



Bill Number: S.B. 1345

Shope Floor Amendment

**Reference to: HEALTH AND HUMAN SERVICES
Committee Amendment**

Amendment drafted by: Leg Council

FLOOR AMENDMENT EXPLANATION

- 1. Removes the exclusion of the time that an applicant uses to respond to a request for additional information from the 30-day period for interested parties to submit information to the Director of the Department of Health Services (DHS) relating to an initial or amended certificate of necessity (CON).**
- 2. Limits DHS noticing requirements to the posting of substantive completeness notices for CON applications within 30 days of determining the application is substantively complete.**
- 3. Tolls the time frame DHS has to make a decision regarding a CON application during the 30-day period in which interested parties may respond to a notice of substantive completeness.**
- 4. Requires the Director of DHS, in the event a CON renewal application was timely filed but no determination to renew had been made by the expiration date, to:**
 - a) issue a 120-day temporary CON, rather than a one-year CON renewal; and**
 - b) renew the CON for three years upon expiration of the temporary CON.**

SHOPE FLOOR AMENDMENT
SENATE AMENDMENTS TO S.B. 1345
(Reference to HEALTH AND HUMAN SERVICES Committee amendment)

Amendment instruction key:

[GREEN UPPERCASE UNDERLINING IN BRACKETS] indicates that the amendment is adding text to statute

or previously enacted session law.

[Green lowercase underlining in brackets] indicates that the amendment is adding text to new session law or is restoring previously stricken text to existing statute.

~~[GREEN UPPERCASE STRIKEOUT IN BRACKETS]~~ indicates that the amendment is removing new text from statute or previously enacted session law.

~~[Green lowercase strikeout in brackets]~~ indicates that the amendment is removing text from existing statute, previously enacted session law or new session law.

<<Double green carets enclosing an entire section>> indicates that the amendment is adding the section to the bill.

~~<<Green strikeout with double green carets enclosing an entire section>>~~ indicates that the amendment is removing the section to the bill.

{[ORANGE UPPERCASE UNDERLINING IN DOUBLE CURLY BRACKETS]} indicates that the amendment to an amendment is adding text to statute or previously enacted session law.

{[Orange lowercase underlining in double curly brackets]} indicates that the amendment to an amendment is adding text to new session law or is restoring previously stricken text to existing statute.

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1 The bill as proposed to be amended is reprinted as follows:

2 <<Section 1. Section 36-2201, Arizona Revised Statutes, is amended
3 to read:

4 36-2201. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Administrative medical direction" means supervision of
7 emergency medical care technicians by a base hospital medical director,
8 administrative medical director or basic life support medical director.
9 For the purposes of this paragraph, "administrative medical director"
10 means a physician who is licensed pursuant to title 32, chapter 13 or 17
11 and who provides direction within the emergency medical services and
12 trauma system.

13 2. "Advanced emergency medical technician" means a person who has
14 been trained in an advanced emergency medical technician program certified
15 by the director or in an equivalent training program and who is certified
16 by the director to render services pursuant to section 36-2205.

1 ~~3. "Advanced life support" means the level of assessment and care~~
2 ~~identified in the scope of practice approved by the director for the~~
3 ~~advanced emergency medical technician, emergency medical technician I-99~~
4 ~~and paramedic.~~

5 ~~4. "Advanced life support base hospital" means a health care~~
6 ~~institution that offers general medical and surgical services, that is~~
7 ~~certified by the director as an advanced life support base hospital and~~
8 ~~that is affiliated by written agreement with a licensed ambulance service,~~
9 ~~municipal rescue service, fire department, fire district or health~~
10 ~~services district for medical direction, evaluation and control of~~
11 ~~emergency medical care technicians.~~

12 ~~5. "Ambulance":~~

13 ~~(a) Means any publicly or privately owned surface, water or air~~
14 ~~vehicle, including a helicopter, that contains a stretcher and necessary~~
15 ~~medical equipment and supplies pursuant to section 36-2202 and that is~~
16 ~~especially designed and constructed or modified and equipped to be used,~~
17 ~~maintained or operated primarily to transport individuals who are sick,~~
18 ~~injured or wounded or who require medical monitoring or aid.~~

19 ~~(b) Does not include a surface vehicle that is owned and operated~~
20 ~~by a private sole proprietor, partnership, private corporation or~~
21 ~~municipal corporation for the emergency transportation and in-transit care~~
22 ~~of its employees or a vehicle that is operated to accommodate an~~
23 ~~incapacitated person or person with a disability who does not require~~
24 ~~medical monitoring, care or treatment during transport and that is not~~
25 ~~advertised as having medical equipment and supplies or ambulance~~
26 ~~attendants.~~

27 ~~6. "Ambulance attendant" means any of the following:~~

28 ~~(a) An emergency medical technician, an advanced emergency medical~~
29 ~~technician, an emergency medical technician I-99 or a paramedic whose~~
30 ~~primary responsibility is the care of patients in an ambulance and who~~
31 ~~meets the standards and criteria adopted pursuant to section 36-2204.~~

32 ~~(b) An emergency medical responder who is employed by an ambulance~~
33 ~~service operating under section 36-2202 and whose primary responsibility~~
34 ~~is driving an ambulance.~~

35 ~~(c) A physician who is licensed pursuant to title 32, chapter 13~~
36 ~~or 17.~~

37 ~~(d) A professional nurse who is licensed pursuant to title 32,~~
38 ~~chapter 15 and who meets the state board of nursing criteria to care for~~
39 ~~patients in the prehospital care system.~~

40 ~~(e) A professional nurse who is licensed pursuant to title 32,~~
41 ~~chapter 15 and whose primary responsibility is the care of patients in an~~
42 ~~ambulance during an interfacility transport.~~

43 ~~7. "Ambulance service" means a person who owns and operates one or~~
44 ~~more ambulances.~~

