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**Jane Dee Hull
Secretary of State**

CHAPTER 250

HOUSE BILL 2009

AN ACT

AMENDING SECTIONS 36-2201, 36-2209, 36-2211, 36-2233 AND 36-2245, ARIZONA REVISED STATUTES; RELATING TO EMERGENCY MEDICAL SERVICES.

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. "Advanced life support base hospital" means a health care
7 institution that offers general medical and surgical services, that is
8 certified by the director as an advanced life support base hospital and that
9 is affiliated by written agreement with a licensed ambulance service,
10 municipal rescue service, fire department, fire district or health services
11 district for medical direction, evaluation and control of emergency medical
12 technicians.

13 2. "Ambulance" means any publicly or privately owned surface, water
14 or air vehicle, including a helicopter, that contains a stretcher and
15 necessary medical equipment and supplies pursuant to section 36-2202 and that
16 is especially designed and constructed or modified and equipped to be used,
17 maintained or operated primarily for the transportation of individuals who
18 are sick, injured or wounded or who require medical monitoring or aid.
19 Ambulance does not include a surface vehicle that is owned and operated by
20 a private sole proprietor, partnership, private corporation or municipal
21 corporation for the emergency transportation and in-transit care of its
22 employees or a vehicle that is operated to accommodate an incapacitated or

1 disabled person who does not require medical monitoring, care or treatment
2 during transport and that is not advertised as having medical equipment and
3 supplies or ambulance attendants.

4 3. "Ambulance attendant" means any of the following:

5 (a) A certified emergency medical technician whose primary
6 responsibility is the care of patients in an ambulance and who meets the
7 standards and criteria adopted pursuant to section 36-2204.

8 (b) A first responder WHO IS employed by an ambulance service
9 operating under the provisions of section 36-2202, whose primary
10 responsibility is the driving of an ambulance and who meets the standards and
11 criteria adopted pursuant to section 36-2204.

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

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

17 (e) A professional nurse who is licensed pursuant to title 32, chapter
18 15 and whose primary responsibility is the care of patients in an ambulance
19 during an interfacility transport.

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

22 5. "Basic emergency medical technician" means a person who has been
23 trained in specific emergency care in a basic emergency medical technician
24 program certified by the director or in an equivalent training program and
25 who is certified by the director as qualified to render services pursuant to
26 section 36-2205.

27 6. "CERTIFICATE OF NECESSITY" MEANS A CERTIFICATE THAT IS ISSUED TO
28 AN AMBULANCE SERVICE BY THE DEPARTMENT AND THAT DESCRIBES THE FOLLOWING:

29 (a) SERVICE AREA.

30 (b) LEVEL OF SERVICE.

31 (c) TYPE OF SERVICE.

32 (d) HOURS OF OPERATION.

33 (e) EFFECTIVE DATE.

34 (f) EXPIRATION DATE.

35 (g) LEGAL NAME AND ADDRESS OF THE AMBULANCE SERVICE.

36 (h) ANY LIMITING OR SPECIAL PROVISIONS THE DIRECTOR PRESCRIBES.

37 ~~6~~ 7. "Certified emergency medical technician" means an individual
38 who has been certified by the department as a basic emergency medical
39 technician, an intermediate emergency medical technician or an emergency
40 paramedic.

41 ~~7~~ 8. "Council" means the emergency medical services council.

42 ~~8~~ 9. "Department" means the department of health services.

43 ~~9~~ 10. "Director" means the director of the department of health
44 services.

1 ~~10-~~ 11. "Division" means the division of emergency medical services
2 within the department.

3 ~~11-~~ 12. "Emergency medical services" means those services required
4 following an accident or an emergency medical situation:

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

6 (b) For the transportation of the sick or injured by a licensed ground
7 or air ambulance.

8 (c) In the use of emergency communications media.

9 (d) In the use of emergency receiving facilities.

10 (e) In administering initial care and preliminary treatment procedures
11 by certified emergency medical technicians.

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

16 ~~13-~~ 14. "Emergency receiving facility" means a licensed health
17 care institution that offers emergency medical services, is staffed
18 twenty-four hours a day and has a physician on call.

19 ~~14-~~ 15. "First responder" means a person who has been trained in a
20 first responder training program certified by the department.

21 16. "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 ~~15-~~ 17. "Intermediate emergency medical technician" means a person who
26 has been trained in an intermediate emergency medical technician program
27 certified by the director or in an equivalent training program and who is
28 certified by the director to render services pursuant to section 36-2205.

