

COMMITTEE ON HEALTH AND HUMAN SERVICES

SENATE AMENDMENTS TO H.B. 2609

(Reference to House engrossed bill)

1 Page 1, between lines 1 and 2, insert:

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

4 36-2201. Definitions

5 In this chapter, unless the context otherwise requires:

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

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

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

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

1 district for medical direction, evaluation and control of emergency medical
2 care technicians.

3 5. "Ambulance":

4 (a) Means any publicly or privately owned surface, water or air
5 vehicle, including a helicopter, that contains a stretcher and necessary
6 medical equipment and supplies pursuant to section 36-2202 and that is
7 especially designed and constructed or modified and equipped to be used,
8 maintained or operated primarily ~~for the transportation of~~ TO TRANSPORT
9 individuals who are sick, injured or wounded or who require medical
10 monitoring or aid. ~~Ambulance~~

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

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

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

23 (b) An emergency medical responder who is employed by an ambulance
24 service operating under section 36-2202 and whose primary responsibility is
25 ~~the driving of~~ an ambulance.

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

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

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

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

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

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

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

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

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

19 11. "Certificate of necessity" means a certificate that is issued to
20 an ambulance service by the department and that describes the following:

21 (a) THE service area.

22 (b) THE level of service.

23 (c) THE type of service.

24 (d) THE hours of operation.

25 (e) THE effective date.

26 (f) THE expiration date.

27 (g) THE legal name and address of the ambulance service.

28 (h) THE any limiting or special provisions the director prescribes.

29 12. "Council" means the emergency medical services council.

30 13. "Department" means the department of health services.

1 14. "Director" means the director of the department of health
2 services.

3 15. "Emergency medical care technician" means an individual who has
4 been certified by the department as an emergency medical technician, an
5 advanced emergency medical technician, an emergency medical technician I-99
6 or a paramedic.

7 16. "Emergency medical responder" as an ambulance attendant, **WHOSE**
8 **PRIMARY RESPONSIBILITY IS DRIVING AN AMBULANCE**, means a person who has ~~been~~
9 ~~trained~~ **SUCCESSFULLY COMPLETED TRAINING** in an emergency medical responder
10 program **THAT IS** certified by the director or in an equivalent training
11 program ~~and who is certified by the director to render services pursuant to~~
12 ~~section 36-2205~~ **OR WHO IS APPROVED BY THE EMERGENCY MEDICAL SERVICES**
13 **PROVIDER'S ADMINISTRATIVE MEDICAL DIRECTOR ON FILE WITH THE DEPARTMENT.**

14 17. "EMERGENCY MEDICAL RESPONDER PROGRAM" MEANS A PROGRAM THAT
15 INCLUDES AT LEAST THE FOLLOWING:

16 (a) EMERGENCY VEHICLE DRIVER TRAINING.

17 (b) CARDIOPULMONARY RESUSCITATION CERTIFICATION.

18 (c) AUTOMATED EXTERNAL DEFIBRILLATOR TRAINING.

19 (d) TRAINING IN THE USE OF NONINVASIVE DIAGNOSTIC DEVICES, INCLUDING
20 BLOOD GLUCOSE MONITORS AND PULSE OXIMETERS.

21 (e) TRAINING ON OBTAINING A PATIENT'S VITAL SIGNS, INCLUDING BLOOD
22 PRESSURE, PULSE AND RESPIRATORY RATE.

23 ~~17.~~ 18. "Emergency medical services" means those services required
24 following an accident or an emergency medical situation:

25 (a) For on-site emergency medical care.

26 (b) ~~For the transportation of~~ **TO TRANSPORT** the sick or injured by a
27 licensed ground or air ambulance.

28 (c) In ~~the use of~~ **USING** emergency communications media.

29 (d) In ~~the use of~~ **USING** emergency receiving facilities.

1 (e) In administering initial care and preliminary treatment
2 procedures by emergency medical care technicians.

3 ~~18.~~ 19. "Emergency medical services provider" means any
4 governmental entity, quasi-governmental entity or corporation whether
5 public or private that renders emergency medical services in this state.

6 ~~19.~~ 20. "Emergency medical technician" means a person who has been
7 trained in an emergency medical technician program certified by the
8 director or in an equivalent training program and who is certified by the
9 director as qualified to render services pursuant to section 36-2205.

10 ~~20.~~ 21. "Emergency receiving facility" means a licensed health care
11 institution that offers emergency medical services, is staffed twenty-four
12 hours a day and has a physician on call.

