DUREAU OF ENIERGENCY MEDICAL SERVICES
AMENDMENTS
2024 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Derrin R. Owens
House Sponsor: Dan N. Johnson
LONG TITLE
General Description:
This bill makes technical and conforming changes related to the Bureau of Emergency
Medical Services.
Highlighted Provisions:
This bill:
<ul> <li>authorizes the Department of Public Safety to enter into contracts and to make rules</li> </ul>
related to emergency medical services prior to the transition of the emergency
medical services regulatory authority; and
<ul> <li>makes technical and conforming changes related to the Bureau of Emergency</li> </ul>
Medical Services.
Money Appropriated in this Bill:
None
Other Special Clauses:
This bill provides a special effective date.
<b>Utah Code Sections Affected:</b>
AMENDS:
11-48-101.5, as last amended by Laws of Utah 2023, Chapters 16, 327
26B-6-210, as renumbered and amended by Laws of Utah 2023, Chapter 308
53-2d-101 (Effective 07/01/24), as last amended by Laws of Utah 2023, Chapters 16,



28	327 and renumbered and amended by Laws of Utah 2023, Chapter 310 and last amended by
29	Coordination Clause, Laws of Utah 2023, Chapter 327
30	53-2d-304 (Effective 07/01/24), as renumbered and amended by Laws of Utah 2023,
31	Chapters 307, 310
32	53-2d-402 (Effective 07/01/24), as renumbered and amended by Laws of Utah 2023,
33	Chapters 307, 310
34	53-2d-410 (Effective 07/01/24), as renumbered and amended by Laws of Utah 2023,
35	Chapters 307, 310
36	53-2d-509 (Effective 07/01/24), as renumbered and amended by Laws of Utah 2023,
37	Chapters 307, 310
38	53-2d-805 (Effective 07/01/24), as renumbered and amended by Laws of Utah 2023,
39	Chapters 307, 310
40	58-57-7, as last amended by Laws of Utah 2023, Chapter 329
41	63G-4-102, as last amended by Laws of Utah 2023, Chapter 329
42	63I-2-253 (Superseded 07/01/24), as last amended by Laws of Utah 2023, Chapters 7,
43	21, 33, 142, 167, 168, 310, 380, 383, and 467
44	75-2a-103, as last amended by Laws of Utah 2023, Chapters 139, 330
45	75-2a-106, as last amended by Laws of Utah 2023, Chapter 330
46	76-10-3105, as last amended by Laws of Utah 2023, Chapter 330
47	80-2-1002, as last amended by Laws of Utah 2023, Chapter 330
48	ENACTS:
49	<b>53-2d-101.1</b> , Utah Code Annotated 1953
50 51	Be it enacted by the Legislature of the state of Utah:
52	Section 1. Section <b>11-48-101.5</b> is amended to read:
53	11-48-101.5. Definitions.
54	As used in this chapter:
55	(1) (a) "911 ambulance services" means ambulance services rendered in response to a
56	911 call received by a designated dispatch center that receives 911 or E911 calls.
57	(b) "911 ambulance services" does not mean a seven or [ten] 10 digit telephone call
58	received directly by an ambulance provider licensed under [ <del>Title 26B. Chanter 4. Part 1. Utab</del>

59	Emergency Medical Services System 11tle 53, Chapter 2d, Emergency Medical Services Act.
60	(2) "Municipality" means a city, town, or metro township.
61	(3) "Political subdivision" means a county, city, town, special district, or service
62	district.
63	Section 2. Section <b>26B-6-210</b> is amended to read:
64	26B-6-210. Statewide database Restricted use and access.
65	(1) The division shall maintain a database for reports of vulnerable adult abuse,
66	neglect, or exploitation made pursuant to this part.
67	(2) The database shall include:
68	(a) the names and identifying data of the alleged abused, neglected, or exploited
69	vulnerable adult and the alleged perpetrator;
70	(b) information regarding whether or not the allegation of abuse, neglect, or
71	exploitation was found to be:
72	(i) supported;
73	(ii) inconclusive;
74	(iii) without merit; or
75	(iv) for reports for which the finding is made before May 5, 2008:
76	(A) substantiated; or
77	(B) unsubstantiated; and
78	(c) any other information that may be helpful in furthering the purposes of this part, as
79	determined by the division.
80	(3) Information obtained from the database may be used only:
81	(a) for statistical summaries compiled by the department that do not include names or
82	other identifying data;
83	(b) where identification of an individual as a perpetrator may be relevant in a
84	determination regarding whether to grant or deny a license, privilege, or approval made by:
85	(i) the department;
86	(ii) the Division of Professional Licensing;
87	(iii) the Division of Licensing and Background Checks within the department;
88	(iv) the Bureau of Emergency Medical Services [and Preparedness], within the
89	[department, or a designee of the Bureau of Emergency Medical Services and Preparedness]

90	Department of Public Safety;
91	(v) any government agency specifically authorized by statute to access or use the
92	information in the database; or
93	(vi) an agency of another state that performs a similar function to an agency described
94	in Subsections (3)(b)(i) through (iv); or
95	(c) as otherwise specifically provided by law.
96	Section 3. Section 53-2d-101 (Effective 07/01/24) is amended to read:
97	53-2d-101 (Effective 07/01/24). Definitions.
98	As used in this chapter:
99	(1) (a) "911 ambulance or paramedic services" means:
100	(i) either:
101	(A) 911 ambulance service;
102	(B) 911 paramedic service; or
103	(C) both 911 ambulance and paramedic service; and
104	(ii) a response to a 911 call received by a designated dispatch center that receives 911
105	or E911 calls.
106	(b) "911 ambulance or paramedic services" does not mean a seven or 10 digit
107	telephone call received directly by an ambulance provider licensed under this chapter.
108	[(2) "Account" means the Automatic External Defibrillator Restricted Account, created
109	<del>in Section 53-2d-809.</del> ]
110	[(3)] (2) "Ambulance" means a ground, air, or water vehicle that:
111	(a) transports patients and is used to provide emergency medical services; and
112	(b) is required to obtain a permit under Section 53-2d-404 to operate in the state.
113	[(4)] (3) "Ambulance provider" means an emergency medical service provider that:
114	(a) transports and provides emergency medical care to patients; and
115	(b) is required to obtain a license under Part 5, Ambulance and Paramedic Providers.
116	[(5)] (4) "Automatic external defibrillator" or "AED" means an automated or automatic
117	computerized medical device that:
118	(a) has received pre-market notification approval from the United States Food and
119	Drug Administration, pursuant to 21 U.S.C. Sec. 360(k);
120	(b) is capable of recognizing the presence or absence of ventricular fibrillation or rapid

