

REFERENCE TITLE: **certificates of necessity; exemption**

State of Arizona  
House of Representatives  
Fifty-seventh Legislature  
First Regular Session  
2025

# **HB 2661**

Introduced by  
Representative Willoughby

**AN ACT**

**AMENDING SECTIONS 36-2201 AND 36-2233, 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 36-2201, Arizona Revised Statutes, is amended to  
3 read:

4 36-2201. Definitions

5 In this chapter, unless the context otherwise requires:

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

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

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

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

28 5. "Ambulance":

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

35 (b) Does not include a surface vehicle that is owned and operated  
36 by a private sole proprietor, partnership, private corporation or  
37 municipal corporation for the emergency transportation and in-transit care  
38 of its employees or a vehicle that is operated to accommodate an  
39 incapacitated person or person with a disability who does not require  
40 medical monitoring, care or treatment during transport and that is not  
41 advertised as having medical equipment and supplies or ambulance  
42 attendants.

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

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

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

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

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

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

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

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

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

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

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

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

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

35           (a) The service area.

36           (b) The level of service.

37           (c) The type of service.

38           (d) The hours of operation.

39           (e) The effective date.

40           (f) The expiration date.

41           (g) The legal name and address of the ambulance service.

42           (h) The any limiting or special provisions the director prescribes.

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

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

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

3           15. "DIRECT OWNER" HAS THE SAME MEANING PRESCRIBED IN SECTION  
4 36-401.

5           ~~15.~~ 16. "Emergency medical care technician" means an individual  
6 who has been certified by the department as an emergency medical  
7 technician, an advanced emergency medical technician, an emergency medical  
8 technician I-99 or a paramedic.

9           ~~16.~~ 17. "Emergency medical responder" as an ambulance attendant,  
10 whose primary responsibility is driving an ambulance, means a person who  
11 has successfully completed training in an emergency medical responder  
12 program that is certified by the director or is approved by the emergency  
13 medical services provider's administrative medical director on file with  
14 the department or in an equivalent training program.

15           ~~17.~~ 18. "Emergency medical responder program" means a program that  
16 has been submitted for review by the department and includes at least the  
17 following:

- 18           (a) Emergency vehicle driver training.
- 19           (b) Cardiopulmonary resuscitation certification.
- 20           (c) Automated external defibrillator training.
- 21           (d) Training in the use of noninvasive diagnostic devices,  
22 including blood glucose monitors and pulse oximeters.
- 23           (e) Training on obtaining a patient's vital signs, including blood  
24 pressure, pulse and respiratory rate.

25           ~~18.~~ 19. "Emergency medical services" means those services required  
26 following an accident or an emergency medical situation:

- 27           (a) For on-site emergency medical care.
- 28           (b) To transport the sick or injured by a licensed ground or air  
29 ambulance.
- 30           (c) In using emergency communications media.
- 31           (d) In using emergency receiving facilities.
- 32           (e) In administering initial care and preliminary treatment  
33 procedures by emergency medical care technicians.

34           ~~19.~~ 20. "Emergency medical services provider" means any  
35 governmental entity, quasi-governmental entity or corporation whether  
36 public or private that renders emergency medical services in this state.

37           ~~20.~~ 21. "Emergency medical technician" means a person who has been  
38 trained in an emergency medical technician program certified by the  
39 director or in an equivalent training program and who is certified by the  
40 director as qualified to render services pursuant to section 36-2205.

41           ~~21.~~ 22. "Emergency receiving facility" means a licensed health  
42 care institution that offers emergency medical services, is staffed  
43 twenty-four hours a day and has a physician on call.

44           ~~22.~~ 23. "Fit and proper" means that the director determines that  
45 an applicant for a certificate of necessity or a certificate holder has

the expertise, integrity, fiscal competence and resources to provide ambulance service in the service area.

~~24.~~ "INDIRECT OWNER" HAS THE SAME MEANING PRESCRIBED IN SECTION 36-401.

~~25.~~ "INTRAFACILITY TRANSPORT" MEANS AN AMBULANCE TRANSPORT OF A PATIENT FROM ONE HEALTH CARE INSTITUTION TO ANOTHER HEALTH CARE INSTITUTION AS DEFINED IN SECTION 36-401 AND THE HEALTH CARE INSTITUTIONS HAVE THE SAME DIRECT OWNER OR INDIRECT OWNER.

