

REFERENCE TITLE: emergency medical services

State of Arizona
House of Representatives
Fiftieth Legislature
Second Regular Session
2012

HB 2261

Introduced by
Representatives Carter, Ash, Judd: Brophy McGee, Pierce, Yee

AN ACT

AMENDING SECTIONS 9-500.02, 36-104, 36-471, 36-2201, 36-2202, 36-2202.01, 36-2203, 36-2203.01, 36-2204, 36-2204.01, 36-2204.02, 36-2205, 36-2206, 36-2208, 36-2209, 36-2210, 36-2211, 36-2220, 36-2222, 36-2227, 36-2232, 36-2244, 36-2245, 36-2264, 41-1005, 41-1831 AND 48-818, ARIZONA REVISED STATUTES; RELATING TO EMERGENCY MEDICAL SERVICES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 9-500.02, Arizona Revised Statutes, is amended to
3 read:
4 9-500.02. Emergency medical aid; assistance to other public
5 bodies; limitation on liability
6 A. A city or town or its officers and employees, a private fire or
7 ambulance company whose services are procured by a city or town or its
8 officers and employees, a property owner or its officers or employees, a
9 tenant or a licensed health care provider as defined in section 12-561 or an
10 emergency medical CARE technician certified pursuant to title 36, chapter
11 21.1 who performs emergency medical aid, when rendering emergency medical aid
12 provided by an emergency medical CARE technician, ~~an intermediate emergency~~
13 ~~medical technician or a paramedic~~ AND who is certified by the director of the
14 department of health services pursuant to section 36-2205, is not liable for
15 civil or other damages to the recipient of the emergency medical aid as the
16 result of any act or omission in rendering such aid or as the result of any
17 act or failure to act to provide or arrange for further medical treatment or
18 care for the sick or injured person. This subsection does not apply if the
19 person providing emergency medical aid is guilty of gross negligence or
20 intentional misconduct. The immunity provided for in this subsection does
21 not extend to an emergency medical CARE technician, ~~an intermediate emergency~~
22 ~~medical technician or a paramedic~~ while operating a motor vehicle.
23 B. A city or town, an employee of a city or town or a licensed health
24 care provider if requested by a public body to assist at a traffic accident
25 on a public right-of-way or to render emergency aid at an emergency
26 occurrence outside of the corporate limits of such city or town is not liable
27 for any civil or other damages as the result of any act or omission by the
28 city or town or an employee of the city or town at the traffic accident,
29 rendering emergency care or as the result of any act or failure to act to
30 provide or arrange for further medical treatment or care for an injured
31 person. This subsection does not apply if the city or town, an employee of
32 the city or town or a licensed health care provider, while providing
33 assistance at such a traffic accident, rendering such emergency care or
34 acting or failing to act to provide such further medical treatment or care,
35 is guilty of gross negligence.
36 C. This section does not abrogate the right of an employee who is
37 injured while performing services as provided in subsection A of this section
38 to recover benefits for which the employee may be eligible under title 23,
39 chapter 6 from the city or town.
40 D. This section does not limit a plaintiff's right to recover civil
41 damages from any applicable uninsured motorist coverage or underinsured
42 motorist coverage.

1 E. This section does not apply to services provided in an emergency
2 room.

3 F. This section applies to all actions brought under sections 46-455
4 and 46-456, regardless of whether the action is brought by the recipient of
5 the emergency medical aid or by some other authorized person, organization or
6 governmental entity.

7 Sec. 2. Section 36-104, Arizona Revised Statutes, is amended to read:
8 36-104. Powers and duties

9 This section is not to be construed as a statement of the department's
10 organization. This section is intended to be a statement of powers and
11 duties in addition to the powers and duties granted by section 36-103. The
12 director shall:

13 1. Administer the following services:

14 (a) Administrative services, which shall include at a minimum the
15 functions of accounting, personnel, standards certification, electronic data
16 processing, vital statistics and the development, operation and maintenance
17 of buildings and grounds utilized by the department.

18 (b) Public health support services, which shall include at a minimum:

19 (i) Consumer health protection programs that include at least the
20 functions of community water supplies, general sanitation, vector control and
21 food and drugs.

22 (ii) Epidemiology and disease control programs that include at least
23 the functions of chronic disease, accident and injury control, communicable
24 diseases, tuberculosis, venereal disease and others.

25 (iii) Laboratory services programs.

26 (iv) Health education and training programs.

27 (v) Disposition of human bodies programs.

28 (c) Community health services, which shall include at a minimum:

29 (i) Medical services programs that include at least the functions of
30 maternal and child health, preschool health screening, family planning,
31 public health nursing, premature and newborn program, immunizations,
32 nutrition, dental care prevention and migrant health.

33 (ii) Dependency health care services programs that include at least
34 the functions of need determination, availability of health resources to
35 medically dependent individuals, quality control, utilization control and
36 industry monitoring.

37 (iii) Physically disabled children's services programs.

38 (iv) Programs for the prevention and early detection of an
39 intellectual disability.

40 (d) Program planning, which shall include at least the following:

41 (i) An organizational unit for comprehensive health planning programs.

42 (ii) Program coordination, evaluation and development.

43 (iii) Need determination programs.

44 (iv) Health information programs.

- 1 2. Include and administer, within the office of the director, staff
2 services, which shall include at a minimum budget preparation, public
3 information, appeals, hearings, legislative and federal government liaison,
4 grant development and management and departmental and interagency
5 coordination.
- 6 3. Make rules and regulations for the organization and proper and
7 efficient operation of the department.
- 8 4. Determine when a health care emergency or medical emergency
9 situation exists or occurs within the state that cannot be satisfactorily
10 controlled, corrected or treated by the health care delivery systems and
11 facilities available. When such a situation is determined to exist, the
12 director shall immediately report that situation to the legislature and the
13 governor. The report shall include information on the scope of the
14 emergency, recommendations for solution of the emergency and estimates of
15 costs involved.
- 16 5. Provide a system of unified and coordinated health services and
17 programs between the state and county governmental health units at all levels
18 of government.
- 19 6. Formulate policies, plans and programs to effectuate the missions
20 and purposes of the department.
- 21 7. Make contracts and incur obligations within the general scope of
22 the department's activities and operations subject to the availability of
23 funds.
- 24 8. Be designated as the single state agency for the purposes of
25 administering and in furtherance of each federally supported state plan.
- 26 9. Provide information and advice on request by local, state and
27 federal agencies and by private citizens, business enterprises and community
28 organizations on matters within the scope of the department's duties subject
29 to the departmental rules and regulations on the confidentiality of
30 information.
- 31 10. Establish and maintain separate financial accounts as required by
32 federal law or regulations.
- 33 11. Advise with and make recommendations to the governor and the
34 legislature on all matters concerning the department's objectives.
- 35 12. Take appropriate steps to reduce or contain costs in the field of
36 health services.
- 37 13. Encourage and assist in the adoption of practical methods of
38 improving systems of comprehensive planning, of program planning, of priority
39 setting and of allocating resources.
- 40 14. Encourage an effective use of available federal resources in this
41 state.
- 42 15. Research, recommend, advise and assist in the establishment of
43 community or area health facilities, both public and private, and encourage
44 the integration of planning, services and programs for the development of the
45 state's health delivery capability.

1 16. Promote the effective utilization of health manpower and health
2 facilities that provide health care for the citizens of this state.

3 17. Take appropriate steps to provide health care services to the
4 medically dependent citizens of this state.

5 ~~18. Certify training on the nature of sudden infant death syndrome for
6 use by professional firefighters and certified emergency medical technicians
7 as part of their basic and continuing training requirement.~~

8 ~~19.~~ 18. Certify training on the nature of sudden infant death
9 syndrome, which shall include information on the investigation and handling
10 of cases involving sudden and unexplained infant death for use by law
11 enforcement officers as part of their basic training requirement.

12 ~~20.~~ 19. Adopt protocols on the manner in which an autopsy shall be
13 conducted under section 11-597, subsection D in cases of sudden and
14 unexplained infant death.

15 ~~21.~~ 20. Cooperate with the Arizona-Mexico commission in the governor's
16 office and with researchers at universities in this state to collect data and
17 conduct projects in the United States and Mexico on issues that are within
18 the scope of the department's duties and that relate to quality of life,
19 trade and economic development in this state in a manner that will help the
20 Arizona-Mexico commission to assess and enhance the economic competitiveness
21 of this state and of the Arizona-Mexico region.

22 ~~22.~~ 21. Administer the federal family violence prevention and services
23 act grants, and the department is designated as this state's recipient of
24 federal family violence prevention and services act grants.

25 ~~23.~~ 22. Accept and spend private grants of monies, gifts and devises
26 for the purposes of methamphetamine education. The department shall disburse
27 these monies to local prosecutorial or law enforcement agencies with existing
28 programs, faith based organizations and nonprofit entities that are qualified
29 under section 501(c)(3) of the United States internal revenue code, including
30 nonprofit entities providing services to women with a history of dual
31 diagnosis disorders, and that provide educational programs on the
32 repercussions of methamphetamine use. State general fund monies shall not be
33 spent for the purposes of this paragraph. If the director does not receive
34 sufficient monies from private sources to carry out the purposes of this
35 paragraph, the director shall not provide the educational programs prescribed
36 in this paragraph. Grant monies received pursuant to this paragraph are no
37 lapsing and do not revert to the state general fund at the close of the
38 fiscal year.

39 ~~24.~~ 23. Identify successful methamphetamine prevention programs in
40 other states that may be implemented in this state.

41 ~~25.~~ 24. Pursuant to chapter 13, article 8 of this title, coordinate
42 all public health and risk assessment issues associated with a chemical or
43 other toxic fire event if a request for the event is received from the
44 incident commander, the emergency response commission or the department of
45 public safety and if funding is available. Coordination of public health

1 issues shall include general environmental health consultation and risk
2 assessment services consistent with chapter 13, article 8 of this title and,
3 in consultation with the Arizona poison control system, informing the public
4 as to potential public health risks from the environmental exposure.
5 Pursuant to chapter 13, article 8 of this title, the department of health
6 services shall also prepare a report, in consultation with appropriate state,
7 federal and local governmental agencies, that evaluates the public health
8 risks from the environmental exposure. The department of health services'
9 report shall include any department of environmental quality report and map
10 of smoke dispersion from the fire, the results of any environmental samples
11 taken by the department of environmental quality and the toxicological
12 implications and public health risks of the environmental exposure. The
13 department of health services shall consult with the Arizona poison control
14 system regarding toxicology issues and shall prepare and produce its report
15 for the public as soon as practicable after the event. The department of
16 health services shall not use any monies pursuant to section 49-282,
17 subsection E to implement this paragraph.

