

Representative Dan N. Johnson proposes the following substitute bill:

EMERGENCY MEDICAL SERVICES REVISIONS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Dan N. Johnson

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill amends provisions related to emergency medical services.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires municipalities and counties to ensure at least a minimum level of 911 ambulance services are provided within the municipality or county;
- ▶ extends certain requirements for the selection of ambulance and paramedic providers to all other municipalities, counties, local districts, and special service districts;
- ▶ requires the State Emergency Medical Services Committee to adopt rules establishing the minimum level of 911 ambulance services provided within municipalities and counties;
- ▶ allows the Department of Health to align the boundaries of an ambulance or paramedic provider's exclusive geographic service area with the boundaries of a political subdivision in certain circumstances;
- ▶ allows a political subdivision to terminate a contract with a 911 ambulance services provider in certain circumstances;



- 26 ▶ modifies provisions related to the Department of Health's revision and renewal of
- 27 certain licenses;
- 28 ▶ repeals provisions related to the Department of Health's elimination of overlapping
- 29 licenses; and
- 30 ▶ makes technical and conforming changes.

31 **Money Appropriated in this Bill:**

32 None

33 **Other Special Clauses:**

34 None

35 **Utah Code Sections Affected:**

36 AMENDS:

- 37 **11-48-102**, as enacted by Laws of Utah 2011, Chapter 230
- 38 **26-8a-102**, as last amended by Laws of Utah 2019, Chapter 265
- 39 **26-8a-104**, as last amended by Laws of Utah 2017, Chapter 326
- 40 **26-8a-401**, as enacted by Laws of Utah 1999, Chapter 141
- 41 **26-8a-402**, as last amended by Laws of Utah 2000, Chapter 1
- 42 **26-8a-404**, as last amended by Laws of Utah 2019, Chapter 390
- 43 **26-8a-405.1**, as last amended by Laws of Utah 2010, Chapter 187
- 44 **26-8a-405.4**, as last amended by Laws of Utah 2019, Chapter 265
- 45 **26-8a-405.5**, as last amended by Laws of Utah 2012, Chapter 347
- 46 **26-8a-413**, as last amended by Laws of Utah 2011, Chapter 297

47 ENACTS:

- 48 **11-48-101.5**, Utah Code Annotated 1953
- 49 **11-48-103**, Utah Code Annotated 1953

50 **Ĥ→ [REPEALS:**

51 ~~———— **26-8a-416**, as enacted by Laws of Utah 1999, Chapter 141] ←Ĥ~~



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

54 Section 1. Section **11-48-101.5** is enacted to read:

55 **11-48-101.5. Definitions.**

56 As used in this chapter:

57 (1) (a) "911 ambulance services" means ambulance services rendered in response to a
58 911 call received by a designated dispatch center that receives 911 or E911 calls.

59 (b) "911 ambulance services" does not mean a seven or ten digit telephone call
60 received directly by an ambulance provider licensed under Title 26, Chapter 8a, Utah
61 Emergency Medical Services System Act.

62 (2) "Municipality" means a city, town, or metro township.

63 (3) "Political subdivision" means a county, city, town, local district, or special district.

64 Section 2. Section **11-48-102** is amended to read:

65 **11-48-102. Prohibition of response fees.**

66 [~~(1) As used in this section, "political subdivision" means a county, city, town, local~~
67 ~~district, or special district.~~]

68 [(~~2~~)] (1) A political subdivision, or a person who contracts with a political subdivision
69 to provide emergency services:

70 (a) may not impose a flat fee, or collect a flat fee, from an individual involved in a
71 traffic incident; and

72 (b) may only charge the individual for the actual cost of services provided in
73 responding to the traffic incident, limited to:

74 (i) medical costs for:

75 (A) transporting an individual from the scene of a traffic accident; or

76 (B) treatment of [~~a person~~] an individual injured in a traffic accident;

77 (ii) repair to damaged public property, if the individual is legally liable for the damage;

78 (iii) the cost of materials used in cleaning up the traffic accident, if the individual is
79 legally liable for the traffic accident; and

80 (iv) towing costs.

