

**BUREAU OF EMERGENCY MEDICAL SERVICES**

**AMENDMENTS**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Derrin R. Owens**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill makes technical and conforming changes related to the Bureau of Emergency Medical Services.

**Highlighted Provisions:**

This bill:

▶ authorizes the Department of Public Safety to enter into contracts and to make rules related to emergency medical services prior to the transition of the emergency medical services regulatory authority; and

▶ makes technical and conforming changes related to the Bureau of Emergency Medical Services.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides a special effective date.

**Utah Code Sections Affected:**

AMENDS:

**11-48-101.5**, as last amended by Laws of Utah 2023, Chapters 16, 327

**26B-6-210**, as renumbered and amended by Laws of Utah 2023, Chapter 308

**53-2d-101 (Effective 07/01/24)**, as last amended by Laws of Utah 2023, Chapters 16,



28 327 and renumbered and amended by Laws of Utah 2023, Chapter 310 and last amended by  
29 Coordination Clause, Laws of Utah 2023, Chapter 327

30 **53-2d-304 (Effective 07/01/24)**, as renumbered and amended by Laws of Utah 2023,  
31 Chapters 307, 310

32 **53-2d-402 (Effective 07/01/24)**, as renumbered and amended by Laws of Utah 2023,  
33 Chapters 307, 310

34 **53-2d-410 (Effective 07/01/24)**, as renumbered and amended by Laws of Utah 2023,  
35 Chapters 307, 310

36 **53-2d-509 (Effective 07/01/24)**, as renumbered and amended by Laws of Utah 2023,  
37 Chapters 307, 310

38 **53-2d-805 (Effective 07/01/24)**, as renumbered and amended by Laws of Utah 2023,  
39 Chapters 307, 310

40 **58-57-7**, as last amended by Laws of Utah 2023, Chapter 329

41 **63G-4-102**, as last amended by Laws of Utah 2023, Chapter 329

42 **63I-2-253 (Superseded 07/01/24)**, as last amended by Laws of Utah 2023, Chapters 7,  
43 21, 33, 142, 167, 168, 310, 380, 383, and 467

44 **75-2a-103**, as last amended by Laws of Utah 2023, Chapters 139, 330

45 **75-2a-106**, as last amended by Laws of Utah 2023, Chapter 330

46 **76-10-3105**, as last amended by Laws of Utah 2023, Chapter 330

47 **80-2-1002**, as last amended by Laws of Utah 2023, Chapter 330

48 ENACTS:

49 **53-2d-101.1**, Utah Code Annotated 1953



51 *Be it enacted by the Legislature of the state of Utah:*

52 Section 1. Section **11-48-101.5** is amended to read:

53 **11-48-101.5. Definitions.**

54 As used in this chapter:

55 (1) (a) "911 ambulance services" means ambulance services rendered in response to a  
56 911 call received by a designated dispatch center that receives 911 or E911 calls.

57 (b) "911 ambulance services" does not mean a seven or ~~ten~~ 10 digit telephone call  
58 received directly by an ambulance provider licensed under ~~[Title 26B, Chapter 4, Part 1, Utah~~

59 ~~Emergency Medical Services System]~~ Title 53, Chapter 2d, Emergency Medical Services Act.

60 (2) "Municipality" means a city, town, or metro township.

61 (3) "Political subdivision" means a county, city, town, special district, or service  
62 district.

63 Section 2. Section **26B-6-210** is amended to read:

64 **26B-6-210. Statewide database -- Restricted use and access.**

65 (1) The division shall maintain a database for reports of vulnerable adult abuse,  
66 neglect, or exploitation made pursuant to this part.

67 (2) The database shall include:

68 (a) the names and identifying data of the alleged abused, neglected, or exploited  
69 vulnerable adult and the alleged perpetrator;

70 (b) information regarding whether or not the allegation of abuse, neglect, or  
71 exploitation was found to be:

72 (i) supported;

73 (ii) inconclusive;

74 (iii) without merit; or

75 (iv) for reports for which the finding is made before May 5, 2008:

76 (A) substantiated; or

77 (B) unsubstantiated; and

78 (c) any other information that may be helpful in furthering the purposes of this part, as  
79 determined by the division.

80 (3) Information obtained from the database may be used only:

81 (a) for statistical summaries compiled by the department that do not include names or  
82 other identifying data;

83 (b) where identification of an individual as a perpetrator may be relevant in a  
84 determination regarding whether to grant or deny a license, privilege, or approval made by:

85 (i) the department;

86 (ii) the Division of Professional Licensing;

87 (iii) the Division of Licensing and Background Checks within the department;

88 (iv) the Bureau of Emergency Medical Services [~~and Preparedness~~], within the

89 [~~department, or a designee of the Bureau of Emergency Medical Services and Preparedness]~~

90 Department of Public Safety;

91 (v) any government agency specifically authorized by statute to access or use the  
92 information in the database; or

93 (vi) an agency of another state that performs a similar function to an agency described  
94 in Subsections (3)(b)(i) through (iv); or

95 (c) as otherwise specifically provided by law.