29 ~~16-~~ 18. "Medical record" means any patient record including clinical
30 records, prehospital care records, medical reports, laboratory reports and
31 statements, any file, film, record or report or oral statements relating to
32 diagnostic findings, treatment or outcome of patients, whether written or
33 recorded, and any information from which a patient or the patient's family
34 might be identified.

35 ~~17-~~ 19. "Physician" means any person licensed under the provisions of
36 title 32, chapter 13 or 17.

37 ~~18-~~ 20. "Stretcher van" means a vehicle that contains a stretcher and
38 that is operated to accommodate an incapacitated or disabled person who does
39 not require medical monitoring, aid, care or treatment during transport.

40 ~~19-~~ 21. "Suboperation station" means a physical facility or location
41 at which an ambulance service conducts operations for the dispatch of
42 ambulances and personnel and that may be staffed twenty-four hours a day or
43 less as determined by system use.

1 ~~20-~~ 22. "Trauma center" means any acute care hospital that provides
2 in-house twenty-four hour daily dedicated trauma surgical services.

3 ~~21-~~ 23. "Trauma registry" means data collected by the department on
4 trauma patients and on the incidence, causes, severity, outcomes and
5 operation of a trauma system and its components.

6 ~~22-~~ 24. "Trauma system" means an integrated and organized arrangement
7 of health care resources having the specific capability to perform triage,
8 transport and provide care.

9 Sec. 2. Section 36-2209, Arizona Revised Statutes, is amended to read:
10 36-2209. Powers and duties of the director

11 A. The director shall:

12 1. Appoint, define the duties and prescribe the terms and conditions
13 of employment of all employees of the division.

14 2. Adopt rules necessary for the operation of the division and for
15 carrying out the purposes of this chapter.

16 3. Cooperate with and assist the personnel of emergency receiving
17 facilities and other health care institutions in preparing a plan to be
18 followed by such facilities and institutions in the event of a major
19 disaster.

20 4. Cooperate with the state director of emergency management when a
21 state of emergency or a state of war emergency has been declared by the
22 governor.

23 B. The director may:

24 1. Request the cooperation of utilities, communications media and
25 public and private agencies to aid and assist in the implementation and
26 maintenance of a statewide emergency medical services system.

27 2. ~~Cooperate~~ ENTER INTO CONTRACTS AND AGREEMENTS with any LOCAL
28 GOVERNMENTAL ENTITY, agency or group which provides a similar program of
29 emergency medical services in a contiguous state.

30 3. Enter into contracts and agreements for the acquisition and
31 purchase of any equipment, tools, supplies, materials and services necessary
32 in the administration of this chapter.

33 4. Enter into contracts with emergency receiving facilities, local
34 governmental entities, emergency rescue services and ambulance services, and
35 the director may establish emergency medical services, including emergency
36 receiving facilities, if necessary to assure the availability and quality of
37 such services.

38 5. Accept and expend federal funds and private grants, gifts,
39 contributions and devises to assist in carrying out the purposes of this
40 chapter. These funds do not revert to the state general fund at the close
41 of a fiscal year.

42 6. Establish an emergency medical services notification system which
43 utilizes existing telephone communications networks.

1 7. Contract with private telephone companies for the establishment of
2 a statewide emergency reporting telephone number.

3 8. Authorize the testing entity to collect fees determined by the
4 director. In determining fees for testing entities the director shall
5 consider the fees required by the national registry of emergency medical
6 technicians.

7 Sec. 3. Section 36-2211, Arizona Revised Statutes, is amended to read:

8 36-2211. Grounds for censure, probation, suspension or
9 revocation of emergency medical technician or
10 ambulance attendant certificate; proceedings; civil
11 penalty; appeal

12 A. The medical director of emergency medical services, on behalf of
13 the director, may censure or place on probation an emergency medical
14 technician or ambulance attendant or suspend or revoke the certificate issued
15 to any emergency medical technician or ambulance attendant pursuant to this
16 article for any of the following causes:

17 1. Unprofessional conduct.

18 2. Conviction of a felony or of a misdemeanor involving moral
19 turpitude during the time that a person is ~~employed~~ CERTIFIED as an emergency
20 medical technician or ambulance attendant. The record of conviction or a
21 copy of such record certified by the clerk of the court or by the judge by
22 whom the person was sentenced is conclusive evidence of such conviction.