81 [(~~3~~)] (2) If a political subdivision, or a person who contracts with a political
82 subdivision to provide emergency services, imposes a charge on more than one individual for
83 the actual cost of responding to a traffic incident, the political subdivision or person contracting
84 with the political subdivision shall apportion the charges so that [~~it~~] the political subdivision or
85 person contracting with the political subdivision does not receive more for responding to the
86 traffic incident than the actual response cost.

87 Section 3. Section **11-48-103** is enacted to read:

88 **11-48-103. Provision of 911 ambulance services in municipalities and counties.**

89 (1) The governing body of each municipality and county shall, subject to Title 26,
90 Chapter 8a, Part 4, Ambulance and Paramedic Providers, ensure at least a minimum level of
91 911 ambulance services are provided:

92 (a) within the territorial limits of the municipality or county;

93 (b) by a ground ambulance provider, licensed by the Department of Health under Title
94 26, Chapter 8a, Part 4, Ambulance and Paramedic Providers; and

95 (c) in accordance with rules established by the State Emergency Medical Services
96 Committee under Subsection 26-8a-104(8).

97 (2) A municipality or county may:

98 (a) maintain and support 911 ambulance services for the municipality's or county's own
99 jurisdiction; or

100 (b) contract to:

101 (i) provide 911 ambulance services to any county, municipal corporation, local district,
102 special service district, private corporation, nonprofit corporation, state agency, or federal
103 agency;

104 (ii) receive 911 ambulance services from any county, municipal corporation, local
105 district, special service district, private corporation, nonprofit corporation, state agency, or
106 federal agency;

107 (iii) jointly provide 911 ambulance services with any county, municipal corporation,
108 local district, special service district, private corporation, nonprofit corporation, state agency, or
109 federal agency; or

110 (iv) contribute toward the support of 911 ambulance services in any county, municipal
111 corporation, local district, special service district, private corporation, nonprofit corporation,
112 state agency, or federal agency in return for 911 ambulance services.

113 Section 4. Section **26-8a-102** is amended to read:

114 **26-8a-102. Definitions.**

115 As used in this chapter:

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

117 (i) either:

118 (A) 911 ambulance service;

- 119 (B) 911 paramedic service; or
- 120 (C) both 911 ambulance and paramedic service; and
- 121 (ii) a response to a 911 call received by a designated dispatch center that receives 911
- 122 or E911 calls.
- 123 (b) "911 ambulance or paramedic [~~service~~] services" does not mean a seven or ten digit
- 124 telephone call received directly by an ambulance provider licensed under this chapter.
- 125 (2) "Ambulance" means a ground, air, or water vehicle that:
- 126 (a) transports patients and is used to provide emergency medical services; and
- 127 (b) is required to obtain a permit under Section [26-8a-304](#) to operate in the state.
- 128 (3) "Ambulance provider" means an emergency medical service provider that:
- 129 (a) transports and provides emergency medical care to patients; and
- 130 (b) is required to obtain a license under Part 4, Ambulance and Paramedic Providers.
- 131 (4) "Committee" means the State Emergency Medical Services Committee created by
- 132 Section [26-1-7](#).
- 133 (5) "Direct medical observation" means in-person observation of a patient by a
- 134 physician, registered nurse, physician's assistant, or individual licensed under Section
- 135 [26-8a-302](#).
- 136 (6) "Emergency medical condition" means:
- 137 (a) a medical condition that manifests itself by symptoms of sufficient severity,
- 138 including severe pain, that a prudent layperson, who possesses an average knowledge of health
- 139 and medicine, could reasonably expect the absence of immediate medical attention to result in:
- 140 (i) placing the individual's health in serious jeopardy;
- 141 (ii) serious impairment to bodily functions; or
- 142 (iii) serious dysfunction of any bodily organ or part; or
- 143 (b) a medical condition that in the opinion of a physician or [~~his~~] the physician's
- 144 designee requires direct medical observation during transport or may require the intervention of
- 145 an individual licensed under Section [26-8a-302](#) during transport.
- 146 (7) "Emergency medical service personnel":
- 147 (a) means an individual who provides emergency medical services to a patient and is
- 148 required to be licensed under Section [26-8a-302](#); and
- 149 (b) includes a paramedic, medical director of a licensed emergency medical service

150 provider, emergency medical service instructor, and other categories established by the
151 committee.

152 (8) "Emergency medical service providers" means:

153 (a) licensed ambulance providers and paramedic providers;

154 (b) a facility or provider that is required to be designated under Subsection

155 [26-8a-303](#)(1)(a); and

156 (c) emergency medical service personnel.

