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**AMENDMENTS TO THE UTAH MEDICAL  
SERVICE SYSTEM ACT**

2008 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: John Dougall**

Senate Sponsor: Darin G. Peterson

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**LONG TITLE**

**General Description:**

This bill amends the Utah Emergency Medical Services System Act.

**Highlighted Provisions:**

This bill:

- ▶ changes a license to provide inter-facility transport services from an exclusive license in a geographic service area to a non-exclusive license in a geographic service area when the political subdivision is not providing inter-facility transport;
- ▶ permits both a licensed ground ambulance provider and a licensed paramedic provider to obtain an inter-facility transport license;
- ▶ defines inter-facility transport;
- ▶ allows a political subdivision that currently provides inter-facility transport services to subcontract inter-facility transport services to another licensed provider, once notice is given to the department;
- ▶ establishes certain requirements for a non-exclusive inter-facility transport license;
- ▶ requires a political subdivision that is seeking a license to provide paramedic services to demonstrate to the department how the political subdivision will impact providers who are providing inter-facility transfers in the geographic service area;
- ▶ limits the marketing activities of an inter-facility transport provider; and
- ▶ defines certain activities as illegal activities.



28 **Monies Appropriated in this Bill:**

29 None

30 **Other Special Clauses:**

31 None

32 **Utah Code Sections Affected:**

33 AMENDS:

34 **26-8a-102**, as last amended by Laws of Utah 2000, Chapter 305

35 **26-8a-401**, as enacted by Laws of Utah 1999, Chapter 141

36 **26-8a-402**, as last amended by Laws of Utah 2000, Chapter 1

37 **26-8a-404**, as last amended by Laws of Utah 2003, Chapter 213

38 **26-8a-405.1**, as last amended by Laws of Utah 2007, Chapter 329

39 **26-8a-405.2**, as last amended by Laws of Utah 2005, Chapters 25 and 205

40 **26-8a-413**, as last amended by Laws of Utah 2003, Chapter 213

41 **26-8a-502**, as last amended by Laws of Utah 2000, Chapter 1

42 ENACTS:

43 **26-8a-405.4**, Utah Code Annotated 1953



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

46 Section 1. Section **26-8a-102** is amended to read:

47 **26-8a-102. Definitions.**

48 As used in this chapter:

49 (1) "Ambulance" means a ground, air, or water vehicle that:

50 (a) transports patients and is used to provide emergency medical services; and

51 (b) is required to obtain a permit under Section 26-8a-304 to operate in the state.

52 (2) "Ambulance provider" means an emergency medical service provider that:

53 (a) transports and provides emergency medical care to patients; and

54 (b) is required to obtain a license under Part 4, Ambulance and Paramedic Providers.

55 (3) "Committee" means the State Emergency Medical Services Committee created by

56 Section 26-1-7.

57 (4) "Direct medical observation" means in-person observation of a patient by a  
58 physician, registered nurse, physician's assistant, or individual certified under Section

59 26-8a-302.

60 (5) "Emergency medical condition" means:

61 (a) a medical condition that manifests itself by symptoms of sufficient severity,  
62 including severe pain, that a prudent layperson, who possesses an average knowledge of health  
63 and medicine, could reasonably expect the absence of immediate medical attention to result in:

64 (i) placing the individual's health in serious jeopardy;

65 (ii) serious impairment to bodily functions; or

66 (iii) serious dysfunction of any bodily organ or part; or

67 (b) a medical condition that in the opinion of a physician or his designee requires direct  
68 medical observation during transport or may require the intervention of an individual certified  
69 under Section 26-8a-302 during transport.

70 (6) "Emergency medical service personnel":

71 (a) means an individual who provides emergency medical services to a patient and is  
72 required to be certified under Section 26-8a-302; and

73 (b) includes a paramedic, medical director of a licensed emergency medical service  
74 provider, emergency medical service instructor, and other categories established by the  
75 committee.

76 (7) "Emergency medical service providers" means:

77 (a) licensed ambulance providers and paramedic providers;

78 (b) a facility or provider that is required to be designated under Section 26-8a-303; and

79 (c) emergency medical service personnel.

80 (8) "Emergency medical services" means medical services, transportation services, or  
81 both rendered to a patient.

82 (9) "Emergency medical service vehicle" means a land, air, or water vehicle that is:

83 (a) maintained and used for the transportation of emergency medical personnel,  
84 equipment, and supplies to the scene of a medical emergency; and

85 (b) required to be permitted under Section 26-8a-304.

86 (10) "Interested party" means:

87 (a) a licensed or designated emergency medical services provider that provides  
88 emergency medical services within or in an area that abuts an exclusive geographic service area  
89 that is the subject of an application submitted pursuant to Part 4, Ambulance and Paramedic

90 Providers;

91 (b) any municipality, county, or fire district that lies within or abuts a geographic  
92 service area that is the subject of an application submitted pursuant to Part 4, Ambulance and  
93 Paramedic Providers; or

94 (c) the department when acting in the interest of the public.

95 (11) "Inter-facility transport" means the transport of a patient from one facility to  
96 another facility:

97 (a) if the patient:

98 (i) is in need of medical observation during transport as described in Subsection (5)(b);

99 and

100 (ii) does not need immediate medical attention as described in Subsection (5)(a);

101 (b) if the transport is requested and scheduled by either the sending or receiving  
102 facility;

103 (c) if the requesting facility or the receiving facility is:

104 (i) one of the following facilities licensed by the department under Chapter 21, Health  
105 Care Facility Licensing and Inspection Act:

106 (A) a general acute hospital;

107 (B) a specialty hospital;

108 (C) a small health care facility;

109 (D) a nursing care facility; or

110 (E) an ambulatory surgical facility; or

111 (ii) a mental health facility as defined in Section 62A-15-602; and

112 (d) if the sending facility is located within the geographic service area in which the  
113 inter-facility transporter has a license.

114 [~~H~~] (12) "Medical control" means a person who provides medical supervision to an  
115 emergency medical service provider.

116 [~~12~~] (13) "Paramedic provider" means an entity that:

117 (a) employs emergency medical service personnel; and

118 (b) is required to obtain a license under Part 4, Ambulance and Paramedic Providers.

119 [~~13~~] (14) "Patient" means an individual who, as the result of illness or injury, meets  
120 any of the criteria in Section 26-8a-305.

121            [~~(14)~~] (15) "Trauma" means an injury requiring immediate medical or surgical  
122 intervention.

123            [~~(15)~~] (16) "Trauma system" means a single, statewide system that:

124            (a) organizes and coordinates the delivery of trauma care within defined geographic  
125 areas from the time of injury through transport and rehabilitative care; and

126            (b) is inclusive of all prehospital providers, hospitals, and rehabilitative facilities in  
127 delivering care for trauma patients, regardless of severity.

128            [~~(16)~~] (17) "Triage" means the sorting of patients in terms of disposition, destination,  
129 or priority. For prehospital trauma victims, triage requires a determination of injury severity to  
130 assess the appropriate level of care according to established patient care protocols.

131            [~~(17)~~] (18) "Triage, treatment, transportation, and transfer guidelines" means written  
132 procedures that:

133            (a) direct the care of patients; and

134            (b) are adopted by the medical staff of an emergency patient receiving facility, trauma  
135 center, or an emergency medical service provider.

136            Section 2. Section **26-8a-401** is amended to read:

137            **26-8a-401. State regulation of emergency medical services market.**

138            (1) To ensure emergency medical service quality and minimize unnecessary  
139 duplication, the department shall regulate the emergency medical service market after October  
140 1, 1999, by creating and operating a statewide system that:

141            (a) except as provided in Section 26-8a-405.4, consists of exclusive geographic service  
142 areas as provided in Section 26-8a-402; and

143            (b) establishes maximum rates as provided in Section 26-8a-403.

144            (2) (a) All licenses issued prior to July 1, 1996, shall expire as stated in the license.

145            (b) If no expiration date is stated on a license issued before July 1, 1996, the license  
146 shall expire on October 1, 1999, unless:

147            (i) the license holder requests agency action before August 1, 1999; and

148            (ii) before October 1, 1999, the department:

149            (A) finds the license has been used as the basis for responding to requests for  
150 ambulance or paramedic services during the past five years;

151            (B) identifies one or more specific geographic areas covered by the license in which the

152 license holder has actively and adequately responded as the primary provider to requests for  
153 ambulance or paramedic services during the past five years; and

154 (C) determines that the continuation of a license in a specific geographic area identified  
155 in Subsection (2)(b)(ii)(B) satisfies:

156 (I) the standards established pursuant to Subsection 26-8a-404(2); and

157 (II) the requirement of public convenience and necessity.

158 (c) If the department finds that a license meets the requirements of Subsection (2)(b),  
159 the department shall amend the license to reflect:

160 (i) the specific geographic area of the license; and

161 (ii) a four-year term extension.

162 (d) Before July 1, 1999, the department shall publish notice once a week for four  
163 consecutive weeks of the expiration of licenses pursuant to Subsection (2)(b) in a newspaper of  
164 general circulation in the state.

165 (e) Nothing in this Subsection (2) may be construed as restricting the authority of the  
166 department to amend overlapping licenses pursuant to Section 26-8a-416.

167 (3) After October 1, 1999, new licenses and license renewals shall be for a four-year  
168 term.

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

170 **26-8a-402. Exclusive geographic service areas.**

171 (1) (a) Each Except as provided in Section 26-8a-405.4, each ground ambulance  
172 provider license issued under this part shall be for an exclusive geographic service area as  
173 described in the license~~[-Only]~~.

174 (b) Except as provided in Subsection (5), and Sections 26-8a-405.4 and 26-8a-416, the  
175 licensed ground ambulance provider may respond to an ambulance request that originates  
176 within the provider's exclusive geographic service area~~[-except as provided in Subsection (5)  
177 and Section 26-8a-416]~~.

178 (2) Each paramedic provider license issued under this part shall be for an exclusive  
179 geographic service area as described in the license. Only the licensed paramedic provider may  
180 respond to a paramedic request that originates within the exclusive geographic service area,  
181 except as provided in Subsection (6) and Section 26-8a-416.

182 (3) Nothing in this section may be construed as either requiring or prohibiting that the

183 formation of boundaries in a given location be the same for a licensed paramedic provider as it  
184 is for a licensed ambulance provider.

185 (4) (a) A licensed ground ambulance or paramedic provider may, as necessary, enter  
186 into a mutual aid agreement to allow another licensed provider to give assistance in times of  
187 unusual demand, as that term is defined by the committee in rule.

188 (b) A mutual aid agreement shall include a formal written plan detailing the type of  
189 assistance and the circumstances under which it would be given.

190 (c) The parties to a mutual aid agreement shall submit a copy of the agreement to the  
191 department.

192 (d) ~~[Notwithstanding this Subsection (4)]~~ Except for a political subdivision authorized  
193 under Subsection (4)(e), and notwithstanding Subsections (4)(a) through (c), a licensed  
194 provider may not subcontract with another entity to provide services in the licensed provider's  
195 exclusive geographic service area.

196 (e) A political subdivision licensed to provide 911 ambulance services under Section  
197 26-8a-405.1 and holding an exclusive license to provide inter-facility transport services in the  
198 geographic service area, may subcontract with a licensed inter-facility transport provider if the  
199 subcontract:

200 (i) is for inter-facility transport only;

201 (ii) is in writing;

202 (iii) specifies the circumstances under which the subcontractor will provide services  
203 and the scope of services; and

204 (iv) is submitted to the department.

205 (f) The department shall issue a license for inter-facility transport to a subcontractor  
206 selected by a political subdivision under Subsection (4)(e). The duration and scope of the  
207 license is subject to the license of the political subdivision for which the transport provider is  
208 the subcontractor.

209 (5) Notwithstanding Subsection (1), a licensed ground ambulance provider may  
210 respond to an ambulance request that originates from the exclusive geographic service area of  
211 another provider:

212 (a) pursuant to a mutual aid agreement;

213 (b) to render assistance on a case-by-case basis to that provider; and

214 (c) as necessary to meet needs in time of disaster or other major emergency.

215 (6) Notwithstanding Subsection (2), a licensed paramedic provider may respond to a  
216 paramedic request that originates from the exclusive geographic service area of another  
217 provider:

218 (a) pursuant to a mutual aid agreement;

219 (b) to render assistance on a case-by-case basis to that provider; and

220 (c) as necessary to meet needs in time of disaster or other major emergency.

221 Section 4. Section **26-8a-404** is amended to read:

222 **26-8a-404. Ground ambulance and paramedic licenses -- Application and**  
223 **department review.**

224 (1) Except as provided in Section 26-8a-413, an applicant for a ground ambulance or  
225 paramedic license shall apply to the department for a license only by:

226 (a) submitting a completed application;

227 (b) providing information in the format required by the department; and

228 (c) paying the required fees, including the cost of the hearing officer.

229 (2) The department shall make rules establishing minimum qualifications and  
230 requirements for:

231 (a) personnel;

232 (b) capital reserves;

233 (c) equipment;

234 (d) a business plan;

235 (e) operational procedures;

236 (f) medical direction agreements;

237 (g) management and control; and

238 (h) other matters that may be relevant to an applicant's ability to provide ground  
239 ambulance or paramedic service.

240 (3) An application for a license to provide ground ambulance service or paramedic  
241 service shall be for all ground ambulance services or paramedic services arising within the  
242 geographic service area, except that:

243 (a) an applicant may apply for a license for less than all ground ambulance services or  
244 less than all paramedic services arising within an exclusive geographic area if [it] the applicant



245 can demonstrate how the remainder of ~~[that]~~ the geographic service area will be served; and  
246 (b) an applicant may apply for a license for inter-facility transfers only under Section  
247 26-8a-405.4 if the applicant can demonstrate how the remainder of the geographic service area  
248 will be served.

249 (4) (a) A ground ambulance service licensee may apply to the department for a license  
250 to provide a higher level of service as defined by department rule if:

251 (i) the application for the license is limited to non-911 ambulance or paramedic  
252 services; and

253 (ii) the application includes:

254 (A) a copy of the new treatment protocols for the higher level of service approved by  
255 the off-line medical director;

256 (B) an assessment of field performance by the applicant's off-line director; and

257 (C) an updated plan of operation demonstrating the ability of the applicant to provide  
258 the higher level of service.

259 (b) If the department determines that the applicant has demonstrated the ability to  
260 provide the higher level of service in accordance with Subsection (4)(a), the department shall  
261 issue a revised license reflecting the higher level of service and the requirements of Section  
262 26-8a-408 do not apply.

263 (5) Upon receiving a completed application and the required fees, the department shall  
264 review the application and determine whether the application meets the minimum  
265 qualifications and requirements for licensure.

266 (6) The department may deny an application if it finds that it contains any materially  
267 false or misleading information, is incomplete, or if the application demonstrates that the  
268 applicant fails to meet the minimum qualifications and requirements for licensure under  
269 Subsection (2).

270 (7) If the department denies an application, it shall notify the applicant in writing  
271 setting forth the grounds for the denial. A denial may be appealed under Title 63, Chapter 46b,  
272 Administrative Procedures Act.

273 Section 5. Section ~~26-8a-405.1~~ is amended to read:

274 **26-8a-405.1. Selection of provider by political subdivision.**

275 (1) For purposes of this section and Sections 26-8a-405.2 [~~and 26-8a-405.3~~] through

276 26-8a-405.4:

277 (a) "911 ambulance or paramedic services" means either 911 ambulance service, or 911  
278 paramedic service, or both and:

279 (i) means:

280 (A) a response to a 911 call received by a designated dispatch center that receives 911  
281 or E911 calls; [and] or

282 (B) a response to a seven digit telephone call received directly by an ambulance  
283 provider licensed under this chapter if the person is in an emergency medical condition as  
284 defined in Subsection 26-8a-102(5)(a); and

285 (ii) does not mean a seven digit telephone call received directly by an ambulance  
286 provider licensed under this chapter if the person's medical condition is as defined in  
287 Subsection 26-8a-102(5)(b).

288 (b) "Governing body" means:

289 (i) in the case of a municipality or county, the elected council, commission, or other  
290 legislative body that is vested with the legislative power of the municipality;

291 (ii) in the case of a special service district, local service district, or county service area,  
292 each elected council, commission, or other legislative body that is vested with the legislative  
293 power of the municipalities or counties that are members of the district or service area; and

294 (iii) in the case of a local district or special service district for fire protection or  
295 interlocal entity, the board or other body vested with the power to adopt, amend, and repeal  
296 rules, bylaws, policies, and procedures for the regulation of its affairs and the conduct of its  
297 business.

298 (c) "Political subdivision" means:

299 (i) a city or town located in a county of the first or second class as defined in Section  
300 17-50-501;

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

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

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

305 (B) a local district under Title 17B, Limited Purpose Local Government Entities -  
306 Local Districts, for the purpose of providing fire protection, paramedic, and emergency

307 services; [or]

308 (iv) areas coming together as described in Subsection 26-8a-405.2(2)(b)(ii);

309 (v) municipalities and counties joining together pursuant to Title 11, Chapter 13,

310 Interlocal Cooperation Act; or

311 (vi) a special service district for fire protection as defined in Section 17A-2-1304.

312 (2) (a) Only an applicant approved under Section 26-8a-405 may respond to a request  
313 for a proposal for 911 ambulance or paramedic services issued in accordance with Section  
314 26-8a-405.2 by a political subdivision.

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

317 (c) A political subdivision may award a contract to an applicant for the provision of  
318 911 ambulance or paramedic services:

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

320 (ii) subject to Subsection (3).

321 (3) (a) The department shall issue a license to an applicant selected by a political  
322 subdivision under Subsection (2) unless the department finds that issuing a license to that  
323 applicant would jeopardize the health, safety, and welfare of the citizens of the geographic  
324 service area.

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

326 (i) is for the exclusive geographic service area approved by the department in  
327 accordance with Subsection 26-8a-405.2(2);

328 (ii) is valid for four years;

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

332 (iv) is subject to supervision by the department under Sections 26-8a-503 and  
333 26-8a-504.

334 (4) Except as provided in Subsection 26-8a-405.3(4)(a), the provisions of Sections  
335 26-8a-406 through 26-8a-409 do not apply to a license issued under this section.

336 Section 6. Section **26-8a-405.2** is amended to read:

337 **26-8a-405.2. Selection of provider -- Request for competitive sealed proposal --**

338 **Public convenience and necessity.**

339 (1) (a) A political subdivision may contract with an applicant approved under Section  
340 26-8a-404 to provide 911 ambulance or paramedic services for the geographic service area that  
341 is approved by the department in accordance with Subsection (2), if the political subdivision  
342 complies with the provisions of this section and Section 26-8a-405.3.

343 (b) The provisions of this section and Sections 26-8a-405.1 and 26-8a-405.3 do not  
344 require a political subdivision to issue a request for proposal for ambulance or paramedic  
345 services. If a political subdivision does not contract with an applicant in accordance with this  
346 section and Section 26-8a-405.3, the provisions of Sections 26-8a-406 through 26-8a-409 apply  
347 to the issuance of a license for ambulance or paramedic services in the geographic service area  
348 that is within the boundaries of the political subdivision.

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

350 (A) "local district" and "county service area" are defined in Subsection  
351 26-8a-405.1(1)(b)(iii);

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

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

356 (ii) A participating municipality or participating county may contract with a provider  
357 for 911 ambulance or paramedic service as provided in this section and Section 26-8a-405.3.

358 (iii) If the participating municipality or participating county contracts with a provider  
359 for 911 ambulance or paramedic services under this section and Section 26-8a-405.3:

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

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

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

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

373 (i) unless the geographic service area creates an orphaned area; and  
 374 (ii) in accordance with Subsections (2)(b) and (c).

375 (b) The exclusive geographic service area may:

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

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

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

383 (c) (i) [The proposed geographic service area for 911 ambulance or paramedic service  
 384 must demonstrate that non-911 ambulance or paramedic service] The political subdivision  
 385 must demonstrate to the department that inter-facility ambulance or inter-facility paramedic  
 386 services will be provided in the geographic service area, either by the current provider, the  
 387 applicant, or some other method acceptable to the department.

388 (ii) The department may consider:

389 (A) the effect of the proposed geographic service area on the costs to the [non-911  
 390 provider and that provider's ability to provide only non-911 services in the proposed area.]  
 391 current inter-facility service provider or providers; and

392 (B) the current provider's ability to provide only inter-facility transport services in the  
 393 proposed geographic service area.

394 Section 7. Section **26-8a-405.4** is enacted to read:

395 **26-8a-405.4. Competition for inter-facility transport services.**

396 (1) This section does not apply to a political subdivision that is the exclusive licensed  
 397 provider for inter-facility transport services.

398 (2) In any geographic service area where a political subdivision is not providing  
 399 inter-facility transport services, the department may issue more than one non-exclusive license

400 to an inter-facility transport provider for that geographic service area.

401 (3) The following shall apply to an application for an inter-facility transport license  
402 under this section:

403 (a) Section 26-8a-404;

404 (b) Section 26-8a-406;

405 (c) Section 26-8a-407;

406 (d) Subsections 26-8a-408(1) through (7); and

407 (e) Section 26-8a-409.

408 (4) If the requirements of Subsection (3) are met, the department shall issue a license  
409 for inter-facility transport to a qualified ambulance provider or paramedic service provider.

410 The license issued by the department under this section:

411 (a) is a non-exclusive license;

412 (b) is valid for a period of four years;

413 (c) is subject to department supervision under Section 26-8a-504; and

414 (d) may be renewed pursuant to Subsection 26-8a-413(2).

415 (5) A license holder under this section:

416 (a) must provide inter-facility transport services in response to a request for services  
417 originating from within that geographic service area unless:

418 (i) the licensed provider receives notice from the person requesting the transport that  
419 another licensed ambulance or paramedic service provider, or another licensed inter-facility  
420 transport provider, is responding to the request for inter-facility transport; or

421 (ii) the licensed inter-facility transport provider lacks sufficient resources to respond to  
422 the request for inter-facility transport services and the provider secures another licensed  
423 ambulance or paramedic service provider, or another licensed inter-facility transport provider,  
424 to respond to the request for inter-facility transport;

425 (b) may only transport patients from a facility described in Subsection  
426 26-8a-102(11)(c) when scheduled by the sending or receiving facility; and

427 (c) shall, when receiving a call in response to an emergency medical condition as  
428 defined in Subsection 26-8a-102(5)(a):

429 (i) use a priority dispatch system, if available, to gather and transmit information to the  
430 local 911 dispatch that is sufficient for the appropriate dispatch of resources; or

431 (ii) if a priority dispatch system is not available, transmit to the local 911 dispatch  
432 center the location of the incident, call back information, and any other information available  
433 for the appropriate dispatch of resources.

434 Section 8. Section **26-8a-413** is amended to read:

435 **26-8a-413. License renewals.**

436 (1) A licensed provider desiring to renew its license must meet the renewal  
437 requirements established by department rule.

438 (2) The department shall issue a renewal license for a ground ambulance provider or a  
439 paramedic provider upon the licensee's application for a renewal and without a public hearing  
440 if there has been:

441 (a) no change in controlling interest in the ownership of the licensee as defined in  
442 Section 26-8a-415;

443 (b) no serious, substantiated public complaints filed with the department against the  
444 licensee during the term of the previous license;

445 (c) no material or substantial change in the basis upon which the license was originally  
446 granted;

447 (d) no reasoned objection from the committee or the department; and

448 (e) if the applicant was licensed under the provisions of Sections 26-8a-406 through  
449 26-8a-409, no conflicting license application.

450 (3) (a) (i) The provisions of this Subsection (3) apply to a provider licensed under the  
451 provisions of Sections 26-8a-405.1 [~~and 26-8a-405.2~~] through 26-8a-405.4.

452 (ii) A provider may renew its license if the provisions of Subsections (1), (2)(a)  
453 through (d), and this Subsection (3) are met.

454 (b) (i) The department shall issue a renewal license to a provider upon the provider's  
455 application for renewal for one additional four-year term if the political subdivision certifies to  
456 the department that the provider has met all of the specifications of the original bid.

457 (ii) If the political subdivision does not certify to the department that the provider has  
458 met all of the specifications of the original bid, the department may not issue a renewal license  
459 and the political subdivision must enter into a public bid process under Sections 26-8a-405.1  
460 and 26-8a-405.2.

461 (c) (i) The department shall issue an additional renewal license to a provider who has

462 already been issued a one-time renewal license under the provisions of Subsection (3)(b)(i) if  
463 the department and the political subdivision do not receive, prior to the expiration of the  
464 provider's license, written notice from an approved applicant informing the political  
465 subdivision of the approved applicant's desire to submit a bid for ambulance or paramedic  
466 service.

467 (ii) If the department and the political subdivision receive the notice in accordance with  
468 Subsection (3)(c)(i), the department may not issue a renewal license and the political  
469 subdivision must enter into a public bid process under Sections 26-8a-405.1 and 26-8a-405.2.

470 (4) The department shall issue a renewal license for an air ambulance provider upon  
471 the licensee's application for renewal and completion of the renewal requirements established  
472 by department rule.

473 Section 9. Section **26-8a-502** is amended to read:

474 **26-8a-502. Illegal activity.**

475 (1) Except as provided in Section 26-8a-308, a person may not:

476 (a) practice or engage in the practice, represent himself to be practicing or engaging in  
477 the practice, or attempt to practice or engage in the practice of any activity that requires a  
478 license, certification, or designation under this chapter unless that person is so licensed,  
479 certified, or designated; or

480 (b) offer an emergency medical service that requires a license, certificate, or  
481 designation unless the person is so licensed, certified, or designated.

482 (2) A person may not advertise or hold himself out as one holding a license,  
483 certification, or designation required under this chapter, unless that person holds the license,  
484 certification, or designation.

485 (3) A person may not employ or permit any employee to perform any service for which  
486 a license or certificate is required by this chapter, unless the person performing the service  
487 possesses the required license or certificate.

488 (4) A person may not wear, display, sell, reproduce, or otherwise use any Utah  
489 Emergency Medical Services insignia without authorization from the department.

490 (5) A person may not reproduce or otherwise use materials developed by the  
491 department for certification or recertification testing or examination without authorization from  
492 the department.



493 (6) A person may not willfully summon an ambulance or emergency response vehicle  
494 or report that one is needed when such person knows that the ambulance or emergency  
495 response vehicle is not needed.

496 (7) A licensed inter-facility transport provider shall not advertise, market, or solicit any  
497 person to use a number other than 911 to obtain emergency 911 ambulance or paramedic  
498 services.

499 (8) A person may not violate the provisions of Subsection 26-8a-405.4(5).

500 [~~7~~] (9) A person who violates this section is subject to Section 26-23-6.

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**Legislative Review Note**  
as of 2-11-08 3:58 PM

**Office of Legislative Research and General Counsel**

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**H.B. 494 - Amendments to the Utah Medical Service System Act**

**Fiscal Note**

2008 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

To the extent that new providers are used to provide inter-facility medical transport, there will be shift in revenues from current to new providers. Additionally, some current providers are local governments and they may see a reduction in revenues if they choose to allow other providers to operate in their service areas. Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals.

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