

**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

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**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 amendment or renewal of
- 27 certain 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           **26-8a-416**, as enacted by Laws of Utah 1999, Chapter 141

45 ENACTS:

- 46           **11-48-101.5**, Utah Code Annotated 1953
- 47           **11-48-103**, Utah Code Annotated 1953



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

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

51           **11-48-101.5. Definitions.**

52           As used in this chapter:

53           (1) (a) "911 ambulance services" means ambulance services rendered in response to a  
54 911 call received by a designated dispatch center that receives 911 or E911 calls.

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

57 Emergency Medical Services System Act.

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

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

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

61 **11-48-102. Prohibition of response fees.**

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

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

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

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

70 (i) medical costs for:

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

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

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

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

76 (iv) towing costs.

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

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

84 **11-48-103. Provision of 911 ambulance services in municipalities and counties.**

85 (1) The governing body of each municipality and county shall, subject to Title 26,  
86 Chapter 8a, Part 4, Ambulance and Paramedic Providers, ensure at least a minimum level of  
87 911 ambulance services are provided:

- 88           (a) within the territorial limits of the municipality or county;
- 89           (b) by a ground ambulance provider, licensed by the Department of Health under Title
- 90 26, Chapter 8a, Part 4, Ambulance and Paramedic Providers; and
- 91           (c) in accordance with rules established by the State Emergency Medical Services
- 92 Committee under Subsection [26-8a-104\(8\)](#).
- 93           (2) A municipality or county may:
- 94           (a) maintain and support 911 ambulance services for the municipality's or county's own
- 95 jurisdiction; or
- 96           (b) contract to:
- 97           (i) provide 911 ambulance services to any county, municipal corporation, local district,
- 98 special service district, interlocal entity, private corporation, nonprofit corporation, state
- 99 agency, or federal agency;
- 100           (ii) receive 911 ambulance services from any county, municipal corporation, local
- 101 district, special service district, interlocal entity, private corporation, nonprofit corporation,
- 102 state agency, or federal agency;
- 103           (iii) jointly provide 911 ambulance services with any county, municipal corporation,
- 104 local district, special service district, interlocal entity, private corporation, nonprofit
- 105 corporation, state agency, or federal agency; or
- 106           (iv) contribute toward the support of 911 ambulance services in any county, municipal
- 107 corporation, local district, special service district, interlocal entity, private corporation,
- 108 nonprofit corporation, state agency, or federal agency in return for 911 ambulance services.

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

110           **26-8a-102. Definitions.**

111           As used in this chapter:

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

113           (i) either:

114           (A) 911 ambulance service;

115           (B) 911 paramedic service; or

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

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

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

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

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

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

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

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

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

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

129 (5) "Direct medical observation" means in-person observation of a patient by a  
130 physician, registered nurse, physician's assistant, or individual licensed under Section  
131 26-8a-302.

132 (6) "Emergency medical condition" means:

133 (a) a medical condition that manifests itself by symptoms of sufficient severity,

134 including severe pain, that a prudent layperson, who possesses an average knowledge of health  
135 and medicine, could reasonably expect the absence of immediate medical attention to result in:

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

137 (ii) serious impairment to bodily functions; or

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

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

142 (7) "Emergency medical service personnel":

143 (a) means an individual who provides emergency medical services to a patient and is  
144 required to be licensed under Section 26-8a-302; and

145 (b) includes a paramedic, medical director of a licensed emergency medical service  
146 provider, emergency medical service instructor, and other categories established by the  
147 committee.

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

149 (a) licensed ambulance providers and paramedic providers;

- 150 (b) a facility or provider that is required to be designated under Subsection
- 151 26-8a-303(1)(a); and
- 152 (c) emergency medical service personnel.
- 153 (9) "Emergency medical services" means medical services, transportation services, or
- 154 both rendered to a patient.
- 155 (10) "Emergency medical service vehicle" means a land, air, or water vehicle that is:
- 156 (a) maintained and used for the transportation of emergency medical personnel,
- 157 equipment, and supplies to the scene of a medical emergency; and
- 158 (b) required to be permitted under Section 26-8a-304.
- 159 (11) "Governing body":
- 160 (a) ~~is as~~ means the same as that term is defined in Section 11-42-102; and
- 161 (b) for purposes of a "special service district" under Section 11-42-102, means a
- 162 special service district that has been delegated the authority to select a provider under this
- 163 chapter by the special service district's legislative body or administrative control board.
- 164 (12) "Interested party" means:
- 165 (a) a licensed or designated emergency medical services provider that provides
- 166 emergency medical services within or in an area that abuts an exclusive geographic service area
- 167 that is the subject of an application submitted pursuant to Part 4, Ambulance and Paramedic
- 168 Providers;
- 169 (b) any municipality, county, or fire district that lies within or abuts a geographic
- 170 service area that is the subject of an application submitted pursuant to Part 4, Ambulance and
- 171 Paramedic Providers; or
- 172 (c) the department when acting in the interest of the public.
- 173 (13) "Medical control" means a person who provides medical supervision to an
- 174 emergency medical service provider.
- 175 (14) "Non-911 service" means transport of a patient that is not 911 transport under
- 176 Subsection (1).
- 177 (15) "Nonemergency secured behavioral health transport" means an entity that:
- 178 (a) provides nonemergency secure transportation services for an individual who:
- 179 (i) is not required to be transported by an ambulance under Section 26-8a-305; and
- 180 (ii) requires behavioral health observation during transport between any of the

181 following facilities:

182 (A) a licensed acute care hospital;

183 (B) an emergency patient receiving facility;

184 (C) a licensed mental health facility; and

185 (D) the office of a licensed health care provider; and

186 (b) is required to be designated under Section [26-8a-303](#).

187 (16) "Paramedic provider" means an entity that:

188 (a) employs emergency medical service personnel; and

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

190 (17) "Patient" means an individual who, as the result of illness or injury, meets any of  
191 the criteria in Section [26-8a-305](#).

192 (18) "Political subdivision" means:

193 (a) a city ~~[or]~~, town ~~[located in a county of the first or second class as defined in~~  
194 ~~Section [17-50-501](#)], or metro township;~~

195 (b) a county ~~[of the first or second class];~~

196 ~~[(c) the following districts located in a county of the first or second class:]~~

197 ~~[(i)]~~ (c) a special service district created under Title 17D, Chapter 1, Special Service  
198 District Act, for the purpose of providing fire protection services under Subsection

199 [17D-1-201\(9\)](#); ~~[or]~~

200 ~~[(ii)]~~ (d) a local district created under Title 17B, Limited Purpose Local Government  
201 Entities - Local Districts, for the purpose of providing fire protection, paramedic, and  
202 emergency services;

203 ~~[(d)]~~ (e) areas coming together as described in Subsection [26-8a-405.2\(2\)\(b\)\(ii\)](#); or

204 ~~[(e)]~~ (f) an interlocal entity under Title 11, Chapter 13, Interlocal Cooperation Act;  
205 ~~or~~].

206 ~~[(f) a special service district for fire protection service under Subsection~~  
207 ~~[17D-1-201\(9\)](#)].~~

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

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

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

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

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

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

219 (a) direct the care of patients; and

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

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

223 **26-8a-104. Committee advisory duties.**

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

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

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

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

230 (4) establish insurance requirements for ambulance providers;

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

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

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

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

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

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

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

242 (1) To ensure emergency medical service quality and minimize unnecessary



243 duplication, the department shall regulate the emergency medical ~~[service]~~ services market  
244 ~~[after October 1, 1999,]~~ by creating and operating a statewide system that:

245 (a) consists of exclusive geographic service areas as provided in Section ~~26-8a-402;~~  
246 and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

275 **26-8a-402. Exclusive geographic service areas.**

276 (1) Each ground ambulance provider license issued under this part shall be for an  
277 exclusive geographic service area as described in the license. Only the licensed ground  
278 ambulance provider may respond to an ambulance request that originates within the provider's  
279 exclusive geographic service area, except as provided in Subsection (5) and Section **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 the alignment is practical and in the public interest;
- 310 (b) if each licensed provider that would be affected by the alignment agrees to the
- 311 alignment; and
- 312 (c) taking into consideration the requirements of:
- 313 (i) Section 11-48-103; and
- 314 (ii) Section 26-8a-408.

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

316 **26-8a-405.1. Selection of provider by political subdivision.**

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

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

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

- 324 (i) in accordance with Section 26-8a-405.2; and
- 325 (ii) subject to [~~Subsection (2)~~] Subsections (2) and (3).

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

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

- 331 (i) is for the exclusive geographic service area approved by the department in  
332 accordance with Subsection 26-8a-405.2(2);
- 333 (ii) is valid for four years;
- 334 (iii) is not subject to a request for license from another applicant under the provisions  
335 of Sections 26-8a-406 through 26-8a-409 during the four-year term, unless the applicant's

336 license is revoked under Section [26-8a-504](#); [~~and~~]

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

338 [~~(iv)~~] (v) is subject to supervision by the department under Sections [26-8a-503](#) and  
339 [26-8a-504](#).

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

342 (a) the contract:

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

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

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

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

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

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

352 (d) the department:

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

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

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

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

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

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

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

363 [~~(3)~~] (4) Except as provided in Subsection [26-8a-405.3](#)(4)(a), the provisions of  
364 Sections [26-8a-406](#) through [26-8a-409](#) do not apply to a license issued under this section.

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

366 **[26-8a-405.4. Non-911 provider -- Finding of meritorious complaint -- Request for](#)**

367 **proposals.**

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

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

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

372 ~~[(2)]~~ (1) (a) This section applies to a non-911 provider license under this chapter.

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

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

375 (ii) determine whether the complaint has merit;

376 (iii) issue a finding of:

377 (A) a meritorious complaint; or

378 (B) a non-meritorious complaint; and

379 (iv) forward a finding of a meritorious complaint to the governing body of the political  
380 subdivision:

381 (A) in which the non-911 provider is licensed; or

382 (B) that provides the non-911 services, if different from Subsection ~~[(2)]~~ (1)(b)(iv)(A).

383 ~~[(3)]~~ (2) (a) A political subdivision that receives a finding of a meritorious complaint  
384 from the department:

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

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

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

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

393 (II) submit the political subdivision's findings to the department with a request that the  
394 department issue a request for proposal in accordance with Section 26-8a-405.5.

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

397 (ii) If Subsection ~~[(3)]~~ (2)(a)(ii)(B) applies, the department shall issue a request for

398 proposal for non-911 services in accordance with Section 26-8a-405.5.

399 ~~[(4)]~~ (3) The department shall make a determination under Subsection ~~[(2)]~~ (1)(b) if:

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

- 402 (i) a hospital;
- 403 (ii) a health care facility;
- 404 (iii) a political subdivision; or
- 405 (iv) an individual; and

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

408 ~~[(5)]~~ (4) (a) If the department receives a complaint under Subsection ~~[(2)]~~ (1)(b), the  
409 department shall request a written response from the non-911 provider concerning the  
410 complaint.

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

- 412 (i) the written response from the non-911 provider; and
- 413 (ii) other information that the department may have concerning the quality of service of  
414 the non-911 provider.

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

417 (ii) The department shall adopt administrative rules in accordance with Title 63G,  
418 Chapter 3, Utah Administrative Rulemaking Act, to implement the provisions of Subsection  
419 ~~[(2)]~~ (1)(b).

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

421 **26-8a-405.5. Use of competitive sealed proposals -- Procedure -- Appeal rights.**

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

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

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

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

429 circulation published in the county; or

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

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

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

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

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

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

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

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

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

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

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

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

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

462 (a) shall consider the public convenience and necessity factors listed in Subsections  
463 26-8a-408(2) through (6);

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

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

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

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

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

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

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

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

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

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

482 (iii) a list of the factors that will be considered by the department in the award of the  
483 contract, including by percentage, the relative weight of the factors established under this  
484 Subsection (4)(e), which may include [~~such things as~~]:

485 (A) response times;

486 (B) staging locations;

487 (C) experience;

488 (D) quality of care; and

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

490 (5) A license issued under this section:



- 491 (a) is for the exclusive geographic service area approved by the department;
- 492 (b) is valid for four years;
- 493 (c) is not subject to a request for license from another applicant under the provisions of
- 494 Sections 26-8a-406 through 26-8a-409 during the four-year term, unless the applicant's license
- 495 is revoked under Section 26-8a-504;
- 496 (d) is subject to supervision by the department under Sections 26-8a-503 and
- 497 26-8a-504; and
- 498 (e) except as provided in Subsection (4)(a), is not subject to the provisions of Sections
- 499 26-8a-406 through 26-8a-409.

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

501 **26-8a-413. License renewals.**

502 (1) A licensed provider desiring to renew its license shall meet the renewal

503 requirements established by department rule.

504 (2) The department shall issue a renewal license for a ground ambulance provider or a

505 paramedic provider upon the licensee's application for a renewal and without a public hearing

506 if ~~[there has been]~~:

507 (a) the applicant was licensed under the provisions of Sections 26-8a-406 through

508 26-8a-409; and

509 (b) there has been:

510 ~~[(a)]~~ (i) no change in controlling interest in the ownership of the licensee as defined in

511 Section 26-8a-415;

512 ~~[(b)]~~ (ii) no serious, substantiated public complaints filed with the department against

513 the licensee during the term of the previous license;

514 ~~[(c)]~~ (iii) no material or substantial change in the basis upon which the license was

515 originally granted;

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

517 ~~[(e) if the applicant was licensed under the provisions of Sections 26-8a-406 through~~

518 ~~26-8a-409, no conflicting license application.]~~

519 (v) no change to the license type.

520 (3) (a) (i) The provisions of this Subsection (3) apply to a provider licensed under the

521 provisions of Sections 26-8a-405.1 and 26-8a-405.2.

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

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

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

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

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

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

543 Section 12. Section 26-8a-416 is amended to read:

544 **26-8a-416. Overlap areas.**

545 [~~(1) By May 30, 2000, the department shall review all licenses in effect on October 2,~~  
546 ~~1999, to identify overlap, as defined in department rule, in the service areas of two or more~~  
547 ~~licensed providers.]~~

548 [~~(2) By June 30, 2000, the department shall notify all licensed providers affected by an~~  
549 ~~overlap. By September 30, 2000, the department shall schedule, by order, a deadline to resolve~~  
550 ~~each overlap, considering the effects on the licensed providers and the areas to be addressed.]~~

551 [~~(3) For each overlap, the department shall meet with the affected licensed providers~~  
552 ~~and provide 120 days for a negotiated resolution, consistent with the criteria in Section~~

553 ~~26-8a-408.~~]

554 [(4) (a) If a resolution is reached under Subsection (2) that the department finds  
555 satisfies the criteria in Section ~~26-8a-408~~, the department shall amend the licenses to reflect the  
556 resolution consistent with Subsection (6).]

557 [(b) If a resolution is not reached under Subsection (2), the department or any of the  
558 licensed providers involved in the matter may request the commencement of a formal  
559 adjudicative proceeding to resolve the overlap.]

560 [(5) The department shall commence adjudicative proceedings for any overlap that is  
561 not resolved by July 1, 2003.]

562 [(6)] (1) Notwithstanding the exclusive geographic service requirement of Section  
563 ~~26-8a-402~~, the department may amend one or more licenses after a resolution is reached or an  
564 adjudicative proceeding has been held to allow:

565 (a) a single licensed provider to serve all or part of [~~the overlap area~~] an area of overlap  
566 in the service areas of two or more licensed providers; or

567 (b) more than one licensed provider to serve [~~the overlap area;~~] an area of overlap in  
568 the service areas of two or more licensed providers.

569 [~~(c) licensed providers to provide different types of service in the overlap area; or]~~

570 [~~(d) licenses that recognize service arrangements that existed on September 30, 1999.]~~

571 [(7)] (2) [~~Notwithstanding Subsection (6), any]~~ A license for an overlap area under  
572 Subsection (1) terminates upon:

573 (a) relinquishment by the provider; or

574 (b) revocation by the department.