

Representative Dan N. Johnson proposes the following substitute bill:

**INSURANCE COVERAGE FOR EMERGENCY MEDICAL
SERVICE PERSONNEL**

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Dan N. Johnson

Senate Sponsor: Derrin R. Owens

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



26 **Other Special Clauses:**

27 This bill provides a coordination clause.

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

36 **Utah Code Sections Affected by Coordination Clause:**

37 [67-20-2](#), as last amended by Laws of Utah 2013, Chapter 249



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

40 Section 1. Section [26-8a-603](#) is enacted to read:

41 **[26-8a-603](#). Volunteer Emergency Medical Service Personnel Health Insurance**

42 **Program -- Creation -- Administration -- Benefits -- Eligibility -- Rulemaking -- Advisory**
43 **board.**

44 (1) As used in this section:

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

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

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

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

49 emergency medical service personnel.

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

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

52 (d) "Qualifying association" means an association that represents two or more political
53 subdivisions in the state.

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

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

60 (4) Participation in the program is limited to emergency medical service personnel
61 who:

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

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

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

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

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

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

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

75 (e) reside in the state.

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

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

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

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

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

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

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

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

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

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

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

95 (B) PEHP.

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

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

100 **49-20-201. Program participation -- Eligibility -- Optional for certain groups.**

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

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

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

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

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

113 ~~[(3)]~~ (4) A covered individual shall be eligible for coverage after termination of
114 employment under rules adopted by the board.

115 ~~[(4)]~~ (5) Only the following are eligible for Medicare supplement coverage under this
116 chapter upon becoming eligible for Medicare Part A and Part B coverage:

117 (a) retirees;

118 (b) members;

- 119 (c) participants;
- 120 (d) employees who have medical employee benefit plan coverage at the time of their
121 retirement; and
- 122 (e) current spouses of those who are eligible under Subsections [~~(4)~~] (5)(a) through (d).
- 123 Section 3. Section **63I-1-226** is amended to read:
- 124 **63I-1-226. Repeal dates, Title 26.**
- 125 (1) Subsection 26-1-7(1)(f), related to the Residential Child Care Licensing Advisory
126 Committee, is repealed July 1, 2024.
- 127 (2) Subsection 26-1-7(1)(h), related to the Primary Care Grant Committee, is repealed
128 July 1, 2025.
- 129 (3) Section 26-1-7.5, which creates the Utah Health Advisory Council, is repealed July
130 1, 2025.
- 131 (4) Section 26-1-40 is repealed July 1, 2022.
- 132 (5) Section 26-1-41 is repealed July 1, 2026.
- 133 (6) Section 26-7-10 is repealed July 1, 2025.
- 134 (7) Subsection 26-7-11(5), regarding reports to the Legislature, is repealed July 1,
135 2028.
- 136 (8) Section 26-7-14 is repealed December 31, 2027.
- 137 (9) Title 26, Chapter 9f, Utah Digital Health Service Commission Act, is repealed July
138 1, 2025.
- 139 (10) Subsection 26-10-6(5), which creates the Newborn Hearing Screening Committee,
140 is repealed July 1, 2026.
- 141 (11) Section 26-10b-106, which creates the Primary Care Grant Committee, is repealed
142 July 1, 2025.
- 143 (12) Subsection 26-15c-104(3), relating to a limitation on the number of
144 microenterprise home kitchen permits that may be issued, is repealed on July 1, 2022.
- 145 (13) Subsection 26-18-2.6(9), which addresses reimbursement for dental hygienists, is
146 repealed July 1, 2028.
- 147 (14) Section 26-18-27 is repealed July 1, 2025.
- 148 (15) Title 26, Chapter 18, Part 2, Drug Utilization Review Board, is repealed July 1,
149 2027.

