1	CERTIFICATE OF NEED FOR CERTAIN
2	AMBULANCE SERVICES
3	2007 GENERAL SESSION
4	STATE OF UTAH
5	Chief Sponsor: Darin G. Peterson
6	House Sponsor: Stephen H. Urquhart
7 8	LONG TITLE
9	General Description:
10	This bill amends the Utah Emergency Medical Services System Act.
11	Highlighted Provisions:
12	This bill:
13	creates definitions for:
14	 911 ambulance services and non-911 ambulance services;
15	 a nonemergency medical condition; and
16	 nonemergency medical services;
17	 establishes a process by which an ambulance provider may apply for a nonexclusive
18	license for non-911 ambulance services within a geographic service area in which
19	the political subdivision is not providing non-911 ambulance services;
20	 requires an applicant for a nonexclusive license for non-911 ambulance services to
21	comply with certain provisions of the chapter, including the certificate of need
22	requirements;
23	 provides for supervision of the licensee and renewal of the license; and
24	 prohibits certain conduct related to solicitation of business.
25	Monies Appropriated in this Bill:
26	None
27	Other Special Clauses:



28	None
29	Utah Code Sections Affected:
30	AMENDS:
31	26-8a-102, as last amended by Chapter 305, Laws of Utah 2000
32	26-8a-401 , as enacted by Chapter 141, Laws of Utah 1999
33	26-8a-402, as last amended by Chapter 1, Laws of Utah 2000
34	26-8a-404, as last amended by Chapter 213, Laws of Utah 2003
35	26-8a-405.1, as last amended by Chapter 60, Laws of Utah 2006
36	26-8a-405.2, as last amended by Chapters 25 and 205, Laws of Utah 2005
37	26-8a-413, as last amended by Chapter 213, Laws of Utah 2003
38	26-8a-502, as last amended by Chapter 1, Laws of Utah 2000
39	ENACTS:
40	26-8a-405.4 , Utah Code Annotated 1953
41	
42	Be it enacted by the Legislature of the state of Utah:
43	Section 1. Section 26-8a-102 is amended to read:
44	26-8a-102. Definitions.
45	As used in this chapter:
46	(1) "911 ambulance services" means ground, air, or water transportation services
47	provided by an ambulance provider in response to:
48	(a) a request made through a designated dispatch center that receives 911 or E-911
49	calls; or
50	(b) an emergency medical condition.
51	[(1)] (2) "Ambulance" means a ground, air, or water vehicle that:
52	(a) transports patients and is used to provide:
53	(i) emergency medical services; [and] or
54	(ii) nonemergency medical services; and
55	(b) is required to obtain a permit under Section 26-8a-304 to operate in the state.
56	$[\frac{(2)}{2}]$ "Ambulance provider" means $[\frac{(2)}{2}]$ a service provider that:
57	(a) transports and provides emergency medical [eare] services or nonemergency
58	medical services to patients; and

59	(b) is required to obtain a license under Part 4, Ambulance and Paramedic Providers.
60	[(3)] (4) "Committee" means the State Emergency Medical Services Committee
61	created by Section 26-1-7.
62	[(4)] (5) "Direct medical observation" means in-person observation of a patient by a
63	physician, registered nurse, physician's assistant, or individual certified under Section
64	26-8a-302.
65	[(5)] <u>(6)</u> "Emergency medical condition" means:
66	(a) a medical condition that manifests itself by symptoms of sufficient severity,
67	including severe pain, that a prudent layperson, who possesses an average knowledge of health
68	and medicine, could reasonably expect the absence of immediate medical attention to result in:
69	(i) placing the individual's health in serious jeopardy;
70	(ii) serious impairment to bodily functions; [or]
71	(iii) serious dysfunction of any bodily organ or part; or
72	(iv) a sudden onset or negative change in a person's medical condition; or
73	(b) a medical condition that in the opinion of a physician or his designee requires direct
74	medical observation during transport or may require the intervention of an individual certified
75	under Section 26-8a-302 during transport.
76	[(6)] <u>(7)</u> "Emergency medical service personnel":
77	(a) means an individual who provides emergency medical services to a patient and is
78	required to be certified under Section 26-8a-302; and
79	(b) includes a paramedic, medical director of a licensed emergency medical service
80	provider, emergency medical service instructor, and other categories established by the
81	committee.
82	[(7) "Emergency medical service providers" means:]
83	[(a) licensed ambulance providers and paramedic providers;]
84	[(b) a facility or provider that is required to be designated under Section 26-8a-303;
85	and]
86	[(c) emergency medical service personnel.]
87	(8) "Emergency medical services" means medical services, transportation services, or
88	both rendered to a patient <u>suffering from an emergency medical condition</u> .
89	[(10)] (9) "Interested party" means:

