

REFERENCE TITLE: behavioral health transportation; providers; technicians

State of Arizona
House of Representatives
Fifty-sixth Legislature
Second Regular Session
2024

HB 2066

Introduced by
Representative Bliss

AN ACT

AMENDING SECTIONS 36-501 AND 36-503.02, ARIZONA REVISED STATUTES; AMENDING TITLE 36, CHAPTER 21.1, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 5; 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 36-501, Arizona Revised Statutes, is amended to
3 read:

4 36-501. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Administration" means the Arizona health care cost containment
7 system administration.

8 2. "Admitting officer" means a psychiatrist or other physician or
9 psychiatric and mental health nurse practitioner with experience in
10 performing psychiatric examinations who has been designated as an
11 admitting officer of the evaluation agency by the person in charge of the
12 evaluation agency.

13 3. "Authorized transporter" means a transportation entity that is
14 contracted with a city, town or county to provide services pursuant to
15 this chapter and that is either:

16 (a) An ambulance service that holds a valid certificate of
17 necessity.

18 (b) A BEHAVIORAL HEALTH transportation provider ~~authorized by this~~
19 ~~state~~ THAT HOLDS A CERTIFICATE PURSUANT TO CHAPTER 21.1, ARTICLE 5 OF THIS
20 TITLE to provide safe behavioral health transportation for individuals
21 requiring transportation pursuant to this chapter.

22 4. "Chief medical officer" means the chief medical officer under
23 the supervision of the superintendent of the state hospital.

24 5. "Contraindicated" means that access is reasonably likely to
25 endanger the life or physical safety of the patient or another person.

26 6. "Court" means the superior court in the county in this state in
27 which the patient resides or was found before screening or emergency
28 admission under this title.

29 7. "Criminal history" means police reports, lists of prior arrests
30 and convictions, criminal case pleadings and court orders, including a
31 determination that the person has been found incompetent to stand trial
32 pursuant to section 13-4510.

33 8. "Danger to others" means that the judgment of a person who has a
34 mental disorder is so impaired that the person is unable to understand the
35 person's need for treatment and as a result of the person's mental
36 disorder the person's continued behavior can reasonably be expected, on
37 the basis of competent medical opinion, to result in serious physical
38 harm.

39 9. "Danger to self":

40 (a) Means behavior that, as a result of a mental disorder:

41 (i) Constitutes a danger of inflicting serious physical harm on
42 oneself, including attempted suicide or the serious threat thereof, if the
43 threat is such that, when considered in the light of its context and in
44 light of the individual's previous acts, it is substantially supportive of
45 an expectation that the threat will be carried out.

1 (ii) Without hospitalization will result in serious physical harm
2 or serious illness to the person.

3 (b) Does not include behavior that establishes only the condition
4 of having a grave disability.

5 10. "Department" means the department of health services.

6 11. "Detention" means the taking into custody of a patient or
7 proposed patient.

8 12. "Director" means the director of the administration.

9 13. "Evaluation" means:

10 (a) A professional multidisciplinary analysis that may include
11 firsthand observations or remote observations by interactive audiovisual
12 media and that is based on data describing the person's identity,
13 biography and medical, psychological and social conditions carried out by
14 a group of persons consisting of at least the following:

15 (i) Two licensed physicians who are qualified psychiatrists, if
16 possible, or at least experienced in psychiatric matters, who shall
17 examine and report their findings independently. The person against whom
18 a petition has been filed shall be notified that the person may select one
19 of the physicians. A psychiatric resident in a training program approved
20 by the American medical association or by the American osteopathic
21 association may examine the person in place of one of the psychiatrists if
22 the resident is supervised in the examination and preparation of the
23 affidavit and testimony in court by a qualified psychiatrist appointed to
24 assist in the resident's training, and if the supervising psychiatrist is
25 available for discussion with the attorneys for all parties and for court
26 appearance and testimony if requested by the court or any of the
27 attorneys.

28 (ii) Two other individuals, one of whom, if available, is a
29 psychologist and in any event a social worker familiar with mental health
30 and human services that may be available placement alternatives
31 appropriate for treatment. An evaluation may be conducted on an inpatient
32 basis, an outpatient basis or a combination of both, and every reasonable
33 attempt shall be made to conduct the evaluation in any language preferred
34 by the person.