23 3. Physical or mental incompetence to provide emergency medical
24 services as an emergency medical technician or ambulance attendant.

25 4. Gross incompetence or gross negligence in the provision of
26 emergency medical services as an emergency medical technician or ambulance
27 attendant.

28 5. Wilful fraud or misrepresentation in the provision of emergency
29 medical services as an emergency medical technician or ambulance attendant
30 or in the admission to such practice.

31 6. Use of any narcotic or dangerous drug or intoxicating beverage to
32 an extent that the use impairs the ability to safely conduct the provision
33 of emergency medical services as an emergency medical technician or ambulance
34 attendant.

35 7. The wilful violation of any provision of this chapter or the rules
36 adopted pursuant to this chapter.

37 8. The medical director of emergency medical services on his own
38 motion may investigate any evidence which appears to show the existence of
39 any of the causes set forth in subsection A of this section. The medical
40 director of emergency medical services shall investigate the report under
41 oath of any person which appears to show the existence of any of the causes
42 set forth in subsection A of this section. Any person reporting pursuant to
43 this section who provides the information in good faith is not subject to
44 liability for civil damages as a result.

1 C. If, in the opinion of the medical director of emergency medical
2 services, it appears the information is or may be true, the medical director
3 of emergency medical services shall request an informal interview with the
4 emergency medical technician or ambulance attendant concerned. The interview
5 shall be requested by the medical director of emergency medical services in
6 writing, stating the reasons for the interview and setting a date not less
7 than ten days from the date of the notice for conducting the interview. The
8 written request for an interview shall also state that if the medical
9 director finds that cause exists for censure or probation or the suspension
10 or revocation of the certificate he may impose a civil penalty of not more
11 than three hundred fifty dollars for each occurrence of cause as provided in
12 subsection A of this section. The request for an interview shall also state
13 that each day a cause for discipline exists constitutes a separate offense.

14 D. Following the investigation, including an informal interview if
15 requested, and together with such mental, physical or professional competence
16 examination as the medical director of emergency medical services deems
17 necessary, the medical director of emergency medical services may proceed in
18 the following manner:

19 1. If the medical director of emergency medical services finds that
20 the evidence obtained pursuant to subsections B and C of this section does
21 not warrant censure or probation of the emergency medical technician or
22 ambulance attendant or suspension or revocation of a certificate, the medical
23 director of emergency medical services shall notify the emergency medical
24 technician or ambulance attendant concerned and terminate his investigation.

25 2. If the medical director of emergency medical services finds that
26 the evidence obtained pursuant to subsections B and C of this section does
27 not warrant suspension or revocation of a certificate but does warrant
28 censure or probation, the medical director of emergency medical services may
29 do either of the following:

30 (a) Issue a decree of censure.

31 (b) Fix such period and terms of probation best adapted to protect the
32 public health and safety and rehabilitate and educate the emergency medical
33 technician or ambulance attendant concerned. Failure to comply with any
34 probation is cause for filing a complaint and holding a formal hearing as
35 provided in paragraph 3 of this subsection.

36 3. If the medical director of emergency medical services finds that
37 the evidence obtained pursuant to subsections B and C of this section
38 warrants suspension or revocation of a certificate issued under this article,
39 or if the emergency medical technician or ambulance attendant under
40 investigation refuses to attend the informal interview authorized in
41 subsection C of this section, a complaint shall be issued and formal
42 proceedings shall be initiated. All proceedings pursuant to this paragraph
43 shall be conducted in accordance with the provisions of title 41, chapter 6.

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 technician or ambulance attendant is subject to censure or probation
4 or suspension or revocation of the certificate or any combination of these
5 for such period of time or permanently and under such conditions as the
6 medical director of emergency medical services deems appropriate.

7 F. In addition to other disciplinary action provided pursuant to this
8 section, the medical director of emergency medical services may impose a
9 civil penalty of not more than three hundred fifty dollars for each
10 occurrence of cause as provided in subsection A of this section not to exceed
11 twenty-five hundred dollars. Each day that cause for discipline exists
12 constitutes a separate offense. All monies collected pursuant to this
13 subsection shall be deposited in the emergency medical services operating
14 fund established pursuant to section 36-2218.

15 G. Decisions of the medical director of emergency medical services are
16 subject to judicial review pursuant to title 12, chapter 7, article 6.