90	(a) a licensed or designated emergency medical services provider that provides
91	emergency medical services within or in an area that abuts an exclusive geographic service area
92	that is the subject of an application submitted pursuant to Part 4, Ambulance and Paramedic
93	Providers;
94	(b) any municipality, county, or fire district that lies within or abuts a geographic
95	service area that is the subject of an application submitted pursuant to Part 4, Ambulance and
96	Paramedic Providers; or
97	(c) the department when acting in the interest of the public.
98	[(11)] (10) "Medical control" means a person who provides medical supervision to an
99	emergency medical service provider.
100	(11) "Medical service provider" means:
101	(a) a licensed ambulance provider and paramedic provider;
102	(b) a facility or provider that is required to be designated under Section 26-8a-303; and
103	(c) emergency medical service personnel.
104	[(9) "Emergency medical] (12) "Medical service vehicle" means a land, air, or water
105	vehicle that is:
106	(a) maintained and used for the transportation of emergency medical personnel,
107	medical service providers, equipment, and supplies to the scene of a medical emergency; and
108	(b) required to be permitted under Section 26-8a-304.
109	(13) "Non-911 ambulance services":
110	(a) means ground, air, or water transportation services or standby services provided by
111	an ambulance provider in response to a request made to any person other than through a
112	designated dispatch center that receives 911 or E-911 calls; and
113	(b) includes:
114	(i) convalescent transports; and
115	(ii) interfacility transportation, when arranged by the patient, the patient's
116	representative, or a transferring physician or facility for a patient, from a:
117	(A) hospital;
118	(B) nursing facility:
119	(C) emergency patient receiving facility;
120	(D) mental health facility; or

121	(E) other medical facility.
122	(14) "Nonemergency medical condition" means:
123	(a) a medical condition that does not constitute an emergency medical condition but
124	that requires or may require assistance from a medical service provider; or
125	(b) a medical condition that in the opinion of a physician or the physician's designee
126	requires or may require transport by a licensed ambulance provider or intervention of an
127	individual certified under Section 26-8a-302 during transport.
128	(15) "Nonemergency medical services" means medical services, transportation
129	services, or both rendered to a patient with a nonemergency medical condition.
130	[(12)] (16) "Paramedic provider" means an entity that:
131	(a) employs emergency medical service personnel; and
132	(b) is required to obtain a license under Part 4, Ambulance and Paramedic Providers.
133	[(13)] (17) "Patient" means an individual who, as the result of illness or injury, meets
134	any of the criteria in Section 26-8a-305.
135	[(14)] (18) "Trauma" means an injury requiring immediate medical or surgical
136	intervention.
137	[(15)] (19) "Trauma system" means a single, statewide system that:
138	(a) organizes and coordinates the delivery of trauma care within defined geographic
139	areas from the time of injury through transport and rehabilitative care; and
140	(b) is inclusive of all prehospital providers, hospitals, and rehabilitative facilities in
141	delivering care for trauma patients, regardless of severity.
142	[(16)] (20) "Triage" means the sorting of patients in terms of disposition, destination,
143	or priority. For prehospital trauma victims, triage requires a determination of injury severity to
144	assess the appropriate level of care according to established patient care protocols.
145	[(17)] (21) "Triage, treatment, transportation, and transfer guidelines" means written
146	procedures that:
147	(a) direct the care of patients; and
148	(b) are adopted by the medical staff of an emergency patient receiving facility, trauma
149	center, or an emergency medical service provider.
150	Section 2. Section 26-8a-401 is amended to read:
151	26-8a-401. State regulation of emergency medical services market.