121	ventricular tachycardia;
122	(c) is capable of determining, without intervention by an operator, whether
123	defibrillation should be performed; and
124	(d) upon determining that defibrillation should be performed, automatically charges,
125	enabling delivery of, or automatically delivers, an electrical impulse through the chest wall and
126	to an individual's heart.
127	[(6)] (5) (a) "Behavioral emergency services" means delivering a behavioral health
128	intervention to a patient in an emergency context within a scope and in accordance with
129	guidelines established by the department.
130	(b) "Behavioral emergency services" does not include engaging in the:
131	(i) practice of mental health therapy as defined in Section 58-60-102;
132	(ii) practice of psychology as defined in Section 58-61-102;
133	(iii) practice of clinical social work as defined in Section 58-60-202;
134	(iv) practice of certified social work as defined in Section 58-60-202;
135	(v) practice of marriage and family therapy as defined in Section 58-60-302;
136	(vi) practice of clinical mental health counseling as defined in Section 58-60-402; or
137	(vii) practice as a substance use disorder counselor as defined in Section 58-60-502.
138	[(7)] (6) "Bureau" means the Bureau of Emergency Medical Services created in Section
139	53-2d-102.
140	[(8)] (7) "Cardiopulmonary resuscitation" or "CPR" means artificial ventilation or
141	external chest compression applied to a person who is unresponsive and not breathing.
142	[(9)] (8) "Committee" means the State Emergency Medical Services Committee
143	created by Section 53-2d-104.
144	[(10)] (9) "Community paramedicine" means medical care:
145	(a) provided by emergency medical service personnel; and
146	(b) provided to a patient who is not:
147	(i) in need of ambulance transportation; or
148	(ii) located in a health care facility as defined in Section 26B-2-201.
149	[(11) "Division" means the Division of Emergency Management created in Section
150	<del>53-2a-103.</del> ]
151	[(12)] (10) "Direct medical observation" means in-person observation of a patient by a

152	physician, registered nurse, physician's assistant, or individual licensed under Section
153	26B-4-116.
154	[(13)] (11) "Emergency medical condition" means:
155	(a) a medical condition that manifests itself by symptoms of sufficient severity,
156	including severe pain, that a prudent layperson, who possesses an average knowledge of health
157	and medicine, could reasonably expect the absence of immediate medical attention to result in:
158	(i) placing the individual's health in serious jeopardy;
159	(ii) serious impairment to bodily functions; or
160	(iii) serious dysfunction of any bodily organ or part; or
161	(b) a medical condition that in the opinion of a physician or the physician's designee
162	requires direct medical observation during transport or may require the intervention of an
163	individual licensed under Section 53-2d-402 during transport.
164	[(14)] (12) "Emergency medical dispatch center" means a public safety answering
165	point, as defined in Section 63H-7a-103, that is designated as an emergency medical dispatch
166	center by the bureau.
167	[(15)] (13) (a) "Emergency medical service personnel" means an individual who
168	provides emergency medical services or behavioral emergency services to a patient and is
169	required to be licensed or certified under Section 53-2d-402.
170	(b) "Emergency medical service personnel" includes a paramedic, medical director of a
171	licensed emergency medical service provider, emergency medical service instructor, behavioral
172	emergency services technician, other categories established by the committee, and a certified
173	emergency medical dispatcher.
174	[(16)] (14) "Emergency medical service providers" means:
175	(a) licensed ambulance providers and paramedic providers;
176	(b) a facility or provider that is required to be designated under Subsection
177	53-2d-403(1)(a); and
178	(c) emergency medical service personnel.
179	[ <del>(17)</del> ] <u>(15)</u> "Emergency medical services" means:
180	(a) medical services;
181	(b) transportation services;
182	(c) behavioral emergency services; or

183	(d) any combination of the services described in Subsections $\left[\frac{(1/)(a)}{(1/b)}\right]$ (15)(a) through
184	(c).
185	[(18)] (16) "Emergency medical service vehicle" means a land, air, or water vehicle
186	that is:
187	(a) maintained and used for the transportation of emergency medical personnel,
188	equipment, and supplies to the scene of a medical emergency; and
189	(b) required to be permitted under Section 53-2d-404.
190	[ <del>(19)</del> ] <u>(17)</u> "Governing body":
191	(a) means the same as that term is defined in Section 11-42-102; and
192	(b) for purposes of a "special service district" under Section 11-42-102, means a
193	special service district that has been delegated the authority to select a provider under this
194	chapter by the special service district's legislative body or administrative control board.
195	[ <del>(20)</del> ] <u>(18)</u> "Interested party" means:
196	(a) a licensed or designated emergency medical services provider that provides
197	emergency medical services within or in an area that abuts an exclusive geographic service area
198	that is the subject of an application submitted pursuant to Part 5, Ambulance and Paramedic
199	Providers;
200	(b) any municipality, county, or fire district that lies within or abuts a geographic
201	service area that is the subject of an application submitted pursuant to Part 5, Ambulance and
202	Paramedic Providers; or
203	(c) the department when acting in the interest of the public.
204	$[\frac{(21)}{(19)}]$ "Level of service" means the level at which an ambulance provider type of
205	service is licensed as:
206	(a) emergency medical technician;
207	(b) advanced emergency medical technician; or
208	(c) paramedic.
209	[(22)] (20) "Medical control" means a person who provides medical supervision to an
210	emergency medical service provider.
211	[(23)] (21) "Non-911 service" means transport of a patient that is not 911 transport
212	under Subsection (1).
213	[(24)] (22) "Nonemergency secured behavioral health transport" means an entity that:

214	(a) provides nonemergency secure transportation services for an individual who:
215	(i) is not required to be transported by an ambulance under Section 53-2d-405; and
216	(ii) requires behavioral health observation during transport between any of the
217	following facilities:
218	(A) a licensed acute care hospital;
219	(B) an emergency patient receiving facility;
220	(C) a licensed mental health facility; and
221	(D) the office of a licensed health care provider; and
222	(b) is required to be designated under Section 53-2d-403.
223	$\left[\frac{(25)}{(23)}\right]$ "Paramedic provider" means an entity that:
224	(a) employs emergency medical service personnel; and
225	(b) is required to obtain a license under Part 5, Ambulance and Paramedic Providers.
226	[(26)] (24) "Patient" means an individual who, as the result of illness, injury, or a
227	behavioral emergency condition, meets any of the criteria in Section 26B-4-119.
228	[ <del>(27)</del> ] <u>(25)</u> "Political subdivision" means:
229	(a) a city, town, or metro township;
230	(b) a county;
231	(c) a special service district created under Title 17D, Chapter 1, Special Service
232	District Act, for the purpose of providing fire protection services under Subsection
233	17D-1-201(9);
234	(d) a special district created under Title 17B, Limited Purpose Local Government
235	Entities - Special Districts, for the purpose of providing fire protection, paramedic, and
236	emergency services;
237	(e) areas coming together as described in Subsection 53-2d-505.2(2)(b)(ii); or
238	(f) an interlocal entity under Title 11, Chapter 13, Interlocal Cooperation Act.
239	[(28)] (26) "Sudden cardiac arrest" means a life-threatening condition that results when
240	a person's heart stops or fails to produce a pulse.
241	[(29)] (27) "Trauma" means an injury requiring immediate medical or surgical
242	intervention.
243	[(30)] (28) "Trauma system" means a single, statewide system that:
244	(a) organizes and coordinates the delivery of trauma care within defined geographic

