

BEHAVIORAL EMERGENCY SERVICES AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel W. Thatcher

House Sponsor: Jefferson S. Burton

LONG TITLE

Committee Note:

The Government Operations Interim Committee recommended this bill.

Legislative Vote: 9 voting for 1 voting against 6 absent

General Description:

This bill enacts requirements and provisions relating to behavioral emergency services technicians.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ creates a new license for behavioral emergency services technicians and advanced behavioral emergency services technicians;
- ▶ requires the Utah Department of Health to administer the license, including setting initial and ongoing licensure and training requirements;
- ▶ enacts provisions relating to the new license for behavioral emergency services technicians, including certain testimonial exceptions; and
- ▶ makes technical and corresponding changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.



28 **Utah Code Sections Affected:**

29 AMENDS:

- 30 **26-8a-102**, as last amended by Laws of Utah 2019, Chapter 265
- 31 **26-8a-103**, as last amended by Laws of Utah 2017, Chapters 326 and 336
- 32 **26-8a-206**, as enacted by Laws of Utah 1999, Chapter 141
- 33 **26-8a-302**, as last amended by Laws of Utah 2017, Chapter 326
- 34 **26-8a-307**, as enacted by Laws of Utah 1999, Chapter 141
- 35 **78B-5-901**, as enacted by Laws of Utah 2018, Chapter 109
- 36 **78B-5-902**, as enacted by Laws of Utah 2018, Chapter 109

37 ENACTS:

- 38 **78B-5-904**, Utah Code Annotated 1953



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

41 Section 1. Section **26-8a-102** is amended to read:

42 **26-8a-102. Definitions.**

43 As used in this chapter:

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

45 (i) either:

46 (A) 911 ambulance service;

47 (B) 911 paramedic service; or

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

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

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

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

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

55 (b) is required to obtain a permit under Section **26-8a-304** to operate in the state.

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

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

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

59 (4) (a) "Behavioral emergency services" means delivering a behavioral health
60 intervention to a patient in an emergency context within a scope and in accordance with
61 guidelines established by the department.

62 (b) "Behavioral emergency services" does not include engaging in the:
63 (i) practice of mental health therapy as defined in Section 58-60-102;
64 (ii) practice of psychology as defined in Section 58-61-102;
65 (iii) practice of clinical social work as defined in Section 58-60-202;
66 (iv) practice of certified social work as defined in Section 58-60-202;
67 (v) practice of marriage and family therapy as defined in Section 58-60-302; or
68 (vi) practice of clinical mental health counseling as defined in Section 58-60-402; and
69 (vii) practice as a substance use disorder counselor as defined in Section 58-60-502.

70 [~~(4)~~] (5) "Committee" means the State Emergency Medical Services Committee
71 created by Section 26-1-7.

72 [~~(5)~~] (6) "Direct medical observation" means in-person observation of a patient by a
73 physician, registered nurse, physician's assistant, or individual licensed under Section
74 26-8a-302.

75 [~~(6)~~] (7) "Emergency medical condition" means:

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

79 (i) placing the individual's health in serious jeopardy;
80 (ii) serious impairment to bodily functions; or
81 (iii) serious dysfunction of any bodily organ or part; or

82 (b) a medical condition that in the opinion of a physician or his designee requires direct
83 medical observation during transport or may require the intervention of an individual licensed
84 under Section 26-8a-302 during transport.

85 [~~(7)~~] (8) "Emergency medical service personnel":

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

88 (b) includes a paramedic, medical director of a licensed emergency medical service
89 provider, emergency medical service instructor, behavioral emergency services technician, and

90 other categories established by the committee.

91 ~~[(8)]~~ (9) "Emergency medical service providers" means:

92 (a) licensed ambulance providers and paramedic providers;

93 (b) a facility or provider that is required to be designated under Subsection

94 [26-8a-303\(1\)\(a\)](#); and

95 (c) emergency medical service personnel.

96 ~~[(9)]~~ (10) "Emergency medical services" means:

97 (a) medical services~~[-];~~

98 (b) transportation services~~[-, or both rendered to a patient.];~~

99 (c) behavioral emergency services; or

100 (d) any combination of the services described in Subsections (10)(a) through (c).