18 Sec. 3. Section 36-471, Arizona Revised Statutes, is amended to read:
19 36-471. Persons authorized to collect human specimens or blood

20 A. Only a person authorized by law shall collect human bodily
21 materials. Technical personnel of a laboratory may collect blood, remove
22 stomach contents and collect material for smears and cultures or inject
23 substances under the direction or ~~upon~~ ON the written request of a licensed
24 physician for examination by a licensed laboratory.

25 B. ~~Emergency~~ Paramedics, ~~intermediate~~ ADVANCED emergency medical
26 technicians or personnel who have written approval of the director may
27 collect blood and collect material for smears and cultures under the
28 direction or ~~upon~~ ON the written request of a licensed physician.

29 Sec. 4. Section 36-2201, Arizona Revised Statutes, is amended to read:
30 36-2201. Definitions

31 In this chapter, unless the context otherwise requires:

32 1. "Administrative medical direction" means supervision of ~~certified~~
33 emergency medical CARE technicians by a base hospital medical director,
34 administrative medical director or basic life support medical director. For
35 the purposes of this paragraph, "administrative medical director" means a
36 physician who is licensed pursuant to title 32, chapter 13 or 17 and who
37 provides direction within the emergency medical services AND TRAUMA system.

38 ~~20-~~ 2. "~~Intermediate~~ ADVANCED emergency medical technician" means a
39 person who has been trained in an ~~intermediate~~ ADVANCED emergency medical
40 technician program certified by the director or in an equivalent training
41 program and who is certified by the director to render services pursuant to
42 section 36-2205.

43 3. "ADVANCED LIFE SUPPORT" MEANS THE LEVEL OF ASSESSMENT AND CARE
44 IDENTIFIED IN THE SCOPE OF PRACTICE APPROVED BY THE DIRECTOR FOR THE ADVANCED

1 EMERGENCY MEDICAL TECHNICIAN, EMERGENCY MEDICAL TECHNICIAN I-99 AND
2 PARAMEDIC.

3 ~~2-~~ 4. "Advanced life support base hospital" means a health care
4 institution that offers general medical and surgical services, that is
5 certified by the director as an advanced life support base hospital and that
6 is affiliated by written agreement with a licensed ambulance service,
7 municipal rescue service, fire department, fire district or health services
8 district for medical direction, evaluation and control of emergency medical
9 CARE technicians.

10 ~~3-~~ 5. "Ambulance" means any publicly or privately owned surface,
11 water or air vehicle, including a helicopter, that contains a stretcher and
12 necessary medical equipment and supplies pursuant to section 36-2202 and that
13 is especially designed and constructed or modified and equipped to be used,
14 maintained or operated primarily for the transportation of individuals who
15 are sick, injured or wounded or who require medical monitoring or aid.
16 Ambulance does not include a surface vehicle that is owned and operated by a
17 private sole proprietor, partnership, private corporation or municipal
18 corporation for the emergency transportation and in-transit care of its
19 employees or a vehicle that is operated to accommodate an incapacitated or
20 disabled person who does not require medical monitoring, care or treatment
21 during transport and that is not advertised as having medical equipment and
22 supplies or ambulance attendants.

23 ~~4-~~ 6. "Ambulance attendant" means any of the following:

24 (a) ~~A certified~~ AN emergency medical technician, AN ADVANCED EMERGENCY
25 MEDICAL TECHNICIAN, AN EMERGENCY MEDICAL TECHNICIAN I-99 OR A PARAMEDIC
26 whose primary responsibility is the care of patients in an ambulance and who
27 meets the standards and criteria adopted pursuant to section 36-2204.

28 (b) ~~A first~~ AN EMERGENCY MEDICAL responder who is employed by an
29 ambulance service operating under ~~the provisions of~~ section 36-2202, ~~AND~~
30 whose primary responsibility is the driving of an ambulance.

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

33 (d) A professional nurse who is licensed pursuant to title 32, chapter
34 15 and who meets the state board of nursing criteria to care for patients in
35 the prehospital care system.

36 (e) A professional nurse who is licensed pursuant to title 32, chapter
37 15 and whose primary responsibility is the care of patients in an ambulance
38 during an interfacility transport.

39 ~~5-~~ 7. "Ambulance service" means a person who owns and operates one or
40 more ambulances.

41 8. "BASIC LIFE SUPPORT" MEANS THE LEVEL OF ASSESSMENT AND CARE
42 IDENTIFIED IN THE SCOPE OF PRACTICE APPROVED BY THE DIRECTOR FOR THE
43 EMERGENCY MEDICAL RESPONDER AND EMERGENCY MEDICAL TECHNICIAN.

44 9. "BUREAU" MEANS THE BUREAU OF EMERGENCY MEDICAL SERVICES AND TRAUMA
45 SYSTEM IN THE DEPARTMENT.

1 ~~7.~~ 10. "Centralized medical direction communications center" means a
2 facility that is housed within a hospital, medical center or trauma center or
3 a freestanding communication center that meets the following criteria:
4 (a) Has the ability to communicate with ambulance services and
5 emergency medical services providers rendering patient care outside of the
6 hospital setting via radio and telephone.
7 (b) Is staffed twenty-four hours a day seven days a week by at least a
8 physician licensed pursuant to title 32, chapter 13 or 17.
9 ~~8.~~ 11. "Certificate of necessity" means a certificate that is issued
10 to an ambulance service by the department and that describes the following:
11 (a) Service area.
12 (b) Level of service.
13 (c) Type of service.
14 (d) Hours of operation.
15 (e) Effective date.
16 (f) Expiration date.
17 (g) Legal name and address of the ambulance service.
18 (h) Any limiting or special provisions the director prescribes.
19 ~~10.~~ 12. "Council" means the emergency medical services council.
20 ~~11.~~ 13. "Department" means the department of health services.
21 ~~12.~~ 14. "Director" means the director of the department of health
22 services.
23 ~~13. "Division" means the division of emergency medical services within~~
24 ~~the department.~~
25 ~~9.~~ 15. "Certified Emergency medical CARE technician" means an
26 individual who has been certified by the department as a ~~basic~~ AN emergency
27 medical technician, an ~~intermediate-emergency~~ ADVANCED EMERGENCY medical
28 technician, AN EMERGENCY MEDICAL TECHNICIAN I-99 or an ~~emergency~~ A paramedic.
29 ~~18.~~ 16. "First EMERGENCY MEDICAL responder" as an ambulance attendant
30 means a person who has been trained ~~under the supervision of a qualified~~
31 ~~first responder instructor, who provides patient care and treatment in~~
32 ~~accordance with the United States department of transportation first~~
33 ~~responder curriculum and who meets all of the following requirements:~~ IN AN
34 EMERGENCY MEDICAL RESPONDER PROGRAM CERTIFIED BY THE DIRECTOR OR IN AN
35 EQUIVALENT TRAINING PROGRAM AND WHO IS CERTIFIED BY THE DIRECTOR TO RENDER
36 SERVICES PURSUANT TO SECTION 26-2205.
37 ~~(a) Has successfully completed the United States department of~~
38 ~~transportation first responder national standard curriculum course.~~
39 ~~(b) Has successfully completed the national registry first responder~~
40 ~~examination and has submitted proof of this fact to the person's current~~
41 ~~employer.~~
42 ~~(c) Successfully completes the United States department of~~
43 ~~transportation first responder refresher national standard curriculum at~~
44 ~~least once every two years.~~

1 ~~14.~~ 17. "Emergency medical services" means those services required
2 following an accident or an emergency medical situation:
3 (a) For on-site emergency medical care.
4 (b) For the transportation of the sick or injured by a licensed ground
5 or air ambulance.
6 (c) In the use of emergency communications media.
7 (d) In the use of emergency receiving facilities.
8 (e) In administering initial care and preliminary treatment procedures
9 by ~~certified~~ emergency medical CARE technicians.
10 ~~15.~~ 18. "Emergency medical services provider" means any governmental
11 entity, quasi-governmental entity or corporation whether public or private
12 that renders emergency medical services in this state.
13 ~~6.~~ 19. "~~Basic~~ Emergency medical technician" means a person who has
14 been trained in ~~specific emergency care in a basic~~ AN emergency medical
15 technician program certified by the director or in an equivalent training
16 program and who is certified by the director as qualified to render services
17 pursuant to section 36-2205.
18 ~~17.~~ 20. "Emergency receiving facility" means a licensed health care
19 institution that offers emergency medical services, is staffed twenty-four
20 hours a day and has a physician on call.
21 ~~19.~~ 21. "Fit and proper" means that the director determines that an
22 applicant for a certificate of necessity or a certificate holder has the
23 expertise, integrity, fiscal competence and resources to provide ambulance
24 service in the service area.
25 ~~21.~~ 22. "Medical record" means any patient record, including clinical
26 records, prehospital care records, medical reports, laboratory reports and
27 statements, any file, film, record or report or oral statements relating to
28 diagnostic findings, treatment or outcome of patients, whether written,
29 ELECTRONIC or recorded, and any information from which a patient or the
30 patient's family might be identified.
31 23. "NATIONAL CERTIFICATION ORGANIZATION" MEANS A NATIONAL ORGANIZATION
32 THAT TESTS AND CERTIFIES THE ABILITY OF AN EMERGENCY MEDICAL CARE TECHNICIAN
33 AND WHOSE TESTS ARE BASED ON NATIONAL EDUCATION STANDARDS.
34 24. "NATIONAL EDUCATION STANDARDS" MEANS THE EMERGENCY MEDICAL SERVICES
35 EDUCATION STANDARDS OF THE UNITED STATES DEPARTMENT OF TRANSPORTATION OR
36 OTHER SIMILAR EMERGENCY MEDICAL SERVICES EDUCATION STANDARDS DEVELOPED BY
37 THAT DEPARTMENT OR ITS SUCCESSOR AGENCY.
38 ~~16.~~ 25. "~~Emergency Paramedic~~" or "Paramedic" means a person who has
39 been trained in ~~an emergency~~ A paramedic ~~training~~ program certified by the
40 director or in an equivalent training program and who is certified by the
41 director to render services pursuant to section 36-2205.
42 ~~22.~~ 26. "Physician" means any person licensed ~~under the provisions of~~
43 PURSUANT TO title 32, chapter 13 or 17.

