

1 **TRANSFER OF THE BUREAU OF EMERGENCY**
2 **MEDICAL SERVICES FROM THE DEPARTMENT**
3 **OF HEALTH TO THE DEPARTMENT OF PUBLIC SAFETY**

4 2010 GENERAL SESSION

5 STATE OF UTAH

6 **Chief Sponsor: Paul Ray**

7 Senate Sponsor: _____

8
9 **LONG TITLE**

10 **General Description:**

11 This bill moves the Bureau of Emergency Medical Services from the Department of
12 Health to the Department of Public Safety.

13 **Highlighted Provisions:**

14 This bill:

- 15 ▶ defines terms;
- 16 ▶ recodifies the State Emergency Medical Services System Act;
- 17 ▶ moves the State Emergency Medical Services Committee and the Bureau of
18 Emergency Medical Services from the Department of Health to the Department of
19 Public Safety;
- 20 ▶ changes the name of the State Emergency Medical Services Committee to the State
21 Emergency Medical Services Board;
- 22 ▶ moves the Trauma System Advisory Committee from the Department of Health to
23 the Department of Public Safety;
- 24 ▶ changes the name of the Trauma System Advisory Committee to the Trauma
25 System Advisory Council; and
- 26 ▶ makes technical changes.

27 **Monies Appropriated in this Bill:**



28 None

29 **Other Special Clauses:**

30 None

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **10-2-425**, as last amended by Laws of Utah 2009, Chapter 350

34 **26-1-7**, as last amended by Laws of Utah 2003, Chapter 246

35 **26-6b-2**, as last amended by Laws of Utah 2006, Chapter 185

36 **26-8b-303**, as enacted by Laws of Utah 2009, Chapter 22

37 **26-9-4**, as last amended by Laws of Utah 2009, Chapter 368

38 **39-1-64**, as enacted by Laws of Utah 2004, Chapter 82

39 **41-22-29**, as last amended by Laws of Utah 2008, Chapter 382

40 **51-9-403**, as renumbered and amended by Laws of Utah 2008, Chapter 382

41 **53-1-104**, as last amended by Laws of Utah 2007, Chapter 66

42 **58-1-307**, as last amended by Laws of Utah 2008, Chapter 242

43 **58-57-7**, as last amended by Laws of Utah 2006, Chapter 106

44 **59-12-801**, as last amended by Laws of Utah 2006, Chapter 302

45 **62A-15-629**, as renumbered and amended by Laws of Utah 2002, Fifth Special Session,
46 Chapter 8

47 **63C-7-202**, as last amended by Laws of Utah 1999, Chapter 141

48 **63G-4-102**, as renumbered and amended by Laws of Utah 2008, Chapter 382

49 **63J-1-602**, as enacted by Laws of Utah 2009, Chapter 368

50 **75-2a-103**, as last amended by Laws of Utah 2009, Chapter 99

51 **75-2a-106**, as last amended by Laws of Utah 2009, Chapter 99

52 **76-5-102.7**, as last amended by Laws of Utah 2008, Chapter 3

53 **76-10-915**, as last amended by Laws of Utah 2006, Chapter 112

54 **78B-8-401**, as renumbered and amended by Laws of Utah 2008, Chapter 3

55 ENACTS:

56 **53-16-103**, Utah Code Annotated 1953

57 **53-16-203**, Utah Code Annotated 1953

58 RENUMBERS AND AMENDS:

- 59 **53-16-101**, (Renumbered from 26-8a-101, as enacted by Laws of Utah 1999, Chapter
- 60 141)
- 61 **53-16-102**, (Renumbered from 26-8a-102, as last amended by Laws of Utah 2000,
- 62 Chapter 305)
- 63 **53-16-104**, (Renumbered from 26-8a-106, as enacted by Laws of Utah 1999, Chapter
- 64 141)
- 65 **53-16-201**, (Renumbered from 26-8a-103, as last amended by Laws of Utah 2001,
- 66 Chapter 228)
- 67 **53-16-202**, (Renumbered from 26-8a-104, as last amended by Laws of Utah 2008,
- 68 Chapter 382)
- 69 **53-16-301**, (Renumbered from 26-8a-105, as last amended by Laws of Utah 2008,
- 70 Chapter 382)
- 71 **53-16-302**, (Renumbered from 26-8a-201, as enacted by Laws of Utah 1999, Chapter
- 72 141)
- 73 **53-16-303**, (Renumbered from 26-8a-202, as enacted by Laws of Utah 1999, Chapter
- 74 141)
- 75 **53-16-304**, (Renumbered from 26-8a-203, as last amended by Laws of Utah 2000,
- 76 Chapter 305)
- 77 **53-16-305**, (Renumbered from 26-8a-204, as enacted by Laws of Utah 1999, Chapter
- 78 141)
- 79 **53-16-306**, (Renumbered from 26-8a-205, as enacted by Laws of Utah 1999, Chapter
- 80 141)
- 81 **53-16-307**, (Renumbered from 26-8a-206, as enacted by Laws of Utah 1999, Chapter
- 82 141)
- 83 **53-16-308**, (Renumbered from 26-8a-207, as last amended by Laws of Utah 2009,
- 84 Chapter 82)
- 85 **53-16-309**, (Renumbered from 26-8a-208, as enacted by Laws of Utah 1999, Chapter
- 86 141)
- 87 **53-16-401**, (Renumbered from 26-8a-250, as enacted by Laws of Utah 2000, Chapter
- 88 305)
- 89 **53-16-402**, (Renumbered from 26-8a-251, as enacted by Laws of Utah 2000, Chapter

90 305)
91 **53-16-403**, (Renumbered from 26-8a-252, as enacted by Laws of Utah 2000, Chapter
92 305)
93 **53-16-404**, (Renumbered from 26-8a-253, as last amended by Laws of Utah 2006,
94 Chapter 310)
95 **53-16-405**, (Renumbered from 26-8a-254, as enacted by Laws of Utah 2000, Chapter
96 305)
97 **53-16-501**, (Renumbered from 26-8a-301, as last amended by Laws of Utah 2009,
98 Chapter 22)
99 **53-16-502**, (Renumbered from 26-8a-302, as enacted by Laws of Utah 1999, Chapter
100 141)
101 **53-16-503**, (Renumbered from 26-8a-303, as enacted by Laws of Utah 1999, Chapter
102 141)
103 **53-16-504**, (Renumbered from 26-8a-304, as enacted by Laws of Utah 1999, Chapter
104 141)
105 **53-16-505**, (Renumbered from 26-8a-305, as enacted by Laws of Utah 1999, Chapter
106 141)
107 **53-16-506**, (Renumbered from 26-8a-306, as enacted by Laws of Utah 1999, Chapter
108 141)
109 **53-16-507**, (Renumbered from 26-8a-307, as enacted by Laws of Utah 1999, Chapter
110 141)
111 **53-16-508**, (Renumbered from 26-8a-308, as last amended by Laws of Utah 2009,
112 Chapter 22)
113 **53-16-509**, (Renumbered from 26-8a-309, as enacted by Laws of Utah 1999, Chapter
114 141)
115 **53-16-510**, (Renumbered from 26-8a-310, as last amended by Laws of Utah 2008,
116 Chapter 382)
117 **53-16-601**, (Renumbered from 26-8a-401, as enacted by Laws of Utah 1999, Chapter
118 141)
119 **53-16-602**, (Renumbered from 26-8a-402, as last amended by Laws of Utah 2000,
120 Chapter 1)

- 121 **53-16-603**, (Renumbered from 26-8a-403, as last amended by Laws of Utah 2006,
122 Chapter 209)
- 123 **53-16-604**, (Renumbered from 26-8a-404, as last amended by Laws of Utah 2008,
124 Chapter 382)
- 125 **53-16-605**, (Renumbered from 26-8a-405, as last amended by Laws of Utah 2003,
126 Chapter 213)
- 127 **53-16-606**, (Renumbered from 26-8a-405.1, as last amended by Laws of Utah 2008,
128 Chapter 360)
- 129 **53-16-607**, (Renumbered from 26-8a-405.2, as last amended by Laws of Utah 2008,
130 Chapter 360)
- 131 **53-16-608**, (Renumbered from 26-8a-405.3, as last amended by Laws of Utah 2009,
132 Chapter 388)
- 133 **53-16-609**, (Renumbered from 26-8a-406, as last amended by Laws of Utah 2009,
134 Chapter 388)
- 135 **53-16-610**, (Renumbered from 26-8a-407, as last amended by Laws of Utah 2008,
136 Chapter 382)
- 137 **53-16-611**, (Renumbered from 26-8a-408, as enacted by Laws of Utah 1999, Chapter
138 141)
- 139 **53-16-612**, (Renumbered from 26-8a-409, as enacted by Laws of Utah 1999, Chapter
140 141)
- 141 **53-16-613**, (Renumbered from 26-8a-410, as enacted by Laws of Utah 1999, Chapter
142 141)
- 143 **53-16-614**, (Renumbered from 26-8a-411, as last amended by Laws of Utah 2003,
144 Chapter 213)
- 145 **53-16-615**, (Renumbered from 26-8a-412, as enacted by Laws of Utah 1999, Chapter
146 141)
- 147 **53-16-616**, (Renumbered from 26-8a-413, as last amended by Laws of Utah 2003,
148 Chapter 213)
- 149 **53-16-617**, (Renumbered from 26-8a-414, as last amended by Laws of Utah 2008,
150 Chapter 382)
- 151 **53-16-618**, (Renumbered from 26-8a-415, as enacted by Laws of Utah 1999, Chapter

152 141)
 153 **53-16-619**, (Renumbered from 26-8a-416, as enacted by Laws of Utah 1999, Chapter
 154 141)
 155 **53-16-701**, (Renumbered from 26-8a-501, as enacted by Laws of Utah 1999, Chapter
 156 141)
 157 **53-16-702**, (Renumbered from 26-8a-502, as last amended by Laws of Utah 2009,
 158 Chapter 22)
 159 **53-16-703**, (Renumbered from 26-8a-503, as last amended by Laws of Utah 2008,
 160 Chapter 382)
 161 **53-16-704**, (Renumbered from 26-8a-504, as last amended by Laws of Utah 2008,
 162 Chapter 382)
 163 **53-16-705**, (Renumbered from 26-8a-505, as enacted by Laws of Utah 1999, Chapter
 164 141)
 165 **53-16-706**, (Renumbered from 26-8a-506, as enacted by Laws of Utah 1999, Chapter
 166 141)
 167 **53-16-707**, (Renumbered from 26-8a-507, as enacted by Laws of Utah 1999, Chapter
 168 141)
 169 **53-16-801**, (Renumbered from 26-8a-601, as last amended by Laws of Utah 2009,

170 Chapter 22)

171 REPEALS:

172 **26-8a-209**, as last amended by Laws of Utah 2009, Chapter 22



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

175 Section 1. Section **10-2-425** is amended to read:

176 **10-2-425. Filing of notice and plat -- Recording and notice requirements --**

177 **Effective date of annexation or boundary adjustment.**

178 (1) The legislative body of each municipality that enacts an ordinance under this part
 179 approving the annexation of an unincorporated area or the adjustment of a boundary shall:

180 (a) within 30 days after enacting the ordinance or, in the case of a boundary
 181 adjustment, within 30 days after each of the municipalities involved in the boundary
 182 adjustment has enacted an ordinance, file with the lieutenant governor:

- 183 (i) a notice of an impending boundary action, as defined in Section 67-1a-6.5, that
184 meets the requirements of Subsection 67-1a-6.5(3); and
185 (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5; and
186 (b) upon the lieutenant governor's issuance of a certificate of annexation or boundary
187 adjustment, as the case may be, under Section 67-1a-6.5:
188 (i) (A) if the annexed area or area subject to the boundary adjustment is located within
189 the boundary of a single county, submit to the recorder of that county:
190 (I) the original:
191 (Aa) notice of an impending boundary action;
192 (Bb) certificate of annexation or boundary adjustment; and
193 (Cc) approved final local entity plat; and
194 (II) a certified copy of the ordinance approving the annexation or boundary adjustment;
195 or
196 (B) if the annexed area or area subject to the boundary adjustment is located within the
197 boundaries of more than a single county:
198 (I) submit to the recorder of one of those counties:
199 (Aa) the original of the documents listed in Subsections (1)(b)(i)(A)(I)(Aa), (Bb), and
200 (Cc); and
201 (Bb) a certified copy of the ordinance approving the annexation or boundary
202 adjustment; and
203 (II) submit to the recorder of each other county:
204 (Aa) a certified copy of the documents listed in Subsections (1)(b)(i)(A)(I)(Aa), (Bb),
205 and (Cc); and
206 (Bb) a certified copy of the ordinance approving the annexation or boundary
207 adjustment;
208 (ii) send notice of the annexation or boundary adjustment to each affected entity; and
209 (iii) in accordance with Section ~~[26-8a-414]~~ 53-16-617, file with the ~~[Department of~~
210 ~~Health]~~ Bureau of Emergency Medical Services, created in Section 53-16-103:
211 (A) a certified copy of the ordinance approving the annexation of an unincorporated
212 area or the adjustment of a boundary; and
213 (B) a copy of the approved final local entity plat.

214 (2) If an annexation or boundary adjustment under this part also causes an automatic
215 annexation to a local district under Section 17B-1-416 or an automatic withdrawal from a local
216 district under Subsection 17B-1-502(2), the municipal legislative body shall, as soon as
217 practicable after the lieutenant governor issues a certificate of annexation or boundary
218 adjustment under Section 67-1a-6.5, send notice of the annexation or boundary adjustment to
219 the local district to which the annexed area is automatically annexed or from which the
220 annexed area is automatically withdrawn.

221 (3) Each notice required under Subsection (1) relating to an annexation or boundary
222 adjustment shall state the effective date of the annexation or boundary adjustment, as
223 determined under Subsection (4).

224 (4) An annexation or boundary adjustment under this part is completed and takes
225 effect:

226 (a) for the annexation of or boundary adjustment affecting an area located in a county
227 of the first class, except for an annexation under Section 10-2-418:

228 (i) July 1 following the lieutenant governor's issuance under Section 67-1a-6.5 of a
229 certificate of annexation or boundary adjustment if:

230 (A) the certificate is issued during the preceding November 1 through April 30; and

231 (B) the requirements of Subsection (1) are met before that July 1; or

232 (ii) January 1 following the lieutenant governor's issuance under Section 67-1a-6.5 of a
233 certificate of annexation or boundary adjustment if:

234 (A) the certificate is issued during the preceding May 1 through October 31; and

235 (B) the requirements of Subsection (1) are met before that January 1; and

236 (b) for all other annexations and boundary adjustments, the date of the lieutenant
237 governor's issuance, under Section 67-1a-6.5, of a certificate of annexation or boundary
238 adjustment.

239 (5) (a) As used in this Subsection (5):

240 (i) "Affected area" means:

241 (A) in the case of an annexation, the annexed area; and

242 (B) in the case of a boundary adjustment, any area that, as a result of the boundary
243 adjustment, is moved from within the boundary of one municipality to within the boundary of
244 another municipality.

245 (ii) "Annexing municipality" means:

246 (A) in the case of an annexation, the municipality that annexes an unincorporated area;
247 and

248 (B) in the case of a boundary adjustment, a municipality whose boundary includes an
249 affected area as a result of a boundary adjustment.

250 (b) The effective date of an annexation or boundary adjustment for purposes of
251 assessing property within an affected area is governed by Section 59-2-305.5.

252 (c) Until the documents listed in Subsection (1)(b)(i) are recorded in the office of the
253 recorder of each county in which the property is located, a municipality may not:

254 (i) levy or collect a property tax on property within an affected area;

255 (ii) levy or collect an assessment on property within an affected area; or

256 (iii) charge or collect a fee for service provided to property within an affected area,

257 unless the municipality was charging and collecting the fee within that area immediately before
258 annexation.

259 Section 2. Section **26-1-7** is amended to read:

260 **26-1-7. Committees within department.**

261 (1) There are created within the department the following committees:

262 (a) Health Facility Committee;

263 [~~(b) State Emergency Medical Services Committee;~~]

264 [~~(c)~~] (b) Health Data Committee; and

265 [~~(d)~~] (c) Utah Health Care Workforce Financial Assistance Program Advisory
266 Committee.

267 (2) The department shall:

268 (a) review all committees and advisory groups in existence before July 1, 2003 that are
269 not listed in Subsection (1) or Section 26-1-7.5, and not required by state or federal law; and

270 (b) beginning no later than July 1, 2003:

271 (i) consolidate those advisory groups and committees with other committees or
272 advisory groups as appropriate to create greater efficiencies and budgetary savings for the
273 department; and

274 (ii) create in writing, time-limited and subject-limited duties for the advisory groups or
275 committees as necessary to carry out the responsibilities of the department.

276 Section 3. Section **26-6b-2** is amended to read:

277 **26-6b-2. Definitions.**

278 As used in this chapter:

279 (1) "Department" means the Department of Health or a local health department as
280 defined in Section 26A-1-102.

281 (2) "First responder" means:

282 (a) a law enforcement officer as defined in Section 53-13-103;

283 (b) emergency medical service personnel as defined in Section ~~[26-8a-102]~~ 53-16-102;

284 (c) firefighters; and

285 (d) public health personnel having jurisdiction over the location where an individual
286 subject to restriction is found.

287 (3) "Order of restriction" means an order issued by a department or a district court
288 which requires an individual or group of individuals who are subject to restriction to submit to
289 an examination, treatment, isolation, or quarantine.

290 (4) "Public health official" means:

291 (a) the executive director of the Department of Health, or the executive director's
292 authorized representative; or

293 (b) the executive director of a local health department as defined in Section 26A-1-102,
294 or the executive director's authorized representative.

295 (5) "Subject to restriction" as applied to an individual, or a group of individuals, means
296 the individual or group of individuals is:

297 (a) infected or suspected to be infected with a communicable disease that poses a threat
298 to the public health and who does not take action as required by the department to prevent
299 spread of the disease;

300 (b) contaminated or suspected to be contaminated with an infectious agent that poses a
301 threat to the public health, and that could be spread to others if remedial action is not taken;

302 (c) in a condition or suspected condition which, if the individual is exposed to others,
303 poses a threat to public health, or is in a condition which if treatment is not completed the
304 individual will pose a threat to public health; or

305 (d) contaminated or suspected to be contaminated with a chemical or biological agent
306 that poses a threat to the public health and that could be spread to others if remedial action is

307 not taken.

308 Section 4. Section **26-8b-303** is amended to read:

309 **26-8b-303. Duties of emergency medical dispatch centers.**

310 [~~Beginning on September 1, 2009, an~~ An emergency medical dispatch center shall:

311 (1) implement a system to receive and manage the information reported to the
312 emergency medical dispatch center under Section [~~26-8a-209 or~~] 26-8b-301;

313 (2) record in the system described in Subsection (1), all information received under
314 Section [~~26-8a-209 or~~] 26-8b-301 [~~as follows: (a) if the information is received under~~
315 ~~Subsection 26-8a-209(5), within 30 days after the day on which the information is received; or~~
316 ~~(b) if the information is received under Subsection 26-8a-209(6) or Section 26-8b-301~~], within
317 14 days after the day on which the information is received;

318 (3) inform a person who calls to report a potential incident of sudden cardiac arrest of
319 the location of any nearby AED; and

320 (4) provide the information contained in the system described in Subsection (1), upon
321 request, to:

322 (a) the bureau; or

323 (b) another emergency medical dispatch center.

324 Section 5. Section **26-9-4** is amended to read:

325 **26-9-4. Rural Health Care Facilities Fund -- Source of revenues -- Interest --**
326 **Distribution of revenues -- Expenditure of revenues -- Unexpended revenues lapse into**
327 **the General Fund.**

328 (1) As used in this section:

329 (a) "Emergency medical services" is as defined in Section [~~26-8a-102~~] 53-16-102.

330 (b) "Federally qualified health center" is as defined in 42 U.S.C. Sec. 1395x.

331 (c) "Fiscal year" means a one-year period beginning on July 1 of each year.

332 (d) "Freestanding urgent care center" is as defined in Section 59-12-801.

333 (e) "Fund" means the Rural Health Care Facilities Fund created by this section.

334 (f) "Nursing care facility" is as defined in Section 26-21-2.

335 (g) "Rural city hospital" is as defined in Section 59-12-801.

336 (h) "Rural county health care facility" is as defined in Section 59-12-801.

337 (i) "Rural county hospital" is as defined in Section 59-12-801.

- 338 (j) "Rural county nursing care facility" is as defined in Section 59-12-801.
- 339 (k) "Rural emergency medical services" is as defined in Section 59-12-801.
- 340 (l) "Rural health clinic" is as defined in 42 U.S.C. Sec. 1395x.
- 341 (2) There is created a general fund restricted account known as the Rural Health Care
- 342 Facilities Fund.
- 343 (3) (a) The fund shall be funded by amounts appropriated by the Legislature.
- 344 (b) Any interest earned on the fund shall be deposited into the General Fund.
- 345 (4) Subject to Subsection (5), the State Tax Commission shall for a fiscal year
- 346 distribute monies deposited into the fund to each:
 - 347 (a) county legislative body of a county that, on January 1, 2007, imposes a tax in
 - 348 accordance with Section 59-12-802; or
 - 349 (b) city legislative body of a city that, on January 1, 2007, imposes a tax in accordance
 - 350 with Section 59-12-804.
- 351 (5) (a) For purposes of the distribution required by Subsection (4), the State Tax
- 352 Commission shall:
 - 353 (i) estimate for each county and city described in Subsection (4) the amount by which
 - 354 the revenues collected from the taxes imposed under Sections 59-12-802 and 59-12-804 for
 - 355 fiscal year 2005-06 would have been reduced had:
 - 356 (A) the amendments made by Laws of Utah 2007, Chapter 288, Sections 25 and 26, to
 - 357 Sections 59-12-802 and 59-12-804 been in effect for fiscal year 2005-06; and
 - 358 (B) each county and city described in Subsection (4) imposed the tax under Sections
 - 359 59-12-802 and 59-12-804 for the entire fiscal year 2005-06;
 - 360 (ii) calculate a percentage for each county and city described in Subsection (4) by
 - 361 dividing the amount estimated for each county and city in accordance with Subsection (5)(a)(i)
 - 362 by \$555,000; and
 - 363 (iii) distribute to each county and city described in Subsection (4) an amount equal to
 - 364 the product of:
 - 365 (A) the percentage calculated in accordance with Subsection (5)(a)(ii); and
 - 366 (B) the amount appropriated by the Legislature to the fund for the fiscal year.
 - 367 (b) The State Tax Commission shall make the estimations, calculations, and
 - 368 distributions required by Subsection (5)(a) on the basis of data collected by the State Tax

369 Commission.

370 (6) (a) Subject to Subsection (6)(b), a county legislative body shall distribute the
371 monies the county legislative body receives in accordance with Subsection (5):

372 (i) for a county of the third, fourth, or fifth class, to fund rural county health care
373 facilities in that county; and

374 (ii) for a county of the sixth class, to fund:

375 (A) emergency medical services in that county;

376 (B) federally qualified health centers in that county;

377 (C) freestanding urgent care centers in that county;

378 (D) rural county health care facilities in that county;

379 (E) rural health clinics in that county; or

380 (F) a combination of Subsections (6)(a)(ii)(A) through (E).