- 1 ~~8. "Basic life support" means the level of assessment and care~~
2 ~~identified in the scope of practice approved by the director for the~~
3 ~~emergency medical responder and emergency medical technician.~~
4 ~~9. "Bureau" means the bureau of emergency medical services and~~
5 ~~trauma system in the department.~~
6 ~~10. "CALL DENSITY" MEANS THE NUMBER OF AMBULANCE CALLS PER SQUARE~~
7 ~~MILE WITHIN A DESCRIBED AREA OF SERVICE OVER TWELVE CONSECUTIVE MONTHS.~~
8 ~~10. 11. "Centralized medical direction communications center"~~
9 ~~means a facility that is housed within a hospital, medical center or~~
10 ~~trauma center or a freestanding communication center that meets the~~
11 ~~following criteria:~~
12 ~~(a) Has the ability to communicate with ambulance services and~~
13 ~~emergency medical services providers rendering patient care outside of the~~
14 ~~hospital setting via radio and telephone.~~
15 ~~(b) Is staffed twenty-four hours a day seven days a week by at~~
16 ~~least a physician licensed pursuant to title 32, chapter 13 or 17.~~
17 ~~11. 12. "Certificate of necessity" means a certificate that is~~
18 ~~issued to an ambulance service by the department and that describes the~~
19 ~~following:~~
20 ~~(a) The service area.~~
21 ~~(b) The level of service.~~
22 ~~(c) The type of service.~~
23 ~~(d) The hours of operation.~~
24 ~~(e) The effective date.~~
25 ~~(f) The expiration date.~~
26 ~~(g) The legal name and address of the ambulance service.~~
27 ~~(h) The any limiting or special provisions the director prescribes.~~
28 ~~12. 13. "Council" means the emergency medical services council.~~
29 ~~13. 14. "Department" means the department of health services.~~
30 ~~14. 15. "Director" means the director of the department of health~~
31 ~~services.~~
32 ~~15. 16. "Emergency medical care technician" means an individual~~
33 ~~who has been certified by the department as an emergency medical~~
34 ~~technician, an advanced emergency medical technician, an emergency medical~~
35 ~~technician I-99 or a paramedic.~~
36 ~~16. 17. "Emergency medical responder" as an ambulance attendant,~~
37 ~~whose primary responsibility is driving an ambulance, means a person who~~
38 ~~has successfully completed training in an emergency medical responder~~
39 ~~program that is certified by the director or is approved by the emergency~~
40 ~~medical services provider's administrative medical director on file with~~
41 ~~the department or in an equivalent training program.~~
42 ~~17. 18. "Emergency medical responder program" means a program that~~
43 ~~has been submitted for review by the department and includes at least the~~
44 ~~following:~~
45 ~~(a) Emergency vehicle driver training.~~
46 ~~(b) Cardiopulmonary resuscitation certification.~~
47 ~~(c) Automated external defibrillator training.~~

- 1 ~~(d) Training in the use of noninvasive diagnostic devices,~~
2 ~~including blood glucose monitors and pulse oximeters.~~
- 3 ~~(e) Training on obtaining a patient's vital signs, including blood~~
4 ~~pressure, pulse and respiratory rate.~~
- 5 ~~18. 19. "Emergency medical services" means those services required~~
6 ~~following an accident or an emergency medical situation:~~
- 7 ~~(a) For on-site emergency medical care.~~
- 8 ~~(b) To transport the sick or injured by a licensed ground or air~~
9 ~~ambulance.~~
- 10 ~~(c) In using emergency communications media.~~
- 11 ~~(d) In using emergency receiving facilities.~~
- 12 ~~(e) In administering initial care and preliminary treatment~~
13 ~~procedures by emergency medical care technicians.~~
- 14 ~~19. 20. "Emergency medical services provider" means any~~
15 ~~governmental entity, quasi-governmental entity or corporation whether~~
16 ~~public or private that renders emergency medical services in this state.~~
- 17 ~~20. 21. "Emergency medical technician" means a person who has been~~
18 ~~trained in an emergency medical technician program certified by the~~
19 ~~director or in an equivalent training program and who is certified by the~~
20 ~~director as qualified to render services pursuant to section 36-2205.~~
- 21 ~~21. 22. "Emergency receiving facility" means a licensed health~~
22 ~~care institution that offers emergency medical services, is staffed~~
23 ~~twenty-four hours a day and has a physician on call.~~
- 24 ~~22. 23. "Fit and proper" means that the director determines that~~
25 ~~an applicant for a certificate of necessity or a certificate holder has~~
26 ~~the expertise, integrity, fiscal competence and resources to provide~~
27 ~~ambulance service in the service area.~~
- 28 ~~23. 24. "Medical record" means any patient record, including~~
29 ~~clinical records, prehospital care records, medical reports, laboratory~~
30 ~~reports and statements, any file, film, record or report or oral~~
31 ~~statements relating to diagnostic findings, treatment or outcome of~~
32 ~~patients, whether written, electronic or recorded, and any information~~
33 ~~from which a patient or the patient's family might be identified.~~
- 34 ~~24. 25. "National certification organization" means a national~~
35 ~~organization that tests and certifies the ability of an emergency medical~~
36 ~~care technician and whose tests are based on national education standards.~~
- 37 ~~25. 26. "National education standards" means the emergency medical~~
38 ~~services education standards of the United States department of~~
39 ~~transportation or other similar emergency medical services education~~
40 ~~standards developed by that department or its successor agency.~~
- 41 ~~26. 27. "Paramedic" means a person who has been trained in a~~
42 ~~paramedic program certified by the director or in an equivalent training~~
43 ~~program and who is certified by the director to render services pursuant~~
44 ~~to section 36-2205.~~
- 45 ~~27. 28. "Physician" means any person licensed pursuant to title~~
46 ~~32, chapter 13 or 17.~~
- 47 ~~28. 29. "Police dog":~~

1 ~~(a) Means a specially trained dog that is owned or used by a law~~
2 ~~enforcement department or agency of this state or any political~~
3 ~~subdivision of this state and that is used in the course of the~~
4 ~~department's or agency's official work.~~

5 ~~(b) Includes a search and rescue dog, service dog, accelerant~~
6 ~~detection canine or other dog that is in use by the law enforcement~~
7 ~~department or agency for official duties.~~

8 ~~29. 30. "Stretcher van" means a vehicle that contains a stretcher~~
9 ~~and that is operated to accommodate an incapacitated person or person with~~
10 ~~a disability who does not require medical monitoring, aid, care or~~
11 ~~treatment during transport.~~

12 ~~30. 31. "Suboperation station" means a physical facility or~~
13 ~~location at which an ambulance service conducts operations for the~~
14 ~~dispatch of ambulances and personnel and that may be staffed twenty-four~~
15 ~~hours a day or less as determined by system use.~~

16 ~~31. 32. "Trauma center" means any acute care hospital that~~
17 ~~provides in-house twenty-four-hour daily dedicated trauma surgical~~
18 ~~services that is designated pursuant to section 36-2225.~~

19 ~~32. 33. "Trauma registry" means data collected by the department~~
20 ~~on trauma patients and on the incidence, causes, severity, outcomes and~~
21 ~~operation of a trauma system and its components.~~

22 ~~33. 34. "Trauma system" means an integrated and organized~~
23 ~~arrangement of health care resources having the specific capability to~~
24 ~~perform triage, transport and provide care.~~

25 ~~34. 35. "Validated testing procedure" means a testing procedure~~
26 ~~that includes practical skills, or attests practical skills proficiency on~~
27 ~~a form developed by the department by the educational training program,~~
28 ~~identified pursuant to section 36-2204, paragraph 2, that is certified as~~
29 ~~valid by an organization capable of determining testing procedure and~~
30 ~~testing content validity and that is recommended by the medical direction~~
31 ~~commission and the emergency medical services council before the~~
32 ~~director's approval.~~

