

**INSURANCE COVERAGE FOR EMERGENCY MEDICAL  
SERVICE PERSONNEL**

2022 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Dan N. Johnson**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This bill:

- ▶ creates the Volunteer Emergency Medical Service Personnel Health Insurance Program;
- ▶ describes the program benefit limits and eligibility;
- ▶ requires the Department of Health to convene an advisory board;
- ▶ authorizes program participants to participate in the Public Employees' Benefit and Insurance Program;
- ▶ amends the definition of "volunteer" in the Volunteer Government Workers Act;
- ▶ establishes a sunset date for the Volunteer Emergency Medical Service Personnel Health Insurance Program; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None



28 **Utah Code Sections Affected:**

29 AMENDS:

30 [49-20-201](#), as last amended by Laws of Utah 2015, Chapter 107

31 [63I-1-226](#), as last amended by Laws of Utah 2021, Chapters 13, 50, 64, 163, 182, 234,

32 and 417

33 [67-20-2](#), as last amended by Laws of Utah 2013, Chapter 249

34 ENACTS:

35 [26-8a-603](#), Utah Code Annotated 1953



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

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

39 **26-8a-603. Volunteer Emergency Medical Service Personnel Health Insurance**

40 **Program -- Creation -- Administration -- Benefits -- Eligibility -- Rulemaking -- Advisory**

41 **board.**

42 (1) As used in this section:

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

44 (b) "Local government entity" means a municipality or a county that:

45 (i) is licensed as a ground ambulance provider as described in Section [11-48-103](#); and

46 (ii) as of January 1, 2022, does not offer health insurance benefits to volunteer

47 emergency medical service personnel.

48 (c) "PEHP" means the Public Employees Health Benefit and Insurance Program

49 created in Section [49-20-103](#).

50 (d) "Qualifying association" means an association that represents two or more political

51 subdivisions in the state.

52 (2) The Volunteer Emergency Medical Service Personnel Health Insurance Program

53 shall promote recruitment and retention of volunteer emergency medical service personnel by

54 making health insurance available to volunteer emergency medical service personnel.

55 (3) The department shall contract with a qualifying association to create, implement,

56 and administer the Volunteer Emergency Medical Service Personnel Health Insurance Program

57 described in this section.

58 (4) Participation in the program is limited to emergency medical service personnel

59 who:

60 (a) are licensed under Section 26-8a-302 and are able to perform all necessary  
61 functions associated with the license;

62 (b) provide emergency medical services under the direction of a local governmental  
63 entity:

64 (i) by responding to 20% of calls for emergency medical services in a rolling  
65 twelve-month period;

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

67 (iii) as a volunteer under the Fair Labor Standards Act, in accordance with 29 C.F.R.  
68 Sec. 553.106;

69 (c) are not eligible for a health benefit plan through an employer or a spouse's  
70 employer;

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

73 (e) reside in the state.

74 (5) (a) A participant in the program is eligible to participate in PEHP in accordance  
75 with Subsection (5)(b) and Subsection 49-20-201(3).

76 (b) Benefits available to program participants under PEHP are limited to health  
77 insurance that:

78 (i) covers the program participant and the program participant's eligible dependents on  
79 a July 1 plan year;

80 (ii) accepts enrollment during an open enrollment period or for a special enrollment  
81 event, including the initial eligibility of a program participant;

82 (iii) if the program participant is no longer eligible for benefits, terminates on the last  
83 day of the last month for which the individual is a participant in the Volunteer Emergency  
84 Medical Service Personnel Health Insurance Program; and

85 (iv) is not subject to continuation rights under state or federal law.

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

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

90 (i) to advise the department on making rules under Subsection (6)(a); and  
 91 (ii) that includes representation from at least the following entities:  
 92 (A) the qualifying association that receives the contract under Subsection (3); and  
 93 (B) PEHP.  
 94 (7) The qualifying association that receives the contract under Subsection (3) shall be  
 95 considered the public agency for whom the program participant is volunteering under 29 C.F.R.  
 96 Sec. 553.101.

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

98 **49-20-201. Program participation -- Eligibility -- Optional for certain groups.**

99 (1) (a) The state shall participate in the program on behalf of [~~its~~] the state's employees.

100 (b) Other employers, including political subdivisions and educational institutions, are  
 101 eligible, but are not required, to participate in the program on behalf of their employees.

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

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

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

111 [~~3~~] (4) A covered individual shall be eligible for coverage after termination of  
 112 employment under rules adopted by the board.

113 [~~4~~] (5) Only the following are eligible for Medicare supplement coverage under this  
 114 chapter upon becoming eligible for Medicare Part A and Part B coverage:

115 (a) retirees;

116 (b) members;

117 (c) participants;

118 (d) employees who have medical employee benefit plan coverage at the time of their  
 119 retirement; and

120 (e) current spouses of those who are eligible under Subsections [~~4~~] (5)(a) through (d).

- 121 Section 3. Section **63I-1-226** is amended to read:  
122 **63I-1-226. Repeal dates, Title 26.**
- 123 (1) Subsection **26-1-7(1)(f)**, related to the Residential Child Care Licensing Advisory  
124 Committee, is repealed July 1, 2024.
- 125 (2) Subsection **26-1-7(1)(h)**, related to the Primary Care Grant Committee, is repealed  
126 July 1, 2025.
- 127 (3) Section **26-1-7.5**, which creates the Utah Health Advisory Council, is repealed July  
128 1, 2025.
- 129 (4) Section **26-1-40** is repealed July 1, 2022.
- 130 (5) Section **26-1-41** is repealed July 1, 2026.
- 131 (6) Section **26-7-10** is repealed July 1, 2025.
- 132 (7) Subsection **26-7-11(5)**, regarding reports to the Legislature, is repealed July 1,  
133 2028.
- 134 (8) Section **26-7-14** is repealed December 31, 2027.
- 135 (9) Title 26, Chapter 9f, Utah Digital Health Service Commission Act, is repealed July  
136 1, 2025.
- 137 (10) Subsection **26-10-6(5)**, which creates the Newborn Hearing Screening Committee,  
138 is repealed July 1, 2026.
- 139 (11) Section **26-10b-106**, which creates the Primary Care Grant Committee, is repealed  
140 July 1, 2025.
- 141 (12) Subsection **26-15c-104(3)**, relating to a limitation on the number of  
142 microenterprise home kitchen permits that may be issued, is repealed on July 1, 2022.
- 143 (13) Subsection **26-18-2.6(9)**, which addresses reimbursement for dental hygienists, is  
144 repealed July 1, 2028.
- 145 (14) Section **26-18-27** is repealed July 1, 2025.
- 146 (15) Title 26, Chapter 18, Part 2, Drug Utilization Review Board, is repealed July 1,  
147 2027.
- 148 (16) Subsection **26-18-418(2)**, the language that states "and the Behavioral Health  
149 Crisis Response Commission created in Section **63C-18-202**" is repealed July 1, 2023.
- 150 (17) Section **26-33a-117** is repealed on December 31, 2023.
- 151 (18) Title 26, Chapter 33a, Utah Health Data Authority Act, is repealed July 1, 2024.

152 (19) Title 26, Chapter 36b, Inpatient Hospital Assessment Act, is repealed July 1,  
153 2024.

154 (20) Title 26, Chapter 36c, Medicaid Expansion Hospital Assessment Act, is repealed  
155 July 1, 2024.

156 (21) Title 26, Chapter 36d, Hospital Provider Assessment Act, is repealed July 1, 2024.

157 (22) Section [26-39-201](#), which creates the Residential Child Care Licensing Advisory  
158 Committee, is repealed July 1, 2024.

159 (23) Section [26-40-104](#), which creates the Utah Children's Health Insurance Program  
160 Advisory Council, is repealed July 1, 2025.

161 (24) Section [26-50-202](#), which creates the Traumatic Brain Injury Advisory  
162 Committee, is repealed July 1, 2025.

163 (25) Title 26, Chapter 54, Spinal Cord and Brain Injury Rehabilitation Fund and  
164 Pediatric Neuro-Rehabilitation Fund, is repealed January 1, 2025.

165 (26) Title 26, Chapter 63, Nurse Home Visiting Pay-for-Success Program, is repealed  
166 July 1, 2026.

167 (27) Title 26, Chapter 66, Early Childhood Utah Advisory Council, is repealed July 1,  
168 2026.

169 (28) Title 26, Chapter 68, COVID-19 Vaccine Restrictions Act, is repealed July 1,  
170 2024.

171 (29) Section [26-8a-603](#) is repealed July 1, 2027.

172 Section 4. Section **67-20-2** is amended to read:

173 **67-20-2. Definitions.**

174 As used in this chapter:

175 (1) "Agency" means:

176 (a) a department, institution, office, college, university, authority, division, board,  
177 bureau, commission, council, or other agency of the state;

178 (b) a county, city, town, school district, or special improvement or taxing district; or

179 (c) any other political subdivision.

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

182 (a) incarceration;

- 183 (b) plea;
- 184 (c) sentence;
- 185 (d) diversion;
- 186 (e) probation; or
- 187 (f) parole.

188 (3) (a) "Volunteer" means [~~a person~~] an individual who donates service without pay or  
189 other compensation except:

190 (i) expenses actually and reasonably incurred as approved by the supervising agency[-];

191 and

192 (ii) health insurance received by a participant in the Volunteer Emergency Medical  
193 Service Personnel Health Insurance Program described in Section [26-8a-603](#).

194 (b) "Volunteer" does not include:

195 (i) a person participating in human subjects research to the extent that the participation  
196 is governed by federal law or regulation inconsistent with this chapter; or

197 (ii) a compensatory service worker.

198 (c) "Volunteer" includes a juror or potential juror appearing in response to a summons  
199 for a trial jury or grand jury.

200 (4) "Volunteer facilitator" means a business or nonprofit organization that, from  
201 individuals who have a relationship with the business or nonprofit organization, such as  
202 membership or employment, provides volunteers to an agency or facilitates volunteers  
203 volunteering with an agency.

204 (5) "Volunteer safety officer" means an individual who:

205 (a) provides services as a volunteer under the supervision of an agency; and

206 (b) at the time the individual provides the services to the supervising agency described  
207 in Subsection (5)(a), the individual is:

208 (i) exercising peace officer authority as provided in Section [53-13-102](#); or

209 (ii) if the supervising agency described in Subsection (5)(a) is a fire department:

210 (A) on the rolls of the supervising agency as a firefighter;

211 (B) not regularly employed as a firefighter by the supervising agency; and

212 (C) acting in a capacity that includes the responsibility for the extinguishment of fire.

213 (6) "Volunteer search and rescue team member" means an individual who:

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

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

216 Subsection (6)(a), is:

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

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

219 county sheriff.