381 (b) A county legislative body shall distribute a percentage of the monies the county
382 legislative body receives in accordance with Subsection (5) to each center, clinic, facility, or
383 service described in Subsection (6)(a) equal to the same percentage that the county legislative
384 body distributes to that center, clinic, facility, or service in accordance with Section 59-12-803
385 for the calendar year ending on the December 31 immediately preceding the first day of the
386 fiscal year for which the county legislative body receives the distribution in accordance with
387 Subsection (5).

388 (c) A center, clinic, facility, or service that receives a distribution in accordance with
389 this Subsection (6) shall expend that distribution for the same purposes for which monies
390 generated by a tax under Section 59-12-802 may be expended.

391 (7) (a) Subject to Subsection (7)(b), a city legislative body shall distribute the monies
392 the city legislative body receives in accordance with Subsection (5) to fund rural city hospitals
393 in that city.

394 (b) A city legislative body shall distribute a percentage of the monies the city
395 legislative body receives in accordance with Subsection (5) to each rural city hospital described
396 in Subsection (7)(a) equal to the same percentage that the city legislative body distributes to
397 that rural city hospital in accordance with Section 59-12-805 for the calendar year ending on
398 the December 31 immediately preceding the first day of the fiscal year for which the city
399 legislative body receives the distribution in accordance with Subsection (5).

400 (c) A rural city hospital that receives a distribution in accordance with this Subsection
401 (7) shall expend that distribution for the same purposes for which monies generated by a tax
402 under Section 59-12-804 may be expended.

403 (8) Any monies remaining in the Rural Health Care Facilities Fund at the end of a
404 fiscal year after the State Tax Commission makes the distributions required by this section
405 shall lapse into the General Fund.

406 Section 6. Section **39-1-64** is amended to read:

407 **39-1-64. Extension of licenses for members of National Guard and reservists.**

408 (1) As used in this section, "license" means any license issued under:

409 (a) Title 58, Occupations and Professions; and

410 (b) Section [~~26-8a-302~~] 53-16-502.

411 (2) Any license held by a member of the National Guard or reserve component of the
412 armed forces that expires while the member is on active duty shall be extended until 90 days
413 after the member is discharged from active duty status.

414 (3) The licensing agency shall renew a license extended under Subsection (2) until the
415 next date that the license expires or for the period that the license is normally issued, at no cost
416 to the member of the National Guard or reserve component of the armed forces if all of the
417 following conditions are met:

418 (a) the National Guard member or reservist requests renewal of the license within 90
419 days after being discharged;

420 (b) the National Guard member or reservist provides the licensing agency with a copy
421 of the member's or reservist's official orders calling the member or reservist to active duty, and
422 official orders discharging the member or reservist from active duty; and

423 (c) the National Guard member or reservist meets all the requirements necessary for the
424 renewal of the license, except the member or reservist need not meet the requirements, if any,
425 that relate to continuing education or training.

426 (4) The provisions of this section do not apply to regularly scheduled annual training.

427 Section 7. Section **41-22-29** is amended to read:

428 **41-22-29. Operation by persons under eight years of age prohibited -- Definitions**
429 **-- Exception -- Penalty.**

430 (1) As used in this section:

431 (a) "Organized practice" means a scheduled motorcycle practice held in an off-road
432 vehicle facility designated by the division and conducted by an organization carrying liability
433 insurance in at least the amounts specified by the division under Subsection (5) covering all
434 activities associated with the practice.

435 (b) "Sanctioned race" means a motorcycle race conducted on a closed course and
436 sponsored and sanctioned by an organization carrying liability insurance in at least the amounts
437 specified by the division under Subsection (5) covering all activities associated with the race.

438 (2) Except as provided under Subsection (3), a person under eight years of age may not
439 operate and an owner may not give another person who is under eight years of age permission
440 to operate an off-highway vehicle on any public land, trail, street, or highway of this state.

441 (3) A child under eight years of age may participate in a sanctioned race or organized
442 practice if:

443 (a) the child is under the immediate supervision of an adult;

444 (b) emergency medical service personnel, as defined in Section ~~[26-8a-102]~~ 53-16-102,
445 are on the premises and immediately available to provide assistance at all times during the
446 sanctioned race or organized practice; and

447 (c) an ambulance provider, as defined in Section ~~[26-8a-102]~~ 53-16-102, is on the
448 premises and immediately available to provide assistance for a sanctioned race.

449 (4) Any person convicted of a violation of this section is guilty of an infraction and
450 shall be fined not more than \$50 per offense.

451 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
452 division shall make rules specifying the minimum amounts of liability coverage for an
453 organized practice or sanctioned race.

454 Section 8. Section **51-9-403** is amended to read:

455 **51-9-403. EMS share of surcharge -- Accounting.**

456 (1) The Division of Finance shall allocate 14% of the collected surcharge established in
457 Section 51-9-401, but not to exceed the amount appropriated by the Legislature, to the account
458 for the Emergency Medical Services (EMS) Grants Program [~~Account~~] under Section
459 ~~[26-8a-207]~~ 53-16-308.

460 (2) The amount shall be recorded by the Department of Health as a dedicated credit.

461 Section 9. Section **53-1-104** is amended to read:

462 **53-1-104. Boards, bureaus, councils, divisions, and offices.**

463 (1) The following are the policymaking boards within the department:

464 (a) the Driver License Medical Advisory Board, created in Section 53-3-303;

465 (b) the Concealed Weapon Review Board, created in Section 53-5-703;

466 (c) the Utah Fire Prevention Board, created in Section 53-7-203;

467 (d) the Liquified Petroleum Gas Board, created in Section 53-7-304; [~~and~~]

468 (e) the Private Investigator Hearing and Licensure Board, created in Section

469 53-9-104[~~;~~]; and470 (f) the State Emergency Medical Services Board, created in Section 53-16-201.

471 (2) The following are the councils within the department:

472 (a) the Peace Officer Standards and Training Council, created in Section 53-6-106;

473 [~~and~~]

474 (b) the Motor Vehicle Safety Inspection Advisory Council, created in Section

475 53-8-203[~~;~~]; and476 (c) the Trauma System Advisory Council, created in Section 53-16-402.

477 (3) The following are the divisions within the department:

478 (a) the Administrative Services Division, created in Section 53-1-203;

479 (b) the Management Information Services Division, created in Section 53-1-303;

480 (c) the Division of Homeland Security, created in Section 53-2-103;

481 (d) the Driver License Division, created in Section 53-3-103;

482 (e) the Criminal Investigations and Technical Services Division, created in Section

483 53-10-103;

484 (f) the Peace [~~Officers~~] Officer Standards and Training Division, created in Section

485 53-6-103;

486 (g) the State Fire Marshal Division, created in Section 53-7-103; and

487 (h) the Utah Highway Patrol Division, created in Section 53-8-103.

488 (4) The Office of Executive Protection is created in Section 53-1-112.

489 (5) The following are bureaus within the department:

490 (a) the Bureau of Criminal Identification, created in Section 53-10-201;491 (b) the State Bureau of Investigation, created in Section 53-10-301;492 (c) the Bureau of Forensic Services, created in Section 53-10-401; [~~and~~]

493 (d) the Bureau of Communications, created in Section 53-10-501; and
 494 (e) the Bureau of Emergency Medical Services, created in Section 53-16-103.
 495 Section 10. Section **53-16-101**, which is renumbered from Section 26-8a-101 is
 496 renumbered and amended to read:

CHAPTER 16. UTAH EMERGENCY MEDICAL SERVICES SYSTEM ACT

Part 1. General Provisions

~~[26-8a-101].~~ **53-16-101. Title.**

This chapter is known as the "Utah Emergency Medical Services System Act."

501 Section 11. Section **53-16-102**, which is renumbered from Section 26-8a-102 is
 502 renumbered and amended to read:

~~[26-8a-102].~~ **53-16-102. Definitions.**

As used in this chapter:

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

- 506 (a) transports patients and is used to provide emergency medical services; and
- 507 (b) is required to obtain a permit under Section ~~[26-8a-304]~~ 53-16-504 to operate in the
 508 state.

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

- 510 (a) transports and provides emergency medical care to patients; and
- 511 (b) is required to obtain a license under Part ~~[4]~~ 6, Ambulance and Paramedic
 512 Providers.

513 (3) "~~[Committee]~~ Board" means the State Emergency Medical Services ~~[Committee]~~
 514 Board created ~~[by Section 26-1-7]~~ in Section 53-16-201.

515 (4) "Bureau" means the Bureau of Emergency Medical Services, created in Section
 516 53-16-103.

517 (5) "Council" means the Trauma System Advisory Council, created in Section
 518 53-16-402.

519 ~~[(4)]~~ (6) "Direct medical observation" means in-person observation of a patient by a
 520 physician, registered nurse, physician's assistant, or individual certified under Section
 521 ~~[26-8a-302]~~ 53-16-502.

522 ~~[(5)]~~ (7) "Emergency medical condition" means:

- 523 (a) a medical condition that manifests itself by symptoms of sufficient severity,

524 including severe pain, that a prudent layperson, who possesses an average knowledge of health
525 and medicine, could reasonably expect the absence of immediate medical attention to result in:

- 526 (i) placing the individual's health in serious jeopardy;
- 527 (ii) serious impairment to bodily functions; or
- 528 (iii) serious dysfunction of any bodily organ or part; or
- 529 (b) a medical condition that in the opinion of a physician or his designee requires direct
530 medical observation during transport or may require the intervention of an individual certified
531 under Section ~~[26-8a-302]~~ 53-16-502 during transport.

532 ~~[(6)]~~ (8) "Emergency medical service personnel":

533 (a) means an individual who provides emergency medical services to a patient and is
534 required to be certified under Section ~~[26-8a-302]~~ 53-16-502; and

535 (b) includes a paramedic, medical director of a licensed emergency medical service
536 provider, emergency medical service instructor, and other categories established by the
537 ~~[committee]~~ board.

538 ~~[(7)]~~ (9) "Emergency medical service providers" means:

- 539 (a) licensed ambulance providers and paramedic providers;
- 540 (b) a facility or provider that is required to be designated under Section ~~[26-8a-303]~~
541 53-16-503; and

542 (c) emergency medical service personnel.

543 ~~[(8)]~~ (10) "Emergency medical services" means medical services, transportation
544 services, or both rendered to a patient.

545 ~~[(9)]~~ (11) "Emergency medical service vehicle" means a land, air, or water vehicle that
546 is:

- 547 (a) maintained and used for the transportation of emergency medical personnel,
548 equipment, and supplies to the scene of a medical emergency; and
- 549 (b) required to be permitted under Section ~~[26-8a-304]~~ 53-16-504.

550 ~~[(10)]~~ (12) "Interested party" means:

551 (a) a licensed or designated emergency medical services provider that provides
552 emergency medical services within or in an area that abuts an exclusive geographic service area
553 that is the subject of an application submitted pursuant to Part ~~[4]~~ 6, Ambulance and Paramedic
554 Providers;

555 (b) any municipality, county, or fire district that lies within or abuts a geographic
556 service area that is the subject of an application submitted pursuant to Part [4] 6, Ambulance
557 and Paramedic Providers; or

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

559 [(11)] (13) "Medical control" means a person who provides medical supervision to an
560 emergency medical service provider.

561 [(12)] (14) "Paramedic provider" means an entity that:

562 (a) employs emergency medical service personnel; and

563 (b) is required to obtain a license under Part [4] 6, Ambulance and Paramedic
564 Providers.

565 [(13)] (15) "Patient" means an individual who, as the result of illness or injury, meets
566 any of the criteria in Section [26-8a-305] 53-16-505.

567 [(14)] (16) "Trauma" means an injury requiring immediate medical or surgical
568 intervention.

569 [(15)] (17) "Trauma system" means a single, statewide system that:

570 (a) organizes and coordinates the delivery of trauma care within defined geographic
571 areas from the time of injury through transport and rehabilitative care; and

572 (b) is inclusive of all prehospital providers, hospitals, and rehabilitative facilities in
573 delivering care for trauma patients, regardless of severity.

574 [(16)] (18) "Triage" means the sorting of patients in terms of disposition, destination,
575 or priority. For prehospital trauma victims, triage requires a determination of injury severity to
576 assess the appropriate level of care according to established patient care protocols.

577 [(17)] (19) "Triage, treatment, transportation, and transfer guidelines" means written
578 procedures that:

579 (a) direct the care of patients; and

580 (b) are adopted by the medical staff of an emergency patient receiving facility, trauma
581 center, or an emergency medical service provider.

582 Section 12. Section **53-16-103** is enacted to read:

583 **53-16-103. Bureau of Emergency Medical Services -- Creation -- Duties.**

584 (1) There is created within the department, the Bureau of Emergency Medical Services.

585 (2) The bureau is responsible to:

586 (a) assist the department in fulfilling the responsibilities assigned to the department
587 under this chapter;

588 (b) assist the board in fulfilling the responsibilities assigned to the board under this
589 chapter; and

590 (c) fulfill the responsibilities assigned to the bureau under this chapter.

591 Section 13. Section **53-16-104**, which is renumbered from Section 26-8a-106 is
592 renumbered and amended to read:

593 ~~[26-8a-106].~~ **53-16-104. Waiver of rules.**

594 (1) Upon application, the ~~[committee]~~ board or department may waive the
595 requirements of a rule it has adopted if:

596 (a) the person applying for the waiver satisfactorily demonstrates that:

- 597 (i) the waiver is necessary for a pilot project to be undertaken by the applicant;
 - 598 (ii) in the particular situation, the requirement serves no beneficial public purpose; or
 - 599 (iii) circumstances warrant that waiver of the requirement outweighs the public benefit
- 600 to be gained by adherence to the rule; and

601 (b) for a waiver granted under Subsection (1)(a)(ii) or (iii), the ~~[committee]~~ board or
602 department:

- 603 (i) extends the waiver to similarly situated persons upon application; or
- 604 (ii) amends the rule to be consistent with the waiver.

605 (2) No waiver may be granted under this section that is inconsistent with the provisions
606 of this chapter.

607 Section 14. Section **53-16-201**, which is renumbered from Section 26-8a-103 is
608 renumbered and amended to read:

609 **Part 2. State Emergency Medical Services Board**

610 ~~[26-8a-103].~~ **53-16-201. State Emergency Medical Services Board --**
611 **Membership -- Report -- Expenses.**

612 (1) ~~[The]~~ There is created the State Emergency Medical Services ~~[Committee created~~
613 ~~by Section 26-1-7]~~ Board. The board shall be composed of the following 16 members
614 appointed by the governor, at least five of whom must reside in a county of the third, fourth,
615 fifth, or sixth class:

- 616 (a) five physicians licensed under Title 58, Chapter 67, Utah Medical Practice Act, or

617 Chapter 68, Utah Osteopathic Medical Practice Act, as follows:

- 618 (i) one surgeon who actively provides trauma care at a hospital;
- 619 (ii) one rural physician involved in emergency medical care;
- 620 (iii) two physicians who practice in the emergency department of a general acute
621 hospital; and
- 622 (iv) one pediatrician who practices in the emergency department or critical care unit of
623 a general acute hospital or a children's specialty hospital;
- 624 (b) one representative from a private ambulance provider;
- 625 (c) one representative from an ambulance provider that is neither privately owned nor
626 operated by a fire department;
- 627 (d) two chief officers from fire agencies operated by the following classes of licensed
628 or designated emergency medical services providers: municipality, county, and fire district,
629 provided that no class of medical services providers may have more than one representative
630 under this Subsection (1)(d);
- 631 (e) one director of a law enforcement agency that provides emergency medical
632 services;
- 633 (f) one hospital administrator;
- 634 (g) one emergency care nurse;
- 635 (h) one paramedic in active field practice;
- 636 (i) one emergency medical technician in active field practice;
- 637 (j) one certified emergency medical dispatcher affiliated with an emergency medical
638 dispatch center; and
- 639 (k) one consumer.
- 640 (2) (a) Except as provided in Subsection (2)(b), members shall be appointed to a
641 four-year term beginning July 1.
- 642 (b) Notwithstanding Subsection (2)(a), the governor shall, at the time of appointment
643 or reappointment, adjust the length of terms to ensure that the terms of [~~committee~~] board
644 members are staggered so that approximately half of the [~~committee~~] board is appointed every
645 two years.
- 646 (c) When a vacancy occurs in the membership for any reason, the replacement shall be
647 appointed by the governor for the unexpired term.

648 (3) (a) Each January, the [committee] board shall organize and select one of its
649 members as chair and one member as vice chair. The [committee] board may organize standing
650 or ad hoc subcommittees, which shall operate in accordance with guidelines established by the
651 [committee] board.

652 (b) The chair shall convene a minimum of four meetings per year. The chair may call
653 special meetings. The chair shall call a meeting upon request of five or more members of the
654 [committee] board.

655 (c) Nine members of the [committee] board constitute a quorum for the transaction of
656 business and the action of a majority of the members present is the action of the [committee]
657 board.

658 (4) The [committee] board shall submit a report in a form acceptable to the
659 [committee] board each November at the Law Enforcement and Criminal Justice Interim
660 Committee meeting concerning its:

- 661 (a) funding priorities and recommended sources;
- 662 (b) closest responder recommendations;
- 663 (c) centralized dispatch;
- 664 (d) duplication of services and any taxing consequences;
- 665 (e) appropriate providers for emergency medical services; and
- 666 (f) recommendations and suggested legislation.

667 (5) (a) Members shall receive no compensation or benefits for their services, but may
668 receive per diem and expenses incurred in the performance of the member's official duties at
669 the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

670 (b) Members may decline to receive per diem and expenses for their service.

671 (6) Administrative services for the [committee] board shall be provided by the
672 department.

673 Section 15. Section **53-16-202**, which is renumbered from Section 26-8a-104 is
674 renumbered and amended to read:

675 ~~[26-8a-104]~~. **53-16-202. Powers of the board.**

676 The [committee] board shall adopt rules in accordance with Title 63G, Chapter 3, Utah
677 Administrative Rulemaking Act, that:

678 (1) establish certification and reciprocity requirements under Section ~~[26-8a-302]~~

679 53-16-502;

680 (2) establish designation requirements under Section [~~26-8a-303~~] 53-16-503;

681 (3) promote the development of a statewide emergency medical services data system
682 under Section [~~26-8a-203~~] 53-16-304;

683 (4) establish insurance requirements for ambulance providers;

684 (5) provide guidelines for requiring patient data under [~~Section 26-8a-203~~] Sections
685 53-16-203 and 53-16-304;

686 (6) establish criteria for awarding grants under Section [~~26-8a-207~~] 53-16-308;

687 (7) establish requirements for the coordination of emergency medical services and the
688 medical supervision of emergency medical service providers under Section [~~26-8a-306~~]

689 53-16-506; and

690 (8) are necessary to carry out the responsibilities of the [~~committee~~] board as specified
691 in other sections of this chapter.

692 Section 16. Section **53-16-203** is enacted to read:

693 **53-16-203. Data collection.**

694 The board shall specify the information that must be collected for the emergency
695 medical services data system established pursuant to Section 53-16-304.

696 Section 17. Section **53-16-301**, which is renumbered from Section 26-8a-105 is
697 renumbered and amended to read:

698 **Part 3. Department Powers and Duties**

699 [~~26-8a-105~~]. **53-16-301. Department powers.**

700 The department shall:

701 (1) coordinate the emergency medical services within the state;

702 (2) administer this chapter and the rules established pursuant to it;

703 (3) establish a voluntary task force representing a diversity of emergency medical
704 service providers to advise the department and the [~~committee~~] board on rules; and

705 (4) adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative
706 Rulemaking Act, to:

707 (a) license ambulance providers and paramedic providers;

708 (b) permit ambulances and emergency response vehicles;

709 (c) establish application, submission, and procedural requirements for licenses,

710 designations, certificates, and permits; and

711 (d) establish and implement the programs, plans, and responsibilities as specified in
712 other sections of this chapter.

713 Section 18. Section **53-16-302**, which is renumbered from Section 26-8a-201 is
714 renumbered and amended to read:

715 ~~[26-8a-201].~~ **53-16-302. Public awareness efforts.**

716 The department may:

717 (1) develop programs to inform the public of the emergency medical service system;

718 and

719 (2) develop and disseminate emergency medical training programs for the public,
720 which emphasize the prevention and treatment of injuries and illnesses.

721 Section 19. Section **53-16-303**, which is renumbered from Section 26-8a-202 is
722 renumbered and amended to read:

723 ~~[26-8a-202].~~ **53-16-303. Emergency medical communications.**

724 Consistent with federal law, the department is the lead agency for coordinating the
725 statewide emergency medical service communication systems under which emergency medical
726 personnel, dispatch centers, and treatment facilities provide medical control and coordination
727 between emergency medical service providers.

728 Section 20. Section **53-16-304**, which is renumbered from Section 26-8a-203 is
729 renumbered and amended to read:

730 ~~[26-8a-203].~~ **53-16-304. Data collection.**

731 ~~[(1) The committee shall specify the information that must be collected for the
732 emergency medical services data system established pursuant to Subsection (2).]~~

733 ~~[(2)]~~ (1) The department shall establish an emergency medical services data system
734 which shall provide for the collection of information, as defined by the ~~[committee]~~ board,
735 relating to the treatment and care of patients who use or have used the emergency medical
736 services system.

737 ~~[(3)]~~ (2) Persons providing emergency medical services shall provide information to
738 the department for the emergency medical services data system established pursuant to
739 Subsection ~~[(2)]~~ (1).