33 ~~35. 36. "Wheelchair van" means a vehicle that contains or that is~~
34 ~~designed and constructed or modified to contain a wheelchair and that is~~
35 ~~operated to accommodate an incapacitated person or person with a~~
36 ~~disability who does not require medical monitoring, aid, care or treatment~~
37 ~~during transport.>>~~

38 ~~<<Sec. 2. Section 36-2207, Arizona Revised Statutes, is amended to~~
39 ~~read:~~

40 ~~36-2207. Authorization for political subdivisions to~~
41 ~~participate~~

42 ~~Any city, town, county, fire district or health service district of~~
43 ~~this state may budget for and expend monies for participation in emergency~~
44 ~~paramedic programs and may enter into intergovernmental agreements for the~~
45 ~~delivery of such services pursuant to title 11, chapter 7, article 3,~~
46 ~~REGARDLESS OF WHETHER THE CITY, TOWN, COUNTY, FIRE DISTRICT OR HEALTH~~
47 ~~SERVICE DISTRICT HOLDS A CERTIFICATE OF NECESSITY.>>~~

1 <<Section 1. ~~Section 36-2213, Arizona Revised Statutes, is amended~~
2 ~~to read:~~
3 ~~36-2213. Air ambulance services; rules~~
4 ~~The director shall adopt rules to establish minimum standards for~~
5 ~~the operation of air ambulance services that are necessary to assure~~
6 ~~ensure the public health and safety. The director may use the current~~
7 ~~standards adopted by the commission on accreditation of air medical~~
8 ~~services. Each rule shall reference the specific authority from this~~
9 ~~chapter under which the rule was formulated. The rules shall provide for~~
10 ~~the department to do the following:~~
11 ~~1. Establish standards and requirements relating to at least the~~
12 ~~following:~~
13 ~~(a) Medical control plans. These plans shall conform to the~~
14 ~~standards adopted pursuant to section 36-2204, paragraph 9.~~
15 ~~(b) Qualifications of the medical director of the air ambulance~~
16 ~~services.~~
17 ~~(c) Operation of only those air ambulances registered pursuant to~~
18 ~~section 36-2212 and licensed pursuant to title 28, chapter 25.~~
19 ~~2. Establish response times and operation times to assure ensure~~
20 ~~that the health and safety needs of the public are met.~~
21 ~~3. Establish standards for emergency medical dispatch training,~~
22 ~~including prearrival instruction. For the purposes of this paragraph,~~
23 ~~"emergency medical dispatch" means the receipt of calls requesting~~
24 ~~emergency medical services and the response of appropriate resources to~~
25 ~~the appropriate location.~~
26 ~~4. Require the filing of run log information.~~
27 ~~5. Require the filing of each air ambulance service's rate schedule~~
28 ~~and change to the rate schedule with the DEPARTMENT. The department shall~~
29 ~~maintain a list on the department's website of the current rate schedules~~
30 ~~for each licensed air ambulance service.~~
31 ~~5. 6. Issue, transfer, suspend or revoke air ambulance service~~
32 ~~licenses under terms and conditions consistent with this chapter. These~~
33 ~~rules shall be consistent for all air ambulance services.~~
34 ~~6. 7. Investigate the operation of an air ambulance service,~~
35 ~~including a person operating an ambulance that has not been issued a~~
36 ~~certificate of registration and conduct on-site investigations of~~
37 ~~facilities communications equipment, vehicles, procedures, materials and~~
38 ~~equipment.~~
39 ~~7. 8. Prescribe the terms of the air ambulance service license.~~
40 ~~8. 9. Prescribe the criteria for the air ambulance service license~~
41 ~~inspection process and for determining an air ambulance service's~~
42 ~~compliance with licensure requirements. The director shall accept proof~~
43 ~~that an air ambulance service is accredited by the commission on~~
44 ~~accreditation of air medical services in lieu of all licensing inspections~~
45 ~~required if the director receives a copy of the air ambulance service's~~
46 ~~accreditation report.>>~~

1 Section 1. Section 36-2232, Arizona Revised Statutes, is amended to
2 read:

3 36-2232. Director; powers and duties; regulation of ambulance
4 services; inspections; response time compliance;
5 mileage rate calculation factors

6 A. The director shall adopt rules to regulate the operation of
7 ambulances and ambulance services in this state. Each rule shall identify
8 all sections and subsections of this chapter under which the rule was
9 formulated. The rules shall provide for the department to do the
10 following:

11 1. Consistent with the requirements of subsection H of this
12 section, determine, fix, alter and regulate just, reasonable and
13 sufficient rates and charges for the provision of ambulances, including
14 rates and charges for advanced life support service, basic life support
15 service, patient loaded mileage, standby waiting, subscription service
16 contracts and other contracts for services related to the provision of
17 ambulances. The director shall inform all ambulance services of the
18 procedures and methodology used to determine ambulance rates or charges.
19 THE DIRECTOR MAY ESTABLISH ADDITIONAL RATE CATEGORIES BASED ON CURRENT
20 STANDARDS OF CARE OR SCOPE OF PRACTICE. IF THE DIRECTOR ESTABLISHES A NEW
21 RATE CATEGORY, EXISTING CERTIFICATE OF NECESSITY HOLDERS MAY APPLY TO ADD
22 THE NEW RATE TO THEIR EXISTING RATE STRUCTURE WITHOUT CHANGING THE OTHER
23 RATES AND CHARGES APPROVED FOR THEIR CERTIFICATE OF NECESSITY.

24 2. Ensure THAT evidence-based quality patient care is the priority
25 for decision-making.

26 3. Regulate operating and response times of ambulances to meet the
27 needs of the public and to ensure adequate service. The rules adopted by
28 the director for certificated ambulance service response times shall
29 include uniform standards for urban, suburban, rural and wilderness
30 geographic areas within the certificate of necessity based on, at a
31 minimum, population density[, ~~CALL DENSITY~~] and geographic and medical
32 considerations. IF THE CERTIFICATED SERVICE AREA OF MULTIPLE CERTIFICATE
33 OF NECESSITY HOLDERS INCLUDES ALL OR A PORTION OF THE SAME POLITICAL
34 SUBDIVISION, THE PRIMARY PROVIDER FOR THAT POLITICAL SUBDIVISION IS THE
35 POLITICAL SUBDIVISION CERTIFICATE OF NECESSITY HOLDER, IF ONE EXISTS, OR
36 THE CERTIFICATE OF NECESSITY HOLDER THAT IS CONTRACTED AS THE DESIGNATED
37 911 AMBULANCE PROVIDER FOR THE CERTIFICATED SERVICE AREA. IF A PRIMARY
38 PROVIDER EXISTS, THE OTHER CERTIFICATE OF NECESSITY HOLDERS WITH A
39 CERTIFICATED SERVICE AREA THAT INCLUDES ALL OR A PORTION OF THE POLITICAL
40 SUBDIVISION SHALL BE CONSIDERED SECONDARY PROVIDERS. THE DEPARTMENT RULES
41 SHALL HAVE LESS STRINGENT RESPONSE TIME REQUIREMENTS FOR SECONDARY
42 PROVIDERS. The calculation of response times shall begin when the public
43 safety answering point contacts an ambulance service for dispatch and
44 conclude when the ambulance service arrives at the dispatched location.
45 On-scene arrival times for response time measurement shall be documented
46 by the ambulance service using dispatch or global positioning system data,
47 or a combination of both, and kept on file. ~~[IF A CERTIFICATE OF~~
48 ~~NECESSITY HOLDER REQUESTS MUTUAL AID BY REQUESTING THE AID THROUGH ANOTHER~~
49 ~~CERTIFICATE OF NECESSITY HOLDER'S DISPATCH CENTER OR THROUGH AN AUTOMATED~~

