

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 that an adequate 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 and counties;
- ▶ 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;
- ▶ modifies provisions related to the Department of Health's revision and renewal of certain licenses;
- ▶ repeals provisions related to the Department of Health's elimination of overlapping



28 licenses; and
29 ▶ makes technical and conforming changes.

30 **Money Appropriated in this Bill:**

31 None

32 **Other Special Clauses:**

33 None

34 **Utah Code Sections Affected:**

35 AMENDS:

- 36 **11-48-102**, as enacted by Laws of Utah 2011, Chapter 230
- 37 **26-8a-102**, as last amended by Laws of Utah 2019, Chapter 265
- 38 **26-8a-104**, as last amended by Laws of Utah 2017, Chapter 326
- 39 **26-8a-401**, as enacted by Laws of Utah 1999, Chapter 141
- 40 **26-8a-402**, as last amended by Laws of Utah 2000, Chapter 1
- 41 **26-8a-404**, as last amended by Laws of Utah 2019, Chapter 390
- 42 **26-8a-405.1**, as last amended by Laws of Utah 2010, Chapter 187
- 43 **26-8a-405.4**, as last amended by Laws of Utah 2019, Chapter 265
- 44 **26-8a-405.5**, as last amended by Laws of Utah 2012, Chapter 347
- 45 **26-8a-413**, as last amended by Laws of Utah 2011, Chapter 297

46 ENACTS:

- 47 **11-48-101.5**, Utah Code Annotated 1953
- 48 **11-48-103**, Utah Code Annotated 1953

49 REPEALS:

- 50 **26-8a-416**, as enacted by Laws of Utah 1999, Chapter 141



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

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

54 **11-48-101.5. Definitions.**

55 As used in this chapter:

- 56 (1) (a) "911 ambulance services" means ambulance services rendered in response to a
- 57 911 call received by a designated dispatch center that receives 911 or E911 calls.
- 58 (b) "911 ambulance services" does not mean a seven or ten digit telephone call

59 received directly by an ambulance provider licensed under Title 26, Chapter 8a, Utah
 60 Emergency Medical Services System Act.

61 (2) "Municipality" means a city or town.

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

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

64 **11-48-102. Prohibition of response fees.**

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

67 [~~(2)~~] (1) A political subdivision, or a person who contracts with a political subdivision
 68 to provide emergency services:

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

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

73 (i) medical costs for:

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

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

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

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

79 (iv) towing costs.

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

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

87 **11-48-103. Provision of 911 ambulance services in municipalities and counties.**

88 (1) The governing body of each municipality and county shall, subject to Title 26,
 89 Chapter 8a, Part 4, Ambulance and Paramedic Providers, ensure that an adequate level of 911

90 ambulance services are provided:

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

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

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

96 (2) A municipality or county may:

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

99 (b) contract to:

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

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

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

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

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

113 **26-8a-102. Definitions.**

114 As used in this chapter:

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

116 (i) either:

117 (A) 911 ambulance service;

118 (B) 911 paramedic service; or

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

120 (ii) a response to a 911 call received by a designated dispatch center that receives 911

121 or E911 calls.

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

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

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

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

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

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

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

130 (4) "Committee" means the State Emergency Medical Services Committee created by
131 Section [26-1-7](#).

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

135 (6) "Emergency medical condition" means:

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

139 (i) placing the individual's health in serious jeopardy;

140 (ii) serious impairment to bodily functions; or

141 (iii) serious dysfunction of any bodily organ or part; or

142 (b) a medical condition that in the opinion of a physician or [~~his~~] the physician's
143 designee requires direct medical observation during transport or may require the intervention of
144 an individual licensed under Section [26-8a-302](#) during transport.

145 (7) "Emergency medical service personnel":

146 (a) means an individual who provides emergency medical services to a patient and is
147 required to be licensed under Section [26-8a-302](#); and

148 (b) includes a paramedic, medical director of a licensed emergency medical service
149 provider, emergency medical service instructor, and other categories established by the
150 committee.

