

EMERGENCY MEDICAL SERVICE SYSTEM AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Adam Gardiner

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions in the Utah Emergency Medical Services System Act.

Highlighted Provisions:

This bill:

~~H→ [→ adds an exemption from the requirements to have a Department of Health background clearance for licensure for law enforcement employees working as emergency medical service dispatchers that have received an approved Department of Public Safety background clearance; and] ←H~~

▶ makes technical and conforming changes to align with the Emergency Medical Services Personnel Licensure Interstate Compact.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

26-8a-102, as last amended by Laws of Utah 2013, Chapter 246

26-8a-103, as last amended by Laws of Utah 2011, Chapters 51 and 297

26-8a-104, as last amended by Laws of Utah 2016, Chapter 74

26-8a-105, as last amended by Laws of Utah 2016, Chapter 168

H.B. 227



307 (3) As provided in Section 26-8a-502, an individual issued a [~~certification~~] license
 308 under this section may only provide emergency medical services to the extent allowed by the
 309 [~~certification~~] license.

310 (4) ~~H~~→ [F] An [H] [~~Except as provided in Subsection 28A-3a-310(13), an~~] ←~~H~~ individual
 310a may not be
 311 issued or retain a [~~certification~~] license under this section unless the individual obtains and
 312 retains background clearance under Section 26-8a-310.

313 Section 9. Section **26-8a-308** is amended to read:

314 **26-8a-308. Exemptions.**

315 (1) The following persons may provide emergency medical services to a patient
 316 without being [~~certified or~~] licensed under this chapter:

317 (a) out-of-state emergency medical service personnel and providers in time of disaster;

318 (b) an individual who gratuitously acts as a Good Samaritan;

319 (c) a family member;

320 (d) a private business if emergency medical services are provided only to employees at
 321 the place of business and during transport;

322 (e) an agency of the United States government if compliance with this chapter would
 323 be inconsistent with federal law; and

324 (f) police, fire, and other public service personnel if:

325 (i) emergency medical services are rendered in the normal course of the person's duties;

326 and

327 (ii) medical control, after being apprised of the circumstances, directs immediate
 328 transport.

329 (2) An ambulance or emergency response vehicle may operate without a permit issued
 330 under Section 26-8a-304 in time of disaster.

331 (3) Nothing in this chapter or Title 58, Occupations and Professions, may be construed
 332 as requiring a license [~~or certificate~~] for an individual to administer cardiopulmonary
 333 resuscitation or to use a fully automated external defibrillator under Section 26-8b-201.

334 (4) Nothing in this chapter may be construed as requiring a license, permit, or
 335 designation[~~, or certificate~~] for an acute care hospital, medical clinic, physician's office, or
 336 other fixed medical facility that:

337 (a) is staffed by a physician, physician's assistant, nurse practitioner, or registered

400 (3), both initially and on an ongoing basis, to determine whether to grant, deny, or revoke
 401 background clearance; and

402 (b) other department costs related to granting, denying, or revoking background
 403 clearance.

404 (11) The Criminal Investigations and Technical Services Division within the
 405 Department of Public Safety shall:

406 (a) retain, separate from other division records, personal information under Subsection
 407 (1), including any fingerprints sent to it by the Department of Health; and

408 (b) notify the Department of Health upon receiving notice that an individual for whom
 409 personal information has been retained is the subject of:

410 (i) a warrant for arrest;

411 (ii) an arrest;

412 (iii) a conviction, including a plea in abeyance; or

413 (iv) a pending diversion agreement.

414 (12) The department shall use the Direct Access Clearance System database created
 415 under Section 26-21-209 to manage information about the background clearance status of each
 416 individual for whom the department is required to make a determination under Subsection (1).

417 ~~Ĥ→ [(13) An employee in law enforcement who works as an emergency medical service~~
 418 ~~dispatcher and has received an approved Department of Public Safety background clearance is~~
 419 ~~exempt from the requirements to have a Department of Health background clearance for~~
 420 ~~licensure.] ←Ĥ~~

421 Section 11. Section **26-8a-408** is amended to read:

422 **26-8a-408. Criteria for determining public convenience and necessity.**

423 (1) The criteria for determining public convenience and necessity is set forth in
 424 Subsections (2) through (6).

425 (2) Access to emergency medical services shall be maintained or improved. The
 426 officer shall consider the impact on existing services, including the impact on response times,
 427 call volumes, populations and exclusive geographic service areas served, and the ability of
 428 surrounding licensed providers to service their exclusive geographic service areas. The
 429 issuance or amendment of a license may not create an orphaned area.

430 (3) The quality of service in the area shall be maintained or improved. The officer