

BUREAU OF EMERGENCY MEDICAL SERVICES AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Derrin R. Owens

House Sponsor: Dan N. Johnson

LONG TITLE

General Description:

This bill makes technical and conforming changes related to the Bureau of Emergency Medical Services.

Highlighted Provisions:

This bill:

- authorizes the Department of Public Safety to enter into contracts and to make rules related to emergency medical services prior to the transition of the emergency medical services regulatory authority; and

- makes technical and conforming changes related to the Bureau of Emergency Medical Services.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

11-48-101.5 (Effective 07/01/24), as last amended by Laws of Utah 2023, Chapters 16, 327

26B-6-210 (Effective 07/01/24), as renumbered and amended by Laws of Utah 2023, Chapter 308

53-2d-101 (Effective 07/01/24), as last amended by Laws of Utah 2023, Chapters 16, 327 and renumbered and amended by Laws of Utah 2023, Chapter 310 and last amended by Coordination Clause, Laws of Utah 2023, Chapter 327

53-2d-304 (Effective 07/01/24), as renumbered and amended by Laws of Utah 2023, Chapters 307, 310

53-2d-402 (Effective 07/01/24), as renumbered and amended by Laws of Utah 2023,

Chapters 307, 310

53-2d-410 (Effective 07/01/24), as renumbered and amended by Laws of Utah 2023,

Chapters 307, 310

53-2d-509 (Effective 07/01/24), as renumbered and amended by Laws of Utah 2023,

Chapters 307, 310

53-2d-805 (Effective 07/01/24), as renumbered and amended by Laws of Utah 2023,

Chapters 307, 310

58-57-7 (Effective 07/01/24), as last amended by Laws of Utah 2023, Chapter 329

63G-4-102 (Effective 07/01/24), as last amended by Laws of Utah 2023, Chapter 329

63I-2-253 (Effective upon governor's approval) (Superseded 07/01/24), as last amended by

Laws of Utah 2023, Chapters 7, 21, 33, 142, 167, 168, 310, 380, 383, and 467

75-2a-103 (Effective 07/01/24), as last amended by Laws of Utah 2023, Chapters 139, 330

75-2a-106 (Effective 07/01/24), as last amended by Laws of Utah 2023, Chapter 330

76-10-3105 (Effective 07/01/24), as last amended by Laws of Utah 2023, Chapter 330

80-2-1002 (Effective 07/01/24), as last amended by Laws of Utah 2023, Chapter 330

ENACTS:

53-2d-101.1 (Effective upon governor's approval), Utah Code Annotated 1953

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

Section 1. Section **11-48-101.5** is amended to read:

11-48-101.5 (Effective 07/01/24). Definitions.

As used in this chapter:

(1) (a) "911 ambulance services" means ambulance services rendered in response to a

911 call received by a designated dispatch center that receives 911 or E911 calls.

(b) "911 ambulance services" does not mean a seven or [ten] 10 digit telephone call

received directly by an ambulance provider licensed under [~~Title 26B, Chapter 4, Part~~

~~4, Utah Emergency Medical Services System~~] Title 53, Chapter 2d, Emergency

Medical Services Act.

(2) "Municipality" means a city, town, or metro township.

(3) "Political subdivision" means a county, city, town, special district, or service district.

Section 2. Section **26B-6-210** is amended to read:

26B-6-210 (Effective 07/01/24). Statewide database -- Restricted use and access.

(1) The division shall maintain a database for reports of vulnerable adult abuse, neglect, or exploitation made pursuant to this part.

- (2) The database shall include:
- (a) the names and identifying data of the alleged abused, neglected, or exploited vulnerable adult and the alleged perpetrator;
 - (b) information regarding whether or not the allegation of abuse, neglect, or exploitation was found to be:
 - (i) supported;
 - (ii) inconclusive;
 - (iii) without merit; or
 - (iv) for reports for which the finding is made before May 5, 2008:
 - (A) substantiated; or
 - (B) unsubstantiated; and
 - (c) any other information that may be helpful in furthering the purposes of this part, as determined by the division.
- (3) Information obtained from the database may be used only:
- (a) for statistical summaries compiled by the department that do not include names or other identifying data;
 - (b) where identification of an individual as a perpetrator may be relevant in a determination regarding whether to grant or deny a license, privilege, or approval made by:
 - (i) the department;
 - (ii) the Division of Professional Licensing;
 - (iii) the Division of Licensing and Background Checks within the department;
 - (iv) the Bureau of Emergency Medical Services [~~and Preparedness~~], within the [~~department, or a designee of the Bureau of Emergency Medical Services and Preparedness~~] Department of Public Safety;
 - (v) any government agency specifically authorized by statute to access or use the information in the database; or
 - (vi) an agency of another state that performs a similar function to an agency described in Subsections (3)(b)(i) through (iv); or
- (c) as otherwise specifically provided by law.

Section 3. Section **53-2d-101** is amended to read:

53-2d-101 (Effective 07/01/24). Definitions.

As used in this chapter:

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

(i) either:

(A) 911 ambulance service;

(B) 911 paramedic service; or

(C) both 911 ambulance and paramedic service; and

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

(b) "911 ambulance or paramedic services" does not mean a seven or 10 digit telephone call received directly by an ambulance provider licensed under this chapter.

~~[(2) "Account" means the Automatic External Defibrillator Restricted Account, created in Section 53-2d-809.]~~

~~[(3)]~~ (2) "Ambulance" means a ground, air, or water vehicle that:

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

(b) is required to obtain a permit under Section 53-2d-404 to operate in the state.

~~[(4)]~~ (3) "Ambulance provider" means an emergency medical service provider that:

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

(b) is required to obtain a license under Part 5, Ambulance and Paramedic Providers.

~~[(5)]~~ (4) "Automatic external defibrillator" or "AED" means an automated or automatic computerized medical device that:

(a) has received pre-market notification approval from the United States Food and Drug Administration, pursuant to 21 U.S.C. Sec. 360(k);

(b) is capable of recognizing the presence or absence of ventricular fibrillation or rapid ventricular tachycardia;

(c) is capable of determining, without intervention by an operator, whether defibrillation should be performed; and

(d) upon determining that defibrillation should be performed, automatically charges, enabling delivery of, or automatically delivers, an electrical impulse through the chest wall and to an individual's heart.

~~[(6)]~~ (5) (a) "Behavioral emergency services" means delivering a behavioral health intervention to a patient in an emergency context within a scope and in accordance with guidelines established by the department.

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

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

(ii) practice of psychology as defined in Section 58-61-102;

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

- (iv) practice of certified social work as defined in Section 58-60-202;
- (v) practice of marriage and family therapy as defined in Section 58-60-302;
- (vi) practice of clinical mental health counseling as defined in Section 58-60-402; or
- (vii) practice as a substance use disorder counselor as defined in Section 58-60-502.

~~[(7)]~~ (6) "Bureau" means the Bureau of Emergency Medical Services created in Section 53-2d-102.