13 ~~21.~~ 22. "Fit and proper" means that the director determines that an
14 applicant for a certificate of necessity or a certificate holder has the
15 expertise, integrity, fiscal competence and resources to provide ambulance
16 service in the service area.

17 ~~22.~~ 23. "Medical record" means any patient record, including
18 clinical records, prehospital care records, medical reports, laboratory
19 reports and statements, any file, film, record or report or oral statements
20 relating to diagnostic findings, treatment or outcome of patients, whether
21 written, electronic or recorded, and any information from which a patient
22 or the patient's family might be identified.

23 ~~23.~~ 24. "National certification organization" means a national
24 organization that tests and certifies the ability of an emergency medical
25 care technician and whose tests are based on national education standards.

26 ~~24.~~ 25. "National education standards" means the emergency medical
27 services education standards of the United States department of
28 transportation or other similar emergency medical services education
29 standards developed by that department or its successor agency.

1 ~~25.~~ 26. "Paramedic" means a person who has been trained in a
2 paramedic program certified by the director or in an equivalent training
3 program and who is certified by the director to render services pursuant to
4 section 36-2205.

5 ~~26.~~ 27. "Physician" means any person licensed pursuant to title 32,
6 chapter 13 or 17.

7 ~~27.~~ 28. "Stretcher van" means a vehicle that contains a stretcher
8 and that is operated to accommodate an incapacitated person or person with
9 a disability who does not require medical monitoring, aid, care or
10 treatment during transport.

11 ~~28.~~ 29. "Suboperation station" means a physical facility or
12 location at which an ambulance service conducts operations for the dispatch
13 of ambulances and personnel and that may be staffed twenty-four hours a day
14 or less as determined by system use.

15 ~~29.~~ 30. "Trauma center" means any acute care hospital that provides
16 in-house ~~twenty-four hour~~ TWENTY-FOUR-HOUR daily dedicated trauma surgical
17 services that is designated pursuant to section 36-2225.

18 ~~30.~~ 31. "Trauma registry" means data collected by the department on
19 trauma patients and on the incidence, causes, severity, outcomes and
20 operation of a trauma system and its components.

21 ~~31.~~ 32. "Trauma system" means an integrated and organized
22 arrangement of health care resources having the specific capability to
23 perform triage, transport and provide care.

24 ~~32.~~ 33. "Validated testing procedure" means a testing procedure
25 that ~~is inclusive of~~ INCLUDES practical skills, or ~~an attestation of~~
26 ATTESTS practical skills proficiency on a form developed by the department
27 by the educational training program, identified pursuant to section
28 36-2204, paragraph 2, that is certified as valid by an organization capable
29 of determining testing procedure and testing content validity and that is
30 recommended by the medical direction commission and the emergency medical
31 services council before the director's approval.

1 ~~33.~~ 34. "Wheelchair van" means a vehicle that contains or that is
2 designed and constructed or modified to contain a wheelchair and that is
3 operated to accommodate an incapacitated person or person with a disability
4 who does not require medical monitoring, aid, care or treatment during
5 transport.

6 Sec. 2. Section 36-2202, Arizona Revised Statutes, is amended to
7 read:

8 36-2202. Duties of the director; qualifications of medical
9 director

10 A. The director shall:

11 1. Appoint a medical director of the emergency medical services and
12 trauma system.

13 2. Adopt standards and criteria for the denial or granting of
14 certification and recertification of emergency medical care technicians.
15 These standards shall allow the department to certify qualified emergency
16 medical care technicians who have completed statewide standardized training
17 required under section 36-2204, paragraph 1 and a standardized
18 certification test required under section 36-2204, paragraph 2 or who hold
19 valid certification with a national certification organization. Before the
20 director may consider approving a statewide standardized training or a
21 standardized certification test, or both, each of these must first be
22 recommended by the medical direction commission and the emergency medical
23 services council to ensure that the standardized training content is
24 consistent with national education standards and that the standardized
25 certification ~~tests~~ TEST examines comparable material to that examined in
26 the tests of a national certification organization.

27 3. Adopt standards and criteria that pertain to the quality of
28 emergency care pursuant to section 36-2204.

29 4. Adopt rules necessary to carry out this chapter. Each rule shall
30 identify all sections and subsections of this chapter under which the rule
31 was formulated.