35 (b) A physical examination that is consistent with the existing
36 standards of care and that is performed by one of the evaluating
37 physicians or by or under the supervision of a physician who is licensed
38 pursuant to title 32, chapter 13 or 17 or a registered nurse practitioner
39 who is licensed pursuant to title 32, chapter 15 if the results of that
40 examination are reviewed or augmented by one of the evaluating physicians.

41 14. "Evaluation agency" means either of the following:

42 (a) A health care agency that is licensed by the department and
43 that has been approved pursuant to this title to provide the services
44 required of that agency by this chapter.

1 (b) A facility that is exempt from licensure pursuant to section
2 36-402, that possesses an accreditation from either a national commission
3 on correctional health care or an American correctional association and
4 that has been approved pursuant to this title to provide the services
5 required of that facility by this chapter.

6 15. "Family member" means a spouse, parent, adult child, adult
7 sibling or other blood relative of a person undergoing treatment or
8 evaluation pursuant to this chapter.

9 16. "Grave disability" means a condition evidenced by behavior in
10 which a person, as a result of a mental disorder, is likely to come to
11 serious physical harm or serious illness because the person is unable to
12 provide for the person's own basic physical needs.

13 17. "Health care decision maker" has the same meaning prescribed in
14 section 12-2801.

15 18. "Health care entity" means a health care provider, the
16 department, the administration or a regional behavioral health authority
17 that is under contract with the administration.

18 19. "Health care provider" means a health care institution as
19 defined in section 36-401 that is licensed as a behavioral health provider
20 pursuant to department rules or a mental health provider.

21 20. "Independent evaluator" means a licensed physician, psychiatric
22 and mental health nurse practitioner or psychologist who is selected by
23 the person to be evaluated or by the person's attorney.

24 21. "Informed consent" means a voluntary decision following
25 presentation of all facts necessary to form the basis of an intelligent
26 consent by the patient or guardian with no minimizing of known dangers of
27 any procedures.

28 22. "Least restrictive treatment alternative" means the treatment
29 plan and setting that infringe in the least possible degree with the
30 patient's right to liberty and that are consistent with providing needed
31 treatment in a safe and humane manner.

32 23. "Licensed physician" means any medical doctor or doctor of
33 osteopathy who is either:

34 (a) Licensed in this state.

35 (b) A full-time hospital physician licensed in another state and
36 serving on the staff of a hospital operated or licensed by the United
37 States government.

38 24. "Medical director of an evaluation agency" means a
39 psychiatrist, or other licensed physician experienced in psychiatric
40 matters, who is designated in writing by the governing body of the agency
41 as the person in charge of the medical services of the agency for the
42 purposes of this chapter and may include the chief medical officer of the
43 state hospital.

1 25. "Medical director of a mental health treatment agency" means a
2 psychiatrist, or other licensed physician experienced in psychiatric
3 matters, who is designated in writing by the governing body of the agency
4 as the person in charge of the medical services of the agency for the
5 purposes of this chapter and includes the chief medical officer of the
6 state hospital.

7 26. "Mental disorder" means a substantial disorder of the person's
8 emotional processes, thought, cognition or memory. Mental disorder is
9 distinguished from:

10 (a) Conditions that are primarily those of drug abuse, alcoholism
11 or intellectual disability, unless, in addition to one or more of these
12 conditions, the person has a mental disorder.

13 (b) The declining mental abilities that directly accompany
14 impending death.

15 (c) Character and personality disorders characterized by lifelong
16 and deeply ingrained antisocial behavior patterns, including sexual
17 behaviors that are abnormal and prohibited by statute unless the behavior
18 results from a mental disorder.

19 27. "Mental health provider" means any physician or provider of
20 mental health or behavioral health services who is involved in evaluating,
21 caring for, treating or rehabilitating a patient.

22 28. "Mental health treatment agency" means any of the following:

23 (a) The state hospital.

24 (b) A health care agency that is licensed by the department and
25 that provides the services that are required of the agency by this
26 chapter.

27 (c) A facility that is exempt from licensure pursuant to section
28 36-402, that possesses an accreditation from either a national commission
29 on correctional health care or an American correctional association and
30 that provides the services that are required of the facility by this
31 chapter.

32 29. "Outpatient treatment" or "combined inpatient and outpatient
33 treatment" means any treatment program not requiring continuous inpatient
34 hospitalization.

35 30. "Outpatient treatment plan" means a treatment plan that does
36 not require continuous inpatient hospitalization.