~~[(8)]~~ (7) "Cardiopulmonary resuscitation" or "CPR" means artificial ventilation or external chest compression applied to a person who is unresponsive and not breathing.

~~[(9)]~~ (8) "Committee" means the State Emergency Medical Services Committee created by Section 53-2d-104.

~~[(10)]~~ (9) "Community paramedicine" means medical care:

(a) provided by emergency medical service personnel; and

(b) provided to a patient who is not:

(i) in need of ambulance transportation; or

(ii) located in a health care facility as defined in Section 26B-2-201.

~~[(11)]~~ ~~"Division" means the Division of Emergency Management created in Section 53-2a-103.]~~

~~[(12)]~~ (10) "Direct medical observation" means in-person observation of a patient by a physician, registered nurse, physician's assistant, or individual licensed under Section 26B-4-116.

~~[(13)]~~ (11) "Emergency medical condition" means:

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

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

(ii) serious impairment to bodily functions; or

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

(b) a medical condition that in the opinion of a physician or the physician's designee requires direct medical observation during transport or may require the intervention of an individual licensed under Section 53-2d-402 during transport.

~~[(14)]~~ (12) "Emergency medical dispatch center" means a public safety answering point, as defined in Section 63H-7a-103, that is designated as an emergency medical dispatch center by the bureau.

165 ~~[(15)]~~ (13) (a) "Emergency medical service personnel" means an individual who provides
166 emergency medical services or behavioral emergency services to a patient and is
167 required to be licensed or certified under Section 53-2d-402.

168 (b) "Emergency medical service personnel" includes a paramedic, medical director of a
169 licensed emergency medical service provider, emergency medical service instructor,
170 behavioral emergency services technician, other categories established by the
171 committee, and a certified emergency medical dispatcher.

172 ~~[(16)]~~ (14) "Emergency medical service providers" means:

173 (a) licensed ambulance providers and paramedic providers;

174 (b) a facility or provider that is required to be designated under Subsection 53-2d-403
175 (1)(a); and

176 (c) emergency medical service personnel.

177 ~~[(17)]~~ (15) "Emergency medical services" means:

178 (a) medical services;

179 (b) transportation services;

180 (c) behavioral emergency services; or

181 (d) any combination of the services described in Subsections ~~[(17)(a)]~~ (15)(a) through (c).

182 ~~[(18)]~~ (16) "Emergency medical service vehicle" means a land, air, or water vehicle that is:

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

185 (b) required to be permitted under Section 53-2d-404.

186 ~~[(19)]~~ (17) "Governing body":

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

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

192 ~~[(20)]~~ (18) "Interested party" means:

193 (a) a licensed or designated emergency medical services provider that provides
194 emergency medical services within or in an area that abuts an exclusive geographic
195 service area that is the subject of an application submitted pursuant to Part 5,
196 Ambulance and Paramedic Providers;

197 (b) any municipality, county, or fire district that lies within or abuts a geographic service
198 area that is the subject of an application submitted pursuant to Part 5, Ambulance and

199 Paramedic Providers; or
200 (c) the department when acting in the interest of the public.

201 ~~[(21)]~~ (19) "Level of service" means the level at which an ambulance provider type of
202 service is licensed as:
203 (a) emergency medical technician;
204 (b) advanced emergency medical technician; or
205 (c) paramedic.

206 ~~[(22)]~~ (20) "Medical control" means a person who provides medical supervision to an
207 emergency medical service provider.

208 ~~[(23)]~~ (21) "Non-911 service" means transport of a patient that is not 911 transport under
209 Subsection (1).

210 ~~[(24)]~~ (22) "Nonemergency secured behavioral health transport" means an entity that:
211 (a) provides nonemergency secure transportation services for an individual who:
212 (i) is not required to be transported by an ambulance under Section 53-2d-405; and
213 (ii) requires behavioral health observation during transport between any of the
214 following facilities:
215 (A) a licensed acute care hospital;
216 (B) an emergency patient receiving facility;
217 (C) a licensed mental health facility; and
218 (D) the office of a licensed health care provider; and
219 (b) is required to be designated under Section 53-2d-403.

220 ~~[(25)]~~ (23) "Paramedic provider" means an entity that:
221 (a) employs emergency medical service personnel; and
222 (b) is required to obtain a license under Part 5, Ambulance and Paramedic Providers.

223 ~~[(26)]~~ (24) "Patient" means an individual who, as the result of illness, injury, or a behavioral
224 emergency condition, meets any of the criteria in Section 26B-4-119.

225 ~~[(27)]~~ (25) "Political subdivision" means:
226 (a) a city, town, or metro township;
227 (b) a county;
228 (c) a special service district created under Title 17D, Chapter 1, Special Service District
229 Act, for the purpose of providing fire protection services under Subsection 17D-1-201
230 (9);
231 (d) a special district created under Title 17B, Limited Purpose Local Government
232 Entities - Special Districts, for the purpose of providing fire protection, paramedic,

and emergency services;

(e) areas coming together as described in Subsection 53-2d-505.2(2)(b)(ii); or

(f) an interlocal entity under Title 11, Chapter 13, Interlocal Cooperation Act.

~~[(28)]~~ (26) "Sudden cardiac arrest" means a life-threatening condition that results when a person's heart stops or fails to produce a pulse.

~~[(29)]~~ (27) "Trauma" means an injury requiring immediate medical or surgical intervention.

~~[(30)]~~ (28) "Trauma system" means a single, statewide system that:

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

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

~~[(31)]~~ (29) "Triage" means the sorting of patients in terms of disposition, destination, or priority. For prehospital trauma victims, triage requires a determination of injury severity to assess the appropriate level of care according to established patient care protocols.

~~[(32)]~~ (30) "Triage, treatment, transportation, and transfer guidelines" means written procedures that:

(a) direct the care of patients; and

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

~~[(33)]~~ (31) "Type of service" means the category at which an ambulance provider is licensed as:

(a) ground ambulance transport;

(b) ground ambulance interfacility transport; or

(c) both ground ambulance transport and ground ambulance interfacility transport.

Section 4. Section **53-2d-101.1** is enacted to read:

53-2d-101.1 (Effective upon governor's approval). Contracting authority -- Rulemaking authority.

(1) The department may enter into any contract or agreement to ensure a proper and orderly transition of the emergency medical services regulatory authority from the Department of Health and Human Services to the department.

(2) (a) Notwithstanding any other provision of law and subject to Subsection (2)(b), the department may initiate the rulemaking process in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for duties the department will

undertake beginning July 1, 2024, related to emergency medical services.

(b) A proposed rule made under Subsection (2)(a) may not become effective until July 1, 2024.

Section 5. Section **53-2d-304** is amended to read:

53-2d-304 (Effective 07/01/24). Statewide trauma registry and quality assurance program.

(1) The bureau shall:

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

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

(c) use the data collected to:

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

(ii) assess trauma care delivery, patient care outcomes, and compliance with the requirements of this ~~[part]~~ chapter and applicable department rules; and

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

(d) support data collection and abstraction by providing:

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

(ii) funding or, at the discretion of the bureau, personnel for collection and abstraction for each hospital not designated as a trauma center under the standards established pursuant to Section 53-2d-305.