96 Section 3. Section **53-2d-101 (Effective 07/01/24)** is amended to read:

97 **53-2d-101 (Effective 07/01/24). Definitions.**

98 As used in this chapter:

99 (1) (a) "911 ambulance or paramedic services" means:

100 (i) either:

101 (A) 911 ambulance service;

102 (B) 911 paramedic service; or

103 (C) both 911 ambulance and paramedic service; and

104 (ii) a response to a 911 call received by a designated dispatch center that receives 911  
105 or E911 calls.

106 (b) "911 ambulance or paramedic services" does not mean a seven or 10 digit  
107 telephone call received directly by an ambulance provider licensed under this chapter.

108 [~~2~~] "Account" means the Automatic External Defibrillator Restricted Account, created  
109 in Section ~~53-2d-809~~;

110 [~~3~~] (2) "Ambulance" means a ground, air, or water vehicle that:

111 (a) transports patients and is used to provide emergency medical services; and

112 (b) is required to obtain a permit under Section ~~53-2d-404~~ to operate in the state.

113 [~~4~~] (3) "Ambulance provider" means an emergency medical service provider that:

114 (a) transports and provides emergency medical care to patients; and

115 (b) is required to obtain a license under Part 5, Ambulance and Paramedic Providers.

116 [~~5~~] (4) "Automatic external defibrillator" or "AED" means an automated or automatic  
117 computerized medical device that:

118 (a) has received pre-market notification approval from the United States Food and  
119 Drug Administration, pursuant to 21 U.S.C. Sec. 360(k);

120 (b) is capable of recognizing the presence or absence of ventricular fibrillation or rapid

121 ventricular tachycardia;

122 (c) is capable of determining, without intervention by an operator, whether  
123 defibrillation should be performed; and

124 (d) upon determining that defibrillation should be performed, automatically charges,  
125 enabling delivery of, or automatically delivers, an electrical impulse through the chest wall and  
126 to an individual's heart.

127 ~~[(6)]~~ (5) (a) "Behavioral emergency services" means delivering a behavioral health  
128 intervention to a patient in an emergency context within a scope and in accordance with  
129 guidelines established by the department.

130 (b) "Behavioral emergency services" does not include engaging in the:

131 (i) practice of mental health therapy as defined in Section 58-60-102;

132 (ii) practice of psychology as defined in Section 58-61-102;

133 (iii) practice of clinical social work as defined in Section 58-60-202;

134 (iv) practice of certified social work as defined in Section 58-60-202;

135 (v) practice of marriage and family therapy as defined in Section 58-60-302;

136 (vi) practice of clinical mental health counseling as defined in Section 58-60-402; or

137 (vii) practice as a substance use disorder counselor as defined in Section 58-60-502.

138 ~~[(7)]~~ (6) "Bureau" means the Bureau of Emergency Medical Services created in Section  
139 53-2d-102.

140 ~~[(8)]~~ (7) "Cardiopulmonary resuscitation" or "CPR" means artificial ventilation or  
141 external chest compression applied to a person who is unresponsive and not breathing.

142 ~~[(9)]~~ (8) "Committee" means the State Emergency Medical Services Committee  
143 created by Section 53-2d-104.

144 ~~[(10)]~~ (9) "Community paramedicine" means medical care:

145 (a) provided by emergency medical service personnel; and

146 (b) provided to a patient who is not:

147 (i) in need of ambulance transportation; or

148 (ii) located in a health care facility as defined in Section 26B-2-201.

149 ~~[(11)]~~ "Division" means the Division of Emergency Management created in Section  
150 53-2a-103.]

151 ~~[(12)]~~ (10) "Direct medical observation" means in-person observation of a patient by a

152 physician, registered nurse, physician's assistant, or individual licensed under Section  
153 26B-4-116.

154 ~~[(13)]~~ (11) "Emergency medical condition" means:

155 (a) a medical condition that manifests itself by symptoms of sufficient severity,  
156 including severe pain, that a prudent layperson, who possesses an average knowledge of health  
157 and medicine, could reasonably expect the absence of immediate medical attention to result in:

- 158 (i) placing the individual's health in serious jeopardy;
- 159 (ii) serious impairment to bodily functions; or
- 160 (iii) serious dysfunction of any bodily organ or part; or

161 (b) a medical condition that in the opinion of a physician or the physician's designee  
162 requires direct medical observation during transport or may require the intervention of an  
163 individual licensed under Section 53-2d-402 during transport.

164 ~~[(14)]~~ (12) "Emergency medical dispatch center" means a public safety answering  
165 point, as defined in Section 63H-7a-103, that is designated as an emergency medical dispatch  
166 center by the bureau.

167 ~~[(15)]~~ (13) (a) "Emergency medical service personnel" means an individual who  
168 provides emergency medical services or behavioral emergency services to a patient and is  
169 required to be licensed or certified under Section 53-2d-402.

170 (b) "Emergency medical service personnel" includes a paramedic, medical director of a  
171 licensed emergency medical service provider, emergency medical service instructor, behavioral  
172 emergency services technician, other categories established by the committee, and a certified  
173 emergency medical dispatcher.

174 ~~[(16)]~~ (14) "Emergency medical service providers" means:

- 175 (a) licensed ambulance providers and paramedic providers;
- 176 (b) a facility or provider that is required to be designated under Subsection  
177 53-2d-403(1)(a); and

178 (c) emergency medical service personnel.