37 31. "Patient" means any person who is undergoing examination,
38 evaluation or behavioral or mental health treatment under this chapter.

39 32. "Peace officers" means sheriffs of counties, constables,
40 marshals and policemen of cities and towns.

41 33. "Persistent or acute disability" means a severe mental disorder
42 that meets all the following criteria:

43 (a) Significantly impairs judgment, reason, behavior or capacity to
44 recognize reality.

1 (b) If not treated, has a substantial probability of causing the
2 person to suffer or continue to suffer severe and abnormal mental,
3 emotional or physical harm.

4 (c) Substantially impairs the person's capacity to make an informed
5 decision regarding treatment, and this impairment causes the person to be
6 incapable of understanding and expressing an understanding of the
7 advantages and disadvantages of accepting treatment and understanding and
8 expressing an understanding of the alternatives to the particular
9 treatment offered after the advantages, disadvantages and alternatives are
10 explained to that person.

11 (d) Has a reasonable prospect of being treatable by outpatient,
12 inpatient or combined inpatient and outpatient treatment.

13 34. "Prepetition screening" means the review of each application
14 requesting court-ordered evaluation, including an investigation of facts
15 alleged in the application, an interview with each applicant and an
16 interview, if possible, with the proposed patient. The purpose of the
17 interview with the proposed patient is to assess the problem, explain the
18 application and, when indicated, attempt to persuade the proposed patient
19 to receive, on a voluntary basis, evaluation or other services.

20 35. "Prescribed form" means a form established by a court or the
21 rules of the administration in accordance with the laws of this state.

22 36. "Professional" means a physician who is licensed pursuant to
23 title 32, chapter 13 or 17, a psychologist who is licensed pursuant to
24 title 32, chapter 19.1 or a psychiatric and mental health nurse
25 practitioner who is certified pursuant to title 32, chapter 15.

26 37. "Proposed patient" means a person for whom an application for
27 evaluation has been made or a petition for court-ordered evaluation has
28 been filed.

29 38. "Prosecuting agency" means the county attorney, attorney
30 general or city attorney who applied or petitioned for an evaluation or
31 treatment pursuant to this chapter.

32 39. "Psychiatric and mental health nurse practitioner" means a
33 registered nurse practitioner as defined in section 32-1601 who has
34 completed an adult or family psychiatric and mental health nurse
35 practitioner program and who is certified as an adult or family
36 psychiatric and mental health nurse practitioner by the state board of
37 nursing.

38 40. "Psychiatrist" means a licensed physician who has completed
39 three years of graduate training in psychiatry in a program approved by
40 the American medical association or the American osteopathic association.

41 41. "Psychologist" means a person who is licensed under title 32,
42 chapter 19.1 and who is experienced in the practice of clinical
43 psychology.

42. "Records" means all communications that are recorded in any form or medium and that relate to patient examination, evaluation or behavioral or mental health treatment. Records include medical records that are prepared by a health care provider or other providers. Records do not include:

(a) Materials that are prepared in connection with utilization review, peer review or quality assurance activities, including records that a health care provider prepares pursuant to section 36-441, 36-445, 36-2402 or 36-2917.

(b) Recorded telephone and radio calls to and from a publicly operated emergency dispatch office relating to requests for emergency services or reports of suspected criminal activity.

43. "Regional behavioral health authority" has the same meaning prescribed in section 36-3401.

44. "Screening agency" means a health care agency that is licensed by the department and that provides those services required of the agency by this chapter.

45. "Social worker" means a person who has completed two years of graduate training in social work in a program approved by the council of social work education and who has experience in mental health.

46. "State hospital" means the Arizona state hospital.

47. "Superintendent" means the superintendent of the state hospital.

48. "Voluntary evaluation" means the ongoing collection and analysis of a person's medical, psychological, psychiatric and social conditions in order to initially determine if a health disorder exists and if there is a need for behavioral health services and, on an ongoing basis, to ensure that the person's service plan is designed to meet the person's and the person's family's current needs and long-term goals.

Sec. 2. Section 36-503.02, Arizona Revised Statutes, is amended to read:

36-503.02. Apprehension and transportation by authorized transporters; immunity

A. When in any section of articles 4 and 5 of this chapter, a court, a person, an evaluation agency or a mental health treatment agency is allowed to authorize, request or order the apprehension and transportation of a patient or proposed patient by a peace officer to an evaluation agency or mental health treatment agency, the court, person, evaluation agency or mental health treatment agency may authorize the apprehension and transportation by an authorized transporter if available in the city, town or county if there are reasonable grounds to believe that the patient or proposed patient may be safely apprehended and transported by an authorized transporter without the assistance of a peace officer.