740 Section 21. Section **53-16-305**, which is renumbered from Section 26-8a-204 is

741 renumbered and amended to read:

742 ~~[26-8a-204].~~ **53-16-305. Disaster coordination plan.**

743 The department shall develop and implement, in cooperation with state, federal, and
744 local agencies empowered to oversee disaster response activities, plans to provide emergency
745 medical services during times of disaster or emergency.

746 Section 22. Section **53-16-306**, which is renumbered from Section 26-8a-205 is
747 renumbered and amended to read:

748 ~~[26-8a-205].~~ **53-16-306. Pediatric quality improvement program.**

749 The department shall establish a pediatric quality improvement resource program.

750 Section 23. Section **53-16-307**, which is renumbered from Section 26-8a-206 is
751 renumbered and amended to read:

752 ~~[26-8a-206].~~ **53-16-307. Personnel stress management program.**

753 (1) The department shall develop and implement a statewide program to provide
754 support and counseling for personnel who have been exposed to one or more stressful incidents
755 in the course of providing emergency services.

756 (2) This program shall include:

757 (a) ongoing training for agencies providing emergency services and counseling
758 program volunteers; and

759 (b) critical incident stress debriefing for personnel at no cost to the emergency
760 provider.

761 Section 24. Section **53-16-308**, which is renumbered from Section 26-8a-207 is
762 renumbered and amended to read:

763 ~~[26-8a-207].~~ **53-16-308. Emergency medical services grant program.**

764 (1) As used in this section:

765 (a) "Rural area" means an exclusive geographic service area as provided under Section
766 ~~[26-8a-402]~~ 53-16-602 that is a city, town, or other similar community with a population of
767 10,000 or less based on the most recently published data of the United States Census Bureau.

768 (b) "Rural county area" means an exclusive geographic service area as provided under
769 Section ~~[26-8a-402]~~ 53-16-602 that is a county of the fourth, fifth, or sixth class as provided
770 under Section 17-50-501.

771 (2) (a) The department shall receive as dedicated credits the amount established in

772 Section 51-9-403. That amount shall be transferred to the department by the Division of
773 Finance from funds generated by the surcharge imposed under Title 51, Chapter 9, Part 4,
774 Criminal Conviction Surcharge Allocation.

775 (b) Funds transferred to the department under this section shall be used for
776 improvement of delivery of emergency medical services and administrative costs as described
777 in Subsection (3)(a). Appropriations to the department for the purposes enumerated in this
778 section shall be made from those dedicated credits.

779 (c) All funding for the program created by this section shall be nonlapsing.

780 (3) (a) The department may use the funds transferred to it under Subsection (2):

781 (i) to provide staff support; and

782 (ii) for other expenses incurred in:

783 (A) administration of grant funds; and

784 (B) other department administrative costs under this chapter.

785 (b) After funding staff support, administrative expenses, and trauma system
786 development, the department and the ~~[committee]~~ board shall make emergency medical
787 services grants from the remaining funds received as dedicated credits under Subsection (2). A
788 recipient of a grant under this Subsection (3)(b) must actively provide emergency medical
789 services within:

790 (i) a rural area; or

791 (ii) a rural county area.

792 (c) The department shall distribute 50% as per capita block grants for use specifically
793 related to the provision of emergency medical services to nonprofit prehospital emergency
794 medical services providers that are either licensed or designated and to emergency medical
795 services that are the primary emergency medical services for a service area. The department
796 shall determine the grant amounts by prorating available funds on a per capita basis by county
797 as described in department rule.

798 (d) The ~~[committee]~~ board shall award the remaining funds as competitive grants for
799 use specifically related to the provision of emergency medical services based upon rules
800 established by the ~~[committee]~~ board.

801 Section 25. Section **53-16-309**, which is renumbered from Section 26-8a-208 is
802 renumbered and amended to read:

803 [26-8a-208]. **53-16-309. Fees for training equipment rental, testing, and**
804 **quality assurance reviews.**

805 (1) The [~~department~~] bureau may charge fees, established pursuant to Section [~~26-1-6~~]
806 63J-1-303:

807 (a) for the use of department-owned training equipment;

808 (b) to administer tests and conduct quality assurance reviews; and

809 (c) to process an application for a certificate, designation, permit, or license.

810 (2) (a) Fees collected under Subsections (1)(a) and (b) shall be separate dedicated
811 credits.

812 (b) Fees under Subsection (1)(a) may be used to purchase training equipment.

813 (c) Fees under Subsection (1)(b) may be used to administer tests and conduct quality
814 assurance reviews.

815 (3) Fees and other funding available to purchase training equipment and to administer
816 tests and conduct quality assurance reviews shall be nonlapsing.

817 Section 26. Section **53-16-401**, which is renumbered from Section 26-8a-250 is
818 renumbered and amended to read:

819 **Part 4. Statewide Trauma System**

820 [~~26-8a-250~~]. **53-16-401. Establishment of statewide trauma system.**

821 The department shall establish and actively supervise a statewide trauma system to:

822 (1) promote optimal care for trauma patients;

823 (2) alleviate unnecessary death and disability from trauma and emergency illness;

824 (3) inform health care providers about trauma system capabilities;

825 (4) encourage the efficient and effective continuum of patient care, including

826 prevention, prehospital care, hospital care, and rehabilitative care; and

827 (5) minimize the overall cost of trauma care.

828 Section 27. Section **53-16-402**, which is renumbered from Section 26-8a-251 is
829 renumbered and amended to read:

830 [~~26-8a-251~~]. **53-16-402. Trauma System Advisory Council.**

831 (1) There is created within the department the [~~trauma system advisory committee~~]
832 Trauma System Advisory Council.

833 (2) (a) The committee shall be comprised of individuals knowledgeable in adult or

834 pediatric trauma care, including physicians, nurses, hospital administrators, emergency medical
835 services personnel, government officials, consumers, and persons affiliated with professional
836 health care associations.

837 (b) Representation on the committee shall be broad and balanced among the health care
838 delivery systems in the state with no more than three representatives coming from any single
839 delivery system.

840 (3) The committee shall:

841 (a) advise the department regarding trauma system needs throughout the state;

842 (b) assist the department in evaluating the quality and outcomes of the overall trauma
843 system;

844 (c) review and comment on proposals and rules governing the statewide trauma
845 system; and

846 (d) make recommendations for the development of statewide triage, treatment,
847 transportation, and transfer guidelines.

848 (4) The department shall:

849 (a) determine, by rule, the term and causes for removal of committee members;

850 (b) establish committee procedures and administration policies consistent with this
851 chapter and department rule; and

852 (c) provide administrative support to the committee.

853 Section 28. Section **53-16-403**, which is renumbered from Section 26-8a-252 is
854 renumbered and amended to read:

855 ~~[26-8a-252]~~. **53-16-403. Department duties.**

856 In connection with the statewide trauma system established in Section ~~[26-8a-250]~~
857 53-16-401, the department shall:

858 (1) establish a statewide trauma system plan that:

859 (a) identifies statewide trauma care needs, objectives, and priorities;

860 (b) identifies the equipment, facilities, personnel training, and other things necessary to
861 create and maintain a statewide trauma system; and

862 (c) organizes and coordinates trauma care within defined geographic areas;

863 (2) support the statewide trauma system by:

864 (a) facilitating the coordination of prehospital, acute care, and rehabilitation services

865 and providers through state regulation and oversight;

866 (b) facilitating the ongoing evaluation and refinement of the statewide trauma system;

867 (c) providing educational programs;

868 (d) encouraging cooperation between community organizations, health care facilities,
869 public health officials, emergency medical service providers, and rehabilitation facilities for the
870 development of a statewide trauma system;

871 (e) implementing a quality assurance program using information from the statewide
872 trauma registry established pursuant to Section ~~[26-8a-253]~~ 53-16-404;

873 (f) establishing trauma center designation requirements in accordance with Section
874 ~~[26-8a-254]~~ 53-16-405; and

875 (g) developing standards so that:

876 (i) trauma centers are categorized according to their capability to provide care;

877 (ii) trauma victims are triaged at the initial point of patient contact; and

878 (iii) trauma patients are sent to appropriate health care facilities.

879 Section 29. Section **53-16-404**, which is renumbered from Section 26-8a-253 is
880 renumbered and amended to read:

881 ~~[26-8a-253]~~. **53-16-404. Statewide trauma registry and quality assurance**
882 **program.**

883 (1) The department shall:

884 (a) establish and fund a statewide trauma registry to collect and analyze information on
885 the incidence, severity, causes, and outcomes of trauma;

886 (b) establish, by rule, the data elements, the medical care providers that must report,
887 and the time frame and format for reporting;

888 (c) use the data collected to:

889 (i) improve the availability and delivery of prehospital and hospital trauma care;

890 (ii) assess trauma care delivery, patient care outcomes, and compliance with the
891 requirements of this chapter and applicable department rules; and

892 (iii) regularly produce and disseminate reports to data providers, state government, and
893 the public; and

894 (d) support data collection and abstraction by providing:

895 (i) a data collection system and technical assistance to each hospital that submits data;

896 and

897 (ii) funding or, at the discretion of the department, personnel for collection and
898 abstraction for each hospital not designated as a trauma center under the standards established
899 pursuant to Section ~~[26-8a-254]~~ 53-16-405.

900 (2) (a) Each hospital shall submit trauma data in accordance with rules established
901 under Subsection (1).

902 (b) A hospital designated as a trauma center shall submit data as part of the ongoing
903 quality assurance program established in Section ~~[26-8a-252]~~ 53-16-403.

904 (3) The department shall assess:

905 (a) the effectiveness of the data collected pursuant to Subsection (1); and

906 (b) the impact of the statewide trauma system on the provision of trauma care.

907 (4) Data collected under this section shall be subject to Title 26, Chapter 3, Health
908 Statistics.

909 (5) No person may be held civilly liable for having provided data to the department in
910 accordance with this section.

911 Section 30. Section **53-16-405**, which is renumbered from Section 26-8a-254 is
912 renumbered and amended to read:

913 ~~[26-8a-254]~~. **53-16-405. Trauma center designations and guidelines.**

914 (1) The department, after seeking the advice of the ~~[trauma system advisory~~
915 ~~committee]~~ council, shall establish by rule:

916 (a) trauma center designation requirements; and

917 (b) model state guidelines for triage, treatment, transportation, and transfer of trauma
918 patients to the most appropriate health care facility.

919 (2) The department shall designate as a trauma center each hospital that:

920 (a) voluntarily requests a trauma center designation; and

921 (b) meets the applicable requirements established pursuant to Subsection (1).

922 Section 31. Section **53-16-501**, which is renumbered from Section 26-8a-301 is
923 renumbered and amended to read:

924 **Part 5. Emergency Medical Services**

925 ~~[26-8a-301]~~. **53-16-501. General requirement.**

926 (1) Except as provided in Section ~~[26-8a-308 or]~~ 26-8b-201 or 53-16-508:

927 (a) an individual may not provide emergency medical services without a certificate
928 issued under Section [~~26-8a-302~~] 53-16-502;

929 (b) a facility or provider may not hold itself out as a designated emergency medical
930 service provider without a designation issued under Section [~~26-8a-303~~] 53-16-503;

931 (c) a vehicle may not operate as an ambulance or emergency response vehicle without a
932 permit issued under Section [~~26-8a-304~~] 53-16-504; and

933 (d) an entity may not respond as an ambulance or paramedic provider without the
934 appropriate license issued under Part [4] 6, Ambulance and Paramedic Providers.

935 (2) Section [~~26-8a-502~~] 53-16-702 applies to violations of this section.

936 Section 32. Section **53-16-502**, which is renumbered from Section 26-8a-302 is
937 renumbered and amended to read:

938 ~~[26-8a-302]~~. **53-16-502. Certification of emergency medical service**
939 **personnel.**

940 (1) To promote the availability of comprehensive emergency medical services
941 throughout the state, the [~~committee~~] board shall establish:

942 (a) initial and ongoing certification and training requirements for emergency medical
943 service personnel in the following categories:

944 (i) paramedic;

945 (ii) medical director;

946 (iii) emergency medical service instructor; and

947 (iv) other types of emergency medical personnel as the [~~committee~~] board considers
948 necessary; and

949 (b) guidelines for giving credit for out-of-state training and experience.

950 (2) The department shall, based on the requirements established in Subsection (1):

951 (a) develop, conduct, and authorize training and testing for emergency medical service
952 personnel; and

953 (b) issue certifications and certification renewals to emergency medical service
954 personnel.

955 (3) As provided in Section [~~26-8a-502~~] 53-16-702, an individual issued a certificate
956 under this section may only provide emergency medical services to the extent allowed by the
957 certificate.

958 Section 33. Section **53-16-503**, which is renumbered from Section 26-8a-303 is
959 renumbered and amended to read:

960 ~~[26-8a-303]~~. **53-16-503. Designation of emergency medical service**
961 **providers.**

962 (1) To ensure quality emergency medical services, the ~~[committee]~~ board shall
963 establish designation requirements for emergency medical service providers in the following
964 categories:

- 965 (a) quick response provider;
- 966 (b) resource hospital for emergency medical providers;
- 967 (c) emergency medical service dispatch center;
- 968 (d) emergency patient receiving facilities; and
- 969 (e) other types of emergency medical service providers as the ~~[committee]~~ board
970 considers necessary.

971 (2) The department shall, based on the requirements in Subsection (1), issue
972 designations to emergency medical service providers listed in Subsection (1).

973 (3) As provided in Section ~~[26-8a-502]~~ 53-16-702, an entity issued a designation under
974 Subsection (1) may only function and hold itself out in accordance with its designation.

975 Section 34. Section **53-16-504**, which is renumbered from Section 26-8a-304 is
976 renumbered and amended to read:

977 ~~[26-8a-304]~~. **53-16-504. Permits for emergency medical service vehicles.**

978 (1) To ensure that emergency medical service vehicles are adequately staffed, safe,
979 maintained, and properly equipped, the ~~[committee]~~ board shall establish permit requirements
980 at levels it considers appropriate in the following categories:

- 981 (a) ambulance; and
- 982 (b) emergency response vehicle.

983 (2) The department shall, based on the requirements established in Subsection (1),
984 issue permits to emergency medical service vehicles.

985 Section 35. Section **53-16-505**, which is renumbered from Section 26-8a-305 is
986 renumbered and amended to read:

987 ~~[26-8a-305]~~. **53-16-505. Ambulance license required for emergency**
988 **medical transport.**

989 Except as provided in Section [~~26-8a-308~~] 53-16-508, only an ambulance operating
990 under a permit issued under Section [~~26-8a-304~~] 53-16-504 may transport an individual who:

991 (1) is in an emergency medical condition;

992 (2) is medically or mentally unstable, requiring direct medical observation during
993 transport;

994 (3) is physically incapacitated because of illness or injury and in need of immediate
995 transport by emergency medical service personnel;

996 (4) is likely to require medical attention during transport;

997 (5) is being maintained on any type of emergency medical electronic monitoring;

998 (6) is receiving or has recently received medications that could cause a sudden change
999 in medical condition that might require emergency medical services;

1000 (7) requires IV administration or maintenance, oxygen that is not patient-operated, or
1001 other emergency medical services during transport;

1002 (8) needs to be immobilized during transport to a hospital, an emergency patient
1003 receiving facility, or mental health facility due to a mental or physical condition, unless the
1004 individual is in the custody of a peace officer and the primary purpose of the restraint is to
1005 prevent escape;

1006 (9) needs to be immobilized due to a fracture, possible fracture, or other medical
1007 condition; or

1008 (10) otherwise requires or has the potential to require a level of medical care that the
1009 [~~committee~~] board establishes as requiring direct medical observation.

1010 Section 36. Section **53-16-506**, which is renumbered from Section 26-8a-306 is
1011 renumbered and amended to read:

1012 [~~26-8a-306~~]. **53-16-506. Medical control.**

1013 (1) The [~~committee~~] board shall establish requirements for the coordination of
1014 emergency medical services rendered by emergency medical service providers, including the
1015 coordination between prehospital providers, hospitals, emergency patient receiving facilities,
1016 and other appropriate destinations.

1017 (2) The [~~committee~~] board may establish requirements for the medical supervision of
1018 emergency medical service providers to assure adequate physician oversight of emergency
1019 medical services and quality improvement.

1020 Section 37. Section **53-16-507**, which is renumbered from Section 26-8a-307 is
1021 renumbered and amended to read:

1022 ~~[26-8a-307]~~. **53-16-507. Patient destination.**

1023 (1) If an individual being transported by a ground or air ambulance is in critical or
1024 unstable condition, the ground or air ambulance shall transport the patient to the trauma center
1025 or closest emergency patient receiving facility appropriate to adequately treat the patient.

1026 (2) If the patient's condition is not critical or unstable as determined by medical
1027 control, the ground or air ambulance may transport the patient to the:

1028 (a) hospital, emergency patient receiving facility, or other medical provider chosen by
1029 the patient and approved by medical control as appropriate for the patient's condition and
1030 needs; or

1031 (b) nearest hospital, emergency patient receiving facility, or other medical provider
1032 approved by medical control as appropriate for the patient's condition and needs if the patient
1033 expresses no preference.

1034 Section 38. Section **53-16-508**, which is renumbered from Section 26-8a-308 is
1035 renumbered and amended to read:

1036 ~~[26-8a-308]~~. **53-16-508. Exemptions.**

1037 (1) The following persons may provide emergency medical services to a patient
1038 without being certified or licensed under this chapter:

1039 (a) out-of-state emergency medical service personnel and providers in time of disaster;

1040 (b) an individual who gratuitously acts as a Good Samaritan;

1041 (c) a family member;

1042 (d) a private business if emergency medical services are provided only to employees at
1043 the place of business and during transport;

1044 (e) an agency of the United States government if compliance with this chapter would
1045 be inconsistent with federal law; and

1046 (f) police, fire, and other public service personnel if:

1047 (i) emergency medical services are rendered in the normal course of the person's duties;

1048 and

1049 (ii) medical control, after being apprised of the circumstances, directs immediate
1050 transport.

1051 (2) An ambulance or emergency response vehicle may operate without a permit issued
1052 under Section [~~26-8a-304~~] 53-16-504 in time of disaster.

1053 (3) Nothing in this chapter or Title 58, Occupations and Professions, may be construed
1054 as requiring a license or certificate for an individual to administer cardiopulmonary
1055 resuscitation or to use a fully automated external defibrillator under Section 26-8b-201.

1056 (4) Nothing in this chapter may be construed as requiring a license, permit,
1057 designation, or certificate for an acute care hospital, medical clinic, physician's office, or other
1058 fixed medical facility that:

1059 (a) is staffed by a physician, physician's assistant, nurse practitioner, or registered
1060 nurse; and

1061 (b) treats an individual who has presented himself or was transported to the hospital,
1062 clinic, office, or facility.

1063 Section 39. Section **53-16-509**, which is renumbered from Section 26-8a-309 is
1064 renumbered and amended to read:

1065 ~~[26-8a-309]~~. **53-16-509. Out-of-state vehicles.**

1066 (1) An ambulance or emergency response vehicle from another state may not pick up a
1067 patient in Utah to transport that patient to another location in Utah or to another state without a
1068 permit issued under Section [~~26-8a-304~~] 53-16-504 and, in the case of an ambulance, a license
1069 issued under Part [~~4~~] 6, Ambulance and Paramedic Providers.

1070 (2) Notwithstanding Subsection (1), an ambulance or emergency response vehicle from
1071 another state may, without a permit or license:

1072 (a) transport a patient into Utah; and

1073 (b) provide assistance in time of disaster.

1074 (3) The department may enter into agreements with ambulance and paramedic
1075 providers and their respective licensing agencies from other states to assure the expeditious
1076 delivery of emergency medical services beyond what may be reasonably provided by licensed
1077 ambulance and paramedic providers, including the transportation of patients between states.

1078 Section 40. Section **53-16-510**, which is renumbered from Section 26-8a-310 is
1079 renumbered and amended to read:

1080 ~~[26-8a-310]~~. **53-16-510. Criminal background check.**

1081 (1) At the time of application for, or renewal of, a certificate, the department shall

1082 obtain, at the applicant's expense, information from a criminal history record or warrant of
1083 arrest information maintained by the Department of Public Safety pursuant to Title 53, Chapter
1084 10, Part 2, Bureau of Criminal Identification, to determine whether the individual has been
1085 convicted of a crime that bears upon the individual's fitness to be certified or to have
1086 responsibility for the safety and well-being of children, the elderly, or persons with disabilities.

1087 (2) (a) An applicant who has not had residency in the state for the last five years shall
1088 submit fingerprints and other identifying information.

1089 (b) The department shall submit fingerprints obtained under Subsection (2)(a) to the
1090 Department of Public Safety to be forwarded to the Federal Bureau of Investigation for a
1091 nationwide criminal history record check to determine whether the individual has been
1092 convicted of a crime that bears upon the individual's fitness to be certified or to have
1093 responsibility for the safety and well-being of children, the elderly, or persons with disabilities.

1094 (3) The department shall have access to juvenile court records to determine whether the
1095 applicant has been adjudicated in juvenile court of committing an act which if committed by an
1096 adult would be a felony or misdemeanor and that bears upon the applicant's fitness to be
1097 certified or to have responsibility for the safety and well-being of children, the elderly, or
1098 persons with disabilities if:

1099 (a) the applicant is under the age of 28; or

1100 (b) the applicant is over the age of 28 and has been convicted, has pleaded no contest,
1101 or is currently subject to a plea in abeyance or diversion agreement for a felony or
1102 misdemeanor.

1103 (4) Information obtained pursuant to Subsections (1) through (3) may be used to:

1104 (a) withhold certification or renewal;

1105 (b) commence or substantiate disciplinary action under Section ~~[26-8a-503]~~ 53-16-703;

1106 (c) enforce the provisions of this chapter; and

1107 (d) notify the individual's employer as necessary to protect the public.

1108 (5) The department shall adopt rules under Title 63G, Chapter 3, Utah Administrative
1109 Rulemaking Act, consistent with this chapter, defining the circumstances under which an
1110 applicant who has been convicted of a criminal offense may receive a certification under this
1111 chapter.