157 (9) "Emergency medical services" means medical services, transportation services, or

158 both rendered to a patient.

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

160 (a) maintained and used for the transportation of emergency medical personnel,

161 equipment, and supplies to the scene of a medical emergency; and

162 (b) required to be permitted under Section [26-8a-304](#).

163 (11) "Governing body":

164 (a) ~~[is as]~~ means the same as that term is defined in Section [11-42-102](#); and

165 (b) for purposes of a "special service district" under Section [11-42-102](#), means a
166 special service district that has been delegated the authority to select a provider under this
167 chapter by the special service district's legislative body or administrative control board.

168 (12) "Interested party" means:

169 (a) a licensed or designated emergency medical services provider that provides
170 emergency medical services within or in an area that abuts an exclusive geographic service area
171 that is the subject of an application submitted pursuant to Part 4, Ambulance and Paramedic
172 Providers;

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

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

177 (13) "Medical control" means a person who provides medical supervision to an
178 emergency medical service provider.

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

- 181 (15) "Nonemergency secured behavioral health transport" means an entity that:
- 182 (a) provides nonemergency secure transportation services for an individual who:
- 183 (i) is not required to be transported by an ambulance under Section [26-8a-305](#); and
- 184 (ii) requires behavioral health observation during transport between any of the
- 185 following facilities:
- 186 (A) a licensed acute care hospital;
- 187 (B) an emergency patient receiving facility;
- 188 (C) a licensed mental health facility; and
- 189 (D) the office of a licensed health care provider; and
- 190 (b) is required to be designated under Section [26-8a-303](#).
- 191 (16) "Paramedic provider" means an entity that:
- 192 (a) employs emergency medical service personnel; and
- 193 (b) is required to obtain a license under Part 4, Ambulance and Paramedic Providers.
- 194 (17) "Patient" means an individual who, as the result of illness or injury, meets any of
- 195 the criteria in Section [26-8a-305](#).
- 196 (18) "Political subdivision" means:
- 197 (a) a city ~~[or]~~, town ~~[located in a county of the first or second class as defined in~~
- 198 ~~Section [17-50-501](#)], or metro township;~~
- 199 (b) a county ~~[of the first or second class];~~
- 200 ~~[(c) the following districts located in a county of the first or second class:]~~
- 201 ~~[(i)]~~ (c) a special service district created under Title 17D, Chapter 1, Special Service
- 202 District Act, for the purpose of providing fire protection services under Subsection
- 203 [17D-1-201\(9\)](#); ~~[or]~~
- 204 ~~[(ii)]~~ (d) a local district created under Title 17B, Limited Purpose Local Government
- 205 Entities - Local Districts, for the purpose of providing fire protection, paramedic, and
- 206 emergency services;
- 207 ~~[(d)]~~ (e) areas coming together as described in Subsection [26-8a-405.2\(2\)\(b\)\(ii\)](#); or
- 208 ~~[(e)]~~ (f) an interlocal entity under Title 11, Chapter 13, Interlocal Cooperation Act[;
- 209 ~~or]~~.
- 210 ~~[(f) a special service district for fire protection service under Subsection~~
- 211 [17D-1-201\(9\)](#).]

212 (19) "Trauma" means an injury requiring immediate medical or surgical intervention.

213 (20) "Trauma system" means a single, statewide system that:

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

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

218 (21) "Triage" means the sorting of patients in terms of disposition, destination, or
219 priority. For prehospital trauma victims, triage requires a determination of injury severity to
220 assess the appropriate level of care according to established patient care protocols.

221 (22) "Triage, treatment, transportation, and transfer guidelines" means written
222 procedures that:

223 (a) direct the care of patients; and

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

226 Section 5. Section **26-8a-104** is amended to read:

227 **26-8a-104. Committee advisory duties.**

228 The committee shall adopt rules, with the concurrence of the department, in accordance
229 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that:

230 (1) establish licensure and reciprocity requirements under Section [26-8a-302](#);

231 (2) establish designation requirements under Section [26-8a-303](#);

232 (3) promote the development of a statewide emergency medical services system under
233 Section [26-8a-203](#);

234 (4) establish insurance requirements for ambulance providers;

235 (5) provide guidelines for requiring patient data under Section [26-8a-203](#);

236 (6) establish criteria for awarding grants under Section [26-8a-207](#);

237 (7) establish requirements for the coordination of emergency medical services and the
238 medical supervision of emergency medical service providers under Section [26-8a-306](#); ~~and~~

239 (8) establish the minimum level of service for 911 ambulance services provided under
240 Section [11-48-103](#); and

241 ~~[(8)]~~ (9) are necessary to carry out the responsibilities of the committee as specified in
242 other sections of this chapter.

