

1 **EMERGENCY MEDICAL SERVICE PROVIDERS**

2 **AMENDMENTS**

3 2015 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Daniel McCay**

6 Senate Sponsor: Aaron Osmond

7
8 **LONG TITLE**

9 **General Description:**

10 This bill amends the Utah Emergency Medical Services System Act in the Utah Health
11 Code.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ requires the Department of Health to establish a peer review board for emergency
- 15 medical service personnel certified by the department;
- 16 ▶ requires administrative rulemaking; and
- 17 ▶ provides that the peer review board shall advise the department regarding
- 18 disciplinary procedures and actions involving emergency medical service personnel.

19 **Money Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 None

23 **Utah Code Sections Affected:**

24 AMENDS:

25 **26-8a-105**, as last amended by Laws of Utah 2013, Chapter 350

26 **26-8a-503**, as last amended by Laws of Utah 2008, Chapter 382



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

29 Section 1. Section **26-8a-105** is amended to read:

30 **26-8a-105. Department powers.**

31 The department shall:

- 32 (1) coordinate the emergency medical services within the state;
- 33 (2) administer this chapter and the rules established pursuant to it;
- 34 (3) establish a voluntary task force representing a diversity of emergency medical
- 35 service providers to advise the department and the committee on rules; [~~and~~]

36 (4) establish an emergency medical service personnel peer review board to advise the
37 department concerning discipline of emergency medical service personnel under this chapter;

38 [~~(4)~~] (5) adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative
39 Rulemaking Act, to:

- 40 (a) license ambulance providers and paramedic providers;
- 41 (b) permit ambulances and emergency medical response vehicles, including approving
- 42 an emergency vehicle operator's course in accordance with Section **26-8a-304**;

43 (c) establish:

44 (i) the qualifications for membership of the peer review board created by this section;

45 (ii) a process for placing restrictions on a certification while an investigation is
46 pending;

47 (iii) the process for the investigation and recommendation by the peer review board;

48 and

49 (iv) the process for determining the status of a license or certification while a peer
50 review board investigation is pending;

51 [~~(e)~~] (d) establish application, submission, and procedural requirements for licenses,
52 designations, certificates, and permits; and

53 [~~(d)~~] (e) establish and implement the programs, plans, and responsibilities as specified
54 in other sections of this chapter[.]; and

55 (6) report to the Legislature's Health and Human Services Interim Committee on or
56 before July 15, 2015, regarding rules developed under Subsection (5)(c).

57 Section 2. Section **26-8a-503** is amended to read:

58 **26-8a-503. Discipline of emergency medical services personnel.**

59 (1) The department may refuse to issue a certificate or renewal, or revoke, suspend,
60 restrict, or place on probation an individual's certificate if:

61 (a) the individual does not meet the qualifications for certification under Section
62 [26-8a-302](#);

63 (b) the individual has engaged in conduct, as defined by committee rule, that:

64 (i) is unprofessional;

65 (ii) is adverse to the public health, safety, morals, or welfare; or

66 (iii) would adversely affect public trust in the emergency medical service system;

67 (c) the individual has violated Section [26-8a-502](#) or other provision of this chapter;

68 (d) a court of competent jurisdiction has determined the individual to be mentally
69 incompetent for any reason; or

70 (e) the individual is unable to provide emergency medical services with reasonable
71 skill and safety because of illness, drunkenness, use of drugs, narcotics, chemicals, or any other
72 type of material, or as a result of any other mental or physical condition, when the individual's
73 condition demonstrates a clear and unjustifiable threat or potential threat to oneself, coworkers,
74 or the public health, safety, or welfare that cannot be reasonably mitigated.

75 (2) (a) An action to revoke, suspend, restrict, or place a certificate on probation shall be
76 done in:

77 (i) consultation with the peer review board created in Section [26-8a-105](#); and

78 (ii) accordance with Title 63G, Chapter 4, Administrative Procedures Act.

79 (b) Notwithstanding Subsection (2)(a), the department may issue a cease and desist
80 order under Section [26-8a-507](#) to immediately suspend an individual's certificate pending an
81 administrative proceeding to be held within 30 days if there is evidence to show that the
82 individual poses a clear, immediate, and unjustifiable threat or potential threat to the public
83 health, safety, or welfare.

84 (3) An individual whose certificate has been suspended, revoked, or restricted may
85 apply for reinstatement of the certificate at reasonable intervals and upon compliance with any
86 conditions imposed upon the certificate by statute, committee rule, or the terms of the
87 suspension, revocation, or restriction.

88 (4) In addition to taking disciplinary action under Subsection (1), the department may
89 impose sanctions in accordance with Section [26-23-6](#).

Legislative Review Note
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Office of Legislative Research and General Counsel