152	(1) To ensure emergency medical service quality and minimize unnecessary
153	duplication, the department shall regulate the emergency medical service market after October
154	1, 1999, by creating and operating a statewide system that:
155	(a) except as allowed by Section 26-8a-405.4, consists of exclusive geographic service
156	areas as provided in Section 26-8a-402; and
157	(b) establishes maximum rates as provided in Section 26-8a-403.
158	(2) (a) All licenses issued prior to July 1, 1996, shall expire as stated in the license.
159	(b) If no expiration date is stated on a license issued before July 1, 1996, the license
160	shall expire on October 1, 1999, unless:
161	(i) the license holder requests agency action before August 1, 1999; and
162	(ii) before October 1, 1999, the department:
163	(A) finds the license has been used as the basis for responding to requests for
164	ambulance or paramedic services during the past five years;
165	(B) identifies one or more specific geographic areas covered by the license in which the
166	license holder has actively and adequately responded as the primary provider to requests for
167	ambulance or paramedic services during the past five years; and
168	(C) determines that the continuation of a license in a specific geographic area identified
169	in Subsection (2)(b)(ii)(B) satisfies:
170	(I) the standards established pursuant to Subsection 26-8a-404(2); and
171	(II) the requirement of public convenience and necessity.
172	(c) If the department finds that a license meets the requirements of Subsection (2)(b),
173	the department shall amend the license to reflect:
174	(i) the specific geographic area of the license; and
175	(ii) a four-year term extension.
176	(d) Before July 1, 1999, the department shall publish notice once a week for four
177	consecutive weeks of the expiration of licenses pursuant to Subsection (2)(b) in a newspaper of
178	general circulation in the state.
179	(e) Nothing in this Subsection (2) may be construed as restricting the authority of the
180	department to amend overlapping licenses pursuant to Section 26-8a-416.
181	(3) After October 1, 1999, new licenses and license renewals shall be for a four-year

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term.

Section 3. Section **26-8a-402** is amended to read:

26-8a-402. Exclusive geographic service areas.

(1) [Each] Except as provided in Section 26-8a-405.4, each ground ambulance provider license issued under this part shall be for an exclusive geographic service area as described in the license. Only [the] a licensed ground ambulance provider may respond to an ambulance request that originates within the provider's exclusive geographic service area, except as provided in Subsection (5) and Section 26-8a-416.

- (2) Each paramedic provider license issued under this part shall be for an exclusive geographic service area as described in the license. Only the licensed paramedic provider may respond to a paramedic request that originates within the exclusive geographic service area, except as provided in Subsection (6) and Section 26-8a-416.
- (3) Nothing in this section may be construed as either requiring or prohibiting that the formation of boundaries in a given location be the same for a licensed paramedic provider as it is for a licensed ambulance provider.
- (4) (a) A licensed ground ambulance or paramedic provider may, as necessary, enter into a mutual aid agreement to allow another licensed provider to give assistance in times of unusual demand, as that term is defined by the committee in rule.
- (b) A mutual aid agreement shall include a formal written plan detailing the type of assistance and the circumstances under which it would be given.
- (c) The parties to a mutual aid agreement shall submit a copy of the agreement to the department.
- (d) Notwithstanding this Subsection (4), a licensed provider may not subcontract with another entity to provide services in the licensed provider's exclusive geographic service area.
- (5) Notwithstanding Subsection (1), a licensed ground ambulance provider may respond to an ambulance request that originates from the exclusive geographic area of another provider:
 - (a) pursuant to a mutual aid agreement;
 - (b) to render assistance on a case-by-case basis to that provider; and
- (c) as necessary to meet needs in time of disaster or other major emergency.
- 212 (6) Notwithstanding Subsection (2), a licensed paramedic provider may respond to a 213 paramedic request that originates from the exclusive geographic area of another provider:

214	(a) pursuant to a mutual aid agreement;
215	(b) to render assistance on a case-by-case basis to that provider; and
216	(c) as necessary to meet needs in time of disaster or other major emergency.
217	Section 4. Section 26-8a-404 is amended to read:
218	26-8a-404. Ground ambulance and paramedic licenses Application and
219	department review.
220	(1) Except as provided in Section 26-8a-413, an applicant for a ground ambulance or
221	paramedic license shall apply to the department for a license only by:
222	(a) submitting a completed application;
223	(b) providing information in the format required by the department; and
224	(c) paying the required fees, including the cost of the hearing officer.
225	(2) The department shall make rules establishing minimum qualifications and
226	requirements for:
227	(a) personnel;
228	(b) capital reserves;
229	(c) equipment;
230	(d) a business plan;
231	(e) operational procedures;
232	(f) medical direction agreements;
233	(g) management and control; and
234	(h) other matters that may be relevant to an applicant's ability to provide ground
235	ambulance or paramedic service.
236	(3) An application for a license to provide ground ambulance service or paramedic
237	service shall be for all ground ambulance services or paramedic services arising within the
238	geographic service area, except that an applicant may apply for a license:
239	(a) for less than all ground ambulance services or all paramedic services arising within
240	an exclusive geographic area if it can demonstrate how the remainder of that area will be
241	served[-]; or
242	(b) for less than all ground ambulance services pursuant to Section 26-8a-405.4 if it
243	can demonstrate how the remainder of the area for which it seeks a license will be served.
244	(4) (a) A ground ambulance service licensee may apply to the department for a license

245	to provide a higher level of service as defined by department rule if:
246	(i) the application for the license is limited to non-911 ambulance or paramedic
247	services; and
248	(ii) the application includes:
249	(A) a copy of the new treatment protocols for the higher level of service approved by
250	the off-line medical director;
251	(B) an assessment of field performance by the applicant's off-line director; and
252	(C) an updated plan of operation demonstrating the ability of the applicant to provide
253	the higher level of service.
254	(b) If the department determines that the applicant has demonstrated the ability to
255	provide the higher level of service in accordance with Subsection (4)(a), the department shall
256	issue a revised license reflecting the higher level of service and the requirements of Section
257	26-8a-408 do not apply.
258	(5) Upon receiving a completed application and the required fees, the department shall
259	review the application and determine whether the application meets the minimum
260	qualifications and requirements for licensure.
261	(6) The department may deny an application if it finds that it contains any materially
262	false or misleading information, is incomplete, or if the application demonstrates that the
263	applicant fails to meet the minimum qualifications and requirements for licensure under
264	Subsection (2).
265	(7) If the department denies an application, it shall notify the applicant in writing
266	setting forth the grounds for the denial. A denial may be appealed under Title 63, Chapter 46b,
267	Administrative Procedures Act.
268	Section 5. Section 26-8a-405.1 is amended to read:
269	26-8a-405.1. Selection of 911 ambulance service provider by political subdivision.
270	(1) For purposes of this section and Sections 26-8a-405.2 and 26-8a-405.3:
271	[(a) "911 ambulance or paramedic services" means either 911 ambulance service, or
272	911 paramedic service, or both and:]
273	[(i) means a 911 call received by a designated dispatch center that receives 911 or E911

[(ii) does not mean a seven digit telephone call received directly by an ambulance

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calls; and]

