

**EMERGENCY MEDICAL SERVICE PROVIDER**

**AMENDMENTS**

2004 GENERAL SESSION

STATE OF UTAH

**Sponsor: Scott K. Jenkins**

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**LONG TITLE**

**General Description:**

This bill amends the definition of political subdivision in the Utah Emergency Medical Services System Act.

**Highlighted Provisions:**

This bill:

- ▶ amends the definition of political subdivision in the Utah Emergency Medical Services System Act; and
- ▶ makes technical amendments.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides an immediate effective date.

**Utah Code Sections Affected:**

AMENDS:

**26-8a-405.1**, as enacted by Chapter 213, Laws of Utah 2003

**26-8a-405.2**, as enacted by Chapter 213, Laws of Utah 2003

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

Section 1. Section **26-8a-405.1** is amended to read:

**26-8a-405.1. Selection of provider by political subdivision.**



- 28 (1) For purposes of this section and Section 26-8a-405.2:
- 29 (a) "911 ambulance or paramedic services" means either 911 ambulance service, or 911  
30 paramedic service, or both and:
- 31 (i) means a 911 call received by a designated dispatch center that receives 911 or E911  
32 calls; and
- 33 (ii) does not mean a seven digit telephone call received directly by an ambulance  
34 provider licensed under this chapter;
- 35 (b) "political subdivision" means:
- 36 (i) a city or town located in a county of the first or second class as defined in Section  
37 17-50-501;
- 38 (ii) a county of the first or second class;
- 39 (iii) the following districts or service areas located in a county of the first or second  
40 class:
- 41 (A) a special service district created under Title 17A, Chapter 2, Part 13, Utah Special  
42 Service District Act;
- 43 (B) a local district created [~~after May 5, 2003~~] under Title 17B, Chapter 2, Local  
44 Districts, for the purpose of providing fire protection, paramedic, and emergency services; and
- 45 (C) a county service area created [~~after May 5, 2003,~~] under Title 17A, Chapter 2, Part  
46 4, County Service Area Act, for the purpose of providing fire protection, paramedic, and  
47 emergency services; or
- 48 (iv) areas coming together as described in Subsection [~~(3)~~] 26-8a-405.2(2)(b)(ii).
- 49 (2) (a) Only an applicant approved under Section 26-8a-405 may respond to a request  
50 for a proposal for 911 ambulance or paramedic services issued in accordance with Section  
51 26-8a-405.2 by a political subdivision.
- 52 (b) A response to a request for proposal is subject to the maximum rates established by  
53 the department under Section 26-8a-403.
- 54 (c) A political subdivision may award a contract to an applicant for the provision of  
55 911 ambulance or paramedic services:
- 56 (i) in accordance with Section 26-8a-405.2; and
- 57 (ii) subject to Subsection (3).
- 58 (3) (a) The department shall issue a license to an applicant selected by a political

59 subdivision under Subsection (2) unless the department finds that issuing a license to that  
60 applicant would jeopardize the health, safety, and welfare of the citizens of the geographic  
61 service area.

62 (b) A license issued under this Subsection (3):

63 (i) is for the exclusive geographic service area approved by the department in  
64 accordance with Subsection 26-8a-405.2(3);

65 (ii) is valid for four years;

66 (iii) is not subject to a request for license from another applicant under the provisions  
67 of Sections 26-8a-406 through 26-8a-409 during the four-year term, unless the applicant's  
68 license is revoked under Section 26-8a-504; and

69 (iv) is subject to supervision by the department under Sections 26-8a-503 and  
70 26-8a-504.

71 (4) The provisions of Sections 26-8a-406 through 26-8a-409 do not apply to a license  
72 issued under this section.

73 Section 2. Section **26-8a-405.2** is amended to read:

74 **26-8a-405.2. Selection of provider -- Public bid -- Public convenience and**  
75 **necessity.**

76 (1) (a) A political subdivision may contract with an applicant approved under Section  
77 26-8a-404 to provide 911 ambulance or paramedic services for the geographic service area that  
78 is approved by the department in accordance with Subsection (2), if the political subdivision  
79 complies with the provisions of this section.

80 (b) The provisions of this section and Section 26-8a-405.1 do not require a political  
81 subdivision to issue a request for proposal for ambulance or paramedic services. If a political  
82 subdivision does not contract with an applicant in accordance with this section, the provisions  
83 of Sections 26-8a-406 through 26-8a-409 apply to the issuance of a license for ambulance or  
84 paramedic services in the geographic service area that is within the boundaries of the political  
85 subdivision.