1112 Section 41. Section **53-16-601**, which is renumbered from Section 26-8a-401 is

1113 renumbered and amended to read:

1114 **Part 6. Ambulance and Paramedic Providers**

1115 ~~[26-8a-401].~~ **53-16-601. State regulation of emergency medical services**
1116 **market.**

1117 (1) To ensure emergency medical service quality and minimize unnecessary
1118 duplication, the department shall regulate the emergency medical service market after October
1119 1, 1999, by creating and operating a statewide system that:

1120 (a) consists of exclusive geographic service areas as provided in Section ~~[26-8a-402]~~

1121 53-16-602; and

1122 (b) establishes maximum rates as provided in Section ~~[26-8a-403]~~ 53-16-603.

1123 (2) (a) All licenses issued prior to July 1, 1996, shall expire as stated in the license.

1124 (b) If no expiration date is stated on a license issued before July 1, 1996, the license
1125 shall expire on October 1, 1999, unless:

1126 (i) the license holder requests agency action before August 1, 1999; and

1127 (ii) before October 1, 1999, the department:

1128 (A) finds the license has been used as the basis for responding to requests for
1129 ambulance or paramedic services during the past five years;

1130 (B) identifies one or more specific geographic areas covered by the license in which the
1131 license holder has actively and adequately responded as the primary provider to requests for
1132 ambulance or paramedic services during the past five years; and

1133 (C) determines that the continuation of a license in a specific geographic area identified
1134 in Subsection (2)(b)(ii)(B) satisfies:

1135 (I) the standards established pursuant to Subsection ~~[26-8a-404]~~ 53-16-604(2); and

1136 (II) the requirement of public convenience and necessity.

1137 (c) If the department finds that a license meets the requirements of Subsection (2)(b),
1138 the department shall amend the license to reflect:

1139 (i) the specific geographic area of the license; and

1140 (ii) a four-year term extension.

1141 (d) Before July 1, 1999, the department shall publish notice once a week for four

1142 consecutive weeks of the expiration of licenses pursuant to Subsection (2)(b) in a newspaper of
1143 general circulation in the state.

1144 (e) Nothing in this Subsection (2) may be construed as restricting the authority of the
1145 department to amend overlapping licenses pursuant to Section ~~[26-8a-416]~~ 53-16-619.

1146 (3) After October 1, 1999, new licenses and license renewals shall be for a four-year
1147 term.

1148 Section 42. Section **53-16-602**, which is renumbered from Section 26-8a-402 is
1149 renumbered and amended to read:

1150 ~~[26-8a-402]~~. **53-16-602. Exclusive geographic service areas.**

1151 (1) Each ground ambulance provider license issued under this part shall be for an
1152 exclusive geographic service area as described in the license. Only the licensed ground
1153 ambulance provider may respond to an ambulance request that originates within the provider's
1154 exclusive geographic service area, except as provided in Subsection (5) and Section
1155 ~~[26-8a-416]~~ 53-16-619.

1156 (2) Each paramedic provider license issued under this part shall be for an exclusive
1157 geographic service area as described in the license. Only the licensed paramedic provider may
1158 respond to a paramedic request that originates within the exclusive geographic service area,
1159 except as provided in Subsection (6) and Section ~~[26-8a-416]~~ 53-16-619.

1160 (3) Nothing in this section may be construed as either requiring or prohibiting that the
1161 formation of boundaries in a given location be the same for a licensed paramedic provider as it
1162 is for a licensed ambulance provider.

1163 (4) (a) A licensed ground ambulance or paramedic provider may, as necessary, enter
1164 into a mutual aid agreement to allow another licensed provider to give assistance in times of
1165 unusual demand, as that term is defined by the ~~[committee]~~ board in rule.

1166 (b) A mutual aid agreement shall include a formal written plan detailing the type of
1167 assistance and the circumstances under which it would be given.

1168 (c) The parties to a mutual aid agreement shall submit a copy of the agreement to the
1169 department.

1170 (d) Notwithstanding this Subsection (4), a licensed provider may not subcontract with
1171 another entity to provide services in the licensed provider's exclusive geographic service area.

1172 (5) Notwithstanding Subsection (1), a licensed ground ambulance provider may
1173 respond to an ambulance request that originates from the exclusive geographic area of another
1174 provider:

- 1175 (a) pursuant to a mutual aid agreement;
- 1176 (b) to render assistance on a case-by-case basis to that provider; and
- 1177 (c) as necessary to meet needs in time of disaster or other major emergency.

1178 (6) Notwithstanding Subsection (2), a licensed paramedic provider may respond to a
 1179 paramedic request that originates from the exclusive geographic area of another provider:

- 1180 (a) pursuant to a mutual aid agreement;
- 1181 (b) to render assistance on a case-by-case basis to that provider; and
- 1182 (c) as necessary to meet needs in time of disaster or other major emergency.

1183 Section 43. Section **53-16-603**, which is renumbered from Section 26-8a-403 is
 1184 renumbered and amended to read:

1185 ~~[26-8a-403]~~. **53-16-603. Establishment of maximum rates.**

1186 (1) The department shall, after receiving recommendations under Subsection (2),
 1187 establish maximum rates for ground ambulance providers and paramedic providers that are just
 1188 and reasonable.

1189 (2) The ~~[committee]~~ board may make recommendations to the department on the
 1190 maximum rates that should be set under Subsection (1).

1191 (3) (a) The department shall prohibit ground ambulance providers and paramedic
 1192 providers from charging fees for transporting a patient when the provider does not transport the
 1193 patient.

1194 (b) The provisions of Subsection (3)(a) do not apply to ambulance providers or
 1195 paramedic providers in a geographic service area which contains a town as defined in
 1196 Subsection 10-2-301(2)(f).

1197 Section 44. Section **53-16-604**, which is renumbered from Section 26-8a-404 is
 1198 renumbered and amended to read:

1199 ~~[26-8a-404]~~. **53-16-604. Ground ambulance and paramedic licenses --**
 1200 **Application and department review.**

1201 (1) Except as provided in Section ~~[26-8a-413]~~ 53-16-616, an applicant for a ground
 1202 ambulance or paramedic license shall apply to the department for a license only by:

- 1203 (a) submitting a completed application;
- 1204 (b) providing information in the format required by the department; and
- 1205 (c) paying the required fees, including the cost of the hearing officer.

- 1206 (2) The department shall make rules establishing minimum qualifications and
1207 requirements for:
- 1208 (a) personnel;
 - 1209 (b) capital reserves;
 - 1210 (c) equipment;
 - 1211 (d) a business plan;
 - 1212 (e) operational procedures;
 - 1213 (f) medical direction agreements;
 - 1214 (g) management and control; and
 - 1215 (h) other matters that may be relevant to an applicant's ability to provide ground
1216 ambulance or paramedic service.
- 1217 (3) An application for a license to provide ground ambulance service or paramedic
1218 service shall be for all ground ambulance services or paramedic services arising within the
1219 geographic service area, except that an applicant may apply for a license for less than all
1220 ground ambulance services or all paramedic services arising within an exclusive geographic
1221 area if it can demonstrate how the remainder of that area will be served.
- 1222 (4) (a) A ground ambulance service licensee may apply to the department for a license
1223 to provide a higher level of service as defined by department rule if:
- 1224 (i) the application for the license is limited to non-911 ambulance or paramedic
1225 services; and
 - 1226 (ii) the application includes:
 - 1227 (A) a copy of the new treatment protocols for the higher level of service approved by
1228 the off-line medical director;
 - 1229 (B) an assessment of field performance by the applicant's off-line director; and
 - 1230 (C) an updated plan of operation demonstrating the ability of the applicant to provide
1231 the higher level of service.
- 1232 (b) If the department determines that the applicant has demonstrated the ability to
1233 provide the higher level of service in accordance with Subsection (4)(a), the department shall
1234 issue a revised license reflecting the higher level of service and the requirements of Section
1235 ~~[26-8a-408]~~ 53-16-611 do not apply.
- 1236 (5) Upon receiving a completed application and the required fees, the department shall

1237 review the application and determine whether the application meets the minimum
1238 qualifications and requirements for licensure.

1239 (6) The department may deny an application if it finds that it contains any materially
1240 false or misleading information, is incomplete, or if the application demonstrates that the
1241 applicant fails to meet the minimum qualifications and requirements for licensure under
1242 Subsection (2).

1243 (7) If the department denies an application, it shall notify the applicant in writing
1244 setting forth the grounds for the denial. A denial may be appealed under Title 63G, Chapter 4,
1245 Administrative Procedures Act.

1246 Section 45. Section **53-16-605**, which is renumbered from Section 26-8a-405 is
1247 renumbered and amended to read:

1248 ~~[26-8a-405].~~ **53-16-605. Ground ambulance and paramedic licenses --**
1249 **Agency notice of approval.**

1250 (1) Beginning January 1, 2004, if the department determines that the application meets
1251 the minimum requirements for licensure under Section ~~[26-8a-404]~~ 53-16-604, the department
1252 shall issue a notice of the approved application to the applicant.

1253 (2) A current license holder responding to a request for proposal under Section
1254 ~~[26-8a-405.2]~~ 53-16-607 is considered an approved applicant for purposes of Section
1255 ~~[26-8a-405.2]~~ 53-16-607 if the current license holder, prior to responding to the request for
1256 proposal, submits the following to the department:

1257 (a) the information required by Subsection ~~[26-8a-404]~~ 53-16-604(4)(a)(ii); and

1258 (b) if the license holder is a private entity, a financial statement, a pro forma budget
1259 and necessary letters of credit demonstrating a financial ability to expand service to a new
1260 service area; or

1261 (c) if the license holder is a governmental entity, a letter from the governmental entity's
1262 governing body demonstrating the governing body's willingness to financially support the
1263 application.

1264 Section 46. Section **53-16-606**, which is renumbered from Section 26-8a-405.1 is
1265 renumbered and amended to read:

1266 ~~[26-8a-405.1].~~ **53-16-606. Selection of provider by political subdivision.**

1267 (1) For purposes of this section and Sections ~~[26-8a-405.2 and 26-8a-405.3]~~ 53-16-607

1268 and 53-16-608:

1269 (a) "911 ambulance or paramedic services" means either 911 ambulance service, or 911
1270 paramedic service, or both and:

1271 (i) means a 911 call received by a designated dispatch center that receives 911 or E911
1272 calls; and

1273 (ii) does not mean a seven digit telephone call received directly by an ambulance
1274 provider licensed under this chapter.

1275 (b) "Governing body" means:

1276 (i) in the case of a municipality or county, the elected council, commission, or other
1277 legislative body that is vested with the legislative power of the municipality;

1278 (ii) in the case of a special service district, local service district, or county service area,
1279 each elected council, commission, or other legislative body that is vested with the legislative
1280 power of the municipalities or counties that are members of the district or service area; and

1281 (iii) in the case of a local district or special service district for fire protection or
1282 interlocal entity, the board or other body vested with the power to adopt, amend, and repeal
1283 rules, bylaws, policies, and procedures for the regulation of its affairs and the conduct of its
1284 business.

1285 (c) "Political subdivision" means:

1286 (i) a city or town located in a county of the first or second class as defined in Section
1287 17-50-501;

1288 (ii) a county of the first or second class;

1289 (iii) the following districts located in a county of the first or second class:

1290 (A) a special service district created under Title 17D, Chapter 1, Special Service
1291 District Act; and

1292 (B) a local district under Title 17B, Limited Purpose Local Government Entities -
1293 Local Districts, for the purpose of providing fire protection, paramedic, and emergency
1294 services; ~~[or]~~

1295 (iv) areas coming together as described in Subsection ~~[26-8a-405.2]~~

1296 53-16-607(2)(b)(ii);

1297 (v) municipalities and counties joining together pursuant to Title 11, Chapter 13,
1298 Interlocal Cooperation Act; or

1299 (vi) a special service district for fire protection service under Subsection 17D-1-201(9).

1300 (2) (a) Only an applicant approved under Section [~~26-8a-405~~] 53-16-605 may respond
 1301 to a request for a proposal for 911 ambulance or paramedic services issued in accordance with
 1302 Section [~~26-8a-405.2~~] 53-16-607 by a political subdivision.

1303 (b) A response to a request for proposal is subject to the maximum rates established by
 1304 the department under Section [~~26-8a-403~~] 53-16-603.

1305 (c) A political subdivision may award a contract to an applicant for the provision of
 1306 911 ambulance or paramedic services:

1307 (i) in accordance with Section [~~26-8a-405.2~~] 53-16-607; and

1308 (ii) subject to Subsection (3).

1309 (3) (a) The department shall issue a license to an applicant selected by a political
 1310 subdivision under Subsection (2) unless the department finds that issuing a license to that
 1311 applicant would jeopardize the health, safety, and welfare of the citizens of the geographic
 1312 service area.

1313 (b) A license issued under this Subsection (3):

1314 (i) is for the exclusive geographic service area approved by the department in
 1315 accordance with Subsection [~~26-8a-405.2~~] 53-16-607(2);

1316 (ii) is valid for four years;

1317 (iii) is not subject to a request for license from another applicant under the provisions
 1318 of Sections [~~26-8a-406 through 26-8a-409~~] 53-16-609 through 53-16-612 during the four-year
 1319 term, unless the applicant's license is revoked under Section [~~26-8a-504~~] 53-16-704; and

1320 (iv) is subject to supervision by the department under Sections [~~26-8a-503 and~~
 1321 ~~26-8a-504~~] 53-16-703 and 53-16-704.

1322 (4) Except as provided in Subsection [~~26-8a-405.3~~] 53-16-608(4)(a), the provisions of
 1323 Sections [~~26-8a-406 through 26-8a-409~~] 53-16-609 through 53-16-612 do not apply to a
 1324 license issued under this section.

1325 Section 47. Section **53-16-607**, which is renumbered from Section 26-8a-405.2 is
 1326 renumbered and amended to read:

1327 [~~26-8a-405.2~~]. **53-16-607. Selection of provider -- Request for competitive**
 1328 **sealed proposal -- Public convenience and necessity.**

1329 (1) (a) A political subdivision may contract with an applicant approved under Section

1330 ~~[26-8a-404]~~ 53-16-604 to provide 911 ambulance or paramedic services for the geographic
1331 service area that is approved by the department in accordance with Subsection (2), if the
1332 political subdivision complies with the provisions of this section and Section ~~[26-8a-405.3]~~
1333 53-16-608.

1334 (b) The provisions of this section and Sections ~~[26-8a-405.1 and 26-8a-405.3]~~
1335 53-16-606 and 53-16-608 do not require a political subdivision to issue a request for proposal
1336 for ambulance or paramedic services. If a political subdivision does not contract with an
1337 applicant in accordance with this section and Section ~~[26-8a-405.3]~~ 53-16-608, the provisions
1338 of Sections ~~[26-8a-406 through 26-8a-409]~~ 53-16-609 through 53-16-612 apply to the issuance
1339 of a license for ambulance or paramedic services in the geographic service area that is within
1340 the boundaries of the political subdivision.

1341 (c) (i) For purposes of this Subsection (1)(c):

1342 (A) "Local district" means a local district under Title 17B, Limited Purpose Local
1343 Government Entities - Local Districts, that:

1344 (I) is located in a county of the first or second class; and

1345 (II) provides fire protection, paramedic, and emergency services.

1346 (B) "Participating municipality" means a city or town whose area is partly or entirely
1347 included within a county service area or local district.

1348 (C) "Participating county" means a county whose unincorporated area is partly or
1349 entirely included within a local district.

1350 (ii) A participating municipality or participating county may contract with a provider
1351 for 911 ambulance or paramedic service as provided in this section and Section ~~[26-8a-405.3]~~
1352 53-16-608.

1353 (iii) If the participating municipality or participating county contracts with a provider
1354 for 911 ambulance or paramedic services under this section and Section ~~[26-8a-405.3]~~
1355 53-16-608:

1356 (A) the local district is not obligated to provide the ambulance or paramedic services
1357 that are included in the contract between the participating municipality or the participating
1358 county and the 911 ambulance or paramedic provider;

1359 (B) the local district may impose taxes and obligations within the local district in the
1360 same manner as if the participating municipality or participating county were receiving all

1361 services offered by the local district; and

1362 (C) the participating municipality's and participating county's obligations to the local
1363 district are not diminished.

1364 (2) (a) The political subdivision shall submit the request for proposal and the exclusive
1365 geographic service area to be included in the request for proposal to the department for
1366 approval prior to issuing the request for proposal. The department shall approve the request for
1367 proposal and the exclusive geographic service area:

1368 (i) unless the geographic service area creates an orphaned area; and

1369 (ii) in accordance with Subsections (2)(b) and (c).

1370 (b) The exclusive geographic service area may:

1371 (i) include the entire geographic service area that is within the political subdivision's
1372 boundaries;

1373 (ii) include islands within or adjacent to other peripheral areas not included in the
1374 political subdivision that governs the geographic service area; or

1375 (iii) exclude portions of the geographic service area within the political subdivision's
1376 boundaries if another political subdivision or licensed provider agrees to include the excluded
1377 area within their license.

1378 (c) The proposed geographic service area for 911 ambulance or paramedic service must
1379 demonstrate that non-911 ambulance or paramedic service will be provided in the geographic
1380 service area, either by the current provider, the applicant, or some other method acceptable to
1381 the department. The department may consider the effect of the proposed geographic service
1382 area on the costs to the non-911 provider and that provider's ability to provide only non-911
1383 services in the proposed area.

1384 Section 48. Section **53-16-608**, which is renumbered from Section 26-8a-405.3 is
1385 renumbered and amended to read:

1386 ~~[26-8a-405.3].~~ **53-16-608. Use of competitive sealed proposals -- Procedure**
1387 **-- Appeal rights.**

1388 (1) (a) Competitive sealed proposals for paramedic or 911 ambulance services under
1389 Section ~~[26-8a-405.2]~~ 53-16-607 shall be solicited through a request for proposal and the
1390 provisions of this section.

1391 (b) The governing body of the political subdivision shall approve the request for

1392 proposal prior to the notice of the request for proposals under Subsection (1)(c).

1393 (c) (i) Notice of the request for proposals shall be published:

1394 (A) at least once a week for three consecutive weeks in a newspaper of general
1395 circulation published in the county; or

1396 (B) if there is no such newspaper, then notice must be posted for at least 20 days in at
1397 least five public places in the county; and

1398 (ii) in accordance with Section 45-1-101 for at least 20 days.

1399 (2) (a) Proposals shall be opened so as to avoid disclosure of contents to competing
1400 offerors during the process of negotiations.

1401 (b) (i) Subsequent to the published notice, and prior to selecting an applicant, the
1402 political subdivision must hold a presubmission conference with interested applicants for the
1403 purpose of assuring full understanding of, and responsiveness to, solicitation requirements.

1404 (ii) A political subdivision shall allow at least 90 days from the presubmission
1405 conference for the proposers to submit proposals.

1406 (c) Subsequent to the presubmission conference, the political subdivision may issue
1407 addenda to the request for proposals. An addenda to a request for proposal must be finalized
1408 and posted by the political subdivision at least 45 days prior to the date on which the proposal
1409 must be submitted.

1410 (d) Offerors to the request for proposals shall be accorded fair and equal treatment with
1411 respect to any opportunity for discussion and revisions of proposals, and revisions may be
1412 permitted after submission and before a contract is awarded for the purpose of obtaining best
1413 and final offers.

1414 (e) In conducting discussions, there shall be no disclosures of any information derived
1415 from proposals submitted by competing offerors.

1416 (3) (a) (i) A political subdivision may select an applicant approved by the department
1417 under Section ~~[26-8a-404]~~ 53-16-604 to provide 911 ambulance or paramedic services by
1418 contract to the most responsible offeror as defined in Subsection 63G-6-103(24).

1419 (ii) An award under Subsection (3)(a)(i) shall be made to the responsible offeror whose
1420 proposal is determined in writing to be the most advantageous to the political subdivision,
1421 taking into consideration price and the evaluation factors set forth in the request for proposal.

1422 (b) The applicants who are approved under Section ~~[26-8a-405]~~ 53-16-605 and who

1423 are selected under this section may be the political subdivision issuing the request for
1424 competitive sealed proposals, or any other public entity or entities, any private person or entity,
1425 or any combination thereof.

1426 (c) A political subdivision may reject all of the competitive proposals.

1427 (4) In seeking competitive sealed proposals and awarding contracts under this section,
1428 a political subdivision:

1429 (a) shall apply the public convenience and necessity factors listed in Subsections
1430 [~~26-8a-408~~] 53-16-611(2) through (6);

1431 (b) shall require the applicant responding to the proposal to disclose how the applicant
1432 will meet performance standards in the request for proposal;

1433 (c) may not require or restrict an applicant to a certain method of meeting the
1434 performance standards, including:

1435 (i) requiring ambulance medical personnel to also be a firefighter; or

1436 (ii) mandating that offerors use fire stations or dispatch services of the political
1437 subdivision;

1438 (d) (i) shall require an applicant to submit the proposal based on full cost accounting in
1439 accordance with generally accepted accounting principals; and

1440 (ii) if the applicant is a governmental entity, in addition to the requirements of
1441 Subsection (4)(e)(i), in accordance with generally accepted government auditing standards and
1442 in compliance with the State of Utah Legal Compliance Audit Guide; and

1443 (e) shall set forth in the request for proposal:

1444 (i) the method for determining full cost accounting in accordance with generally
1445 accepted accounting principles, and require an applicant to submit the proposal based on such
1446 full cost accounting principles;

1447 (ii) guidelines established to further competition and provider accountability; and

1448 (iii) a list of the factors that will be considered by the political subdivision in the award
1449 of the contract, including by percentage, the relative weight of the factors established under this
1450 Subsection (4)(e), which may include such things as:

1451 (A) response times;

1452 (B) staging locations;

1453 (C) experience;

1454 (D) quality of care; and

1455 (E) cost, consistent with the cost accounting method in Subsection (4)(e)(i).

1456 (5) (a) Notwithstanding the provisions of Subsection 63G-6-104(3), the provisions of
1457 Title 63G, Chapter 6, Part 8, Legal and Contractual Remedies, apply to the procurement
1458 process required by this section, except as provided in Subsection (5)(c).

1459 (b) The Procurement Appeals Board created in Section 63G-6-807 shall have
1460 jurisdiction to review and determine an appeal of an offeror under this section in the same
1461 manner as provided in Section 63G-6-810.

1462 (c) (i) An offeror may appeal the solicitation or award as provided by the political
1463 subdivision's procedures. After all political subdivision appeal rights are exhausted, the offeror
1464 may appeal under the provisions of Subsections (5)(a) and (b).