101 ~~[(10)]~~ (11) "Emergency medical service vehicle" means a land, air, or water vehicle

102 that is:

103 (a) maintained and used for the transportation of emergency medical personnel,

104 equipment, and supplies to the scene of a medical emergency; and

105 (b) required to be permitted under Section [26-8a-304](#).

106 ~~[(11)]~~ (12) "Governing body":

107 (a) is as defined in Section [11-42-102](#); and

108 (b) for purposes of a "special service district" under Section [11-42-102](#), means a

109 special service district that has been delegated the authority to select a provider under this

110 chapter by the special service district's legislative body or administrative control board.

111 ~~[(12)]~~ (13) "Interested party" means:

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

113 emergency medical services within or in an area that abuts an exclusive geographic service area

114 that is the subject of an application submitted pursuant to Part 4, Ambulance and Paramedic

115 Providers;

116 (b) any municipality, county, or fire district that lies within or abuts a geographic

117 service area that is the subject of an application submitted pursuant to Part 4, Ambulance and

118 Paramedic Providers; or

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

120 ~~[(13)]~~ (14) "Medical control" means a person who provides medical supervision to an

121 emergency medical service provider.

122 ~~[(14)]~~ (15) "Non-911 service" means transport of a patient that is not 911 transport
123 under Subsection (1).

124 ~~[(15)]~~ (16) "Nonemergency secured behavioral health transport" means an entity that:

125 (a) provides nonemergency secure transportation services for an individual who:

126 (i) is not required to be transported by an ambulance under Section 26-8a-305; and

127 (ii) requires behavioral health observation during transport between any of the

128 following facilities:

129 (A) a licensed acute care hospital;

130 (B) an emergency patient receiving facility;

131 (C) a licensed mental health facility; and

132 (D) the office of a licensed health care provider; and

133 (b) is required to be designated under Section 26-8a-303.

134 ~~[(16)]~~ (17) "Paramedic provider" means an entity that:

135 (a) employs emergency medical service personnel; and

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

137 ~~[(17)]~~ (18) "Patient" means an individual who, as the result of illness ~~[or]~~ injury, or a
138 behavioral emergency condition, meets any of the criteria in Section 26-8a-305.

139 ~~[(18)]~~ (19) "Political subdivision" means:

140 (a) a city or town located in a county of the first or second class as defined in Section
141 17-50-501;

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

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

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

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

148 (d) areas coming together as described in Subsection 26-8a-405.2(2)(b)(ii);

149 (e) an interlocal entity under Title 11, Chapter 13, Interlocal Cooperation Act; or

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

151 ~~[(19)]~~ (20) "Trauma" means an injury requiring immediate medical or surgical

152 intervention.

153 [~~(20)~~] (21) "Trauma system" means a single, statewide system that:

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

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

158 [~~(21)~~] (22) "Triage" means the sorting of patients in terms of disposition, destination,
159 or priority. For prehospital trauma victims, triage requires a determination of injury severity to
160 assess the appropriate level of care according to established patient care protocols.

161 [~~(22)~~] (23) "Triage, treatment, transportation, and transfer guidelines" means written
162 procedures that:

163 (a) direct the care of patients; and

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

166 Section 2. Section **26-8a-103** is amended to read:

167 **26-8a-103. State Emergency Medical Services Committee -- Membership --**
168 **Expenses.**

169 (1) The State Emergency Medical Services Committee created by Section **26-1-7** shall
170 be composed of the following [~~17~~] **19** members appointed by the governor, at least six of
171 whom shall reside in a county of the third, fourth, fifth, or sixth class:

172 (a) five physicians licensed under Title 58, Chapter 67, Utah Medical Practice Act, or
173 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act, as follows:

174 (i) one surgeon who actively provides trauma care at a hospital;

175 (ii) one rural physician involved in emergency medical care;

176 (iii) two physicians who practice in the emergency department of a general acute
177 hospital; and

178 (iv) one pediatrician who practices in the emergency department or critical care unit of
179 a general acute hospital or a children's specialty hospital;

180 (b) two representatives from private ambulance providers;

181 (c) one representative from an ambulance provider that is neither privately owned nor
182 operated by a fire department;

183 (d) two chief officers from fire agencies operated by the following classes of licensed
184 or designated emergency medical services providers: municipality, county, and fire district,
185 provided that no class of medical services providers may have more than one representative
186 under this Subsection (1)(d);

187 (e) one director of a law enforcement agency that provides emergency medical
188 services;

189 (f) one hospital administrator;

190 (g) one emergency care nurse;

191 (h) one paramedic in active field practice;

192 (i) one emergency medical technician in active field practice;

193 (j) one licensed emergency medical dispatcher affiliated with an emergency medical
194 dispatch center; [~~and~~]

195 (k) one licensed mental health professional with experience as a first responder;

196 (l) one licensed behavioral emergency services technician; and

197 [~~(k)~~] (m) one consumer.