243 Section 6. Section **26-8a-401** is amended to read:

244 **26-8a-401. State regulation of emergency medical services market -- License**
 245 **term.**

246 (1) To ensure emergency medical service quality and minimize unnecessary
 247 duplication, the department shall regulate the emergency medical [~~service~~] services market
 248 [~~after October 1, 1999,~~] by creating and operating a statewide system that:

249 (a) consists of exclusive geographic service areas as provided in Section **26-8a-402**;
 250 and

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

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

253 [~~(b) If no expiration date is stated on a license issued before July 1, 1996, the license~~
 254 ~~shall expire on October 1, 1999, unless:~~]

255 [~~(i) the license holder requests agency action before August 1, 1999; and]~~

256 [~~(ii) before October 1, 1999, the department:~~]

257 [~~(A) finds the license has been used as the basis for responding to requests for~~
 258 ~~ambulance or paramedic services during the past five years;]~~

259 [~~(B) identifies one or more specific geographic areas covered by the license in which~~
 260 ~~the license holder has actively and adequately responded as the primary provider to requests for~~
 261 ~~ambulance or paramedic services during the past five years; and]~~

262 [~~(C) determines that the continuation of a license in a specific geographic area~~
 263 ~~identified in Subsection (2)(b)(ii)(B) satisfies:]~~

264 [~~(F) the standards established pursuant to Subsection **26-8a-404**(2); and]~~

265 [~~(H) the requirement of public convenience and necessity.]~~

266 [~~(c) If the department finds that a license meets the requirements of Subsection (2)(b),~~
 267 ~~the department shall amend the license to reflect:]~~

268 [~~(i) the specific geographic area of the license; and]~~

269 [~~(ii) a four-year term extension.]~~

270 [~~(d) Before July 1, 1999, the department shall publish notice once a week for four~~
 271 ~~consecutive weeks of the expiration of licenses pursuant to Subsection (2)(b) in a newspaper of~~
 272 ~~general circulation in the state.]~~

273 ~~→~~ [f] (e) **Nothing in this Subsection (2) may be construed as restricting the authority**
 273a **of the ←**

274 ~~Ĥ→~~ department to amend overlapping licenses pursuant to Section 26-8a-416. [Ĥ] ←~~Ĥ~~
275 [~~(3) After October 1, 1999, new licenses and license renewals shall be for a four-year~~
276 ~~term.~~]

277 (2) A license issued or renewed under this part is valid for four years.

278 Section 7. Section 26-8a-402 is amended to read:

279 **26-8a-402. Exclusive geographic service areas.**

280 (1) Each ground ambulance provider license issued under this part shall be for an
281 exclusive geographic service area as described in the license. Only the licensed ground
282 ambulance provider may respond to an ambulance request that originates within the provider's
283 exclusive geographic service area, except as provided in Subsection (5) ~~Ĥ→~~ [Ĥ] and Section
284 26-8a-416 [Ĥ] ←~~Ĥ~~ .

285 (2) Each paramedic provider license issued under this part shall be for an exclusive
286 geographic service area as described in the license. Only the licensed paramedic provider may
287 respond to a paramedic request that originates within the exclusive geographic service area,
288 except as provided in Subsection (6) ~~Ĥ→~~ [Ĥ] and Section 26-8a-416 [Ĥ] ←~~Ĥ~~ .

289 (3) Nothing in this section may be construed as either requiring or prohibiting that the
290 formation of boundaries in a given location be the same for a licensed paramedic provider [~~as it~~
291 ~~is for~~] and a licensed ambulance provider.

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

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

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

299 (d) Notwithstanding this Subsection (4), a licensed provider may not subcontract with
300 another entity to provide services in the licensed provider's exclusive geographic service area.

