

1 **INSURANCE COVERAGE FOR VOLUNTEER EMERGENCY**
2 **MEDICAL SERVICE PERSONNEL**

3 2021 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Steven J. Lund**

6 Senate Sponsor: _____

8 **LONG TITLE**

9 **General Description:**

10 This bill creates the Volunteer Emergency Medical Service Personnel Health Insurance
11 Program.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ creates the Volunteer Emergency Medical Service Personnel Health Insurance
15 Program;
- 16 ▶ describes program benefit limits and eligibility;
- 17 ▶ requires the Department of Health to convene an advisory board;
- 18 ▶ authorizes program participants to participate in the Public Employees' Benefit and
19 Insurance Program; and
- 20 ▶ amends the definition of "volunteer" in the Volunteer Government Workers Act.

21 **Money Appropriated in this Bill:**

22 None

23 **Other Special Clauses:**

24 None

25 **Utah Code Sections Affected:**

26 AMENDS:

27 **49-20-201**, as last amended by Laws of Utah 2015, Chapter 107



28 [67-20-2](#), as last amended by Laws of Utah 2013, Chapter 249

29 ENACTS:

30 [26-8a-603](#), Utah Code Annotated 1953



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

33 Section 1. Section **26-8a-603** is enacted to read:

34 **26-8a-603. Volunteer Emergency Medical Service Personnel Health Insurance**
35 **Program -- Creation -- Administration -- Benefits -- Eligibility -- Rulemaking -- Advisory**
36 **board.**

37 (1) As used in this section:

38 (a) "Health benefit plan" means the same as that term is defined in Section [31A-1-301](#).

39 (b) "Program" means the Volunteer Emergency Medical Service Personnel Health
40 Insurance Program described in this section.

41 (c) "Qualifying association" means an association that represents two or more political
42 subdivisions in the state.

43 (2) The Volunteer Emergency Medical Service Personnel Health Insurance Program
44 shall promote recruitment and retention of volunteer emergency medical service personnel by
45 making health insurance available to volunteer emergency medical service personnel.

46 (3) The department shall contract with a qualifying association to create, implement,
47 and administer the Volunteer Emergency Medical Service Personnel Health Insurance Program
48 described in this section.

49 (4) Eligibility for the program is limited to emergency medical service personnel who:

50 (a) are licensed under Section [26-8a-302](#) and are able to perform all necessary
51 functions associated with the license;

52 (b) provide emergency medical services:

53 (i) on an active, ongoing basis;

54 (ii) within a county of the third, fourth, fifth, or sixth class;

55 (iii) under the direction of a governmental entity;

56 (A) licensed under this chapter as an emergency medical service provider; and

57 (B) that did not offer health insurance benefits to volunteer emergency medical service
58 personnel on January 1, 2021; and

59 (iv) as a volunteer under the Fair Labor Standards Act, in accordance with 29 C.F.R.
 60 Sec. 553.106;

61 (c) are not eligible for a health benefit plan through an employer;

62 (d) are not eligible for medical coverage under a government sponsored healthcare
 63 program; and

64 (e) reside in the state.

65 (5) (a) A participant in the program is eligible to participate in the Public Employees'
 66 Benefit and Insurance Program in accordance with Subsection (5)(b) and Subsection
 67 49-20-201(3).

68 (b) Benefits available to program participants under the Public Employees' Benefit and
 69 Insurance Program are limited to health insurance that:

70 (i) covers the program participant and the program participant's eligible dependents;

71 (ii) terminates on the last day of the month in which the individual is a participant in
 72 the Volunteer Emergency Medical Service Personnel Health Insurance Program; and

73 (iii) is not subject to continuation rights under state or federal law.

74 (6) (a) The department may make rules in accordance with Title 63G, Chapter 3, Utah
 75 Administrative Rulemaking Act, to define additional criteria regarding benefit design and
 76 eligibility for the program.

77 (b) The department shall convene an advisory board:

78 (i) to advise the department on making rules under Subsection (6)(a); and

79 (ii) that includes representation from at least the following entities:

80 (A) the qualifying association that receives the contract under Subsection (3); and

81 (B) the Public Employees' Benefit and Insurance Program created in Section

82 49-20-103.

83 (7) The qualifying association that receives the contract under Subsection (3) shall be
 84 considered the public agency for whom the program participant is volunteering under 29 C.F.R.
 85 Sec. 553.101.

86 Section 2. Section **49-20-201** is amended to read:

87 **49-20-201. Program participation -- Eligibility -- Optional for certain groups.**

88 (1) (a) The state shall participate in the program on behalf of its employees.

89 (b) Other employers, including political subdivisions and educational institutions, are

90 eligible, but are not required, to participate in the program on behalf of their employees.

91 (2) (a) As provided in Subsection 26-40-110(5), the Department of Health may
92 participate in the program for the purpose of providing health and dental benefits to children
93 enrolled in the Utah Children's Health Insurance Program created in Title 26, Chapter 40, Utah
94 Children's Health Insurance Act.

95 (b) If the Department of Health participates in the program under the provisions of this
96 Subsection (2), all insurance risk associated with the Utah Children's Health Insurance Program
97 shall be the responsibility of the Department of Health and not the program or the office.

98 (3) Volunteer emergency medical service personnel are eligible to participate in the
99 program in accordance with Section 26-8a-603.

100 [~~3~~] (4) A covered individual shall be eligible for coverage after termination of
101 employment under rules adopted by the board.

102 [~~4~~] (5) Only the following are eligible for Medicare supplement coverage under this
103 chapter upon becoming eligible for Medicare Part A and Part B coverage:

- 104 (a) retirees;
- 105 (b) members;
- 106 (c) participants;
- 107 (d) employees who have medical employee benefit plan coverage at the time of their
108 retirement; and
- 109 (e) current spouses of those who are eligible under Subsections [~~4~~] (5)(a) through (d).

110 Section 3. Section 67-20-2 is amended to read:

111 **67-20-2. Definitions.**

112 As used in this chapter:

113 (1) "Agency" means:

- 114 (a) a department, institution, office, college, university, authority, division, board,
115 bureau, commission, council, or other agency of the state;
- 116 (b) a county, city, town, school district, or special improvement or taxing district; or
- 117 (c) any other political subdivision.

118 (2) "Compensatory service worker" means a person who performs a public service with
119 or without compensation for an agency as a condition or part of the person's:

- 120 (a) incarceration;

- 121 (b) plea;
- 122 (c) sentence;
- 123 (d) diversion;
- 124 (e) probation; or
- 125 (f) parole.
- 126 (3) (a) "Volunteer" means a person who donates service without pay or other
- 127 compensation except:
 - 128 (i) expenses actually and reasonably incurred as approved by the supervising agency;
 - 129 and
 - 130 (ii) health insurance received by a participant in the Volunteer Emergency Medical
 - 131 Service Personnel Health Insurance Program described in Section [26-8a-603](#).
- 132 (b) "Volunteer" does not include:
 - 133 (i) a person participating in human subjects research to the extent that the participation
 - 134 is governed by federal law or regulation inconsistent with this chapter; or
 - 135 (ii) a compensatory service worker.
- 136 (c) "Volunteer" includes a juror or potential juror appearing in response to a summons
- 137 for a trial jury or grand jury.
- 138 (4) "Volunteer facilitator" means a business or nonprofit organization that, from
- 139 individuals who have a relationship with the business or nonprofit organization, such as
- 140 membership or employment, provides volunteers to an agency or facilitates volunteers
- 141 volunteering with an agency.
- 142 (5) "Volunteer safety officer" means an individual who:
 - 143 (a) provides services as a volunteer under the supervision of an agency; and
 - 144 (b) at the time the individual provides the services to the supervising agency described
 - 145 in Subsection (5)(a), the individual is:
 - 146 (i) exercising peace officer authority as provided in Section [53-13-102](#); or
 - 147 (ii) if the supervising agency described in Subsection (5)(a) is a fire department:
 - 148 (A) on the rolls of the supervising agency as a firefighter;
 - 149 (B) not regularly employed as a firefighter by the supervising agency; and
 - 150 (C) acting in a capacity that includes the responsibility for the extinguishment of fire.
 - 151 (6) "Volunteer search and rescue team member" means an individual who:

152 (a) provides services as a volunteer under the supervision of a county sheriff; and

153 (b) at the time the individual provides the services to the county sheriff described in

154 Subsection (6)(a), is:

155 (i) certified as a member of the county sheriff's search and rescue team; and

156 (ii) acting in the capacity of a member of the search and rescue team of the supervising

157 county sheriff.