1 ~~PROCESS, THE REQUESTING CERTIFICATE OF NECESSITY HOLDER SHALL COUNT THAT~~
2 ~~CALL IN ITS RESPONSE TIME CALCULATION.]~~ Response time data that is
3 compliant with the health insurance portability and accountability act of
4 1996 shall be filed annually with the department. When dispatch or global
5 positioning system connectivity is not available, the ambulance service
6 shall manually document on-scene arrival times for response time
7 measurement. The response time data shall be filed in a
8 department-approved format, and the department shall make the response
9 time data publicly available.

10 4. Review response times established pursuant to paragraph 3 of
11 this subsection with the ambulance service and update the response times
12 based on, at a minimum, population density [~~, CALL DENSITY~~] and geographic
13 and medical considerations, and the financial impact on rates and charges,
14 every six years. [One additional review each six-year period may be
15 requested by a city, town, fire district or fire authority whose
16 jurisdictional boundaries in whole or in part are within the service area
17 of a certificate of necessity or an existing certificate of necessity.] [A
18 REQUEST FOR AN ADDITIONAL REVIEW PURSUANT TO THIS PARAGRAPH SHALL BE MADE
19 IN WRITING TO THE DEPARTMENT AND SHOW CAUSE FOR THE REQUEST. ANY AGENCY
20 DECISION PURSUANT TO THIS PARAGRAPH IS NOT AN APPEALABLE AGENCY ACTION.]

22 5. Determine, fix, alter and regulate bases of operation. The
23 director may issue a certificate of necessity to more than one ambulance
24 service within any base of operation. For the purposes of this paragraph,
25 "base of operation" means a service area granted under a certificate of
26 necessity.

27 6. Issue, amend, transfer, suspend or revoke certificates of
28 necessity under terms consistent with this article.

29 7. Prescribe a uniform system of accounts to be used by ambulance
30 services that conforms to standard accounting forms and principles for the
31 ambulance industry and generally accepted accounting principles.

32 8. Require the filing of an annual financial report and other data.
33 These rules shall require an ambulance service to file the report with the
34 department not later than one hundred eighty days after the completion of
35 its annual accounting period.

36 9. Regulate ambulance services in all matters affecting services to
37 the public to the end that this article may be fully carried out.

38 10. Prescribe bonding requirements, if any, for ambulance services
39 granted authority to provide any type of subscription service.

40 11. Offer technical assistance to ambulance services to ensure
41 compliance with the rules.

42 12. Offer technical assistance to ambulance services in order to
43 obtain or to amend a certificate of necessity.

44 13. Inspect, at a maximum of twelve-month intervals, each ambulance
45 registered pursuant to section 36-2212 to ensure that the vehicle is
46 operational and safe and that all required medical equipment is
47 operational. At the request of the provider, the inspection may be
48 performed by a facility approved by the director. If a provider requests

1 that the inspection be performed by a facility approved by the director,
2 the provider shall pay the cost of the inspection.

3 B. The director may require any ambulance service offering
4 subscription service contracts to obtain a bond in an amount determined by
5 the director that is based on the number of subscription service contract
6 holders and to file the bond with the director to protect all subscription
7 service contract holders in this state who are covered under that
8 subscription contract.

9 C. An ambulance service shall:

10 1. Maintain, establish, add, move or delete suboperation stations
11 within its base of operation to ensure that the ambulance service meets
12 the established response times or those approved by the director in a
13 political subdivision contract.

14 2. Determine the operating hours of its suboperation stations to
15 provide for coverage of its base of operation.

16 3. Provide the department with a list of suboperation station
17 locations.

18 4. Notify the department not later than thirty days after the
19 ambulance service makes a change in the number or location of its
20 suboperation stations.

21 5. ~~Beginning January 1, 2024,~~ Install and maintain an electronic
22 global positioning system monitoring device in each vehicle that is used
23 for transport to record on-scene arrival times for response time
24 measurement. The department shall provide a waiver on a
25 department-approved form to an ambulance service that can reasonably
26 demonstrate it is unable to meet the requirements of this paragraph.

27 D. At any time, the director or the director's agents may:

28 1. Inquire into the operation of an ambulance service, including a
29 person operating an ambulance that has not been issued a certificate of
30 registration or a person who does not have or is operating outside of a
31 certificate of necessity.

32 2. Conduct on-site inspections of facilities, communications
33 equipment, vehicles, procedures, materials and equipment.

34 3. Review the qualifications of ambulance attendants.

35 E. If all ambulance services that have been granted authority to
36 operate within the same service area or that have overlapping certificates
37 of necessity apply for uniform rates and charges, the director may
38 establish uniform rates and charges for the service area. **IF THE DIRECTOR
39 AWARDS A CERTIFICATE OF NECESSITY WITH A SERVICE AREA WITHIN A SERVICE
40 AREA THAT HAS AN ESTABLISHED UNIFORM RATE, THE DIRECTOR MAY DECLARE THE
41 NEW CERTIFICATE OF NECESSITY AS PART OF THE UNIFORM RATE GROUP AND
42 ESTABLISH RATES FOR THE APPLICANT THAT ARE THE SAME AS THE UNIFORM RATE.
43 IF THE DIRECTOR ESTABLISHES RATES THAT ARE DIFFERENT THAN THE UNIFORM RATE
44 GROUP IN THAT SERVICE AREA, THE RATE GROUP IS DISSOLVED AND THE RATES FOR
45 EACH MEMBER OF THE FORMER RATE GROUP SHALL BE THE LAST APPROVED RATES FOR
46 THE RATE GROUP.**

47 F. In consultation with the medical director of the emergency
48 medical services and trauma system, the emergency medical services council
49 and the medical direction commission, the director of the department of

1 health services shall establish protocols for ambulance services to refer
2 and advise a patient or transport a patient by the most appropriate means
3 to the most appropriate provider of medical services based on the
4 patient's condition. The protocols shall include triage and treatment
5 protocols that allow all classifications of emergency medical care
6 technicians responding to a person who has accessed 911, or a similar
7 public dispatch number, for a condition that does not pose an immediate
8 threat to life or limb to refer and advise a patient or transport a
9 patient to the most appropriate health care institution as defined in
10 section 36-401 based on the patient's condition, taking into consideration
11 factors including patient choice, the patient's health care provider,
12 specialized health care facilities and local protocols.