179 ~~[(17)]~~ (15) "Emergency medical services" means:

- 180 (a) medical services;
- 181 (b) transportation services;
- 182 (c) behavioral emergency services; or

183 (d) any combination of the services described in Subsections ~~[(17)(a)]~~ (15)(a) through  
184 (c).

185 ~~[(18)]~~ (16) "Emergency medical service vehicle" means a land, air, or water vehicle  
186 that is:

187 (a) maintained and used for the transportation of emergency medical personnel,  
188 equipment, and supplies to the scene of a medical emergency; and

189 (b) required to be permitted under Section [53-2d-404](#).

190 ~~[(19)]~~ (17) "Governing body":

191 (a) means the same as that term is defined in Section [11-42-102](#); and

192 (b) for purposes of a "special service district" under Section [11-42-102](#), means a  
193 special service district that has been delegated the authority to select a provider under this  
194 chapter by the special service district's legislative body or administrative control board.

195 ~~[(20)]~~ (18) "Interested party" means:

196 (a) a licensed or designated emergency medical services provider that provides  
197 emergency medical services within or in an area that abuts an exclusive geographic service area  
198 that is the subject of an application submitted pursuant to Part 5, Ambulance and Paramedic  
199 Providers;

200 (b) any municipality, county, or fire district that lies within or abuts a geographic  
201 service area that is the subject of an application submitted pursuant to Part 5, Ambulance and  
202 Paramedic Providers; or

203 (c) the department when acting in the interest of the public.

204 ~~[(21)]~~ (19) "Level of service" means the level at which an ambulance provider type of  
205 service is licensed as:

206 (a) emergency medical technician;

207 (b) advanced emergency medical technician; or

208 (c) paramedic.

209 ~~[(22)]~~ (20) "Medical control" means a person who provides medical supervision to an  
210 emergency medical service provider.

211 ~~[(23)]~~ (21) "Non-911 service" means transport of a patient that is not 911 transport  
212 under Subsection (1).

213 ~~[(24)]~~ (22) "Nonemergency secured behavioral health transport" means an entity that:

214 (a) provides nonemergency secure transportation services for an individual who:  
215 (i) is not required to be transported by an ambulance under Section 53-2d-405; and  
216 (ii) requires behavioral health observation during transport between any of the

217 following facilities:

- 218 (A) a licensed acute care hospital;
- 219 (B) an emergency patient receiving facility;
- 220 (C) a licensed mental health facility; and
- 221 (D) the office of a licensed health care provider; and
- 222 (b) is required to be designated under Section 53-2d-403.

223 ~~[(25)]~~ (23) "Paramedic provider" means an entity that:

- 224 (a) employs emergency medical service personnel; and
- 225 (b) is required to obtain a license under Part 5, Ambulance and Paramedic Providers.

226 ~~[(26)]~~ (24) "Patient" means an individual who, as the result of illness, injury, or a  
227 behavioral emergency condition, meets any of the criteria in Section 26B-4-119.

228 ~~[(27)]~~ (25) "Political subdivision" means:

- 229 (a) a city, town, or metro township;
- 230 (b) a county;
- 231 (c) a special service district created under Title 17D, Chapter 1, Special Service  
232 District Act, for the purpose of providing fire protection services under Subsection  
233 17D-1-201(9);

234 (d) a special district created under Title 17B, Limited Purpose Local Government  
235 Entities - Special Districts, for the purpose of providing fire protection, paramedic, and  
236 emergency services;

237 (e) areas coming together as described in Subsection 53-2d-505.2(2)(b)(ii); or

238 (f) an interlocal entity under Title 11, Chapter 13, Interlocal Cooperation Act.

239 ~~[(28)]~~ (26) "Sudden cardiac arrest" means a life-threatening condition that results when  
240 a person's heart stops or fails to produce a pulse.

241 ~~[(29)]~~ (27) "Trauma" means an injury requiring immediate medical or surgical  
242 intervention.

243 ~~[(30)]~~ (28) "Trauma system" means a single, statewide system that:

- 244 (a) organizes and coordinates the delivery of trauma care within defined geographic



245 areas from the time of injury through transport and rehabilitative care; and

246 (b) is inclusive of all prehospital providers, hospitals, and rehabilitative facilities in  
247 delivering care for trauma patients, regardless of severity.

248 [~~(31)~~] (29) "Triage" means the sorting of patients in terms of disposition, destination,  
249 or priority. For prehospital trauma victims, triage requires a determination of injury severity to  
250 assess the appropriate level of care according to established patient care protocols.

251 [~~(32)~~] (30) "Triage, treatment, transportation, and transfer guidelines" means written  
252 procedures that:

253 (a) direct the care of patients; and

254 (b) are adopted by the medical staff of an emergency patient receiving facility, trauma  
255 center, or an emergency medical service provider.

256 [~~(33)~~] (31) "Type of service" means the category at which an ambulance provider is  
257 licensed as:

258 (a) ground ambulance transport;

259 (b) ground ambulance interfacility transport; or

260 (c) both ground ambulance transport and ground ambulance interfacility transport.