1 ~~23. "Qualified first responder instructor" means a person tested and~~
2 ~~certified as a first responder instructor by the American red cross or the~~
3 ~~national safety council or an equivalent organization.~~

4 ~~24.~~ 27. "Stretcher van" means a vehicle that contains a stretcher and
5 that is operated to accommodate an incapacitated or disabled person who does
6 not require medical monitoring, aid, care or treatment during transport.

7 ~~25.~~ 28. "Suboperation station" means a physical facility or location
8 at which an ambulance service conducts operations for the dispatch of
9 ambulances and personnel and that may be staffed twenty-four hours a day or
10 less as determined by system use.

11 ~~26.~~ 29. "Trauma center" means any acute care hospital that provides
12 in-house twenty-four hour daily dedicated trauma surgical services **THAT IS**
13 **DESIGNATED PURSUANT TO SECTION 36-2225.**

14 ~~27.~~ 30. "Trauma registry" means data collected by the department on
15 trauma patients and on the incidence, causes, severity, outcomes and
16 operation of a trauma system and its components.

17 ~~28.~~ 31. "Trauma system" means an integrated and organized arrangement
18 of health care resources having the specific capability to perform triage,
19 transport and provide care.

20 32. **"VALIDATED TESTING PROCEDURE" MEANS A TESTING PROCEDURE THAT IS**
21 **INCLUSIVE OF PRACTICAL SKILLS, OR AN ATTESTATION OF PRACTICAL SKILLS**
22 **PROFICIENCY ON A FORM DEVELOPED BY THE DEPARTMENT BY THE EDUCATIONAL TRAINING**
23 **PROGRAM, IDENTIFIED PURSUANT TO SECTION 36-2204, PARAGRAPH 2, THAT IS**
24 **CERTIFIED AS VALID BY AN ORGANIZATION CAPABLE OF DETERMINING TESTING**
25 **PROCEDURE AND TESTING CONTENT VALIDITY AND THAT IS RECOMMENDED BY THE MEDICAL**
26 **DIRECTION COMMISSION AND THE EMERGENCY MEDICAL SERVICES COUNCIL BEFORE THE**
27 **DIRECTOR'S APPROVAL.**

28 ~~29.~~ 33. "Wheelchair van" means a vehicle that contains or that is
29 designed and constructed or modified to contain a wheelchair and that is
30 operated to accommodate an incapacitated or disabled person who does not
31 require medical monitoring, aid, care or treatment during transport.

32 Sec. 5. Section 36-2202, Arizona Revised Statutes, is amended to read:

33 ~~36-2202.~~ Duties of the director; qualifications of medical
34 director

35 A. The director shall:

36 1. Appoint a medical director of **THE** emergency medical services **AND**
37 **TRAUMA SYSTEM.**

38 2. Adopt standards and criteria for the denial or granting of
39 certification and recertification of emergency medical **CARE** technicians ~~and~~
40 ~~deny certification of, certify and recertify emergency medical technicians.~~
41 These standards shall allow the department to certify qualified **basic**
42 emergency medical **CARE** technicians ~~and paramedics, without requiring~~
43 ~~completion of~~ **WHO HAVE COMPLETED** statewide standardized training required
44 under section 36-2204, paragraph 1 ~~or passage of~~ **AND** a standardized
45 certification test required under section 36-2204, paragraph 2, ~~if the person~~

1 ~~holds OR WHO HOLD~~ valid ~~registration~~ CERTIFICATION with ~~the~~ A national
2 ~~registry of emergency medical technicians, at the corresponding emergency~~
3 ~~medical technician level~~ CERTIFICATION ORGANIZATION. ~~A basic emergency~~
4 ~~medical technician or paramedic who is certified because the technician or~~
5 ~~paramedic holds a valid registration with the national registry of emergency~~
6 ~~medical technicians must complete the statewide standardized training~~
7 ~~required under section 36-2204, paragraph 1 or pass the standardized~~
8 ~~certification test required under section 36-2204, paragraph 2, within six~~
9 ~~months after the technician or paramedic is certified pursuant to this~~
10 ~~paragraph.~~ BEFORE THE DIRECTOR MAY CONSIDER APPROVING A STATEWIDE
11 STANDARDIZED TRAINING OR A STANDARDIZED CERTIFICATION TEST, OR BOTH, EACH OF
12 THESE MUST FIRST BE RECOMMENDED BY THE MEDICAL DIRECTION COMMISSION AND THE
13 EMERGENCY MEDICAL SERVICES COUNCIL TO ENSURE THAT THE STANDARDIZED TRAINING
14 CONTENT IS CONSISTENT WITH NATIONAL EDUCATION STANDARDS AND THAT THE
15 STANDARDIZED CERTIFICATION TESTS EXAMINES COMPARABLE MATERIAL TO THAT
16 EXAMINED IN THE TESTS OF A NATIONAL CERTIFICATION ORGANIZATION.

17 3. Adopt standards and criteria ~~which~~ THAT pertain to the quality of
18 emergency care pursuant to section 36-2204.

19 4. Adopt rules necessary to carry out ~~the provisions of~~ this chapter.
20 Each rule shall identify all sections and subsections of this chapter under
21 which the rule was formulated.

22 5. Adopt reasonable medical equipment, supply, staffing and safety
23 standards, criteria and procedures for issuance of a certificate of
24 registration to operate an ambulance.

25 6. Maintain a state system for recertifying emergency medical CARE
26 technicians, except as otherwise ~~caused~~ PROVIDED by section 36-2202.01, that
27 is independent from any national ~~registry of emergency medical technicians~~
28 CERTIFICATION ORGANIZATION recertification process. This system shall allow
29 emergency medical CARE technicians to choose to be recertified under the
30 state or the national ~~registry of emergency medical technicians~~ CERTIFICATION
31 ORGANIZATION recertification system subject to subsection ~~G~~ H of this
32 section.

33 B. EMERGENCY MEDICAL TECHNICIANS WHO CHOOSE THE STATE RECERTIFICATION
34 PROCESS SHALL RECERTIFY IN ONE OF THE FOLLOWING WAYS:

35 1. SUCCESSFULLY COMPLETING AN EMERGENCY MEDICAL TECHNICIAN REFRESHER
36 COURSE APPROVED BY THE DEPARTMENT.

37 2. SUCCESSFULLY COMPLETING AN EMERGENCY MEDICAL TECHNICIAN CHALLENGE
38 COURSE APPROVED BY THE DEPARTMENT.

39 3. FOR EMERGENCY MEDICAL CARE TECHNICIANS WHO ARE CURRENTLY CERTIFIED
40 AT THE EMERGENCY MEDICAL TECHNICIAN LEVEL BY THE DEPARTMENT, ATTESTING ON A
41 FORM PROVIDED BY THE DEPARTMENT THAT THE APPLICANT HOLDS A VALID AND CURRENT
42 CARDIOPULMONARY RESUSCITATION CERTIFICATION, HAS AND WILL MAINTAIN DOCUMENTED
43 PROOF OF A MINIMUM OF TWENTY-FOUR HOURS OF CONTINUING MEDICAL EDUCATION
44 WITHIN THE LAST TWO YEARS CONSISTENT WITH DEPARTMENT RULES AND HAS FUNCTIONED

1 IN THE CAPACITY OF AN EMERGENCY MEDICAL TECHNICIAN FOR AT LEAST TWO HUNDRED
2 FORTY HOURS DURING THE LAST TWO YEARS.

3 ~~B.~~ C. After consultation with the emergency medical services council
4 the director may authorize pilot programs designed to improve the safety and
5 efficiency of ambulance inspections for governmental or quasi-governmental
6 entities that provide emergency medical services in this state.

7 ~~C.~~ D. The rules, standards and criteria adopted by the director
8 pursuant to subsection A, paragraphs 2, 3, 4 and 5 of this section shall be
9 adopted in accordance with title 41, chapter 6, except that the director may
10 adopt on an emergency basis pursuant to section 41-1026 rules relating to the
11 regulation of ambulance services in this state necessary to protect the
12 public peace, health and safety in advance of adopting rules, standards and
13 criteria as otherwise provided by this subsection.

14 ~~D.~~ E. The director may waive the requirement for compliance with a
15 protocol adopted pursuant to section 36-2205 if the director determines that
16 the techniques, drug formularies or training ~~make~~ **MAKES** the protocol
17 inconsistent with contemporary medical practices.

18 ~~E.~~ F. The director may suspend a protocol adopted pursuant to
19 section 36-2205 if the director does all of the following:

- 20 1. Determines that the rule is not in the public's best interest.
- 21 2. Initiates procedures pursuant to title 41, chapter 6 to repeal the
22 rule.
- 23 3. Notifies all interested parties in writing of the director's action
24 and the reasons for that action. Parties interested in receiving
25 notification shall submit a written request to the director.

26 ~~F.~~ G. To be eligible for appointment as **THE MEDICAL** director of **THE**
27 emergency medical services **AND TRAUMA SYSTEM**, the person shall be qualified
28 in emergency medicine and shall be licensed as a physician in one of the
29 states of the United States.

30 ~~G.~~ H. Applicants for certification shall apply to the director for
31 certification. Emergency medical **CARE** technicians shall apply for
32 recertification to the director every two years. The director may extend the
33 expiration date of an emergency medical **CARE** technician's certificate for
34 thirty days. The department shall establish a fee for this extension by
35 rule. ~~Certified~~ Emergency medical **CARE** technicians shall pass an examination
36 administered by the department as a condition for recertification only if
37 required to do so by the advanced life support base hospital's medical
38 director or the ~~certified~~ emergency medical **CARE** technician's medical
39 director.

40 ~~H.~~ I. The medical director of **THE** emergency medical services **AND**
41 **TRAUMA SYSTEM** is exempt from ~~the provisions of~~ title 41, chapter 4, articles
42 5 and 6 and is entitled to receive compensation pursuant to section 38-611,
43 subsection A.

44 ~~I.~~ J. The standards, criteria and procedures adopted by the director
45 pursuant to subsection A, paragraph 5 of this section shall require that

1 ambulance services serving a rural or wilderness certificate of necessity
2 area with a population of less than ten thousand persons according to the
3 most recent United States decennial census have at least one ambulance
4 attendant as defined in section 36-2201, paragraph ~~4- 6~~, subdivision (a) and
5 one ambulance attendant as defined in section 36-2201, paragraph ~~4- 6~~,
6 subdivision (b) staffing an ambulance while transporting a patient and that
7 ambulance services serving a population of ten thousand persons or more
8 according to the most recent United States decennial census ~~shall~~ have at
9 least one ambulance attendant as defined in section 36-2201, paragraph ~~4- 6~~,
10 subdivision (a) and one ambulance attendant as defined in section 36-2201,
11 paragraph ~~4- 6~~, subdivision (a), (c), (d) or (e) staffing an ambulance while
12 transporting a patient.