17 Sec. 4. Section 36-2233, Arizona Revised Statutes, is amended to read:
18 36-2233. Certificate of necessity to operate an ambulance
19 service; termination; exceptions; service areas

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

23 B. The director shall issue a certificate of necessity if all of the
24 following apply:

25 1. The ambulance service has a certificate of registration issued by
26 the department for at least one ambulance pursuant to section 36-2212.

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

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

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

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

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

37 D. Nothing in this section shall be construed to require a certificate
38 of necessity for:

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

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

43 E. THE DIRECTOR MAY GRANT A SERVICE AREA BY ONE OR ANY COMBINATION OF
44 THE FOLLOWING DESCRIPTIONS:

1 1. METES AND BOUNDS.

2 2. A CITY, TOWN OR POLITICAL SUBDIVISION NOT LIMITED TO A SPECIFIC
3 DATE.

4 3. A CITY, TOWN OR POLITICAL SUBDIVISION AS OF A SPECIFIC DATE THAT
5 DOES NOT INCLUDE ANNEXATION.

6 Sec. 5. Section 36-2245, Arizona Revised Statutes, is amended to read:
7 36-2245. Investigations; dispute resolution; informal
8 interviews; hearings; stipulations; judicial review;
9 civil penalty

10 A. The department may conduct an investigation into the operation of
11 ambulances and ambulance services.

12 B. Proceedings under this section may be initiated by the department.

13 C. If the department receives a written AND SIGNED statement of
14 dissatisfaction or dispute of charges or any matter relating to the
15 regulation of ambulance services, the customer is deemed to have filed an
16 informal complaint against the ambulance service. Within fifteen days of
17 receipt of the complaint, a designated representative of the department shall
18 inform the ambulance service that an informal complaint has been filed, state
19 the nature of the allegations made, specify the purported rule violation and
20 identify specific records relating to the purported rule violation that the
21 ambulance service shall provide to the department. The ambulance service
22 shall comply with the request for records in a timely manner.

23 D. Within forty-five days of receipt of the records, the department
24 shall determine if the complaint is nonsubstantive or substantive.

25 E. If the department determines that a complaint filed pursuant to
26 this section is nonsubstantive it shall render a written decision to all
27 parties within five days of that determination. The complainant may make a
28 formal complaint to the department if ~~he~~ THE COMPLAINANT disagrees with the
29 department's decision. If the nonsubstantive complaint involves rates and
30 charges, a designated representative of the department shall attempt to
31 resolve the dispute by correspondence or telephone with the ambulance service
32 and the customer.

33 F. If the department determines that a complaint filed pursuant to
34 this section is substantive the complaint becomes a formal complaint. The
35 department shall inform the ambulance service that the initial investigation
36 was substantive in nature and may warrant action pursuant to this article.
37 The department shall inform the ambulance service of the specific rule
38 violation and shall allow the ambulance service thirty days to answer the
39 complaint in writing.

40 G. The department may issue a written request for an informal
41 interview with the ambulance service if the department believes that the
42 evidence indicates that grounds for action exist. The request shall state
43 the reasons for the interview and shall schedule an interview at least ten
44 days from the date that the department sends the request for an interview.

1 H. If the department determines that evidence warrants action or if
2 the ambulance service refuses to attend the informal interview, the director
3 shall institute formal proceedings and hold a hearing pursuant to title 41,
4 chapter 6.

5 I. If the department believes that a lesser disciplinary action is
6 appropriate, the department may enter into a stipulated agreement with the
7 ambulance service. This stipulation may include a civil penalty as provided
8 under subsection J of this section.

9 J. In addition to other disciplinary action provided under this
10 section, the director may impose a civil penalty of not more than three
11 hundred fifty dollars for each violation of this chapter that constitutes
12 grounds to suspend or revoke a certificate of necessity. This penalty shall
13 not exceed fifteen thousand dollars. Each day that a violation occurs
14 constitutes a separate offense. The director shall transmit all monies
15 collected under this subsection to the state treasurer for deposit in the
16 emergency medical services operating fund established under section 36-2218.

17 K. The director may suspend a certificate of necessity without holding
18 a hearing if the director determines that the certificate holder has failed
19 to pay a civil penalty imposed under this section. The director shall
20 reinstate the certificate of necessity when the certificate holder pays the
21 penalty in full.

22 L. A decision of the department pursuant to this section is subject
23 to judicial review under title 12, chapter 7, article 6.

APPROVED BY THE GOVERNOR APRIL 23, 1996

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 23, 1996