301 (5) Notwithstanding Subsection (1), a licensed ground ambulance provider may
302 respond to an ambulance request that originates from the exclusive geographic area of another
303 provider:

304 (a) pursuant to a mutual aid agreement;

- 305 (b) to render assistance on a case-by-case basis to that provider; and
- 306 (c) as necessary to meet needs in time of disaster or other major emergency.
- 307 (6) Notwithstanding Subsection (2), a licensed paramedic provider may respond to a
- 308 paramedic request that originates from the exclusive geographic area of another provider:
- 309 (a) pursuant to a mutual aid agreement;
- 310 (b) to render assistance on a case-by-case basis to that provider; and
- 311 (c) as necessary to meet needs in time of disaster or other major emergency.
- 312 (7) The department may, upon the renewal of a license, align the boundaries of an
- 313 exclusive geographic area with the boundaries of a political subdivision:
- 314 (a) if the alignment is practical and in the public interest;
- 315 (b) if each licensed provider that would be affected by the alignment agrees to the
- 316 alignment; and
- 317 (c) taking into consideration the requirements of:
- 318 (i) Section 11-48-103; and
- 319 (ii) Section 26-8a-408.

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

321 **26-8a-404. Ground ambulance and paramedic licenses -- Application and**
322 **department review.**

- 323 (1) Except as provided in Section 26-8a-413, an applicant for a ground ambulance or
- 324 paramedic license shall apply to the department for a license [~~only~~] by:
- 325 (a) submitting a completed application;
- 326 (b) providing information in the format required by the department; and
- 327 (c) paying the required fees, including the cost of the hearing officer.
- 328 (2) The department shall make rules establishing minimum qualifications and
- 329 requirements for:
- 330 (a) personnel;
- 331 (b) capital reserves;
- 332 (c) equipment;
- 333 (d) a business plan;
- 334 (e) operational procedures;
- 335 (f) medical direction agreements;

336 (g) management and control; and

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

339 (3) An application for a license to provide ground ambulance service or paramedic
340 service shall be for all ground ambulance services or paramedic services arising within the
341 geographic service area, except that an applicant may apply for a license for less than all
342 ground ambulance services or all paramedic services arising within an exclusive geographic
343 area if [it] the applicant can demonstrate how the remainder of that area will be served.

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

346 (i) a copy of the new treatment protocols for the higher level of service approved by the
347 off-line medical director;

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

349 (iii) an updated plan of operation demonstrating the ability of the applicant to provide
350 the higher level of service.

351 (b) If the department determines that the applicant has demonstrated the ability to
352 provide the higher level of service in accordance with Subsection (4)(a), the department shall
353 issue a revised license reflecting the higher level of service and the requirements of Section
354 [26-8a-408](#) do not apply.

355 (c) A revised license issued under Subsection (4)(b):

356 (i) may only affect the level of service that the licensee may provide; and

357 (ii) may not affect any other terms, conditions, or limitations of the original license[;
358 and].

359 [~~(iii) may not impact the rights of other licensees.~~]

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

363 (6) The department may deny an application if [it] the department finds that [it] the
364 application contains any materially false or misleading information, is incomplete, or if the
365 application demonstrates that the applicant fails to meet the minimum qualifications and
366 requirements for licensure under Subsection (2).

367 (7) If the department denies an application, ~~[it]~~ the department shall notify the
368 applicant in writing setting forth the grounds for the denial. A denial may be appealed under
369 Title 63G, Chapter 4, Administrative Procedures Act.

370 Section 9. Section ~~26-8a-405.1~~ is amended to read:

371 **26-8a-405.1. Selection of provider by political subdivision.**

372 (1) (a) Only an applicant approved under Section 26-8a-405 may respond to a request
373 for a proposal issued in accordance with Section 26-8a-405.2 or Section 26-8a-405.4 by a
374 political subdivision.

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

377 (c) A political subdivision may award a contract to an applicant in response to a
378 request for proposal:

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

380 (ii) subject to ~~[Subsection (2)]~~ Subsections (2) and (3).

381 (2) (a) The department shall issue a license to an applicant selected by a political
382 subdivision under Subsection (1) unless the department finds that issuing a license to that
383 applicant would jeopardize the health, safety, and welfare of the citizens of the geographic
384 service area.