13 ~~J-~~ K. If the department determines there is not a qualified
14 administrative medical director, the department shall ensure the provision of
15 administrative medical direction for ~~a-certified-basic~~ AN emergency medical
16 technician if the ~~certified-basic~~ emergency medical technician meets all of
17 the following criteria:

18 1. Is employed by a ~~not-for-profit~~ NONPROFIT or governmental provider
19 employing less than twelve full-time ~~basic~~ emergency medical ~~technician~~
20 ~~employees~~ TECHNICIANS.

21 2. Stipulates to the inability to secure a physician who is willing to
22 provide administrative medical direction.

23 3. Stipulates that the provider agency does not provide administrative
24 medical direction for its employees.

25 Sec. 6. Section 36-2202.01, Arizona Revised Statutes, is amended to
26 read:

27 36-2202.01. Test administration

28 The test for certification or recertification, pursuant to section
29 36-2202, may be administered by the department or one of the following
30 approved by the director:

31 1. Representatives appointed by the director in consultation with the
32 medical director of THE emergency medical services AND TRAUMA SYSTEM.

33 2. A testing facility.

34 3. An emergency medical services provider or ambulance service
35 provider that has a training or education program. Emergency medical service
36 providers or ambulance service providers may enter into contracts or
37 intergovernmental agreements with other public entities for the purposes of
38 emergency medical CARE technician testing and recertification testing. The
39 training or education program must be staffed by at least three full-time
40 persons who provide education and training to emergency services personnel.
41 Two of these persons must be certified at a minimum of emergency medical CARE
42 technician or higher and at least one person must be a ~~certified-emergency~~
43 paramedic or A registered nurse licensed pursuant to title 32, chapter 15.
44 The medical director of an emergency medical training or education program
45 must be a physician licensed pursuant to title 32, chapter 13 or 17.

1 Sec. 7. Section 36-2203, Arizona Revised Statutes, is amended to read:
2 36-2203. Emergency medical services council; membership;
3 delayed repeal

4 A. The emergency medical services council is established. The medical
5 director of THE emergency medical services AND TRAUMA SYSTEM shall chair the
6 council. The council is composed of the director of the department of public
7 safety and the governor's highway safety coordinator, or their designees, and
8 the following members appointed by the governor to three year terms:

9 1. One representative from each of the four local emergency medical
10 services coordinating systems ~~as defined~~ PRESCRIBED in section 36-2210.

11 2. One physician specializing in emergency medicine from each of the
12 four local emergency medical services coordinating regions ~~as~~ prescribed in
13 section 36-2210.

14 3. One professional nurse who is licensed pursuant to title 32,
15 chapter 15 and who specializes in emergency medicine.

16 4. One emergency medical CARE technician.

17 5. Two representatives from ambulance service corporations.

18 6. Two hospital administrators, one of whom represents a county with a
19 population of less than five hundred thousand persons.

20 7. One representative from each of the three employers of the largest
21 number of emergency medical CARE technicians and paramedics.

22 8. One representative from a nongovernmental employer of ~~intermediate~~
23 emergency medical technicians I-99.

24 9. One representative from the state fire districts.

25 10. One physician who is licensed pursuant to title 32, chapter 13 or
26 17 and who specializes in trauma surgery.

27 11. One representative of a prehospital emergency medical training
28 program.

29 12. Six public members.

30 13. One representative of a volunteer medical rescue program.

31 B. Public members of the council are eligible to receive compensation
32 pursuant to section 38-611.

33 C. This section is repealed from and after January 1, 2020.

34 Sec. 8. Section 36-2203.01, Arizona Revised Statutes, is amended to
35 read:

36 36-2203.01. Medical direction commission; membership; duties

37 A. The medical direction commission is established consisting of the
38 following twelve members:

39 1. The medical director of THE emergency medical services AND TRAUMA
40 SYSTEM in the department of health services who shall serve as chairman.

41 2. The four emergency physicians who serve on the emergency medical
42 services council pursuant to section 36-2203, subsection A, paragraph 2.

43 3. One physician who specializes in toxicology and who has a
44 demonstrated interest or expertise in emergency medical services systems.

- 1 4. One full-time faculty representative of an emergency medicine
2 residency program approved by a residency review commission.
- 3 5. One physician who specializes in trauma surgery and who has a
4 demonstrated interest or expertise in emergency medical services systems.
- 5 6. One emergency physician who has a full-time practice based in a
6 rural area.
- 7 7. One physician who specializes in severe acute head injury treatment
8 or spinal cord care and who has a demonstrated interest or expertise in
9 emergency medical services systems.
- 10 8. One physician ~~specializing~~ WHO SPECIALIZES in pediatric medicine
11 AND who has a demonstrated interest or expertise in emergency medical
12 services systems.
- 13 9. One physician who specializes in cardiac care and who has a
14 demonstrated interest or expertise in emergency medical services systems.
- 15 B. The governor shall make all appointments of members designated
16 pursuant to subsection A, paragraphs 3 through 9 of this section. The
17 governor may accept recommendations for the appointment of commission members
18 from the following organizations:
- 19 1. The Arizona chapter of the American college of emergency
20 physicians.
- 21 2. The Arizona chapter of the American college of surgeons.
- 22 3. The Arizona chapter of the American college of pediatrics.
- 23 4. The Arizona chapter of the American college of physicians.
- 24 C. The commission shall assist the director in developing medical
25 protocols governing the medical treatments, procedures, medications, training
26 and techniques that may be administered or performed by each ~~class~~
27 CLASSIFICATION of emergency medical CARE technicians pursuant to section
28 36-2205.
- 29 D. Members of the commission serve three year terms.
- 30 E. Members of the commission are not entitled to compensation but are
31 entitled to reimbursement of expenses pursuant to title 38, chapter 4,
32 article 2.
- 33 Sec. 9. Section 36-2204, Arizona Revised Statutes, is amended to read:
34 36-2204. Medical control
- 35 The medical director of THE emergency medical services and TRAUMA
36 SYSTEM, the emergency medical services council AND THE MEDICAL DIRECTION
37 COMMISSION shall recommend to the director the following standards and
38 criteria that pertain to the quality of emergency patient care:
- 39 1. Statewide standardized training, certification and recertification
40 standards for all classifications of emergency medical CARE technicians.
- 41 2. A standardized and validated testing procedure for all
42 classifications of emergency medical CARE technicians.
- 43 3. Medical standards for certification and recertification of training
44 programs for all classifications of emergency medical CARE technicians.

1 4. Standardized continuing education criteria for all classifications
2 of emergency medical CARE technicians.

3 5. Medical standards for certification and recertification of
4 certified emergency receiving facilities and advanced life support base
5 hospitals and approval of physicians providing medical control or medical
6 direction for any ~~level~~ CLASSIFICATION of emergency medical CARE technicians
7 who are required to be under medical control or medical direction.

8 6. Standards and mechanisms for monitoring and ongoing evaluation of
9 performance levels of all classifications of emergency medical CARE
10 technicians, emergency receiving facilities and advanced life support base
11 hospitals and approval of physicians providing medical control or medical
12 direction for any ~~level~~ CLASSIFICATION of emergency medical CARE technicians
13 who are required to be under medical control or medical direction.

14 7. Objective criteria and mechanisms for decertification of all
15 classifications of emergency medical CARE technicians, emergency receiving
16 facilities and advanced life support base hospitals and for disapproval of
17 physicians providing medical control or medical direction for any ~~level~~
18 CLASSIFICATION of emergency CARE technicians who are required to be under
19 medical control or medical direction.

20 8. Medical standards for nonphysician ~~pre-hospital~~ PREHOSPITAL
21 treatment and ~~pre-hospital~~ PREHOSPITAL triage of patients requiring emergency
22 medical services.

23 9. Standards for emergency medical dispatcher training, including
24 prearrival instructions. For the purposes of this paragraph, "emergency
25 medical dispatch" means the receipt of calls requesting emergency medical
26 services and the response of appropriate resources to the appropriate
27 location.

28 10. Standards for a quality assurance process for components of the
29 emergency medical services system, including standards for maintaining the
30 confidentiality of the information considered in the course of quality
31 assurance and the records of the activities of quality assurance process
32 pursuant to section 36-2401.

33 11. Standards for ambulance service and medical transportation that
34 give consideration to the differences between urban, rural and wilderness
35 areas.

36 12. Standards to allow an ambulance to transport a patient to a health
37 care institution that is licensed as a special hospital and that is
38 physically connected to an emergency receiving facility.

39 Sec. 10. Section 36-2204.01, Arizona Revised Statutes, is amended to
40 read:

41 36-2204.01. Emergency medical services providers; centralized
42 medical direction communications center

43 An ambulance service or emergency medical services provider may provide
44 centralized medical direction through a centralized medical direction
45 communications center ~~as defined in section 36-2201, paragraph 7.~~

1 Sec. 11. Section 36-2204.02, Arizona Revised Statutes, is amended to
2 read:

3 36-2204.02. Emergency medical services providers:
4 investigations

5 A. In lieu of the requirements of section 36-2211, the director may
6 authorize an ambulance service or emergency medical services provider to
7 investigate, discipline or determine the fitness of an employee to continue
8 to provide patient care. This authority does not apply to the conviction of,
9 a plea of guilty or no contest to or admission in a court proceeding to the
10 elements of a felony. The employer listed on the emergency medical CARE
11 technician's or ambulance attendant's certification or recertification
12 application may limit the practice of the emergency medical CARE technician
13 or ambulance attendant during the investigation if the employer meets all of
14 the following requirements:

- 15 1. Has separate investigative or supervisory staff to conduct an
16 investigation.
- 17 2. Has an employee assistance program for counseling.
- 18 3. Has policies and procedures for drug testing through urinalysis or
19 other generally accepted methods.
- 20 4. Has policies and procedures for monitoring of personnel who are
21 suspected of or who have been convicted of substance abuse.

22 B. An ambulance service or emergency medical services provider that
23 conducts its own disciplinary investigations pursuant to subsection A of this
24 section shall report the following to the medical director of THE emergency
25 medical services AND TRAUMA SYSTEM:

- 26 1. The nature of the allegation.
- 27 2. The level of patient care being delivered by the employee and the
28 supervision of the employee during the investigation or rehabilitative
29 period, or both.
- 30 3. The final outcome of the investigation and the final recommendation
31 on the employee's certification status.

32 C. The decisions of the employer are appealable under the ~~employers~~
33 EMPLOYER'S personnel policies and procedures. EXCEPT AS PROVIDED IN SECTION
34 41-1092.08, SUBSECTION H, the FINAL ADMINISTRATIVE decisions of the director
35 are subject to ~~further~~ judicial review pursuant to ~~title 41, chapter 6,~~
36 ~~article 10~~ TITLE 12, CHAPTER 7, ARTICLE 6.

37 Sec. 12. Section 36-2205, Arizona Revised Statutes, is amended to
38 read:

39 36-2205. Permitted treatment and medication; certification
40 requirement; protocols

41 A. The director, in consultation with the medical director of THE
42 emergency medical services AND TRAUMA SYSTEM, the emergency medical services
43 council and the medical direction commission, shall establish protocols,
44 which may include training criteria, governing the medical treatments,
45 procedures, medications and techniques ~~which~~ THAT may be administered or

1 performed by each ~~class~~ CLASSIFICATION of emergency medical CARE technician.
2 These protocols shall consider the differences in treatments and procedures
3 for regional, urban, rural and wilderness areas and shall require that
4 ~~intermediate~~ emergency medical CARE technicians, ~~emergency paramedics and~~
5 ~~basic emergency medical technicians certified~~ AUTHORIZED to perform advanced
6 LIFE SUPPORT procedures render these treatments, procedures, medications or
7 techniques only under the direction of a physician.

8 ~~B. Certified emergency medical technicians, as defined in section~~
9 ~~36-2201, shall complete training certified by the director on the nature of~~
10 ~~sudden infant death syndrome in order to be certified by the director under~~
11 ~~this section.~~

12 ~~C.~~ B. The protocols adopted by the director pursuant to this section
13 are exempt from title 41, chapter 6.

14 ~~D.~~ C. Notwithstanding subsection ~~C~~ B of this section, a person may
15 petition the director, pursuant to section 41-1033, to amend a protocol
16 adopted by the director.

17 ~~E.~~ D. In consultation with the medical director of THE emergency
18 medical services AND TRAUMA SYSTEM, the emergency medical services council
19 and the medical direction commission, the director ~~of the department of~~
20 ~~health services~~ shall establish protocols for emergency medical providers to
21 refer and advise a patient or transport a patient by the most appropriate
22 means to the most appropriate provider of medical services based on the
23 patient's condition. The protocols shall consider the differences in
24 treatments and procedures for regional, urban, rural and wilderness areas and
25 shall require that ~~intermediate~~ emergency medical CARE technicians, ~~emergency~~
26 ~~paramedics and basic emergency medical technicians certified~~ AUTHORIZED to
27 perform advanced LIFE SUPPORT procedures render these treatments, procedures,
28 medications or techniques only under the direction of a physician.

29 ~~F.~~ E. The protocols established pursuant to subsection ~~E~~ D of this
30 section shall include triage and treatment protocols that allow all ~~classes~~
31 CLASSIFICATIONS of emergency medical CARE technicians responding to a person
32 who has accessed 911, or a similar public dispatch number, for a condition
33 that does not pose an immediate threat to life or limb to ~~—~~

34 ~~1.~~ refer and advise a patient or transport a patient to the most
35 appropriate health care institution, as defined in section 36-401, based on
36 the patient's condition, taking into consideration factors including patient
37 choice, the patient's health care provider, specialized health care
38 facilities and local protocols.

39 ~~2. Provide a list of alternative sites available to deliver care.~~

40 Sec. 13. Section 36-2206, Arizona Revised Statutes, is amended to
41 read:

42 36-2206. Immunity; emergency instructions

43 A. Any health care provider licensed or certified to practice in this
44 state who in good faith gives emergency instructions to ~~certified~~ emergency

1 medical CARE technicians at the scene of an emergency ~~shall~~ IS not be liable
2 for any civil damages as a result of issuing ~~such~~ THOSE instructions.

3 B. Any emergency medical services or health care provider who in good
4 faith provides prearrival instructions following the minimum standards
5 established by the state pursuant to section 36-2204, paragraph 9 is not
6 liable for any civil damages as a result of issuing these instructions.

7 Sec. 14. Section 36-2208, Arizona Revised Statutes, is amended to
8 read:

9 36-2208. Bureau of emergency medical services and trauma system

10 A. There is established within the department a ~~division~~ BUREAU of
11 emergency medical services ~~which~~ AND TRAUMA SYSTEM THAT is responsible for
12 coordinating, establishing and administering a statewide system of emergency
13 medical services, trauma care and a trauma registry.

14 B. This chapter ~~shall~~ DOES not ~~be construed to~~ prevent any individual,
15 law enforcement officer, public agency or member of a city, town, fire
16 district or volunteer fire department from rendering on-site emergency
17 medical care or, if, in terms of the existing medical situation, it is deemed
18 not advisable to await the arrival of an ambulance, from transporting
19 emergency medical patients to a hospital or an emergency receiving facility,
20 except that if any patient objects on religious grounds, ~~such~~ THAT patient
21 shall not be administered any medical treatment or be transported to a
22 hospital or an emergency receiving facility.

23 C. The director shall develop an annual statewide emergency medical
24 and trauma services plan and submit ~~such~~ THAT plan to the council for review
25 and approval. The statewide plan shall then be submitted to the governor for
26 final adoption. ~~Prior to the submission of~~ BEFORE SUBMITTING the plan to the
27 governor, the director shall accept comments from the authorized local
28 agencies ~~as defined in section 36-401~~ and governmental entities.

29 D. A local emergency medical services coordinating system shall
30 develop a regional emergency medical services plan that ~~shall include~~
31 INCLUDES a needs assessment and submit the plan to the director and to the
32 authorized local agencies within the area. The regional plans shall be
33 integrated into the statewide plan by the department.

34 E. The state plan shall contain a budget component for funding local
35 and state emergency medical services systems from the emergency medical
36 services operating fund established pursuant to section 36-2218 based on the
37 needs assessment of the local emergency medical services coordinating system
38 plans. The components shall be included in the department's budget through
39 the normal appropriation process.

40 Sec. 15. Section 36-2209, Arizona Revised Statutes, is amended to
41 read:

42 36-2209. Powers and duties of the director

43 A. The director shall:

44 1. Appoint, ~~—~~ AND define the duties and prescribe the terms ~~and~~
45 ~~conditions~~ of employment of all employees of the ~~division~~ BUREAU.

- 1 2. Adopt rules necessary for the operation of the ~~division~~ BUREAU and
2 for carrying out the purposes of this chapter.
- 3 3. Cooperate with and assist the personnel of emergency receiving
4 facilities and other health care institutions in preparing a plan to be
5 followed by ~~such~~ THESE facilities and institutions in the event of a major
6 disaster.
- 7 4. Cooperate with the state director of emergency management when a
8 state of emergency or a state of war emergency has been declared by the
9 governor.
- 10 B. The director may:
- 11 1. Request the cooperation of utilities, communications media and
12 public and private agencies to aid and assist in the implementation and
13 maintenance of a statewide emergency medical services system.
- 14 2. Enter into contracts and agreements with any local governmental
15 entity, agency, facility or group ~~which~~ THAT provides a similar program of
16 emergency medical services in a contiguous state.
- 17 3. Enter into contracts and agreements for the acquisition and
18 purchase of any equipment, tools, supplies, materials and services necessary
19 in the administration of this chapter.
- 20 4. Enter into contracts with emergency receiving facilities,
21 governmental entities, emergency rescue services and ambulance services, and
22 the director may establish emergency medical services, including emergency
23 receiving facilities, if necessary to assure the availability and quality of
24 ~~such~~ THESE services.
- 25 5. Accept and expend federal funds and private grants, gifts,
26 contributions and devises to assist in carrying out the purposes of this
27 chapter. These funds do not revert to the state general fund at the close of
28 a fiscal year.
- 29 6. Establish an emergency medical services notification system ~~which~~
30 ~~utilizes~~ THAT USES existing telephone communications networks.
- 31 7. Contract with private telephone companies for the establishment of
32 a statewide emergency reporting telephone number.
- 33 8. Authorize the testing entity to collect fees determined by the
34 director. In determining fees for testing entities the director shall
35 consider the fees required by ~~the national registry of emergency medical~~
36 ~~technicians~~ CERTIFICATION ORGANIZATIONS.
- 37 Sec. 16. Section 36-2210, Arizona Revised Statutes, is amended to
38 read:
- 39 36-2210. Local emergency medical services coordinating systems
- 40 The department shall contract with a local emergency medical services
41 coordinating system ~~which~~ THAT:
- 42 1. Conducts needs assessments and plans and coordinates a regional
43 emergency medical and trauma services system within a designated planning
44 area.
- 45 2. Has a governing board.

1 3. Demonstrates continued support annually by action of the governing
2 bodies of the counties, cities, towns and fire districts within the planning
3 area representing a majority of the total population of the area. For the
4 purposes of this paragraph, the county represents the unincorporated areas of
5 the county, except fire districts.

6 4. Offers emergency medical programs for the effective and coordinated
7 delivery of emergency ~~health-care~~ MEDICAL services if authorized by its
8 governing board.

9 Sec. 17. Section 36-2211, Arizona Revised Statutes, is amended to
10 read:

11 36-2211. Grounds for censure, probation, suspension or
12 revocation of emergency medical technician
13 certificate; proceedings; civil penalty; judicial
14 review

15 A. The medical director of THE emergency medical services AND TRAUMA
16 SYSTEM, on behalf of the director, may censure or place on probation an
17 emergency medical CARE technician or suspend or revoke the ~~certificate~~
18 CERTIFICATION issued to any emergency medical CARE technician pursuant to
19 this article for any of the following causes:

20 1. Unprofessional conduct.

21 2. Conviction of, a plea of guilty or no contest to or admission in a
22 court proceeding to the elements of a felony or of a misdemeanor involving
23 moral turpitude during the time that a person is certified as an emergency
24 medical CARE technician. The record of conviction or a copy of ~~such~~ THE
25 record certified by the clerk of the court or by the judge by whom the person
26 was sentenced is conclusive evidence of ~~such~~ conviction.

27 3. Physical or mental incompetence to provide emergency medical
28 services as an emergency medical CARE technician.

29 4. Gross incompetence or gross negligence in the provision of
30 emergency medical services as an emergency medical CARE technician.

31 5. Wilful fraud or misrepresentation in the provision of emergency
32 medical services as an emergency medical CARE technician or in the admission
33 to ~~such~~ THAT practice.