13 G. The director, when reviewing an ambulance service's response
14 time compliance with its certificate of necessity, shall consider, in
15 addition to other factors:

- 16 1. The effect of hospital diversion. ~~—~~
- 17 2. Delayed emergency department admission.
- 18 3. THE NUMBER OF AMBULANCE SERVICES SERVING THE AFFECTED AREA.
- 19 ~~4. THE DISPATCH PROTOCOLS FOR THE AFFECTED AREA THAT DETERMINE~~
20 ~~WHICH AMBULANCE SERVICE RECEIVES THE CALL.] and~~
- 21 ~~5.]~~ [4.] The number of ambulances engaged in response or
22 transport in the affected area.

23 H. The department shall incorporate all of the following factors
24 when calculating the proposed mileage rate:

- 25 1. The cost of licensure and registration of each ground ambulance
26 vehicle.
- 27 2. The cost of fuel.
- 28 3. The cost of ground ambulance vehicle maintenance.
- 29 4. The cost of ground ambulance vehicle repair.
- 30 5. The cost of tires.
- 31 6. The cost of ground ambulance vehicle insurance.
- 32 7. The cost of mechanic wages, benefits and payroll taxes.
- 33 8. The cost of loan interest related to the ground ambulance
34 vehicles.
- 35 9. The cost of the weighted allocation of overhead.
- 36 10. The cost of ground ambulance vehicle depreciation.
- 37 11. The cost of reserves for replacement of ground ambulance
38 vehicles and equipment.

39 Sec. 2. Section 36-2233, Arizona Revised Statutes, is amended to
40 read:

41 36-2233. Certificate of necessity to operate an ambulance
42 service; notification of interested parties;
43 required posting; exceptions; service areas

44 A. Any person wishing to operate an ambulance service in this state
45 shall apply to the department on a form prescribed by the director for a
46 certificate of necessity.

47 B. Within one hundred eighty days after receiving an application
48 for a certificate of necessity as prescribed in this section, the director
49 shall make a determination based on whether necessity for the ambulance

1 service is found to exist and the applicant meets the requirements of
2 subsection F of this section. If the director requests additional
3 information from the applicant after initial review, the applicant shall
4 have thirty business days to respond. On request, the director may give
5 the applicant one additional period of thirty business days to respond.
6 If the applicant fails to respond to the director's request for additional
7 information, the department shall deem the initial or amended application
8 withdrawn. An application deemed withdrawn is not an appealable agency
9 action pursuant to title 41, chapter 6, article 10. The applicant may
10 appeal a denial only pursuant to section 36-2234. The one hundred
11 eighty-day period for the director to make the determination of necessity
12 does not include the time the applicant uses to respond to requests for
13 additional information.

14 C. On receipt of an initial or amended application for a
15 certificate of necessity, the department shall post a notice of the
16 application on its website. ~~THE DEPARTMENT SHALL ALSO POST ON ITS WEBSITE~~
17 ~~A NOTICE OF {{WHETHER THE APPLICATION IS ADMINISTRATIVELY INCOMPLETE, THE~~
18 ~~RESPONSES TO A NOTICE OF ADMINISTRATIVE INCOMPLETENESS, A NOTICE OF~~
19 ~~WHETHER THE APPLICATION IS ADMINISTRATIVELY COMPLETE, THE RESPONSES TO A~~
20 ~~NOTICE OF ADMINISTRATIVE COMPLETENESS, A NOTICE OF WHETHER THE APPLICATION~~
21 ~~IS SUBSTANTIVELY INCOMPLETE, THE RESPONSES TO A NOTICE OF SUBSTANTIVE~~
22 ~~INCOMPLETENESS, ANY ADDITIONAL REQUESTS BY THE DEPARTMENT FOR INFORMATION~~
23 ~~AND THE RESPONSES TO THE REQUESTS FOR INFORMATION WITHIN THREE BUSINESS~~
24 ~~DAYS AFTER ISSUING OR RECEIVING ANY OF THOSE ITEMS}} {{SUBSTANTIVE~~
25 ~~COMPLETENESS WITHIN THIRTY DAYS AFTER DETERMINING THE APPLICATION IS~~
26 ~~SUBSTANTIVELY COMPLETE}}}. Within thirty days after the department posts
27 ~~a notice pursuant to this subsection~~ ~~THE NOTICE OF SUBSTANTIVE~~
28 ~~COMPLETENESS~~, any interested party may provide information to the director
29 on a form in a department-approved format for consideration. ~~{{THE~~
30 ~~THIRTY-DAY PERIOD FOR INTERESTED PARTIES TO SUBMIT INFORMATION FOR THE~~
31 ~~DIRECTOR'S CONSIDERATION DOES NOT INCLUDE THE TIME THE APPLICANT USES TO~~
32 ~~RESPOND TO A REQUEST FOR ADDITIONAL INFORMATION.}}~~ If an interested party
33 fails to respond to the notice within ~~sixty~~ THIRTY days in a
34 department-approved format, the information may not be considered during
35 the review of the application. ~~{{THE THIRTY DAYS THAT AN INTERESTED PARTY~~
36 ~~HAS TO RESPOND TO A NOTICE OF SUBSTANTIVE COMPLETENESS TOLLS THE TIME~~
37 ~~FRAME THE DEPARTMENT HAS TO MAKE A DECISION REGARDING AN INITIAL OR~~
38 ~~AMENDED APPLICATION FOR A CERTIFICATE OF NECESSITY.}}~~~~

39 D. For the purposes of this section, a city, town, fire district,
40 fire authority or tribal government whose jurisdictional boundaries in
41 whole or in part are within the service area of a certificate of
42 necessity, an existing certificate of necessity holder within the service
43 area of the certificate of necessity or a hospital that is licensed
44 pursuant to chapter 4 of this title and that is located within the service
45 area of a certificate of necessity is considered to be an interested party
46 as a matter of law.

47 E. All interested parties shall be notified of any application for
48 an initial or amended certificate of necessity within fifteen days after
49 the application is filed, within fifteen days after the application is

1 complete and within fifteen days after a decision by the director. The
2 director's decision pursuant to subsection F of this section is final
3 unless appealed pursuant to section 36-2234, subsection A.

4 F. The director shall issue a certificate of necessity if all of
5 the following apply:

6 1. The director finds that public necessity requires the service or
7 any part of the service proposed by the applicant.

8 2. The director finds that the applicant is fit and proper to
9 provide the service.

10 3. The applicant has paid the appropriate fees pursuant to section
11 36-2240.

