

1 **PROVISION FOR EMERGENCY MEDICAL**
2 **SERVICES**

3 2004 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Peggy Wallace**

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies the Municipal Code and the Health Code by amending provisions
10 related to emergency medical services provided by municipalities.

11 **Highlighted Provisions:**

12 This bill:

13 ▶ requires a municipality that intends to annex a geographic service area and provide
14 emergency medical services to that area to certify to the Department of Health that
15 the municipality can meet current emergency medical service levels;

16 ▶ requires the Department of Health to amend a municipality's license for emergency
17 medical services to include the annexed area after final approval of the annexation;

18 and

19 ▶ makes technical amendments.

20 **Monies Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 None

24 **Utah Code Sections Affected:**

25 AMENDS:

26 **10-2-425**, as last amended by Chapters 257 and 297, Laws of Utah 2003

27 **26-8a-414**, as last amended by Chapter 86, Laws of Utah 2000



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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 --
Effective date of annexation.**

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

(i) send notice of the enactment to each affected entity;

(ii) 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~~

(iii) file with the lieutenant governor:

(A) if the municipality has articles of incorporation, amended articles of incorporation reflecting the annexation or boundary adjustment, as provided in Section 10-1-117; or

(B) if the municipality does not have articles of incorporation, written notice of the adoption of an annexation ordinance, accompanied by a copy of the ordinance~~[-]; and~~

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

(b) Within ten days after receiving a notice of the adoption of an annexation ordinance under Subsection (1)(a)(iii)(B), the lieutenant governor shall issue a certificate of annexation and send a copy of the certificate to the legislative body of the annexing municipality, the State Tax Commission, the state auditor, and the assessor and recorder of each county in which any part of the annexed area is located.

(2) If an annexation or boundary adjustment under this part also causes an automatic annexation to a local district under Section 17B-2-515.5 or an automatic withdrawal from a local district under Subsection 17B-2-601(2), the municipal legislative body shall, as soon as practicable after enacting an ordinance annexing an unincorporated area or adjusting a boundary, send notice of the annexation or boundary adjustment to the local district to which the annexed area is automatically annexed or from which the annexed area is automatically withdrawn.

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

61 (4) Each notice required under Subsections (1) and (3) relating to an annexation shall
62 state the effective date of the annexation, as determined under Subsection (5).

63 (5) An annexation under this part is completed and takes effect:

64 (a) for the annexation of an area located in a county of the first class:

65 (i) July 1 following enactment of an ordinance annexing the unincorporated area if:

66 (A) the ordinance is adopted during the preceding November 1 through April 30; and

67 (B) the requirements of Subsection (1) are met before that July 1; or

68 (ii) January 1 following enactment of an ordinance annexing the unincorporated area if:

69 (A) the ordinance is adopted during the preceding May 1 through October 31; and

70 (B) the requirements of Subsection (1) are met before that January 1; and

71 (b) for all other annexations, the date of the lieutenant governor's issuance of:

72 (i) a certification of amended articles under Subsection 10-1-117(3), for an annexation

73 by a municipality that has articles of incorporation and filed with the lieutenant governor

74 amended articles of incorporation under Subsection (1)(a)(iii)(A); or

75 (ii) a certificate of annexation under Subsection (1)(b), for an annexation by a

76 municipality that does not have articles of incorporation and filed with the lieutenant governor

77 a notice of adoption of an annexation ordinance under Subsection (1)(a)(iii)(B).

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

79 **26-8a-414. Annexations.**

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

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

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

86 (2) (a) (i) At least 45 days prior to approving a petition for annexation, the municipality
87 [may apply] shall certify to the department [to amend its license to include the annexed area.
88 Upon receipt of a completed application to amend the license, the department shall notify in
89 writing all other licensed providers who serve any portion of the annexed area of the

90 ~~municipality's application.] that by the time of the approval of the annexation the municipality~~
91 ~~can meet or exceed the current level of service provided by the existing licensee for the~~
92 ~~annexed area by meeting the requirements of Subsections (2)(b)(ii)(A) through (D); and~~
93 ~~(ii) no later than three business days after the municipality files a petition for~~
94 ~~annexation in accordance with Section 10-2-403, provide written notice of the petition for~~
95 ~~annexation to:~~

96 ~~(A) the existing licensee providing service to the area included in the petition of~~
97 ~~annexation; and~~

98 ~~(B) the department.~~

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

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

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

108 ~~[(3) If an objection is received under Subsection (2), the municipality shall file a~~
109 ~~standard application for a license with the department under the provisions of Sections~~
110 ~~26-8a-404 through 26-8a-409.]~~

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

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

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

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

120 ~~(C) adequate funding for personnel and equipment; and~~

121 (D) appropriate medical controls, such as a medical director and base hospital.
122 (iii) The department shall submit the results of the audit in writing to the municipal
123 legislative body.

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

129 (b) (i) Notwithstanding the provisions of Subsection 63-46b-1(2)(k), if the department
130 audit finds that the municipality fails to meet the requirements of Subsection (2)(b)(ii), the
131 municipality may request an adjudicative proceeding under the provisions of Title 63, Chapter
132 46b, Administrative Procedures Act. The municipality may approve the petition for annexation
133 while an adjudicative proceeding requested under this Subsection (3)(b)(i) is pending.

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

136 (iii) Notwithstanding the provisions of Sections 26-8a-404 through 26-8a-409, in any
137 adjudicative proceeding held under the provisions of Subsection (3)(b)(i), the department bears
138 the burden of establishing that the municipality cannot, by the time of the approval of the
139 annexation, meet the requirements of Subsection (2)(b)(ii).

140 (c) If, at the time of the approval of the annexation, an adjudicative proceeding is
141 pending under the provisions of Subsection (3)(b)(i), the department shall issue amended
142 licenses if the municipality prevails in the adjudicative proceeding.

Legislative Review Note
as of 12-3-03 12:55 PM

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

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0225

Provision for Emergency Medical Services

27-Jan-04

10:42 AM

State Impact

Administrative costs from the implementation of this bill can be handled within existing Department of Health budgets.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst