

COMMITTEE ON TRANSPORTATION & INFRASTRUCTURE
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2124
(Reference to printed bill)

Amendment instruction key:

[GREEN UNDERLINING IN BRACKETS] indicates text added to statute or previously enacted session law.

[Green underlining in brackets] indicates text added to new session law or text restoring existing law.

~~[GREEN STRIKEOUT IN BRACKETS]~~ indicates new text removed from statute or previously enacted session law.

~~[Green strikeout in brackets]~~ indicates text removed from existing statute, previously enacted session law or new session law.

<<Green carets>> indicate a section added to the bill.

~~<<Green strikeout in carets>>~~ indicates a section removed from the bill.

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

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

17 3. "Advanced life support" means the level of assessment and care
18 identified in the scope of practice approved by the director for the
19 advanced emergency medical technician, emergency medical technician I-99
20 and paramedic.

21 4. "Advanced life support base hospital" means a health care
22 institution that offers general medical and surgical services, that is
23 certified by the director as an advanced life support base hospital and
24 that is affiliated by written agreement with a licensed ambulance service,
25 municipal rescue service, fire department, fire district or health
26 services district for medical direction, evaluation and control of
27 emergency medical care technicians.

1 5. "Ambulance":

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

8 (b) Does not include a surface vehicle that is owned and operated
9 by a private sole proprietor, partnership, private corporation or
10 municipal corporation for the emergency transportation and in-transit care
11 of its employees or a vehicle that is operated to accommodate an
12 incapacitated person or person with a disability who does not require
13 medical monitoring, care or treatment during transport and that is not
14 advertised as having medical equipment and supplies or ambulance
15 attendants.

16 6. "Ambulance attendant" means any of the following:

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

21 (b) An emergency medical responder who is employed by an ambulance
22 service operating under section 36-2202 and whose primary responsibility
23 is driving an ambulance.

24 (c) A physician who is licensed pursuant to title 32, chapter 13
25 or 17.

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

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

32 7. "Ambulance service" means a person who owns and operates one or
33 more ambulances.

34 8. "Basic life support" means the level of assessment and care
35 identified in the scope of practice approved by the director for the
36 emergency medical responder and emergency medical technician.

37 9. "Bureau" means the bureau of emergency medical services and
38 trauma system in the department.

39 10. "Centralized medical direction communications center" means a
40 facility that is housed within a hospital, medical center or trauma center
41 or a freestanding communication center that meets the following criteria:

42 (a) Has the ability to communicate with ambulance services and
43 emergency medical services providers rendering patient care outside of the
44 hospital setting via radio and telephone.

45 (b) Is staffed twenty-four hours a day seven days a week by at
46 least a physician licensed pursuant to title 32, chapter 13 or 17.

- 1 11. "Certificate of necessity" means a certificate that is issued
2 to an ambulance service by the department and that describes the
3 following:
- 4 (a) The service area.
 - 5 (b) The level of service.
 - 6 (c) The type of service.
 - 7 (d) The hours of operation.
 - 8 (e) The effective date.
 - 9 (f) The expiration date.
 - 10 (g) The legal name and address of the ambulance service.
 - 11 (h) The any limiting or special provisions the director prescribes.
- 12 12. "Council" means the emergency medical services council.
- 13 13. "Department" means the department of health services.
- 14 14. "Director" means the director of the department of health
15 services.
- 16 15. "DIRECT OWNER" MEANS A PERSON THAT HAS AN OWNERSHIP OR CONTROL
17 INTEREST IN A HOSPITAL TOTALING FIFTY-ONE PERCENT OR MORE.
- 18 ~~15-~~ 16. "Emergency medical care technician" means an individual
19 who has been certified by the department as an emergency medical
20 technician, an advanced emergency medical technician, an emergency medical
21 technician I-99 or a paramedic.
- 22 ~~16-~~ 17. "Emergency medical responder" as an ambulance attendant,
23 whose primary responsibility is driving an ambulance, means a person who
24 has successfully completed training in an emergency medical responder
25 program that is certified by the director or is approved by the emergency
26 medical services provider's administrative medical director on file with
27 the department or in an equivalent training program.
- 28 ~~17-~~ 18. "Emergency medical responder program" means a program that
29 has been submitted for review by the department and includes at least the
30 following:
- 31 (a) Emergency vehicle driver training.
 - 32 (b) Cardiopulmonary resuscitation certification.
 - 33 (c) Automated external defibrillator training.
 - 34 (d) Training in the use of noninvasive diagnostic devices,
35 including blood glucose monitors and pulse oximeters.
 - 36 (e) Training on obtaining a patient's vital signs, including blood
37 pressure, pulse and respiratory rate.
- 38 ~~18-~~ 19. "Emergency medical services" means those services required
39 following an accident or an emergency medical situation:
- 40 (a) For on-site emergency medical care.
 - 41 (b) To transport the sick or injured by a licensed ground or air
42 ambulance.
 - 43 (c) In using emergency communications media.
 - 44 (d) In using emergency receiving facilities.
 - 45 (e) In administering initial care and preliminary treatment
46 procedures by emergency medical care technicians.

1 ~~19.~~ 20. "Emergency medical services provider" means any
2 governmental entity, quasi-governmental entity or corporation whether
3 public or private that renders emergency medical services in this state.
4 ~~20.~~ 21. "Emergency medical technician" means a person who has been
5 trained in an emergency medical technician program certified by the
6 director or in an equivalent training program and who is certified by the
7 director as qualified to render services pursuant to section 36-2205.
8 ~~21.~~ 22. "Emergency receiving facility" means a licensed health
9 care institution that offers emergency medical services, is staffed
10 twenty-four hours a day and has a physician on call.
11 ~~22.~~ 23. "Fit and proper" means that the director determines that
12 an applicant for a certificate of necessity, A HOSPITAL PROVIDING
13 INTERFACILITY TRANSPORT or a certificate holder has the expertise,
14 integrity, fiscal competence and resources to provide ambulance service in
15 the service area.
16 24. "HOSPITAL" MEANS A CLASS OF HEALTH CARE INSTITUTION AS DEFINED
17 IN SECTION 36-401 THAT, THROUGH AN ORGANIZED MEDICAL STAFF, PROVIDES
18 INPATIENT BEDS, MEDICAL SERVICES, CONTINUOUS NURSING SERVICES AND
19 DIAGNOSES OR TREATMENT, OR BOTH, TO A PATIENT.
20 25. "INDIRECT OWNER":
21 (a) MEANS A PERSON THAT HAS AN OWNERSHIP OR CONTROL INTEREST IN A
22 DIRECT OWNER TOTALING FIFTY-ONE PERCENT OR MORE.
23 (b) INCLUDES AN OWNERSHIP OR CONTROL INTEREST IN AN INDIRECT OWNER
24 TOTALING FIFTY-ONE PERCENT OR MORE AND A COMBINATION OF DIRECT OWNERSHIP
25 AND INDIRECT OWNERSHIP OR CONTROL INTERESTS TOTALING FIFTY-ONE PERCENT OR
26 MORE IN THE HOSPITAL.
27 26. "INTERFACILITY TRANSPORT" MEANS ~~[AN]~~ [A GROUND] AMBULANCE
28 TRANSPORT OF A PATIENT FROM ONE HEALTH CARE INSTITUTION TO ANOTHER HEALTH
29 CARE INSTITUTION AS DEFINED IN SECTION 36-401.
30 ~~23.~~ 27. "Medical record" means any patient record, including
31 clinical records, prehospital care records, medical reports, laboratory
32 reports and statements, any file, film, record or report or oral
33 statements relating to diagnostic findings, treatment or outcome of
34 patients, whether written, electronic or recorded, and any information
35 from which a patient or the patient's family might be identified.
36 ~~24.~~ 28. "National certification organization" means a national
37 organization that tests and certifies the ability of an emergency medical
38 care technician and whose tests are based on national education standards.
39 ~~25.~~ 29. "National education standards" means the emergency medical
40 services education standards of the United States department of
41 transportation or other similar emergency medical services education
42 standards developed by that department or its successor agency.
43 ~~26.~~ 30. "Paramedic" means a person who has been trained in a
44 paramedic program certified by the director or in an equivalent training
45 program and who is certified by the director to render services pursuant
46 to section 36-2205.

1 ~~27.~~ 31. "Physician" means any person licensed pursuant to title
2 32, chapter 13 or 17.

3 ~~28.~~ 32. "Police dog":

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

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

11 ~~29.~~ 33. "Stretcher van" means a vehicle that contains a stretcher
12 and that is operated to accommodate an incapacitated person or person with
13 a disability who does not require medical monitoring, aid, care or
14 treatment during transport.