1 5. Adopt reasonable medical equipment, supply, staffing and safety
2 standards, criteria and procedures ~~for issuance of~~ TO ISSUE a certificate
3 of registration to operate an ambulance.

4 6. Maintain a state system for recertifying emergency medical care
5 technicians, except as otherwise provided by section 36-2202.01, that is
6 independent from any national certification organization recertification
7 process. This system shall allow emergency medical care technicians to
8 choose to be recertified under the state or the national certification
9 organization recertification system subject to subsection H of this
10 section.

11 B. Emergency medical technicians who choose the state
12 recertification process shall recertify in one of the following ways:

13 1. Successfully completing an emergency medical technician refresher
14 course approved by the department.

15 2. Successfully completing an emergency medical technician challenge
16 course approved by the department.

17 3. For emergency medical care technicians who are currently
18 certified at the emergency medical technician level by the department,
19 attesting on a form provided by the department that the applicant holds a
20 valid and current cardiopulmonary resuscitation certification, has and will
21 maintain documented proof of a minimum of twenty-four hours of continuing
22 medical education within the last two years consistent with department
23 rules and has functioned in the capacity of an emergency medical technician
24 for at least two hundred forty hours during the last two years.

25 C. After consultation with the emergency medical services council,
26 the director may authorize pilot programs designed to improve the safety
27 and efficiency of ambulance inspections for governmental or
28 quasi-governmental entities that provide emergency medical services in this
29 state.

30 D. The rules, standards and criteria adopted by the director
31 pursuant to subsection A, paragraphs 2, 3, 4 and 5 of this section shall be
32 adopted in accordance with title 41, chapter 6, except that the director

1 may adopt on an emergency basis pursuant to section 41-1026 rules relating
2 to the regulation of ambulance services in this state necessary to protect
3 the public peace, health and safety in advance of adopting rules, standards
4 and criteria as otherwise provided by this subsection.

5 E. The director may waive the requirement for compliance with a
6 protocol adopted pursuant to section 36-2205 if the director determines
7 that the techniques, drug formularies or training makes the protocol
8 inconsistent with contemporary medical practices.

9 F. The director may suspend a protocol adopted pursuant to
10 section 36-2205 if the director does all of the following:

11 1. Determines that the rule is not in the public's best interest.

12 2. Initiates procedures pursuant to title 41, chapter 6 to repeal
13 the rule.

14 3. Notifies all interested parties in writing of the director's
15 action and the reasons for that action. Parties interested in receiving
16 notification shall submit a written request to the director.

17 G. To be eligible for appointment as the medical director of the
18 emergency medical services and trauma system, the person shall be qualified
19 in emergency medicine and shall be licensed as a physician in one of the
20 states of the United States.

21 H. Applicants for certification shall apply to the director for
22 certification. Emergency medical care technicians shall apply for
23 recertification to the director every two years. The director may extend
24 the expiration date of an emergency medical care technician's certificate
25 for thirty days. The department shall establish a fee for this extension
26 by rule. Emergency medical care technicians shall pass an examination
27 administered by the department as a condition for recertification only if
28 required to do so by the advanced life support base hospital's medical
29 director or the emergency medical care technician's medical director.

30 I. The medical director of the emergency medical services and trauma
31 system is exempt from title 41, chapter 4, articles 5 and 6 and is entitled
32 to receive compensation pursuant to section 38-611, subsection A.

1 J. The standards, criteria and procedures adopted by the director
2 pursuant to subsection A, paragraph 5 of this section shall require that
3 ambulance services PROVIDING INTERFACILITY TRANSPORTATION OR serving a
4 rural or wilderness certificate of necessity area with a population of less
5 than ten thousand persons ~~according to the most recent United States~~
6 ~~decennial census~~ have at least one ambulance attendant as defined in
7 section 36-2201, paragraph 6, subdivision (a) and one ambulance attendant
8 as defined in section 36-2201, paragraph 6, subdivision (b) staffing an
9 ambulance while transporting a patient and that ambulance services
10 PROVIDING INTERFACILITY TRANSPORTATION OR serving a population of ten
11 thousand persons or more ~~according to the most recent United States~~
12 ~~decennial census~~ have at least one ambulance attendant as defined in
13 section 36-2201, paragraph 6, subdivision (a) and one ambulance attendant
14 as defined in section 36-2201, paragraph 6, subdivision (a), (c), (d) or
15 (e) staffing an ambulance while transporting a patient.

