

Hoang Nguyen proposes the following substitute bill:

Emergency Medical Services Revisions

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Hoang Nguyen

Senate Sponsor: Derrin R. Owens

LONG TITLE

General Description:

This bill addresses emergency medical services.

Highlighted Provisions:

This bill:

- grants certain enforcement authority to the Bureau of Emergency Medical Services (bureau);

- requires the Trauma System and Emergency Medical Services Committee (committee) to make an annual recommendation to the bureau regarding the schedule of potential fines that the bureau should adopt and enforce;

- requires the bureau to consider the committee's annual recommendation, and to adopt, publish, and enforce a schedule of potential fines for violations by a licensed emergency medical service provider;

- requires any fines collected to be deposited into the Emergency Medical Services Critical Needs Account; and

- makes technical and conforming corrections.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53-2d-103, as renumbered and amended by Laws of Utah 2023, Chapters 307, 310 and last amended by Coordination Clause, Laws of Utah 2023, Chapter 307

53-2d-105, as last amended by Laws of Utah 2024, Chapter 506

53-2d-207, as renumbered and amended by Laws of Utah 2023, Chapters 307, 310 and

last amended by Coordination Clause, Laws of Utah 2023, Chapter 307

53-2d-604, as renumbered and amended by Laws of Utah 2023, Chapters 307, 310

63G-4-102, as last amended by Laws of Utah 2024, Chapter 147

ENACTS:

53-2d-109, Utah Code Annotated 1953

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

Section 1. Section **53-2d-103** is amended to read:

53-2d-103 . Bureau duties -- Data sharing.

(1) The bureau shall:

- (a) coordinate the emergency medical services within the state;
- (b) administer and enforce any programs and applicable rules created under this chapter;
- (c) establish a voluntary task force representing a diversity of emergency medical service providers to advise the bureau and the committee on rules;
- (d) establish an emergency medical service personnel peer review board to advise the bureau concerning discipline of emergency medical service personnel under this chapter; and
- (e) adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:
 - (i) license ambulance providers and paramedic providers;
 - (ii) permit ambulances, emergency medical response vehicles, and nonemergency secured behavioral health transport vehicles, including approving an emergency vehicle operator's course in accordance with Section 53-2d-404;
 - (iii) establish:
 - (A) the qualifications for membership of the peer review board created by this section;
 - (B) a process for placing restrictions on a license while an investigation is pending;
 - (C) the process for the investigation and recommendation by the peer review board; and
 - (D) the process for determining the status of a license while a peer review board investigation is pending;
 - (iv) establish application, submission, and procedural requirements for licenses, designations, and permits; and
 - (v) establish and implement the programs, plans, and responsibilities as specified in

other sections of this chapter.

(2)(a) The bureau shall share data related to the bureau's duties with the Department of Health and Human Services.

(b) The Department of Health and Human Services shall share data related to the bureau's duties with the bureau.

(c) All data collected by the bureau under this chapter is subject to Title 26B, Chapter 8, Part 4, Health Statistics, including data privacy protections.

Section 2. Section **53-2d-105** is amended to read:

53-2d-105 . Committee advisory duties.

The ~~[committee]~~ Trauma System and Emergency Medical Services Committee created under Section 53-2d-104 shall:

(1) advise the bureau chief regarding:

- (a) licensure, certification, and reciprocity requirements under Section 53-2d-402;
- (b) designation requirements under Section 53-2d-403;
- (c) insurance requirements for ambulance providers;
- (d) guidelines for requiring patient data under Section 53-2d-203;
- (e) criteria for awarding grants under Section 53-2d-207;
- (f) requirements for the coordination of emergency medical services and the medical supervision of emergency medical service providers under Section 53-2d-403;
- (g) appropriate vendors to establish certification requirements for emergency medical dispatchers;
- (h) the minimum level of service for 911 ambulance services provided under Section 11-48-103; and
- (i) rules necessary to administer this chapter, which shall be made by the bureau chief in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

(2) on or before June 1 of each year, deliver to the bureau a recommended fine schedule, setting forth the Trauma System and Emergency Medical Services Committee's recommendations, for each type of violation, regarding the range of potential fines that the bureau should adopt and impose under Subsection 53-2d-604(3); and

~~[(2)]~~ (3) promote the development of a statewide emergency medical services system under Section 53-2d-403.

Section 3. Section **53-2d-109** is enacted to read:

53-2d-109 . Emergency Medical Services Critical Needs Account.

(1) There is created within the General Fund a restricted account known as the "Emergency

Medical Services Critical Needs Account."