15 ~~30.~~ 34. "Suboperation station" means a physical facility or
16 location at which an ambulance service conducts operations for the
17 dispatch of ambulances and personnel and that may be staffed twenty-four
18 hours a day or less as determined by system use.

19 ~~31.~~ 35. "Trauma center" means any acute care hospital that
20 provides in-house twenty-four-hour daily dedicated trauma surgical
21 services that is designated pursuant to section 36-2225.

22 ~~32.~~ 36. "Trauma registry" means data collected by the department
23 on trauma patients and on the incidence, causes, severity, outcomes and
24 operation of a trauma system and its components.

25 ~~33.~~ 37. "Trauma system" means an integrated and organized
26 arrangement of health care resources having the specific capability to
27 perform triage, transport and provide care.

28 ~~34.~~ 38. "Validated testing procedure" means a testing procedure
29 that includes practical skills, or attests practical skills proficiency on
30 a form developed by the department by the educational training program,
31 identified pursuant to section 36-2204, paragraph 2, that is certified as
32 valid by an organization capable of determining testing procedure and
33 testing content validity and that is recommended by the medical direction
34 commission and the emergency medical services council before the
35 director's approval.

36 ~~35.~~ 39. "Wheelchair van" means a vehicle that contains or that is
37 designed and constructed or modified to contain a wheelchair and that is
38 operated to accommodate an incapacitated person or person with a
39 disability who does not require medical monitoring, aid, care or treatment
40 during transport.

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

43 36-2233. Certificate of necessity to operate an ambulance
44 service; notification of interested parties;
45 exceptions; service areas

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

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

20 C. On receipt of an initial or amended application for a
21 certificate of necessity, the department shall post a notice of the
22 application on its website. Within thirty days after the department posts
23 a notice pursuant to this subsection, any interested party may provide
24 information to the director on a form in a department-approved format for
25 consideration. If an interested party fails to respond to the notice
26 within sixty days in a department-approved format, the information may not
27 be considered during the review of the application.

28 D. For the purposes of this section, a city, town, fire district,
29 fire authority or tribal government whose jurisdictional boundaries in
30 whole or in part are within the service area of a certificate of
31 necessity, an existing certificate of necessity holder within the service
32 area of the certificate of necessity or a hospital that is licensed
33 pursuant to chapter 4 of this title and that is located within the service
34 area of a certificate of necessity is considered to be an interested party
35 as a matter of law.

36 E. All interested parties shall be notified of any application for
37 an initial or amended certificate of necessity within fifteen days after
38 the application is filed, within fifteen days after the application is
39 complete and within fifteen days after a decision by the director. The
40 director's decision pursuant to subsection F of this section is final
41 unless appealed pursuant to section 36-2234, subsection A.

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

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

46 2. The director finds that the applicant is fit and proper to
47 provide the service.

1 3. The applicant has paid the appropriate fees pursuant to section
2 36-2240.

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

5 G. A certificate of necessity issued pursuant to subsection F of
6 this section shall be for all or part of the service proposed by the
7 applicant as determined necessary by the director for public convenience
8 and necessity.

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

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

12 2. Ambulance services operating under temporary authority pursuant
13 to section 36-2242.

14 3. AMBULANCE SERVICES OWNED OR OPERATED BY A DIRECT OWNER OR
15 INDIRECT OWNER OF A HOSPITAL FOR INTERFACILITY TRANSPORTS. ALL RULES
16 ADOPTED BY THE DEPARTMENT PURSUANT TO THIS CHAPTER RELATING TO
17 INTERFACILITY TRANSPORTATION APPLY TO A DIRECT OWNER OR INDIRECT OWNER OF
18 A HOSPITAL THAT OPERATES AN AMBULANCE SERVICE FOR INTERFACILITY TRANSPORT.

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

21 1. Metes and bounds.

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

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

28 <<Sec. 3. Title 36, chapter 21.1, article 2, Arizona Revised
29 Statutes, is amended by adding section 36-2248, to read:

30 36-2248. Interfacility transports; right of first refusal;
31 documentation

32 [A. AN AMBULANCE SERVICE THAT HOLDS A CERTIFICATE OF NECESSITY FOR
33 INTERFACILITY TRANSPORT SHALL HAVE THE RIGHT OF FIRST REFUSAL TO PROVIDE
34 INTERFACILITY TRANSPORTATION WITHIN ITS SERVICE AREA IF THE TRANSFER CAN
35 BE MADE BOTH:

36 1. WITHIN THE TIME FRAME SPECIFIED BY THE CURRENT CERTIFICATE OF
37 NECESSITY OR AS NEGOTIATED BETWEEN THE HEALTH CARE INSTITUTION AND THE
38 AMBULANCE SERVICE PURSUANT TO SUBSECTION D OF THIS SECTION.