B. Any person who provides a court, a person, an evaluation agency or a mental health treatment agency authorized to request or order the apprehension and transportation of a patient or proposed patient with facts and circumstances or expresses an opinion that there may be reasonable grounds to believe a patient or proposed patient may be safely apprehended and transported to an evaluation agency or mental health treatment agency by an authorized transporter without the assistance of a peace officer, the court, the person, the evaluation agency or the mental health treatment agency that authorizes the use of an authorized transporter and the authorized transporter that apprehends and transports the patient or proposed patient to an evaluation agency or mental health treatment agency pursuant to an authorization, request or order issued under this chapter are not subject to civil liability for the apprehension or transportation. This liability exclusion does not apply to a person who acts with gross negligence.

C. This chapter does not require a city, town or county to contract with an authorized transporter to provide services pursuant to this chapter instead of a peace officer. A city, town or county that enters into a contract with an authorized transporter is financially responsible for the contracted services provided pursuant to this chapter by the authorized transporter, EXCEPT THAT SERVICES PROVIDED PURSUANT TO THIS SECTION TO A PERSON WHO IS ELIGIBLE PURSUANT TO CHAPTER 29, ARTICLE 1 OF THIS TITLE SHALL BE PAID BY THE ADMINISTRATION PURSUANT TO CHAPTER 29, ARTICLE 1 OF THIS TITLE.

D. For the purposes of this chapter, an evaluation agency or mental health treatment agency authorizing the use of an authorized transporter is not financially responsible for the use of the authorized transporter.

Sec. 3. Title 36, chapter 21.1, Arizona Revised Statutes, is amended by adding article 5, to read:

ARTICLE 5. BEHAVIORAL HEALTH TRANSPORTATION

36-2269. Definitions

IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1. "BEHAVIORAL HEALTH EMERGENCY TECHNICIAN" MEANS A PERSON WHO IS CERTIFIED TO PROVIDE SERVICES ON A BEHAVIORAL HEALTH TRANSPORT VEHICLE.

2. "BEHAVIORAL HEALTH TRANSPORTATION PROVIDER" MEANS A TRANSPORTATION PROVIDER THAT HOLDS A CERTIFICATE ISSUED PURSUANT TO THIS ARTICLE TO PROVIDE TRANSPORTATION FOR INDIVIDUALS PURSUANT TO CHAPTER 5 OF THIS TITLE.

3. "CERTIFICATE" MEANS A CERTIFICATE THAT IS ISSUED BY THE DEPARTMENT TO A BEHAVIORAL HEALTH TRANSPORTATION PROVIDER PURSUANT TO THIS ARTICLE AND THAT DESCRIBES THE FOLLOWING:

- (a) THE EFFECTIVE DATE OF THE CERTIFICATE.
- (b) THE EXPIRATION DATE OF THE CERTIFICATE.
- (c) THE LEGAL ADDRESS AND NAME OF THE CERTIFICATE HOLDER, INCLUDING SUBOPERATION LOCATIONS, IF APPLICABLE.

1 (d) THE VEHICLE IDENTIFICATION NUMBER FOR EACH BEHAVIORAL HEALTH
2 TRANSPORT VEHICLE FOR WHICH THE CERTIFICATE IS ISSUED AND THE LAST
3 INSPECTION DATE AND NEXT INSPECTION DATE OF EACH BEHAVIORAL HEALTH
4 TRANSPORT VEHICLE.

5 (e) THE MINIMUM EQUIPMENT LIST FOR BEHAVIORAL HEALTH TRANSPORT
6 VEHICLES.

7 4. "FIT AND PROPER" MEANS THAT THE DIRECTOR HAS DETERMINED THAT AN
8 APPLICANT FOR A CERTIFICATE UNDER THIS ARTICLE HAS THE EXPERTISE,
9 INTEGRITY, FISCAL COMPETENCE AND RESOURCES TO PROVIDE BEHAVIORAL HEALTH
10 TRANSPORTATION SERVICES.

11 36-2269.01. Duties of the director

12 THE DIRECTOR SHALL:

13 1. ADOPT ANY RULES NECESSARY TO CARRY OUT THIS ARTICLE CONSISTENT
14 WITH SECTION 36-2269.02.

