

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

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

3 24. "INDIRECT OWNER" HAS THE SAME MEANING PRESCRIBED IN SECTION
4 36-401.

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

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

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

18 25. 28. "National education standards" means the emergency medical
19 services education standards of the United States department of
20 transportation or other similar emergency medical services education
21 standards developed by that department or its successor agency.

22 26. 29. "Paramedic" means a person who has been trained in a
23 paramedic program certified by the director or in an equivalent training
24 program and who is certified by the director to render services pursuant
25 to section 36-2205.

26 27. 30. "Physician" means any person licensed pursuant to title
27 32, chapter 13 or 17.

28 28. 31. "Police dog":

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

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

36 29. 32. "Stretcher van" means a vehicle that contains a stretcher
37 and that is operated to accommodate an incapacitated person or person with
38 a disability who does not require medical monitoring, aid, care or
39 treatment during transport.

40 30. 33. "Suboperation station" means a physical facility or
41 location at which an ambulance service conducts operations for the
42 dispatch of ambulances and personnel and that may be staffed twenty-four
43 hours a day or less as determined by system use.

1 ~~31.~~ **34.** "Trauma center" means any acute care hospital that
2 provides in-house twenty-four-hour daily dedicated trauma surgical
3 services that is designated pursuant to section 36-2225.

4 ~~32.~~ **35.** "Trauma registry" means data collected by the department
5 on trauma patients and on the incidence, causes, severity, outcomes and
6 operation of a trauma system and its components.

7 ~~33.~~ **36.** "Trauma system" means an integrated and organized
8 arrangement of health care resources having the specific capability to
9 perform triage, transport and provide care.

10 ~~34.~~ **37.** "Validated testing procedure" means a testing procedure
11 that includes practical skills, or attests practical skills proficiency on
12 a form developed by the department by the educational training program,
13 identified pursuant to section 36-2204, paragraph 2, that is certified as
14 valid by an organization capable of determining testing procedure and
15 testing content validity and that is recommended by the medical direction
16 commission and the emergency medical services council before the
17 director's approval.

18 ~~35.~~ **38.** "Wheelchair van" means a vehicle that contains or that is
19 designed and constructed or modified to contain a wheelchair and that is
20 operated to accommodate an incapacitated person or person with a
21 disability who does not require medical monitoring, aid, care or treatment
22 during transport.

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

25 **36-2233. Certificate of necessity to operate an ambulance**
26 **service; notification of interested parties;**
27 **exceptions; service areas**

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

31 B. Within one hundred eighty days after receiving an application
32 for a certificate of necessity as prescribed in this section, the director
33 shall make a determination based on whether necessity for the ambulance
34 service is found to exist and the applicant meets the requirements of
35 subsection F of this section. If the director requests additional
36 information from the applicant after initial review, the applicant shall
37 have thirty business days to respond. On request, the director may give
38 the applicant one additional period of thirty business days to respond.
39 If the applicant fails to respond to the director's request for additional
40 information, the department shall deem the initial or amended application
41 withdrawn. An application deemed withdrawn is not an appealable agency
42 action pursuant to title 41, chapter 6, article 10. The applicant may
43 appeal a denial only pursuant to section 36-2234. The one hundred
44 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.