385 (b) A license issued under this Subsection (2):

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

388 (ii) is valid for four years;

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

392 (iv) is subject to revocation or revision under Subsection (3)(d); and

393 ~~[(iv)]~~ (v) is subject to supervision by the department under Sections 26-8a-503 and
394 26-8a-504.

395 (3) Notwithstanding Subsection (2)(b), a political subdivision may terminate a contract
396 described in Subsection (1)(c), with or without cause, if:

397 (a) the contract:

398 (i) is entered into on or after May 5, 2021; and
 399 (ii) allows an applicant to provide 911 ambulance services;
 400 (b) the political subdivision provides written notice to the applicant described in
 401 Subsection (3)(a)(ii) and the department:
 402 (i) at least 18 months before the day on which the contract is terminated; or
 403 (ii) within a period of time shorter than 18 months before the day on which the contract
 404 is terminated, if otherwise agreed to by the applicant and the department;
 405 (c) the political subdivision selects another applicant to provide 911 ambulance
 406 services for the political subdivision in accordance with Section [26-8a-405.2](#);
 407 (d) the department:
 408 (i) revokes the license of the applicant described in Subsection (3)(a)(ii), or issues a
 409 new or revised license for the applicant described in Subsection (3)(a)(ii):
 410 (A) in order to remove the area that is subject to the contract from the applicant's
 411 exclusive geographic service area; and
 412 (B) to take effect the day on which the contract is terminated; and
 413 (ii) issues a new or revised license for the applicant described in Subsection (3)(c):
 414 (A) in order to allow the applicant to provide 911 ambulance services for the area
 415 described in Subsection (3)(d)(i)(A); and
 416 (B) to take effect the day on which the contract is terminated; and
 417 (e) the termination does not create an orphaned area.
 418 ~~[(3)]~~ (4) Except as provided in Subsection [26-8a-405.3](#)(4)(a), the provisions of
 419 Sections [26-8a-406](#) through [26-8a-409](#) do not apply to a license issued under this section.
 420 Section 10. Section [26-8a-405.4](#) is amended to read:
 421 **26-8a-405.4. Non-911 provider -- Finding of meritorious complaint -- Request for**
 422 **proposals.**
 423 ~~[(1) Notwithstanding Subsection [26-8a-102](#)(18), for purposes of this section, political~~
 424 ~~subdivision includes:]~~
 425 ~~[(a) a county of any class; and]~~
 426 ~~[(b) a city or town located in a county of any class.]~~
 427 ~~[(2)]~~ (1) (a) This section applies to a non-911 provider license under this chapter.
 428 (b) The department shall, in accordance with Subsections (3) and (4) ~~[and (5)]~~:

- 429 (i) receive a complaint about a non-911 provider;
- 430 (ii) determine whether the complaint has merit;
- 431 (iii) issue a finding of:
 - 432 (A) a meritorious complaint; or
 - 433 (B) a non-meritorious complaint; and
- 434 (iv) forward a finding of a meritorious complaint to the governing body of the political
- 435 subdivision:
 - 436 (A) in which the non-911 provider is licensed; or
 - 437 (B) that provides the non-911 services, if different from Subsection ~~[(2)]~~ (1)(b)(iv)(A).
- 438 ~~[(3)]~~ (2) (a) A political subdivision that receives a finding of a meritorious complaint
- 439 from the department:
 - 440 (i) shall take corrective action that the political subdivision determines is appropriate;
 - 441 and
 - 442 (ii) shall, if the political subdivision determines corrective action will not resolve the
 - 443 complaint or is not appropriate:
 - 444 (A) issue a request for proposal for non-911 service in the geographic service area if
 - 445 the political subdivision will not respond to the request for proposal; or
 - 446 (B) (I) make a finding that a request for proposal for non-911 services is appropriate
 - 447 and the political subdivision intends to respond to a request for proposal; and
 - 448 (II) submit the political subdivision's findings to the department with a request that the
 - 449 department issue a request for proposal in accordance with Section 26-8a-405.5.
- 450 (b) (i) If Subsection ~~[(3)]~~ (2)(a)(ii)(A) applies, the political subdivision shall issue the
- 451 request for proposal in accordance with Sections 26-8a-405.1 through 26-8a-405.3.
- 452 (ii) If Subsection ~~[(3)]~~ (2)(a)(ii)(B) applies, the department shall issue a request for
- 453 proposal for non-911 services in accordance with Section 26-8a-405.5.
- 454 ~~[(4)]~~ (3) The department shall make a determination under Subsection ~~[(2)]~~ (1)(b) if:
 - 455 (a) the department receives a written complaint from any of the following in the
 - 456 geographic service area:
 - 457 (i) a hospital;
 - 458 (ii) a health care facility;
 - 459 (iii) a political subdivision; or