261 Section 4. Section **53-2d-101.1** is enacted to read:

262 **53-2d-101.1. Contracting authority -- Rulemaking authority.**

263 (1) The department may enter into any contract or agreement to ensure a proper and  
264 orderly transition of the emergency medical services regulatory authority from the Department  
265 of Health and Human Services to the department.

266 (2) (a) Notwithstanding any other provision of law and subject to Subsection (2)(b), the  
267 department may initiate the rulemaking process in accordance with Title 63G, Chapter 3, Utah  
268 Administrative Rulemaking Act, for duties the department will undertake beginning July 1,  
269 2024, related to emergency medical services.

270 (b) A proposed rule made under Subsection (2)(a) may not become effective until July  
271 1, 2024.

272 Section 5. Section **53-2d-304 (Effective 07/01/24)** is amended to read:

273 **53-2d-304 (Effective 07/01/24). Statewide trauma registry and quality assurance**  
274 **program.**

275 (1) The bureau shall:

276 (a) establish and fund a statewide trauma registry to collect and analyze information on  
277 the incidence, severity, causes, and outcomes of trauma;

278 (b) establish, by rule, the data elements, the medical care providers that shall report,  
279 and the time frame and format for reporting;

280 (c) use the data collected to:

281 (i) improve the availability and delivery of prehospital and hospital trauma care;

282 (ii) assess trauma care delivery, patient care outcomes, and compliance with the  
283 requirements of this ~~[part]~~ chapter and applicable department rules; and

284 (iii) regularly produce and disseminate reports to data providers, state government, and  
285 the public; and

286 (d) support data collection and abstraction by providing:

287 (i) a data collection system and technical assistance to each hospital that submits data;  
288 and

289 (ii) funding or, at the discretion of the bureau, personnel for collection and abstraction  
290 for each hospital not designated as a trauma center under the standards established pursuant to  
291 Section 53-2d-305.

292 (2) (a) Each hospital shall submit trauma data in accordance with rules established  
293 under Subsection (1).

294 (b) A hospital designated as a trauma center shall submit data as part of the ongoing  
295 quality assurance program established in Section 53-2d-303.

296 (3) The department shall assess:

297 (a) the effectiveness of the data collected pursuant to Subsection (1); and

298 (b) the impact of the statewide trauma system on the provision of trauma care.

299 (4) Data collected under this section shall be subject to Title 26B, Chapter 8, Part 4,  
300 Health Statistics.

301 (5) No person may be held civilly liable for having provided data to the department in  
302 accordance with this section.

303 Section 6. Section 53-2d-402 (Effective 07/01/24) is amended to read:

304 **53-2d-402 (Effective 07/01/24). Licensure of emergency medical service**  
305 **personnel.**

306 (1) To promote the availability of comprehensive emergency medical services

307 throughout the state, the committee shall establish:

308 (a) initial and ongoing licensure and training requirements for emergency medical  
309 service personnel in the following categories:

310 (i) paramedic;

311 (ii) advanced emergency medical services technician;

312 (iii) emergency medical services technician;

313 (iv) emergency medical responder;

314 [~~(iv)~~] (v) behavioral emergency services technician; and

315 [~~(v)~~] (vi) advanced behavioral emergency services technician;

316 (b) a method to monitor the certification status and continuing medical education hours  
317 for emergency medical dispatchers; and

318 (c) guidelines for giving credit for out-of-state training and experience.

319 (2) The bureau shall, based on the requirements established in Subsection (1):

320 (a) develop, conduct, and authorize training and testing for emergency medical service  
321 personnel;

322 (b) issue a license and license renewals to emergency medical service personnel other  
323 than emergency medical dispatchers; and

324 (c) verify the certification of emergency medical dispatchers.

325 (3) The bureau shall coordinate with local mental health authorities described in  
326 Section 17-43-301 to develop and authorize initial and ongoing licensure and training  
327 requirements for licensure as a:

328 (a) behavioral emergency services technician; and

329 (b) advanced behavioral emergency services technician.

330 (4) As provided in Section 53-2d-602, an individual issued a license or certified under  
331 this section may only provide emergency medical services to the extent allowed by the license  
332 or certification.

333 (5) An individual may not be issued or retain a license under this section unless the  
334 individual obtains and retains background clearance under Section 53-2d-410.

335 (6) An individual may not be issued or retain a certification under this section unless  
336 the individual obtains and retains background clearance in accordance with Section  
337 53-2d-410.5.

338 Section 7. Section 53-2d-410 (Effective 07/01/24) is amended to read:

339 **53-2d-410 (Effective 07/01/24). Background clearance for emergency medical**  
340 **service personnel.**

341 (1) Subject to Section 53-2d-410.5, the bureau shall determine whether to grant  
342 background clearance for an individual seeking licensure or certification under Section  
343 53-2d-402 from whom the bureau receives:

344 (a) the individual's social security number, fingerprints, and other personal  
345 identification information specified by the department under Subsection (4); and

346 (b) any fees established by the department under Subsection (10).

347 (2) The bureau shall determine whether to deny or revoke background clearance for  
348 individuals for whom the department has previously granted background clearance.