(2) The account shall be funded through deposits of:

(a) interest earned on the account;

(b) appropriations made by the Legislature; and

(c) contributions deposited into the account in accordance with Subsection 53-2d-207(3)(g).

(3) All funds in the account shall be nonlapsing.

(4) The bureau shall:

(a) calculate and allocate for use under Subsection (4)(b) an amount not greater than 25% of the fund balance, quarterly, as of January 1, April 1, July 1, and October 1 of each year; and

(b) use the allocated amount under Subsection (4)(a) to award and fund critical needs grants:

(i) in accordance with the criteria and procedures established by administrative rule; and

(ii) during the three-month period ending on the date of the next quarterly allocation under Subsection (4)(a).

Section 4. Section 53-2d-207 is amended to read:

53-2d-207 . Emergency Medical Services Grant Program.

(1) Funds appropriated to the [department] bureau for the Emergency Medical Services Grant Program shall be used for improvement of delivery of emergency medical services and administrative costs as described in Subsection (2)(a).

(2) From the total amount of funds appropriated to the bureau under Subsection (1), the bureau shall use:

(a) an amount equal to 50% of the funds:

(i) to provide staff support; and

(ii) for other expenses incurred in:

(A) administration of grant funds; and

(B) other bureau administrative costs under this chapter; and

(b) an amount equal to 50% of the funds to provide emergency medical services grants in accordance with Subsection (3).

(3)(a) A recipient of a grant under this section shall actively provide emergency medical services within the state.

(b)(i) From the total amount of funds used to provide grants under Subsection (3), the

bureau shall distribute an amount equal to 21% as per capita block grants for use specifically related to the provision of emergency medical services to nonprofit prehospital emergency medical services providers that are either licensed or designated and to emergency medical services that are the primary emergency medical services for a service area.

(ii) The bureau shall determine the grant amounts by prorating available funds on a per capita basis by county as described in bureau rule.

(c) Subject to Subsections (3)(d) through (f), the ~~[committee]~~ bureau shall use the remaining grant funds to award competitive grants to licensed emergency medical services providers that provide emergency medical services within counties of the third through sixth class, in accordance with rules made by the ~~[committee]~~ bureau.

(d) A grant awarded under Subsection (3)(c) shall be used:

(i) for the purchase of equipment, subject to Subsection (3)(e); or

(ii) for the recruitment, training, or retention of licensed emergency medical services providers.

(e) A recipient of a grant under Subsection (3)(c) may not use more than \$100,000 in grant proceeds for the purchase of vehicles.

(f) A grant awarded for the purpose described in Subsection (3)(d)(ii) is ongoing for a period of up to three years.

(g)~~(f)~~ If, after providing grants under Subsections (3)(c) through (f), any grant funds are unallocated at the end of the fiscal year, the ~~[committee]~~ bureau shall ~~[distribute]~~ deposit the unallocated grant funds ~~[as per capita block grants as described in Subsection (3)(b)]~~ into the Emergency Medical Services Critical Needs Account created under Section 53-2d-109.

~~[(ii) Any grant funds distributed as per capita grants under Subsection (3)(g)(i) are in addition to the amount described in Subsection (3)(b).]~~

Section 5. Section **53-2d-604** is amended to read:

53-2d-604 . Discipline of designated and licensed providers -- Penalties.

(1) ~~[The]~~ Subject to Subsection (3), the bureau may impose a fine against a licensed emergency medical service provider, refuse to issue a license or designation or a renewal, or revoke, suspend, restrict, or place on probation, [an] any emergency medical service provider's license or designation, including the license or designation of a non-911 service provider, if the provider has:

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

- (b) violated statute or rule;
- (c) failed to provide services at the level or in the exclusive geographic service area required by the license or designation;
- (d) failed to submit a renewal application in a timely fashion as required by department rule;
- (e) failed to follow operational standards established by the committee; or
- (f) committed an act in the performance of a professional duty that endangered the public or constituted gross negligence.

(2)(a) ~~[An]~~ Except as provided in this chapter, an administrative action to impose a fine or penalty, or to revoke, suspend, restrict, or place a license or designation on probation, shall be done in accordance with Title 63G, Chapter 4, Administrative Procedures Act.

- (b) Notwithstanding Subsection (2)(a), the department may issue a cease and desist order under Section 53-2d-607 to immediately suspend a license or designation pending an administrative proceeding to be held within 30 days if there is evidence to show that the provider or facility poses a clear, immediate, and unjustifiable threat or potential threat to the public health, safety, or welfare.