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

(b) A hospital designated as a trauma center shall submit data as part of the ongoing quality assurance program established in Section 53-2d-303.

(3) The department shall assess:

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

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

(4) Data collected under this section shall be subject to Title 26B, Chapter 8, Part 4, Health Statistics.

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

Section 6. Section **53-2d-402** is amended to read:

53-2d-402 (Effective 07/01/24). Licensure of emergency medical service personnel.

- (1) To promote the availability of comprehensive emergency medical services throughout the state, the committee shall establish:
 - (a) initial and ongoing licensure and training requirements for emergency medical service personnel in the following categories:
 - (i) paramedic;
 - (ii) advanced emergency medical services technician;
 - (iii) emergency medical services technician;
 - (iv) emergency medical responder;
 - ~~[(iv)]~~ (v) behavioral emergency services technician; and
 - ~~[(v)]~~ (vi) advanced behavioral emergency services technician;
 - (b) a method to monitor the certification status and continuing medical education hours for emergency medical dispatchers; and
 - (c) guidelines for giving credit for out-of-state training and experience.
- (2) The bureau shall, based on the requirements established in Subsection (1):
 - (a) develop, conduct, and authorize training and testing for emergency medical service personnel;
 - (b) issue a license and license renewals to emergency medical service personnel other than emergency medical dispatchers; and
 - (c) verify the certification of emergency medical dispatchers.
- (3) The bureau shall coordinate with local mental health authorities described in Section 17-43-301 to develop and authorize initial and ongoing licensure and training requirements for licensure as a:
 - (a) behavioral emergency services technician; and
 - (b) advanced behavioral emergency services technician.
- (4) As provided in Section 53-2d-602, an individual issued a license or certified under this section may only provide emergency medical services to the extent allowed by the license or certification.
- (5) An individual may not be issued or retain a license under this section unless the individual obtains and retains background clearance under Section 53-2d-410.
- (6) An individual may not be issued or retain a certification under this section unless the individual obtains and retains background clearance in accordance with Section

53-2d-410.5.

Section 7. Section **53-2d-410** is amended to read:

53-2d-410 (Effective 07/01/24). Background clearance for emergency medical service personnel.

(1) Subject to Section 53-2d-410.5, the bureau shall determine whether to grant background clearance for an individual seeking licensure or certification under Section 53-2d-402 from whom the bureau receives:

(a) the individual's social security number, fingerprints, and other personal identification information specified by the department under Subsection (4); and

(b) any fees established by the department under Subsection (10).

(2) The bureau shall determine whether to deny or revoke background clearance for individuals for whom the department has previously granted background clearance.

(3) The bureau shall determine whether to grant, deny, or revoke background clearance for an individual based on an initial and ongoing evaluation of information the bureau obtains under Subsections (5) and (11), which, at a minimum, shall include an initial criminal background check of state, regional, and national databases using the individual's fingerprints.

(4) The bureau shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that specify:

(a) the criteria the bureau will use under Subsection (3) to determine whether to grant, deny, or revoke background clearance; and

(b) the other personal identification information an individual seeking licensure or certification under Section 53-2d-402 must submit under Subsection (1).

(5) To determine whether to grant, deny, or revoke background clearance, the bureau may access and evaluate any of the following:

(a) Department of Public Safety arrest, conviction, and disposition records described in Chapter 10, Criminal Investigations and Technical Services Act, including information in state, regional, and national records files;

(b) adjudications by a juvenile court of committing an act that if committed by an adult would be a felony or misdemeanor, if:

(i) the applicant is under 28 years old; or

(ii) the applicant:

(A) is over 28 years old; and

(B) has been convicted of, has pleaded no contest to, or is currently subject to a

- 369 plea in abeyance or diversion agreement for a felony or misdemeanor;
- 370 (c) juvenile court arrest, adjudication, and disposition records, other than those under
- 371 Subsection (5)(b), as allowed under Section 78A-6-209;
- 372 (d) child abuse or neglect findings described in Section 80-3-404;
- 373 (e) the department's Licensing Information System described in Section 80-2-1002;
- 374 (f) the department's database of reports of vulnerable adult abuse, neglect, or
- 375 exploitation, described in Section 26B-6-210;
- 376 (g) Division of Professional Licensing records of licensing and certification under Title
- 377 58, Occupations and Professions;
- 378 (h) records in other federal criminal background databases available to the state; and
- 379 (i) any other records of arrests, warrants for arrest, convictions, pleas in abeyance,
- 380 pending diversion agreements, or dispositions.
- 381 (6) Except for the Department of Public Safety, an agency may not charge the bureau for
- 382 information accessed under Subsection (5).
- 383 (7) When evaluating information under Subsection (3), the bureau shall classify a crime
- 384 committed in another state according to the closest matching crime under Utah law,
- 385 regardless of how the crime is classified in the state where the crime was committed.
- 386 (8) The bureau shall adopt measures to protect the security of information the department
- 387 accesses under Subsection (5), which shall include limiting access by department
- 388 employees to those responsible for acquiring, evaluating, or otherwise processing the
- 389 information.
- 390 (9) The bureau may disclose personal identification information the bureau receives under
- 391 Subsection (1) to the department to verify that the subject of the information is not
- 392 identified as a perpetrator or offender in the information sources described in
- 393 Subsections (5)(d) through (f).
- 394 (10) The bureau may charge fees, in accordance with Section 63J-1-504, to pay for:
- 395 (a) the cost of obtaining, storing, and evaluating information needed under Subsection
- 396 (3), both initially and on an ongoing basis, to determine whether to grant, deny, or
- 397 revoke background clearance; and
- 398 (b) other bureau costs related to granting, denying, or revoking background clearance.
- 399 (11) The Criminal Investigations and Technical Services Division within the Department of
- 400 Public Safety shall:
- 401 (a) retain, separate from other division records, personal information under Subsection
- 402 (1), including any fingerprints sent to it by the department; and

(b) notify the bureau upon receiving notice that an individual for whom personal information has been retained is the subject of:

- (i) a warrant for arrest;
- (ii) an arrest;
- (iii) a conviction, including a plea in abeyance; or
- (iv) a pending diversion agreement.

~~[(12) The bureau shall use the Direct Access Clearance System database created under Section 26B-2-241 to manage information about the background clearance status of each individual for whom the bureau is required to make a determination under Subsection (1).]~~

~~[(13)]~~ (12) Clearance granted for an individual licensed or certified under Section 53-2d-402 is valid until two years after the day on which the individual is no longer licensed or certified in Utah as emergency medical service personnel.

Section 8. Section **53-2d-509** is amended to read:

**53-2d-509 (Effective 07/01/24). Ground ambulance and paramedic licenses --
Hearing and presiding officers.**

(1) The bureau shall set training standards for hearing officers and presiding officers.