1465 (ii) The factual determination required by Subsection 63G-6-813(1) shall be based on
1466 whether the solicitation or award was made in accordance with the procedures set forth in this
1467 section and Section ~~[26-8a-405.2]~~ 53-16-607.

1468 (d) The determination of an issue of fact by the appeals board shall be final and
1469 conclusive unless arbitrary and capricious or clearly erroneous as provided in Section
1470 63G-6-813.

1471 Section 49. Section **53-16-609**, which is renumbered from Section 26-8a-406 is
1472 renumbered and amended to read:

1473 ~~[26-8a-406]~~. **53-16-609. Ground ambulance and paramedic licenses --**
1474 **Parties.**

1475 (1) When an applicant approved under Section ~~[26-8a-404]~~ 53-16-604 seeks licensure
1476 under the provisions of Sections ~~[26-8a-406 through 26-8a-409]~~ 53-16-609 through 53-16-612,
1477 the department shall:

1478 (a) issue a notice of agency action to the applicant to commence an informal
1479 administrative proceeding;

1480 (b) provide notice of the application to all interested parties; and

1481 (c) publish notice of the application, at the applicant's expense:

1482 (i) once a week for four consecutive weeks, in a newspaper of general circulation in the
1483 geographic service area that is the subject of the application; and

1484 (ii) in accordance with Section 45-1-101 for four weeks.

1485 (2) An interested party has 30 days to object to an application.

1486 (3) If an interested party objects, the presiding officer must join the interested party as
1487 an indispensable party to the proceeding.

1488 (4) The department may join the proceeding as a party to represent the public interest.

1489 (5) Others who may be affected by the grant of a license to the applicant may join the
1490 proceeding, if the presiding officer determines that they meet the requirement of legal standing.

1491 Section 50. Section **53-16-610**, which is renumbered from Section 26-8a-407 is
1492 renumbered and amended to read:

1493 ~~[26-8a-407]~~. **53-16-610. Ground ambulance and paramedic licenses --**
1494 **Proceedings.**

1495 (1) The presiding officer shall:

1496 (a) commence an informal adjudicative proceeding within 120 days of receiving a
1497 completed application;

1498 (b) meet with the applicant and objecting interested parties and provide no less than
1499 120 days for a negotiated resolution, consistent with the criteria in Section ~~[26-8a-408]~~
1500 53-16-611;

1501 (c) set aside a separate time during the proceedings to accept public comment on the
1502 application; and

1503 (d) present a written decision to the executive director if a resolution has been reached
1504 that satisfies the criteria in Section ~~[26-8a-408]~~ 53-16-611.

1505 (2) At any time during an informal adjudicative proceeding under Subsection (1), any
1506 party may request conversion of the informal adjudicative proceeding to a formal adjudicative
1507 proceeding in accordance with Section 63G-4-202.

1508 (3) Upon conversion to a formal adjudicative proceeding, a hearing officer shall be
1509 assigned to the application as provided in Section ~~[26-8a-409]~~ 53-16-612. The hearing officer
1510 shall:

1511 (a) set aside a separate time during the proceedings to accept public comment on the
1512 application;

1513 (b) apply the criteria established in Section ~~[26-8a-408]~~ 53-16-611; and

1514 (c) present a recommended decision to the executive director in writing.

1515 (4) The executive director may, as set forth in a final written order, accept, modify,

1516 reject, or remand the decision of a presiding or hearing officer after:

- 1517 (a) reviewing the record;
 - 1518 (b) giving due deference to the officer's decision; and
 - 1519 (c) determining whether the criteria in Section [~~26-8a-408~~] 53-16-611 have been
- 1520 satisfied.

1521 Section 51. Section **53-16-611**, which is renumbered from Section 26-8a-408 is

1522 renumbered and amended to read:

1523 [~~26-8a-408~~]. **53-16-611. Criteria for determining public convenience and**

1524 **necessity.**

1525 (1) The criteria for determining public convenience and necessity is set forth in

1526 Subsections (2) through (6).

1527 (2) Access to emergency medical services must be maintained or improved. The

1528 officer shall consider the impact on existing services, including the impact on response times,

1529 call volumes, populations and exclusive geographic service areas served, and the ability of

1530 surrounding licensed providers to service their exclusive geographic service areas. The

1531 issuance or amendment of a license may not create an orphaned area.

1532 (3) The quality of service in the area must be maintained or improved. The officer

1533 shall consider the:

- 1534 (a) staffing and equipment standards of the current licensed provider and the applicant;
 - 1535 (b) training and certification levels of the current licensed provider's staff and the
 - 1536 applicant's staff;
 - 1537 (c) continuing medical education provided by the current licensed provider and the
 - 1538 applicant;
 - 1539 (d) levels of care as defined by department rule;
 - 1540 (e) plan of medical control; and
 - 1541 (f) the negative or beneficial impact on the regional emergency medical service system
- 1542 to provide service to the public.

1543 (4) The cost to the public must be justified. The officer must consider:

- 1544 (a) the financial solvency of the applicant;
 - 1545 (b) the applicant's ability to provide services within the rates established under Section
- 1546 [~~26-8a-403~~] 53-16-603;

1547 (c) the applicant's ability to comply with cost reporting requirements;
 1548 (d) the cost efficiency of the applicant; and
 1549 (e) the cost effect of the application on the public, interested parties, and the emergency
 1550 medical services system.

1551 (5) Local desires concerning cost, quality, and access must be considered. The officer
 1552 shall assess and consider:

1553 (a) the existing provider's record of providing services and the applicant's record and
 1554 ability to provide similar or improved services;

1555 (b) locally established emergency medical services goals, including those established in
 1556 Subsection (7);

1557 (c) comment by local governments on the applicant's business and operations plans;

1558 (d) comment by interested parties that are providers on the impact of the application on
 1559 the parties' ability to provide emergency medical services;

1560 (e) comment by interested parties that are local governments on the impact of the
 1561 application on the citizens it represents; and

1562 (f) public comment on any aspect of the application or proposed license.

1563 (6) Other related criteria:

1564 (a) the officer considers necessary; or

1565 (b) established by department rule.

1566 (7) The role of local governments in the licensing of ground ambulance and paramedic
 1567 providers that serve areas also served by the local governments is important. The Legislature
 1568 strongly encourages local governments to establish cost, quality, and access goals for the
 1569 ground ambulance and paramedic services that serve their areas.

1570 (8) In a formal adjudicative proceeding, the applicant bears the burden of establishing
 1571 that public convenience and necessity require the approval of the application for all or part of
 1572 the exclusive geographic service area requested.

1573 Section 52. Section **53-16-612**, which is renumbered from Section 26-8a-409 is
 1574 renumbered and amended to read:

1575 ~~[26-8a-409]~~. **53-16-612. Ground ambulance and paramedic licenses --**
 1576 **Hearing and presiding officers.**

1577 (1) The department shall set certification and training standards for hearing officers and

1578 presiding officers.

1579 (2) At a minimum, a presiding officer shall:

1580 (a) be familiar with the theory and application of public convenience and necessity; and

1581 (b) have a working knowledge of the emergency medical service system in the state.

1582 (3) In addition to the requirements in Subsection (2), a hearing officer shall also be
1583 licensed to practice law in the state.

1584 (4) The department shall provide training for hearing officer and presiding officer
1585 candidates in the theory and application of public convenience and necessity and on the
1586 emergency medical system in the state.

1587 (5) The department shall maintain a roster of no less than five individuals who meet
1588 the minimum qualifications for both presiding and hearing officers and the standards set by the
1589 department.

1590 (6) The parties may mutually select an officer from the roster if the officer is available.

1591 (7) If the parties cannot agree upon an officer under Subsection (4), the department
1592 shall randomly select an officer from the roster or from a smaller group of the roster agreed
1593 upon by the applicant and the objecting interested parties.

1594 Section 53. Section **53-16-613**, which is renumbered from Section 26-8a-410 is
1595 renumbered and amended to read:

1596 ~~[26-8a-410].~~ **53-16-613. Local approvals.**

1597 (1) Licensed ambulance providers and paramedic providers must meet all local zoning
1598 and business licensing standards generally applicable to businesses operating within the
1599 jurisdiction.

1600 (2) Publicly subsidized providers must demonstrate approval of the taxing authority
1601 that will provide the subsidy.

1602 (3) A publicly operated service must demonstrate that the governing body has approved
1603 the provision of services to the entire exclusive geographic service area that is the subject of
1604 the license, including those areas that may lie outside the territorial or jurisdictional boundaries
1605 of the governing body.

1606 Section 54. Section **53-16-614**, which is renumbered from Section 26-8a-411 is
1607 renumbered and amended to read:

1608 ~~[26-8a-411].~~ **53-16-614. Limitation on repetitive applications.**

1609 A person who has previously applied for a license under Sections [~~26-8a-406~~ through
1610 ~~26-8a-409~~] 53-16-609 through 53-16-612 may not apply for a license for the same service that
1611 covers any exclusive geographic service area that was the subject of the prior application
1612 unless:

1613 (1) one year has passed from the date of the issuance of a final decision under Section
1614 [~~26-8a-407~~] 53-16-610; or

1615 (2) all interested parties and the department agree that a new application is in the public
1616 interest.

1617 Section 55. Section **53-16-615**, which is renumbered from Section 26-8a-412 is
1618 renumbered and amended to read:

1619 [~~26-8a-412~~]. **53-16-615. License for air ambulance providers.**

1620 (1) An applicant for an air ambulance provider shall apply to the department for a
1621 license only by:

1622 (a) submitting a complete application;

1623 (b) providing information in the format required by the department; and

1624 (c) paying the required fees.

1625 (2) The department may make rules establishing minimum qualifications and
1626 requirements for:

1627 (a) personnel;

1628 (b) capital reserves;

1629 (c) equipment;

1630 (d) business plan;

1631 (e) operational procedures;

1632 (f) resource hospital and medical direction agreements;

1633 (g) management and control qualifications and requirements; and

1634 (h) other matters that may be relevant to an applicant's ability to provide air ambulance
1635 services.

1636 (3) Upon receiving a completed application and the required fees, the department shall
1637 review the application and determine whether the application meets the minimum requirements
1638 for licensure.

1639 (4) The department may deny an application for an air ambulance if:

1640 (a) the department finds that the application contains any materially false or misleading
1641 information or is incomplete;

1642 (b) the application demonstrates that the applicant fails to meet the minimum
1643 requirements for licensure; or

1644 (c) the department finds after inspection that the applicant does not meet the minimum
1645 requirements for licensure.

1646 (5) If the department denies an application under this section, it shall notify the
1647 applicant in writing setting forth the grounds for the denial.

1648 Section 56. Section **53-16-616**, which is renumbered from Section 26-8a-413 is
1649 renumbered and amended to read:

1650 ~~[26-8a-413]~~. **53-16-616. License renewals.**

1651 (1) A licensed provider desiring to renew its license must meet the renewal
1652 requirements established by department rule.

1653 (2) The department shall issue a renewal license for a ground ambulance provider or a
1654 paramedic provider upon the licensee's application for a renewal and without a public hearing
1655 if there has been:

1656 (a) no change in controlling interest in the ownership of the licensee as defined in
1657 Section ~~[26-8a-415]~~ 53-16-618;

1658 (b) no serious, substantiated public complaints filed with the department against the
1659 licensee during the term of the previous license;

1660 (c) no material or substantial change in the basis upon which the license was originally
1661 granted;

1662 (d) no reasoned objection from the ~~[committee]~~ board or the department; and

1663 (e) if the applicant was licensed under the provisions of Sections ~~[26-8a-406 through~~
1664 ~~26-8a-409]~~ 53-16-609 through 53-16-612, no conflicting license application.

1665 (3) (a) (i) The provisions of this Subsection (3) apply to a provider licensed under the
1666 provisions of Sections ~~[26-8a-405.1 and 26-8a-405.2]~~ 53-16-606 and 53-16-607.

1667 (ii) A provider may renew its license if the provisions of Subsections (1), (2)(a)
1668 through (d), and this Subsection (3) are met.

1669 (b) (i) The department shall issue a renewal license to a provider upon the provider's
1670 application for renewal for one additional four-year term if the political subdivision certifies to

1671 the department that the provider has met all of the specifications of the original bid.

1672 (ii) If the political subdivision does not certify to the department that the provider has
1673 met all of the specifications of the original bid, the department may not issue a renewal license
1674 and the political subdivision must enter into a public bid process under Sections [~~26-8a-405.1~~
1675 ~~and 26-8a-405.2~~] 53-16-606 and 53-16-607.

1676 (c) (i) The department shall issue an additional renewal license to a provider who has
1677 already been issued a one-time renewal license under the provisions of Subsection (3)(b)(i) if
1678 the department and the political subdivision do not receive, prior to the expiration of the
1679 provider's license, written notice from an approved applicant informing the political
1680 subdivision of the approved applicant's desire to submit a bid for ambulance or paramedic
1681 service.

1682 (ii) If the department and the political subdivision receive the notice in accordance with
1683 Subsection (3)(c)(i), the department may not issue a renewal license and the political
1684 subdivision must enter into a public bid process under Sections [~~26-8a-405.1 and 26-8a-405.2~~]
1685 53-16-606 and 53-16-607.

1686 (4) The department shall issue a renewal license for an air ambulance provider upon
1687 the licensee's application for renewal and completion of the renewal requirements established
1688 by department rule.

1689 Section 57. Section **53-16-617**, which is renumbered from Section 26-8a-414 is
1690 renumbered and amended to read:

1691 [~~26-8a-414~~]. **53-16-617. Annexations.**

1692 (1) A municipality shall comply with the provisions of this section if the municipality
1693 is licensed under this chapter and desires to provide service to an area that is:

1694 (a) included in a petition for annexation under Title 10, Chapter 2, Part 4, Annexation;
1695 and

1696 (b) currently serviced by another provider licensed under this chapter.

1697 (2) (a) (i) At least 45 days prior to approving a petition for annexation, the municipality
1698 shall certify to the department that by the time of the approval of the annexation the
1699 municipality can meet or exceed the current level of service provided by the existing licensee
1700 for the annexed area by meeting the requirements of Subsections (2)(b)(ii)(A) through (D); and

1701 (ii) no later than three business days after the municipality files a petition for

1702 annexation in accordance with Section 10-2-403, provide written notice of the petition for
1703 annexation to:

1704 (A) the existing licensee providing service to the area included in the petition of
1705 annexation; and

1706 (B) the department.

1707 (b) (i) After receiving a certification under Subsection (2)(a), but prior to the
1708 municipality approving a petition for annexation, the department may audit the municipality
1709 only to verify the requirements of Subsections (2)(b)(ii)(A) through (D).

1710 (ii) If the department elects to conduct an audit, the department shall make a finding
1711 that the municipality can meet or exceed the current level of service provided by the existing
1712 licensee for the annexed area if the department finds that the municipality has or will have by
1713 the time of the approval of the annexation:

1714 (A) adequate trained personnel to deliver basic and advanced life support services;

1715 (B) adequate apparatus and equipment to deliver emergency medical services;

1716 (C) adequate funding for personnel and equipment; and

1717 (D) appropriate medical controls, such as a medical director and base hospital.

1718 (iii) The department shall submit the results of the audit in writing to the municipal
1719 legislative body.

1720 (3) (a) If the department audit finds that the municipality meets the requirements of
1721 Subsection (2)(b)(ii), the department shall issue an amended license to the municipality and all
1722 other affected licensees to reflect the municipality's new boundaries after the department
1723 receives notice of the approval of the petition for annexation from the municipality in
1724 accordance with Section 10-2-425.

1725 (b) (i) Notwithstanding the provisions of Subsection 63G-4-102(2)(k), if the
1726 department audit finds that the municipality fails to meet the requirements of Subsection
1727 (2)(b)(ii), the municipality may request an adjudicative proceeding under the provisions of
1728 Title 63G, Chapter 4, Administrative Procedures Act. The municipality may approve the
1729 petition for annexation while an adjudicative proceeding requested under this Subsection
1730 (3)(b)(i) is pending.

1731 (ii) The department shall conduct an adjudicative proceeding when requested under
1732 Subsection (3)(b)(i).

1733 (iii) Notwithstanding the provisions of Sections [~~26-8a-404 through 26-8a-409~~
1734 53-16-604 through 53-16-612, in any adjudicative proceeding held under the provisions of
1735 Subsection (3)(b)(i), the department bears the burden of establishing that the municipality
1736 cannot, by the time of the approval of the annexation, meet the requirements of Subsection
1737 (2)(b)(ii).

1738 (c) If, at the time of the approval of the annexation, an adjudicative proceeding is
1739 pending under the provisions of Subsection (3)(b)(i), the department shall issue amended
1740 licenses if the municipality prevails in the adjudicative proceeding.

1741 Section 58. Section **53-16-618**, which is renumbered from Section 26-8a-415 is
1742 renumbered and amended to read:

1743 ~~[26-8a-415]~~. **53-16-618. Changes in ownership.**

1744 (1) A licensed provider whose ownership or controlling ownership interest has changed
1745 shall submit information to the department, as required by department rule:

1746 (a) to establish whether the new owner or new controlling party meets minimum
1747 requirements for licensure; and

1748 (b) except as provided in Subsection (2), to commence an administrative proceeding to
1749 determine whether the new owner meets the requirement of public convenience and necessity
1750 under Section [~~26-8a-408~~] 53-16-611.

1751 (2) An administrative proceeding is not required under Subsection (1)(b) if:

1752 (a) the change in ownership interest is among existing owners of a closely held
1753 corporation and the change does not result in a change in the management of the licensee or in
1754 the name of the licensee;

1755 (b) the change in ownership in a closely held corporation results in the introduction of
1756 new owners, provided that:

1757 (i) the new owners are limited to individuals who would be entitled to the equity in the
1758 closely held corporation by the laws of intestate succession had the transferor died intestate at
1759 the time of the transfer;

1760 (ii) the majority owners on January 1, 1999, have been disclosed to the department by
1761 October 1, 1999, and the majority owners on January 1, 1999, retain a majority interest in the
1762 closely held corporation; and

1763 (iii) the name of the licensed provider remains the same;

1764 (c) the change in ownership is the result of one or more owners transferring their
1765 interests to a trust, limited liability company, partnership, or closely held corporation so long as
1766 the transferors retain control over the receiving entity;

1767 (d) the change in ownership is the result of a distribution of an estate or a trust upon the
1768 death of the testator or the trustor and the recipients are limited to individuals who would be
1769 entitled to the interest by the laws of intestate succession had the transferor died intestate at the
1770 time of the transfer; or

1771 (e) other similar changes that the department establishes, by rule, as having no
1772 significant impact on the cost, quality, or access to emergency medical services.

1773 Section 59. Section **53-16-619**, which is renumbered from Section 26-8a-416 is
1774 renumbered and amended to read:

1775 ~~[26-8a-416]~~. **53-16-619**. **Transition to eliminate inconsistent licenses.**

1776 (1) By May 30, 2000, the department shall review all licenses in effect on October 2,
1777 1999, to identify overlap, as defined in department rule, in the service areas of two or more
1778 licensed providers.

1779 (2) By June 30, 2000, the department shall notify all licensed providers affected by an
1780 overlap. By September 30, 2000, the department shall schedule, by order, a deadline to resolve
1781 each overlap, considering the effects on the licensed providers and the areas to be addressed.

1782 (3) For each overlap, the department shall meet with the affected licensed providers
1783 and provide 120 days for a negotiated resolution, consistent with the criteria in Section
1784 ~~[26-8a-408]~~ 53-16-611.

1785 (4) (a) If a resolution is reached under Subsection (2) that the department finds satisfies
1786 the criteria in Section ~~[26-8a-408]~~ 53-16-611, the department shall amend the licenses to reflect
1787 the resolution consistent with Subsection (6).

1788 (b) If a resolution is not reached under Subsection (2), the department or any of the
1789 licensed providers involved in the matter may request the commencement of a formal
1790 adjudicative proceeding to resolve the overlap.

1791 (5) The department shall commence adjudicative proceedings for any overlap that is
1792 not resolved by July 1, 2003.

1793 (6) Notwithstanding the exclusive geographic service requirement of Section
1794 ~~[26-8a-402]~~ 53-16-602, the department may amend one or more licenses after a resolution is

1795 reached or an adjudicative proceeding has been held to allow:

- 1796 (a) a single licensed provider to serve all or part of the overlap area;
- 1797 (b) more than one licensed provider to serve the overlap area;
- 1798 (c) licensed providers to provide different types of service in the overlap area; or
- 1799 (d) licenses that recognize service arrangements that existed on September 30, 1999.
- 1800 (7) Notwithstanding Subsection (6), any license for an overlap area terminates upon:
- 1801 (a) relinquishment by the provider; or
- 1802 (b) revocation by the department.

1803 Section 60. Section **53-16-701**, which is renumbered from Section 26-8a-501 is
1804 renumbered and amended to read:

1805 **Part 7. Enforcement Provisions**

1806 **~~[26-8a-501].~~ 53-16-701. Discrimination.**

1807 (1) No person licensed, certified, or designated pursuant to this chapter may
1808 discriminate in the provision of emergency medical services on the basis of race, sex, color,
1809 creed, or prior inquiry as to ability to pay.

1810 (2) This chapter does not authorize or require medical assistance or transportation over
1811 the objection of an individual on religious grounds.

1812 Section 61. Section **53-16-702**, which is renumbered from Section 26-8a-502 is
1813 renumbered and amended to read:

1814 **~~[26-8a-502].~~ 53-16-702. Illegal activity.**

1815 (1) Except as provided in Section ~~[26-8a-308 or]~~ 26-8b-201 or 53-16-508, a person
1816 may not:

1817 (a) practice or engage in the practice, represent himself to be practicing or engaging in
1818 the practice, or attempt to practice or engage in the practice of any activity that requires a
1819 license, certification, or designation under this chapter unless that person is so licensed,
1820 certified, or designated; or

1821 (b) offer an emergency medical service that requires a license, certificate, or
1822 designation unless the person is so licensed, certified, or designated.

1823 (2) A person may not advertise or hold himself out as one holding a license,
1824 certification, or designation required under this chapter, unless that person holds the license,
1825 certification, or designation.

1826 (3) A person may not employ or permit any employee to perform any service for which
1827 a license or certificate is required by this chapter, unless the person performing the service
1828 possesses the required license or certificate.

1829 (4) A person may not wear, display, sell, reproduce, or otherwise use any Utah
1830 Emergency Medical Services insignia without authorization from the department.