245	areas from the time of injury through transport and rehabilitative care; and
246	(b) is inclusive of all prehospital providers, hospitals, and rehabilitative facilities in
247	delivering care for trauma patients, regardless of severity.
248	[(31)] (29) "Triage" means the sorting of patients in terms of disposition, destination,
249	or priority. For prehospital trauma victims, triage requires a determination of injury severity to
250	assess the appropriate level of care according to established patient care protocols.
251	[(32)] (30) "Triage, treatment, transportation, and transfer guidelines" means written
252	procedures that:
253	(a) direct the care of patients; and
254	(b) are adopted by the medical staff of an emergency patient receiving facility, trauma
255	center, or an emergency medical service provider.
256	$[\frac{(33)}{(31)}]$ "Type of service" means the category at which an ambulance provider is
257	licensed as:
258	(a) ground ambulance transport;
259	(b) ground ambulance interfacility transport; or
260	(c) both ground ambulance transport and ground ambulance interfacility transport.
261	Section 4. Section <b>53-2d-101.1</b> is enacted to read:
262	53-2d-101.1. Contracting authority Rulemaking authority.
263	(1) The department may enter into any contract or agreement to ensure a proper and
264	orderly transition of the emergency medical services regulatory authority from the Department
265	of Health and Human Services to the department.
266	(2) (a) Notwithstanding any other provision of law and subject to Subsection (2)(b), the
267	department may initiate the rulemaking process in accordance with Title 63G, Chapter 3, Utah
268	Administrative Rulemaking Act, for duties the department will undertake beginning July 1,
269	2024, related to emergency medical services.
270	(b) A proposed rule made under Subsection (2)(a) may not become effective until July
271	<u>1, 2024.</u>
272	Section 5. Section 53-2d-304 (Effective 07/01/24) is amended to read:
273	53-2d-304 (Effective 07/01/24). Statewide trauma registry and quality assurance
274	program.
275	(1) The bureau shall:

276	(a) establish and fund a statewide trauma registry to collect and analyze information on
277	the incidence, severity, causes, and outcomes of trauma;
278	(b) establish, by rule, the data elements, the medical care providers that shall report,
279	and the time frame and format for reporting;
280	(c) use the data collected to:
281	(i) improve the availability and delivery of prehospital and hospital trauma care;
282	(ii) assess trauma care delivery, patient care outcomes, and compliance with the
283	requirements of this [part] chapter and applicable department rules; and
284	(iii) regularly produce and disseminate reports to data providers, state government, and
285	the public; and
286	(d) support data collection and abstraction by providing:
287	(i) a data collection system and technical assistance to each hospital that submits data;
288	and
289	(ii) funding or, at the discretion of the bureau, personnel for collection and abstraction
290	for each hospital not designated as a trauma center under the standards established pursuant to
291	Section 53-2d-305.
292	(2) (a) Each hospital shall submit trauma data in accordance with rules established
293	under Subsection (1).
294	(b) A hospital designated as a trauma center shall submit data as part of the ongoing
295	quality assurance program established in Section 53-2d-303.
296	(3) The department shall assess:
297	(a) the effectiveness of the data collected pursuant to Subsection (1); and
298	(b) the impact of the statewide trauma system on the provision of trauma care.
299	(4) Data collected under this section shall be subject to Title 26B, Chapter 8, Part 4,
300	Health Statistics.
301	(5) No person may be held civilly liable for having provided data to the department in
302	accordance with this section.
303	Section 6. Section 53-2d-402 (Effective 07/01/24) is amended to read:
304	53-2d-402 (Effective 07/01/24). Licensure of emergency medical service
305	personnel.
306	(1) To promote the availability of comprehensive emergency medical services

307	throughout the state, the committee shan establish:
308	(a) initial and ongoing licensure and training requirements for emergency medical
309	service personnel in the following categories:
310	(i) paramedic;
311	(ii) advanced emergency medical services technician;
312	(iii) emergency medical services technician;
313	(iv) emergency medical responder;
314	[(iv)] (v) behavioral emergency services technician; and
315	[(v)] (vi) advanced behavioral emergency services technician;
316	(b) a method to monitor the certification status and continuing medical education hours
317	for emergency medical dispatchers; and
318	(c) guidelines for giving credit for out-of-state training and experience.
319	(2) The bureau shall, based on the requirements established in Subsection (1):
320	(a) develop, conduct, and authorize training and testing for emergency medical service
321	personnel;
322	(b) issue a license and license renewals to emergency medical service personnel other
323	than emergency medical dispatchers; and
324	(c) verify the certification of emergency medical dispatchers.
325	(3) The bureau shall coordinate with local mental health authorities described in
326	Section 17-43-301 to develop and authorize initial and ongoing licensure and training
327	requirements for licensure as a:
328	(a) behavioral emergency services technician; and
329	(b) advanced behavioral emergency services technician.
330	(4) As provided in Section 53-2d-602, an individual issued a license or certified under
331	this section may only provide emergency medical services to the extent allowed by the license
332	or certification.
333	(5) An individual may not be issued or retain a license under this section unless the
334	individual obtains and retains background clearance under Section 53-2d-410.
335	(6) An individual may not be issued or retain a certification under this section unless
336	the individual obtains and retains background clearance in accordance with Section
337	53-2d-410.5.

338	Section 7. Section 53-2d-410 (Effective 07/01/24) is amended to read:
339	53-2d-410 (Effective 07/01/24). Background clearance for emergency medical
340	service personnel.
341	(1) Subject to Section 53-2d-410.5, the bureau shall determine whether to grant
342	background clearance for an individual seeking licensure or certification under Section
343	53-2d-402 from whom the bureau receives:
344	(a) the individual's social security number, fingerprints, and other personal
345	identification information specified by the department under Subsection (4); and
346	(b) any fees established by the department under Subsection (10).
347	(2) The bureau shall determine whether to deny or revoke background clearance for
348	individuals for whom the department has previously granted background clearance.
349	(3) The bureau shall determine whether to grant, deny, or revoke background clearance
350	for an individual based on an initial and ongoing evaluation of information the bureau obtains
351	under Subsections (5) and (11), which, at a minimum, shall include an initial criminal
352	background check of state, regional, and national databases using the individual's fingerprints.
353	(4) The bureau shall make rules, in accordance with Title 63G, Chapter 3, Utah
354	Administrative Rulemaking Act, that specify:
355	(a) the criteria the bureau will use under Subsection (3) to determine whether to grant,
356	deny, or revoke background clearance; and
357	(b) the other personal identification information an individual seeking licensure or
358	certification under Section 53-2d-402 must submit under Subsection (1).
359	(5) To determine whether to grant, deny, or revoke background clearance, the bureau
360	may access and evaluate any of the following:
361	(a) Department of Public Safety arrest, conviction, and disposition records described in
362	Chapter 10, Criminal Investigations and Technical Services Act, including information in state,
363	regional, and national records files;
364	(b) adjudications by a juvenile court of committing an act that if committed by an adult
365	would be a felony or misdemeanor, if:
366	(i) the applicant is under 28 years old; or
367	(ii) the applicant:
368	(A) is over 28 years old; and

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(B) has been convicted of, has pleaded no contest to, or is currently subject to a plea in abeyance or diversion agreement for a felony or misdemeanor; (c) juvenile court arrest, adjudication, and disposition records, other than those under Subsection (5)(b), as allowed under Section 78A-6-209; (d) child abuse or neglect findings described in Section 80-3-404; (e) the department's Licensing Information System described in Section 80-2-1002; (f) the department's database of reports of vulnerable adult abuse, neglect, or exploitation, described in Section 26B-6-210: (g) Division of Professional Licensing records of licensing and certification under Title 58, Occupations and Professions; (h) records in other federal criminal background databases available to the state; and (i) any other records of arrests, warrants for arrest, convictions, pleas in abeyance, pending diversion agreements, or dispositions. (6) Except for the Department of Public Safety, an agency may not charge the bureau for information accessed under Subsection (5). (7) When evaluating information under Subsection (3), the bureau shall classify a crime committed in another state according to the closest matching crime under Utah law, regardless of how the crime is classified in the state where the crime was committed. (8) The bureau shall adopt measures to protect the security of information the department accesses under Subsection (5), which shall include limiting access by department employees to those responsible for acquiring, evaluating, or otherwise processing the information. (9) The bureau may disclose personal identification information the bureau receives under Subsection (1) to the department to verify that the subject of the information is not identified as a perpetrator or offender in the information sources described in Subsections (5)(d) through (f).