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

- (a) be familiar with the theory and application of public convenience and necessity; ~~[and]~~
- (b) have a working knowledge of the emergency medical service system in the state~~[-]~~ ;
and
- (c) be licensed to practice law in the state.

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

~~[(4)]~~ (3) The bureau shall provide training for hearing officer and presiding officer candidates in the theory and application of public convenience and necessity and on the emergency medical system in the state.

~~[(5) The bureau shall maintain a roster of no less than five individuals who meet the minimum qualifications for both presiding and hearing officers and the standards set by the bureau.]~~

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

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

Section 9. Section **53-2d-805** is amended to read:

53-2d-805 (Effective 07/01/24). Duties of emergency medical dispatch centers.

An emergency medical dispatch center shall:

- (1) implement a system to receive and manage the information reported to the emergency medical dispatch center under Section 53-2d-803;
- (2) record in the system described in Subsection (1), all information received under Section 53-2d-803 within 14 days after the day on which the information is received;
- (3) inform an individual who calls to report a potential incident of sudden cardiac arrest of the location of an AED located at the address of the potential sudden cardiac arrest;
- (4) provide verbal instructions to an individual described in Subsection (3) to:
 - (a) help the individual determine if a patient is in cardiac arrest; and
 - (b) if needed:
 - (i) provide direction to start CPR;
 - (ii) offer instructions on how to perform CPR; or
 - (iii) offer instructions on how to use an AED, if one is available; and
- (5) provide the information contained in the system described in Subsection (1), upon request, to the [office] bureau.

Section 10. Section **58-57-7** is amended to read:

58-57-7 (Effective 07/01/24). Exemptions from licensure.

- (1) (a) For purposes of Subsection (2)(b), "qualified" means an individual who is a registered polysomnographic technologist or a Diplomate certified by the American Board of Sleep Medicine.
 - (b) For purposes of Subsections (2)(f) and (g), "supervision" means one of the following will be immediately available for consultation in person or by phone:
 - (i) a practitioner;
 - (ii) a respiratory therapist;
 - (iii) a Diplomate of the American Board of Sleep Medicine; or
 - (iv) a registered polysomnographic technologist.
- (2) In addition to the exemptions from licensure in Section 58-1-307, the following persons may engage in the practice of respiratory therapy subject to the stated circumstances and limitations without being licensed under this chapter:
 - (a) any person who provides gratuitous care for a member of his immediate family without representing himself as a licensed respiratory care practitioner;
 - (b) any person who is a licensed or qualified member of another health care profession,

if this practice is consistent with the accepted standards of the profession and if the person does not represent himself as a respiratory care practitioner;

(c) any person who serves in the Armed Forces of the United States or any other agency of the federal government and is engaged in the performance of his official duties;

(d) any person who acts under a certification issued pursuant to [~~Title 26B, Chapter 4, Part 1, Utah Emergency Medical Services System~~] Title 53, Chapter 2d, Emergency Medical Services Act, while providing emergency medical services;

(e) any person who delivers, installs, or maintains respiratory related durable medical equipment and who gives instructions regarding the use of that equipment in accordance with Subsections 58-57-2(3) and (6), except that this exemption does not include any clinical evaluation or treatment of the patient;

(f) any person who is working in a practitioner's office, acting under supervision; and

(g) a polysomnographic technician or trainee, acting under supervision, as long as the technician or trainee administers the following only in a sleep lab, sleep center, or sleep facility:

(i) oxygen titration; and

(ii) positive airway pressure that does not include mechanical ventilation.

(3) Nothing in this chapter permits a respiratory care practitioner to engage in the unauthorized practice of other health disciplines.

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

63G-4-102 (Effective 07/01/24). Scope and applicability of chapter.

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

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

(b) judicial review of the action.

(2) This chapter does not govern:

(a) the procedure for making agency rules, or judicial review of the procedure or rules;

(b) the issuance of a notice of a deficiency in the payment of a tax, the decision to waive a penalty or interest on taxes, the imposition of and penalty or interest on taxes, or the issuance of a tax assessment, except that this chapter governs an agency action

505 commenced by a taxpayer or by another person authorized by law to contest the
506 validity or correctness of the action;

507 (c) state agency action relating to extradition, to the granting of a pardon or parole, a
508 commutation or termination of a sentence, or to the rescission, termination, or
509 revocation of parole or probation, to the discipline of, resolution of a grievance of,
510 supervision of, confinement of, or the treatment of an inmate or resident of a
511 correctional facility, the Utah State Hospital, the Utah State Developmental Center,
512 or a person in the custody or jurisdiction of the Office of Substance Use and Mental
513 Health, or a person on probation or parole, or judicial review of the action;

514 (d) state agency action to evaluate, discipline, employ, transfer, reassign, or promote a
515 student or teacher in a school or educational institution, or judicial review of the
516 action;

517 (e) an application for employment and internal personnel action within an agency
518 concerning its own employees, or judicial review of the action;

519 (f) the issuance of a citation or assessment under Title 34A, Chapter 6, Utah
520 Occupational Safety and Health Act, and Title 58, Occupations and Professions,
521 except that this chapter governs an agency action commenced by the employer,
522 licensee, or other person authorized by law to contest the validity or correctness of
523 the citation or assessment;

524 (g) state agency action relating to management of state funds, the management and
525 disposal of school and institutional trust land assets, and contracts for the purchase or
526 sale of products, real property, supplies, goods, or services by or for the state, or by
527 or for an agency of the state, except as provided in those contracts, or judicial review
528 of the action;

529 (h) state agency action under Title 7, Chapter 1, Part 3, Powers and Duties of
530 Commissioner of Financial Institutions, Title 7, Chapter 2, Possession of Depository
531 Institution by Commissioner, Title 7, Chapter 19, Acquisition of Failing Depository
532 Institutions or Holding Companies, and Chapter 7, Governmental Immunity Act of
533 Utah, or judicial review of the action;

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

538 (j) state agency action relating to the distribution or award of a monetary grant to or

