

**Senator Curtis S. Bramble** proposes the following substitute bill:

1                   **NON-EMERGENCY PATIENT TRANSPORTATION SAFETY**

2                                   **AMENDMENTS**

3   2018 GENERAL SESSION

4   STATE OF UTAH

5                                   **Chief Sponsor: Edward H. Redd**

6                                   Senate Sponsor: Curtis S. Bramble

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8                   **LONG TITLE**

9                   **General Description:**

10                   This bill amends the Utah Emergency Medical Services System Act.

11                   **Highlighted Provisions:**

12                   This bill:

- 13                   ▶ defines terms;
- 14                   ▶ adds to the list of individuals who must be transported by a licensed ambulance;
- 15                   ▶ allows an emergency medical services provider to decline or delay a request for

16 non-emergency transportation under certain circumstances that would endanger the  
17 patient or the provider; and

18                   ▶ requires a hospital to hold a bed for a patient whose transportation is delayed or  
19 declined under the provisions of this bill.

20                   **Money Appropriated in this Bill:**

21                   None

22                   **Other Special Clauses:**

23                   None

24                   **Utah Code Sections Affected:**

25                   AMENDS:



26 [26-8a-102](#), as last amended by Laws of Utah 2017, Chapter 326

27 [26-8a-305](#), as enacted by Laws of Utah 1999, Chapter 141

28 ENACTS:

29 [26-8a-602](#), Utah Code Annotated 1953

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

32 Section 1. Section [26-8a-102](#) is amended to read:

33 **[26-8a-102](#). Definitions.**

34 As used in this chapter:

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

36 (i) either:

37 (A) 911 ambulance service;

38 (B) 911 paramedic service; or

39 (C) both 911 ambulance and paramedic service; and

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

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

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

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

46 (b) is required to obtain a permit under Section [26-8a-304](#) to operate in the state.

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

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

49 (b) is required to obtain a license under Part 4, Ambulance and Paramedic Providers.

50 (4) "Committee" means the State Emergency Medical Services Committee created by  
51 Section [26-1-7](#).

52 (5) "Direct medical observation" means in-person observation of a patient by a  
53 physician, registered nurse, physician's assistant, or individual licensed under Section  
54 [26-8a-302](#).

55 (6) "Emergency medical condition" means:

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

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

- 59 (i) placing the individual's health in serious jeopardy;  
60 (ii) serious impairment to bodily functions; or  
61 (iii) serious dysfunction of any bodily organ or part; or  
62 (b) a medical condition that in the opinion of a physician or his designee requires direct  
63 medical observation during transport or may require the intervention of an individual licensed  
64 under Section 26-8a-302 during transport.

65 (7) "Emergency medical service personnel":

66 (a) means an individual who provides emergency medical services to a patient and is  
67 required to be licensed under Section 26-8a-302; and

68 (b) includes a paramedic, medical director of a licensed emergency medical service  
69 provider, emergency medical service instructor, and other categories established by the  
70 committee.

71 (8) "Emergency medical service providers" means:

- 72 (a) licensed ambulance providers and paramedic providers;  
73 (b) a facility or provider that is required to be designated under Section 26-8a-303; and  
74 (c) emergency medical service personnel.

75 (9) "Emergency medical services" means medical services, transportation services, or  
76 both rendered to a patient.

77 (10) "Emergency medical service vehicle" means a land, air, or water vehicle that is:

- 78 (a) maintained and used for the transportation of emergency medical personnel,  
79 equipment, and supplies to the scene of a medical emergency; and  
80 (b) required to be permitted under Section 26-8a-304.

81 (11) "Governing body":

- 82 (a) is as defined in Section 11-42-102; and  
83 (b) for purposes of a "special service district" under Section 11-42-102, means a  
84 special service district that has been delegated the authority to select a provider under this  
85 chapter by the special service district's legislative body or administrative control board.

86 (12) "Interested party" means:

- 87 (a) a licensed or designated emergency medical services provider that provides

88 emergency medical services within or in an area that abuts an exclusive geographic service area  
89 that is the subject of an application submitted pursuant to Part 4, Ambulance and Paramedic  
90 Providers;

91 (b) any municipality, county, or fire district that lies within or abuts a geographic  
92 service area that is the subject of an application submitted pursuant to Part 4, Ambulance and  
93 Paramedic Providers; or

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

95 (13) "Interfacility transport" means any transfer, after initial assessment and  
96 stabilization, due to a mental or physical condition, when the originating and destination sites  
97 are:

98 (a) a general acute hospital, as defined in Section 26-21-2;

99 (b) an emergency patient receiving facility; or

100 (c) a mental health facility, as defined in Section 62A-15-602.

101 [~~13~~] (14) "Medical control" means a person who provides medical supervision to an  
102 emergency medical service provider.

103 [~~14~~] (15) "Non-911 service" means transport of a patient that is not 911 transport  
104 under Subsection (1).

105 [~~15~~] (16) "Paramedic provider" means an entity that:

106 (a) employs emergency medical service personnel; and

107 (b) is required to obtain a license under Part 4, Ambulance and Paramedic Providers.

108 [~~16~~] (17) "Patient" means an individual who, as the result of illness or injury, meets  
109 any of the criteria in Section 26-8a-305.