- 150 (16) Subsection 26-18-418(2), the language that states "and the Behavioral Health
151 Crisis Response Commission created in Section 63C-18-202" is repealed July 1, 2023.
- 152 (17) Section 26-33a-117 is repealed on December 31, 2023.
- 153 (18) Title 26, Chapter 33a, Utah Health Data Authority Act, is repealed July 1, 2024.
- 154 (19) Title 26, Chapter 36b, Inpatient Hospital Assessment Act, is repealed July 1,
155 2024.
- 156 (20) Title 26, Chapter 36c, Medicaid Expansion Hospital Assessment Act, is repealed
157 July 1, 2024.
- 158 (21) Title 26, Chapter 36d, Hospital Provider Assessment Act, is repealed July 1, 2024.
- 159 (22) Section 26-39-201, which creates the Residential Child Care Licensing Advisory
160 Committee, is repealed July 1, 2024.
- 161 (23) Section 26-40-104, which creates the Utah Children's Health Insurance Program
162 Advisory Council, is repealed July 1, 2025.
- 163 (24) Section 26-50-202, which creates the Traumatic Brain Injury Advisory
164 Committee, is repealed July 1, 2025.
- 165 (25) Title 26, Chapter 54, Spinal Cord and Brain Injury Rehabilitation Fund and
166 Pediatric Neuro-Rehabilitation Fund, is repealed January 1, 2025.
- 167 (26) Title 26, Chapter 63, Nurse Home Visiting Pay-for-Success Program, is repealed
168 July 1, 2026.
- 169 (27) Title 26, Chapter 66, Early Childhood Utah Advisory Council, is repealed July 1,
170 2026.
- 171 (28) Title 26, Chapter 68, COVID-19 Vaccine Restrictions Act, is repealed July 1,
172 2024.
- 173 (29) Section 26-8a-603 is repealed July 1, 2027.
- 174 Section 4. Section 67-20-2 is amended to read:
- 175 **67-20-2. Definitions.**
- 176 As used in this chapter:
- 177 (1) "Agency" means:
- 178 (a) a department, institution, office, college, university, authority, division, board,
179 bureau, commission, council, or other agency of the state;
- 180 (b) a county, city, town, school district, or special improvement or taxing district; or

181 (c) any other political subdivision.

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

184 (a) incarceration;

185 (b) plea;

186 (c) sentence;

187 (d) diversion;

188 (e) probation; or

189 (f) parole.

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

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

193 and

194 (ii) health insurance received by a participant in the Volunteer Emergency Medical

195 Service Personnel Health Insurance Program described in Section [26-8a-603](#).

196 (b) "Volunteer" does not include:

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

199 (ii) a compensatory service worker.

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

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

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

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

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

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

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

- 212 (A) on the rolls of the supervising agency as a firefighter;
- 213 (B) not regularly employed as a firefighter by the supervising agency; and
- 214 (C) acting in a capacity that includes the responsibility for the extinguishment of fire.
- 215 (6) "Volunteer search and rescue team member" means an individual who:
- 216 (a) provides services as a volunteer under the supervision of a county sheriff; and
- 217 (b) at the time the individual provides the services to the county sheriff described in

218 Subsection (6)(a), is:

- 219 (i) certified as a member of the county sheriff's search and rescue team; and
- 220 (ii) acting in the capacity of a member of the search and rescue team of the supervising
- 221 county sheriff.

222 Section 5. **Coordinating H.B. 289 with H.B. 287 -- Technical amendment.**

223 If this H.B. 289 and H.B. 287, Volunteer Government Workers Act, both pass and
 224 become law, it is the intent of the Legislature that the Office of Legislative Research and
 225 General Counsel, in preparing the Utah Code database for publication, modify Subsection
 226 67-20-2(5)(a) in H.B. 287 to read:

227 "~~(3)~~ (5) (a) "Volunteer" means [a person] an individual who donates service without
 228 pay or other compensation except [~~expenses actually and reasonably incurred~~] the following, as
 229 approved by the supervising agency[-]:

- 230 (i) expenses actually and reasonably incurred;
- 231 (ii) a stipend for future higher education expenses, awarded from the National Service
 232 Trust under 45 C.F.R Secs. 2526.10 and 2527.10;
- 233 (iii) a stipend, below the IRS aggregate amount, for:

234 (A) emergency volunteers, including emergency medical service volunteers, volunteer
 235 safety officers, and volunteer search and rescue team members; or

236 (B) non-emergency volunteers, including senior program volunteers and community
 237 event volunteers;

238 (iv) (A) health benefits provided through the supervising agency; or

239 (B) for a volunteer who participates in the Volunteer Emergency Medical Service
 240 Personnel Health Insurance Program described in Section [26-8a-603](#), health insurance provided
 241 through the program;

242 (v) passthrough stipends or other compensation provided to volunteers through a

243 federal or state program, including Americorp Seniors volunteers, consistent with 42 U.S.C.
244 Sec. 5058;

245 (vi) stipends or other compensation, below the IRS aggregate amount, provided to
246 volunteers from any person;

247 (vii) uniforms, identification, personal protective equipment, or safety equipment used
248 by a volunteer only while volunteering for the supervising entity;

249 (viii) a nonpecuniary item not exceeding \$50 in value;

250 (ix) nonpecuniary items, below the IRS aggregate amount, donated to the supervising
251 agency with the express intent of benefitting a volunteer; or

252 (x) meals or gifts, not exceeding \$50 in value, provided as part of a volunteers
253 appreciation event by the volunteering agency."