

1 **EMERGENCY MEDICAL SERVICES REVISIONS**

2 2021 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Dan N. Johnson**

5 Senate Sponsor: Curtis S. Bramble

6

7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions related to emergency medical services.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ defines terms;
- 13 ▶ requires municipalities and counties to ensure at least a minimum level of 911
- 14 ambulance services are provided within the municipality or county;
- 15 ▶ extends certain requirements for the selection of ambulance and paramedic
- 16 providers to all other municipalities, counties, local districts, and special service
- 17 districts;
- 18 ▶ requires the State Emergency Medical Services Committee to adopt rules
- 19 establishing the minimum level of 911 ambulance services provided within
- 20 municipalities and counties;
- 21 ▶ allows the Department of Health to align the boundaries of an ambulance or
- 22 paramedic provider's exclusive geographic service area with the boundaries of a
- 23 political subdivision in certain circumstances;
- 24 ▶ allows a political subdivision to terminate a contract with a 911 ambulance services
- 25 provider in certain circumstances;
- 26 ▶ modifies provisions related to the Department of Health's renewal of certain
- 27 licenses; and
- 28 ▶ makes technical and conforming changes.

29 **Money Appropriated in this Bill:**

30 None

31 **Other Special Clauses:**

32 None

33 **Utah Code Sections Affected:**

34 AMENDS:

35 **11-48-102**, as enacted by Laws of Utah 2011, Chapter 230

36 **26-8a-102**, as last amended by Laws of Utah 2019, Chapter 265

37 **26-8a-104**, as last amended by Laws of Utah 2017, Chapter 326

38 **26-8a-401**, as enacted by Laws of Utah 1999, Chapter 141

39 **26-8a-402**, as last amended by Laws of Utah 2000, Chapter 1

40 **26-8a-405.1**, as last amended by Laws of Utah 2010, Chapter 187

41 **26-8a-405.4**, as last amended by Laws of Utah 2019, Chapter 265

42 **26-8a-405.5**, as last amended by Laws of Utah 2012, Chapter 347

43 **26-8a-413**, as last amended by Laws of Utah 2011, Chapter 297

44 ENACTS:

45 **11-48-101.5**, Utah Code Annotated 1953

46 **11-48-103**, Utah Code Annotated 1953



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

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

50 **11-48-101.5. Definitions.**

51 As used in this chapter:

52 (1) (a) "911 ambulance services" means ambulance services rendered in response to a
53 911 call received by a designated dispatch center that receives 911 or E911 calls.

54 (b) "911 ambulance services" does not mean a seven or ten digit telephone call
55 received directly by an ambulance provider licensed under Title 26, Chapter 8a, Utah

56 Emergency Medical Services System Act.

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

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

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

60 **11-48-102. Prohibition of response fees.**

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

63 [(2)] (1) A political subdivision, or a person who contracts with a political subdivision
64 to provide emergency services:

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

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

69 (i) medical costs for:

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

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

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

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

75 (iv) towing costs.

76 [(3)] (2) If a political subdivision, or a person who contracts with a political
77 subdivision to provide emergency services, imposes a charge on more than one individual for
78 the actual cost of responding to a traffic incident, the political subdivision or person contracting
79 with the political subdivision shall apportion the charges so that [~~it~~] the political subdivision or
80 person contracting with the political subdivision does not receive more for responding to the
81 traffic incident than the actual response cost.

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

83 **11-48-103. Provision of 911 ambulance services in municipalities and counties.**

84 (1) The governing body of each municipality and county shall, subject to Title 26,
85 Chapter 8a, Part 4, Ambulance and Paramedic Providers, ensure at least a minimum level of
86 911 ambulance services are provided:

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

88 (b) by a ground ambulance provider, licensed by the Department of Health under Title
89 26, Chapter 8a, Part 4, Ambulance and Paramedic Providers; and

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

92 (2) A municipality or county may:

93 (a) subject to Subsection (3), maintain and support 911 ambulance services for the
94 municipality's or county's own jurisdiction; or

95 (b) contract to:

96 (i) provide 911 ambulance services to any county, municipal corporation, local district,
97 special service district, interlocal entity, private corporation, nonprofit corporation, state
98 agency, or federal agency;

99 (ii) receive 911 ambulance services from any county, municipal corporation, local
100 district, special service district, interlocal entity, private corporation, nonprofit corporation,
101 state agency, or federal agency;

102 (iii) jointly provide 911 ambulance services with any county, municipal corporation,
103 local district, special service district, interlocal entity, private corporation, nonprofit
104 corporation, state agency, or federal agency; or

105 (iv) contribute toward the support of 911 ambulance services in any county, municipal
106 corporation, local district, special service district, interlocal entity, private corporation,
107 nonprofit corporation, state agency, or federal agency in return for 911 ambulance services.