349 (3) The bureau shall determine whether to grant, deny, or revoke background clearance  
350 for an individual based on an initial and ongoing evaluation of information the bureau obtains  
351 under Subsections (5) and (11), which, at a minimum, shall include an initial criminal  
352 background check of state, regional, and national databases using the individual's fingerprints.

353 (4) The bureau shall make rules, in accordance with Title 63G, Chapter 3, Utah  
354 Administrative Rulemaking Act, that specify:

355 (a) the criteria the bureau will use under Subsection (3) to determine whether to grant,  
356 deny, or revoke background clearance; and

357 (b) the other personal identification information an individual seeking licensure or  
358 certification under Section 53-2d-402 must submit under Subsection (1).

359 (5) To determine whether to grant, deny, or revoke background clearance, the bureau  
360 may access and evaluate any of the following:

361 (a) Department of Public Safety arrest, conviction, and disposition records described in  
362 Chapter 10, Criminal Investigations and Technical Services Act, including information in state,  
363 regional, and national records files;

364 (b) adjudications by a juvenile court of committing an act that if committed by an adult  
365 would be a felony or misdemeanor, if:

366 (i) the applicant is under 28 years old; or

367 (ii) the applicant:

368 (A) is over 28 years old; and

369 (B) has been convicted of, has pleaded no contest to, or is currently subject to a plea in  
370 abeyance or diversion agreement for a felony or misdemeanor;

371 (c) juvenile court arrest, adjudication, and disposition records, other than those under  
372 Subsection (5)(b), as allowed under Section 78A-6-209;

373 (d) child abuse or neglect findings described in Section 80-3-404;

374 (e) the department's Licensing Information System described in Section 80-2-1002;

375 (f) the department's database of reports of vulnerable adult abuse, neglect, or  
376 exploitation, described in Section 26B-6-210;

377 (g) Division of Professional Licensing records of licensing and certification under Title  
378 58, Occupations and Professions;

379 (h) records in other federal criminal background databases available to the state; and

380 (i) any other records of arrests, warrants for arrest, convictions, pleas in abeyance,  
381 pending diversion agreements, or dispositions.

382 (6) Except for the Department of Public Safety, an agency may not charge the bureau  
383 for information accessed under Subsection (5).

384 (7) When evaluating information under Subsection (3), the bureau shall classify a  
385 crime committed in another state according to the closest matching crime under Utah law,  
386 regardless of how the crime is classified in the state where the crime was committed.

387 (8) The bureau shall adopt measures to protect the security of information the  
388 department accesses under Subsection (5), which shall include limiting access by department  
389 employees to those responsible for acquiring, evaluating, or otherwise processing the  
390 information.

391 (9) The bureau may disclose personal identification information the bureau receives  
392 under Subsection (1) to the department to verify that the subject of the information is not  
393 identified as a perpetrator or offender in the information sources described in Subsections  
394 (5)(d) through (f).

395 (10) The bureau may charge fees, in accordance with Section 63J-1-504, to pay for:

396 (a) the cost of obtaining, storing, and evaluating information needed under Subsection  
397 (3), both initially and on an ongoing basis, to determine whether to grant, deny, or revoke  
398 background clearance; and

399 (b) other bureau costs related to granting, denying, or revoking background clearance.

400 (11) The Criminal Investigations and Technical Services Division within the  
401 Department of Public Safety shall:

402 (a) retain, separate from other division records, personal information under Subsection  
403 (1), including any fingerprints sent to it by the department; and

404 (b) notify the bureau upon receiving notice that an individual for whom personal  
405 information has been retained is the subject of:

406 (i) a warrant for arrest;

407 (ii) an arrest;

408 (iii) a conviction, including a plea in abeyance; or

409 (iv) a pending diversion agreement.

410 ~~[(12) The bureau shall use the Direct Access Clearance System database created under~~  
411 ~~Section 26B-2-241 to manage information about the background clearance status of each~~  
412 ~~individual for whom the bureau is required to make a determination under Subsection (1).]~~

413 ~~[(13)]~~ (12) Clearance granted for an individual licensed or certified under Section  
414 53-2d-402 is valid until two years after the day on which the individual is no longer licensed or  
415 certified in Utah as emergency medical service personnel.

416 Section 8. Section 53-2d-509 (Effective 07/01/24) is amended to read:

417 **53-2d-509 (Effective 07/01/24). Ground ambulance and paramedic licenses --**  
418 **Hearing and presiding officers.**

419 (1) The bureau shall set training standards for hearing officers and presiding officers.

420 (2) At a minimum, a presiding officer shall:

421 (a) be familiar with the theory and application of public convenience and necessity;

422 [and]

423 (b) have a working knowledge of the emergency medical service system in the state[.];

424 and

425 (c) be licensed to practice law in the state.

426 ~~[(3) In addition to the requirements in Subsection (2), a hearing officer shall also be~~  
427 ~~licensed to practice law in the state.]~~

428 ~~[(4)]~~ (3) The bureau shall provide training for hearing officer and presiding officer  
429 candidates in the theory and application of public convenience and necessity and on the  
430 emergency medical system in the state.