198 (2) (a) Except as provided in Subsection (2)(b), members shall be appointed to a
199 four-year term beginning July 1.

200 (b) Notwithstanding Subsection (2)(a), the governor:

201 (i) shall, at the time of appointment or reappointment, adjust the length of terms to
202 ensure that the terms of committee members are staggered so that approximately half of the
203 committee is appointed every two years;

204 (ii) may not reappoint a member for more than two consecutive terms; and

205 (iii) shall:

206 (A) initially appoint the second member under Subsection (1)(b) from a different
207 private provider than the private provider currently serving under Subsection (1)(b); and

208 (B) thereafter stagger each replacement of a member in Subsection (1)(b) so that the
209 member positions under Subsection (1)(b) are not held by representatives of the same private
210 provider.

211 (c) When a vacancy occurs in the membership for any reason, the replacement shall be
212 appointed by the governor for the unexpired term.

213 (3) (a) Each January, the committee shall organize and select one of its members as

214 chair and one member as vice chair. The committee may organize standing or ad hoc
215 subcommittees, which shall operate in accordance with guidelines established by the
216 committee.

217 (b) The chair shall convene a minimum of four meetings per year. The chair may call
218 special meetings. The chair shall call a meeting upon request of five or more members of the
219 committee.

220 (c) Nine members of the committee constitute a quorum for the transaction of business
221 and the action of a majority of the members present is the action of the committee.

222 (4) A member may not receive compensation or benefits for the member's service, but
223 may receive per diem and travel expenses in accordance with:

224 (a) Section 63A-3-106;

225 (b) Section 63A-3-107; and

226 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
227 63A-3-107.

228 (5) Administrative services for the committee shall be provided by the department.

229 Section 3. Section 26-8a-206 is amended to read:

230 **26-8a-206. Personnel stress management program.**

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

234 (2) This program shall include:

235 (a) ongoing training for agencies providing emergency services and counseling
236 program volunteers; ~~and~~

237 (b) critical incident stress debriefing for personnel at no cost to the emergency
238 provider[-]; and

239 (c) advising the department on training requirements for licensure as a behavioral
240 emergency services technician.

241 Section 4. Section 26-8a-302 is amended to read:

242 **26-8a-302. Licensure of emergency medical service personnel.**

243 (1) To promote the availability of comprehensive emergency medical services
244 throughout the state, the committee shall establish:

245 (a) initial and ongoing licensure and training requirements for emergency medical
246 service personnel in the following categories:

- 247 (i) paramedic;
- 248 (ii) medical director;
- 249 (iii) emergency medical service instructor; ~~[and]~~
- 250 (iv) behavioral emergency services technician;
- 251 (v) advanced behavioral emergency services technician; and
- 252 ~~[(iv)]~~ (vi) other types of emergency medical personnel as the committee considers

253 necessary; and

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

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

- 256 (a) develop, conduct, and authorize training and testing for emergency medical service
- 257 personnel; and
- 258 (b) issue a license and license renewals to emergency medical service personnel.

259 (3) The department shall coordinate with the Department of Human Services
260 established in Section 62A-1-102, and local mental health authorities described in Section
261 17-43-301, to develop and authorize initial and ongoing licensure and training requirements for
262 licensure as a:

- 263 (a) behavioral emergency services technician; and
- 264 (b) advanced behavioral emergency services technician.

265 ~~[(3)]~~ (4) As provided in Section 26-8a-502, an individual issued a license under this
266 section may only provide emergency medical services to the extent allowed by the license.

267 ~~[(4)]~~ (5) An individual may not be issued or retain a license under this section unless
268 the individual obtains and retains background clearance under Section 26-8a-310.