460 (iv) an individual; and
461 (b) the department determines, in accordance with Subsection ~~[(2)]~~ (1)(b), that the
462 complaint has merit.
463 ~~[(5)]~~ (4) (a) If the department receives a complaint under Subsection ~~[(2)]~~ (1)(b), the
464 department shall request a written response from the non-911 provider concerning the
465 complaint.
466 (b) The department shall make a determination under Subsection ~~[(2)]~~ (1)(b) based on:
467 (i) the written response from the non-911 provider; and
468 (ii) other information that the department may have concerning the quality of service of
469 the non-911 provider.
470 (c) (i) The department's determination under Subsection ~~[(2)]~~ (1)(b) is not subject to an
471 adjudicative proceeding under Title 63G, Chapter 4, Administrative Procedures Act.
472 (ii) The department shall adopt administrative rules in accordance with Title 63G,
473 Chapter 3, Utah Administrative Rulemaking Act, to implement the provisions of Subsection
474 ~~[(2)]~~ (1)(b).
475 Section 11. Section **26-8a-405.5** is amended to read:
476 **26-8a-405.5. Use of competitive sealed proposals -- Procedure -- Appeal rights.**
477 (1) (a) The department shall issue a request for proposal for non-911 services in a
478 geographic service area if the department receives a request from a political subdivision under
479 Subsection **26-8a-405.4**~~[(3)]~~(2)(a)(ii)(B) to issue a request for proposal for non-911 services.
480 (b) Competitive sealed proposals for non-911 services under Subsection (1)(a) shall be
481 solicited through a request for proposal and the provisions of this section.
482 (c) (i) Notice of the request for proposals shall be published:
483 (A) at least once a week for three consecutive weeks in a newspaper of general
484 circulation published in the county; or
485 (B) if there is no such newspaper, then notice shall be posted for at least 20 days in at
486 least five public places in the county; and
487 (ii) in accordance with Section **45-1-101** for at least 20 days.
488 (2) (a) Proposals shall be opened so as to avoid disclosure of contents to competing
489 offerors during the process of negotiations.
490 (b) (i) Subsequent to the published notice, and prior to selecting an applicant, the

491 department shall hold a presubmission conference with interested applicants for the purpose of
492 assuring full understanding of, and responsiveness to, solicitation requirements.

493 (ii) The department shall allow at least 90 days from the presubmission conference for
494 the proposers to submit proposals.

495 (c) Subsequent to the presubmission conference, the department may issue addenda to
496 the request for proposals. An addenda to a request for proposal shall be finalized and posted by
497 the department at least 45 days before the day on which the proposal must be submitted.

498 (d) Offerors to the request for proposals shall be accorded fair and equal treatment with
499 respect to any opportunity for discussion and revisions of proposals, and revisions may be
500 permitted after submission and before a contract is awarded for the purpose of obtaining best
501 and final offers.

502 (e) In conducting discussions, there shall be no disclosures of any information derived
503 from proposals submitted by competing offerors.

504 (3) (a) (i) The department may select an applicant approved by the department under
505 Section 26-8a-404 to provide non-911 services by contract to the most responsible offeror as
506 defined in Section 63G-6a-103.

507 (ii) An award under Subsection (3)(a)(i) shall be made to the responsible offeror whose
508 proposal is determined in writing to be the most advantageous to the public, taking into
509 consideration price and the evaluation factors set forth in the request for proposal.

510 (b) The applicants who are approved under Section 26-8a-405 and who are selected
511 under this section may be the political subdivision responding to the request for competitive
512 sealed proposals, or any other public entity or entities, any private person or entity, or any
513 combination thereof.

514 (c) The department may reject all of the competitive proposals.