- 539 between governmental units, or for research, development, or the arts, or judicial
540 review of the action;
- 541 (k) the issuance of a notice of violation or order under [~~Title 26B, Chapter 4, Part 1,~~
542 ~~Utah Emergency Medical Services System~~] Title 53, Chapter 2d, Emergency Medical
543 Services Act, Title 19, Chapter 2, Air Conservation Act, Title 19, Chapter 3,
544 Radiation Control Act, Title 19, Chapter 4, Safe Drinking Water Act, Title 19,
545 Chapter 5, Water Quality Act, Title 19, Chapter 6, Part 1, Solid and Hazardous Waste
546 Act, Title 19, Chapter 6, Part 4, Underground Storage Tank Act, or Title 19, Chapter
547 6, Part 7, Used Oil Management Act, or Title 19, Chapter 6, Part 10, Mercury Switch
548 Removal Act, except that this chapter governs an agency action commenced by a
549 person authorized by law to contest the validity or correctness of the notice or order;
- 550 (l) state agency action, to the extent required by federal statute or regulation, to be
551 conducted according to federal procedures;
- 552 (m) the initial determination of a person's eligibility for government or public assistance
553 benefits;
- 554 (n) state agency action relating to wildlife licenses, permits, tags, and certificates of
555 registration;
- 556 (o) a license for use of state recreational facilities;
- 557 (p) state agency action under Chapter 2, Government Records Access and Management
558 Act, except as provided in Section 63G-2-603;
- 559 (q) state agency action relating to the collection of water commissioner fees and
560 delinquency penalties, or judicial review of the action;
- 561 (r) state agency action relating to the installation, maintenance, and repair of headgates,
562 caps, valves, or other water controlling works and weirs, flumes, meters, or other
563 water measuring devices, or judicial review of the action;
- 564 (s) the issuance and enforcement of an initial order under Section 73-2-25;
- 565 (t) (i) a hearing conducted by the Division of Securities under Section 61-1-11.1; and
566 (ii) an action taken by the Division of Securities under a hearing conducted under
567 Section 61-1-11.1, including a determination regarding the fairness of an issuance
568 or exchange of securities described in Subsection 61-1-11.1(1);
- 569 (u) state agency action relating to water well driller licenses, water well drilling permits,
570 water well driller registration, or water well drilling construction standards, or
571 judicial review of the action;
- 572 (v) the issuance of a determination and order under Title 34A, Chapter 5, Utah

Antidiscrimination Act;

(w) state environmental studies and related decisions by the Department of Transportation approving state or locally funded projects, or judicial review of the action;

(x) the suspension of operations under Subsection 32B-1-304(3); or

(y) the issuance of a determination of violation by the Governor's Office of Economic Opportunity under Section 11-41-104.

(3) This chapter does not affect a legal remedy otherwise available to:

(a) compel an agency to take action; or

(b) challenge an agency's rule.

(4) This chapter does not preclude an agency, prior to the beginning of an adjudicative proceeding, or the presiding officer during an adjudicative proceeding from:

(a) requesting or ordering a conference with parties and interested persons to:

(i) encourage settlement;

(ii) clarify the issues;

(iii) simplify the evidence;

(iv) facilitate discovery; or

(v) expedite the proceeding; or

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

(5) (a) A declaratory proceeding authorized by Section 63G-4-503 is not governed by this chapter, except as explicitly provided in that section.

(b) Judicial review of a declaratory proceeding authorized by Section 63G-4-503 is governed by this chapter.

(6) This chapter does not preclude an agency from enacting a rule affecting or governing an adjudicative proceeding or from following the rule, if the rule is enacted according to the procedures outlined in Chapter 3, Utah Administrative Rulemaking Act, and if the rule conforms to the requirements of this chapter.

(7) (a) If the attorney general issues a written determination that a provision of this chapter would result in the denial of funds or services to an agency of the state from the federal government, the applicability of the provision to that agency shall be suspended to the extent necessary to prevent the denial.

(b) The attorney general shall report the suspension to the Legislature at its next session.

(8) Nothing in this chapter may be interpreted to provide an independent basis for jurisdiction to review final agency action.

(9) Nothing in this chapter may be interpreted to restrict a presiding officer, for good cause shown, from lengthening or shortening a time period prescribed in this chapter, except the time period established for judicial review.

(10) Notwithstanding any other provision of this section, this chapter does not apply to a special adjudicative proceeding, as defined in Section 19-1-301.5, except to the extent expressly provided in Section 19-1-301.5.

(11) Subsection (2)(w), regarding action taken based on state environmental studies and policies of the Department of Transportation, applies to any claim for which a court of competent jurisdiction has not issued a final unappealable judgment or order before May 14, 2019.

Section 12. Section **63I-2-253** is amended to read:

63I-2-253 (Effective upon governor's approval) (Superseded 07/01/24). Repeal dates: Titles 53 through 53G.

(1) Subsection 53-1-104(1)(b), regarding the Air Ambulance Committee, is repealed July 1, 2024.

(2) Section 53-1-118 is repealed on July 1, 2024.

(3) Section 53-1-120 is repealed on July 1, 2024.

(4) Section 53-2d-101.1 is repealed on July 1, 2024.

~~[(4)]~~ (5) Section 53-2d-107, regarding the Air Ambulance Committee, is repealed July 1, 2024.

~~[(5)]~~ (6) In relation to the Air Ambulance Committee, on July 1, 2024, Subsection 53-2d-702 (1)(a) is amended to read:

"(a) provide the patient or the patient's representative with the following information before contacting an air medical transport provider:

(i) which health insurers in the state the air medical transport provider contracts with;

(ii) if sufficient data is available, the average charge for air medical transport services for a patient who is uninsured or out of network; and

(iii) whether the air medical transport provider balance bills a patient for any charge not paid by the patient's health insurer; and".

~~[(6)]~~ (7) Section 53-7-109 is repealed on July 1, 2024.

~~[(7)]~~ (8) Section 53-22-104 is repealed December 31, 2023.

641 ~~[(8)]~~ (9) Section 53B-6-105.7 is repealed July 1, 2024.

642 ~~[(9)]~~ (10) Section 53B-7-707 regarding performance metrics for technical colleges is
643 repealed July 1, 2023.

644 ~~[(10)]~~ (11) Section 53B-8-114 is repealed July 1, 2024.

645 ~~[(11)]~~ (12) The following provisions, regarding the Regents' scholarship program, are
646 repealed on July 1, 2023:

647 (a) in Subsection 53B-8-105(12), the language that states, "or any scholarship
648 established under Sections 53B-8-202 through 53B-8-205";

649 (b) Section 53B-8-202;

650 (c) Section 53B-8-203;

651 (d) Section 53B-8-204; and

652 (e) Section 53B-8-205.

653 ~~[(12)]~~ (13) Section 53B-10-101 is repealed on July 1, 2027.

654 ~~[(13)]~~ (14) Subsection 53E-1-201(1)(s) regarding the report by the Educational
655 Interpretation and Translation Services Procurement Advisory Council is repealed July
656 1, 2024.

657 ~~[(14)]~~ (15) Section 53E-1-202.2, regarding a Public Education Appropriations
658 Subcommittee evaluation and recommendations, is repealed January 1, 2024.

659 ~~[(15)]~~ (16) Section 53F-2-209, regarding local education agency budgetary flexibility, is
660 repealed July 1, 2024.

661 ~~[(16)]~~ (17) Subsection 53F-2-314(4), relating to a one-time expenditure between the at-risk
662 WPU add-on funding and previous at-risk funding, is repealed January 1, 2024.

663 ~~[(17)]~~ (18) Section 53F-2-524, regarding teacher bonuses for extra work assignments, is
664 repealed July 1, 2024.

665 ~~[(18)]~~ (19) Section 53F-5-221, regarding a management of energy and water pilot program,
666 is repealed July 1, 2028.

667 ~~[(19)]~~ (20) Section 53F-9-401 is repealed on July 1, 2024.