34 6. Use of any narcotic or dangerous drug or intoxicating beverage to
35 an extent that the use impairs the ability to safely conduct the provision of
36 emergency medical services as an emergency medical CARE technician.

37 7. The wilful violation of this chapter or the rules adopted pursuant
38 to this chapter.

39 B. The medical director of THE emergency medical services AND TRAUMA
40 SYSTEM on the medical director's own motion may investigate any evidence
41 ~~which~~ THAT appears to show the existence of any of the causes set forth in
42 subsection A of this section. The medical director ~~of emergency medical~~
43 ~~services~~ shall investigate the report under oath of any person ~~which~~ THAT
44 appears to show the existence of any of the causes set forth in subsection A
45 of this section. Any person reporting pursuant to this section who provides

1 the information in good faith is not subject to liability for civil damages
2 as a result.

3 C. If, in the opinion of the medical director of THE emergency medical
4 services AND TRAUMA SYSTEM, it appears the information is or may be true, the
5 medical director ~~of emergency medical services~~ shall request an informal
6 interview with the emergency medical CARE technician. The interview shall be
7 requested by the medical director ~~of emergency medical services~~ in writing,
8 stating the reasons for the interview and setting a date not less than ten
9 days from the date of the notice for conducting the interview. The written
10 request for an interview shall also state that if the medical director finds
11 that cause exists for censure or probation or the suspension or revocation of
12 the certificate the medical director may impose a civil penalty of not more
13 than three hundred fifty dollars for each occurrence of cause as provided in
14 subsection A of this section. The request for an interview shall also state
15 that each day a cause for discipline exists constitutes a separate offense.

16 D. Following the investigation, including an informal interview if
17 requested, and together with ~~such~~ ANY mental, physical or professional
18 competence examination as the medical director of THE emergency medical
19 services AND TRAUMA SYSTEM deems necessary, the medical director ~~of emergency~~
20 ~~medical services~~ may proceed in the following manner:

21 1. If the medical director ~~of emergency medical services~~ finds that
22 the evidence obtained pursuant to subsections B and C of this section does
23 not warrant censure or probation of the emergency medical CARE technician or
24 suspension or revocation of a certificate, the medical director ~~of emergency~~
25 ~~medical services~~ shall notify the emergency medical CARE technician and
26 terminate the investigation.

27 2. If the medical director ~~of emergency medical services~~ finds that
28 the evidence obtained pursuant to subsections B and C of this section does
29 not warrant suspension or revocation of a certificate but does warrant
30 censure or probation, the medical director ~~of emergency medical services~~ may
31 do either of the following:

32 (a) Issue a decree of censure.

33 (b) Fix ~~such~~ A period and terms of probation best adapted to protect
34 the public health and safety and rehabilitate and educate the emergency
35 medical CARE technician. Failure to comply with any probation is cause for
36 filing a complaint and holding a formal hearing as provided in paragraph 3 of
37 this subsection.

38 3. If the medical director ~~of emergency medical services~~ finds that
39 the evidence obtained pursuant to subsections B and C of this section
40 warrants suspension or revocation of a certificate issued under this article,
41 or if the emergency medical CARE technician under investigation refuses to
42 attend the informal interview authorized in subsection C of this section, a
43 complaint shall be issued and formal proceedings shall be initiated. All
44 proceedings pursuant to this paragraph shall be conducted ~~in accordance with~~
45 PURSUANT TO title 41, chapter 6, article 10.

1 E. If after a hearing as provided in this section any cause for
2 censure, probation, suspension or revocation is found to exist, the emergency
3 medical CARE technician is subject to censure or probation or suspension or
4 revocation of the certificate or any combination of these for ~~such~~ A period
5 of time or permanently and under ~~such~~ conditions as the medical director of
6 THE emergency medical services AND TRAUMA SYSTEM deems appropriate.

7 F. In addition to other disciplinary action provided pursuant to this
8 section, the medical director of THE emergency medical services AND TRAUMA
9 SYSTEM may impose a civil penalty of not more than three hundred fifty
10 dollars for each occurrence of cause as provided in subsection A of this
11 section not to exceed twenty-five hundred dollars. Each day that cause for
12 discipline exists constitutes a separate offense. All monies collected
13 pursuant to this subsection shall be deposited, pursuant to sections 35-146
14 and 35-147, in the state general fund.

15 G. Except as provided in section 41-1092.08, subsection H, final
16 decisions of the medical director of THE emergency medical services AND
17 TRAUMA SYSTEM are subject to judicial review pursuant to title 12, chapter 7,
18 article 6.

19 Sec. 18. Section 36-2220, Arizona Revised Statutes, is amended to
20 read:

21 36-2220. Records; confidentiality; definition

22 A. Information developed, records kept and data collected by the
23 department or a political subdivision of this state for the purpose of
24 administering or evaluating the Arizona emergency medical services system or
25 for the trauma system are available to the public except:

26 1. Any patient record, including clinical records, prehospital care
27 records, medical reports, laboratory statements and reports, any file, film,
28 record or report or oral statement relating to diagnostic findings, treatment
29 or outcome of patients, whether written or recorded, and any information from
30 which a patient, the patient's family or the patient's health care provider
31 or facility might be identified except records, files and information ~~shall~~
32 ~~be~~ ARE available to the patient, the patient's guardian or the patient's
33 agent.

34 2. Information obtained and data collected for purposes of chapter 25
35 or chapter 4, article 5 of this title.

36 B. Unless otherwise provided by law, all medical records developed and
37 kept by a prehospital component of the statewide trauma system and
38 information contained in these records are confidential and may not be
39 released to the public without written authorization by the patient, the
40 patient's guardian or the patient's agent.

41 C. Notwithstanding subsection B of this section, a prehospital
42 incident history report completed and kept by a nonhospital political
43 subdivision of this state is available to the public except for information
44 in that report that is protected from disclosure by the laws of this state or

1 federal law, including ~~but not limited to~~ confidential patient treatment
2 information.

3 D. Patient records and medical records covered by this section may be
4 obtained pursuant to section 12-2294.01.

5 E. Information, documents and records received by the department or
6 prepared by the department in connection with an investigation that is
7 conducted pursuant to this article and that relates to emergency medical CARE
8 technicians are confidential and are not subject to public inspection or
9 civil discovery. The results of the investigation and the decision of the
10 department are available to the public after the investigation is completed
11 and the investigation file is closed.

12 F. For the purposes of this section, "prehospital incident history
13 report" means a record of the prehospital response, nature of the incident
14 and transportation of an emergency medical services patient that is
15 documented on a prehospital incident history report.

16 Sec. 19. Section 36-2222, Arizona Revised Statutes, is amended to
17 read:

18 36-2222. Trauma advisory board; membership; compensation;
19 duties

20 A. The trauma advisory board is established and consists of the
21 following members:

22 1. The medical director of the bureau of THE emergency medical
23 services AND TRAUMA SYSTEM who shall chair the board.

24 2. The director of the department of public safety or the director's
25 designee.

26 3. Four members representing the four regional emergency medical
27 services coordinating councils.

28 4. Two members from trauma centers in this state.

29 5. A representative from a statewide organization representing a
30 national college of surgeons that is a recognized, authoritative body
31 representing national trauma services standards.

32 6. A representative from a statewide fire district association.

33 7. A representative from a statewide hospital association.

34 8. A representative from a federal Indian health services
35 organization.

36 9. A representative from a national organization of emergency
37 physicians that is a recognized, authoritative body representing national
38 emergency medicine standards.

39 10. A representative from a national association of retired persons.

40 11. A representative from a statewide rehabilitation facility.

41 12. A representative from an urban advanced life support base hospital
42 that is not a trauma center.

43 13. A representative from a rural advanced life support base hospital
44 that is not a trauma center.

45 14. A representative from a statewide ambulance association.

1 15. A representative from a fire department in a county with a
2 population of five hundred thousand persons or more according to the most
3 recent United States decennial census.

4 16. A representative of a tribal health organization.

5 17. A representative from a statewide neurosurgical society.

6 18. A representative from a statewide pediatric organization.

7 19. A representative from a society of trauma nurses.

8 20. A representative from a national association of orthopedic trauma.

9 B. Except for board members who serve under subsection A, paragraphs 1
10 and 2 of this section, board members are appointed by the director and serve
11 staggered three year terms.

12 C. The director shall accept recommendations for appointment of board
13 members from organizations representing consumers, insurers and governmental
14 agencies that have an interest in the development of a statewide trauma
15 system, including statewide chapters of a national trauma society, a national
16 emergency medical nurses association, a medical association and an
17 aeromedical association. Wherever appropriate to the entity being
18 represented, the director shall consider qualified licensed physicians with
19 experience in trauma care in anesthesia, emergency medicine, neurosurgery,
20 orthopedics and pediatrics, and licensed nurses with experience in
21 prehospital emergency care or trauma care.

22 D. Board members are not eligible to receive compensation but are
23 eligible for reimbursement of expenses under title 38, chapter 4, article 2.

24 E. The board shall:

25 1. Make recommendations on the initial and long-term processes for the
26 verification and designation of trauma center levels, including the
27 evaluation of trauma center criteria.

28 2. Make recommendations on the development and implementation of
29 comprehensive regional emergency medical services and trauma system plans.

30 3. Make recommendations on the state emergency medical services and
31 trauma system quality improvement processes, including the state trauma
32 registry.

33 4. Submit a report to the director on or before October 1 of each year
34 regarding the board's accomplishments and recommendations.

35 F. The chairperson may appoint subcommittees to assist the board in
36 meeting the requirements of subsection E of this section.

37 Sec. 20. Section 36-2227, Arizona Revised Statutes, is amended to
38 read:

39 36-2227. Informal interviews; request for information;
40 nondissemination; violation; classification

41 A. At least thirty days before the date of an informal interview held
42 pursuant to this article or article 2 of this chapter, the department shall
43 notify a person who is under investigation, or that person's designee, that
44 the person or designee may submit a written request with the department at

1 least ten business days before that interview that ~~+~~ THE DEPARTMENT provide
2 the following before the interview:

3 1. Except as provided pursuant to section 41-1010, the name of the
4 person making the complaint.

5 2. Except as prohibited by state and federal privacy or
6 confidentiality laws, any documents received by the department, in any format
7 or medium, that are relevant to the investigation, including:

8 (a) Records obtained by the department from first responders,
9 emergency medical CARE technicians or other health care providers.

10 (b) Witness statements or summaries.

11 (c) Patient records.

12 B. The department shall redact any information provided pursuant to
13 subsection A of this section necessary to protect the personal identifying
14 information of a patient.