515 (4) In seeking competitive sealed proposals and awarding contracts under this section,
516 the department:

517 (a) shall consider the public convenience and necessity factors listed in Subsections
518 26-8a-408(2) through (6);

519 (b) shall require the applicant responding to the proposal to disclose how the applicant
520 will meet performance standards in the request for proposal;

521 (c) may not require or restrict an applicant to a certain method of meeting the

522 performance standards, including:

523 (i) requiring ambulance medical personnel to also be a firefighter; or

524 (ii) mandating that offerors use fire stations or dispatch services of the political

525 subdivision;

526 (d) shall require an applicant to submit the proposal:

527 (i) based on full cost accounting in accordance with generally accepted accounting

528 principals; and

529 (ii) if the applicant is a governmental entity, in addition to the requirements of

530 Subsection (4)(e)(i), in accordance with generally accepted government auditing standards and

531 in compliance with the State of Utah Legal Compliance Audit Guide; and

532 (e) shall set forth in the request for proposal:

533 (i) the method for determining full cost accounting in accordance with generally

534 accepted accounting principles, and require an applicant to submit the proposal based on such

535 full cost accounting principles;

536 (ii) guidelines established to further competition and provider accountability; and

537 (iii) a list of the factors that will be considered by the department in the award of the

538 contract, including by percentage, the relative weight of the factors established under this

539 Subsection (4)(e), which may include [~~such things as~~]:

540 (A) response times;

541 (B) staging locations;

542 (C) experience;

543 (D) quality of care; and

544 (E) cost, consistent with the cost accounting method in Subsection (4)(e)(i).

545 (5) A license issued under this section:

546 (a) is for the exclusive geographic service area approved by the department;

547 (b) is valid for four years;

548 (c) is not subject to a request for license from another applicant under the provisions of

549 Sections [26-8a-406](#) through [26-8a-409](#) during the four-year term, unless the applicant's license

550 is revoked under Section [26-8a-504](#);

551 (d) is subject to supervision by the department under Sections [26-8a-503](#) and

552 [26-8a-504](#); and

553 (e) except as provided in Subsection (4)(a), is not subject to the provisions of Sections
554 ~~26-8a-406~~ through ~~26-8a-409~~.

555 Section 12. Section ~~26-8a-413~~ is amended to read:

556 **~~26-8a-413. License renewals.~~**

557 (1) A licensed provider desiring to renew its license shall meet the renewal
558 requirements established by department rule.

559 (2) The department shall issue a renewal license for a ground ambulance provider or a
560 paramedic provider upon the licensee's application for a renewal and without a public hearing
561 if ~~[there has been]:~~

562 (a) the applicant was licensed under the provisions of Sections ~~26-8a-406~~ through
563 ~~26-8a-409~~; and

564 (b) there has been:

565 ~~[(a)]~~ (i) no change in controlling interest in the ownership of the licensee as defined in
566 Section ~~26-8a-415~~;

567 ~~[(b)]~~ (ii) no serious, substantiated public complaints filed with the department against
568 the licensee during the term of the previous license;

569 ~~[(c)]~~ (iii) no material or substantial change in the basis upon which the license was
570 originally granted;

571 ~~[(d)]~~ (iv) no reasoned objection from the committee or the department; and

572 ~~[(e) if the applicant was licensed under the provisions of Sections ~~26-8a-406~~ through~~
573 ~~~~26-8a-409~~, no conflicting license application.]~~

574 (v) no change to the license type.

575 (3) (a) (i) The provisions of this Subsection (3) apply to a provider licensed under the
576 provisions of Sections ~~26-8a-405.1~~ and ~~26-8a-405.2~~.

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

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

582 (ii) If the political subdivision does not certify to the department that the provider has
583 met all of the specifications of the original bid, the department may not issue a renewal license

584 and the political subdivision shall enter into a public bid process under Sections 26-8a-405.1
585 and 26-8a-405.2.

586 (c) (i) The department shall issue an additional renewal license to a provider who has
587 already been issued a one-time renewal license under the provisions of Subsection (3)(b)(i) if
588 the department and the political subdivision do not receive, prior to the expiration of the
589 provider's license, written notice from an approved applicant informing the political
590 subdivision of the approved applicant's desire to submit a bid for ambulance or paramedic
591 service.

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

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

598 ~~Ĥ→ [Section 13. Repealer:~~

599 ~~———— This bill repeals:~~

600 ~~———— Section 26-8a-416, Transition to eliminate inconsistent licenses.] ←Ĥ~~