1831 (5) A person may not reproduce or otherwise use materials developed by the
1832 department for certification or recertification testing or examination without authorization from
1833 the department.

1834 (6) A person may not willfully summon an ambulance or emergency response vehicle
1835 or report that one is needed when such person knows that the ambulance or emergency
1836 response vehicle is not needed.

1837 (7) A person who violates this section is subject to Section 26-23-6.

1838 Section 62. Section **53-16-703**, which is renumbered from Section 26-8a-503 is
1839 renumbered and amended to read:

1840 ~~[26-8a-503]~~. **53-16-703. Discipline of emergency medical services**
1841 **personnel.**

1842 (1) The department may refuse to issue a certificate or renewal, or revoke, suspend,
1843 restrict, or place on probation an individual's certificate if:

1844 (a) the individual does not meet the qualifications for certification under Section
1845 ~~[26-8a-302]~~ 53-16-502;

1846 (b) the individual has engaged in conduct, as defined by ~~[committee]~~ board rule, that:

1847 (i) is unprofessional;

1848 (ii) is adverse to the public health, safety, morals, or welfare; or

1849 (iii) would adversely affect public trust in the emergency medical service system;

1850 (c) the individual has violated Section ~~[26-8a-502]~~ 53-16-702 or other provision of this
1851 chapter;

1852 (d) a court of competent jurisdiction has determined the individual to be mentally
1853 incompetent for any reason; or

1854 (e) the individual is unable to provide emergency medical services with reasonable
1855 skill and safety because of illness, drunkenness, use of drugs, narcotics, chemicals, or any other
1856 type of material, or as a result of any other mental or physical condition, when the individual's

1857 condition demonstrates a clear and unjustifiable threat or potential threat to oneself, coworkers,
1858 or the public health, safety, or welfare that cannot be reasonably mitigated.

1859 (2) (a) An action to revoke, suspend, restrict, or place a certificate on probation shall be
1860 done in accordance with Title 63G, Chapter 4, Administrative Procedures Act.

1861 (b) Notwithstanding Subsection (2)(a), the department may issue a cease and desist
1862 order under Section [~~26-8a-507~~] 53-16-707 to immediately suspend an individual's certificate
1863 pending an administrative proceeding to be held within 30 days if there is evidence to show
1864 that the individual poses a clear, immediate, and unjustifiable threat or potential threat to the
1865 public health, safety, or welfare.

1866 (3) An individual whose certificate has been suspended, revoked, or restricted may
1867 apply for reinstatement of the certificate at reasonable intervals and upon compliance with any
1868 conditions imposed upon the certificate by statute, [~~committee~~] board rule, or the terms of the
1869 suspension, revocation, or restriction.

1870 (4) In addition to taking disciplinary action under Subsection (1), the department may
1871 impose sanctions in accordance with Section 26-23-6.

1872 Section 63. Section **53-16-704**, which is renumbered from Section 26-8a-504 is
1873 renumbered and amended to read:

1874 [~~26-8a-504~~]. **53-16-704. Discipline of designated and licensed providers.**

1875 (1) The department may refuse to issue a license or designation or a renewal, or revoke,
1876 suspend, restrict, or place on probation, an emergency medical service provider's license or
1877 designation if the provider has:

1878 (a) failed to abide by terms of the license or designation;

1879 (b) violated statute or rule;

1880 (c) failed to provide services at the level or in the exclusive geographic service area
1881 required by the license or designation;

1882 (d) failed to submit a renewal application in a timely fashion as required by department
1883 rule;

1884 (e) failed to follow operational standards established by the [~~committee~~] board; or

1885 (f) committed an act in the performance of a professional duty that endangered the
1886 public or constituted gross negligence.

1887 (2) (a) An action to revoke, suspend, restrict, or place a license or designation on

1888 probation shall be done in accordance with Title 63G, Chapter 4, Administrative Procedures
1889 Act.

1890 (b) Notwithstanding Subsection (2)(a), the department may issue a cease and desist
1891 order under Section [~~26-8a-507~~] 53-16-707 to immediately suspend a license or designation
1892 pending an administrative proceeding to be held within 30 days if there is evidence to show
1893 that the provider or facility poses a clear, immediate, and unjustifiable threat or potential threat
1894 to the public health, safety, or welfare.

1895 (3) In addition to taking disciplinary action under Subsection (1), the department may
1896 impose sanctions in accordance with Section 26-23-6.

1897 Section 64. Section **53-16-705**, which is renumbered from Section 26-8a-505 is
1898 renumbered and amended to read:

1899 ~~[26-8a-505]~~. **53-16-705. Service interruption or cessation -- Receivership**
1900 **-- Default coverage -- Notice.**

1901 (1) Acting in the public interest, the department may petition the district court where an
1902 ambulance or paramedic provider operates or the district court with jurisdiction in Salt Lake
1903 County to appoint the department or an independent receiver to continue the operations of a
1904 provider upon any one of the following conditions:

- 1905 (a) the provider ceases or intends to cease operations;
- 1906 (b) the provider becomes insolvent;
- 1907 (c) the department has initiated proceedings to revoke the provider's license and has
1908 determined that the lives, health, safety, or welfare of the population served within the
1909 provider's exclusive geographic service area are endangered because of the provider's action or
1910 inaction pending a full hearing on the license revocation; or

1911 (d) the department has revoked the provider's license and has been unable to adequately
1912 arrange for another provider to take over the provider's exclusive geographic service area.

1913 (2) If a licensed or designated provider ceases operations or is otherwise unable to
1914 provide services, the department may arrange for another licensed provider to provide services
1915 on a temporary basis until a license is issued.

1916 (3) A licensed provider shall give the department 30 days notice of its intent to cease
1917 operations.

1918 Section 65. Section **53-16-706**, which is renumbered from Section 26-8a-506 is

1919 renumbered and amended to read:

1920 ~~[26-8a-506].~~ **53-16-706. Investigations for enforcement of chapter.**

1921 (1) The department may, for the purpose of ascertaining compliance with the
1922 provisions of this chapter, enter and inspect on a routine basis the business premises and
1923 equipment of a person:

1924 (a) with a certificate, designation, permit, or license; or

1925 (b) who holds himself out to the general public as providing a service for which a
1926 certificate, designation, permit, or license is required under Section ~~[26-8a-301]~~ 53-16-501.

1927 (2) Before conducting an inspection under Subsection (1), the department shall, after
1928 identifying the person in charge:

1929 (a) give proper identification;

1930 (b) describe the nature and purpose of the inspection; and

1931 (c) if necessary, explain the authority of the department to conduct the inspection.

1932 (3) In conducting an inspection under Subsection (1), the department may, after
1933 meeting the requirements of Subsection (2):

1934 (a) inspect records, equipment, and vehicles; and

1935 (b) interview personnel.

1936 (4) An inspection conducted under Subsection (1) shall be during regular operational
1937 hours.

1938 Section 66. Section **53-16-707**, which is renumbered from Section 26-8a-507 is
1939 renumbered and amended to read:

1940 ~~[26-8a-507].~~ **53-16-707. Cease and desist orders.**

1941 The department may issue a cease and desist order to any person who:

1942 (1) may be disciplined under Section ~~[26-8a-503 or 26-8a-504]~~ 53-16-703 or
1943 53-16-704; or

1944 (2) otherwise violates this chapter or any rules adopted under this chapter.

1945 Section 67. Section **53-16-801**, which is renumbered from Section 26-8a-601 is
1946 renumbered and amended to read:

1947 **Part 8. Miscellaneous**

1948 ~~[26-8a-601].~~ **53-16-801. Persons and activities exempt from civil liability.**

1949 (1) (a) Except as provided in Subsection (1)(b), a licensed physician, physician's

1950 assistant, or licensed registered nurse who, gratuitously and in good faith, gives oral or written
1951 instructions to any of the following is not liable for any civil damages as a result of issuing the
1952 instructions:

1953 (i) an individual certified under Section [~~26-8a-302~~] 53-16-502;

1954 (ii) a person who uses a fully automated external defibrillator, as defined in Section
1955 26-8b-102; or

1956 (iii) a person who administers CPR, as defined in Section 26-8b-102.

1957 (b) The liability protection described in Subsection (1)(a) does not apply if the
1958 instructions given were the result of gross negligence or willful misconduct.

1959 (2) An individual certified under Section [~~26-8a-302~~] 53-16-502, during either training
1960 or after certification, a licensed physician, physician's assistant, or a registered nurse who,
1961 gratuitously and in good faith, provides emergency medical instructions or renders emergency
1962 medical care authorized by this chapter is not liable for any civil damages as a result of any act
1963 or omission in providing the emergency medical instructions or medical care, unless the act or
1964 omission is the result of gross negligence or willful misconduct.

1965 (3) An individual certified under Section [~~26-8a-302~~] 53-16-502 is not subject to civil
1966 liability for failure to obtain consent in rendering emergency medical services authorized by
1967 this chapter to any individual who is unable to give his consent, regardless of the individual's
1968 age, where there is no other person present legally authorized to consent to emergency medical
1969 care, provided that the certified individual acted in good faith.

1970 (4) A principal, agent, contractor, employee, or representative of an agency,
1971 organization, institution, corporation, or entity of state or local government that sponsors,
1972 authorizes, supports, finances, or supervises any functions of an individual certified under
1973 Section [~~26-8a-302~~] 53-16-502 is not liable for any civil damages for any act or omission in
1974 connection with such sponsorship, authorization, support, finance, or supervision of the
1975 certified individual where the act or omission occurs in connection with the certified
1976 individual's training or occurs outside a hospital where the life of a patient is in immediate
1977 danger, unless the act or omission is inconsistent with the training of the certified individual,
1978 and unless the act or omission is the result of gross negligence or willful misconduct.

1979 (5) A physician who gratuitously and in good faith arranges for, requests, recommends,
1980 or initiates the transfer of a patient from a hospital to a critical care unit in another hospital is

1981 not liable for any civil damages as a result of such transfer where:

1982 (a) sound medical judgment indicates that the patient's medical condition is beyond the
1983 care capability of the transferring hospital or the medical community in which that hospital is
1984 located; and

1985 (b) the physician has secured an agreement from the receiving facility to accept and
1986 render necessary treatment to the patient.

1987 (6) A person who is a registered member of the National Ski Patrol System (NSPS) or
1988 a member of a ski patrol who has completed a course in winter emergency care offered by the
1989 NSPS combined with CPR for medical technicians offered by the American Red Cross or
1990 American Heart Association, or an equivalent course of instruction, and who in good faith
1991 renders emergency care in the course of ski patrol duties is not liable for civil damages as a
1992 result of any act or omission in rendering the emergency care, unless the act or omission is the
1993 result of gross negligence or willful misconduct.

1994 (7) An emergency medical service provider who, in good faith, transports an individual
1995 against his will but at the direction of a law enforcement officer pursuant to Section
1996 62A-15-629 is not liable for civil damages for transporting the individual.

1997 Section 68. Section **58-1-307** is amended to read:

1998 **58-1-307. Exemptions from licensure.**

1999 (1) Except as otherwise provided by statute or rule, the following individuals may
2000 engage in the practice of their occupation or profession, subject to the stated circumstances and
2001 limitations, without being licensed under this title:

2002 (a) an individual serving in the armed forces of the United States, the United States
2003 Public Health Service, the United States Department of Veterans Affairs, or other federal
2004 agencies while engaged in activities regulated under this chapter as a part of employment with
2005 that federal agency if the individual holds a valid license to practice a regulated occupation or
2006 profession issued by any other state or jurisdiction recognized by the division;

2007 (b) a student engaged in activities constituting the practice of a regulated occupation or
2008 profession while in training in a recognized school approved by the division to the extent the
2009 activities are supervised by qualified faculty, staff, or designee and the activities are a defined
2010 part of the training program;

2011 (c) an individual engaged in an internship, residency, preceptorship, postceptorship,

2012 fellowship, apprenticeship, or on-the-job training program approved by the division while
2013 under the supervision of qualified individuals;

2014 (d) an individual residing in another state and licensed to practice a regulated
2015 occupation or profession in that state, who is called in for a consultation by an individual
2016 licensed in this state, and the services provided are limited to that consultation;

2017 (e) an individual who is invited by a recognized school, association, society, or other
2018 body approved by the division to conduct a lecture, clinic, or demonstration of the practice of a
2019 regulated occupation or profession if the individual does not establish a place of business or
2020 regularly engage in the practice of the regulated occupation or profession in this state;

2021 (f) an individual licensed under the laws of this state, other than under this title, to
2022 practice or engage in an occupation or profession, while engaged in the lawful, professional,
2023 and competent practice of that occupation or profession;

2024 (g) an individual licensed in a health care profession in another state who performs that
2025 profession while attending to the immediate needs of a patient for a reasonable period during
2026 which the patient is being transported from outside of this state, into this state, or through this
2027 state;

2028 (h) an individual licensed in another state or country who is in this state temporarily to
2029 attend to the needs of an athletic team or group, except that the practitioner may only attend to
2030 the needs of the athletic team or group, including all individuals who travel with the team or
2031 group in any capacity except as a spectator;

2032 (i) an individual licensed and in good standing in another state, who is in this state:

2033 (i) temporarily, under the invitation and control of a sponsoring entity;

2034 (ii) for a reason associated with a special purpose event, based upon needs that may
2035 exceed the ability of this state to address through its licensees, as determined by the division;
2036 and

2037 (iii) for a limited period of time not to exceed the duration of that event, together with
2038 any necessary preparatory and conclusionary periods; and

2039 (j) a law enforcement officer, as defined under Section 53-13-103, who:

2040 (i) is operating a voice stress analyzer in the course of the officer's full-time
2041 employment with a federal, state, or local law enforcement agency;

2042 (ii) has completed the manufacturer's training course and is certified by the

2043 manufacturer to operate that voice stress analyzer; and

2044 (iii) is operating the voice stress analyzer in accordance with Section 58-64-601,
2045 regarding deception detection instruments.

2046 (2) (a) A practitioner temporarily in this state who is exempted from licensure under
2047 Subsection (1) shall comply with each requirement of the licensing jurisdiction from which the
2048 practitioner derives authority to practice.

2049 (b) Violation of a limitation imposed by this section constitutes grounds for removal of
2050 exempt status, denial of license, or other disciplinary proceedings.

2051 (3) An individual who is licensed under a specific chapter of this title to practice or
2052 engage in an occupation or profession may engage in the lawful, professional, and competent
2053 practice of that occupation or profession without additional licensure under other chapters of
2054 this title, except as otherwise provided by this title.

2055 (4) Upon the declaration of a national, state, or local emergency, a public health
2056 emergency as defined in Section 26-23b-102, or a declaration by the President of the United
2057 States or other federal official requesting public health-related activities, the division in
2058 collaboration with the board may:

2059 (a) suspend the requirements for permanent or temporary licensure of individuals who
2060 are licensed in another state. Individuals exempt under this Subsection (4)(a) are exempt from
2061 licensure for the duration of the emergency while engaged in the scope of practice for which
2062 they are licensed in the other state;

2063 (b) modify, under the circumstances described in this Subsection (4) and Subsection
2064 (5), the scope of practice restrictions under this title for individuals who are licensed under this
2065 title as:

2066 (i) a physician under Chapter 67, Utah Medical Practice Act, or Chapter 68, Utah
2067 Osteopathic Medical Practice Act;

2068 (ii) a nurse under Chapter 31b, Nurse Practice Act, or Chapter 31c, Nurse Licensure
2069 Compact;

2070 (iii) a certified nurse midwife under Chapter 44a, Nurse Midwife Practice Act;

2071 (iv) a pharmacist, pharmacy technician, or pharmacy intern under Chapter 17b,
2072 Pharmacy Practice Act;

2073 (v) a respiratory therapist under Chapter 57, Respiratory Care Practices Act;

2074 (vi) a dentist and dental hygienist under Chapter 69, Dentist and Dental Hygienist
2075 Practice Act; and

2076 (vii) a physician assistant under Chapter 70a, Physician Assistant Act;

2077 (c) suspend the requirements for licensure under this title and modify the scope of
2078 practice in the circumstances described in this Subsection (4) and Subsection (5) for medical
2079 services personnel or paramedics required to be certified under Section [~~26-8a-302~~] 53-16-502;

2080 (d) suspend requirements in Subsections 58-17b-620(3) through (6) which require
2081 certain prescriptive procedures;

2082 (e) exempt or modify the requirement for licensure of an individual who is activated as
2083 a member of a medical reserve corps during a time of emergency as provided in Section
2084 26A-1-126; and

2085 (f) exempt or modify the requirement for licensure of an individual who is registered as
2086 a volunteer health practitioner as provided in Title 26, Chapter 49, Uniform Emergency
2087 Volunteer Health Practitioners Act.

2088 (5) Individuals exempt under Subsection (4)(c) and individuals operating under
2089 modified scope of practice provisions under Subsection (4)(b):

2090 (a) are exempt from licensure or subject to modified scope of practice for the duration
2091 of the emergency;

2092 (b) must be engaged in the distribution of medicines or medical devices in response to
2093 the emergency or declaration; and

2094 (c) must be employed by or volunteering for:

2095 (i) a local or state department of health; or

2096 (ii) a host entity as defined in Section 26-49-102.

2097 Section 69. Section ~~58-57-7~~ is amended to read:

2098 **58-57-7. Exemptions from licensure.**

2099 (1) For purposes of Subsection (2)(b), "qualified" means an individual who is a
2100 registered polysomnographic technologist or a Diplomate certified by the American Board of
2101 Sleep Medicine.

2102 (2) In addition to the exemptions from licensure in Section 58-1-307, the following
2103 persons may engage in the practice of respiratory therapy subject to the stated circumstances
2104 and limitations without being licensed under this chapter:

2105 (a) any person who provides gratuitous care for a member of his immediate family
2106 without representing himself as a licensed respiratory care practitioner;

2107 (b) any person who is a licensed or qualified member of another health care profession,
2108 if this practice is consistent with the accepted standards of the profession and if the person does
2109 not represent himself as a respiratory care practitioner;

2110 (c) any person who serves in the Armed Forces of the United States or any other
2111 agency of the federal government and is engaged in the performance of his official duties;

2112 (d) any person who acts under a certification issued pursuant to Title [26] 53, Chapter
2113 [8a] 16, Utah Emergency Medical Services System Act, while providing emergency medical
2114 services; [and]

2115 (e) any person who delivers, installs, or maintains respiratory related durable medical
2116 equipment and who gives instructions regarding the use of that equipment in accordance with
2117 Subsections 58-57-2(3) and (6), except that this exemption does not include any clinical
2118 evaluation or treatment of the patient;

2119 (f) (i) any person who is working in a practitioner's office, acting under supervision;
2120 and

2121 (ii) for purposes of this Subsection (2)(f) and Subsection (g), "supervision" means one
2122 of the following will be immediately available for consultation in person or by phone:

2123 (A) a practitioner;

2124 (B) a respiratory therapist;

2125 (C) a Diplomate of the American Board of Sleep Medicine; or

2126 (D) a registered polysomnographic technologist; and

2127 (g) a polysomnographic technician or trainee, acting under supervision, as long as they
2128 only administer the following in a sleep lab, sleep center, or sleep facility:

2129 (i) oxygen titration; and

2130 (ii) positive airway pressure that does not include mechanical ventilation.

2131 (3) Nothing in this chapter permits a respiratory care practitioner to engage in the
2132 unauthorized practice of other health disciplines.

2133 Section 70. Section **59-12-801** is amended to read:

2134 **59-12-801. Definitions.**

2135 As used in this part:

- 2136 (1) "Emergency medical services" is as defined in Section ~~[26-8a-102]~~ 53-16-102.
- 2137 (2) "Federally qualified health center" is as defined in 42 U.S.C. Sec. 1395x.
- 2138 (3) "Freestanding urgent care center" means a facility that provides outpatient health
2139 care service:
- 2140 (a) on an as-needed basis, without an appointment;
- 2141 (b) to the public;
- 2142 (c) for the diagnosis and treatment of a medical condition if that medical condition
2143 does not require hospitalization or emergency intervention for a life threatening or potentially
2144 permanently disabling condition; and
- 2145 (d) including one or more of the following services:
- 2146 (i) a medical history physical examination;
- 2147 (ii) an assessment of health status; or
- 2148 (iii) treatment:
- 2149 (A) for a variety of medical conditions; and
- 2150 (B) that is commonly offered in a physician's office.
- 2151 (4) "Nursing care facility" is as defined in Section 26-21-2.
- 2152 (5) "Rural city hospital" means a hospital owned by a city that is located within a third,
2153 fourth, fifth, or sixth class county.
- 2154 (6) "Rural county health care facility" means a:
- 2155 (a) rural county hospital; or
- 2156 (b) rural county nursing care facility.
- 2157 (7) "Rural county hospital" means a hospital owned by a county that is:
- 2158 (a) a third, fourth, fifth, or sixth class county, as defined in Section 17-50-501; and
- 2159 (b) located outside of a standard metropolitan statistical area, as designated by the
2160 United States Bureau of the Census.
- 2161 (8) "Rural county nursing care facility" means a nursing care facility owned by a
2162 county that is:
- 2163 (a) a third, fourth, fifth, or sixth class county, as defined in Section 17-50-501; and
- 2164 (b) located outside of a standard metropolitan statistical area, as designated by the
2165 United States Census Bureau.
- 2166 (9) "Rural emergency medical services" means emergency medical services that are

2167 provided by a county that is:

2168 (a) a third, fourth, fifth, or sixth class county, as defined in Section 17-50-501; and

2169 (b) located outside of a standard metropolitan statistical area, as designated by the

2170 United States Census Bureau.

2171 (10) "Rural health clinic" is as defined in 42 U.S.C. Sec. 1395x.

2172 Section 71. Section **62A-15-629** is amended to read:

2173 **62A-15-629. Temporary commitment -- Requirements and procedures.**

2174 (1) (a) An adult may be temporarily, involuntarily committed to a local mental health

2175 authority upon:

2176 (i) written application by a responsible person who has reason to know, stating a belief

2177 that the individual is likely to cause serious injury to himself or others if not immediately

2178 restrained, and stating the personal knowledge of the individual's condition or circumstances

2179 which lead to that belief; and

2180 (ii) a certification by a licensed physician or designated examiner stating that the

2181 physician or designated examiner has examined the individual within a three-day period

2182 immediately preceding that certification, and that he is of the opinion that the individual is

2183 mentally ill and, because of his mental illness, is likely to injure himself or others if not

2184 immediately restrained.