12 4. The applicant has filed a surety bond pursuant to section
13 36-2237.

14 G. A certificate of necessity issued pursuant to subsection F of
15 this section shall be for all or part of the service proposed by the
16 applicant as determined necessary by the director for public convenience
17 and necessity.

18 H. This section does not require a certificate of necessity for:

19 1. Vehicles and persons that are exempt from a certificate of
20 registration pursuant to section 36-2217.

21 2. Ambulance services operating under temporary authority pursuant
22 to section 36-2242.

23 I. The director may grant a service area by one or any combination
24 of the following descriptions:

25 1. Metes and bounds.

26 2. A city, town or political subdivision not limited to a specific
27 date. The merger or consolidation of two or more fire districts pursuant
28 to section 48-820 or 48-822 does not expand the service area boundaries of
29 an existing certificate of necessity.

30 3. A city, town or political subdivision as of a specific date that
31 does not include annexation.

32 Sec. 3. Section 36-2234, Arizona Revised Statutes, is amended to
33 read:

34 36-2234. Hearings; waiver of hearing; appeals; emergency
35 action; suspension; judicial review; definition

36 A. The applicant or any certificate of necessity holder whose
37 ambulance service area in whole or in part is within the affected service
38 area of the initial or amended certificate of necessity may appeal
39 pursuant to title 41, chapter 6, article 10 the director's determination
40 within thirty days after the decision. If an appeal is made, the director
41 shall require THAT a public hearing be held within one hundred twenty days
42 after the hearing notice is issued on the director's determination on the
43 initial or amended certificate of necessity.

44 B. For the purposes of any hearing held pursuant to this section, a
45 city, town, fire district, fire authority or tribal government whose
46 jurisdictional boundaries in whole or in part are within the service area
47 of a certificate of necessity, an existing certificate of necessity holder
48 within the service area of the certificate of necessity or a hospital that
49 is licensed pursuant to chapter 4 of this title and that is located within

1 the service area of a certificate of necessity is considered to be an
2 interested party as a matter of law.

3 C. The director shall require a public hearing on any proposed
4 action relating to an adjustment of general public rates, charges or
5 certificate of necessity transfers unless subsection E, G or O of this
6 section applies.

7 D. An appeal pursuant to subsection A of this section or a public
8 hearing held pursuant to subsection C of this section shall meet the
9 following requirements:

10 1. The hearing shall be held pursuant to title 41, chapter 6,
11 article 10, except as specifically provided in this section.

12 2. The director shall mail notice of the hearing to every ambulance
13 service in the affected region and every interested party as specified in
14 subsection B of this section not later than fifteen days before the
15 hearing.

16 3. The director may mail notice to other persons who the director
17 determines are interested in the hearing.

18 4. In a hearing or rehearing conducted pursuant to this article, an
19 ambulance service may be represented by a corporate officer, an employee
20 or a designee who has been specifically authorized by the ambulance
21 service to represent it.

22 5. A certificate of necessity appeal hearing may not last more than
23 five consecutive business days unless the administrative law judge
24 ~~determines, in writing, on the final day of the hearing that there is an~~
25 ~~extraordinary need for additional hearing days~~ AND THE PARTIES TO THE
26 HEARING DETERMINE BEFORE THE HEARING OR BEFORE THE END OF THE SCHEDULED
27 FINAL DAY OF THE HEARING THAT MORE TIME IS REQUIRED. The administrative
28 law judge in that case may add up to five additional consecutive business
29 days for the hearing. ~~The additional hearing days shall be calendared~~
30 ~~within thirty days after the end of the initial hearing.~~

31 6. The administrative law judge of the office of administrative
32 hearings shall issue a written decision within twenty days after the
33 hearing is concluded. The written decision shall contain a concise
34 explanation of the reasons supporting the decision, including the findings
35 of fact and conclusions of law. The administrative law judge shall serve
36 a copy of the decision on the department and all parties to the action.
37 On request of the department, the office of administrative hearings shall
38 also transmit to the department the record of the hearing as described in
39 section 12-904. A copy of the administrative law judge's decision is
40 deemed sent on personal delivery of the decision or five days after the
41 decision is mailed to the director.

42 7. Within thirty days after the date the office of administrative
43 hearings sends a copy of the administrative law judge's decision to the
44 department, the director shall review the decision and accept, reject or
45 modify the decision. If the director rejects or modifies the decision,
46 the director must file with the office of administrative hearings and
47 serve on all parties a copy of the administrative law judge's decision
48 with the director's rejection or modification and a written justification
49 setting forth the reasons for the rejection or modification of each

1 finding of fact or conclusion of law. If there is a rejection or
2 modification of a conclusion of law, the written justification shall be
3 sent to the president of the senate and the speaker of the house of
4 representatives.

5 8. If the director does not accept, reject or modify the
6 administrative law judge's decision within thirty days after the date the
7 office of administrative hearings sends a copy of the administrative law
8 judge's decision to the director, as evidenced by receipt of such action
9 by the office of administrative hearings on or before the thirtieth day,
10 the office of administrative hearings shall certify the administrative law
11 judge's decision as the final administrative decision.

12 9. The decision entered as specifically provided by this subsection
13 is the final administrative decision.

14 E. The director may waive the hearing required under subsection C
15 of this section if notification, including a general description of the
16 proposed action of the department and the time and manner for any
17 interested person to request a hearing, is given and all of the following
18 apply:

19 1. Notification of the proposed action has been sent to every
20 ambulance service in the affected region not later than fifteen days
21 before the action.

22 2. The director has notified other persons who the director
23 determines are interested in the proposed action not later than fifteen
24 days before the action.

25 3. The director has published notice of the proposed action in a
26 newspaper of general circulation in the affected region at least once each
27 week for two consecutive weeks before the action is taken.

28 4. The director has received no requests within the fifteen-day
29 notification period for a hearing to be held on the proposed action.

30 F. If the director receives a request pursuant to subsection E,
31 paragraph 4 of this section, the director shall hold a hearing in
32 compliance with subsection D of this section.

33 G. The director shall not hold a hearing if a person requests a
34 hearing regarding a rate increase that does not exceed the amount computed
35 as follows:

36 1. Determine the percentage growth in the transportation consumer
37 price index of the United States department of labor, bureau of labor
38 statistics, from the end of the second preceding calendar year to the
39 calendar year immediately preceding the calendar year for which the rate
40 increase is requested.

41 2. Determine the percentage growth in the medical care consumer
42 price index of the United States department of labor, bureau of labor
43 statistics, from the end of the second preceding calendar year to the
44 calendar year immediately preceding the calendar year for which the rate
45 increase is requested.

46 3. Add the amount determined in paragraph 1 of this subsection to
47 the amount determined in paragraph 2 of this subsection and divide the sum
48 by two.

