

1                   **GROUND AMBULANCE INTERFACILITY TRANSPORT**  
2                                   **LICENSING**

3                                   2022 GENERAL SESSION

4                                   STATE OF UTAH

5                                   **Chief Sponsor: Ryan D. Wilcox**

6                                   Senate Sponsor: Curtis S. Bramble

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8 **LONG TITLE**

9 **General Description:**

10                   This bill amends the Utah Emergency Medical Services System Act.

11 **Highlighted Provisions:**

12                   This bill:

- 13                   ▶ defines terms;
- 14                   ▶ requires an applicant for ground ambulance or paramedic services to meet certain
- 15 requirements with respect to a geographic service area; and
- 16                   ▶ repeals obsolete language regarding a transition to eliminate inconsistent licenses.

17 **Money Appropriated in this Bill:**

18                   None

19 **Other Special Clauses:**

20                   None

21 **Utah Code Sections Affected:**

22 **AMENDS:**

23                   **26-8a-102**, as last amended by Laws of Utah 2021, Chapters 208, 237, and 265

24                   **26-8a-404**, as last amended by Laws of Utah 2019, Chapter 390

25                   **26-8a-416**, as enacted by Laws of Utah 1999, Chapter 141

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



28 Section 1. Section **26-8a-102** is amended to read:

29 **26-8a-102. Definitions.**

30 As used in this chapter:

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

32 (i) either:

33 (A) 911 ambulance service;

34 (B) 911 paramedic service; or

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

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

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

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

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

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

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

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

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

46 (4) (a) "Behavioral emergency services" means delivering a behavioral health  
47 intervention to a patient in an emergency context within a scope and in accordance with  
48 guidelines established by the department.

49 (b) "Behavioral emergency services" does not include engaging in the:

50 (i) practice of mental health therapy as defined in Section [58-60-102](#);

51 (ii) practice of psychology as defined in Section [58-61-102](#);

52 (iii) practice of clinical social work as defined in Section [58-60-202](#);

53 (iv) practice of certified social work as defined in Section [58-60-202](#);

54 (v) practice of marriage and family therapy as defined in Section [58-60-302](#); or

55 (vi) practice of clinical mental health counseling as defined in Section [58-60-402](#); and

56 (vii) practice as a substance use disorder counselor as defined in Section [58-60-502](#).

57 (5) "Committee" means the State Emergency Medical Services Committee created by  
58 Section [26-1-7](#).

59 (6) "Direct medical observation" means in-person observation of a patient by a  
60 physician, registered nurse, physician's assistant, or individual licensed under Section  
61 [26-8a-302](#).

62 (7) "Emergency medical condition" means:

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

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

67 (ii) serious impairment to bodily functions; or

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

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

72 (8) (a) "Emergency medical service personnel" means an individual who provides  
73 emergency medical services or behavioral emergency services to a patient and is required to be  
74 licensed or certified under Section [26-8a-302](#).

75 (b) "Emergency medical service personnel" includes a paramedic, medical director of a  
76 licensed emergency medical service provider, emergency medical service instructor, behavioral  
77 emergency services technician, other categories established by the committee, and a certified  
78 emergency medical dispatcher.

79 (9) "Emergency medical service providers" means:

80 (a) licensed ambulance providers and paramedic providers;

81 (b) a facility or provider that is required to be designated under Subsection  
82 [26-8a-303\(1\)\(a\)](#); and

83 (c) emergency medical service personnel.

84 (10) "Emergency medical services" means:

85 (a) medical services;

86 (b) transportation services;

87 (c) behavioral emergency services; or

88 (d) any combination of the services described in Subsections (10)(a) through (c).

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

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

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

93 (12) "Governing body":

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

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

98 (13) "Interested party" means:

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

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

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

107 (14) "Level of service" means the level at which an ambulance provider type of service  
108 is licensed as:

109 (a) emergency medical technician;

110 (b) advanced emergency medical technician; or

111 (c) paramedic.

112 ~~[(14)]~~ (15) "Medical control" means a person who provides medical supervision to an  
113 emergency medical service provider.

114 ~~[(15)]~~ (16) "Non-911 service" means transport of a patient that is not 911 transport  
115 under Subsection (1).

116 ~~[(16)]~~ (17) "Nonemergency secured behavioral health transport" means an entity that:

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

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

119 (ii) requires behavioral health observation during transport between any of the  
120 following facilities:

- 121 (A) a licensed acute care hospital;
- 122 (B) an emergency patient receiving facility;
- 123 (C) a licensed mental health facility; and
- 124 (D) the office of a licensed health care provider; and
- 125 (b) is required to be designated under Section 26-8a-303.
- 126 ~~[(17)]~~ (18) "Paramedic provider" means an entity that:
- 127 (a) employs emergency medical service personnel; and
- 128 (b) is required to obtain a license under Part 4, Ambulance and Paramedic Providers.
- 129 ~~[(18)]~~ (19) "Patient" means an individual who, as the result of illness, injury, or a
- 130 behavioral emergency condition, meets any of the criteria in Section 26-8a-305.
- 131 ~~[(19)]~~ (20) "Political subdivision" means:
- 132 (a) a city, town, or metro township;
- 133 (b) a county;
- 134 (c) a special service district created under Title 17D, Chapter 1, Special Service
- 135 District Act, for the purpose of providing fire protection services under Subsection
- 136 17D-1-201(9);
- 137 (d) a local district created under Title 17B, Limited Purpose Local Government Entities
- 138 - Local Districts, for the purpose of providing fire protection, paramedic, and emergency
- 139 services;
- 140 (e) areas coming together as described in Subsection 26-8a-405.2(2)(b)(ii); or
- 141 (f) an interlocal entity under Title 11, Chapter 13, Interlocal Cooperation Act.
- 142 ~~[(20)]~~ (21) "Trauma" means an injury requiring immediate medical or surgical
- 143 intervention.
- 144 ~~[(21)]~~ (22) "Trauma system" means a single, statewide system that:
- 145 (a) organizes and coordinates the delivery of trauma care within defined geographic
- 146 areas from the time of injury through transport and rehabilitative care; and
- 147 (b) is inclusive of all prehospital providers, hospitals, and rehabilitative facilities in
- 148 delivering care for trauma patients, regardless of severity.
- 149 ~~[(22)]~~ (23) "Triage" means the sorting of patients in terms of disposition, destination,
- 150 or priority. For prehospital trauma victims, triage requires a determination of injury severity to
- 151 assess the appropriate level of care according to established patient care protocols.

152            [~~(23)~~] (24) "Triage, treatment, transportation, and transfer guidelines" means written  
153 procedures that:

- 154            (a) direct the care of patients; and
- 155            (b) are adopted by the medical staff of an emergency patient receiving facility, trauma  
156 center, or an emergency medical service provider.

157            (25) "Type of service" means the category at which an ambulance provider is licensed  
158 as:

- 159            (a) ground ambulance transport;
- 160            (b) ground ambulance interfacility transport; or
- 161            (c) both ground ambulance transport and ground ambulance interfacility transport.

162            Section 2. Section **26-8a-404** is amended to read:

163            **26-8a-404. Ground ambulance and paramedic licenses -- Application and**  
164 **department review.**

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

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

170            (2) The department shall make rules establishing minimum qualifications and  
171 requirements for:

- 172            (a) personnel;
- 173            (b) capital reserves;
- 174            (c) equipment;
- 175            (d) a business plan;
- 176            (e) operational procedures;
- 177            (f) medical direction agreements;
- 178            (g) management and control; and
- 179            (h) other matters that may be relevant to an applicant's ability to provide ground  
180 ambulance or paramedic service.

181            (3) An application for a license to provide ground ambulance service or paramedic  
182 service shall be for all ground ambulance services or paramedic services arising within the

183 geographic service area, except that an applicant may apply for a license for less than all  
184 ground ambulance services or all paramedic services arising within an exclusive geographic  
185 area if it can demonstrate how the remainder of that area will be served.

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

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

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

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

193 (b) If the department determines that the applicant has demonstrated the ability to  
194 provide the higher level of service in accordance with Subsection (4)(a), the department shall  
195 issue a revised license reflecting the higher level of service and the requirements of Section  
196 [26-8a-408](#) do not apply.

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

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

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

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

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

205 (6) The department may deny an application if it finds that it contains any materially  
206 false or misleading information, is incomplete, or if the application demonstrates that the  
207 applicant fails to meet the minimum qualifications and requirements for licensure under  
208 Subsection (2).

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

212 Section 3. Section [26-8a-416](#) is amended to read:

213 **[26-8a-416. Overlapping licenses.](#)**

214 ~~[(1) By May 30, 2000, the department shall review all licenses in effect on October 2,~~  
 215 ~~1999, to identify overlap, as defined in department rule, in the service areas of two or more~~  
 216 ~~licensed providers.]~~

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

220 ~~[(3) For each overlap, the department shall meet with the affected licensed providers~~  
 221 ~~and provide 120 days for a negotiated resolution, consistent with the criteria in Section~~  
 222 ~~26-8a-408.]~~

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

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

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

231 (1) As used in this section ~~Ĥ~~→ ["overlap"] :

231a (a) "Overlap" ←Ĥ means two ground ambulance interfacility  
 232 transport providers that are licensed at the same level of service in all or part of a single  
 233 geographic service area.

233a ~~Ĥ~~→ (b) "Overlay" means two ground ambulance interfacility transport providers that  
 233b are licensed at a different level of service in all or part of a single geographic service area. ←Ĥ

234 ~~[(6)]~~ (2) Notwithstanding the exclusive geographic service requirement of Section  
 235 26-8a-402, the department ~~[may amend one or more licenses after a resolution is reached or an~~  
 236 ~~adjudicative proceeding has been held to allow:] shall recognize overlap ~~Ĥ~~→ and overlay ←Ĥ  
 236a ground ambulance  
 237 interfacility transport licenses that existed on or before May 4, 2022.~~

238 ~~[(a) a single licensed provider to serve all or part of the overlap area;]~~

239 ~~[(b) more than one licensed provider to serve the overlap area;]~~

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

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

242 (3) The department may, without an adjudicative proceeding ~~Ŝ~~→ **but with at least 30 days**  
 242a1 notice to providers in the same geographic service area ←Ŝ , amend an existing  
 242a ~~Ĥ~~→ overlay ←Ĥ ground  
 243 ambulance interfacility transport license ~~Ŝ~~→ **[that creates a new] solely to convert an overlay into**  
 243a **an ←Ŝ** overlap if the existing ground



244 ambulance interfacility transport ~~§~~→ **licensed** ←~~§~~ provider meets the requirements described in  
244a Subsection

245 [26-8a-404\(4\)](#).

245a **Ŝ→ (4) An amendment of a license under this section may not alter:**  
245b **(a) other terms of the original license, including the applicable geographic service area; or**  
245c **(b) the license of other providers that provide interfacility transport services in the geographic**  
245d **service area.** ←Ŝ

246 [(7)] Ŝ→ [(4)] (5) ←Ŝ Notwithstanding Subsection [(6)] (2), any license for an overlap area  
247 terminates upon:

- 248 (a) relinquishment by the provider; or
- 249 (b) revocation by the department.