431 ~~[(5) The bureau shall maintain a roster of no less than five individuals who meet the~~  
432 ~~minimum qualifications for both presiding and hearing officers and the standards set by the~~  
433 ~~bureau.]~~

434 ~~[(6) The parties may mutually select an officer from the roster if the officer is~~  
435 ~~available.]~~

436 ~~[(7) If the parties cannot agree upon an officer under Subsection (4), the bureau shall~~  
437 ~~randomly select an officer from the roster or from a smaller group of the roster agreed upon by~~  
438 ~~the applicant and the objecting interested parties.]~~

439 Section 9. Section **53-2d-805 (Effective 07/01/24)** is amended to read:

440 **53-2d-805 (Effective 07/01/24). Duties of emergency medical dispatch centers.**

441 An emergency medical dispatch center shall:

442 (1) implement a system to receive and manage the information reported to the  
443 emergency medical dispatch center under Section **53-2d-803**;

444 (2) record in the system described in Subsection (1), all information received under  
445 Section **53-2d-803** within 14 days after the day on which the information is received;

446 (3) inform an individual who calls to report a potential incident of sudden cardiac  
447 arrest of the location of an AED located at the address of the potential sudden cardiac arrest;

448 (4) provide verbal instructions to an individual described in Subsection (3) to:

449 (a) help the individual determine if a patient is in cardiac arrest; and

450 (b) if needed:

451 (i) provide direction to start CPR;

452 (ii) offer instructions on how to perform CPR; or

453 (iii) offer instructions on how to use an AED, if one is available; and

454 (5) provide the information contained in the system described in Subsection (1), upon  
455 request, to the ~~[office]~~ bureau.

456 Section 10. Section **58-57-7** is amended to read:

457 **58-57-7. Exemptions from licensure.**

458 (1) (a) For purposes of Subsection (2)(b), "qualified" means an individual who is a  
459 registered polysomnographic technologist or a Diplomate certified by the American Board of  
460 Sleep Medicine.

461 (b) For purposes of Subsections (2)(f) and (g), "supervision" means one of the

462 following will be immediately available for consultation in person or by phone:

463 (i) a practitioner;

464 (ii) a respiratory therapist;

465 (iii) a Diplomate of the American Board of Sleep Medicine; or

466 (iv) a registered polysomnographic technologist.

467 (2) In addition to the exemptions from licensure in Section 58-1-307, the following  
468 persons may engage in the practice of respiratory therapy subject to the stated circumstances  
469 and limitations without being licensed under this chapter:

470 (a) any person who provides gratuitous care for a member of his immediate family  
471 without representing himself as a licensed respiratory care practitioner;

472 (b) any person who is a licensed or qualified member of another health care profession,  
473 if this practice is consistent with the accepted standards of the profession and if the person does  
474 not represent himself as a respiratory care practitioner;

475 (c) any person who serves in the Armed Forces of the United States or any other  
476 agency of the federal government and is engaged in the performance of his official duties;

477 (d) any person who acts under a certification issued pursuant to [~~Title 26B, Chapter 4,~~  
478 ~~Part 1, Utah Emergency Medical Services System~~] Title 53, Chapter 2d, Emergency Medical  
479 Services Act, while providing emergency medical services;

480 (e) any person who delivers, installs, or maintains respiratory related durable medical  
481 equipment and who gives instructions regarding the use of that equipment in accordance with  
482 Subsections 58-57-2(3) and (6), except that this exemption does not include any clinical  
483 evaluation or treatment of the patient;

484 (f) any person who is working in a practitioner's office, acting under supervision; and

485 (g) a polysomnographic technician or trainee, acting under supervision, as long as the  
486 technician or trainee administers the following only in a sleep lab, sleep center, or sleep  
487 facility:

488 (i) oxygen titration; and

489 (ii) positive airway pressure that does not include mechanical ventilation.

490 (3) Nothing in this chapter permits a respiratory care practitioner to engage in the  
491 unauthorized practice of other health disciplines.

492 Section 11. Section 63G-4-102 is amended to read:



493           **63G-4-102. Scope and applicability of chapter.**

494           (1) Except as set forth in Subsection (2), and except as otherwise provided by a statute  
495 superseding provisions of this chapter by explicit reference to this chapter, the provisions of  
496 this chapter apply to every agency of the state and govern:

497           (a) state agency action that determines the legal rights, duties, privileges, immunities,  
498 or other legal interests of an identifiable person, including agency action to grant, deny, revoke,  
499 suspend, modify, annul, withdraw, or amend an authority, right, or license; and

500           (b) judicial review of the action.