15 C. A person who receives information pursuant to subsection A of this
16 section may not copy, share or otherwise disseminate that information except
17 as needed to participate in the informal interview or in an administrative
18 proceeding or appeal arising from the investigation. A person who violates
19 this subsection is guilty of a class 3 misdemeanor.

20 Sec. 21. Section 36-2232, Arizona Revised Statutes, is amended to
21 read:

22 36-2232. Director; powers and duties; regulation of ambulance
23 services; inspections; response time compliance

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

28 1. Determine, fix, alter and regulate just, reasonable and sufficient
29 rates and charges for the provision of ambulances, including rates and
30 charges for advanced life support service, basic life support service,
31 patient loaded mileage, standby waiting, subscription service contracts and
32 other contracts for services related to the provision of ambulances. The
33 director may establish a rate and charge structure as defined by federal
34 medicare guidelines for ambulance services. The director shall inform all
35 ambulance services of the procedures and methodology used to determine
36 ambulance rates or charges.

37 2. Regulate operating and response times of ambulances to meet the
38 needs of the public and to ~~insure~~ ENSURE adequate service. The rules adopted
39 by the director for certificated ambulance service response times shall
40 include uniform standards for urban, suburban, rural and wilderness
41 geographic areas within the certificate of necessity based on, ~~but not~~
42 ~~limited to~~ AT A MINIMUM, population density, geographic and medical
43 considerations.

44 3. Determine, fix, alter and regulate bases of operation. The
45 director may issue a certificate of necessity to more than one ambulance

1 service within any base of operation. For the purposes of this paragraph,
2 "base of operation" means a service area granted under a certificate of
3 necessity.

4 4. Issue, amend, transfer, suspend or revoke certificates of necessity
5 under terms ~~and conditions~~ consistent with this article.

6 5. Prescribe a uniform system of accounts to be used by ambulance
7 services that conforms to standard accounting forms and principles for the
8 ambulance industry **AND GENERALLY ACCEPTED ACCOUNTING PRINCIPLES**.

9 6. Require the filing of an annual financial report and other data.
10 These rules shall require an ambulance service to file the report with the
11 department not later than one hundred eighty days after the completion of its
12 annual accounting period.

13 7. Regulate ambulance services in all matters affecting services to
14 the public to the end that ~~the provisions of~~ this article may be fully
15 carried out.

16 8. Prescribe bonding requirements, if any, for ambulance services
17 granted authority to provide any type of subscription service.

18 9. Offer technical assistance to ambulance services to maximize a
19 healthy and viable business climate for the provision of ambulances.

20 10. Offer technical assistance to ambulance services in order to obtain
21 or to amend a certificate of necessity.

22 11. Inspect, at a maximum of twelve month intervals, each ambulance
23 registered pursuant to section 36-2212 to ~~assure~~ **ENSURE** that the vehicle is
24 operational and safe and that all required medical equipment is operational.
25 At the request of the provider, the inspection may be performed by a facility
26 approved by the director. If a provider requests that the inspection be
27 performed by a facility approved by the director, the provider shall pay the
28 cost of the inspection.

29 B. The director may require any ambulance service offering
30 subscription service contracts to obtain a bond in an amount determined by
31 the director that is based on the number of subscription service contract
32 holders and to file the bond with the director for the protection of all
33 subscription service contract holders in this state who are covered under
34 that subscription contract.

35 C. An ambulance service shall:

36 1. Maintain, establish, add, move or delete suboperation stations
37 within its base of operation to ~~assure~~ **ENSURE** that the ambulance service
38 meets the established response times or those approved by the director in a
39 political subdivision contract.

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

42 3. Provide the department with a list of suboperation station
43 locations.

1 4. Notify the department ~~at least~~ NOT LATER THAN thirty days ~~before~~
2 AFTER THE ambulance service makes a change in the number or location of its
3 suboperation stations.

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

5 1. Inquire into the operation of an ambulance service, including a
6 person operating an ambulance that has not been issued a certificate of
7 registration or a person who does not have or is operating outside of a
8 certificate of necessity.

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

11 3. Review the qualifications of ambulance attendants.

12 E. If all ambulance services that have been granted authority to
13 operate within the same service area or that have overlapping certificates of
14 necessity apply for uniform rates and charges, the director may establish
15 uniform rates and charges for the service area.

16 F. In consultation with the medical director of THE emergency medical
17 services AND TRAUMA SYSTEM, the emergency medical services council and the
18 medical direction commission, the director of the department of health
19 services shall establish protocols for ambulance services to refer and advise
20 a patient or transport a patient by the most appropriate means to the most
21 appropriate provider of medical services based on the patient's condition.
22 The protocols shall include triage and treatment protocols that allow all
23 ~~classes~~ CLASSIFICATIONS of emergency medical CARE technicians responding to a
24 person who has accessed 911, or a similar public dispatch number, for a
25 condition that does not pose an immediate threat to life or limb to ~~+~~

26 ~~+~~ refer and advise a patient or transport a patient to the most
27 appropriate health care institution as defined by IN section 36-401 based on
28 the patient's condition, taking into consideration factors including patient
29 choice, the patient's health care provider, specialized health care
30 facilities and local protocols.

31 ~~2. Provide a list of alternative sites available to deliver care.~~

32 G. The director, when reviewing an ambulance service's response time
33 compliance with its certificate of necessity, shall consider in addition to
34 other factors the effect of hospital diversion, delayed emergency department
35 admission and the number of ambulances engaged in response or transport in
36 the affected area.

37 Sec. 22. Section 36-2244, Arizona Revised Statutes, is amended to
38 read:

39 36-2244. Legal action for enforcement

40 The department may institute and maintain in the name of this state an
41 action to enforce this article or any rule ~~or regulation~~ adopted pursuant to
42 this article by mandatory injunction or other appropriate remedy.

1 Sec. 23. Section 36-2245, Arizona Revised Statutes, is amended to
2 read:

3 36-2245. Investigations; dispute resolution; informal
4 interviews; hearings; stipulations; judicial review;
5 civil penalty

6 A. The department may conduct an investigation into the operation of
7 ambulances and ambulance services.

8 B. Proceedings under this section may be initiated by the department.

9 C. If the department receives a written and signed statement of
10 dissatisfaction or dispute of charges or any matter relating to the
11 regulation of ambulance services, the customer is deemed to have filed an
12 informal complaint against the ambulance service. Within fifteen days of
13 receipt of the complaint, a designated representative of the department shall
14 inform the ambulance service that an informal complaint has been filed, state
15 the nature of the allegations made, specify the purported rule violation and
16 identify specific records relating to the purported rule violation that the
17 ambulance service shall provide to the department. The ambulance service
18 shall comply with the request for records in a timely manner.

19 D. Within forty-five days of receipt of the records, the department
20 shall determine if the complaint is nonsubstantive or substantive.

21 E. If the department determines that a complaint filed pursuant to
22 this section is nonsubstantive, it shall render a written decision to all
23 parties within five days of that determination. The complainant may make a
24 formal complaint to the department if the complainant disagrees with the
25 department's decision. If the nonsubstantive complaint involves rates and
26 charges, a designated representative of the department shall attempt to
27 resolve the dispute by correspondence or telephone with the ambulance service
28 and the customer.

29 F. If the department determines that a complaint filed pursuant to
30 this section is substantive, the complaint becomes a formal complaint. The
31 department shall inform the ambulance service that the initial investigation
32 was substantive in nature and may warrant action pursuant to this article.
33 The department shall inform the ambulance service of the specific rule
34 violation and shall allow the ambulance service thirty days to answer the
35 complaint in writing.

36 G. The department may issue a written request for an informal
37 interview with the ambulance service if the department believes that the
38 evidence indicates that grounds for action exist. The request shall state
39 the reasons for the interview and shall schedule an interview at least ten
40 days from the date that the department sends the request for an interview.

41 H. If the department determines that evidence warrants action or if
42 the ambulance service refuses to attend the informal interview, the director
43 shall institute formal proceedings and hold a hearing pursuant to title 41,
44 chapter 6, article 10.

1 I. If the department believes that a lesser disciplinary action is
2 appropriate, the department may enter into a stipulated agreement with the
3 ambulance service. This stipulation may include a civil penalty as provided
4 under subsection J of this section.

5 J. In addition to other disciplinary action provided under this
6 section, the director may impose a civil penalty of not more than three
7 hundred fifty dollars for each violation of this chapter that constitutes
8 grounds to suspend or revoke a certificate of necessity. This penalty shall
9 not exceed fifteen thousand dollars. Each day that a violation occurs
10 constitutes a separate offense. The director shall deposit, pursuant to
11 sections 35-146 and 35-147, all monies collected under this subsection in the
12 emergency medical services operating fund established under section 36-2218.

13 K. The director may suspend a certificate of necessity without holding
14 a hearing if the director determines that the certificate holder has failed
15 to pay a civil penalty imposed under this section. The director shall
16 reinstate the certificate of necessity when the certificate holder pays the
17 penalty in full.

18 L. Except as provided in section 41-1092.08, subsection H, a final
19 decision of the department pursuant to this section is subject to judicial
20 review pursuant to title 12, chapter 7, article 6.

21 M. Information, documents and records received by the department or
22 prepared by the department in connection with an investigation that is
23 conducted pursuant to this article AND that relates to emergency medical CARE
24 technicians are confidential and are not subject to public inspection or
25 civil discovery. When the investigation has been completed and the
26 investigation file has been closed, the results of the investigation and the
27 decision of the department shall be available to the public.

28 Sec. 24. Section 36-2264, Arizona Revised Statutes, is amended to
29 read:

30 36-2264. Exemption from regulation

31 A. A person who obtains an automated external defibrillator for home
32 use pursuant to a physician's prescription is exempt from the requirements of
33 this article.

34 B. A person who is employed as a ~~fire fighter~~ FIREFIGHTER, emergency
35 medical CARE technician or ~~paramedic~~ AMBULANCE ATTENDANT by a fire district
36 established pursuant to title 48, chapter 5, ~~is~~ is exempt from the requirements
37 of this article.

38 C. A person who is employed as a ~~fire fighter~~ FIREFIGHTER, emergency
39 medical CARE technician or ~~paramedic~~ AMBULANCE ATTENDANT by a public or
40 private fire department or an ambulance service regulated by ~~title 36, THIS~~
41 chapter ~~21.1~~, is exempt from the requirements of this article.

