

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

# HOUSE BILL 2261

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 36-2205.  
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-basie~~ AN emergency medical  
16 technician if the ~~certified-basie~~ 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 ~~basie~~ 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 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 ~~refer~~

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~~ 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 ~~is~~ 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~~ 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.