(3)(a) The bureau shall:

- (i) consider the recommended schedule of potential fines received under Subsection 53-2d-105(2) from the Trauma System and Emergency Medical Services Committee; and
- (ii) by rule on or before August 31 of each year, adopt and publish a schedule setting forth the range of potential fines that the bureau may impose for each type of violation for the annual period beginning September 1 of the current year and ending August 31 of the following year.

- (b) When determining the appropriate fine from the published range of potential fines the bureau may impose for a violation, the bureau shall consider any relevant aggravating or mitigating circumstances.

- (c) The bureau shall deposit any fines collected under this section into the Emergency Medical Services Critical Needs Account created under Section 53-2d-109.

Section 6. Section **63G-4-102** is amended to read:

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

- (1) Except as set forth in Subsection (2), and except as otherwise provided by a statute superseding provisions of this chapter by explicit reference to this chapter, the

provisions of this chapter apply to every agency of the state and govern:

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

(b) judicial review of the action.

(2) This chapter does not govern:

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

(b) the issuance of a notice of a deficiency in the payment of a tax, the decision to waive a penalty or interest on taxes, the imposition of and penalty or interest on taxes, or the issuance of a tax assessment, except that this chapter governs an agency action commenced by a taxpayer or by another person authorized by law to contest the validity or correctness of the action;

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

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

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

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

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

- 233 of the action;
- 234 (h) state agency action under Title 7, Chapter 1, Part 3, Powers and Duties of
235 Commissioner of Financial Institutions, Title 7, Chapter 2, Possession of Depository
236 Institution by Commissioner, Title 7, Chapter 19, Acquisition of Failing Depository
237 Institutions or Holding Companies, and Chapter 7, Governmental Immunity Act of
238 Utah, or judicial review of the action;
- 239 (i) the initial determination of a person's eligibility for unemployment benefits, the initial
240 determination of a person's eligibility for benefits under Title 34A, Chapter 2,
241 Workers' Compensation Act, and Title 34A, Chapter 3, Utah Occupational Disease
242 Act, or the initial determination of a person's unemployment tax liability;
- 243 (j) state agency action relating to the distribution or award of a monetary grant to or
244 between governmental units, or for research, development, or the arts, or judicial
245 review of the action;
- 246 (k) the issuance of a notice of violation or order under [~~Title 53, Chapter 2d, Emergency~~
247 ~~Medical Services Act,~~] Title 19, Chapter 2, Air Conservation Act, Title 19, Chapter
248 3, Radiation Control Act, Title 19, Chapter 4, Safe Drinking Water Act, Title 19,
249 Chapter 5, Water Quality Act, Title 19, Chapter 6, Part 1, Solid and Hazardous Waste
250 Act, Title 19, Chapter 6, Part 4, Underground Storage Tank Act, [~~or~~] Title 19,
251 Chapter 6, Part 7, Used Oil Management Act, or Title 19, Chapter 6, Part 10,
252 Mercury Switch Removal Act, except that this chapter governs an agency action
253 commenced by a person authorized by law to contest the validity or correctness of
254 the notice or order;
- 255 (l) state agency action, to the extent required by federal statute or regulation, to be
256 conducted according to federal procedures;
- 257 (m) the initial determination of a person's eligibility for government or public assistance
258 benefits;
- 259 (n) state agency action relating to wildlife licenses, permits, tags, and certificates of
260 registration;
- 261 (o) a license for use of state recreational facilities;
- 262 (p) state agency action under Chapter 2, Government Records Access and Management
263 Act, except as provided in Section 63G-2-603;
- 264 (q) state agency action relating to the collection of water commissioner fees and
265 delinquency penalties, or judicial review of the action;
- 266 (r) state agency action relating to the installation, maintenance, and repair of headgates,

- caps, valves, or other water controlling works and weirs, flumes, meters, or other water measuring devices, or judicial review of the action;
- (s) the issuance and enforcement of an initial order under Section 73-2-25;
- (t)(i) a hearing conducted by the Division of Securities under Section 61-1-11.1; and
- (ii) an action taken by the Division of Securities under a hearing conducted under Section 61-1-11.1, including a determination regarding the fairness of an issuance or exchange of securities described in Subsection 61-1-11.1(1);
- (u) state agency action relating to water well driller licenses, water well drilling permits, water well driller registration, or water well drilling construction standards, or judicial review of the action;
- (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);
- (y) the issuance of a determination of violation by the Governor's Office of Economic Opportunity under Section 11-41-104; or
- (z) a challenge to an aspect of a distribution management plan under Section 73-33-202.
- (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 7. Effective Date.

This bill takes effect on May 7, 2025.