668 ~~[(20)]~~ (21) Section 53F-9-403 is repealed on July 1, 2024.

669 ~~[(21)]~~ (22) On July 1, 2023, when making changes in this section, the Office of Legislative
670 Research and General Counsel shall, in addition to the office's authority under Section
671 36-12-12, make corrections necessary to ensure that sections and subsections identified
672 in this section are complete sentences and accurately reflect the office's perception of the
673 Legislature's intent.

674 Section 13. Section **75-2a-103** is amended to read:

75-2a-103 (Effective 07/01/24). Definitions.

As used in this chapter:

(1) "Adult" means an individual who is:

- (a) at least 18 years old; or
- (b) an emancipated minor.

(2) "Advance health care directive":

(a) includes:

- (i) a designation of an agent to make health care decisions for an adult when the adult cannot make or communicate health care decisions; or
- (ii) an expression of preferences about health care decisions;

(b) may take one of the following forms:

- (i) a written document, voluntarily executed by an adult in accordance with the requirements of this chapter; or
- (ii) a witnessed oral statement, made in accordance with the requirements of this chapter; and

(c) does not include a POLST order.

(3) "Agent" means an adult designated in an advance health care directive to make health care decisions for the declarant.

(4) "APRN" means an individual who is:

- (a) certified or licensed as an advance practice registered nurse under Subsection 58-31b-301(2)(e);
- (b) an independent practitioner;
- (c) acting under a consultation and referral plan with a physician; and
- (d) acting within the scope of practice for that individual, as provided by law, rule, and specialized certification and training in that individual's area of practice.

(5) "Best interest" means that the benefits to the person resulting from a treatment outweigh the burdens to the person resulting from the treatment, taking into account:

- (a) the effect of the treatment on the physical, emotional, and cognitive functions of the person;
- (b) the degree of physical pain or discomfort caused to the person by the treatment or the withholding or withdrawal of treatment;
- (c) the degree to which the person's medical condition, the treatment, or the withholding or withdrawal of treatment, result in a severe and continuing impairment of the dignity of the person by subjecting the person to humiliation and dependency;

- (d) the effect of the treatment on the life expectancy of the person;
- (e) the prognosis of the person for recovery with and without the treatment;
- (f) the risks, side effects, and benefits of the treatment, or the withholding or withdrawal of treatment; and
- (g) the religious beliefs and basic values of the person receiving treatment, to the extent these may assist the decision maker in determining the best interest.

(6) "Capacity to appoint an agent" means that the adult understands the consequences of appointing a particular person as agent.

(7) "Declarant" means an adult who has completed and signed or directed the signing of an advance health care directive.

(8) "Default surrogate" means the adult who may make decisions for an individual when either:

- (a) an agent or guardian has not been appointed; or
- (b) an agent is not able, available, or willing to make decisions for an adult.

(9) "Emergency medical services provider" means a person that is licensed, designated, or certified under [~~Title 26B, Chapter 4, Part 1, Utah Emergency Medical Services System~~] Title 53, Chapter 2d, Emergency Medical Services Act.

(10) "Generally accepted health care standards":

- (a) is defined only for the purpose of:
 - (i) this chapter and does not define the standard of care for any other purpose under Utah law; and
 - (ii) enabling health care providers to interpret the statutory form set forth in Section 75-2a-117; and
- (b) means the standard of care that justifies a provider in declining to provide life sustaining care because the proposed life sustaining care:
 - (i) will not prevent or reduce the deterioration in the health or functional status of an individual;
 - (ii) will not prevent the impending death of an individual; or
 - (iii) will impose more burden on the individual than any expected benefit to the individual.

(11) "Health care" means any care, treatment, service, or procedure to improve, maintain, diagnose, or otherwise affect an individual's physical or mental condition.

(12) "Health care decision":

- (a) means a decision about an adult's health care made by, or on behalf of, an adult, that

- 743 is communicated to a health care provider;
- 744 (b) includes:
- 745 (i) selection and discharge of a health care provider and a health care facility;
- 746 (ii) approval or disapproval of diagnostic tests, procedures, programs of medication,
- 747 and orders not to resuscitate; and
- 748 (iii) directions to provide, withhold, or withdraw artificial nutrition and hydration and
- 749 all other forms of health care; and
- 750 (c) does not include decisions about an adult's financial affairs or social interactions
- 751 other than as indirectly affected by the health care decision.
- 752 (13) "Health care decision making capacity" means an adult's ability to make an informed
- 753 decision about receiving or refusing health care, including:
- 754 (a) the ability to understand the nature, extent, or probable consequences of health status
- 755 and health care alternatives;
- 756 (b) the ability to make a rational evaluation of the burdens, risks, benefits, and
- 757 alternatives of accepting or rejecting health care; and
- 758 (c) the ability to communicate a decision.
- 759 (14) "Health care facility" means:
- 760 (a) a health care facility as defined in Title 26B, Chapter 2, Part 2, Health Care Facility
- 761 Licensing and Inspection; and
- 762 (b) private offices of physicians, dentists, and other health care providers licensed to
- 763 provide health care under Title 58, Occupations and Professions.
- 764 (15) "Health care provider" means the same as that term is defined in Section 78B-3-403,
- 765 except that "health care provider" does not include an emergency medical services
- 766 provider.
- 767 (16) (a) "Life sustaining care" means any medical intervention, including procedures,
- 768 administration of medication, or use of a medical device, that maintains life by
- 769 sustaining, restoring, or supplanting a vital function.
- 770 (b) "Life sustaining care" does not include care provided for the purpose of keeping an
- 771 individual comfortable.
- 772 (17) "Minor" means an individual who:
- 773 (a) is under 18 years old; and
- 774 (b) is not an emancipated minor.
- 775 (18) "Physician" means a physician and surgeon or osteopathic surgeon licensed under Title
- 776 58, Chapter 67, Utah Medical Practice Act or Chapter 68, Utah Osteopathic Medical

777 Practice Act.

778 (19) "Physician assistant" means an individual licensed as a physician assistant under Title
779 58, Chapter 70a, Utah Physician Assistant Act.

780 (20) "POLST order" means an order, on a form designated by the Department of Health and
781 Human Services under Section 75-2a-106, that gives direction to health care providers,
782 health care facilities, and emergency medical services providers regarding the specific
783 health care decisions of the individual to whom the order relates.

784 (21) "Reasonably available" means:

- 785 (a) readily able to be contacted without undue effort; and
- 786 (b) willing and able to act in a timely manner considering the urgency of the
787 circumstances.

788 (22) "Substituted judgment" means the standard to be applied by a surrogate when making a
789 health care decision for an adult who previously had the capacity to make health care
790 decisions, which requires the surrogate to consider:

- 791 (a) specific preferences expressed by the adult:
 - 792 (i) when the adult had the capacity to make health care decisions; and
 - 793 (ii) at the time the decision is being made;
- 794 (b) the surrogate's understanding of the adult's health care preferences;
- 795 (c) the surrogate's understanding of what the adult would have wanted under the
796 circumstances; and
- 797 (d) to the extent that the preferences described in Subsections (22)(a) through (c) are
798 unknown, the best interest of the adult.

