

House Engrossed Senate Bill

**FILED**

**JANICE K. BREWER  
SECRETARY OF STATE**

State of Arizona  
Senate  
Forty-seventh Legislature  
Second Regular Session  
2006

CHAPTER 166

**SENATE BILL 1354**

AN ACT

AMENDING SECTIONS 36-2202, 36-2220 AND 36-2245, 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 36-2202, Arizona Revised Statutes, is amended to  
3 read:

4 36-2202. Duties of the director; qualifications of medical  
5 director

6 A. The director shall:

7 1. Appoint a medical director of emergency medical services.

8 2. Adopt standards and criteria for the denial or granting of  
9 certification and recertification of emergency medical technicians and deny  
10 certification of, certify and recertify emergency medical technicians. These  
11 standards shall allow the department to certify qualified basic emergency  
12 medical technicians and paramedics, without requiring completion of statewide  
13 standardized training required under section 36-2204, paragraph 1 or passage  
14 of a standardized certification test required under section 36-2204,  
15 paragraph 2, if the person holds valid registration with the national  
16 registry of emergency medical technicians, at the corresponding emergency  
17 medical technician level. A basic emergency medical technician or paramedic  
18 who is certified because the technician or paramedic holds a valid  
19 registration with the national registry of emergency medical technicians must  
20 complete the statewide standardized training required under section 36-2204,  
21 paragraph 1 or pass the standardized certification test required under  
22 section 36-2204, paragraph 2, within six months after the technician or  
23 paramedic is certified pursuant to this paragraph.

24 3. Adopt standards and criteria which pertain to the quality of  
25 emergency care pursuant to section 36-2204.

26 4. Adopt rules necessary to carry out the provisions of this chapter.  
27 Each rule shall identify all sections and subsections of this chapter under  
28 which the rule was formulated.

29 5. Adopt reasonable medical equipment, supply, staffing and safety  
30 standards, criteria and procedures for issuance of a certificate of  
31 registration to operate an ambulance.

32 6. Maintain a state system for recertifying emergency medical  
33 technicians, except as otherwise caused by section 36-2202.01, that is  
34 independent from any national registry of emergency medical technicians  
35 recertification process. This system shall allow emergency medical  
36 technicians to choose to be recertified under the state or the national  
37 registry of emergency medical technicians recertification system subject to  
38 subsection G of this section.

39 B. After consultation with the emergency medical services council the  
40 director may authorize pilot programs designed to improve the safety and  
41 efficiency of ambulance inspections for governmental or quasi-governmental  
42 entities that provide emergency medical services in this state.

43 C. The rules, standards and criteria adopted by the director pursuant  
44 to subsection A, paragraphs 2, 3, 4 and 5 of this section shall be adopted in  
45 accordance with title 41, chapter 6, except that the director may adopt on an

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

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

9 E. 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 the  
13 rule.

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

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

20 G. Applicants for certification shall apply to the director for  
21 certification. Emergency medical technicians shall apply for recertification  
22 to the director every two years. THE DIRECTOR MAY EXTEND THE EXPIRATION DATE  
23 OF AN EMERGENCY MEDICAL TECHNICIAN'S CERTIFICATE FOR THIRTY DAYS. THE  
24 DEPARTMENT SHALL ESTABLISH A FEE FOR THIS EXTENSION BY RULE. Certified  
25 emergency medical technicians shall pass an examination administered by the  
26 department as a condition for recertification only if required to do so by  
27 the advanced life support base hospital's medical director or the certified  
28 emergency medical technician's medical director.

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

32 I. The standards, criteria and procedures adopted by the director  
33 pursuant to subsection A, paragraph 5 of this section shall require that  
34 ambulance services serving a rural or wilderness certificate of necessity  
35 area with a population of less than ten thousand persons according to the  
36 most recent United States decennial census have at least one ambulance  
37 attendant as defined in section 36-2201, paragraph 4, subdivision (a) and one  
38 ambulance attendant as defined in section 36-2201, paragraph 4, subdivision  
39 (b) staffing an ambulance while transporting a patient and that ambulance  
40 services serving a population of ten thousand persons or more according to  
41 the most recent United States decennial census shall have at least one  
42 ambulance attendant as defined in section 36-2201, paragraph 4, subdivision  
43 (a) and one ambulance attendant as defined in section 36-2201, paragraph 4,  
44 subdivision (a), (c), (d) or (e) staffing an ambulance while transporting a  
45 patient.

