

HB0303S04 compared with HB0303S03

~~text~~ shows text that was in HB0303S03 but was deleted in HB0303S04.

text shows text that was not in HB0303S03 but was inserted into HB0303S04.

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Representative **Dan N. Johnson** proposes the following substitute bill:

EMERGENCY MEDICAL SERVICES REVISIONS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Dan N. Johnson

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill amends provisions related to emergency medical services.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires municipalities and counties to ensure at least a minimum level of 911 ambulance services are provided within the municipality or county;
- ▶ extends certain requirements for the selection of ambulance and paramedic providers to all other municipalities, counties, local districts, and special service districts;
- ▶ requires the State Emergency Medical Services Committee to adopt rules establishing the minimum level of 911 ambulance services provided within

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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~~ amendment or renewal of certain licenses; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

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

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

~~{ 26-8a-404, as last amended by Laws of Utah 2019, Chapter 390~~

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

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

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

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

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

ENACTS:

11-48-101.5, Utah Code Annotated 1953

11-48-103, Utah Code Annotated 1953

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

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

11-48-101.5. Definitions.

As used in this chapter:

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

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

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

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

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

11-48-102. Prohibition of response fees.

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

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

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

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

(i) medical costs for:

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

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

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

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

(iv) towing costs.

~~[(3)]~~ (2) If a political subdivision, or a person who contracts with a political subdivision to provide emergency services, imposes a charge on more than one individual for the actual cost of responding to a traffic incident, the political subdivision or person contracting with the political subdivision shall apportion the charges so that ~~[it]~~ the political subdivision or

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person contracting with the political subdivision does not receive more for responding to the traffic incident than the actual response cost.

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

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

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

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

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

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

(2) A municipality or county may:

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

(b) contract to:

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

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

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

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

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

26-8a-102. Definitions.

As used in this chapter:

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

(i) either:

(A) 911 ambulance service;

(B) 911 paramedic service; or

(C) both 911 ambulance and paramedic service; and

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

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

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

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

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

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

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

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

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

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

(6) "Emergency medical condition" means:

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

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

(ii) serious impairment to bodily functions; or

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

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

(7) "Emergency medical service personnel":

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

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

(8) "Emergency medical service providers" means:

(a) licensed ambulance providers and paramedic providers;

(b) a facility or provider that is required to be designated under Subsection 26-8a-303(1)(a); and

(c) emergency medical service personnel.

(9) "Emergency medical services" means medical services, transportation services, or both rendered to a patient.

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

(a) maintained and used for the transportation of emergency medical personnel, equipment, and supplies to the scene of a medical emergency; and

(b) required to be permitted under Section 26-8a-304.

(11) "Governing body":

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

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

(12) "Interested party" means:

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

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

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

(13) "Medical control" means a person who provides medical supervision to an

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emergency medical service provider.

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

(15) "Nonemergency secured behavioral health transport" means an entity that:

(a) provides nonemergency secure transportation services for an individual who:

(i) is not required to be transported by an ambulance under Section 26-8a-305; and

(ii) requires behavioral health observation during transport between any of the

following facilities:

(A) a licensed acute care hospital;

(B) an emergency patient receiving facility;

(C) a licensed mental health facility; and

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

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

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

(a) employs emergency medical service personnel; and

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

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

(18) "Political subdivision" means:

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

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

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

~~[(i)]~~ (c) a special service district created under Title 17D, Chapter 1, Special Service District Act, for the purpose of providing fire protection services under Subsection 17D-1-201(9); [~~or~~]

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

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

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

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or].

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

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

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

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

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

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

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

(a) direct the care of patients; and

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

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

26-8a-104. Committee advisory duties.

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

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

(2) establish designation requirements under Section 26-8a-303;

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

(4) establish insurance requirements for ambulance providers;

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

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

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

(8) establish the minimum level of service for 911 ambulance services provided under

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Section 11-48-103; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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provider:

- (a) pursuant to a mutual aid agreement;
- (b) to render assistance on a case-by-case basis to that provider; and
- (c) as necessary to meet needs in time of disaster or other major emergency.
- (6) Notwithstanding Subsection (2), a licensed paramedic provider may respond to a

paramedic request that originates from the exclusive geographic area of another provider:

- (a) pursuant to a mutual aid agreement;
- (b) to render assistance on a case-by-case basis to that provider; and
- (c) as necessary to meet needs in time of disaster or other major emergency.

(7) The department may, upon the renewal of a license, align the boundaries of an exclusive geographic area with the boundaries of a political subdivision:

- (a) if the alignment is practical and in the public interest;
- (b) if each licensed provider that would be affected by the alignment agrees to the

alignment; and

(c) taking into consideration the requirements of:

- (i) Section 11-48-103; and
- (ii) Section 26-8a-408.

Section 8. Section ~~{26-8a-404}~~26-8a-405.1 is amended to read:

~~{~~ **26-8a-404. Ground ambulance and paramedic licenses -- Application and department review.**

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

- ~~———— (a) submitting a completed application;~~
- ~~———— (b) providing information in the format required by the department; and~~
- ~~———— (c) paying the required fees, including the cost of the hearing officer.~~

~~———— (2) The department shall make rules establishing minimum qualifications and requirements for:~~

- ~~———— (a) personnel;~~
- ~~———— (b) capital reserves;~~
- ~~———— (c) equipment;~~
- ~~———— (d) a business plan;~~

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~~—— (e) operational procedures;~~

~~—— (f) medical direction agreements;~~

~~—— (g) management and control; and~~

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

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

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

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

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

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

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

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

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

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

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

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

~~—— (6) The department may deny an application if [it] the department finds that [it] the application contains any materially false or misleading information, is incomplete, or if the~~

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~~application demonstrates that the applicant fails to meet the minimum qualifications and requirements for licensure under Subsection (2).~~

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

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

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

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

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

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

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

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

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

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

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

(ii) is valid for four years;

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

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

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

(3) Notwithstanding Subsection (2)(b), a political subdivision may terminate a contract

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described in Subsection (1)(c), with or without cause, if:

(a) the contract:

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

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

(b) the political subdivision provides written notice to the applicant described in

Subsection (3)(a)(ii) and the department:

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

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

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

(d) the department:

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

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

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

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

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

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

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

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

Section ~~{10}~~9. Section **26-8a-405.4** is amended to read:

26-8a-405.4. Non-911 provider -- Finding of meritorious complaint -- Request for proposals.

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

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

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

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

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

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

(ii) determine whether the complaint has merit;

(iii) issue a finding of:

(A) a meritorious complaint; or

(B) a non-meritorious complaint; and

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) a hospital;

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- (ii) a health care facility;
- (iii) a political subdivision; or
- (iv) an individual; and

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

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

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

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

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

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

Section ~~{11}~~10. Section **26-8a-405.5** is amended to read:

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

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

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

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

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

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

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

(2) (a) Proposals shall be opened so as to avoid disclosure of contents to competing

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offerors during the process of negotiations.

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

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

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

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

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

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

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

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

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

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

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

(b) shall require the applicant responding to the proposal to disclose how the applicant

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will meet performance standards in the request for proposal;

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

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

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

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

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

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

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

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

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

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

(A) response times;

(B) staging locations;

(C) experience;

(D) quality of care; and

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

(5) A license issued under this section:

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

(b) is valid for four years;

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

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

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

Section ~~{12}~~11. Section **26-8a-413** is amended to read:

26-8a-413. License renewals.

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

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

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

(b) there has been:

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

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

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

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

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

(v) no change to the license type.

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

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

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

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

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

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

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

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

26-8a-416. Overlap areas.

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

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

[(3) For each overlap, the department shall meet with the affected licensed providers and provide 120 days for a negotiated resolution, consistent with the criteria in Section 26-8a-408.]

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

[(b) If a resolution is not reached under Subsection (2), the department or any of the

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licensed providers involved in the matter may request the commencement of a formal adjudicative proceeding to resolve the overlap.]

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

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

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

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

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

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

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

(a) relinquishment by the provider; or

(b) revocation by the department.