86 (c) (i) For purposes of this Subsection (1)(c):

87 (A) "local district" and "county service area" are defined in Subsection  
88 26-8a-405.1(1)(b)(iii);

89 (B) "participating municipality" means a city or town whose area is partly or entirely

90 included within a county service area or local district; and

91 (C) "participating county" means a county whose unincorporated area is partly or  
92 entirely included within a county service area or local district.

93 (ii) A participating municipality or participating county may contract with a provider  
94 for 911 ambulance or paramedic service as provided in this section.

95 (iii) If the participating municipality or participating county contracts with a provider  
96 for 911 ambulance or paramedic services under this section:

97 (A) the county service area or local district is not obligated to provide the ambulance or  
98 paramedic services that are included in the contract between the participating municipality or  
99 the participating county and the 911 ambulance or paramedic provider;

100 (B) the county service area and local district may impose taxes and obligations within  
101 the county service area or local district in the same manner as if the participating municipality  
102 or participating county were receiving all services offered by the local district or county service  
103 area; and

104 (C) the participating municipality's and participating county's obligations to the local  
105 district or county service area are not diminished.

106 (2) (a) The political subdivision shall submit the request for proposal and the exclusive  
107 geographic service area to be included in the request for proposal to the department for  
108 approval prior to issuing the request for proposal. The department shall approve the request for  
109 proposal and the exclusive geographic service area:

110 (i) unless the geographic service area creates an orphaned area; and

111 (ii) in accordance with Subsections (2)(b) and (c).

112 (b) The exclusive geographic service area may:

113 (i) include the entire geographic service area that is within the political subdivision's  
114 boundaries;

115 (ii) include islands within or adjacent to other peripheral areas not included in the  
116 political subdivision that governs the geographic service area; or

117 (iii) exclude portions of the geographic service area within the political subdivision's  
118 boundaries if another political subdivision or licensed provider agrees to include the excluded  
119 area within their license.

120 (c) The proposed geographic service area for 911 ambulance or paramedic service must

121 demonstrate that non-911 ambulance or paramedic service will be provided in the geographic  
 122 service area, either by the current provider, the applicant, or some other method acceptable to  
 123 the department. The department may consider the effect of the proposed geographic service  
 124 area on the costs to the non-911 provider and that provider's ability to provide only non-911  
 125 services in the proposed area.

126 (3) (a) (i) A political subdivision may select an applicant approved by the department  
 127 under Section 26-8a-404 to provide 911 ambulance or paramedic services by contract let to the  
 128 lowest, responsive, and responsible bidder after publication of notice at least once a week for  
 129 three consecutive weeks in a newspaper of general circulation published in the county, or if  
 130 there is no such newspaper, then after posting such notice for at least 20 days in at least five  
 131 public places in the county.

132 (ii) The applicants who are approved under Section 26-8a-405 and who are selected  
 133 under Subsection (3)(a)(i) may be **H THE POLITICAL SUBDIVISION ISSUING THE REQUEST FOR**  
 133a1 **PROPOSAL, OR h** any **H [f] other [j] h** public entity or entities, any private person  
 133a or  
 134 entity, or any combination thereof.

135 (b) A political subdivision may reject all of the bids.

136 (4) In seeking bids and awarding contracts under this section, a political subdivision:

137 (a) shall follow the provisions of Section 63-56-20;

138 (b) shall consider the public convenience and necessity factors listed in Subsections  
 139 26-8a-408(2), (3), and (4);

140 (c) shall require the applicant responding to the bid to disclose how the applicant will  
 141 meet performance standards in the request for proposal;

142 (d) may not require or restrict an applicant to a certain method of meeting the  
 143 performance standards; and

144 (e) (i) shall require an applicant to submit the bid based on full cost accounting in  
 145 accordance with generally accepted accounting principals; and

146 (ii) if the applicant is a governmental entity, in addition to the requirements of  
 147 Subsection (4)(e)(i), in accordance with generally accepted government auditing standards and  
 148 in compliance with the State of Utah Legal Compliance Audit Guide.

149 **Section 3. Effective date.**

150 If approved by two-thirds of all the members elected to each house, this bill takes effect  
 151 upon approval by the governor, or the day following the constitutional time limit of Utah

152 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,  
153 the date of veto override.

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**Legislative Review Note**  
**as of 12-17-03 11:35 AM**

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

**Office of Legislative Research and General Counsel**