~~26.~~ 26. "Medical record" means any patient record, including clinical records, prehospital care records, medical reports, laboratory reports and statements, any file, film, record or report or oral statements relating to diagnostic findings, treatment or outcome of patients, whether written, electronic or recorded, and any information from which a patient or the patient's family might be identified.

~~27.~~ 27. "National certification organization" means a national organization that tests and certifies the ability of an emergency medical care technician and whose tests are based on national education standards.

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

~~29.~~ 29. "Paramedic" means a person who has been trained in a paramedic program certified by the director or in an equivalent training program and who is certified by the director to render services pursuant to section 36-2205.

~~30.~~ 30. "Physician" means any person licensed pursuant to title 32, chapter 13 or 17.

~~31.~~ 31. "Police dog":

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

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

~~32.~~ 32. "Stretcher van" means a vehicle that contains a stretcher and that is operated to accommodate an incapacitated person or person with a disability who does not require medical monitoring, aid, care or treatment during transport.

~~33.~~ 33. "Suboperation station" means a physical facility or location at which an ambulance service conducts operations for the dispatch of ambulances and personnel and that may be staffed twenty-four hours a day or less as determined by system use.

~~31.~~ 34. "Trauma center" means any acute care hospital that provides in-house twenty-four-hour daily dedicated trauma surgical services that is designated pursuant to section 36-2225.

~~32.~~ 35. "Trauma registry" means data collected by the department on trauma patients and on the incidence, causes, severity, outcomes and operation of a trauma system and its components.

~~33.~~ 36. "Trauma system" means an integrated and organized arrangement of health care resources having the specific capability to perform triage, transport and provide care.

~~34.~~ 37. "Validated testing procedure" means a testing procedure that includes practical skills, or attests practical skills proficiency on a form developed by the department by the educational training program, identified pursuant to section 36-2204, paragraph 2, that is certified as valid by an organization capable of determining testing procedure and testing content validity and that is recommended by the medical direction commission and the emergency medical services council before the director's approval.

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

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

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

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

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

1 does not include the time the applicant uses to respond to requests for  
2 additional information.

3 C. On receipt of an initial or amended application for a  
4 certificate of necessity, the department shall post a notice of the  
5 application on its website. Within thirty days after the department posts  
6 a notice pursuant to this subsection, any interested party may provide  
7 information to the director on a form in a department-approved format for  
8 consideration. If an interested party fails to respond to the notice  
9 within sixty days in a department-approved format, the information may not  
10 be considered during the review of the application.

11 D. For the purposes of this section, a city, town, fire district,  
12 fire authority or tribal government whose jurisdictional boundaries in  
13 whole or in part are within the service area of a certificate of  
14 necessity, an existing certificate of necessity holder within the service  
15 area of the certificate of necessity or a hospital that is licensed  
16 pursuant to chapter 4 of this title and that is located within the service  
17 area of a certificate of necessity is considered to be an interested party  
18 as a matter of law.

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

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

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

29 2. The director finds that the applicant is fit and proper to  
30 provide the service.

31 3. The applicant has paid the appropriate fees pursuant to section  
32 36-2240.

33 4. The applicant has filed a surety bond pursuant to section  
34 36-2237.

35 G. A certificate of necessity issued pursuant to subsection F of  
36 this section shall be for all or part of the service proposed by the  
37 applicant as determined necessary by the director for public convenience  
38 and necessity.

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

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

42 2. Ambulance services operating under temporary authority pursuant  
43 to section 36-2242.

44 3. AMBULANCE SERVICES THAT ARE OWNED OR OPERATED BY A DIRECT OWNER  
45 OR INDIRECT OWNER OF A HEALTH CARE INSTITUTION AS DEFINED IN SECTION

1 36-401 FOR INTRAFACILITY TRANSPORTS FOR THE PURPOSES OF CONTINUITY OF  
2 CARE, RESOURCE ALLOCATION OR SPECIALIZED TREATMENT.

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

5 1. Metes and bounds.

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

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