- 395 (10) The bureau may charge fees, in accordance with Section 63J-1-504, to pay for:
  - (a) the cost of obtaining, storing, and evaluating information needed under Subsection (3), both initially and on an ongoing basis, to determine whether to grant, deny, or revoke background clearance; and
    - (b) other bureau costs related to granting, denying, or revoking background clearance.

400	(11) The Criminal Investigations and Technical Services Division within the
401	Department of Public Safety shall:
402	(a) retain, separate from other division records, personal information under Subsection
403	(1), including any fingerprints sent to it by the department; and
404	(b) notify the bureau upon receiving notice that an individual for whom personal
405	information has been retained is the subject of:
406	(i) a warrant for arrest;
407	(ii) an arrest;
408	(iii) a conviction, including a plea in abeyance; or
409	(iv) a pending diversion agreement.
410	[(12) The bureau shall use the Direct Access Clearance System database created under
411	Section 26B-2-241 to manage information about the background clearance status of each
412	individual for whom the bureau is required to make a determination under Subsection (1).]
413	[(13)] (12) Clearance granted for an individual licensed or certified under Section
414	53-2d-402 is valid until two years after the day on which the individual is no longer licensed or
415	certified in Utah as emergency medical service personnel.
416	Section 8. Section 53-2d-509 (Effective 07/01/24) is amended to read:
417	53-2d-509 (Effective 07/01/24). Ground ambulance and paramedic licenses
418	Hearing and presiding officers.
419	(1) The bureau shall set training standards for hearing officers and presiding officers.
420	(2) At a minimum, a presiding officer shall:
421	(a) be familiar with the theory and application of public convenience and necessity;
422	[ <del>and</del> ]
423	(b) have a working knowledge of the emergency medical service system in the state[:];
424	<u>and</u>
425	(c) be licensed to practice law in the state.
426	[(3) In addition to the requirements in Subsection (2), a hearing officer shall also be
427	licensed to practice law in the state.]
428	[(4)] (3) The bureau shall provide training for hearing officer and presiding officer
429	candidates in the theory and application of public convenience and necessity and on the
430	emergency medical system in the state.

431	[(5) The bureau shall maintain a roster of no less than five individuals who meet the
432	minimum qualifications for both presiding and hearing officers and the standards set by the
433	bureau.]
434	[(6) The parties may mutually select an officer from the roster if the officer is
435	available.]
436	[(7) If the parties cannot agree upon an officer under Subsection (4), the bureau shall
437	randomly select an officer from the roster or from a smaller group of the roster agreed upon by
438	the applicant and the objecting interested parties.]
439	Section 9. Section 53-2d-805 (Effective 07/01/24) is amended to read:
440	53-2d-805 (Effective 07/01/24). Duties of emergency medical dispatch centers.
441	An emergency medical dispatch center shall:
442	(1) implement a system to receive and manage the information reported to the
443	emergency medical dispatch center under Section 53-2d-803;
444	(2) record in the system described in Subsection (1), all information received under
445	Section 53-2d-803 within 14 days after the day on which the information is received;
446	(3) inform an individual who calls to report a potential incident of sudden cardiac
447	arrest of the location of an AED located at the address of the potential sudden cardiac arrest;
448	(4) provide verbal instructions to an individual described in Subsection (3) to:
449	(a) help the individual determine if a patient is in cardiac arrest; and
450	(b) if needed:
451	(i) provide direction to start CPR;
452	(ii) offer instructions on how to perform CPR; or
453	(iii) offer instructions on how to use an AED, if one is available; and
454	(5) provide the information contained in the system described in Subsection (1), upon
455	request, to the [office] bureau.
456	Section 10. Section 58-57-7 is amended to read:
457	58-57-7. Exemptions from licensure.
458	(1) (a) For purposes of Subsection (2)(b), "qualified" means an individual who is a
459	registered polysomnographic technologist or a Diplomate certified by the American Board of
460	Sleep Medicine.
461	(b) For purposes of Subsections (2)(f) and (g), "supervision" means one of the

462 following will be immediately available for consultation in person or by phone: 463 (i) a practitioner; 464 (ii) a respiratory therapist; 465 (iii) a Diplomate of the American Board of Sleep Medicine; or 466 (iv) a registered polysomnographic technologist. 467 (2) In addition to the exemptions from licensure in Section 58-1-307, the following 468 persons may engage in the practice of respiratory therapy subject to the stated circumstances 469 and limitations without being licensed under this chapter: 470 (a) any person who provides gratuitous care for a member of his immediate family 471 without representing himself as a licensed respiratory care practitioner; 472 (b) any person who is a licensed or qualified member of another health care profession, 473 if this practice is consistent with the accepted standards of the profession and if the person does 474 not represent himself as a respiratory care practitioner: (c) any person who serves in the Armed Forces of the United States or any other 475 476 agency of the federal government and is engaged in the performance of his official duties; 477 (d) any person who acts under a certification issued pursuant to [Title 26B, Chapter 4, 478 Part 1, Utah Emergency Medical Services System Title 53, Chapter 2d, Emergency Medical 479 Services Act, while providing emergency medical services: 480 (e) any person who delivers, installs, or maintains respiratory related durable medical 481 equipment and who gives instructions regarding the use of that equipment in accordance with 482 Subsections 58-57-2(3) and (6), except that this exemption does not include any clinical 483 evaluation or treatment of the patient; 484 (f) any person who is working in a practitioner's office, acting under supervision; and 485 (g) a polysomnographic technician or trainee, acting under supervision, as long as the 486 technician or trainee administers the following only in a sleep lab, sleep center, or sleep 487 facility: 488 (i) oxygen titration; and 489 (ii) positive airway pressure that does not include mechanical ventilation. 490 (3) Nothing in this chapter permits a respiratory care practitioner to engage in the

Section 11. Section **63G-4-102** is amended to read:

unauthorized practice of other health disciplines.

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## 63G-4-102. Scope and applicability of chapter.

(1) Except as set forth in Subsection (2), and except as otherwise provided by a statute superseding provisions of this chapter by explicit reference to this chapter, the provisions of this chapter apply to every agency of the state and govern:

- (a) state agency action that determines the legal rights, duties, privileges, immunities, or other legal interests of an identifiable person, including agency action to grant, deny, revoke, suspend, modify, annul, withdraw, or amend an authority, right, or license; and
  - (b) judicial review of the action.