15 2. ISSUE CERTIFICATES FOR BEHAVIORAL HEALTH TRANSPORTATION
16 PROVIDERS.

17 3. MAINTAIN A SYSTEM FOR THE CERTIFICATION AND RECERTIFICATION OF
18 BEHAVIORAL HEALTH EMERGENCY TECHNICIANS.

19 4. CREATE OPERATING GUIDELINES FOR BEHAVIORAL HEALTH EMERGENCY
20 TECHNICIANS, INCLUDING EMERGENCY NOTIFICATIONS AND PROCEDURES.

21 5. PRESCRIBE THE FEES NECESSARY TO ADMINISTER THIS ARTICLE. ALL
22 FEES COLLECTED PURSUANT TO THIS ARTICLE SHALL BE DEPOSITED, PURSUANT TO
23 SECTIONS 35-146 AND 35-147, IN THE EMERGENCY MEDICAL SERVICES OPERATING
24 FUND ESTABLISHED BY SECTION 36-2218 AND BE USED ONLY TO ADMINISTER THIS
25 ARTICLE.

26 36-2269.02. Rules; behavioral health transport

27 A. THE DIRECTOR SHALL ADOPT RULES FOR THE PURPOSES OF THIS ARTICLE,
28 INCLUDING:

29 1. MINIMUM REQUIREMENTS FOR TRAINING, TESTING AND CERTIFICATION AND
30 RECERTIFICATION OF BEHAVIORAL HEALTH EMERGENCY TECHNICIANS, INCLUDING:

31 (a) COURSES IN EMERGENCY FIRST AID AND LIFESAVING TECHNIQUES.

32 (b) COMPLETION OF A TRAINING COURSE APPROVED BY THE DIRECTOR ON
33 MENTAL HEALTH ISSUES AND PATIENTS WITH MENTAL HEALTH IMPAIRMENTS.

34 (c) PASSING AN EXAMINATION APPROVED BY THE DIRECTOR THAT IS
35 DESIGNED TO TEST BOTH:

36 (i) KNOWLEDGE AND RECOGNITION OF CHARACTERISTICS AND SYMPTOMS OF
37 MENTAL ILLNESS AND MENTAL HEALTH IMPAIRMENTS.

38 (ii) KNOWLEDGE OF MENTAL HEALTH CRISIS INTERVENTION STRATEGIES FOR
39 PEOPLE WITH MENTAL HEALTH IMPAIRMENTS.

40 (d) REQUIRING A CRIMINAL BACKGROUND CHECK AND NO CONVICTION OR
41 DEFERRED OR PROBATED SENTENCE FOR ANY CRIME RELATED TO A SEXUAL OFFENSE,
42 HOMICIDE, THEFT, ASSAULT, BATTERY OR CRIME INVOLVING PERSONAL INJURY OR
43 THREAT TO ANOTHER PERSON.

1 2. MINIMUM REQUIREMENTS FOR BEHAVIORAL HEALTH TRANSPORT VEHICLES,
2 INCLUDING:

3 (a) REQUIREMENTS THAT EACH BEHAVIORAL HEALTH TRANSPORT VEHICLE BE
4 WELL MAINTAINED AND EQUIPPED TO ENSURE THE PROTECTION OF PATIENTS FROM
5 HARM OR INJURY.

6 (b) A SAFETY PARTITION BETWEEN THE DRIVER AND PASSENGER AREAS THAT
7 DOES NOT REDUCE VISIBILITY.

8 (c) SAFETY LOCKS TO KEEP A PATIENT FROM EXITING A MOVING BEHAVIORAL
9 HEALTH TRANSPORT VEHICLE.

10 (d) A TWO-WAY RADIO OR CELLULAR PHONE THAT WORKS DURING THE ENTIRE
11 TRANSPORT.

12 (e) REQUIREMENTS FOR THE DOCUMENTATION OF BEHAVIORAL HEALTH
13 TRANSPORTS.

14 (f) APPROPRIATE EQUIPMENT FOR PROVIDING FIRST AID AND LIFE-SAVING
15 TECHNIQUES.