108 (3) (a) A municipality or county that maintains and supports 911 ambulance services
109 for the municipality's or county's own jurisdiction under Subsection (2)(a) shall obtain a license

110 as a ground ambulance provider from the Department of Health under Title 26, Chapter 8a,
111 Part 4, Ambulance and Paramedic Providers.

112 (b) Subsections 26-8a-405 through 26-8a-405.3 do not apply to a license described in
113 Subsection (3)(a).

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

115 **26-8a-102. Definitions.**

116 As used in this chapter:

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

118 (i) either:

119 (A) 911 ambulance service;

120 (B) 911 paramedic service; or

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

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

124 (b) "911 ambulance or paramedic [~~service~~] services" does not mean a seven or ten digit
125 telephone call received directly by an ambulance provider licensed under this chapter.

126 (2) "Ambulance" means a ground, air, or water vehicle that:

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

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

129 (3) "Ambulance provider" means an emergency medical service provider that:

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

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

132 (4) "Committee" means the State Emergency Medical Services Committee created by
133 Section 26-1-7.

134 (5) "Direct medical observation" means in-person observation of a patient by a
135 physician, registered nurse, physician's assistant, or individual licensed under Section
136 26-8a-302.

- 137 (6) "Emergency medical condition" means:
- 138 (a) a medical condition that manifests itself by symptoms of sufficient severity,
139 including severe pain, that a prudent layperson, who possesses an average knowledge of health
140 and medicine, could reasonably expect the absence of immediate medical attention to result in:
- 141 (i) placing the individual's health in serious jeopardy;
142 (ii) serious impairment to bodily functions; or
143 (iii) serious dysfunction of any bodily organ or part; or
- 144 (b) a medical condition that in the opinion of a physician or ~~his~~ the physician's
145 designee requires direct medical observation during transport or may require the intervention of
146 an individual licensed under Section 26-8a-302 during transport.
- 147 (7) "Emergency medical service personnel":
- 148 (a) means an individual who provides emergency medical services to a patient and is
149 required to be licensed under Section 26-8a-302; and
- 150 (b) includes a paramedic, medical director of a licensed emergency medical service
151 provider, emergency medical service instructor, and other categories established by the
152 committee.
- 153 (8) "Emergency medical service providers" means:
- 154 (a) licensed ambulance providers and paramedic providers;
155 (b) a facility or provider that is required to be designated under Subsection
156 26-8a-303(1)(a); and
- 157 (c) emergency medical service personnel.
- 158 (9) "Emergency medical services" means medical services, transportation services, or
159 both rendered to a patient.
- 160 (10) "Emergency medical service vehicle" means a land, air, or water vehicle that is:
- 161 (a) maintained and used for the transportation of emergency medical personnel,
162 equipment, and supplies to the scene of a medical emergency; and
163 (b) required to be permitted under Section 26-8a-304.

- 164 (11) "Governing body":
165 (a) [~~is as~~] means the same as that term is defined in Section 11-42-102; and
166 (b) for purposes of a "special service district" under Section 11-42-102, means a
167 special service district that has been delegated the authority to select a provider under this
168 chapter by the special service district's legislative body or administrative control board.
- 169 (12) "Interested party" means:
170 (a) a licensed or designated emergency medical services provider that provides
171 emergency medical services within or in an area that abuts an exclusive geographic service area
172 that is the subject of an application submitted pursuant to Part 4, Ambulance and Paramedic
173 Providers;
174 (b) any municipality, county, or fire district that lies within or abuts a geographic
175 service area that is the subject of an application submitted pursuant to Part 4, Ambulance and
176 Paramedic Providers; or
177 (c) the department when acting in the interest of the public.
- 178 (13) "Medical control" means a person who provides medical supervision to an
179 emergency medical service provider.
- 180 (14) "Non-911 service" means transport of a patient that is not 911 transport under
181 Subsection (1).
- 182 (15) "Nonemergency secured behavioral health transport" means an entity that:
183 (a) provides nonemergency secure transportation services for an individual who:
184 (i) is not required to be transported by an ambulance under Section 26-8a-305; and
185 (ii) requires behavioral health observation during transport between any of the
186 following facilities:
187 (A) a licensed acute care hospital;
188 (B) an emergency patient receiving facility;
189 (C) a licensed mental health facility; and
190 (D) the office of a licensed health care provider; and

- 191 (b) is required to be designated under Section [26-8a-303](#).
- 192 (16) "Paramedic provider" means an entity that:
- 193 (a) employs emergency medical service personnel; and
- 194 (b) is required to obtain a license under Part 4, Ambulance and Paramedic Providers.
- 195 (17) "Patient" means an individual who, as the result of illness or injury, meets any of
- 196 the criteria in Section [26-8a-305](#).
- 197 (18) "Political subdivision" means:
- 198 (a) a city ~~[or]~~, town ~~[located in a county of the first or second class as defined in~~
- 199 ~~Section [17-50-501](#)], or metro township;~~
- 200 (b) a county ~~[of the first or second class];~~
- 201 ~~[(c) the following districts located in a county of the first or second class:]~~
- 202 ~~[(i)]~~ (c) a special service district created under Title 17D, Chapter 1, Special Service
- 203 District Act, for the purpose of providing fire protection services under Subsection
- 204 [17D-1-201\(9\)](#); ~~[or]~~
- 205 ~~[(ii)]~~ (d) a local district created under Title 17B, Limited Purpose Local Government
- 206 Entities - Local Districts, for the purpose of providing fire protection, paramedic, and
- 207 emergency services;
- 208 ~~[(d)]~~ (e) areas coming together as described in Subsection [26-8a-405.2\(2\)\(b\)\(ii\)](#); or
- 209 ~~[(e)]~~ (f) an interlocal entity under Title 11, Chapter 13, Interlocal Cooperation Act[;
- 210 ~~or]~~.
- 211 ~~[(f) a special service district for fire protection service under Subsection~~
- 212 ~~[17D-1-201\(9\)](#).]~~
- 213 (19) "Trauma" means an injury requiring immediate medical or surgical intervention.
- 214 (20) "Trauma system" means a single, statewide system that:
- 215 (a) organizes and coordinates the delivery of trauma care within defined geographic
- 216 areas from the time of injury through transport and rehabilitative care; and
- 217 (b) is inclusive of all prehospital providers, hospitals, and rehabilitative facilities in

218 delivering care for trauma patients, regardless of severity.

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

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

224 (a) direct the care of patients; and

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

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

228 **26-8a-104. Committee advisory duties.**

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

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

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

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

235 (4) establish insurance requirements for ambulance providers;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

265 ~~[(f) the standards established pursuant to Subsection 26-8a-404(2); and]~~

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

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

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

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

271 ~~[(d) Before July 1, 1999, the department shall publish notice once a week for four~~

272 consecutive weeks of the expiration of licenses pursuant to Subsection (2)(b) in a newspaper of
273 general circulation in the state.]

274 [~~(c) Nothing in this Subsection (2) may be construed as restricting the authority of the~~
275 ~~department to amend overlapping licenses pursuant to Section 26-8a-416.~~]

276 [~~(3) After October 1, 1999, new licenses and license renewals shall be for a four-year~~
277 ~~term.~~]

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

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

280 **26-8a-402. Exclusive geographic service areas.**

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

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) and Section 26-8a-416.

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-405.1** is amended to read:

321 **26-8a-405.1. Selection of provider by political subdivision.**

322 (1) (a) Only an applicant approved under Section [26-8a-405](#) may respond to a request
323 for a proposal issued in accordance with Section [26-8a-405.2](#) or Section [26-8a-405.4](#) by a
324 political subdivision.

325 (b) A response to a request for proposal is subject to the maximum rates established by

326 the department under Section 26-8a-403.

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

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

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

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

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

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

338 (ii) is valid for four years;

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

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

343 ~~[(iv)]~~ (v) is subject to supervision by the department under Sections 26-8a-503 and
344 26-8a-504.