42 Sec. 25. Section 41-1005, Arizona Revised Statutes, is amended to
43 read:

44 41-1005. Exemptions

45 A. This chapter does not apply to any:

- 1 1. Rule that relates to the use of public works, including streets and
2 highways, under the jurisdiction of an agency if the effect of the order is
3 indicated to the public by means of signs or signals.
- 4 2. Order of the Arizona game and fish commission that opens, closes or
5 alters seasons or establishes bag or possession limits for wildlife.
- 6 3. Rule relating to section 28-641 or to any rule regulating motor
7 vehicle operation that relates to speed, parking, standing, stopping or
8 passing enacted pursuant to title 28, chapter 3.
- 9 4. Rule concerning only the internal management of an agency that does
10 not directly and substantially affect the procedural or substantive rights or
11 duties of any segment of the public.
- 12 5. Rule that only establishes specific prices to be charged for
13 particular goods or services sold by an agency.
- 14 6. Rule concerning only the physical servicing, maintenance or care of
15 agency owned or operated facilities or property.
- 16 7. Rule or substantive policy statement concerning inmates or
17 committed youths of a correctional or detention facility in secure custody or
18 patients admitted to a hospital, if made by the state department of
19 corrections, the department of juvenile corrections, the board of executive
20 clemency or the department of health services or a facility or hospital under
21 the jurisdiction of the state department of corrections, the department of
22 juvenile corrections or the department of health services.
- 23 8. Form whose contents or substantive requirements are prescribed by
24 rule or statute, and instructions for the execution or use of the form.
- 25 9. Capped fee-for-service schedule adopted by the Arizona health care
26 cost containment system administration pursuant to title 36, chapter 29.
- 27 10. Fees prescribed by section 6-125.
- 28 11. Order of the director of water resources adopting or modifying a
29 management plan pursuant to title 45, chapter 2, article 9.
- 30 12. Fees established under section 3-1086.
- 31 13. Fee-for-service schedule adopted by the department of economic
32 security pursuant to section 8-512.
- 33 14. Fees established under sections 41-2144 and 41-2189.
- 34 15. Rule or other matter relating to agency contracts.
- 35 16. Fees established under section 32-2067 or 32-2132.
- 36 17. Rules made pursuant to section 5-111, subsection A.
- 37 18. Rules made by the Arizona state parks board concerning the
38 operation of the Tonto natural bridge state park, the facilities located in
39 the Tonto natural bridge state park and the entrance fees to the Tonto
40 natural bridge state park.
- 41 19. Fees or charges established under section 41-511.05.
- 42 20. Emergency medical services protocols except as provided in section
43 36-2205, subsection ~~C~~ B.
- 44 21. Fee schedules established pursuant to section 36-3409.

- 1 22. Procedures of the state transportation board as prescribed in
2 section 28-7048.
- 3 23. Rules made by the state department of corrections.
- 4 24. Fees prescribed pursuant to section 32-1527.
- 5 25. Rules made by the department of economic security pursuant to
6 section 46-805.
- 7 26. Schedule of fees prescribed by section 23-908.
- 8 27. Procedure that is established pursuant to title 23, chapter 6,
9 article 5 or 6.
- 10 28. Rules, administrative policies, procedures and guidelines adopted
11 for any purpose by the Arizona commerce authority pursuant to chapter 10 of
12 this title if the authority provides, as appropriate under the circumstances,
13 for notice of an opportunity for comment on the proposed rules,
14 administrative policies, procedures and guidelines.
- 15 29. Rules made by a marketing commission or marketing committee
16 pursuant to section 3-414.
- 17 B. Notwithstanding subsection A, paragraph 22 of this section, at such
18 time as the federal highway administration authorizes the privatization of
19 rest areas, the state transportation board shall make rules governing the
20 lease or license by the department of transportation to a private entity for
21 the purposes of privatization of a rest area.
- 22 C. Coincident with the making of a rule pursuant to an exemption under
23 this section, the agency shall file a copy of the rule with the secretary of
24 state for publication pursuant to section 41-1012.
- 25 D. Unless otherwise required by law, articles 2, 3, 4 and 5 of this
26 chapter do not apply to the Arizona board of regents and the institutions
27 under its jurisdiction, except that the Arizona board of regents shall make
28 policies or rules for the board and the institutions under its jurisdiction
29 that provide, as appropriate under the circumstances, for notice of and
30 opportunity for comment on the policies or rules proposed.
- 31 E. Unless otherwise required by law, articles 2, 3, 4 and 5 of this
32 chapter do not apply to the Arizona state schools for the deaf and the blind,
33 except that the board of directors of all the state schools for the deaf and
34 the blind shall adopt policies for the board and the schools under its
35 jurisdiction that provide, as appropriate under the circumstances, for notice
36 of and opportunity for comment on the policies proposed for adoption.
- 37 F. Unless otherwise required by law, articles 2, 3, 4 and 5 of this
38 chapter do not apply to the state board of education, except that the state
39 board of education shall adopt policies or rules for the board and the
40 institutions under its jurisdiction that provide, as appropriate under the
41 circumstances, for notice of and opportunity for comment on the policies or
42 rules proposed for adoption. In order to implement or change any rule, the
43 state board of education shall provide at least two opportunities for public
44 comment.

1 Sec. 26. Section 41-1831, Arizona Revised Statutes, is amended to
2 read:

3 41-1831. Definitions

4 In this chapter, unless the context otherwise requires:

5 1. "Ambulance" means any publicly or privately owned surface, water or
6 air vehicle, including a helicopter, ~~especially~~ **THAT IS SPECIALLY** designed
7 and constructed or modified and equipped to be used, maintained or operated
8 for transportation of individuals who are sick, injured, wounded or otherwise
9 incapacitated or helpless. Ambulance does not include surface vehicles owned
10 and operated by a private sole proprietor, partnership, private corporation
11 or municipal corporation for the emergency transportation or in transit care
12 of its employees.

13 2. "Ambulance pilot" means an individual who is responsible for the
14 operation of an air ambulance, ~~and~~ **WHO** is trained and certified as provided
15 in this chapter.

16 3. "Ambulance service" means a person who owns and operates one or
17 more ambulances ~~as defined in this article~~.

18 4. "~~Certified~~ Emergency medical **CARE** technician" means an individual
19 who has been certified by the department of health services as ~~a basic~~ **AN**
20 emergency medical technician, an ~~intermediate~~ **ADVANCED** emergency medical
21 technician, **AN EMERGENCY MEDICAL TECHNICIAN I-99** or ~~an emergency~~ **A** paramedic.

22 5. "Department" means the department of public safety.

23 6. "Director" means the director of the department of public safety.

24 7. "Emergency medical patient" means a person who is suffering from a
25 condition ~~which~~ **THAT** requires immediate medical care or hospitalization, or
26 both, in order to preserve the person's health, life or limb.

27 8. "Emergency medical services communication system" means the
28 statewide system implemented, coordinated and administered by the department
29 of public safety, which may have the capability of providing for the
30 intercommunication of any or all law enforcement agencies and personnel,
31 ambulances, ambulance services and dispatchers, emergency receiving
32 facilities, other health care institutions, medical practitioners, motor
33 vehicle repair, fire service vehicles and tow trucks, and any other agencies
34 and persons who may be serving on a volunteer basis.

35 9. "Emergency medical situation" means a condition of emergency in
36 which immediate medical care or hospitalization, or both, is required by a
37 person or persons for the preservation of health, life or limb.

38 10. "Emergency receiving facility" means a licensed health care
39 institution ~~offering~~ **THAT OFFERS** emergency medical services, **THAT IS** staffed
40 twenty-four hours a day and ~~which~~ **THAT** has a physician, ~~who is~~ **WHO IS** licensed
41 ~~under the provisions of~~ **PURSUANT TO** title 32, chapter 13 or 17, on call.

1 Sec. 27. Section 48-818, Arizona Revised Statutes, is amended to read:
2 48-818. Emergency medical aid or assistance to other public
3 bodies; limitation on liability

4 A. A district, or an employee of a district, organized pursuant to
5 this chapter, or a private fire or ambulance company whose services are
6 procured by a fire district or its officers and employees or a property
7 owner, its officers or employees or a tenant, when rendering emergency
8 medical aid provided by an emergency medical CARE technician, ~~an intermediate~~
9 ~~emergency medical technician or a paramedic~~ who is certified by the director
10 of the department of health services pursuant to section 36-2205, is not
11 liable for civil or other damages to the recipient of the emergency medical
12 aid as the result of any act or omission in rendering such aid or as the
13 result of any act or failure to act to provide or arrange for further medical
14 treatment or care for the sick or injured person. This subsection does not
15 apply if the person providing emergency medical aid is guilty of gross
16 negligence or intentional misconduct. The immunity provided for in this
17 subsection does not extend to an emergency medical CARE technician, ~~an~~
18 ~~intermediate emergency medical technician or a paramedic~~ while operating a
19 motor vehicle.

20 B. A district, or an employee of a district, organized pursuant to
21 this chapter, if requested by a public body to assist at a traffic accident
22 on a public right-of-way or to render emergency aid at an emergency
23 occurrence outside the boundaries of such district is not liable for any
24 civil or other damages as a result of any act or omission by the district or
25 an employee of the district at the traffic accident, while rendering
26 emergency care or as the result of any act or a failure to act to provide or
27 arrange for further medical treatment or care for an injured person. This
28 subsection does not apply if the district or an employee of the district,
29 while providing assistance or rendering such emergency care or acting or
30 failing to act to provide such further medical treatment or care, is guilty
31 of gross negligence.

32 C. ~~The provisions of~~ This section ~~shall~~ DOES not abrogate the right of
33 an employee who is injured while performing services as provided in
34 subsection A of this section to recover benefits to which ~~he~~ THE EMPLOYEE may
35 be eligible under title 23, chapter 6 from the district.

36 D. ~~Nothing in~~ This section ~~limits~~ DOES NOT LIMIT a plaintiff's right
37 to recover civil damages from any applicable uninsured motorist coverage or
38 underinsured motorist coverage.

39 Sec. 28. Currently certified intermediate emergency medical
40 technicians

41 An intermediate emergency medical technician who is certified by the
42 department of health services before the effective date of this act is deemed
43 to meet the requirements for recertification as an emergency medical
44 technician I-99 and shall be recertified by the department as an emergency
45 medical technician I-99 on expiration of the technician's certificate if the

1 technician meets the department's recertification requirements and is
2 otherwise eligible.

3 Sec. 29. Exemption from rule making

4 For the purposes of this act, the department of health services is
5 exempt from the rule making requirements of title 41, chapter 6, Arizona
6 Revised Statutes, until December 31, 2013, except that the department shall
7 provide public notice and an opportunity for public comment on proposed rules
8 at least thirty days before a rule is adopted or amended.