2185 (b) Application and certification as described in Subsection (1)(a) authorizes any

2186 peace officer to take the individual into the custody of a local mental health authority and

2187 transport the individual to that authority's designated facility.

2188 (2) If a duly authorized peace officer observes a person involved in conduct that gives

2189 the officer probable cause to believe that the person is mentally ill, as defined in Section

2190 62A-15-602, and because of that apparent mental illness and conduct, there is a substantial

2191 likelihood of serious harm to that person or others, pending proceedings for examination and

2192 certification under this part, the officer may take that person into protective custody. The peace

2193 officer shall transport the person to be transported to the designated facility of the appropriate

2194 local mental health authority pursuant to this section, either on the basis of his own observation

2195 or on the basis of a mental health officer's observation that has been reported to him by that

2196 mental health officer. Immediately thereafter, the officer shall place the person in the custody

2197 of the local mental health authority and make application for commitment of that person to the

2198 local mental health authority. The application shall be on a prescribed form and shall include
2199 the following:

2200 (a) a statement by the officer that he believes, on the basis of personal observation or
2201 on the basis of a mental health officer's observation reported to him by the mental health
2202 officer, that the person is, as a result of a mental illness, a substantial and immediate danger to
2203 himself or others;

2204 (b) the specific nature of the danger;

2205 (c) a summary of the observations upon which the statement of danger is based; and

2206 (d) a statement of facts which called the person to the attention of the officer.

2207 (3) A person committed under this section may be held for a maximum of 24 hours,
2208 excluding Saturdays, Sundays, and legal holidays. At the expiration of that time period, the
2209 person shall be released unless application for involuntary commitment has been commenced
2210 pursuant to Section 62A-15-631. If that application has been made, an order of detention may
2211 be entered under Subsection 62A-15-631(3). If no order of detention is issued, the patient shall
2212 be released unless he has made voluntary application for admission.

2213 (4) Transportation of mentally ill persons pursuant to Subsections (1) and (2) shall be
2214 conducted by the appropriate municipal, or city or town, law enforcement authority or, under
2215 the appropriate law enforcement's authority, by ambulance to the extent that Subsection (5)
2216 applies. However, if the designated facility is outside of that authority's jurisdiction, the
2217 appropriate county sheriff shall transport the person or cause the person to be transported by
2218 ambulance to the extent that Subsection (5) applies.

2219 (5) Notwithstanding Subsections (2) and (4), a peace officer shall cause a person to be
2220 transported by ambulance if the person meets any of the criteria in Section [~~26-8a-305~~]
2221 53-16-505. In addition, if the person requires physical medical attention, the peace officer shall
2222 direct that transportation be to an appropriate medical facility for treatment.

2223 Section 72. Section **63C-7-202** is amended to read:

2224 **63C-7-202. Powers of the Utah Communications Agency Network.**

2225 The Utah Communications Agency Network shall have the power to:

2226 (1) sue and be sued in its own name;

2227 (2) have an official seal and power to alter that seal at will;

2228 (3) make and execute contracts and all other instruments necessary or convenient for

2229 the performance of its duties and the exercise of its powers and functions under this chapter,
2230 including contracts with private companies licensed under Title [26] 53, Chapter [8a] 16, Utah
2231 Emergency Medical Services System Act;

2232 (4) own, acquire, construct, operate, maintain, and repair a communications network,
2233 and dispose of any portion of it;

2234 (5) borrow money and incur indebtedness;

2235 (6) issue bonds as provided in this chapter;

2236 (7) enter into agreements with public agencies, the state, and federal government to
2237 provide communications network services on terms and conditions it considers to be in the best
2238 interest of its members;

2239 (8) acquire, by gift, grant, purchase, or by exercise of eminent domain, any real
2240 property or personal property in connection with the acquisition and construction of a
2241 communications network and all related facilities and rights-of-way which it owns, operates,
2242 and maintains;

2243 (9) contract with other public agencies, the state, or federal government to provide
2244 public safety communications services in excess of those required to meet the needs or
2245 requirements of its members and the state and federal government if:

2246 (a) it is determined by the executive committee to be necessary to accomplish the
2247 purposes and realize the benefits of this chapter; and

2248 (b) any excess is sold to other public agencies, the state, or federal government and is
2249 sold on terms that assure that the cost of providing the excess service will be received by the
2250 Utah Communications Agency Network; and

2251 (10) perform all other duties authorized by this chapter.

2252 Section 73. Section **63G-4-102** is amended to read:

2253 **63G-4-102. Scope and applicability of chapter.**

2254 (1) Except as set forth in Subsection (2), and except as otherwise provided by a statute
2255 superseding provisions of this chapter by explicit reference to this chapter, the provisions of
2256 this chapter apply to every agency of the state and govern:

2257 (a) state agency action that determines the legal rights, duties, privileges, immunities,
2258 or other legal interests of an identifiable person, including agency action to grant, deny, revoke,
2259 suspend, modify, annul, withdraw, or amend an authority, right, or license; and

2260 (b) judicial review of the action.

2261 (2) This chapter does not govern:

2262 (a) the procedure for making agency rules, or judicial review of the procedure or rules;

2263 (b) the issuance of a notice of a deficiency in the payment of a tax, the decision to

2264 waive a penalty or interest on taxes, the imposition of and penalty or interest on taxes, or the

2265 issuance of a tax assessment, except that this chapter governs an agency action commenced by

2266 a taxpayer or by another person authorized by law to contest the validity or correctness of the

2267 action;

2268 (c) state agency action relating to extradition, to the granting of a pardon or parole, a

2269 commutation or termination of a sentence, or to the rescission, termination, or revocation of

2270 parole or probation, to the discipline of, resolution of a grievance of, supervision of,

2271 confinement of, or the treatment of an inmate or resident of a correctional facility, the Utah

2272 State Hospital, the Utah State Developmental Center, or a person in the custody or jurisdiction

2273 of the Division of Substance Abuse and Mental Health, or a person on probation or parole, or

2274 judicial review of the action;

2275 (d) state agency action to evaluate, discipline, employ, transfer, reassign, or promote a

2276 student or teacher in a school or educational institution, or judicial review of the action;

2277 (e) an application for employment and internal personnel action within an agency

2278 concerning its own employees, or judicial review of the action;

2279 (f) the issuance of a citation or assessment under Title 34A, Chapter 6, Utah

2280 Occupational Safety and Health Act, and Title 58, Chapter 3a, Architects Licensing Act,

2281 Chapter 11a, Cosmetologist/Barber, Esthetician, Electrologist, and Nail Technician Licensing

2282 Act, Chapter 17b, Pharmacy Practice Act, Chapter 22, Professional Engineers and Professional

2283 Land Surveyors Licensing Act, Chapter 53, Landscape Architects Licensing Act, Chapter 55,

2284 Utah Construction Trades Licensing Act, Chapter 63, Security Personnel Licensing Act, and

2285 Chapter 76, Professional Geologist Licensing Act, except that this chapter governs an agency

2286 action commenced by the employer, licensee, or other person authorized by law to contest the

2287 validity or correctness of the citation or assessment;

2288 (g) state agency action relating to management of state funds, the management and

2289 disposal of school and institutional trust land assets, and contracts for the purchase or sale of

2290 products, real property, supplies, goods, or services by or for the state, or by or for an agency of

2291 the state, except as provided in those contracts, or judicial review of the action;

2292 (h) state agency action under Title 7, Chapter 1, [~~Article~~] Part 3, Powers and Duties of
2293 Commissioner of Financial Institutions, Title 7, Chapter 2, Possession of Depository Institution
2294 by Commissioner, Title 7, Chapter 19, Acquisition of Failing Depository Institutions or
2295 Holding Companies, and Title 63G, Chapter 7, Governmental Immunity Act of Utah, or
2296 judicial review of the action;

2297 (i) the initial determination of a person's eligibility for unemployment benefits, the
2298 initial determination of a person's eligibility for benefits under Title 34A, Chapter 2, Workers'
2299 Compensation Act, and Title 34A, Chapter 3, Utah Occupational Disease Act, or the initial
2300 determination of a person's unemployment tax liability;

2301 (j) state agency action relating to the distribution or award of a monetary grant to or
2302 between governmental units, or for research, development, or the arts, or judicial review of the
2303 action;

2304 (k) the issuance of a notice of violation or order under Title [~~26~~] 53, Chapter [~~8a~~] 16,
2305 Utah Emergency Medical Services System Act, Title 19, Chapter 2, Air Conservation Act,
2306 Title 19, Chapter 3, Radiation Control Act, Title 19, Chapter 4, Safe Drinking Water Act, Title
2307 19, Chapter 5, Water Quality Act, Title 19, Chapter 6, Part 1, Solid and Hazardous Waste Act,
2308 Title 19, Chapter 6, Part 4, Underground Storage Tank Act, or Title 19, Chapter 6, Part 7, Used
2309 Oil Management Act, or Title 19, Chapter 6, Part 10, Mercury Switch Removal Act, except
2310 that this chapter governs an agency action commenced by a person authorized by law to contest
2311 the validity or correctness of the notice or order;

2312 (l) state agency action, to the extent required by federal statute or regulation, to be
2313 conducted according to federal procedures;

2314 (m) the initial determination of a person's eligibility for government or public
2315 assistance benefits;

2316 (n) state agency action relating to wildlife licenses, permits, tags, and certificates of
2317 registration;

2318 (o) a license for use of state recreational facilities;

2319 (p) state agency action under Title 63G, Chapter 2, Government Records Access and
2320 Management Act, except as provided in Section 63G-2-603;

2321 (q) state agency action relating to the collection of water commissioner fees and

2322 delinquency penalties, or judicial review of the action;

2323 (r) state agency action relating to the installation, maintenance, and repair of headgates,
2324 caps, valves, or other water controlling works and weirs, flumes, meters, or other water
2325 measuring devices, or judicial review of the action;

2326 (s) the issuance and enforcement of an initial order under Section 73-2-25;

2327 (t) (i) a hearing conducted by the Division of Securities under Section 61-1-11.1; and

2328 (ii) an action taken by the Division of Securities pursuant to a hearing conducted under
2329 Section 61-1-11.1, including a determination regarding the fairness of an issuance or exchange
2330 of securities described in Subsection 61-1-11.1(1); and

2331 (u) state agency action relating to water well driller licenses, water well drilling
2332 permits, water well driller registration, or water well drilling construction standards, or judicial
2333 review of the action.

2334 (3) This chapter does not affect a legal remedy otherwise available to:

2335 (a) compel an agency to take action; or

2336 (b) challenge an agency's rule.

2337 (4) This chapter does not preclude an agency, prior to the beginning of an adjudicative
2338 proceeding, or the presiding officer during an adjudicative proceeding from:

2339 (a) requesting or ordering a conference with parties and interested persons to:

2340 (i) encourage settlement;

2341 (ii) clarify the issues;

2342 (iii) simplify the evidence;

2343 (iv) facilitate discovery; or

2344 (v) expedite the proceeding; or

2345 (b) granting a timely motion to dismiss or for summary judgment if the requirements of
2346 Rule 12(b) or Rule 56 of the Utah Rules of Civil Procedure are met by the moving party,
2347 except to the extent that the requirements of those rules are modified by this chapter.

2348 (5) (a) A declaratory proceeding authorized by Section 63G-4-503 is not governed by
2349 this chapter, except as explicitly provided in that section.

2350 (b) Judicial review of a declaratory proceeding authorized by Section 63G-4-503 is
2351 governed by this chapter.

2352 (6) This chapter does not preclude an agency from enacting a rule affecting or

2353 governing an adjudicative proceeding or from following the rule, if the rule is enacted
2354 according to the procedures outlined in Title 63G, Chapter 3, Utah Administrative Rulemaking
2355 Act, and if the rule conforms to the requirements of this chapter.

2356 (7) (a) If the attorney general issues a written determination that a provision of this
2357 chapter would result in the denial of funds or services to an agency of the state from the federal
2358 government, the applicability of the provision to that agency shall be suspended to the extent
2359 necessary to prevent the denial.

2360 (b) The attorney general shall report the suspension to the Legislature at its next
2361 session.

2362 (8) Nothing in this chapter may be interpreted to provide an independent basis for
2363 jurisdiction to review final agency action.

2364 (9) Nothing in this chapter may be interpreted to restrict a presiding officer, for good
2365 cause shown, from lengthening or shortening a time period prescribed in this chapter, except
2366 the time period established for judicial review.

2367 Section 74. Section **63J-1-602** is amended to read:

2368 **63J-1-602. Nonlapsing accounts and funds.**

2369 (1) The following revenue collections, appropriations from a fund or account, and
2370 appropriations to a program are nonlapsing:

2371 (a) appropriations made to the Legislature and its committees;

2372 (b) funds collected by the grain grading program, as provided in Section 4-2-2;

2373 (c) the Salinity Offset Fund created in Section 4-2-8.5;

2374 (d) the Invasive Species Mitigation Fund created in Section 4-2-8.7;

2375 (e) funds collected by pesticide dealer license registration fees, as provided in Section
2376 4-14-3;

2377 (f) funds collected by pesticide applicator business registration fees, as provided in
2378 Section 4-14-13;

2379 (g) the Rangeland Improvement Fund created in Section 4-20-2;

2380 (h) funds deposited as dedicated credits under the Insect Infestation Emergency Control
2381 Act, as provided in Section 4-35-6;

2382 (i) the Percent-for-Art Program created in Section 9-6-404;

2383 (j) the Centennial History Fund created in Section 9-8-604;

- 2384 (k) the Uintah Basin Revitalization Fund, as provided in Section 9-10-108;
- 2385 (l) the Navajo Revitalization Fund created in Section 9-11-104;
- 2386 (m) the LeRay McAllister Critical Land Conservation Program created in Section
2387 11-38-301;
- 2388 (n) the Clean Fuels and Vehicle Technology Fund created in Section 19-1-403;
- 2389 (o) fees deposited as dedicated credits for hazardous waste plan reviews, as provided in
2390 Section 19-6-120;
- 2391 (p) an appropriation made to the Division of Wildlife Resources for the appraisal and
2392 purchase of lands under the Pelican Management Act, as provided in Section 23-21a-6;
- 2393 (q) award monies under the Crime Reduction Assistance Program, as provided under
2394 Section 24-1-19;
- 2395 (r) funds collected from the emergency medical services grant program, as provided in
2396 Section ~~[26-8a-207]~~ 53-16-308;
- 2397 (s) fees and other funding available to purchase training equipment and to administer
2398 tests and conduct quality assurance reviews, as provided in Section ~~[26-8a-208]~~ 53-16-309;
- 2399 (t) funds collected as a result of a sanction under Section 1919 of Title XIX of the
2400 federal Social Security Act, as provided in Section 26-18-3;
- 2401 (u) the Utah Health Care Workforce Financial Assistance Program created in Section
2402 26-46-102;
- 2403 (v) monies collected from subscription fees for publications prepared or distributed by
2404 the insurance commissioner, as provided in Section 31A-2-208;
- 2405 (w) monies received by the Insurance Department for administering, investigating
2406 under, and enforcing the Insurance Fraud Act, as provided in Section 31A-31-108;
- 2407 (x) certain monies received for penalties paid under the Insurance Fraud Act, as
2408 provided in Section 31A-31-109;
- 2409 (y) the fund for operating the state's Federal Health Care Tax Credit Program, as
2410 provided in Section 31A-38-104;
- 2411 (z) certain funds in the Department of Workforce Services' program for the education,
2412 training, and transitional counseling of displaced homemakers, as provided in Section
2413 35A-3-114;
- 2414 (aa) the Employment Security Administration Fund created in Section 35A-4-505;

- 2415 (bb) the Special Administrative Expense Fund created in Section 35A-4-506;
- 2416 (cc) funding for a new program or agency that is designated as nonlapsing under
- 2417 Section 36-24-101;
- 2418 (dd) the Oil and Gas Conservation Account created in Section 40-6-14.5;
- 2419 (ee) funds available to the State Tax Commission for purchase and distribution of
- 2420 license plates and decals, as provided in Section 41-1a-1201;
- 2421 (ff) certain fees for the cost of electronic payments under the Motor Vehicle Act, as
- 2422 provided in Section 41-1a-1221;
- 2423 (gg) certain fees collected for administering and enforcing the Motor Vehicle Business
- 2424 Regulation Act, as provided in Section 41-3-601;
- 2425 (hh) certain fees for the cost of electronic payments under the Motor Vehicle Business
- 2426 Regulation Act, as provided in Section 41-3-604;
- 2427 (ii) the Off-Highway Access and Education Restricted Account created in Section
- 2428 41-22-19.5;
- 2429 (jj) certain fees for the cost of electronic payments under the Motor Vehicle Act, as
- 2430 provided in Section 41-22-36;
- 2431 (kk) monies collected under the Notaries Public Reform Act, as provided under
- 2432 46-1-23;
- 2433 (ll) certain funds associated with the Law Enforcement Operations Account, as
- 2434 provided in Section 51-9-411;
- 2435 (mm) the Public Safety Honoring Heroes Restricted Account created in Section
- 2436 53-1-118;
- 2437 (nn) funding for the Search and Rescue Financial Assistance Program, as provided in
- 2438 Section 53-2-107;
- 2439 (oo) appropriations made to the Department of Public Safety from the Department of
- 2440 Public Safety Restricted Account, as provided in Section 53-3-106;
- 2441 (pp) appropriations to the Motorcycle Rider Education Program, as provided in Section
- 2442 53-3-905;
- 2443 (qq) fees collected by the State Fire Marshal Division under the Utah Fire Prevention
- 2444 and Safety Act, as provided in Section 53-7-314;
- 2445 (rr) the DNA Specimen Restricted Account created in Section 53-10-407;

2446 (ss) the minimum school program, as provided in Section 53A-17a-105;
2447 (tt) certain funds appropriated from the Uniform School Fund to the State Board of
2448 Education for new teacher bonus and performance-based compensation plans, as provided in
2449 Section 53A-17a-148;
2450 (uu) certain funds appropriated from the Uniform School Fund to the State Board of
2451 Education for implementation of proposals to improve mathematics achievement test scores, as
2452 provided in Section 53A-17a-152;
2453 (vv) the School Building Revolving Account created in Section 53A-21-401;
2454 (ww) monies received by the State Office of Rehabilitation for the sale of certain
2455 products or services, as provided in Section 53A-24-105;
2456 (xx) the State Board of Regents, as provided in Section 53B-6-104;
2457 (yy) certain funds appropriated from the General Fund to the State Board of Regents
2458 for teacher preparation programs, as provided in Section 53B-6-104;
2459 (zz) a certain portion of monies collected for administrative costs under the School
2460 Institutional Trust Lands Management Act, as provided under Section 53C-3-202;
2461 (aaa) certain surcharges on residence and business telecommunications access lines
2462 imposed by the Public Service Commission, as provided in Section 54-8b-10;
2463 (bbb) certain fines collected by the Division of Occupational and Professional
2464 Licensing for violation of unlawful or unprofessional conduct that are used for education and
2465 enforcement purposes, as provided in Section 58-17b-505;
2466 (ccc) the Nurse Education and Enforcement Fund created in Section 58-31b-103;
2467 (ddd) funding of the controlled substance database, as provided in Section 58-37-7.7;
2468 (eee) the Certified Nurse Midwife Education and Enforcement Fund created in Section
2469 58-44a-103;
2470 (fff) funding for the building inspector's education program, as provided in Section
2471 58-56-9;
2472 (ggg) certain fines collected by the Division of Occupational and Professional
2473 Licensing for use in education and enforcement of the Security Personnel Licensing Act, as
2474 provided in Section 58-63-103;
2475 (hhh) the Professional Geologist Education and Enforcement Fund created in Section
2476 58-76-103;

2477 (iii) certain monies in the Water Resources Conservation and Development Fund, as
2478 provided in Section 59-12-103;

2479 (jjj) funds paid to the Division of Real Estate for the cost of a criminal background
2480 check for broker and sales agent licenses, as provided in Section 61-2-9;

2481 (kkk) the Utah Housing Opportunity Restricted Account created in Section 61-2-28;
2482 (lll) funds paid to the Division of Real Estate for the cost of a criminal background
2483 check for a mortgage loan license, as provided in Section 61-2c-202;

2484 (mmm) funds paid to the Division of Real Estate in relation to examination of records
2485 in an investigation, as provided in Section 61-2c-401;

2486 (nnn) certain funds donated to the Department of Human Services, as provided in
2487 Section 62A-1-111;

2488 (ooo) certain funds donated to the Division of Child and Family Services, as provided
2489 in Section 62A-4a-110;

2490 (ppp) the Mental Health Therapist Grant and Scholarship Program, as provided in
2491 Section 62A-13-109;

2492 (qqq) assessments for DUI violations that are forwarded to an account created by a
2493 county treasurer, as provided in Section 62A-15-503;

2494 (rrr) appropriations to the Division of Services for People with Disabilities, as provided
2495 in Section 62A-5-102;

2496 (sss) certain donations to the Division of Substance Abuse and Mental Health, as
2497 provided in Section 62A-15-103;

2498 (ttt) certain funds received by the Division of Parks and Recreation from the sale or
2499 disposal of buffalo, as provided under Section 63-11-19.2;

2500 (uuu) revenue for golf user fees at the Wasatch Mountain State Park, Palisades State
2501 Park, or Jordan River State Park, as provided under Section 63-11-19.5;

2502 (vvv) revenue for golf user fees at the Green River State Park, as provided under
2503 Section 63-11-19.6;

2504 (www) the Centennial Nonmotorized Paths and Trail Crossings Program created under
2505 Section 63-11a-503;

2506 (xxx) the Bonneville Shoreline Trail Program created under Section 63-11a-504;

2507 (yyy) the account for the Utah Geological Survey, as provided in Section 63-73-10;

2508 (zzz) the Risk Management Fund created under Section 63A-4-201;
2509 (aaaa) the Child Welfare Parental Defense Fund created in Section 63A-11-203;
2510 (bbbb) the Constitutional Defense Restricted Account created in Section 63C-4-103;
2511 (cccc) a portion of the funds appropriated to the Utah Seismic Safety Commission, as
2512 provided in Section 63C-6-104;
2513 (dddd) funding for the Medical Education Program administered by the Medical
2514 Education Council, as provided in Section 63C-8-102;
2515 (eeee) certain monies payable for commission expenses of the Pete Suazo Utah
2516 Athletic Commission, as provided under Section 63C-11-301;
2517 (ffff) funds collected for publishing the Division of Administrative Rules' publications,
2518 as provided in Section 63G-3-402;
2519 (gggg) the appropriation to fund the Governor's Office of Economic Development's
2520 Enterprise Zone Act, as provided in Section 63M-1-416;
2521 (hhhh) the Tourism Marketing Performance Account, as provided in Section
2522 63M-1-1406;
2523 (iiii) certain funding for rural development provided to the Office of Rural
2524 Development in the Governor's Office of Economic Development, as provided in Section
2525 63M-1-1604;
2526 (jjjj) certain monies in the Development for Disadvantaged Rural Communities
2527 Restricted Account, as provided in Section 63M-1-2003;
2528 (kkkk) appropriations to the Utah Science Technology and Research Governing
2529 Authority, created under Section 63M-2-301, as provided under Section 63M-3-302;
2530 (llll) certain monies in the Rural Broadband Service Fund, as provided in Section
2531 63M-1-2303;
2532 (mmmm) funds collected from monthly offender supervision fees, as provided in
2533 Section 64-13-21.2;
2534 (nnnn) funds collected by the housing of state probationary inmates or state parole
2535 inmates, as provided in Subsection 64-13e-104(2);
2536 (oooo) the Sovereign Lands Management account created in Section 65A-5-1;
2537 (pppp) certain forestry and fire control funds utilized by the Division of Forestry, Fire,
2538 and State Lands, as provided in Section 65A-8-103;

2539 (qqqq) the Department of Human Resource Management user training program, as
2540 provided in Section 67-19-6;

2541 (rrrr) funds for the University of Utah Poison Control Center program, as provided in
2542 Section 69-2-5.5;

2543 (ssss) appropriations to the Transportation Corridor Preservation Revolving Loan
2544 Fund, as provided in Section 72-2-117;

2545 (tttt) appropriations to the Local Transportation Corridor Preservation Fund, as
2546 provided in Section 72-2-117.5;

2547 (uuuu) appropriations to the Tollway Restricted Special Revenue Fund, as provided in
2548 Section 77-2-120;

2549 (vvvv) appropriations to the Aeronautics Construction Revolving Loan Fund, as
2550 provided in Section 77-2-122;

2551 (wwww) appropriations to the State Park Access Highways Improvement Program, as
2552 provided in Section 72-3-207;

2553 (xxxx) the Traffic Noise Abatement Program created in Section 72-6-112;

2554 (yyyy) certain funds received by the Office of the State Engineer for well drilling fines
2555 or bonds, as provided in Section 73-3-25;

2556 (zzzz) certain monies appropriated to increase the carrying capacity of the Jordan River
2557 that are transferred to the Division of Parks and Recreation, as provided in Section 73-10e-1;

2558 (aaaa) certain fees for the cost of electronic payments under the State Boating Act, as
2559 provided in Section 73-18-25;

2560 (bbbb) certain monies appropriated from the Water Resources Conservation and
2561 Development Fund, as provided in Section 73-23-2;

2562 (cccc) the Lake Powell Pipeline Project Operation and Maintenance Fund created in
2563 Section 73-28-404;

2564 (dddd) certain funds in the Water Development and Flood Mitigation Reserve
2565 Account, as provided in Section 73-103-1;

2566 (eeee) certain funds appropriated for compensation for special prosecutors, as
2567 provided in Section 77-10a-19;

2568 (ffff) the Indigent Aggravated Murder Defense Trust Fund created in Section
2569 77-32-601;

2570 (ggggg) the Indigent Felony Defense Trust Fund created in Section 77-32-701;
2571 (hhhhh) funds donated or paid to a juvenile court by private sources, as provided in
2572 Subsection 78A-6-203(c);
2573 (iiii) a state rehabilitative employment program, as provided in Section 78A-6-210;
2574 and
2575 (jjjj) fees from the issuance and renewal of licenses for certified court interpreters, as
2576 provided in Section 78B-1-146.
2577 (2) No revenue collection, appropriation from a fund or account, or appropriation to a
2578 program may be treated as nonlapsing unless:
2579 (a) it is expressly referenced by this section;
2580 (b) it is designated in a condition of appropriation in the appropriations bill; or
2581 (c) nonlapsing authority is granted under Section 63J-1-603.
2582 (3) Each legislative appropriations subcommittee shall review the accounts and funds
2583 that have been granted nonlapsing authority under this section or Section 63J-1-603.
2584 Section 75. Section **75-2a-103** is amended to read:
2585 **75-2a-103. Definitions.**
2586 As used in this chapter:
2587 (1) "Adult" means a person who is:
2588 (a) at least 18 years of age; or
2589 (b) an emancipated minor.
2590 (2) "Advance health care directive":
2591 (a) includes:
2592 (i) a designation of an agent to make health care decisions for an adult when the adult
2593 cannot make or communicate health care decisions; or
2594 (ii) an expression of preferences about health care decisions;
2595 (b) may take one of the following forms:
2596 (i) a written document, voluntarily executed by an adult in accordance with the
2597 requirements of this chapter; or
2598 (ii) a witnessed oral statement, made in accordance with the requirements of this
2599 chapter; and
2600 (c) does not include a life with dignity order.

2601 (3) "Agent" means a person designated in an advance health care directive to make
2602 health care decisions for the declarant.

2603 (4) "APRN" means a person who is:

2604 (a) certified or licensed as an advance practice registered nurse under Subsection
2605 58-31b-301(2)(d);

2606 (b) an independent practitioner;

2607 (c) acting under a consultation and referral plan with a physician; and

2608 (d) acting within the scope of practice for that person, as provided by law, rule, and
2609 specialized certification and training in that person's area of practice.

2610 (5) "Best interest" means that the benefits to the person resulting from a treatment
2611 outweigh the burdens to the person resulting from the treatment, taking into account:

2612 (a) the effect of the treatment on the physical, emotional, and cognitive functions of the
2613 person;

2614 (b) the degree of physical pain or discomfort caused to the person by the treatment or
2615 the withholding or withdrawal of treatment;

2616 (c) the degree to which the person's medical condition, the treatment, or the
2617 withholding or withdrawal of treatment, result in a severe and continuing impairment of the
2618 dignity of the person by subjecting the person to humiliation and dependency;

2619 (d) the effect of the treatment on the life expectancy of the person;

2620 (e) the prognosis of the person for recovery with and without the treatment;

2621 (f) the risks, side effects, and benefits of the treatment, or the withholding or
2622 withdrawal of treatment; and

2623 (g) the religious beliefs and basic values of the person receiving treatment, to the extent
2624 these may assist the decision maker in determining the best interest.

2625 (6) "Capacity to appoint an agent" means that the adult understands the consequences
2626 of appointing a particular person as agent.

2627 (7) "Declarant" means an adult who has completed and signed or directed the signing
2628 of an advance health care directive.

2629 (8) "Default surrogate" means the adult who may make decisions for an individual
2630 when either:

2631 (a) an agent or guardian has not been appointed; or

2632 (b) an agent is not able, available, or willing to make decisions for an adult.
2633 (9) "Emergency medical services provider" means a person who is licensed,
2634 designated, or certified under Title [26] 53, Chapter [8a] 16, Utah Emergency Medical Services
2635 System Act.
2636 (10) "Generally accepted health care standards":
2637 (a) is defined only for the purpose of:
2638 (i) this chapter and does not define the standard of care for any other purpose under
2639 Utah law; and
2640 (ii) enabling health care providers to interpret the statutory form set forth in Section
2641 75-2a-117; and
2642 (b) means the standard of care that justifies a provider in declining to provide life
2643 sustaining care because the proposed life sustaining care:
2644 (i) will not prevent or reduce the deterioration in the health or functional status of a
2645 person;
2646 (ii) will not prevent the impending death of a person; or
2647 (iii) will impose more burden on the person than any expected benefit to the person.
2648 (11) "Health care" means any care, treatment, service, or procedure to improve,
2649 maintain, diagnose, or otherwise affect a person's physical or mental condition.
2650 (12) "Health care decision":
2651 (a) means a decision about an adult's health care made by, or on behalf of, an adult, that
2652 is communicated to a health care provider;
2653 (b) includes:
2654 (i) selection and discharge of a health care provider and a health care facility;
2655 (ii) approval or disapproval of diagnostic tests, procedures, programs of medication,
2656 and orders not to resuscitate; and
2657 (iii) directions to provide, withhold, or withdraw artificial nutrition and hydration and
2658 all other forms of health care; and
2659 (c) does not include decisions about an adult's financial affairs or social interactions
2660 other than as indirectly affected by the health care decision.
2661 (13) "Health care decision making capacity" means an adult's ability to make an
2662 informed decision about receiving or refusing health care, including:

2663 (a) the ability to understand the nature, extent, or probable consequences of health
2664 status and health care alternatives;

2665 (b) the ability to make a rational evaluation of the burdens, risks, benefits, and
2666 alternatives of accepting or rejecting health care; and

2667 (c) the ability to communicate a decision.

2668 (14) "Health care facility" means:

2669 (a) a health care facility as defined in Title 26, Chapter 21, Health Care Facility
2670 Licensing and Inspection Act; and

2671 (b) private offices of physicians, dentists, and other health care providers licensed to
2672 provide health care under Title 58, Occupations and Professions.

2673 (15) "Health care provider" is as defined in Section 78B-3-403, except that it does not
2674 include an emergency medical services provider.

2675 (16) (a) "Life sustaining care" means any medical intervention, including procedures,
2676 administration of medication, or use of a medical device, that maintains life by sustaining,
2677 restoring, or supplanting a vital function.

2678 (b) "Life sustaining care" does not include care provided for the purpose of keeping a
2679 person comfortable.

2680 (17) "Life with dignity order" means an order, designated by the Department of Health
2681 under Section 75-2a-106(5)(a), that gives direction to health care providers, health care
2682 facilities, and emergency medical services providers regarding the specific health care
2683 decisions of the person to whom the order relates.

2684 (18) "Minor" means a person who:

2685 (a) is under 18 years of age; and

2686 (b) is not an emancipated minor.

2687 (19) "Physician" means a physician and surgeon or osteopathic surgeon licensed under
2688 Title 58, Chapter 67, Utah Medical Practice Act or Chapter 68, Utah Osteopathic Medical
2689 Practice Act.

2690 (20) "Physician assistant" means a person licensed as a physician assistant under Title
2691 58, Chapter 70a, Physician Assistant Act.

2692 (21) "Reasonably available" means:

2693 (a) readily able to be contacted without undue effort; and

2694 (b) willing and able to act in a timely manner considering the urgency of the
2695 circumstances.

2696 (22) "Substituted judgment" means the standard to be applied by a surrogate when
2697 making a health care decision for an adult who previously had the capacity to make health care
2698 decisions, which requires the surrogate to consider:

2699 (a) specific preferences expressed by the adult:

2700 (i) when the adult had the capacity to make health care decisions; and

2701 (ii) at the time the decision is being made;

2702 (b) the surrogate's understanding of the adult's health care preferences;

2703 (c) the surrogate's understanding of what the adult would have wanted under the
2704 circumstances; and

2705 (d) to the extent that the preferences described in Subsections (22)(a) through (c) are
2706 unknown, the best interest of the adult.

2707 (23) "Surrogate" means a health care decision maker who is:

2708 (a) an appointed agent;

2709 (b) a default surrogate under the provisions of Section 75-2a-108; or

2710 (c) a guardian.

2711 Section 76. Section **75-2a-106** is amended to read:

2712 **75-2a-106. Emergency medical services -- Life with dignity order.**

2713 (1) A life with dignity order may be created by or on behalf of a person as described in
2714 this section.

2715 (2) A life with dignity order shall, in consultation with the person authorized to consent
2716 to the order pursuant to this section, be prepared by:

2717 (a) the physician, APRN, or, subject to Subsection (11), physician assistant of the
2718 person to whom the life with dignity order relates; or

2719 (b) a health care provider who:

2720 (i) is acting under the supervision of a person described in Subsection (2)(a); and

2721 (ii) is:

2722 (A) a nurse, licensed under Title 58, Chapter 31b, Nurse Practice Act;

2723 (B) a physician assistant, licensed under Title 58, Chapter 70a, Physician Assistant
2724 Act;

2725 (C) a mental health professional, licensed under Title 58, Chapter 60, Mental Health
2726 Professional Practice Act; or
2727 (D) another health care provider, designated by rule as described in Subsection (10).
2728 (3) A life with dignity order shall be signed:
2729 (a) personally, by the physician, APRN, or, subject to Subsection (11), physician
2730 assistant of the person to whom the life with dignity order relates; and
2731 (b) (i) if the person to whom the life with dignity order relates is an adult with health
2732 care decision making capacity, by:
2733 (A) the person; or
2734 (B) an adult who is directed by the person to sign the life with dignity order on behalf
2735 of the person;
2736 (ii) if the person to whom the life with dignity order relates is an adult who lacks health
2737 care decision making capacity, by:
2738 (A) the surrogate with the highest priority under Section 75-2a-111;
2739 (B) the majority of the class of surrogates with the highest priority under Section
2740 75-2a-111; or
2741 (C) a person directed to sign the order by, and on behalf of, the persons described in
2742 Subsection (3)(b)(ii)(A) or (B); or
2743 (iii) if the person to whom the life with dignity order relates is a minor, by a parent or
2744 guardian of the minor.
2745 (4) If a life with dignity order relates to a minor and directs that life sustaining
2746 treatment be withheld or withdrawn from the minor, the order shall include a certification by
2747 two physicians that, in their clinical judgment, an order to withhold or withdraw life sustaining
2748 treatment is in the best interest of the minor.
2749 (5) A life with dignity order:
2750 (a) shall be in writing, on a form approved by the Department of Health;
2751 (b) shall state the date on which the order was made;
2752 (c) may specify the level of life sustaining care to be provided to the person to whom
2753 the order relates; and
2754 (d) may direct that life sustaining care be withheld or withdrawn from the person to
2755 whom the order relates.

2756 (6) A health care provider or emergency medical service provider, licensed or certified
2757 under Title [26] 53, Chapter [8a] 16, Utah Emergency Medical Services System Act, is
2758 immune from civil or criminal liability, and is not subject to discipline for unprofessional
2759 conduct, for:

2760 (a) complying with a life with dignity order in good faith; or

2761 (b) providing life sustaining treatment to a person when a life with dignity order directs
2762 that the life sustaining treatment be withheld or withdrawn.

2763 (7) To the extent that the provisions of a life with dignity order described in this
2764 section conflict with the provisions of an advance health care directive made under Section
2765 75-2a-107, the provisions of the life with dignity order take precedence.

2766 (8) An adult, or a parent or guardian of a minor, may revoke a life with dignity order
2767 by:

2768 (a) orally informing emergency service personnel;

2769 (b) writing "void" across the form;

2770 (c) burning, tearing, or otherwise destroying or defacing:

2771 (i) the form; or

2772 (ii) a bracelet or other evidence of the life with dignity order;

2773 (d) asking another adult to take the action described in this Subsection (8) on the
2774 person's behalf;

2775 (e) signing or directing another adult to sign a written revocation on the person's
2776 behalf;

2777 (f) stating, in the presence of an adult witness, that the person wishes to revoke the
2778 order; or

2779 (g) completing a new life with dignity order.

2780 (9) (a) Except as provided in Subsection (9)(c), a surrogate for an adult who lacks
2781 health care decision making capacity may only revoke a life with dignity order if the revocation
2782 is consistent with the substituted judgment standard.

2783 (b) Except as provided in Subsection (9)(c), a surrogate who has authority under this
2784 section to sign a life with dignity order may revoke a life with dignity order, in accordance with
2785 Subsection (9)(a), by:

2786 (i) signing a written revocation of the life with dignity order; or

2787 (ii) completing and signing a new life with dignity order.

2788 (c) A surrogate may not revoke a life with dignity order during the period of time
2789 beginning when an emergency service provider is contacted for assistance, and ending when
2790 the emergency ends.

2791 (10) (a) The Department of Health shall adopt rules, in accordance with Title 63G,
2792 Chapter 3, Utah Administrative Rulemaking Act, to:

2793 (i) create the forms and systems described in this section; and

2794 (ii) develop uniform instructions for the form established in Section 75-2a-117.

2795 (b) The Department of Health may adopt rules, in accordance with Title 63G, Chapter
2796 3, Utah Administrative Rulemaking Act, to designate health care professionals, in addition to
2797 those described in Subsection (2)(b)(ii), who may prepare a life with dignity order.

2798 (c) The Department of Health may assist others with training of health care
2799 professionals regarding this chapter.

2800 (11) A physician assistant may not prepare or sign a life with dignity order, unless the
2801 physician assistant is permitted to prepare or sign the life with dignity order under the physician
2802 assistant's delegation of services agreement, as defined in Section 58-70a-102.

2803 Section 77. Section **76-5-102.7** is amended to read:

2804 **76-5-102.7. Assault against health care provider and emergency medical service**
2805 **worker -- Penalty.**

2806 (1) A person who assaults a health care provider or emergency medical service worker
2807 is guilty of a class A misdemeanor if:

2808 (a) the person knew that the victim was a health care provider or emergency medical
2809 service worker; and

2810 (b) the health care provider or emergency medical service worker was performing
2811 emergency or life saving duties within the scope of his authority at the time of the assault.

2812 (2) As used in this section:

2813 (a) "Emergency medical service worker" means a person certified under Section
2814 [~~26-8a-302~~] 53-16-502.

2815 (b) "Health care provider" has the meaning as provided in Section 78B-3-403.

2816 Section 78. Section **76-10-915** is amended to read:

2817 **76-10-915. Exempt activities.**

2818 (1) This [act] part may not be construed to prohibit:

2819 (a) the activities of any public utility to the extent that those activities are subject to
2820 regulation by the public service commission, the state or federal department of transportation,
2821 the federal energy regulatory commission, the federal communications commission, the
2822 interstate commerce commission, or successor agencies;

2823 (b) the activities of any insurer, insurance producer, independent insurance adjuster, or
2824 rating organization including, but not limited to, making or participating in joint underwriting
2825 or reinsurance arrangements, to the extent that those activities are subject to regulation by the
2826 commissioner of insurance;

2827 (c) the activities of securities dealers, issuers, or agents, to the extent that those
2828 activities are subject to regulation under the laws of either this state or the United States;

2829 (d) the activities of any state or national banking institution, to the extent that the
2830 activities are regulated or supervised by state government officers or agencies under the
2831 banking laws of this state or by federal government officers or agencies under the banking laws
2832 of the United States;

2833 (e) the activities of any state or federal savings and loan association to the extent that
2834 those activities are regulated or supervised by state government officers or agencies under the
2835 banking laws of this state or federal government officers or agencies under the banking laws of
2836 the United States;

2837 (f) the activities of a municipality to the extent authorized or directed by state law; or

2838 (g) the activities of an emergency medical service provider licensed under Title [26]
2839 53, Chapter [~~8a~~] 16, Utah Emergency Medical Services System Act, to the extent that those
2840 activities are regulated by state government officers or agencies under that act.

2841 (2) (a) The labor of a human being is not a commodity or article of commerce.

2842 (b) Nothing contained in the antitrust laws shall be construed to forbid the existence
2843 and operation of labor, agricultural, or horticultural organizations, instituted for the purpose of
2844 mutual help and not having capital stock or conducted for profit, or to forbid or restrain
2845 individual members of these organizations from lawfully carrying out their legitimate objects;
2846 nor may these organizations or membership in them be held to be illegal combinations or
2847 conspiracies in restraint of trade under the antitrust laws.

2848 (3) (a) As used in this section, an entity is also a municipality if the entity was formed

2849 under Title 11, Chapter 13, Interlocal Cooperation Act, prior to January 1, 1981, and the entity
2850 is:

- 2851 (i) a project entity as defined in Section 11-13-103;
2852 (ii) an electric interlocal entity as defined in Section 11-13-103; or
2853 (iii) an energy services interlocal entity as defined in Section 11-13-103.
2854 (b) The activities of the entities under Subsection (3)(a) are authorized or directed by
2855 state law.

2856 Section 79. Section **78B-8-401** is amended to read:

2857 **78B-8-401. Definitions.**

2858 For purposes of this chapter:

2859 (1) "Blood or contaminated body fluids" includes blood, amniotic fluid, pericardial
2860 fluid, peritoneal fluid, pleural fluid, synovial fluid, cerebrospinal fluid, semen, and vaginal
2861 secretions, and any body fluid visibly contaminated with blood.

2862 (2) "Disease" means Human Immunodeficiency Virus infection, acute or chronic
2863 Hepatitis B infection, Hepatitis C infection, and any other infectious disease specifically
2864 designated by the Labor Commission in consultation with the Department of Health for the
2865 purposes of this chapter.

2866 (3) "Emergency medical services provider" means an individual certified under Section
2867 [~~26-8a-302~~] 53-16-502, a public safety officer, local fire department personnel, or personnel
2868 employed by the Department of Corrections or by a county jail, who provide prehospital
2869 emergency medical care for an emergency medical services provider either as an employee or
2870 as a volunteer.

2871 (4) "First aid volunteer" means a person who provides voluntary emergency assistance
2872 or first aid medical care to an injured person prior to the arrival of an emergency medical
2873 services provider or public safety officer.

2874 (5) "Public safety officer" means a peace officer as defined in Title 53, Chapter 13,
2875 Peace Officer Classifications.

2876 (6) "Significant exposure" and "significantly exposed" mean:

2877 (a) exposure of the body of one person to the blood or body fluids of another person
2878 by:

2879 (i) percutaneous injury, including a needle stick or cut with a sharp object or

2880 instrument; or
2881 (ii) contact with an open wound, mucous membrane, or nonintact skin because of a cut,
2882 abrasion, dermatitis, or other damage; or
2883 (b) exposure that occurs by any other method of transmission defined by the
2884 Department of Health as a significant exposure.
2885 **Section 80. Repealer.**
2886 This bill repeals:
2887 **Section 26-8a-209, Fully automated external defibrillator statewide database.**

Legislative Review Note
as of 1-21-10 6:25 AM

Office of Legislative Research and General Counsel

Fiscal Note**H.B. 253 - Transfer of the Bureau of Emergency Medical Services from the
Department of Health to the Department of Public Safety**

2010 General Session

State of Utah

State Impact

This bill transfers the Bureau of Emergency Medical Services and all its funding from the Department of Health to the Department of Public Safety. The total amount to be transferred is \$4,616,500 with \$486,000 coming from the General Fund.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