269 Section 5. Section 26-8a-307 is amended to read:

270 **26-8a-307. Patient destination.**

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

275 (2) If the patient's condition is not critical or unstable as determined by medical

276 control, the ground or air ambulance may transport the patient to the:

277 (a) hospital, emergency patient receiving facility, licensed mental health facility, or
278 other medical provider chosen by the patient and approved by medical control as appropriate
279 for the patient's condition and needs; or

280 (b) nearest hospital, emergency patient receiving facility, licensed mental health
281 facility, or other medical provider approved by medical control as appropriate for the patient's
282 condition and needs if the patient expresses no preference.

283 Section 6. Section **78B-5-901** is amended to read:

284 **Part 9. Public Safety Peer Counseling and Behavioral Emergency**
285 **Services Technicians**

286 **78B-5-901. Public safety peer counseling and behavioral emergency services**
287 **technicians.**

288 This part is known as "Public Safety Peer Counseling and Behavioral Emergency
289 Services Technicians."

290 Section 7. Section **78B-5-902** is amended to read:

291 **78B-5-902. Definitions.**

292 As used in this part:

293 (1) "Communication" means an oral statement, written statement, note, record, report,
294 or document made during, or arising out of, a meeting between a law enforcement officer,
295 firefighter, emergency medical service provider, or rescue provider and a peer support team
296 member.

297 (2) "Behavioral emergency services technician" means an individual who is licensed
298 under Section 26-8a-302 as:

299 (a) a behavioral emergency services technician; or

300 (b) an advanced behavioral emergency services technician.

301 [~~2~~] (3) "Emergency medical service provider or rescue unit peer support team
302 member" means a person who is:

303 (a) an emergency medical service provider as defined in Section 26-8a-102, a regular
304 or volunteer member of a rescue unit acting as an emergency responder as defined in Section
305 53-2a-502, or another person who has been trained in peer support skills; and

306 (b) designated by the chief executive of an emergency medical service agency or the

307 chief of a rescue unit as a member of an emergency medical service provider's peer support
308 team or as a member of a rescue unit's peer support team.

309 ~~[(3)]~~ (4) "Law enforcement or firefighter peer support team member" means a person
310 who is:

311 (a) a peace officer, law enforcement dispatcher, civilian employee, or volunteer
312 member of a law enforcement agency, a regular or volunteer member of a fire department, or
313 another person who has been trained in peer support skills; and

314 (b) designated by the commissioner of the Department of Public Safety, the executive
315 director of the Department of Corrections, a sheriff, a police chief, or a fire chief as a member
316 of a law enforcement agency's peer support team or a fire department's peer support team.

317 ~~[(4)]~~ (5) "Trained" means a person who has successfully completed a peer support
318 training program approved by the Peace Officer Standards and Training Division, the State Fire
319 Marshal's Office, or the Health Department, as applicable.

320 Section 8. Section **78B-5-904** is enacted to read:

321 **78B-5-904. Exclusions for certain communications.**

322 (1) In accordance with the Utah Rules of Evidence, a behavioral emergency services
323 technician may refuse to disclose communications made by an individual during the delivery of
324 behavioral emergency services as defined in Section [26-8a-102](#).

325 (2) Subsection (1) applies only to communications made during individual interactions
326 conducted by a behavioral emergency services technician who is:

327 (a) acting in the behavioral emergency services technician's capacity as an emergency
328 medical service provider; and

329 (b) functioning within the guidelines that are in effect for the behavioral emergency
330 services technician's emergency medical service agency or rescue unit.

331 (3) This section does not apply if:

332 (a) a behavioral emergency services technician was a witness or a party to the incident
333 that prompted the delivery of behavioral emergency services;

334 (b) information received by a behavioral emergency services technician is indicative of
335 actual or suspected child abuse, or actual or suspected child neglect;

336 (c) the individual receiving behavioral emergency services is a clear and immediate
337 danger to the individual's self or others; or

338 (d) communication to the behavioral emergency services technician evidence that the
339 individual who is receiving behavioral emergency services has committed a crime, plans to
340 commit a crime, or intends to conceal a crime.

341 Section 9. **Effective date.**

342 If approved by two-thirds of all the members elected to each house, this bill takes effect
343 upon approval by the governor, or the day following the constitutional time limit of Utah
344 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
345 the date of veto override.