1 H. A rate increase authorized pursuant to subsection G of this
2 section is deemed to be fixed by the department at the requested level.
3 Notwithstanding subsection E of this section, the department shall hold a
4 hearing pursuant to section 36-2232, subsection E for any proposed uniform
5 rate or charge that exceeds the annual rate increase prescribed in
6 subsection G of this section. The department shall require the applicants
7 to submit the following information signed by the designated financial
8 officer and the chief executive of the ambulance service who has fiduciary
9 responsibility for providing accurate financial information:

10 1. A financial statement for the previous twenty-four months
11 relating to the certificated areas.

12 2. Any additional information the department requires to analyze
13 the request.

14 I. If an ambulance service with an established general public rate
15 applies for a contract rate or range of rates that is up to thirty percent
16 less than its established rate, the director shall grant the rate without
17 a public hearing or waiver, and without any right of intervention, unless
18 within ninety days after the filing of a completed application the
19 director determines that the contract rate or range of rates applied for
20 does not accurately reflect the cost and economics of providing the
21 contract services, would adversely affect the service available to the
22 general public in the area of service as designated by its certificate of
23 necessity or would cause any fixed rate, fare or charge to the general
24 public to be adversely affected.

25 J. If the department disallows a proposed contract rate pursuant to
26 subsection I of this section, the ambulance service has a right to a
27 hearing for review of the proposed contract rate or range of rates.

28 K. The director may adopt rules for the establishment of a contract
29 rate or range of rates that may be implemented and that exceeds the thirty
30 percent rate variance identified pursuant to subsection I of this section.

31 L. Subsections I, J and K of this section are limited to contract
32 rates or a range of rates applied for prescheduled, interfacility or
33 convalescent transports.

34 M. A service contract between an ambulance service and a political
35 subdivision of this state, including local fire districts, **REGARDLESS OF**
36 **WHETHER THE POLITICAL SUBDIVISION HOLDS A CERTIFICATE OF NECESSITY**, shall
37 be filed with and approved by the department in accordance with the
38 following requirements:

39 1. On receipt of the proposed contract, the department has fifteen
40 days to review the contract and notify the ambulance service of any
41 additional information the department requires, recommended corrections or
42 any provision that does or may violate this article.

43 2. The ambulance service has fifteen days to provide the department
44 with the information requested or to submit a revised or amended contract
45 if required under paragraph 1 of this subsection.

46 3. The contract becomes effective fifteen days after the ambulance
47 service complies with the department's request unless the department
48 determines that any rate or charge or other provisions specified in the
49 contract will cause any fixed rate or charge to the general public rate to

1 be adversely affected or the contract would be in violation of the
2 ambulance service's certificate of necessity.

3 4. If the department disallows a proposed contract pursuant to this
4 subsection, the ambulance service has a right to a hearing for review of
5 the proposed contract.

6 5. The rates and charges contained in the contract are the rates
7 and charges fixed by the director in a decision or order for the ambulance
8 service and conform to the ambulance service's current or subsequent
9 general public rates and charges.

10 6. The area of response is within the ambulance service's
11 certificated area.

12 N. In case of emergency, the director may take action providing for
13 immediate suspension of a certificate of registration or a certificate of
14 necessity, or both, under this section without notice or a hearing if the
15 director determines that a potential threat to the public health and
16 safety exists. If such an action is taken by the director, the director
17 shall conduct a hearing within ten days after the date of the director's
18 action unless the person against whom the action is directed waives the
19 right to have a hearing held within ten days. If the ten-day hearing
20 requirement is waived, the director shall set a date mutually agreeable to
21 the interested parties. The purpose of the hearing is to review the
22 decision of the director to take such an action. The director shall make
23 findings of fact and may continue, suspend or modify the director's
24 action.

25 O. The director shall waive the hearing required under subsection C
26 of this section if geographic changes in suboperation stations do not
27 alter the service area or adversely affect approved response times.

28 P. Except as provided in section 41-1092.08, subsection H, a final
29 decision of the director relating to an adjustment of general public
30 rates, charges or certificate of necessity transfers is subject to
31 judicial review pursuant to title 12, chapter 7, article 6.

32 Q. The final administrative decision of the director or the
33 administrative law judge as prescribed in subsection D of this section for
34 an initial or amended certificate of necessity is subject to judicial
35 review pursuant to title 12, chapter 7, article 6.

36 R. For the purposes of this section, "hearing day":

37 1. Means any portion of a business day that is used for any
38 hearing-related activity, including testimony, argument or presentation of
39 evidence.

40 2. Does not include prehearing conferences or other administrative
41 matters that occur before the start of the hearing.

42 Sec. 4. Section 36-2235, Arizona Revised Statutes, is amended to
43 read:

44 36-2235. Terms of certificates of necessity; initial term;
45 renewal

46 A. The initial certificate of necessity issued pursuant to section
47 36-2233 to each ambulance service shall be for a term of one year.

48 B. IF THE HOLDER OF THE CERTIFICATE OF NECESSITY APPLIES FOR A
49 RENEWAL AND PAYS THE FEES PRESCRIBED IN SECTION 36-2240 AT LEAST SIXTY

1 DAYS BEFORE THE EXPIRATION DATE OF THE CERTIFICATE OF NECESSITY, EVEN IF
2 THE DEPARTMENT HAS NOT COMPLETED THE REVIEW OF THE APPLICATION TO RENEW
3 THE CERTIFICATE AND THE DIRECTOR HAS NOT MADE A DETERMINATION OF THE
4 ACTIONS TO BE TAKEN BASED ON THE APPLICATION BEFORE THE EXPIRATION DATE OF
5 THE CERTIFICATE OF NECESSITY, THE DIRECTOR SHALL ISSUE A ~~{{RENEWED}}~~
6 ~~{{TEMPORARY}}~~ CERTIFICATE OF NECESSITY ~~{{FOR ONE YEAR TO ALLOW TIME TO~~
7 ~~COMPLETE THE REVIEW OF THE APPLICATION}}~~ ~~{{FOR NOT MORE THAN ONE HUNDRED~~
8 ~~TWENTY DAYS. ON THE EXPIRATION OF A TEMPORARY CERTIFICATE OF NECESSITY~~
9 ~~ISSUED PURSUANT TO THIS SUBSECTION, THE DIRECTOR SHALL RENEW THE~~
10 ~~CERTIFICATE PURSUANT TO SUBSECTION C OF THIS SECTION}}~~.

11 ~~B-~~ C. On the expiration of a certificate of necessity, if the
12 holder of the certificate meets all requirements, applies for a renewal
13 and pays the fees prescribed in section 36-2240, the director shall renew
14 the certificate for a term of three years without public hearing or waiver
15 unless cause is shown to set a hearing to consider denial or renewal for a
16 shorter term.