1 J. If the department determines there is not a qualified  
2 administrative medical director, the department shall ensure the provision of  
3 administrative medical direction for a certified basic emergency medical  
4 technician if the certified basic emergency medical technician meets all of  
5 the following criteria:

6 1. Is employed by a not-for-profit or governmental provider employing  
7 less than twelve full-time basic emergency medical technician employees.

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

10 3. Stipulates that the provider agency does not provide administrative  
11 medical direction for its employees.

12 Sec. 2. Section 36-2220, Arizona Revised Statutes, is amended to read:  
13 36-2220. Records; confidentiality; definition

14 A. Information developed and records kept by the department or a  
15 political subdivision of this state for the purpose of administering or  
16 evaluating the Arizona emergency medical services system or for the trauma  
17 system are available to the public except:

18 1. Any patient record including clinical records, prehospital care  
19 records, medical reports, laboratory statements and reports, any file, film,  
20 record or report or oral statement relating to diagnostic findings, treatment  
21 or outcome of patients, whether written or recorded, and any information from  
22 which a patient, the patient's family or the patient's health care provider  
23 or facility might be identified except records, files and information shall  
24 be available to the patient, the patient's guardian or the patient's agent.

25 2. Information obtained for purposes of chapter 25 or chapter 4,  
26 article 5 of this title.

27 B. Unless otherwise provided by law, all medical records developed and  
28 kept by a prehospital component of the statewide trauma system and  
29 information contained in these records are confidential and may not be  
30 released to the public without written authorization by the patient, the  
31 patient's guardian or the patient's agent.

32 C. Notwithstanding subsection B OF THIS SECTION, a prehospital  
33 incident history report completed and kept by a nonhospital political  
34 subdivision of this state is available to the public except for information  
35 in that report that is protected from disclosure by the laws of this state or  
36 federal law including but not limited to confidential patient treatment  
37 information.

38 D. Patient records and medical records covered by this section may be  
39 obtained pursuant to section 12-2294.01.

40 E. INFORMATION, DOCUMENTS AND RECORDS RECEIVED BY THE DEPARTMENT OR  
41 PREPARED BY THE DEPARTMENT IN CONNECTION WITH AN INVESTIGATION THAT IS  
42 CONDUCTED PURSUANT TO THIS ARTICLE THAT RELATES TO EMERGENCY MEDICAL  
43 TECHNICIANS ARE CONFIDENTIAL AND ARE NOT SUBJECT TO PUBLIC INSPECTION OR  
44 CIVIL DISCOVERY. WHEN THE INVESTIGATION HAS BEEN COMPLETED AND THE

1 INVESTIGATION FILE HAS BEEN CLOSED, THE RESULTS OF THE INVESTIGATION AND THE  
2 DECISION OF THE DEPARTMENT SHALL BE AVAILABLE TO THE PUBLIC.

3 ~~E~~ F. For the purposes of this section, "prehospital incident history  
4 report" means a record of the prehospital response, nature of the incident  
5 and transportation of an emergency medical services patient that is  
6 documented on a prehospital incident history report.

7 Sec. 3. Section 36-2245, Arizona Revised Statutes, is amended to read:

8 36-2245. Investigations; dispute resolution; informal  
9 interviews; hearings; stipulations; judicial review;  
10 civil penalty

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

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

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

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

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

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

41 G. The department may issue a written request for an informal  
42 interview with the ambulance service if the department believes that the  
43 evidence indicates that grounds for action exist. The request shall state  
44 the reasons for the interview and shall schedule an interview at least ten  
45 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, article 10.

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 deposit, pursuant to  
15 sections 35-146 and 35-147, all monies collected under this subsection 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. Except as provided in section 41-1092.08, subsection H, a final  
23 decision of the department pursuant to this section is subject to judicial  
24 review pursuant to title 12, chapter 7, article 6.

25 M. INFORMATION, DOCUMENTS AND RECORDS RECEIVED BY THE DEPARTMENT OR  
26 PREPARED BY THE DEPARTMENT IN CONNECTION WITH AN INVESTIGATION THAT IS  
27 CONDUCTED PURSUANT TO THIS ARTICLE THAT RELATES TO EMERGENCY MEDICAL  
28 TECHNICIANS ARE CONFIDENTIAL AND ARE NOT SUBJECT TO PUBLIC INSPECTION OR  
29 CIVIL DISCOVERY. WHEN THE INVESTIGATION HAS BEEN COMPLETED AND THE  
30 INVESTIGATION FILE HAS BEEN CLOSED, THE RESULTS OF THE INVESTIGATION AND THE  
31 DECISION OF THE DEPARTMENT SHALL BE AVAILABLE TO THE PUBLIC.

**APPROVED BY THE GOVERNOR APRIL 17, 2006.**

**FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 17, 2006.**