799 (23) "Surrogate" means a health care decision maker who is:

- 800 (a) an appointed agent;
- 801 (b) a default surrogate under the provisions of Section 75-2a-108; or
- 802 (c) a guardian.

803 Section 14. Section **75-2a-106** is amended to read:

804 **75-2a-106 (Effective 07/01/24). Emergency medical services -- POLST order.**

805 (1) A POLST order may be created by or on behalf of a person as described in this section.

806 (2) A POLST order shall, in consultation with the person authorized to consent to the order
807 pursuant to this section, be prepared by:

- 808 (a) the physician, APRN, or, subject to Subsection (11), physician assistant of the person
809 to whom the POLST order relates; or
- 810 (b) a health care provider who:

- 811 (i) is acting under the supervision of a person described in Subsection (2)(a); and
812 (ii) is:
813 (A) a nurse, licensed under Title 58, Chapter 31b, Nurse Practice Act;
814 (B) a physician assistant, licensed under Title 58, Chapter 70a, Utah Physician
815 Assistant Act;
816 (C) a mental health professional, licensed under Title 58, Chapter 60, Mental
817 Health Professional Practice Act; or
818 (D) another health care provider, designated by rule as described in Subsection
819 (10).

820 (3) A POLST order shall be signed:

- 821 (a) personally, by the physician, APRN, or, subject to Subsection (11), physician
822 assistant of the person to whom the POLST order relates; and
823 (b) (i) if the person to whom the POLST order relates is an adult with health care
824 decision making capacity, by:
825 (A) the person; or
826 (B) an adult who is directed by the person to sign the POLST order on behalf of
827 the person;
828 (ii) if the person to whom the POLST order relates is an adult who lacks health care
829 decision making capacity, by:
830 (A) the surrogate with the highest priority under Section 75-2a-111;
831 (B) the majority of the class of surrogates with the highest priority under Section
832 75-2a-111; or
833 (C) a person directed to sign the POLST order by, and on behalf of, the persons
834 described in Subsection (3)(b)(ii)(A) or (B); or
835 (iii) if the person to whom the POLST order relates is a minor, by a parent or
836 guardian of the minor.

837 (4) If a POLST order relates to a minor and directs that life sustaining treatment be
838 withheld or withdrawn from the minor, the order shall include a certification by two
839 physicians that, in their clinical judgment, an order to withhold or withdraw life
840 sustaining treatment is in the best interest of the minor.

841 (5) A POLST order:

- 842 (a) shall be in writing, on a form designated by the Department of Health and Human
843 Services;
844 (b) shall state the date on which the POLST order was made;

(c) may specify the level of life sustaining care to be provided to the person to whom the order relates; and

(d) may direct that life sustaining care be withheld or withdrawn from the person to whom the order relates.

(6) A health care provider or emergency medical service provider, licensed or certified under [~~Title 26B, Chapter 4, Part 1, Utah Emergency Medical Services System~~] Title 53, Chapter 2d, Emergency Medical Services Act, is immune from civil or criminal liability, and is not subject to discipline for unprofessional conduct, for:

(a) complying with a POLST order in good faith; or

(b) providing life sustaining treatment to a person when a POLST order directs that the life sustaining treatment be withheld or withdrawn.

(7) To the extent that the provisions of a POLST order described in this section conflict with the provisions of an advance health care directive made under Section 75-2a-107, the provisions of the POLST order take precedence.

(8) An adult, or a parent or guardian of a minor, may revoke a POLST order by:

(a) orally informing emergency service personnel;

(b) writing "void" across the POLST order form;

(c) burning, tearing, or otherwise destroying or defacing:

(i) the POLST order form; or

(ii) a bracelet or other evidence of the POLST order;

(d) asking another adult to take the action described in this Subsection (8) on the person's behalf;

(e) signing or directing another adult to sign a written revocation on the person's behalf;

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

(g) completing a new POLST order.

(9) (a) Except as provided in Subsection (9)(c), a surrogate for an adult who lacks health care decision making capacity may only revoke a POLST order if the revocation is consistent with the substituted judgment standard.

(b) Except as provided in Subsection (9)(c), a surrogate who has authority under this section to sign a POLST order may revoke a POLST order, in accordance with Subsection (9)(a), by:

(i) signing a written revocation of the POLST order; or

(ii) completing and signing a new POLST order.

(c) A surrogate may not revoke a POLST order during the period of time beginning when an emergency service provider is contacted for assistance, and ending when the emergency ends.

(10) (a) The Department of Health and Human Services shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:

(i) create the forms and systems described in this section; and

(ii) develop uniform instructions for the form established in Section 75-2a-117.

(b) The Department of Health and Human Services may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to designate health care professionals, in addition to those described in Subsection (2)(b)(ii), who may prepare a POLST order.

(c) The Department of Health and Human Services may assist others with training of health care professionals regarding this chapter.

(11) A physician assistant may not prepare or sign a POLST order, unless the physician assistant is permitted to prepare or sign the POLST order under the physician assistant's delegation of services agreement, as defined in Section 58-70a-102.

(12) (a) Notwithstanding any other provision of this section:

(i) the provisions of Title 46, Chapter 4, Uniform Electronic Transactions Act, apply to any signature required on the POLST order; and

(ii) a verbal confirmation satisfies the requirement for a signature from an individual under Subsection (3)(b)(ii) or (iii), if:

(A) requiring the individual described in Subsection (3)(b)(i)(B), (ii), or (iii) to sign the POLST order in person or electronically would require significant difficulty or expense; and

(B) a licensed health care provider witnesses the verbal confirmation and signs the POLST order attesting that the health care provider witnessed the verbal confirmation.

(b) The health care provider described in Subsection (12)(a)(ii)(B):

(i) may not be the same individual who signs the POLST order under Subsection (3)(a); and

(ii) shall verify, in accordance with HIPAA as defined in Section 26B-3-126, the identity of the individual who is providing the verbal confirmation.

Section 15. Section **76-10-3105** is amended to read:

76-10-3105 (Effective 07/01/24). Exempt activities.

- 913 (1) This act may not be construed to prohibit:
- 914 (a) the activities of any public utility to the extent that those activities are subject to
- 915 regulation by the public service commission, the state or federal department of
- 916 transportation, the federal energy regulatory commission, the federal communications
- 917 commission, the interstate commerce commission, or successor agencies;
- 918 (b) the activities of any insurer, insurance producer, independent insurance adjuster, or
- 919 rating organization including, but not limited to, making or participating in joint
- 920 underwriting or reinsurance arrangements, to the extent that those activities are
- 921 subject to regulation by the commissioner of insurance;
- 922 (c) the activities of securities dealers, issuers, or agents, to the extent that those activities
- 923 are subject to regulation under the laws of either this state or the United States;
- 924 (d) the activities of any state or national banking institution, to the extent that the
- 925 activities are regulated or supervised by state government officers or agencies under
- 926 the banking laws of this state or by federal government officers or agencies under the
- 927 banking laws of the United States;
- 928 (e) the activities of any state or federal savings and loan association to the extent that
- 929 those activities are regulated or supervised by state government officers or agencies
- 930 under the banking laws of this state or federal government officers or agencies under
- 931 the banking laws of the United States;
- 932 (f) the activities of a political subdivision to the extent authorized or directed by state
- 933 law, consistent with the state action doctrine of federal antitrust law; or
- 934 (g) the activities of an emergency medical service provider licensed under [~~Title 26B,~~
- 935 ~~Chapter 4, Part 1, Utah Emergency Medical Services System~~] Title 53, Chapter 2d,
- 936 Emergency Medical Services Act, to the extent that those activities are regulated by
- 937 state government officers or agencies under that act.
- 938 (2) (a) The labor of a human being is not a commodity or article of commerce.
- 939 (b) Nothing contained in the antitrust laws shall be construed to forbid the existence and
- 940 operation of labor, agricultural, or horticultural organizations, instituted for the
- 941 purpose of mutual help and not having capital stock or conducted for profit, or to
- 942 forbid or restrain individual members of these organizations from lawfully carrying
- 943 out their legitimate objects; nor may these organizations or membership in them be
- 944 held to be illegal combinations or conspiracies in restraint of trade under the antitrust
- 945 laws.
- 946 (3) (a) As used in this section, an entity is also a municipality if the entity was formed

under Title 11, Chapter 13, Interlocal Cooperation Act, prior to January 1, 1981, and the entity is:

- (i) a project entity as defined in Section 11-13-103;
- (ii) an electric interlocal entity as defined in Section 11-13-103; or
- (iii) an energy services interlocal entity as defined in Section 11-13-103.

(b) The activities of the entities under Subsection (3)(a) are authorized or directed by state law.

Section 16. Section **80-2-1002** is amended to read:

80-2-1002 (Effective 07/01/24). Licensing Information System -- Contents -- Classification of records -- Access -- Unlawful release -- Penalty.

(1) (a) The division shall maintain a sub-part of the Management Information System as the Licensing Information System to be used:

- (i) for licensing purposes; or
- (ii) as otherwise provided by law.

(b) Notwithstanding Subsection (1)(a), the department's access to information in the Management Information System for the licensure and monitoring of a foster parent is governed by Sections 80-2-1001 and 26B-2-121.

(2) The Licensing Information System shall include only the following information:

- (a) the name and other identifying information of the alleged perpetrator in a supported finding, without identifying the alleged perpetrator as a perpetrator or alleged perpetrator;
- (b) a notation to the effect that an investigation regarding the alleged perpetrator described in Subsection (2)(a) is pending;
- (c) the information described in Subsection (3);
- (d) consented-to supported findings by an alleged perpetrator under Subsection 80-2-708 (3)(a)(iii);
- (e) a finding from the juvenile court under Section 80-3-404; and
- (f) the information in the licensing part of the division's Management Information System as of May 6, 2002.

(3) Subject to Section 80-2-1003, upon receipt of a finding from the juvenile court under Section 80-3-404, the division shall:

- (a) promptly amend the Licensing Information System to include the finding; and
- (b) enter the finding in the Management Information System.

(4) Information or a record contained in the Licensing Information System is:

- 981 (a) a protected record under Title 63G, Chapter 2, Government Records Access and
982 Management Act; and
- 983 (b) notwithstanding Title 63G, Chapter 2, Government Records Access and
984 Management Act, accessible only:
- 985 (i) to the Office of Licensing created in Section 26B-2-103:
- 986 (A) for licensing purposes; or
- 987 (B) as otherwise specifically provided for by law;
- 988 (ii) to the division to:
- 989 (A) screen an individual at the request of the Office of Guardian Ad Litem at the
990 time the individual seeks a paid or voluntary position with the Office of
991 Guardian Ad Litem and annually throughout the time that the individual
992 remains with the Office of Guardian Ad Litem; and
- 993 (B) respond to a request for information from an individual whose name is listed
994 in the Licensing Information System;
- 995 (iii) to a person designated by the Department of Health and Human Services, only
996 for the following purposes:
- 997 (A) licensing a child care program or provider; or
- 998 (B) determining whether an individual associated with a child care facility,
999 program, or provider, who is exempt from being licensed or certified by the
1000 Department of Health and Human Services under Title 26B, Chapter 2, Part 4,
1001 Child Care Licensing, has a supported finding of a severe type of child abuse
1002 or neglect; ~~[or]~~
- 1003 ~~[(C) determining whether an individual who is seeking an emergency medical~~
1004 ~~services license has a supported finding of a severe type of child abuse or~~
1005 ~~neglect;]~~
- 1006 (iv) to a person designated by the Department of Workforce Services and approved
1007 by the Department of Health and Human Services for the purpose of qualifying a
1008 child care provider under Section 35A-3-310.5;
- 1009 (v) to the Bureau of Emergency Medical Services, within the Department of Public
1010 Safety, in determining whether an individual who is seeking an emergency
1011 medical services license has a supported finding of a severe type of child abuse or
1012 neglect;
- 1013 ~~[(v)]~~ (vi) as provided in Section 26B-2-121; or
- 1014 ~~[(vi)]~~ (vii) to the department or another person, as provided in this chapter.

- 1015 (5) A person designated by the Department of Health and Human Services~~[-or-]~~ , the
1016 Department of Workforce Services, or the Bureau of Emergency Medical Services under
1017 Subsection (4) shall adopt measures to:
- 1018 (a) protect the security of the Licensing Information System; and
1019 (b) strictly limit access to the Licensing Information System to persons allowed access
1020 by statute.
- 1021 (6) The department shall approve a person allowed access by statute to information or a
1022 record contained in the Licensing Information System and provide training to the person
1023 with respect to:
- 1024 (a) accessing the Licensing Information System;
1025 (b) maintaining strict security; and
1026 (c) the criminal provisions of Sections 63G-2-801 and 80-2-1005 pertaining to the
1027 improper release of information.
- 1028 (7) (a) Except as authorized by this chapter, a person may not request another person to
1029 obtain or release any other information in the Licensing Information System to screen
1030 for potential perpetrators of abuse or neglect.
- 1031 (b) A person who requests information knowing that the request is a violation of this
1032 Subsection (7) is subject to the criminal penalties described in Sections 63G-2-801
1033 and 80-2-1005.
- 1034 Section 17. **Effective date.**
- 1035 (1) Except as provided in Subsection (2), this bill takes effect on July 1, 2024.
- 1036 (2) If approved by two-thirds of all the members elected to each house, the actions affecting
1037 Sections 53-2d-101.1 (effective upon governor's approval) and 63I-2-253 (effective
1038 upon governor's approval) take effect upon approval by the governor, or the day
1039 following the constitutional time limit of Utah Constitution, Article VII, Section 8,
1040 without the governor's signature, or in the case of a veto, the date of veto override.