17 ~~C-~~ D. If the director does not conclude a hearing to show cause
18 within ninety days of the expiration date of the certificate, the
19 certificate shall be renewed for a period of not less than one year. The
20 term of the certificate shall be extended to three years if the director
21 determines that cause is not established for denial or renewal for a
22 shorter term. For the purposes of this subsection, "hearing to show
23 cause" means a hearing ordered by the director pursuant to section 36-2245
24 to determine ~~if~~ WHETHER any grounds exist to prevent an ambulance service
25 from carrying out the provisions of subsection ~~B-~~ C of this section during
26 the current term of the certificate.

27 Sec. 5. Section 36-2239, Arizona Revised Statutes, is amended to
28 read:

29 36-2239. Ambulance services; rates; charges; adjustment;
30 civil penalty

31 A. An ambulance service that applies to adjust its rates or charges
32 shall automatically be granted a rate increase equal to the amount
33 determined under section 36-2234, subsection G, if the ambulance service
34 is so entitled. An automatic rate adjustment that is granted pursuant to
35 this subsection and that is filed on or before April 1 is effective June 1
36 of that year. The department shall notify the applicant and each health
37 care services organization as defined in section 20-1051 of the rate
38 adjustment on or before May 1 of that year.

39 B. Notwithstanding subsection E of this section, if the department
40 does not hold a hearing within ninety days after an ambulance service
41 applies to the department to adjust its rates or charges, the ambulance
42 service may adjust its rates or charges to an amount not to exceed the
43 amount sought by the ambulance service in its application to the
44 department. An ambulance service shall not apply to adjust its rates or
45 charges more than once every six months.

46 C. At the time the department holds a hearing on the rates or
47 charges of an ambulance service pursuant to section 36-2234, the
48 department may adjust the rates or charges adjusted by the ambulance

1 service pursuant to subsection B of this section, but the adjustment shall
2 not be retroactive.

3 D. Except as provided in subsection H of this section, an ambulance
4 service shall not charge, demand or collect any remuneration for any
5 service greater or less than or different from the rate or charge
6 determined and fixed by the department as the rate or charge for that
7 service. An ambulance service may charge for disposable supplies, medical
8 supplies and medication and oxygen related costs if the charges do not
9 exceed the manufacturer's suggested retail price, are uniform throughout
10 the ambulance service's certificated area and are filed with the director.
11 An ambulance service shall not refund or limit in any manner or by any
12 device any portion of the rates or charges for a service that the
13 department has determined and fixed or ordered as the rate or charge for
14 that service.

15 E. The department shall determine and render its decision regarding
16 all rates or charges within ninety days after commencement of the
17 applicant's hearing to adjust rates or charges. If the department does
18 not render its decision as required by this subsection, the ambulance
19 service may adjust its rates and charges to an amount that does not exceed
20 the amounts sought by the ambulance service in its application to the
21 department. If the department renders a decision to adjust the rates or
22 charges to an amount less than that requested in the application and the
23 ambulance service has adjusted its rates and charges higher than the
24 adjustment approved by the department, within thirty days after the
25 department's decision the ambulance service shall refund to the
26 appropriate ratepayer the difference between the ambulance service's
27 adjusted rates and charges and the rates and charges ordered by the
28 department. The ambulance service shall provide evidence to the
29 department that the refund has been made. If the ambulance service fails
30 to comply with this subsection, the director may impose a civil penalty
31 subject to the limits provided in section 36-2245.

32 F. An ambulance service shall charge the advanced life support base
33 rate as prescribed by the director under any of the following
34 circumstances:

35 1. A person requests an ambulance by dialing telephone number 911,
36 or a similarly designated telephone number for emergency calls, and all of
37 the following apply:

38 (a) The ambulance is staffed with at least one ambulance attendant
39 AND ONE AMBULANCE ATTENDANT WHO IS QUALIFIED TO ADMINISTER ADVANCED LIFE
40 SUPPORT.

41 (b) The ambulance is equipped with all required advanced life
42 support medical equipment and supplies for the advanced life support
43 attendants in the ambulance.

44 (c) The patient receives advanced life support services or is
45 transported by the advanced life support unit.

46 2. Advanced life support is requested by a medical authority or by
47 the patient.

1 3. The ambulance attendants administer one or more specialized
2 treatment activities or procedures as prescribed by the department by
3 rule.

4 G. An ambulance service shall charge the basic life support base
5 rate as prescribed by the director under any of the following
6 circumstances:

7 1. A person requests an ambulance by dialing telephone number 911,
8 or a similarly designated telephone number for emergency calls, and all of
9 the following apply:

10 (a) The ambulance is staffed with two ambulance attendants
11 certified by this state.

12 (b) The ambulance is equipped with all required basic life support
13 medical equipment and supplies for the basic life support medical
14 attendants in the ambulance.

15 (c) The patient receives basic life support services or is
16 transported by the basic life support unit.

17 2. Basic life support transportation or service is requested by a
18 medical authority or by the patient, unless any provision of subsection F
19 of this section applies, in which case the advanced life support rate
20 applies.

21 3. For an interfacility transport when the ambulance is staffed
22 with at least one ambulance attendant as defined in section 36-2201,
23 paragraph 6, subdivision (a), (c), (d) or (e).

24 H. For each contract year, the Arizona health care cost containment
25 system administration and its contractors and subcontractors shall provide
26 remuneration for ambulance services for persons who are enrolled in or
27 covered by the Arizona health care cost containment system in an amount
28 equal to 68.59 percent of the amounts as prescribed by the department as
29 of July 1 of each year for services specified in subsections F and G of
30 this section and 68.59 percent of the mileage charges as determined by the
31 department as of July 1 of each year pursuant to section 36-2232. The
32 Arizona health care cost containment system administration shall annually
33 adjust the Arizona health care cost containment system fee schedule
34 according to the department's approved ambulance service rate in effect as
35 of July 1 of each year. The rate adjustments made pursuant to this
36 subsection are effective beginning October 1 of each year.

37 I. In establishing rates and charges, the director shall consider
38 the following factors:

39 1. The transportation needs assessment of the medical response
40 system in a political subdivision.

41 2. The medical care consumer price index of the United States
42 department of labor, bureau of labor statistics.

43 3. Whether a review is made by a local emergency medical services
44 coordinating system in regions where that system is designated as to the
45 appropriateness of the proposed service level.

46 4. The rate of return on gross revenue.

47 5. Response times pursuant to section 36-2232, subsection A,
48 paragraphs 3 and 4.

Senate Amendments to S.B. 1345

1 J. Notwithstanding section 36-2234, an ambulance service may charge
2 an amount for medical assessment, equipment or treatment that exceeds the
3 requirements of section 36-2205 if requested or required by a medical
4 provider or patient.

5 K. Notwithstanding subsections D, F and G of this section, an
6 ambulance service may provide gratuitous services if an ambulance is
7 dispatched and the patient subsequently declines to be treated or
8 transported.

9 Enroll and engross to conform

10 Amend title to conform

THOMAS "T.J." SHOPE

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