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

- 152 (a) licensed ambulance providers and paramedic providers;
- 153 (b) a facility or provider that is required to be designated under Subsection
- 154 26-8a-303(1)(a); and
- 155 (c) emergency medical service personnel.
- 156 (9) "Emergency medical services" means medical services, transportation services, or
- 157 both rendered to a patient.
- 158 (10) "Emergency medical service vehicle" means a land, air, or water vehicle that is:
- 159 (a) maintained and used for the transportation of emergency medical personnel,
- 160 equipment, and supplies to the scene of a medical emergency; and
- 161 (b) required to be permitted under Section 26-8a-304.
- 162 (11) "Governing body":
- 163 (a) ~~is as~~ means the same as that term is defined in Section 11-42-102; and
- 164 (b) for purposes of a "special service district" under Section 11-42-102, means a
- 165 special service district that has been delegated the authority to select a provider under this
- 166 chapter by the special service district's legislative body or administrative control board.
- 167 (12) "Interested party" means:
- 168 (a) a licensed or designated emergency medical services provider that provides
- 169 emergency medical services within or in an area that abuts an exclusive geographic service area
- 170 that is the subject of an application submitted pursuant to Part 4, Ambulance and Paramedic
- 171 Providers;
- 172 (b) any municipality, county, or fire district that lies within or abuts a geographic
- 173 service area that is the subject of an application submitted pursuant to Part 4, Ambulance and
- 174 Paramedic Providers; or
- 175 (c) the department when acting in the interest of the public.
- 176 (13) "Medical control" means a person who provides medical supervision to an
- 177 emergency medical service provider.
- 178 (14) "Non-911 service" means transport of a patient that is not 911 transport under
- 179 Subsection (1).
- 180 (15) "Nonemergency secured behavioral health transport" means an entity that:
- 181 (a) provides nonemergency secure transportation services for an individual who:
- 182 (i) is not required to be transported by an ambulance under Section 26-8a-305; and

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

214 priority. For prehospital trauma victims, triage requires a determination of injury severity to
215 assess the appropriate level of care according to established patient care protocols.

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

218 (a) direct the care of patients; and

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

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

222 **26-8a-104. Committee advisory duties.**

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

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

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

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

229 (4) establish insurance requirements for ambulance providers;

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

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

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

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

236 ~~[(8)]~~ (9) are necessary to carry out the responsibilities of the committee as specified in
237 other sections of this chapter.

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

239 **26-8a-401. State regulation of emergency medical services market -- License**
240 **term.**

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

244 (a) consists of exclusive geographic service areas as provided in Section [26-8a-402](#);

245 and

246 (b) establishes maximum rates as provided in Section [26-8a-403](#).

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

248 [~~(b) If no expiration date is stated on a license issued before July 1, 1996, the license~~

249 ~~shall expire on October 1, 1999, unless:~~]

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

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

252 [(A) finds the license has been used as the basis for responding to requests for

253 ambulance or paramedic services during the past five years;]

254 [(B) identifies one or more specific geographic areas covered by the license in which

255 the license holder has actively and adequately responded as the primary provider to requests for

256 ambulance or paramedic services during the past five years; and]

257 [(C) determines that the continuation of a license in a specific geographic area

258 identified in Subsection (2)(b)(ii)(B) satisfies:]

259 [(I) the standards established pursuant to Subsection [26-8a-404\(2\)](#); and]

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

261 [(c) If the department finds that a license meets the requirements of Subsection (2)(b),

262 the department shall amend the license to reflect:]

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

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

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

266 consecutive weeks of the expiration of licenses pursuant to Subsection (2)(b) in a newspaper of

267 general circulation in the state.]

268 [(e) Nothing in this Subsection (2) may be construed as restricting the authority of the

269 department to amend overlapping licenses pursuant to Section [26-8a-416](#).]

270 [(3) After October 1, 1999, new licenses and license renewals shall be for a four-year

271 term.]

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

273 Section 7. Section [26-8a-402](#) is amended to read:

274 **26-8a-402. Exclusive geographic service areas.**

275 (1) Each ground ambulance provider license issued under this part shall be for an

276 exclusive geographic service area as described in the license. Only the licensed ground
277 ambulance provider may respond to an ambulance request that originates within the provider's
278 exclusive geographic service area, except as provided in Subsection (5) [~~and Section~~
279 ~~26-8a-416~~].

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

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

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

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

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

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

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

299 (a) pursuant to a mutual aid agreement;

300 (b) to render assistance on a case-by-case basis to that provider; and

301 (c) as necessary to meet needs in time of disaster or other major emergency.

302 (6) Notwithstanding Subsection (2), a licensed paramedic provider may respond to a
303 paramedic request that originates from the exclusive geographic area of another 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 (7) The department may, upon the renewal of a license, align the boundaries of an
308 exclusive geographic area with the boundaries of a political subdivision:

309 (a) if aligning the boundaries is practical and in the public interest; and

310 (b) taking into consideration the requirements of:

311 (i) Section [11-48-103](#); and

312 (ii) Section [26-8a-408](#).

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

314 **26-8a-404. Ground ambulance and paramedic licenses -- Application and**
315 **department review.**

316 (1) Except as provided in Section [26-8a-413](#), an applicant for a ground ambulance or
317 paramedic license shall apply to the department for a license [~~only~~] by:

318 (a) submitting a completed application;

319 (b) providing information in the format required by the department; and

320 (c) paying the required fees, including the cost of the hearing officer.

321 (2) The department shall make rules establishing minimum qualifications and
322 requirements for:

323 (a) personnel;

324 (b) capital reserves;

325 (c) equipment;

326 (d) a business plan;

327 (e) operational procedures;

328 (f) medical direction agreements;

329 (g) management and control; and

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

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

337 (4) (a) A ground ambulance service licensee may apply to the department for a license

338 to provide a higher level of service as defined by department rule if the application includes:

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

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

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

344 (b) If the department determines that the applicant has demonstrated the ability to
345 provide the higher level of service in accordance with Subsection (4)(a), the department shall
346 issue a revised license reflecting the higher level of service and the requirements of Section
347 26-8a-408 do not apply.

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

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

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

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

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

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

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

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

364 **26-8a-405.1. Selection of provider by political subdivision.**

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

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

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

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

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

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

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

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

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

381 (ii) is valid for four years;

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

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

386 [~~(iv)~~] (v) is subject to supervision by the department under Sections 26-8a-503 and
387 26-8a-504.

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

390 (a) the contract:

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

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

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

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

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

398 (c) the political subdivision selects another applicant to provide 911 ambulance
399 services for the political subdivision in accordance with Section 26-8a-405.2;

400 (d) the department:
 401 (i) revokes the license of the applicant described in Subsection (3)(a)(ii), or issues a
 402 new or revised license for the applicant described in Subsection (3)(a)(ii):
 403 (A) in order to remove the area that is subject to the contract from the applicant's
 404 exclusive geographic service area; and
 405 (B) to take effect the day on which the contract is terminated; and
 406 (ii) issues a new or revised license for the applicant described in Subsection (3)(c):
 407 (A) in order to allow the applicant to provide 911 ambulance services for the area
 408 described in Subsection (3)(d)(i)(A); and
 409 (B) to take effect the day on which the contract is terminated; and
 410 (e) the termination does not create an orphaned area.
 411 ~~[(3)]~~ (4) Except as provided in Subsection 26-8a-405.3(4)(a), the provisions of
 412 Sections 26-8a-406 through 26-8a-409 do not apply to a license issued under this section.
 413 Section 10. Section 26-8a-405.4 is amended to read:
 414 **26-8a-405.4. Non-911 provider -- Finding of meritorious complaint -- Request for**
 415 **proposals.**
 416 ~~[(1) Notwithstanding Subsection 26-8a-102(18), for purposes of this section, political~~
 417 ~~subdivision includes:]~~
 418 ~~[(a) a county of any class; and]~~
 419 ~~[(b) a city or town located in a county of any class:]~~
 420 ~~[(2)]~~ (1) (a) This section applies to a non-911 provider license under this chapter.
 421 (b) The department shall, in accordance with Subsections (3) and (4) ~~[and (5)]~~:
 422 (i) receive a complaint about a non-911 provider;
 423 (ii) determine whether the complaint has merit;
 424 (iii) issue a finding of:
 425 (A) a meritorious complaint; or
 426 (B) a non-meritorious complaint; and
 427 (iv) forward a finding of a meritorious complaint to the governing body of the political
 428 subdivision:
 429 (A) in which the non-911 provider is licensed; or
 430 (B) that provides the non-911 services, if different from Subsection ~~[(2)]~~ (1)(b)(iv)(A).

431 ~~[(3)]~~ (2) (a) A political subdivision that receives a finding of a meritorious complaint
432 from the department:

433 (i) shall take corrective action that the political subdivision determines is appropriate;
434 and

435 (ii) shall, if the political subdivision determines corrective action will not resolve the
436 complaint or is not appropriate:

437 (A) issue a request for proposal for non-911 service in the geographic service area if
438 the political subdivision will not respond to the request for proposal; or

439 (B) (I) make a finding that a request for proposal for non-911 services is appropriate
440 and the political subdivision intends to respond to a request for proposal; and

441 (II) submit the political subdivision's findings to the department with a request that the
442 department issue a request for proposal in accordance with Section [26-8a-405.5](#).

443 (b) (i) If Subsection ~~[(3)]~~ (2)(a)(ii)(A) applies, the political subdivision shall issue the
444 request for proposal in accordance with Sections [26-8a-405.1](#) through [26-8a-405.3](#).

445 (ii) If Subsection ~~[(3)]~~ (2)(a)(ii)(B) applies, the department shall issue a request for
446 proposal for non-911 services in accordance with Section [26-8a-405.5](#).

447 ~~[(4)]~~ (3) The department shall make a determination under Subsection ~~[(2)]~~ (1)(b) if:

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

450 (i) a hospital;

451 (ii) a health care facility;

452 (iii) a political subdivision; or

453 (iv) an individual; and

454 (b) the department determines, in accordance with Subsection ~~[(2)]~~ (1)(b), that the
455 complaint has merit.

456 ~~[(5)]~~ (4) (a) If the department receives a complaint under Subsection ~~[(2)]~~ (1)(b), the
457 department shall request a written response from the non-911 provider concerning the
458 complaint.

459 (b) The department shall make a determination under Subsection ~~[(2)]~~ (1)(b) based on:

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

461 (ii) other information that the department may have concerning the quality of service of

462 the non-911 provider.

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

465 (ii) The department shall adopt administrative rules in accordance with Title 63G,
466 Chapter 3, Utah Administrative Rulemaking Act, to implement the provisions of Subsection
467 [~~(2)~~] (1)(b).

468 Section 11. Section **26-8a-405.5** is amended to read:

469 **26-8a-405.5. Use of competitive sealed proposals -- Procedure -- Appeal rights.**

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

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

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

476 (A) at least once a week for three consecutive weeks in a newspaper of general
477 circulation published in the county; or

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

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

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

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

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

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

491 (d) Offerors to the request for proposals shall be accorded fair and equal treatment with
492 respect to any opportunity for discussion and revisions of proposals, and revisions may be

493 permitted after submission and before a contract is awarded for the purpose of obtaining best
494 and final offers.

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

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

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

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

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

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

510 (a) shall consider the public convenience and necessity factors listed in Subsections
511 26-8a-408(2) through (6);

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

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

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

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

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

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

522 (ii) if the applicant is a governmental entity, in addition to the requirements of
523 Subsection (4)(e)(i), in accordance with generally accepted government auditing standards and

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

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

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

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

530 (iii) a list of the factors that will be considered by the department in the award of the
531 contract, including by percentage, the relative weight of the factors established under this

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

533 (A) response times;

534 (B) staging locations;

535 (C) experience;

536 (D) quality of care; and

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

538 (5) A license issued under this section:

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

540 (b) is valid for four years;

541 (c) is not subject to a request for license from another applicant under the provisions of
542 Sections [26-8a-406](#) through [26-8a-409](#) during the four-year term, unless the applicant's license
543 is revoked under Section [26-8a-504](#);

544 (d) is subject to supervision by the department under Sections [26-8a-503](#) and
545 [26-8a-504](#); and

546 (e) except as provided in Subsection (4)(a), is not subject to the provisions of Sections
547 [26-8a-406](#) through [26-8a-409](#).

548 Section 12. Section **26-8a-413** is amended to read:

549 **26-8a-413. License renewals.**

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

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

555 (a) the applicant was licensed under the provisions of Sections 26-8a-406 through
556 26-8a-409; and

557 (b) there has been:

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

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

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

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

565 ~~[(e) if the applicant was licensed under the provisions of Sections 26-8a-406 through~~
566 ~~26-8a-409, no conflicting license application.]~~

567 (v) no change to the license type.

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

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

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

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

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

585 (ii) If the department and the political subdivision receive the notice in accordance with

586 Subsection (3)(c)(i), the department may not issue a renewal license and the political
587 subdivision shall enter into a public bid process under Sections [26-8a-405.1](#) and [26-8a-405.2](#).

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

591 Section 13. **Repealer.**

592 This bill repeals:

593 Section [26-8a-416](#), **Transition to eliminate inconsistent licenses.**