another provider licensed under this chapter.

(2) (a) At least 45 days prior to approving a petition for annexation, the municipality [may apply] shall:

(i) certify to the department [to amend its license to include the annexed area. Upon receipt of a completed application to amend the license, the department shall notify in writing all other licensed providers who serve any portion of the annexed area of the municipality's application.] that by the time of the approval of the annexation the municipality can meet or exceed the current level of service provided by the existing licensee for the annexed area by meeting the requirements of Subsections (2)(b)(ii)(A) through (D); and

(ii) provide written notice of the petition for annexation to the existing licensee providing service to the area included in the petition of annexation.

~~[(2) If the department does not receive an objection from a licensed provider that serves some portion of the annexed area within 30 days of issuing the notice that identifies an adverse impact to the provider or the public, the department shall:]~~

~~[(a) review the application to amend the license to determine whether the applicant can adequately provide services to the proposed area and whether the public interest in the areas of cost, quality, and access would be harmed; and]~~

~~[(b) if the application meets the requirements of Subsection (2)(a), amend the municipality's license and all other affected licenses to reflect the municipality's new boundaries.]~~

59 ~~[(3) If an objection is received under Subsection (2), the municipality shall file a~~
60 ~~standard application for a license with the department under the provisions of Sections~~
61 ~~26-8a-404 through 26-8a-409.]~~

62 (b) (i) After receiving a certification under Subsection (2)(a), but prior to the
63 municipality approving a petition for annexation, the department may audit the municipality
64 only to verify the requirements of Subsections (2)(b)(ii)(A) through (D).

65 (ii) If the department elects to conduct an audit, the department shall make a finding
66 that the municipality can meet or exceed the current level of service provided by the existing
67 licensee for the annexed area if the department finds that the municipality has or will have by
68 the time of the approval of the annexation:

69 (A) adequate trained personnel to deliver basic and advanced life support services;

70 (B) adequate apparatus and equipment to deliver emergency medical services;

71 (C) adequate funding for personnel and equipment; and

72 (D) appropriate medical controls, such as a medical director and base hospital.

73 (iii) The department shall submit the results of the audit in writing to the municipal
74 legislative body.

75 (3) (a) If the department audit finds that the municipality meets the requirements of
76 Subsection (2)(b)(ii), the department shall issue an amended license to the municipality and all
77 other affected licensees to reflect the municipality's new boundaries after the department
78 receives notice of the approval of the petition for annexation from the municipality in
79 accordance with Section 10-2-425.

80 (b) (i) Notwithstanding the provisions of Subsection 63-46b-1(2)(k), if the department
81 audit finds that the municipality fails to meet the requirements of Subsection (2)(b)(ii), the
82 municipality may request an adjudicative proceeding under the provisions of Title 63, Chapter
83 46b, Administrative Procedures Act. The municipality may approve the petition for annexation
84 while an adjudicative proceeding requested under this Subsection (3)(b)(i) is pending.

85 (ii) The department shall conduct an adjudicative proceeding when requested under
86 Subsection (3)(b)(i).

87 (iii) Notwithstanding the provisions of Sections 26-8a-404 through 26-8a-409, in any
88 adjudicative proceeding held under the provisions of Subsection (3)(b)(i), the department bears
89 the burden of establishing that the municipality cannot, by the time of the approval of the

90 annexation, meet the requirements of Subsection (2)(b)(ii).
91 (c) If, at the time of the approval of the annexation, an adjudicative proceeding is
92 pending under the provisions of Subsection (3)(b)(i), the department shall issue amended
93 licenses if the municipality prevails in the adjudicative proceeding.

Legislative Review Note
as of 1-20-03 2:11 PM

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

Office of Legislative Research and General Counsel

Fiscal Note**Provision for Emergency Medical Services***03-Feb-03***Bill Number HB0218***10:41 AM*

State Impact

No fiscal impact.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst