

Representative Gregory H. Hughes proposes the following substitute bill:

EMERGENCY MEDICAL SERVICES ACT

TRANSPORT AMENDMENTS

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Gregory H. Hughes

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill amends provisions related to licensing of non-911 transport services in the Utah Emergency Medical Services System Act.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ provides that when the department finds that a complaint against a non-911 provider has merit, the Department of Health shall issue a notice of meritorious finding to the political subdivision; and
- ▶ permits a political subdivision that receives the notice of meritorious finding to determine appropriate corrective actions, which may include issuing a request for proposal for non-911 services.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:



26 AMENDS:

27 **26-8a-102**, as last amended by Laws of Utah 2000, Chapter 305

28 **26-8a-405.1**, as last amended by Laws of Utah 2008, Chapter 360

29 **26-8a-405.2**, as last amended by Laws of Utah 2008, Chapter 360

30 ENACTS:

31 **26-8a-405.4**, Utah Code Annotated 1953



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

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

35 **26-8a-102. Definitions.**

36 As used in this chapter:

37 (1) (a) "911 ambulance or paramedic services" means:

38 (i) either:

39 (A) 911 ambulance service;

40 (B) 911 paramedic service; or

41 (C) both 911 ambulance and paramedic service; and

42 (ii) a response to a 911 call received by a designated dispatch center that receives 911
43 or E911 calls.

44 (b) "911 ambulance or paramedic service" does not mean a seven digit telephone call
45 received directly by an ambulance provider licensed under this chapter.

46 [~~(1)~~] (2) "Ambulance" means a ground, air, or water vehicle that:

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

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

49 [~~(2)~~] (3) "Ambulance provider" means an emergency medical service provider that:

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

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

52 [~~(3)~~] (4) "Committee" means the State Emergency Medical Services Committee
53 created by Section 26-1-7.

54 [~~(4)~~] (5) "Direct medical observation" means in-person observation of a patient by a
55 physician, registered nurse, physician's assistant, or individual certified under Section
56 26-8a-302.

57 ~~[(5)]~~ (6) "Emergency medical condition" means:

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

- 61 (i) placing the individual's health in serious jeopardy;
- 62 (ii) serious impairment to bodily functions; or
- 63 (iii) serious dysfunction of any bodily organ or part; or

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

67 ~~[(6)]~~ (7) "Emergency medical service personnel":

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

70 (b) includes a paramedic, medical director of a licensed emergency medical service
71 provider, emergency medical service instructor, and other categories established by the
72 committee.

73 ~~[(7)]~~ (8) "Emergency medical service providers" means:

- 74 (a) licensed ambulance providers and paramedic providers;
- 75 (b) a facility or provider that is required to be designated under Section 26-8a-303; and
- 76 (c) emergency medical service personnel.

77 ~~[(8)]~~ (9) "Emergency medical services" means medical services, transportation
78 services, or both rendered to a patient.

79 ~~[(9)]~~ (10) "Emergency medical service vehicle" means a land, air, or water vehicle that
80 is:

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

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

84 (11) "Governing body":

85 (a) is as defined in Subsection 11-42-102(19); and

86 (b) for purposes of a "special service district" under Subsection 11-42-102(19), means
87 a special service district that has been delegated the authority to select a provider under this

88 chapter by the special service district's legislative body or administrative control board.

89 ~~[(10)]~~ (12) "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)]~~ (13) "Medical control" means a person who provides medical supervision to an
99 emergency medical service provider.

100 (14) "Non-911 service" means transport of a patient that is not 911 transport under
101 Subsection (1).

102 ~~[(12)]~~ (15) "Paramedic provider" means an entity that:

103 (a) employs emergency medical service personnel; and

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

105 ~~[(13)]~~ (16) "Patient" means an individual who, as the result of illness or injury, meets
106 any of the criteria in Section 26-8a-305.

107 (17) "Political subdivision" means:

108 (a) a city or town located in a county of the first or second class as defined in Section
109 17-50-501;

110 (b) a county of the first or second class;

111 (c) the following districts located in a county of the first or second class:

112 (i) a special service district created under Title 17D, Chapter 1, Special Service District
113 Act; or

114 (ii) a local district under Title 17B, Limited Purpose Local Government Entities - Local
115 Districts, for the purpose of providing fire protection, paramedic, and emergency services;

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

117 (e) an interlocal entity under Title 11, Chapter 13, Interlocal Cooperation Act; or

118 (f) a special service district for fire protection service under Subsection 17D-1-201(9).

119 ~~[(14)]~~ (18) "Trauma" means an injury requiring immediate medical or surgical
120 intervention.

121 ~~[(15)]~~ (19) "Trauma system" means a single, statewide system that:

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

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

126 ~~[(16)]~~ (20) "Triage" means the sorting of patients in terms of disposition, destination,
127 or priority. For prehospital trauma victims, triage requires a determination of injury severity to
128 assess the appropriate level of care according to established patient care protocols.

129 ~~[(17)]~~ (21) "Triage, treatment, transportation, and transfer guidelines" means written
130 procedures that:

131 (a) direct the care of patients; and

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

134 Section 2. Section **26-8a-405.1** is amended to read:

135 **26-8a-405.1. Selection of provider by political subdivision.**

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

137 ~~[(a) "911 ambulance or paramedic services" means either 911 ambulance service, or
138 911 paramedic service, or both and:]~~

139 ~~[(i) means a 911 call received by a designated dispatch center that receives 911 or E911
140 calls, and]~~

141 ~~[(ii) does not mean a seven digit telephone call received directly by an ambulance
142 provider licensed under this chapter.]~~

143 ~~[(b) "Governing body" means:]~~

144 ~~[(i) in the case of a municipality or county, the elected council, commission, or other
145 legislative body that is vested with the legislative power of the municipality;]~~

146 ~~[(ii) in the case of a special service district, local service district, or county service area,
147 each elected council, commission, or other legislative body that is vested with the legislative
148 power of the municipalities or counties that are members of the district or service area; and]~~

149 ~~[(iii) in the case of a local district or special service district for fire protection or~~

150 interlocal entity, the board or other body vested with the power to adopt, amend, and repeal
151 rules, bylaws, policies, and procedures for the regulation of its affairs and the conduct of its
152 business;]

153 [(c) "Political subdivision" means:]

154 [(i) a city or town located in a county of the first or second class as defined in Section
155 17-50-501;]

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

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

158 [(A) a special service district created under Title 17D, Chapter 1, Special Service
159 District Act; and]

160 [(B) a local district under Title 17B, Limited Purpose Local Government Entities -
161 Local Districts, for the purpose of providing fire protection, paramedic, and emergency
162 services; or]

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

164 [(v) municipalities and counties joining together pursuant to Title 11, Chapter 13,
165 Interlocal Cooperation Act; or]

166 [(vi) a special service district for fire protection service under Subsection
167 17D-1-201(9).]

168 [(2)] (1) (a) Only an applicant approved under Section 26-8a-405 may respond to a
169 request for a proposal [for 911 ambulance or paramedic services] issued in accordance with
170 Section 26-8a-405.2 by a political subdivision.

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

173 (c) A political subdivision may award a contract to an applicant [for the provision of
174 911 ambulance or paramedic services] in response to a request for proposal:

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

176 (ii) subject to Subsection [(3)] (2).

177 [(3)] (2) (a) The department shall issue a license to an applicant selected by a political
178 subdivision under Subsection [(2)] (1) unless the department finds that issuing a license to that
179 applicant would jeopardize the health, safety, and welfare of the citizens of the geographic
180 service area.

- 181 (b) A license issued under this Subsection [(3)] (2):
 182 (i) is for the exclusive geographic service area approved by the department in
 183 accordance with Subsection 26-8a-405.2(2);
 184 (ii) is valid for four years;
 185 (iii) is not subject to a request for license from another applicant under the provisions
 186 of Sections 26-8a-406 through 26-8a-409 during the four-year term, unless the applicant's
 187 license is revoked under Section 26-8a-504; and
 188 (iv) is subject to supervision by the department under Sections 26-8a-503 and
 189 26-8a-504.

190 [(4)] (3) Except as provided in Subsection 26-8a-405.3(4)(a), the provisions of
 191 Sections 26-8a-406 through 26-8a-409 do not apply to a license issued under this section.