16 3. REQUIREMENTS FOR THE ISSUANCE OF A BEHAVIORAL HEALTH
17 TRANSPORTATION PROVIDER CERTIFICATE, INCLUDING REQUIRING A CLINICAL
18 DIRECTOR WHO IS LICENSED PURSUANT TO TITLE 32, CHAPTER 13 OR 17, A NURSE
19 PRACTITIONER WHO IS CERTIFIED PURSUANT TO TITLE 32, CHAPTER 15 OR A
20 PHYSICIAN ASSISTANT WHO IS LICENSED PURSUANT TO TITLE 32, CHAPTER 25.

21 B. EACH PATIENT SHALL BE ACCOMPANIED BY APPROPRIATE MEDICAL
22 PERSONNEL AS DEFINED BY RULE DURING A BEHAVIORAL HEALTH TRANSPORT IF THERE
23 IS REASONABLE CAUSE TO BELIEVE THAT THE PATIENT WILL REQUIRE MEDICAL
24 ASSISTANCE OR THE ADMINISTRATION OF MEDICATION DURING THE BEHAVIORAL
25 HEALTH TRANSPORT.

26 36-2269.03. Behavioral health transportation providers;
27 certification; renewal; change of ownership;
28 investigation; discipline

29 A. A PERSON MAY NOT OPERATE AS A BEHAVIORAL HEALTH TRANSPORTATION
30 PROVIDER IN THIS STATE UNLESS THE PERSON HAS A CERTIFICATE ISSUED PURSUANT
31 TO THIS ARTICLE AND THE RULES ADOPTED PURSUANT TO THIS ARTICLE.

32 B. A PERSON MAY OBTAIN A CERTIFICATE TO OPERATE AS A BEHAVIORAL
33 HEALTH TRANSPORTATION PROVIDER BY SUBMITTING AN APPLICATION ON A FORM
34 PRESCRIBED BY THE DIRECTOR AND BY DEMONSTRATING TO THE DIRECTOR'S
35 SATISFACTION THAT THE APPLICANT IS FIT AND PROPER, HAS PAID THE INITIAL
36 REGISTRATION FEE AND IS IN COMPLIANCE WITH THIS ARTICLE AND RULES ADOPTED
37 PURSUANT TO THIS ARTICLE TO OPERATE AS A BEHAVIORAL HEALTH TRANSPORTATION
38 PROVIDER.

39 C. A CERTIFICATE ISSUED TO A BEHAVIORAL HEALTH TRANSPORTATION
40 PROVIDER IS VALID FOR ONE YEAR. A BEHAVIORAL HEALTH TRANSPORTATION
41 PROVIDER MAY REQUEST THAT THE DEPARTMENT ISSUE AN INITIAL CERTIFICATE THAT
42 EXPIRES BEFORE THE END OF THE YEAR IN ORDER FOR THE DEPARTMENT TO CONDUCT
43 AN ANNUAL INSPECTION OF ALL OF THE BEHAVIORAL HEALTH TRANSPORTATION
44 PROVIDER'S BEHAVIOR HEALTH TRANSPORT VEHICLES AT ONE TIME. A BEHAVIORAL
45 HEALTH TRANSPORTATION PROVIDER MAY RENEW A CERTIFICATE BY COMPLYING WITH

1 THE REQUIREMENTS OF THIS ARTICLE AND THE RULES ADOPTED PURSUANT TO THIS
2 ARTICLE AND PAYING A RENEWAL FEE PRESCRIBED BY THE DIRECTOR.

3 D. A CERTIFICATE ISSUED PURSUANT TO THIS SECTION TERMINATES ON ANY
4 CHANGE OF OWNERSHIP OR CONTROL OF THE BEHAVIORAL HEALTH TRANSPORTATION
5 PROVIDER. FOLLOWING ANY CHANGE OF OWNERSHIP, THE NEW OWNER OF A
6 BEHAVIORAL HEALTH TRANSPORTATION PROVIDER SHALL APPLY FOR AND RECEIVE A
7 NEW CERTIFICATION FROM THE DIRECTOR BEFORE THE BEHAVIORAL HEALTH
8 TRANSPORTATION PROVIDER MAY AGAIN OPERATE IN THIS STATE. THIS SUBSECTION
9 DOES NOT APPLY IF A BEHAVIORAL HEALTH TRANSPORTATION PROVIDER BORROWS,
10 LEASES, RENTS OR OTHERWISE OBTAINS A BEHAVIORAL HEALTH TRANSPORT VEHICLE
11 FROM ANOTHER BEHAVIORAL HEALTH TRANSPORTATION PROVIDER TO TEMPORARILY
12 REPLACE AN INOPERABLE BEHAVIORAL HEALTH TRANSPORT VEHICLE.

