

EMERGENCY MEDICAL SERVICE PROVIDER

AMENDMENTS

2004 GENERAL SESSION

STATE OF UTAH

Sponsor: Scott K. Jenkins

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

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.

(1) For purposes of this section and Section 26-8a-405.2:

(a) "911 ambulance or paramedic services" means either 911 ambulance service, or 911

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paramedic service, or both and:

(i) means a 911 call received by a designated dispatch center that receives 911 or E911 calls; and

(ii) does not mean a seven digit telephone call received directly by an ambulance provider licensed under this chapter;

(b) "political subdivision" means:

(i) a city or town located in a county of the first or second class as defined in Section 17-50-501;

(ii) a county of the first or second class;

(iii) the following districts or service areas located in a county of the first or second class:

(A) a special service district created under Title 17A, Chapter 2, Part 13, Utah Special Service District Act;

(B) a local district created [~~after May 5, 2003~~] under Title 17B, Chapter 2, Local Districts, for the purpose of providing fire protection, paramedic, and emergency services; and

(C) a county service area created [~~after May 5, 2003;~~] under Title 17A, Chapter 2, Part 4, County Service Area Act, for the purpose of providing fire protection, paramedic, and emergency services; or

(iv) areas coming together as described in Subsection [~~(3)~~] 26-8a-405.2(2)(b)(ii).

(2) (a) Only an applicant approved under Section 26-8a-405 may respond to a request for a proposal for 911 ambulance or paramedic services issued in accordance with Section 26-8a-405.2 by a political subdivision.

(b) A response to a request for proposal is subject to the maximum rates established by the department under Section 26-8a-403.

(c) A political subdivision may award a contract to an applicant for the provision of 911 ambulance or paramedic services:

(i) in accordance with Section 26-8a-405.2; and

(ii) subject to Subsection (3).

(3) (a) The department shall issue a license to an applicant selected by a political

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

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

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

(ii) is valid for four years;

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

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

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

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

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

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

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

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

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

(B) "participating municipality" means a city or town whose area is partly or entirely included within a county service area or local district; and

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

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

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

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

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

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

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

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

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

(b) The exclusive geographic service area may:

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

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

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

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

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

(ii) The applicants who are approved under Section 26-8a-405 and who are selected under Subsection (3)(a)(i) may be the political subdivision issuing the request for proposal, or any other public entity or entities, any private person or entity, or any combination thereof.

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

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

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

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

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

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

(e) (i) shall require an applicant to submit the bid based on full cost accounting in

accordance with generally accepted accounting principals; and

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

Section 3. Effective date.

If approved by two-thirds of all the members elected to each house, this bill takes effect upon approval by the governor, or the day following the constitutional time limit of Utah Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto, the date of veto override.