110 [~~17~~] (18) "Political subdivision" means:

111 (a) a city or town located in a county of the first or second class as defined in Section  
112 17-50-501;

113 (b) a county of the first or second class;

114 (c) the following districts located in a county of the first or second class:

115 (i) a special service district created under Title 17D, Chapter 1, Special Service District  
116 Act; or

117 (ii) a local district under Title 17B, Limited Purpose Local Government Entities - Local  
118 Districts, for the purpose of providing fire protection, paramedic, and emergency services;

- 119 (d) areas coming together as described in Subsection 26-8a-405.2(2)(b)(ii);
- 120 (e) an interlocal entity under Title 11, Chapter 13, Interlocal Cooperation Act; or
- 121 (f) a special service district for fire protection service under Subsection 17D-1-201(9).

122 [~~18~~] (19) "Trauma" means an injury requiring immediate medical or surgical  
123 intervention.

124 [~~19~~] (20) "Trauma system" means a single, statewide system that:

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

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

129 [~~20~~] (21) "Triage" means the sorting of patients in terms of disposition, destination,  
130 or priority. For prehospital trauma victims, triage requires a determination of injury severity to  
131 assess the appropriate level of care according to established patient care protocols.

132 [~~21~~] (22) "Triage, treatment, transportation, and transfer guidelines" means written  
133 procedures that:

134 (a) direct the care of patients; and

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

137 Section 2. Section 26-8a-305 is amended to read:

138 **26-8a-305. Ambulance license required for emergency medical transport.**

139 Except as provided in Section 26-8a-308, only an ambulance operating under a permit  
140 issued under Section 26-8a-304 may transport an individual who:

141 (1) is in an emergency medical condition;

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

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

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

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

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

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

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

156 (9) needs to be immobilized due to a fracture, possible fracture, or other medical  
157 condition; [or]

158 (10) is subject to an interfacility transport; or

159 [~~(10)~~] (11) otherwise requires or has the potential to require a level of medical care that  
160 the committee establishes as requiring direct medical observation.

161 Section 3. Section **26-8a-602** is enacted to read:

162 **26-8a-602. Interfacility transportation of behavioral health unit and basic life**  
163 **support patients.**

164 (1) As used in this section:

165 (a) "Basic life support patient" means a patient admitted into a hospital emergency  
166 room, medical unit, or other hospital unit that:

167 (i) has stable vital signs;

168 (ii) does not have an IV in place;

169 (iii) has no advanced life support medications that will be required for monitoring or  
170 administering during transport; and

171 (iv) does not require chemical or physical restraints.

172 (b) "Provider" means a ground ambulance or paramedic licensed under this chapter.

173 (2) A provider may refuse or delay a request for interfacility transportation if:

174 (a) the request is for the transportation of a basic life support patient;

175 (b) the request is made between the hours of 10:00 p.m. and 6:00 a.m.; and

176 (c) (i) the request is for a route that, at the time of the request, would require more than  
177 30 miles of driving, as calculated from the patient's originating site to the patient's destination  
178 site;

179 (ii) staffing levels or availability of equipment at the time of a request are below the  
180 levels established by the department under Subsection (3); or

181 (iii) there are hazardous weather conditions, as defined by the department under  
182 Subsection (3).

183 (3) The department shall make rules in accordance with Title 63G, Chapter 3, Utah  
184 Administrative Rulemaking Act, to:

185 (a) establish ~~§~~ , based on the cost, quality, and access goals established under  
185a Subsection 26-8a-408(7), ~~←~~ a level of staffing or equipment availability necessary to support the  
185b needs

186 and expectations of a political subdivision's 911 ambulance or paramedic services between the  
187 hours of 10:00 p.m. and 6:00 a.m.; and

188 (b) define hazardous weather conditions under which the interfacility transportation of  
189 a non-emergent basic life support patient would result in substantial risk to the patient and the  
190 provider.

191 (4) (a) Notwithstanding the requirements in Subsections 26-8a-402(5)(c) and (6)(c), a  
192 provider outside of the exclusive geographic service area may respond to a request for the  
193 interfacility transportation of a basic life support patient if the provider that is licensed in the  
194 exclusive geographic service area:

195 (i) delays or declines a request under Subsection (2); and

196 (ii) requests assistance under a mutual aid agreement.

197 (b) A request under Subsection (4)(a)(ii) qualifies as a time of unusual demand under  
198 Subsection 26-8a-402(4)(a).

199 (5) If a provider refuses or delays a request under Subsection (2), the receiving health  
200 care provider shall honor an affirmative request from the originating health care provider to  
201 hold a bed for a patient whose transportation was refused or delayed from the time of the  
202 notification until the earlier of:

203 (a) a notification from the originating health care provider to the receiving health care  
204 provider that the bed is no longer needed; or

205 (b) 6:00 a.m. after the initial notification is given, plus a reasonable amount of time for  
206 transportation from the originating site to the receiving site.

207 (6) If a health care provider makes a request to hold a bed under Subsection (5), the  
208 originating health care provider shall provide regular updates to the receiving health care  
209 provider on the status of the delayed transportation.

210 (7) Nothing in this section requires a provider to:

211 (a) delay or decline transportation under Subsection (2); or

212

(b) render assistance under a mutual aid agreement under Subsection (4).