13 E. THE DIRECTOR MAY INVESTIGATE THE OPERATION OF AND COMPLAINTS
14 FILED AGAINST BEHAVIORAL HEALTH TRANSPORTATION PROVIDERS AND IMPOSE
15 DISCIPLINARY MEASURES AGAINST A BEHAVIORAL HEALTH TRANSPORTATION
16 PROVIDER'S CERTIFICATE ISSUED PURSUANT TO THIS ARTICLE CONSISTENT WITH
17 SECTION 36-2245, EXCEPT AS THAT SECTION APPLIES TO RATES AND CHARGES.

18 36-2269.04. Behavioral health emergency technicians; grounds
19 for censure, probation, suspension or
20 revocation of certificate; confidentiality

21 A. THE DIRECTOR MAY CENSURE OR PLACE ON PROBATION A BEHAVIORAL
22 HEALTH EMERGENCY TECHNICIAN OR SUSPEND OR REVOKE THE CERTIFICATION ISSUED
23 PURSUANT TO THIS ARTICLE TO A BEHAVIORAL HEALTH EMERGENCY TECHNICIAN
24 CONSISTENT WITH SECTION 36-2211. THE DIRECTOR MAY INVESTIGATE, INTERVIEW
25 AND IMPOSE DISCIPLINARY ACTION AND CIVIL PENALTIES.

26 B. INFORMATION, DOCUMENTS AND RECORDS RECEIVED OR PREPARED BY THE
27 DEPARTMENT IN CONNECTION WITH AN INVESTIGATION THAT IS CONDUCTED PURSUANT
28 TO THIS SECTION, CONSISTENT WITH SECTION 36-2245, AND THAT RELATES TO
29 BEHAVIORAL HEALTH EMERGENCY TECHNICIANS ARE CONFIDENTIAL AND ARE NOT
30 SUBJECT TO PUBLIC INSPECTION OR CIVIL DISCOVERY. WHEN THE INVESTIGATION
31 HAS BEEN COMPLETED AND THE INVESTIGATION FILE HAS BEEN CLOSED, THE RESULTS
32 OF THE INVESTIGATION AND THE DECISION OF THE DEPARTMENT SHALL BE AVAILABLE
33 TO THE PUBLIC.

34 36-2269.05. Behavioral health transportation advisory
35 committee; membership; duties; compensation

36 A. THE BEHAVIORAL HEALTH TRANSPORTATION ADVISORY COMMITTEE IS
37 ESTABLISHED IN THE DEPARTMENT TO ADVISE THE DIRECTOR REGARDING RULEMAKING
38 AND POLICIES RELATED TO THE QUALIFICATIONS, REGULATION AND OVERSIGHT OF
39 BEHAVIORAL HEALTH TRANSPORTATION PROVIDERS. THE ADVISORY SHALL CONSIST OF
40 AT LEAST THE FOLLOWING MEMBERS WHO ARE APPOINTED BY THE DIRECTOR:

- 41 1. AN INDEPENDENT EVALUATOR AS DEFINED IN SECTION 36-501.
- 42 2. A REPRESENTATIVE OF A LAW ENFORCEMENT AGENCY FOR A CITY OR TOWN
43 IN A COUNTY WITH A POPULATION OF AT LEAST ONE MILLION PERSONS.
- 44 3. A REPRESENTATIVE OF A LAW ENFORCEMENT AGENCY FOR A CITY OR TOWN
45 IN A COUNTY WITH A POPULATION OF LESS THAN ONE MILLION PERSONS.

1 4. A PERSON WHO IS RESPONSIBLE FOR OPERATING A CITY OR TOWN
2 AMBULANCE SERVICE.
3 5. A REPRESENTATIVE OF A HOSPITAL THAT OPERATES AN EMERGENCY
4 DEPARTMENT IN THIS STATE.
5 B. THE ADVISORY COMMITTEE MEMBERS SHALL SERVE THREE-YEAR TERMS.
6 C. MEMBERS OF THE ADVISORY COMMITTEE ARE NOT ELIGIBLE TO RECEIVE
7 COMPENSATION BUT ARE ELIGIBLE FOR REIMBURSEMENT OF EXPENSES PURSUANT TO
8 TITLE 38, CHAPTER 4, ARTICLE 2.