39 2. WITH THE MEDICAL EQUIPMENT AND TRAINED PERSONNEL NECESSARY TO
40 TRANSFER THE PATIENT SAFELY AS DETERMINED BY THE PATIENT'S TREATING
41 MEDICAL PROVIDER.

42 B. THE TRANSFERRING HEALTH CARE INSTITUTION SHALL DOCUMENT THE
43 COMMUNICATION MADE TO THE AMBULANCE SERVICE THAT HOLDS THE CERTIFICATE OF
44 NECESSITY FOR INTERFACILITY TRANSPORT AND THE INTERFACILITY TRANSPORT
45 DETAILS, INCLUDING ALL OF THE FOLLOWING:

46 1. THE DETAILS OF THE TRANSFER REQUEST.

1 2. THE REQUIRED TIME FRAME FOR THE TRANSFER AS SPECIFIED BY THE
2 CURRENT CERTIFICATE OF NECESSITY OR AS NEGOTIATED BETWEEN THE HEALTH CARE
3 INSTITUTION AND THE AMBULANCE SERVICE PURSUANT TO SUBSECTION D OF THIS
4 SECTION.

5 3. THE REQUIRED MEDICAL EQUIPMENT AND TRAINED PERSONNEL AS
6 SPECIFIED BY THE PATIENT'S TREATING MEDICAL PROVIDER.

7 4. WHETHER THE AMBULANCE SERVICE THAT HOLDS THE CERTIFICATE OF
8 NECESSITY FOR INTERFACILITY TRANSPORT EXERCISED THE RIGHT OF FIRST
9 REFUSAL.

10 5. WHICH AMBULANCE SERVICE ULTIMATELY TRANSPORTED THE PATIENT AND
11 THE REASONS WHY.

12 C. IF AN AMBULANCE SERVICE THAT HOLDS A CERTIFICATE OF NECESSITY
13 FOR INTERFACILITY TRANSPORT EXERCISES THE RIGHT OF FIRST REFUSAL TO
14 PROVIDE INTERFACILITY TRANSPORTATION WITHIN ITS SERVICE AREA BUT DOES NOT
15 MEET THE TIME FRAME AS SPECIFIED BY THE CURRENT CERTIFICATE OF NECESSITY
16 OR AS NEGOTIATED BETWEEN THE HEALTH CARE INSTITUTION AND THE AMBULANCE
17 SERVICE PURSUANT TO SUBSECTION D OF THIS SECTION OR DOES NOT MEET THE
18 REQUIRED MEDICAL EQUIPMENT OR TRAINED PERSONNEL AS SPECIFIED BY THE
19 PATIENT'S TREATING MEDICAL PROVIDER, THE TRANSFERRING HEALTH CARE
20 INSTITUTION MAY MAKE OTHER INTERFACILITY TRANSPORT ARRANGEMENTS FOR THE
21 PATIENT.

22 D. IF A CERTIFICATE OF NECESSITY DOES NOT OUTLINE RESPONSE TIMES
23 FOR INTERFACILITY TRANSPORT, A SEPARATE CONTRACT SHALL BE NEGOTIATED
24 BETWEEN THE AMBULANCE SERVICE AND THE HEALTH CARE INSTITUTION SPECIFYING
25 REASONABLE PERFORMANCE GUIDELINES FOR INTERFACILITY TRANSPORT
26 SERVICES. THE CURRENT AMBULANCE SERVICE THAT HOLDS THE CERTIFICATE OF
27 NECESSITY FOR INTERFACILITY TRANSPORTS SHALL MAINTAIN PRIMARY
28 RESPONSIBILITY FOR INTERFACILITY TRANSPORTS UNTIL THE AGREEMENT IS
29 REACHED. AN AMBULANCE SERVICE AND A HEALTH CARE INSTITUTION MAY USE
30 BINDING ARBITRATION TO FINALIZE A REASONABLE CONTRACT AT THE EXPENSE OF
 THE HEALTH CARE INSTITUTION.]>>

32 Enroll and engross to conform

33 Amend title to conform

And, as so amended, it do pass

LEO BIASIUCCI
CHAIRMAN

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