- (2) This chapter does not govern:
- (a) the procedure for making agency rules, or judicial review of the procedure or rules;
- (b) the issuance of a notice of a deficiency in the payment of a tax, the decision to waive a penalty or interest on taxes, the imposition of and penalty or interest on taxes, or the issuance of a tax assessment, except that this chapter governs an agency action commenced by a taxpayer or by another person authorized by law to contest the validity or correctness of the action;
- (c) state agency action relating to extradition, to the granting of a pardon or parole, a commutation or termination of a sentence, or to the rescission, termination, or revocation of parole or probation, to the discipline of, resolution of a grievance of, supervision of, confinement of, or the treatment of an inmate or resident of a correctional facility, the Utah State Hospital, the Utah State Developmental Center, or a person in the custody or jurisdiction of the Office of Substance Use and Mental Health, or a person on probation or parole, or judicial review of the action;
- (d) state agency action to evaluate, discipline, employ, transfer, reassign, or promote a student or teacher in a school or educational institution, or judicial review of the action;
- (e) an application for employment and internal personnel action within an agency concerning its own employees, or judicial review of the action;
- (f) the issuance of a citation or assessment under Title 34A, Chapter 6, Utah Occupational Safety and Health Act, and Title 58, Occupations and Professions, except that this chapter governs an agency action commenced by the employer, licensee, or other person authorized by law to contest the validity or correctness of the citation or assessment;
  - (g) state agency action relating to management of state funds, the management and

disposal of school and institutional trust land assets, and contracts for the purchase or sale of products, real property, supplies, goods, or services by or for the state, or by or for an agency of the state, except as provided in those contracts, or judicial review of the action;

(h) state agency action under Title 7, Chapter 1, Part 3, Powers and Duties of Commissioner of Financial Institutions, Title 7, Chapter 2, Possession of Depository Institution by Commissioner, Title 7, Chapter 19, Acquisition of Failing Depository Institutions or

the action;

(i) the initial determination of a person's eligibility for unemployment benefits, the initial determination of a person's eligibility for benefits under Title 34A, Chapter 2, Workers' Compensation Act, and Title 34A, Chapter 3, Utah Occupational Disease Act, or the initial

Holding Companies, and Chapter 7, Governmental Immunity Act of Utah, or judicial review of

determination of a person's unemployment tax liability;

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notice or order;

- (j) state agency action relating to the distribution or award of a monetary grant to or between governmental units, or for research, development, or the arts, or judicial review of the action;
- 539 (k) the issuance of a notice of violation or order under [Title 26B, Chapter 4, Part 1, 540 Utah Emergency Medical Services System Title 53, Chapter 2d, Emergency Medical Services 541 Act, Title 19, Chapter 2, Air Conservation Act, Title 19, Chapter 3, Radiation Control Act, 542 Title 19, Chapter 4, Safe Drinking Water Act, Title 19, Chapter 5, Water Quality Act, Title 19, 543 Chapter 6, Part 1, Solid and Hazardous Waste Act, Title 19, Chapter 6, Part 4, Underground 544 Storage Tank Act, or Title 19, Chapter 6, Part 7, Used Oil Management Act, or Title 19, 545 Chapter 6, Part 10, Mercury Switch Removal Act, except that this chapter governs an agency 546 action commenced by a person authorized by law to contest the validity or correctness of the
  - (l) state agency action, to the extent required by federal statute or regulation, to be conducted according to federal procedures;
  - (m) the initial determination of a person's eligibility for government or public assistance benefits;
  - (n) state agency action relating to wildlife licenses, permits, tags, and certificates of registration;
    - (o) a license for use of state recreational facilities;

555	(p) state agency action under Chapter 2, Government Records Access and Management
556	Act, except as provided in Section 63G-2-603;
557	(q) state agency action relating to the collection of water commissioner fees and
558	delinquency penalties, or judicial review of the action;
559	(r) state agency action relating to the installation, maintenance, and repair of headgates,
560	caps, values, or other water controlling works and weirs, flumes, meters, or other water
561	measuring devices, or judicial review of the action;
562	(s) the issuance and enforcement of an initial order under Section 73-2-25;
563	(t) (i) a hearing conducted by the Division of Securities under Section 61-1-11.1; and
564	(ii) an action taken by the Division of Securities under a hearing conducted under
565	Section 61-1-11.1, including a determination regarding the fairness of an issuance or exchange
566	of securities described in Subsection 61-1-11.1(1);
567	(u) state agency action relating to water well driller licenses, water well drilling
568	permits, water well driller registration, or water well drilling construction standards, or judicial
569	review of the action;
570	(v) the issuance of a determination and order under Title 34A, Chapter 5, Utah
571	Antidiscrimination Act;
572	(w) state environmental studies and related decisions by the Department of
573	Transportation approving state or locally funded projects, or judicial review of the action;
574	(x) the suspension of operations under Subsection 32B-1-304(3); or
575	(y) the issuance of a determination of violation by the Governor's Office of Economic
576	Opportunity under Section 11-41-104.
577	(3) This chapter does not affect a legal remedy otherwise available to:
578	(a) compel an agency to take action; or
579	(b) challenge an agency's rule.
580	(4) This chapter does not preclude an agency, prior to the beginning of an adjudicative
581	proceeding, or the presiding officer during an adjudicative proceeding from:
582	(a) requesting or ordering a conference with parties and interested persons to:
583	(i) encourage settlement;
584	(ii) clarify the issues;
585	(iii) simplify the evidence;

586 (iv) facilitate discovery; or

(v) expedite the proceeding; or

(b) granting a timely motion to dismiss or for summary judgment if the requirements of Rule 12(b) or Rule 56 of the Utah Rules of Civil Procedure are met by the moving party, except to the extent that the requirements of those rules are modified by this chapter.

- (5) (a) A declaratory proceeding authorized by Section 63G-4-503 is not governed by this chapter, except as explicitly provided in that section.
- (b) Judicial review of a declaratory proceeding authorized by Section 63G-4-503 is governed by this chapter.
- (6) This chapter does not preclude an agency from enacting a rule affecting or governing an adjudicative proceeding or from following the rule, if the rule is enacted according to the procedures outlined in Chapter 3, Utah Administrative Rulemaking Act, and if the rule conforms to the requirements of this chapter.
- (7) (a) If the attorney general issues a written determination that a provision of this chapter would result in the denial of funds or services to an agency of the state from the federal government, the applicability of the provision to that agency shall be suspended to the extent necessary to prevent the denial.
- (b) The attorney general shall report the suspension to the Legislature at its next session.
- (8) Nothing in this chapter may be interpreted to provide an independent basis for jurisdiction to review final agency action.
- (9) Nothing in this chapter may be interpreted to restrict a presiding officer, for good cause shown, from lengthening or shortening a time period prescribed in this chapter, except the time period established for judicial review.
- (10) Notwithstanding any other provision of this section, this chapter does not apply to a special adjudicative proceeding, as defined in Section 19-1-301.5, except to the extent expressly provided in Section 19-1-301.5.
- (11) Subsection (2)(w), regarding action taken based on state environmental studies and policies of the Department of Transportation, applies to any claim for which a court of competent jurisdiction has not issued a final unappealable judgment or order before May 14, 2019.