501           (2) This chapter does not govern:

502           (a) the procedure for making agency rules, or judicial review of the procedure or rules;

503           (b) the issuance of a notice of a deficiency in the payment of a tax, the decision to  
504 waive a penalty or interest on taxes, the imposition of and penalty or interest on taxes, or the  
505 issuance of a tax assessment, except that this chapter governs an agency action commenced by  
506 a taxpayer or by another person authorized by law to contest the validity or correctness of the  
507 action;

508           (c) state agency action relating to extradition, to the granting of a pardon or parole, a  
509 commutation or termination of a sentence, or to the rescission, termination, or revocation of  
510 parole or probation, to the discipline of, resolution of a grievance of, supervision of,  
511 confinement of, or the treatment of an inmate or resident of a correctional facility, the Utah  
512 State Hospital, the Utah State Developmental Center, or a person in the custody or jurisdiction  
513 of the Office of Substance Use and Mental Health, or a person on probation or parole, or  
514 judicial review of the action;

515           (d) state agency action to evaluate, discipline, employ, transfer, reassign, or promote a  
516 student or teacher in a school or educational institution, or judicial review of the action;

517           (e) an application for employment and internal personnel action within an agency  
518 concerning its own employees, or judicial review of the action;

519           (f) the issuance of a citation or assessment under Title 34A, Chapter 6, Utah  
520 Occupational Safety and Health Act, and Title 58, Occupations and Professions, except that  
521 this chapter governs an agency action commenced by the employer, licensee, or other person  
522 authorized by law to contest the validity or correctness of the citation or assessment;

523           (g) state agency action relating to management of state funds, the management and

524 disposal of school and institutional trust land assets, and contracts for the purchase or sale of  
525 products, real property, supplies, goods, or services by or for the state, or by or for an agency of  
526 the state, except as provided in those contracts, or judicial review of the action;

527 (h) state agency action under Title 7, Chapter 1, Part 3, Powers and Duties of  
528 Commissioner of Financial Institutions, Title 7, Chapter 2, Possession of Depository Institution  
529 by Commissioner, Title 7, Chapter 19, Acquisition of Failing Depository Institutions or  
530 Holding Companies, and Chapter 7, Governmental Immunity Act of Utah, or judicial review of  
531 the action;

532 (i) the initial determination of a person's eligibility for unemployment benefits, the  
533 initial determination of a person's eligibility for benefits under Title 34A, Chapter 2, Workers'  
534 Compensation Act, and Title 34A, Chapter 3, Utah Occupational Disease Act, or the initial  
535 determination of a person's unemployment tax liability;

536 (j) state agency action relating to the distribution or award of a monetary grant to or  
537 between governmental units, or for research, development, or the arts, or judicial review of the  
538 action;

539 (k) the issuance of a notice of violation or order under [~~Title 26B, Chapter 4, Part 1,~~  
540 ~~Utah Emergency Medical Services System~~] Title 53, Chapter 2d, Emergency Medical Services  
541 Act, Title 19, Chapter 2, Air Conservation Act, Title 19, Chapter 3, Radiation Control Act,  
542 Title 19, Chapter 4, Safe Drinking Water Act, Title 19, Chapter 5, Water Quality Act, Title 19,  
543 Chapter 6, Part 1, Solid and Hazardous Waste Act, Title 19, Chapter 6, Part 4, Underground  
544 Storage Tank Act, or Title 19, Chapter 6, Part 7, Used Oil Management Act, or Title 19,  
545 Chapter 6, Part 10, Mercury Switch Removal Act, except that this chapter governs an agency  
546 action commenced by a person authorized by law to contest the validity or correctness of the  
547 notice or order;

548 (l) state agency action, to the extent required by federal statute or regulation, to be  
549 conducted according to federal procedures;

550 (m) the initial determination of a person's eligibility for government or public  
551 assistance benefits;

552 (n) state agency action relating to wildlife licenses, permits, tags, and certificates of  
553 registration;

554 (o) a license for use of state recreational facilities;

555 (p) state agency action under Chapter 2, Government Records Access and Management  
556 Act, except as provided in Section 63G-2-603;

557 (q) state agency action relating to the collection of water commissioner fees and  
558 delinquency penalties, or judicial review of the action;

559 (r) state agency action relating to the installation, maintenance, and repair of headgates,  
560 caps, valves, or other water controlling works and weirs, flumes, meters, or other water  
561 measuring devices, or judicial review of the action;

562 (s) the issuance and enforcement of an initial order under Section 73-2-25;

563 (t) (i) a hearing conducted by the Division of Securities under Section 61-1-11.1; and

564 (ii) an action taken by the Division of Securities under a hearing conducted under  
565 Section 61-1-11.1, including a determination regarding the fairness of an issuance or exchange  
566 of securities described in Subsection 61-1-11.1(1);

567 (u) state agency action relating to water well driller licenses, water well drilling  
568 permits, water well driller registration, or water well drilling construction standards, or judicial  
569 review of the action;

570 (v) the issuance of a determination and order under Title 34A, Chapter 5, Utah  
571 Antidiscrimination Act;

572 (w) state environmental studies and related decisions by the Department of  
573 Transportation approving state or locally funded projects, or judicial review of the action;

574 (x) the suspension of operations under Subsection 32B-1-304(3); or

575 (y) the issuance of a determination of violation by the Governor's Office of Economic  
576 Opportunity under Section 11-41-104.

577 (3) This chapter does not affect a legal remedy otherwise available to:

578 (a) compel an agency to take action; or

579 (b) challenge an agency's rule.