192 Section 3. Section **26-8a-405.2** is amended to read:

193 **26-8a-405.2. Selection of provider -- Request for competitive sealed proposal --**
 194 **Public convenience and necessity.**

195 (1) (a) (i) A political subdivision may contract with an applicant approved under
 196 Section 26-8a-404 to provide 911 ambulance or paramedic services for the geographic service
 197 area that is approved by the department in accordance with Subsection (2)[, if the political
 198 subdivision complies]; and

199 (ii) must be in compliance with the provisions of this section and Section 26-8a-405.3.

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

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

207 (A) [~~Local~~] "Fire district" means a local district under Title 17B, Limited Purpose
 208 Local Government Entities - Local Districts, that:

209 (I) is located in a county of the first or second class; and

210 (II) provides fire protection, paramedic, and emergency services.

211 (B) "Participating municipality" means a city or town whose area is partly or entirely

212 included within a county service area or ~~[local]~~ fire district.

213 (C) "Participating county" means a county whose unincorporated area is partly or
214 entirely included within a ~~[local]~~ fire district.

215 (ii) A participating municipality or participating county may ~~[contract with a provider~~
216 ~~for 911 ambulance or paramedic service]~~ as provided in this section and Section
217 26-8a-405.3~~[-]~~, contract with a provider for 911 ambulance or paramedic service.

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

220 (A) the ~~[local]~~ fire district is not obligated to provide the ~~[ambulance or paramedic]~~
221 services that are included in the contract between the participating municipality or the
222 participating county and the ~~[911 ambulance or paramedic]~~ provider;

223 (B) the ~~[local]~~ fire district may impose taxes and obligations within the ~~[local]~~ fire
224 district in the same manner as if the participating municipality or participating county were
225 receiving all services offered by the ~~[local]~~ fire district; and

226 (C) the participating municipality's and participating county's obligations to the ~~[local]~~
227 fire district are not diminished.

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

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

234 (b) The exclusive geographic service area may:

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

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

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

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

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

248 Section 4. Section **26-8a-405.4** is enacted to read:

249 **26-8a-405.4. Non-911 provider -- Finding of meritorious complaint -- Request for**
250 **proposals.**

251 (1) Notwithstanding Subsection 26-8a-102(17), for purposes of this section, political
252 subdivision is not limited to:

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

254 (b) a city or town located in a county of the first or second class.

255 (2) (a) This section applies to a non-911 provider license under this chapter.

256 (b) The department shall, in accordance with this section:

257 (i) receive a complaint about a non-911 provider;

258 (ii) determine whether the complaint has merit;

259 (iii) issue a finding of:

260 (A) a meritorious complaint; or

261 (B) a non-meritorious complaint; and

262 (iv) forward a finding of a meritorious complaint to the governing body of the political
263 subdivision in which the non-911 provider is licensed.

264 (3) (a) A political subdivision that receives a finding of a meritorious complaint from
265 the department:

266 (i) shall take corrective action that the political subdivision determines is appropriate;

267 and

268 (ii) may issue a request for proposal for non-911 service in the geographic service area
269 if the political subdivision determines that other corrective action is not appropriate.

270 (b) If the political subdivision determines that issuing a request for proposal is the
271 appropriate corrective action to take under Subsection (3)(a)(ii), the political subdivision shall
272 issue the request for proposal in accordance with Sections 26-8a-405.1 through 26-8a-405.3.

273 (4) The department shall make a determination under Subsection (2)(b) if:

274 (a) the department receives a written complaint from any of the following in the
275 geographic service area:

276 (i) a hospital;

277 (ii) a health care facility;

278 (iii) a political subdivision; or

279 (iv) an individual; and

280 (b) the department determines, in accordance with Subsection (5) that the complaint
281 has merit.

282 (5) (a) If the department receives a complaint under Subsection (4), the department
283 shall request a written response from the non-911 provider concerning the complaint.

284 (b) The department shall make a determination under Subsection (4) based on:

285 (i) the written response from the non-911 provider; and

286 (ii) other information that the department may have concerning the quality of service of
287 the non-911 provider.

288 (c) The department's determination under this Subsection (5) is not subject to an
289 adjudicative proceeding under Title 63G, Chapter 4, Administrative Procedures Act.

290 (d) The provisions of this section do prohibit a person from filing an action under
291 Section 26-8a-408.

Fiscal Note

**H.B. 121 3rd Sub. (Cherry) - Emergency Medical Services Act Transport
Amendments**

2010 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 likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