16 K. If the department determines there is not a qualified
17 administrative medical director, the department shall ensure the provision
18 of administrative medical direction for an emergency medical technician if
19 the emergency medical technician meets all of the following criteria:

20 1. Is employed by a nonprofit or governmental provider employing
21 less than twelve full-time emergency medical technicians.

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

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

26 Renumber to conform

27 Page 1, line 28, after the period insert "THE CALCULATION OF"; strike "TOLLING"

28 Line 30, after the period insert "ON-SCENE"

29 Line 31, after "TIMES" insert "FOR RESPONSE TIME MEASUREMENT"

30 Line 34, after "FILED" insert "ANNUALLY"

31 Line 35, after the period insert "WHEN DISPATCH OR GLOBAL POSITIONING SYSTEM
32 CONNECTIVITY IS NOT AVAILABLE, THE AMBULANCE SERVICE SHALL MANUALLY

1 DOCUMENT ON-SCENE ARRIVAL TIMES FOR RESPONSE TIME MEASUREMENT."; after the
2 first "THE" insert "RESPONSE TIME DATA SHALL BE FILED IN A
3 DEPARTMENT-APPROVED FORMAT, AND THE"

4 Page 1, line 36, strike "ON ITS PUBLIC WEBSITE"

5 Page 2, strike lines 16 and 17, insert:

6 ~~"7.~~ 9. Regulate ambulance services in all matters affecting
7 services to the public to the end that this article may be fully carried
8 out."

9 Renumber to conform

10 Page 3, line 6, after "5." insert "BEGINNING JANUARY 1, 2024,"

11 Line 7, after "RECORD" insert "ON-SCENE"

12 Line 8, after "TIMES" insert "FOR RESPONSE TIME MEASUREMENT"; strike "MAY"
13 insert "SHALL"

14 Line 9, after "THAT" insert "CAN REASONABLY DEMONSTRATE IT"

15 Line 10, strike "REQUIREMENT" insert "REQUIREMENTS"

16 Strike lines 11 through 13

17 Page 4, line 12, strike "C" insert "F"

18 Line 15, after the period insert "IF THE APPLICANT FAILS TO RESPOND TO THE
19 DIRECTOR'S REQUEST FOR ADDITIONAL INFORMATION, THE DEPARTMENT SHALL DEEM
20 THE INITIAL OR AMENDED APPLICATION WITHDRAWN. AN APPLICATION DEEMED
21 WITHDRAWN IS NOT AN APPEALABLE AGENCY ACTION PURSUANT TO TITLE 41, CHAPTER
22 6, ARTICLE 10. THE APPLICANT MAY APPEAL A DENIAL ONLY PURSUANT TO SECTION
23 36-2234."

24 Line 16, strike "EIGHTY-DAY-PERIOD" insert "EIGHTY-DAY PERIOD"

25 Between lines 18 and 19, insert:

26 "C. ON RECEIPT OF AN INITIAL OR AMENDED APPLICATION FOR A
27 CERTIFICATE OF NECESSITY, THE DEPARTMENT SHALL POST A NOTICE OF THE
28 APPLICATION ON ITS WEBSITE. WITHIN THIRTY DAYS AFTER THE DEPARTMENT POSTS
29 A NOTICE PURSUANT TO THIS SUBSECTION, ANY INTERESTED PARTY MAY PROVIDE
30 INFORMATION TO THE DIRECTOR ON A FORM IN A DEPARTMENT-APPROVED FORMAT FOR
31 CONSIDERATION. IF AN INTERESTED PARTY FAILS TO RESPOND TO THE NOTICE

1 WITHIN SIXTY DAYS IN A DEPARTMENT-APPROVED FORMAT, THE INFORMATION MAY NOT
2 BE CONSIDERED DURING THE REVIEW OF THE APPLICATION.

3 D. FOR THE PURPOSES OF THIS SECTION, A CITY, TOWN, FIRE DISTRICT,
4 FIRE AUTHORITY OR TRIBAL GOVERNMENT WHOSE JURISDICTIONAL BOUNDARIES IN
5 WHOLE OR IN PART ARE WITHIN THE SERVICE AREA OF A CERTIFICATE OF NECESSITY,
6 AN EXISTING CERTIFICATE OF NECESSITY HOLDER WITHIN THE SERVICE AREA OF THE
7 CERTIFICATE OF NECESSITY OR A HOSPITAL THAT IS LICENSED PURSUANT TO CHAPTER
8 4 OF THIS TITLE AND THAT IS LOCATED WITHIN THE SERVICE AREA OF A
9 CERTIFICATE OF NECESSITY IS CONSIDERED TO BE AN INTERESTED PARTY AS A
10 MATTER OF LAW.