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               Section 12. Section 63I-2-253 (Superseded 07/01/24) is amended to read:
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               63I-2-253 (Superseded 07/01/24). Repeal dates: Titles 53 through 53G.
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               (1) Subsection 53-1-104(1)(b), regarding the Air Ambulance Committee, is repealed
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       July 1, 2024.
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               (2) Section 53-1-118 is repealed on July 1, 2024.
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               (3) Section 53-1-120 is repealed on July 1, 2024.
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               (4) Section 53-2d-101.1 is repealed on July 1, 2024.
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               [(4)] (5) Section 53-2d-107, regarding the Air Ambulance Committee, is repealed July
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       1, 2024.
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               [(5)] (6) In relation to the Air Ambulance Committee, on July 1, 2024, Subsection
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       53-2d-702(1)(a) is amended to read:
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               "(a) provide the patient or the patient's representative with the following information
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       before contacting an air medical transport provider:
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               (i) which health insurers in the state the air medical transport provider contracts with;
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               (ii) if sufficient data is available, the average charge for air medical transport services
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       for a patient who is uninsured or out of network; and
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               (iii) whether the air medical transport provider balance bills a patient for any charge not
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       paid by the patient's health insurer; and".
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               [\frac{(6)}{(7)}] (7) Section 53-7-109 is repealed on July 1, 2024.
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               [\frac{7}{1}] (8) Section 53-22-104 is repealed December 31, 2023.
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               [<del>(8)</del>] (9) Section 53B-6-105.7 is repealed July 1, 2024.
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               [<del>(9)</del>] (10) Section 53B-7-707 regarding performance metrics for technical colleges is
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       repealed July 1, 2023.
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               [\frac{(10)}{(11)}] (11) Section 53B-8-114 is repealed July 1, 2024.
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               [(11)] (12) The following provisions, regarding the Regents' scholarship program, are
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       repealed on July 1, 2023:
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               (a) in Subsection 53B-8-105(12), the language that states, "or any scholarship
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       established under Sections 53B-8-202 through 53B-8-205";
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               (b) Section 53B-8-202;
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               (c) Section 53B-8-203;
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               (d) Section 53B-8-204; and
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648	(e) Section 53B-8-205.
649	[ <del>(12)</del> ] <u>(13)</u> Section 53B-10-101 is repealed on July 1, 2027.
650	[(13)] (14) Subsection 53E-1-201(1)(s) regarding the report by the Educational
651	Interpretation and Translation Services Procurement Advisory Council is repealed July 1, 2024.
652	[(14)] (15) Section 53E-1-202.2, regarding a Public Education Appropriations
653	Subcommittee evaluation and recommendations, is repealed January 1, 2024.
654	[(15)] (16) Section 53F-2-209, regarding local education agency budgetary flexibility,
655	is repealed July 1, 2024.
656	[(16)] Subsection 53F-2-314(4), relating to a one-time expenditure between the
657	at-risk WPU add-on funding and previous at-risk funding, is repealed January 1, 2024.
658	[(17)] (18) Section 53F-2-524, regarding teacher bonuses for extra work assignments,
659	is repealed July 1, 2024.
660	[(18)] (19) Section 53F-5-221, regarding a management of energy and water pilot
661	program, is repealed July 1, 2028.
662	[ <del>(19)</del> ] <u>(20)</u> Section 53F-9-401 is repealed on July 1, 2024.
663	[(20)] (21) Section 53F-9-403 is repealed on July 1, 2024.
664	[(21)] (22) On July 1, 2023, when making changes in this section, the Office of
665	Legislative Research and General Counsel shall, in addition to the office's authority under
666	Section 36-12-12, make corrections necessary to ensure that sections and subsections identified
667	in this section are complete sentences and accurately reflect the office's perception of the
668	Legislature's intent.
669	Section 13. Section <b>75-2a-103</b> is amended to read:
670	75-2a-103. Definitions.
671	As used in this chapter:
672	(1) "Adult" means an individual who is:
673	(a) at least 18 years old; or
674	(b) an emancipated minor.
675	(2) "Advance health care directive":
676	(a) includes:
677	(i) a designation of an agent to make health care decisions for an adult when the adult

cannot make or communicate health care decisions; or

679	(ii) an expression of preferences about health care decisions;
680	(b) may take one of the following forms:
681	(i) a written document, voluntarily executed by an adult in accordance with the
682	requirements of this chapter; or
683	(ii) a witnessed oral statement, made in accordance with the requirements of this
684	chapter; and
685	(c) does not include a POLST order.
686	(3) "Agent" means an adult designated in an advance health care directive to make
687	health care decisions for the declarant.
688	(4) "APRN" means an individual who is:
689	(a) certified or licensed as an advance practice registered nurse under Subsection
690	58-31b-301(2)(e);
691	(b) an independent practitioner;
692	(c) acting under a consultation and referral plan with a physician; and
693	(d) acting within the scope of practice for that individual, as provided by law, rule, and
694	specialized certification and training in that individual's area of practice.
695	(5) "Best interest" means that the benefits to the person resulting from a treatment
696	outweigh the burdens to the person resulting from the treatment, taking into account:
697	(a) the effect of the treatment on the physical, emotional, and cognitive functions of the
698	person;
699	(b) the degree of physical pain or discomfort caused to the person by the treatment or
700	the withholding or withdrawal of treatment;
701	(c) the degree to which the person's medical condition, the treatment, or the
702	withholding or withdrawal of treatment, result in a severe and continuing impairment of the
703	dignity of the person by subjecting the person to humiliation and dependency;
704	(d) the effect of the treatment on the life expectancy of the person;
705	(e) the prognosis of the person for recovery with and without the treatment;
706	(f) the risks, side effects, and benefits of the treatment, or the withholding or
707	withdrawal of treatment; and
708	(g) the religious beliefs and basic values of the person receiving treatment, to the extent

these may assist the decision maker in determining the best interest.

710 (6) "Capacity to appoint an agent" means that the adult understands the consequences 711 of appointing a particular person as agent. 712 (7) "Declarant" means an adult who has completed and signed or directed the signing 713 of an advance health care directive. 714 (8) "Default surrogate" means the adult who may make decisions for an individual 715 when either: 716 (a) an agent or guardian has not been appointed; or 717 (b) an agent is not able, available, or willing to make decisions for an adult. 718 (9) "Emergency medical services provider" means a person that is licensed, designated, 719 or certified under [Title 26B, Chapter 4, Part 1, Utah Emergency Medical Services System] 720 Title 53, Chapter 2d, Emergency Medical Services Act. 721 (10) "Generally accepted health care standards": 722 (a) is defined only for the purpose of: 723 (i) this chapter and does not define the standard of care for any other purpose under 724 Utah law; and 725 (ii) enabling health care providers to interpret the statutory form set forth in Section 726 75-2a-117; and 727 (b) means the standard of care that justifies a provider in declining to provide life 728 sustaining care because the proposed life sustaining care: 729 (i) will not prevent or reduce the deterioration in the health or functional status of an 730 individual; 731 (ii) will not prevent the impending death of an individual; or 732 (iii) will impose more burden on the individual than any expected benefit to the 733 individual. 734 (11) "Health care" means any care, treatment, service, or procedure to improve, 735 maintain, diagnose, or otherwise affect an individual's physical or mental condition. 736 (12) "Health care decision": 737 (a) means a decision about an adult's health care made by, or on behalf of, an adult, that 738 is communicated to a health care provider;

(i) selection and discharge of a health care provider and a health care facility,

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(b) includes:

(ii) approval or disapproval of diagnostic tests, procedures, programs of medication, and orders not to resuscitate; and

- (iii) directions to provide, withhold, or withdraw artificial nutrition and hydration and all other forms of health care; and
- (c) does not include decisions about an adult's financial affairs or social interactions other than as indirectly affected by the health care decision.
- (13) "Health care decision making capacity" means an adult's ability to make an informed decision about receiving or refusing health care, including:
- (a) the ability to understand the nature, extent, or probable consequences of health status and health care alternatives;
- (b) the ability to make a rational evaluation of the burdens, risks, benefits, and alternatives of accepting or rejecting health care; and
  - (c) the ability to communicate a decision.
- 754 (14) "Health care facility" means:

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- 755 (a) a health care facility as defined in Title 26B, Chapter 2, Part 2, Health Care Facility 756 Licensing and Inspection; and
  - (b) private offices of physicians, dentists, and other health care providers licensed to provide health care under Title 58, Occupations and Professions.
  - (15) "Health care provider" means the same as that term is defined in Section 78B-3-403, except that "health care provider" does not include an emergency medical services provider.
  - (16) (a) "Life sustaining care" means any medical intervention, including procedures, administration of medication, or use of a medical device, that maintains life by sustaining, restoring, or supplanting a vital function.
  - (b) "Life sustaining care" does not include care provided for the purpose of keeping an individual comfortable.
    - (17) "Minor" means an individual who:
    - (a) is under 18 years old; and
- 769 (b) is not an emancipated minor.
- 770 (18) "Physician" means a physician and surgeon or osteopathic surgeon licensed under 771 Title 58, Chapter 67, Utah Medical Practice Act or Chapter 68, Utah Osteopathic Medical