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

347 (a) the contract:

348 (i) is entered into on or after May 5, 2021; and

349 (ii) allows an applicant to provide 911 ambulance services;

350 (b) the political subdivision provides written notice to the applicant described in
351 Subsection (3)(a)(ii) and the department:

352 (i) at least 18 months before the day on which the contract is terminated; or

353 (ii) within a period of time shorter than 18 months before the day on which the contract
354 is terminated, if otherwise agreed to by the applicant and the department;

355 (c) the political subdivision selects another applicant to provide 911 ambulance
356 services for the political subdivision in accordance with Section [26-8a-405.2](#);

357 (d) the department:

358 (i) revokes the license of the applicant described in Subsection (3)(a)(ii), or issues a
359 new or revised license for the applicant described in Subsection (3)(a)(ii):

360 (A) in order to remove the area that is subject to the contract from the applicant's
361 exclusive geographic service area; and

362 (B) to take effect the day on which the contract is terminated; and

363 (ii) issues a new or revised license for the applicant described in Subsection (3)(c):

364 (A) in order to allow the applicant to provide 911 ambulance services for the area
365 described in Subsection (3)(d)(i)(A); and

366 (B) to take effect the day on which the contract is terminated; and

367 (e) the termination does not create an orphaned area.

368 ~~[(3)]~~ (4) Except as provided in Subsection [26-8a-405.3](#)(4)(a), the provisions of
369 Sections [26-8a-406](#) through [26-8a-409](#) do not apply to a license issued under this section.

370 Section 9. Section [26-8a-405.4](#) is amended to read:

371 **[26-8a-405.4. Non-911 provider -- Finding of meritorious complaint -- Request for](#)**
372 **proposals.**

373 ~~[(1) Notwithstanding Subsection [26-8a-102](#)(18), for purposes of this section, political~~
374 ~~subdivision includes:]~~

375 ~~[(a) a county of any class; and]~~

376 ~~[(b) a city or town located in a county of any class.]~~

377 ~~[(2)]~~ (1) (a) This section applies to a non-911 provider license under this chapter.

378 (b) The department shall, in accordance with Subsections (3) and (4) ~~[and (5)]~~:

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

- 380 (ii) determine whether the complaint has merit;
- 381 (iii) issue a finding of:
- 382 (A) a meritorious complaint; or
- 383 (B) a non-meritorious complaint; and
- 384 (iv) forward a finding of a meritorious complaint to the governing body of the political
- 385 subdivision:
- 386 (A) in which the non-911 provider is licensed; or
- 387 (B) that provides the non-911 services, if different from Subsection ~~[(2)]~~ (1)(b)(iv)(A).
- 388 ~~[(3)]~~ (2) (a) A political subdivision that receives a finding of a meritorious complaint
- 389 from the department:
- 390 (i) shall take corrective action that the political subdivision determines is appropriate;
- 391 and
- 392 (ii) shall, if the political subdivision determines corrective action will not resolve the
- 393 complaint or is not appropriate:
- 394 (A) issue a request for proposal for non-911 service in the geographic service area if
- 395 the political subdivision will not respond to the request for proposal; or
- 396 (B) (I) make a finding that a request for proposal for non-911 services is appropriate
- 397 and the political subdivision intends to respond to a request for proposal; and
- 398 (II) submit the political subdivision's findings to the department with a request that the
- 399 department issue a request for proposal in accordance with Section 26-8a-405.5.
- 400 (b) (i) If Subsection ~~[(3)]~~ (2)(a)(ii)(A) applies, the political subdivision shall issue the
- 401 request for proposal in accordance with Sections 26-8a-405.1 through 26-8a-405.3.
- 402 (ii) If Subsection ~~[(3)]~~ (2)(a)(ii)(B) applies, the department shall issue a request for
- 403 proposal for non-911 services in accordance with Section 26-8a-405.5.
- 404 ~~[(4)]~~ (3) The department shall make a determination under Subsection ~~[(2)]~~ (1)(b) if:
- 405 (a) the department receives a written complaint from any of the following in the
- 406 geographic service area:

407 (i) a hospital;
408 (ii) a health care facility;
409 (iii) a political subdivision; or
410 (iv) an individual; and
411 (b) the department determines, in accordance with Subsection ~~[(2)]~~ (1)(b), that the
412 complaint has merit.

413 ~~[(5)]~~ (4) (a) If the department receives a complaint under Subsection ~~[(2)]~~ (1)(b), the
414 department shall request a written response from the non-911 provider concerning the
415 complaint.

416 (b) The department shall make a determination under Subsection ~~[(2)]~~ (1)(b) based on:
417 (i) the written response from the non-911 provider; and
418 (ii) other information that the department may have concerning the quality of service of
419 the non-911 provider.

420 (c) (i) The department's determination under Subsection ~~[(2)]~~ (1)(b) is not subject to an
421 adjudicative proceeding under Title 63G, Chapter 4, Administrative Procedures Act.