11 E. ALL INTERESTED PARTIES SHALL BE NOTIFIED OF ANY APPLICATION FOR
12 AN INITIAL OR AMENDED CERTIFICATE OF NECESSITY WITHIN FIFTEEN DAYS AFTER
13 THE APPLICATION IS FILED, WITHIN FIFTEEN DAYS AFTER THE APPLICATION IS
14 COMPLETE AND WITHIN FIFTEEN DAYS AFTER A DECISION BY THE DIRECTOR."

15 Reletter to conform

16 Page 4, line 32, strike "C" insert "F"

17 Page 5, line 7, after the second semicolon insert "appeals;"

18 Line 13, after "A." insert "THE APPLICANT OR"

19 Line 14, strike "NEW"

20 Line 15, strike "AMBULANCE SERVICE" insert "INITIAL OR AMENDED CERTIFICATE OF
21 NECESSITY"; after "APPEAL" insert "PURSUANT TO TITLE 41, CHAPTER 6,
22 ARTICLE 10"

23 Line 17, strike "OF" insert "AFTER"

24 Line 18, after "NOTICE" strike remainder of line

25 Strike line 19, insert "IS ISSUED ON THE DIRECTOR'S DETERMINATION ON THE
26 INITIAL OR AMENDED"

27 Line 20, strike "CERTIFICATES" insert "CERTIFICATE"; after "NECESSITY" strike
28 remainder of line

29 Line 21, strike "APPLIES"

30 Line 23, strike "OR" insert a comma; after "AUTHORITY" insert "OR TRIBAL
31 GOVERNMENT"

1 Page 5, strike lines 30 through 33, insert:

2 "C. THE DIRECTOR SHALL REQUIRE A PUBLIC HEARING ON ANY PROPOSED
3 ACTION RELATING TO AN ADJUSTMENT OF GENERAL PUBLIC RATES, CHARGES OR
4 CERTIFICATE OF NECESSITY TRANSFERS UNLESS SUBSECTION E, G OR O OF THIS
5 SECTION APPLIES."

6 Line 34, after "D." insert "AN APPEAL PURSUANT TO SUBSECTION A OF THIS SECTION
7 OR"; strike the second "A" insert "C"

8 Page 6, line 3, after "necessity" insert "APPEAL"

9 Line 11, strike "A" insert "C"

10 Line 16, after "πσ" strike remainder of line

11 Line 17, strike "SPECIFIED IN SUBSECTION B OF THIS SECTION"

12 Lines 27 and 28, strike "WITHIN THE FIFTEEN-DAY NOTIFICATION PERIOD"

13 Page 8, line 35, strike "A" insert "C"

14 Line 39, after "director" insert "RELATING TO AN ADJUSTMENT OF GENERAL PUBLIC
15 RATES, CHARGES OR CERTIFICATE OF NECESSITY TRANSFERS"

16 Between lines 40 and 41, insert:

17 "Q. THE FINAL ADMINISTRATIVE DECISION OF THE DIRECTOR OR THE
18 ADMINISTRATIVE LAW JUDGE AS PRESCRIBED IN SECTION 41-1092.08 FOR AN INITIAL
19 OR AMENDED CERTIFICATE OF NECESSITY IS SUBJECT TO JUDICIAL REVIEW PURSUANT
20 TO TITLE 12, CHAPTER 7, ARTICLE 6."

21 Reletter to conform

22 Page 9, line 30, strike "F" insert "I"

23 Line 33, after "CHANGES" insert "BY TEN PERCENT OR MORE BASED ON THE MOST
24 RECENT DECENNIAL CENSUS OR FIVE-YEAR CENSUS ESTIMATE"

25 Page 13, line 29, strike "section 36-2232,"

26 Line 30, strike "Arizona Revised Statutes, as amended by"

27 After line 33, insert:

28 "Sec. 11. Applicability

29 This act applies to initial and amended certificates of necessity
30 filed with the department of health services pursuant to section 36-2233,
31 Arizona Revised Statutes, as amended by this act, from and after December
32 31, 2023.

Senate Amendments to H.B. 2609

- 1 Sec. 12. Effective date
- 2 This act is effective from and after December 31, 2023."
- 3 Amend title to conform

2609HHS
03/22/2022
01:37 PM
C: MH