276	provider licensed under this chapter.
277	[(b)] (a) "Governing body" means:
278	(i) in the case of a municipality or county, the elected council, commission, or other
279	legislative body that is vested with the legislative power of the municipality;
280	(ii) in the case of a special service district, local service district, or county service area
281	each elected council, commission, or other legislative body that is vested with the legislative
282	power of the municipalities or counties that are members of the district or service area; and
283	(iii) in the case of a special district for fire protection or interlocal entity, the board or
284	other body vested with the power to adopt, amend, and repeal rules, bylaws, policies, and
285	procedures for the regulation of its affairs and the conduct of its business.
286	[(c)] <u>(b)</u> "Political subdivision" means:
287	(i) a city or town located in a county of the first or second class as defined in Section
288	17-50-501;
289	(ii) a county of the first or second class;
290	(iii) the following districts or service areas located in a county of the first or second
291	class:
292	(A) a special service district created under Title 17A, Chapter 2, Part 13, Utah Special
293	Service District Act;
294	(B) a local district created under Title 17B, Chapter 2, Local Districts, for the purpose
295	of providing fire protection, paramedic, and emergency services; and
296	(C) a county service area created under Title 17A, Chapter 2, Part 4, County Service
297	Area Act, for the purpose of providing fire protection, paramedic, and emergency services; or
298	(iv) areas coming together as described in Subsection 26-8a-405.2(2)(b)(ii);
299	(v) municipalities and counties joining together pursuant to Title 11, Chapter 13,
300	Interlocal Cooperation Act; or
301	(vi) a special district for fire protection as defined in Section 17A-2-1304.
302	(2) (a) Only an applicant approved under Section 26-8a-405 may respond to a request
303	for a proposal for 911 ambulance or paramedic services issued in accordance with Section
304	26-8a-405.2 by a political subdivision.
305	(b) A response to a request for proposal is subject to the maximum rates established by
306	the department under Section 26-8a-403

307	(c) A political subdivision may award a contract to an applicant for the provision of
308	911 ambulance or paramedic services:
309	(i) in accordance with Section 26-8a-405.2; and
310	(ii) subject to Subsection (3).
311	(3) (a) The department shall issue a license to an applicant selected by a political
312	subdivision under Subsection (2) unless the department finds that issuing a license to that
313	applicant would jeopardize the health, safety, and welfare of the citizens of the geographic
314	service area.
315	(b) A license issued under this Subsection (3):
316	(i) is for the exclusive geographic service area approved by the department in
317	accordance with Subsection 26-8a-405.2(2);
318	(ii) is valid for four years;
319	(iii) is not subject to a request for license from another applicant under the provisions
320	of Sections 26-8a-406 through 26-8a-409 during the four-year term, unless the applicant's
321	license is revoked under Section 26-8a-504; and
322	(iv) is subject to supervision by the department under Sections 26-8a-503 and
323	26-8a-504.
324	(4) Except as provided in Subsection 26-8a-405.3(4)(a), the provisions of Sections
325	26-8a-406 through 26-8a-409 do not apply to a license issued under this section.
326	Section 6. Section 26-8a-405.2 is amended to read:
327	26-8a-405.2. Selection of provider Request for competitive sealed proposal
328	Public convenience and necessity.
329	(1) (a) A political subdivision may contract with an applicant approved under Section
330	26-8a-404 to provide 911 ambulance or paramedic services for the geographic service area that
331	is approved by the department in accordance with Subsection (2), if the political subdivision
332	complies with the provisions of this section and Section 26-8a-405.3.
333	(b) The provisions of this section and Sections 26-8a-405.1 and 26-8a-405.3 do not
334	require a political subdivision to issue a request for proposal for ambulance or paramedic
335	services. If a political subdivision does not contract with an applicant in accordance with this
336	section and Section 26-8a-405.3, the provisions of Sections 26-8a-406 through 26-8a-409 apply
337	to the issuance of a license for ambulance or paramedic services in the geographic service area