772 Practice Act.

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- 773 (19) "Physician assistant" means an individual licensed as a physician assistant under 774 Title 58, Chapter 70a, Utah Physician Assistant Act.
- 775 (20) "POLST order" means an order, on a form designated by the Department of Health 776 and Human Services under Section 75-2a-106, that gives direction to health care providers, 777 health care facilities, and emergency medical services providers regarding the specific health
- 778 care decisions of the individual to whom the order relates. 779

(21) "Reasonably available" means:

- (a) readily able to be contacted without undue effort; and
- 781 (b) willing and able to act in a timely manner considering the urgency of the 782 circumstances.
  - (22) "Substituted judgment" means the standard to be applied by a surrogate when making a health care decision for an adult who previously had the capacity to make health care decisions, which requires the surrogate to consider:
    - (a) specific preferences expressed by the adult:
    - (i) when the adult had the capacity to make health care decisions; and
- 788 (ii) at the time the decision is being made;
  - (b) the surrogate's understanding of the adult's health care preferences;
- 790 (c) the surrogate's understanding of what the adult would have wanted under the 791 circumstances; and
  - (d) to the extent that the preferences described in Subsections (22)(a) through (c) are unknown, the best interest of the adult.
    - (23) "Surrogate" means a health care decision maker who is:
- 795 (a) an appointed agent;
  - (b) a default surrogate under the provisions of Section 75-2a-108; or
- 797 (c) a guardian.
- 798 Section 14. Section **75-2a-106** is amended to read:
- 799 75-2a-106. Emergency medical services -- POLST order.
- 800 (1) A POLST order may be created by or on behalf of a person as described in this 801 section.
- 802 (2) A POLST order shall, in consultation with the person authorized to consent to the

803	order pursuant to this section, be prepared by:
804	(a) the physician, APRN, or, subject to Subsection (11), physician assistant of the
805	person to whom the POLST order relates; or
806	(b) a health care provider who:
807	(i) is acting under the supervision of a person described in Subsection (2)(a); and
808	(ii) is:
809	(A) a nurse, licensed under Title 58, Chapter 31b, Nurse Practice Act;
810	(B) a physician assistant, licensed under Title 58, Chapter 70a, Utah Physician
811	Assistant Act;
812	(C) a mental health professional, licensed under Title 58, Chapter 60, Mental Health
813	Professional Practice Act; or
814	(D) another health care provider, designated by rule as described in Subsection (10).
815	(3) A POLST order shall be signed:
816	(a) personally, by the physician, APRN, or, subject to Subsection (11), physician
817	assistant of the person to whom the POLST order relates; and
818	(b) (i) if the person to whom the POLST order relates is an adult with health care
819	decision making capacity, by:
820	(A) the person; or
821	(B) an adult who is directed by the person to sign the POLST order on behalf of the
822	person;
823	(ii) if the person to whom the POLST order relates is an adult who lacks health care
824	decision making capacity, by:
825	(A) the surrogate with the highest priority under Section 75-2a-111;
826	(B) the majority of the class of surrogates with the highest priority under Section
827	75-2a-111; or
828	(C) a person directed to sign the POLST order by, and on behalf of, the persons
829	described in Subsection (3)(b)(ii)(A) or (B); or
830	(iii) if the person to whom the POLST order relates is a minor, by a parent or guardian
831	of the minor.
832	(4) If a POLST order relates to a minor and directs that life sustaining treatment be
833	withheld or withdrawn from the minor, the order shall include a certification by two physicians

834 that, in their clinical judgment, an order to withhold or withdraw life sustaining treatment is in 835 the best interest of the minor. 836 (5) A POLST order: 837 (a) shall be in writing, on a form designated by the Department of Health and Human 838 Services; 839 (b) shall state the date on which the POLST order was made; 840 (c) may specify the level of life sustaining care to be provided to the person to whom 841 the order relates; and 842 (d) may direct that life sustaining care be withheld or withdrawn from the person to 843 whom the order relates. 844 (6) A health care provider or emergency medical service provider, licensed or certified 845 under [Title 26B, Chapter 4, Part 1, Utah Emergency Medical Services System] Title 53, 846 Chapter 2d, Emergency Medical Services Act, is immune from civil or criminal liability, and is 847 not subject to discipline for unprofessional conduct, for: 848 (a) complying with a POLST order in good faith; or 849 (b) providing life sustaining treatment to a person when a POLST order directs that the 850 life sustaining treatment be withheld or withdrawn. 851 (7) To the extent that the provisions of a POLST order described in this section conflict 852 with the provisions of an advance health care directive made under Section 75-2a-107, the 853 provisions of the POLST order take precedence. 854 (8) An adult, or a parent or guardian of a minor, may revoke a POLST order by: 855 (a) orally informing emergency service personnel; 856 (b) writing "void" across the POLST order form; 857 (c) burning, tearing, or otherwise destroying or defacing: 858 (i) the POLST order form; or 859 (ii) a bracelet or other evidence of the POLST order; 860 (d) asking another adult to take the action described in this Subsection (8) on the 861 person's behalf; 862 (e) signing or directing another adult to sign a written revocation on the person's 863 behalf;

(f) stating, in the presence of an adult witness, that the person wishes to revoke the

865 order; or

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- (g) completing a new POLST order.
  - (9) (a) Except as provided in Subsection (9)(c), a surrogate for an adult who lacks health care decision making capacity may only revoke a POLST order if the revocation is consistent with the substituted judgment standard.
  - (b) Except as provided in Subsection (9)(c), a surrogate who has authority under this section to sign a POLST order may revoke a POLST order, in accordance with Subsection (9)(a), by:
    - (i) signing a written revocation of the POLST order; or
- (ii) completing and signing a new POLST order.
  - (c) A surrogate may not revoke a POLST order during the period of time beginning when an emergency service provider is contacted for assistance, and ending when the emergency ends.
  - (10) (a) The Department of Health and Human Services shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:
    - (i) create the forms and systems described in this section; and
    - (ii) develop uniform instructions for the form established in Section 75-2a-117.
  - (b) The Department of Health and Human Services may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to designate health care professionals, in addition to those described in Subsection (2)(b)(ii), who may prepare a POLST order.
  - (c) The Department of Health and Human Services may assist others with training of health care professionals regarding this chapter.
  - (11) A physician assistant may not prepare or sign a POLST order, unless the physician assistant is permitted to prepare or sign the POLST order under the physician assistant's delegation of services agreement, as defined in Section 58-70a-102.
    - (12) (a) Notwithstanding any other provision of this section:
  - (i) the provisions of Title 46, Chapter 4, Uniform Electronic Transactions Act, apply to any signature required on the POLST order; and
- 894 (ii) a verbal confirmation satisfies the requirement for a signature from an individual 895 under Subsection (3)(b)(ii) or (iii), if:

(A) requiring the individual described in Subsection (3)(b)(i)(B), (ii), or (iii) to sign the POLST order in person or electronically would require significant difficulty or expense; and (B) a licensed health care provider witnesses the verbal confirmation and signs the POLST order attesting that the health care provider witnessed the verbal confirmation. (b) The health care provider described in Subsection (12)(a)(ii)(B): (i) may not be the same individual who signs the POLST order under Subsection (3)(a); and (ii) shall verify, in accordance with HIPAA as defined in Section 26B-3-126, the identity of the individual who is providing the verbal confirmation. Section 15. Section **76-10-3105** is amended to read: **76-10-3105.** Exempt activities. (1) This act may not be construed to prohibit: (a) the activities of any public utility to the extent that those activities are subject to regulation by the public service commission, the state or federal department of transportation, the federal energy regulatory commission, the federal communications commission, the interstate commerce commission, or successor agencies: (b) the activities of any insurer, insurance producer, independent insurance adjuster, or rating organization including, but not limited to, making or participating in joint underwriting or reinsurance arrangements, to the extent that those activities are subject to regulation by the 915 commissioner of insurance; (c) the activities of securities dealers, issuers, or agents, to the extent that those activities are subject to regulation under the laws of either this state or the United States; (d) the activities of any state or national banking institution, to the extent that the activities are regulated or supervised by state government officers or agencies under the banking laws of this state or by federal government officers or agencies under the banking laws of the United States; (e) the activities of any state or federal savings and loan association to the extent that

- those activities are regulated or supervised by state government officers or agencies under the banking laws of this state or federal government officers or agencies under the banking laws of the United States;
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(f) the activities of a political subdivision to the extent authorized or directed by state

law, consistent with the state action doctrine of federal antitrust law; or

- (g) the activities of an emergency medical service provider licensed under [Title 26B, Chapter 4, Part 1, Utah Emergency Medical Services System] Title 53, Chapter 2d, Emergency Medical Services Act, to the extent that those activities are regulated by state government officers or agencies under that act.
  - (2) (a) The labor of a human being is not a commodity or article of commerce.
- (b) Nothing contained in the antitrust laws shall be construed to forbid the existence and operation of labor, agricultural, or horticultural organizations, instituted for the purpose of mutual help and not having capital stock or conducted for profit, or to forbid or restrain individual members of these organizations from lawfully carrying out their legitimate objects; nor may these organizations or membership in them be held to be illegal combinations or conspiracies in restraint of trade under the antitrust laws.
- (3) (a) As used in this section, an entity is also a municipality if the entity was formed under Title 11, Chapter 13, Interlocal Cooperation Act, prior to January 1, 1981, and the entity is:
  - (i) a project entity as defined in Section 11-13-103;
  - (ii) an electric interlocal entity as defined in Section 11-13-103; or
  - (iii) an energy services interlocal entity as defined in Section 11-13-103.
- (b) The activities of the entities under Subsection (3)(a) are authorized or directed by state law.
  - Section 16. Section **80-2-1002** is amended to read:
- 80-2-1002. Licensing Information System -- Contents -- Classification of records -- Access -- Unlawful release -- Penalty.
- (1) (a) The division shall maintain a sub-part of the Management Information System as the Licensing Information System to be used:
  - (i) for licensing purposes; or
  - (ii) as otherwise provided by law.
- (b) Notwithstanding Subsection (1)(a), the department's access to information in the Management Information System for the licensure and monitoring of a foster parent is governed by Sections 80-2-1001 and 26B-2-121.
  - (2) The Licensing Information System shall include only the following information:

958	(a) the name and other identifying information of the alleged perpetrator in a supported
959	finding, without identifying the alleged perpetrator as a perpetrator or alleged perpetrator;
960	(b) a notation to the effect that an investigation regarding the alleged perpetrator
961	described in Subsection (2)(a) is pending;
962	(c) the information described in Subsection (3);
963	(d) consented-to supported findings by an alleged perpetrator under Subsection
964	80-2-708(3)(a)(iii);
965	(e) a finding from the juvenile court under Section 80-3-404; and
966	(f) the information in the licensing part of the division's Management Information
967	System as of May 6, 2002.
968	(3) Subject to Section 80-2-1003, upon receipt of a finding from the juvenile court
969	under Section 80-3-404, the division shall:
970	(a) promptly amend the Licensing Information System to include the finding; and
971	(b) enter the finding in the Management Information System.
972	(4) Information or a record contained in the Licensing Information System is:
973	(a) a protected record under Title 63G, Chapter 2, Government Records Access and
974	Management Act; and
975	(b) notwithstanding Title 63G, Chapter 2, Government Records Access and
976	Management Act, accessible only:
977	(i) to the Office of Licensing created in Section 26B-2-103:
978	(A) for licensing purposes; or
979	(B) as otherwise specifically provided for by law;
980	(ii) to the division to:
981	(A) screen an individual at the request of the Office of Guardian Ad Litem at the time
982	the individual seeks a paid or voluntary position with the Office of Guardian Ad Litem and
983	annually throughout the time that the individual remains with the Office of Guardian Ad Litem
984	and
985	(B) respond to a request for information from an individual whose name is listed in the
986	Licensing Information System;
987	(iii) to a person designated by the Department of Health and Human Services, only for
988	the following purposes:

989	(A) licensing a child care program or provider; or
990	(B) determining whether an individual associated with a child care facility, program, or
991	provider, who is exempt from being licensed or certified by the Department of Health and
992	Human Services under Title 26B, Chapter 2, Part 4, Child Care Licensing, has a supported
993	finding of a severe type of child abuse or neglect; [or]
994	[(C) determining whether an individual who is seeking an emergency medical services
995	license has a supported finding of a severe type of child abuse or neglect;]
996	(iv) to a person designated by the Department of Workforce Services and approved by
997	the Department of Health and Human Services for the purpose of qualifying a child care
998	provider under Section 35A-3-310.5;
999	(v) to the Bureau of Emergency Medical Services, within the Department of Public
1000	Safety, in determining whether an individual who is seeking an emergency medical services
1001	license has a supported finding of a severe type of child abuse or neglect;
1002	[(v)] (vi) as provided in Section 26B-2-121; or
1003	[(vi)] (vii) to the department or another person, as provided in this chapter.
1004	(5) A person designated by the Department of Health and Human Services, [or] the
1005	Department of Workforce Services, or the Bureau of Emergency Medical Services under
1006	Subsection (4) shall adopt measures to:
1007	(a) protect the security of the Licensing Information System; and
1008	(b) strictly limit access to the Licensing Information System to persons allowed access
1009	by statute.
1010	(6) The department shall approve a person allowed access by statute to information or a
1011	record contained in the Licensing Information System and provide training to the person with
1012	respect to:
1013	(a) accessing the Licensing Information System;
1014	(b) maintaining strict security; and
1015	(c) the criminal provisions of Sections 63G-2-801 and 80-2-1005 pertaining to the
1016	improper release of information.
1017	(7) (a) Except as authorized by this chapter, a person may not request another person to
1018	obtain or release any other information in the Licensing Information System to screen for
1019	potential perpetrators of abuse or neglect.

1020	(b) A person who requests information knowing that the request is a violation of this
1021	Subsection (7) is subject to the criminal penalties described in Sections 63G-2-801 and
1022	80-2-1005.
1023	Section 17. Effective date.
1024	(1) Except as provided in Subsection (2), this bill takes effect on July 1, 2024.
1025	(2) If approved by two-thirds of all the members elected to each house, the actions
1026	affecting Sections 53-2d-101.1 (effective upon governor's approval) and 63I-2-253 (effective
1027	upon governor's approval) take effect upon approval by the governor, or the day following the
1028	constitutional time limit of Utah Constitution, Article VII, Section 8, without the governor's
1029	signature or in the case of a veto, the date of veto override