422 (ii) The department shall adopt administrative rules in accordance with Title 63G,
423 Chapter 3, Utah Administrative Rulemaking Act, to implement the provisions of Subsection
424 ~~[(2)]~~ (1)(b).

425 Section 10. Section **26-8a-405.5** is amended to read:

426 **26-8a-405.5. Use of competitive sealed proposals -- Procedure -- Appeal rights.**

427 (1) (a) The department shall issue a request for proposal for non-911 services in a
428 geographic service area if the department receives a request from a political subdivision under
429 Subsection **26-8a-405.4**~~[(3)]~~(2)(a)(ii)(B) to issue a request for proposal for non-911 services.

430 (b) Competitive sealed proposals for non-911 services under Subsection (1)(a) shall be
431 solicited through a request for proposal and the provisions of this section.

432 (c) (i) Notice of the request for proposals shall be published:

433 (A) at least once a week for three consecutive weeks in a newspaper of general

434 circulation published in the county; or

435 (B) if there is no such newspaper, then notice shall be posted for at least 20 days in at
436 least five public places in the county; and

437 (ii) in accordance with Section 45-1-101 for at least 20 days.

438 (2) (a) Proposals shall be opened so as to avoid disclosure of contents to competing
439 offerors during the process of negotiations.

440 (b) (i) Subsequent to the published notice, and prior to selecting an applicant, the
441 department shall hold a presubmission conference with interested applicants for the purpose of
442 assuring full understanding of, and responsiveness to, solicitation requirements.

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

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

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

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

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

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

460 (b) The applicants who are approved under Section 26-8a-405 and who are selected

461 under this section may be the political subdivision responding to the request for competitive
462 sealed proposals, or any other public entity or entities, any private person or entity, or any
463 combination thereof.

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

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

467 (a) shall consider the public convenience and necessity factors listed in Subsections
468 26-8a-408(2) through (6);

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

471 (c) may not require or restrict an applicant to a certain method of meeting the
472 performance standards, including:

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

474 (ii) mandating that offerors use fire stations or dispatch services of the political
475 subdivision;

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

477 (i) based on full cost accounting in accordance with generally accepted accounting
478 principals; and

479 (ii) if the applicant is a governmental entity, in addition to the requirements of
480 Subsection (4)(e)(i), in accordance with generally accepted government auditing standards and
481 in compliance with the State of Utah Legal Compliance Audit Guide; and

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

483 (i) the method for determining full cost accounting in accordance with generally
484 accepted accounting principles, and require an applicant to submit the proposal based on such
485 full cost accounting principles;

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

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

488 contract, including by percentage, the relative weight of the factors established under this
489 Subsection (4)(e), which may include [~~such things as~~]:

- 490 (A) response times;
- 491 (B) staging locations;
- 492 (C) experience;
- 493 (D) quality of care; and
- 494 (E) cost, consistent with the cost accounting method in Subsection (4)(e)(i).
- 495 (5) A license issued under this section:
 - 496 (a) is for the exclusive geographic service area approved by the department;
 - 497 (b) is valid for four years;
 - 498 (c) is not subject to a request for license from another applicant under the provisions of
 - 499 Sections [26-8a-406](#) through [26-8a-409](#) during the four-year term, unless the applicant's license
 - 500 is revoked under Section [26-8a-504](#);
 - 501 (d) is subject to supervision by the department under Sections [26-8a-503](#) and
 - 502 [26-8a-504](#); and
 - 503 (e) except as provided in Subsection (4)(a), is not subject to the provisions of Sections
 - 504 [26-8a-406](#) through [26-8a-409](#).

505 Section 11. Section **26-8a-413** is amended to read:

506 **26-8a-413. License renewals.**

- 507 (1) A licensed provider desiring to renew its license shall meet the renewal
- 508 requirements established by department rule.
- 509 (2) The department shall issue a renewal license for a ground ambulance provider or a
- 510 paramedic provider upon the licensee's application for a renewal and without a public hearing
- 511 if [~~there has been~~]:
 - 512 (a) the applicant was licensed under the provisions of Sections [26-8a-406](#) through
 - 513 [26-8a-409](#); and
 - 514 (b) there has been:

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

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

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

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

522 ~~[(e) if the applicant was licensed under the provisions of Sections 26-8a-406 through~~
523 ~~26-8a-409, no conflicting license application.]~~

524 (v) no change to the license type.

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

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

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

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

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

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

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