338	that is within the boundaries of the political subdivision.
339	(c) (i) For purposes of this Subsection (1)(c):
340	(A) "local district" and "county service area" are defined in Subsection
341	26-8a-405.1(1)[(b)](<u>a)</u> (iii);
342	(B) "participating municipality" means a city or town whose area is partly or entirely
343	included within a county service area or local district; and
344	(C) "participating county" means a county whose unincorporated area is partly or
345	entirely included within a county service area or local district.
346	(ii) A participating municipality or participating county may contract with a provider
347	for 911 ambulance or paramedic service as provided in this section and Section 26-8a-405.3.
348	(iii) If the participating municipality or participating county contracts with a provider
349	for 911 ambulance or paramedic services under this section and Section 26-8a-405.3:
350	(A) the county service area or local district is not obligated to provide the ambulance or
351	paramedic services that are included in the contract between the participating municipality or
352	the participating county and the 911 ambulance or paramedic provider;
353	(B) the county service area and local district may impose taxes and obligations within
354	the county service area or local district in the same manner as if the participating municipality
355	or participating county were receiving all services offered by the local district or county service
356	area; and
357	(C) the participating municipality's and participating county's obligations to the local
358	district or county service area are not diminished.
359	(2) (a) The political subdivision shall submit the request for proposal and the exclusive
360	geographic service area to be included in the request for proposal to the department for
361	approval prior to issuing the request for proposal. The department shall approve the request for
362	proposal and the exclusive geographic service area:
363	(i) unless the geographic service area creates an orphaned area; and
364	(ii) in accordance with Subsections (2)(b) and (c).
365	(b) The exclusive geographic service area may:

(ii) include islands within or adjacent to other peripheral areas not included in the

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

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boundaries;

369	political subdivision that governs the geographic service area; or
370	(iii) exclude portions of the geographic service area within the political subdivision's
371	boundaries if another political subdivision or licensed provider agrees to include the excluded
372	area within their license.
373	(c) The proposed geographic service area for 911 ambulance or paramedic service must
374	demonstrate that non-911 ambulance or paramedic service will be provided in the geographic
375	service area, either by the current provider or providers as allowed in Section 26-8a-405.4, the
376	applicant, or some other method acceptable to the department. The department may consider
377	the effect of the proposed geographic service area on the costs to the non-911 provider and that
378	provider's ability to provide only non-911 services in the proposed area.
379	Section 7. Section 26-8a-405.4 is enacted to read:
380	26-8a-405.4. Competition for non-911 ambulance services.
381	(1) In any geographic area where a political subdivision is not providing non-911
382	ambulance services through a governmental or quasi-governmental agency, the department
383	may issue more than one nonexclusive license to ambulance providers to provide non-911
384	ambulance services within that geographic area.
385	(2) Applicants for a license to provide non-911 ambulance services under Subsection
386	(1) shall comply with:
387	(a) the requirements of Section 26-8a-404; and
388	(b) all requirements to be a licensed ambulance provider.
389	(3) When issuing a license to provide non-911 ambulance services under Subsection
390	(1), the department shall follow the requirements and procedures for issuing a license as set
391	forth in Section 26-8a-404 and Sections 26-8a-406 through 26-8a-409.
392	(4) A license issued to a non-911 ambulance service provider pursuant to this section:
393	(a) is a nonexclusive license;
394	(b) shall be for a period of four years;
395	(c) is subject to department supervision pursuant to Sections 26-8a-503 and 26-8a-504;
396	<u>and</u>
397	(d) may be renewed pursuant to Section 26-8a-413.
398	(5) A non-911 ambulance service provider licensed to provide non-911 ambulance

services within a geographic area must provide non-911 ambulance services in response to a

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400	request for such services originating from within that geographic area unless:
401	(a) another licensed non-911 ambulance service provider is responding to the request
402	for non-911 ambulance services; or
403	(b) the licensed non-911 ambulance service provider is not the only provider of
404	non-911 ambulance services within that geographic area and lacks sufficient resources to
405	respond to the request for non-911 ambulance services, provided that the non-911 ambulance
406	service provider arranges for another ambulance provider to respond to the request.
407	Section 8. Section 26-8a-413 is amended to read:
408	26-8a-413. License renewals.
409	(1) A licensed provider desiring to renew its license must meet the renewal
410	requirements established by department rule.
411	(2) The department shall issue a renewal license for a ground ambulance provider or a
412	paramedic provider upon the licensee's application for a renewal and without a public hearing
413	if there has been:
414	(a) no change in controlling interest in the ownership of the licensee as defined in
415	Section 26-8a-415;
416	(b) no serious, substantiated public complaints filed with the department against the
417	licensee during the term of the previous license;
418	(c) no material or substantial change in the basis upon which the license was originally
419	granted;
420	(d) no reasoned objection from the committee or the department; and
421	(e) if the applicant was licensed under the provisions of Sections 26-8a-406 through
422	26-8a-409, no conflicting license application.
423	(3) (a) (i) The provisions of this Subsection (3) apply to a provider licensed under the
424	provisions of Sections 26-8a-405.1 [and 26-8a-405.2] through 26-8a-405.4.
425	(ii) A provider may renew its license if the provisions of Subsections (1), (2)(a)
426	through (d), and this Subsection (3) are met.
427	(b) (i) The department shall issue a renewal license to a provider upon the provider's
428	application for renewal for one additional four-year term if the political subdivision certifies to
429	the department that the provider has met all of the specifications of the original bid.
430	(ii) If the political subdivision does not certify to the department that the provider has

met all of the specifications of the original bid, the department may not issue a renewal license and the political subdivision must enter into a public bid process under Sections 26-8a-405.1 and 26-8a-405.2.

- (c) (i) The department shall issue an additional renewal license to a provider who has already been issued a one-time renewal license under the provisions of Subsection (3)(b)(i) if the department and the political subdivision do not receive, prior to the expiration of the provider's license, written notice from an approved applicant informing the political subdivision of the approved applicant's desire to submit a bid for ambulance or paramedic service.
- (ii) If the department and the political subdivision receive the notice in accordance with Subsection (3)(c)(i), the department may not issue a renewal license and the political subdivision must enter into a public bid process under Sections 26-8a-405.1 and 26-8a-405.2.
- (4) The department shall issue a renewal license for an air ambulance provider upon the licensee's application for renewal and completion of the renewal requirements established by department rule.
 - Section 9. Section **26-8a-502** is amended to read:
- **26-8a-502.** Illegal activity.

- (1) Except as provided in Section 26-8a-308, a person may not:
- (a) practice or engage in the practice, represent himself to be practicing or engaging in the practice, or attempt to practice or engage in the practice of any activity that requires a license, certification, or designation under this chapter unless that person is so licensed, certified, or designated; or
- (b) offer an emergency medical service that requires a license, certificate, or designation unless the person is so licensed, certified, or designated.
- (2) A person may not advertise or hold himself out as one holding a license, certification, or designation required under this chapter, unless that person holds the license, certification, or designation.
- (3) A person may not employ or permit any employee to perform any service for which a license or certificate is required by this chapter, unless the person performing the service possesses the required license or certificate.
 - (4) A person may not wear, display, sell, reproduce, or otherwise use any Utah

462	Emergency Medical Services insignia without authorization from the department.
463	(5) A person may not reproduce or otherwise use materials developed by the
464	department for certification or recertification testing or examination without authorization from
465	the department.
466	(6) A person may not willfully summon an ambulance or emergency response vehicle
467	or report that one is needed when such person knows that the ambulance or emergency
468	response vehicle is not needed.
469	(7) (a) An ambulance provider may not:
470	(i) solicit any person to use a seven-digit phone number to obtain transportation
471	services from an ambulance provider for an emergency medical condition; or
472	(ii) discourage any person from contacting a designated dispatch center that receives
473	911 or E-911 calls in order to obtain transportation services from an ambulance provider for an
474	emergency medical condition.
475	(b) The provisions of this section do not apply to transports of patients from one
476	hospital to another hospital for the treatment of an emergency medical condition.
477	$\left[\frac{7}{8}\right]$ (8) A person who violates this section is subject to Section 26-23-6.

Legislative Review Note as of 1-25-07 6:37 AM

Office of Legislative Research and General Counsel

S.B. 214 - Certificate of Need for Certain Ambulance Services

Fiscal Note

2007 General Session State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill could result in a shift of revenue between existing and new providers of non-911 ambulance services in areas where a political subdivision is not currently providing non-911 ambulance services through a governmental or quasi-governmental agency. It will not likely result in direct, measurable costs and/or benefits for individuals or local governments.

2/13/2007, 12:08:57 PM, Lead Analyst: Greer, W.

Office of the Legislative Fiscal Analyst