580 (4) This chapter does not preclude an agency, prior to the beginning of an adjudicative  
581 proceeding, or the presiding officer during an adjudicative proceeding from:

582 (a) requesting or ordering a conference with parties and interested persons to:

583 (i) encourage settlement;

584 (ii) clarify the issues;

585 (iii) simplify the evidence;

586 (iv) facilitate discovery; or  
587 (v) expedite the proceeding; or  
588 (b) granting a timely motion to dismiss or for summary judgment if the requirements of  
589 Rule 12(b) or Rule 56 of the Utah Rules of Civil Procedure are met by the moving party,  
590 except to the extent that the requirements of those rules are modified by this chapter.  
591 (5) (a) A declaratory proceeding authorized by Section 63G-4-503 is not governed by  
592 this chapter, except as explicitly provided in that section.  
593 (b) Judicial review of a declaratory proceeding authorized by Section 63G-4-503 is  
594 governed by this chapter.  
595 (6) This chapter does not preclude an agency from enacting a rule affecting or  
596 governing an adjudicative proceeding or from following the rule, if the rule is enacted  
597 according to the procedures outlined in Chapter 3, Utah Administrative Rulemaking Act, and if  
598 the rule conforms to the requirements of this chapter.  
599 (7) (a) If the attorney general issues a written determination that a provision of this  
600 chapter would result in the denial of funds or services to an agency of the state from the federal  
601 government, the applicability of the provision to that agency shall be suspended to the extent  
602 necessary to prevent the denial.  
603 (b) The attorney general shall report the suspension to the Legislature at its next  
604 session.  
605 (8) Nothing in this chapter may be interpreted to provide an independent basis for  
606 jurisdiction to review final agency action.  
607 (9) Nothing in this chapter may be interpreted to restrict a presiding officer, for good  
608 cause shown, from lengthening or shortening a time period prescribed in this chapter, except  
609 the time period established for judicial review.  
610 (10) Notwithstanding any other provision of this section, this chapter does not apply to  
611 a special adjudicative proceeding, as defined in Section 19-1-301.5, except to the extent  
612 expressly provided in Section 19-1-301.5.  
613 (11) Subsection (2)(w), regarding action taken based on state environmental studies  
614 and policies of the Department of Transportation, applies to any claim for which a court of  
615 competent jurisdiction has not issued a final unappealable judgment or order before May 14,  
616 2019.

- 617 Section 12. Section **63I-2-253 (Superseded 07/01/24)** is amended to read:  
618 **63I-2-253 (Superseded 07/01/24). Repeal dates: Titles 53 through 53G.**
- 619 (1) Subsection **53-1-104(1)(b)**, regarding the Air Ambulance Committee, is repealed  
620 July 1, 2024.
- 621 (2) Section **53-1-118** is repealed on July 1, 2024.
- 622 (3) Section **53-1-120** is repealed on July 1, 2024.
- 623 (4) Section 53-2d-101.1 is repealed on July 1, 2024.
- 624 [~~4~~] (5) Section **53-2d-107**, regarding the Air Ambulance Committee, is repealed July  
625 1, 2024.
- 626 [~~5~~] (6) In relation to the Air Ambulance Committee, on July 1, 2024, Subsection  
627 **53-2d-702(1)(a)** is amended to read:
- 628 "(a) provide the patient or the patient's representative with the following information  
629 before contacting an air medical transport provider:
- 630 (i) which health insurers in the state the air medical transport provider contracts with;  
631 (ii) if sufficient data is available, the average charge for air medical transport services  
632 for a patient who is uninsured or out of network; and
- 633 (iii) whether the air medical transport provider balance bills a patient for any charge not  
634 paid by the patient's health insurer; and".
- 635 [~~6~~] (7) Section **53-7-109** is repealed on July 1, 2024.
- 636 [~~7~~] (8) Section **53-22-104** is repealed December 31, 2023.
- 637 [~~8~~] (9) Section **53B-6-105.7** is repealed July 1, 2024.
- 638 [~~9~~] (10) Section **53B-7-707** regarding performance metrics for technical colleges is  
639 repealed July 1, 2023.
- 640 [~~10~~] (11) Section **53B-8-114** is repealed July 1, 2024.
- 641 [~~11~~] (12) The following provisions, regarding the Regents' scholarship program, are  
642 repealed on July 1, 2023:
- 643 (a) in Subsection **53B-8-105(12)**, the language that states, "or any scholarship  
644 established under Sections **53B-8-202** through **53B-8-205**";
- 645 (b) Section **53B-8-202**;
- 646 (c) Section **53B-8-203**;
- 647 (d) Section **53B-8-204**; and

- 648 (e) Section [53B-8-205](#).
- 649 [~~12~~] (13) Section [53B-10-101](#) is repealed on July 1, 2027.
- 650 [~~13~~] (14) Subsection [53E-1-201](#)(1)(s) regarding the report by the Educational  
651 Interpretation and Translation Services Procurement Advisory Council is repealed July 1, 2024.
- 652 [~~14~~] (15) Section [53E-1-202.2](#), regarding a Public Education Appropriations  
653 Subcommittee evaluation and recommendations, is repealed January 1, 2024.
- 654 [~~15~~] (16) Section [53F-2-209](#), regarding local education agency budgetary flexibility,  
655 is repealed July 1, 2024.
- 656 [~~16~~] (17) Subsection [53F-2-314](#)(4), relating to a one-time expenditure between the  
657 at-risk WPU add-on funding and previous at-risk funding, is repealed January 1, 2024.
- 658 [~~17~~] (18) Section [53F-2-524](#), regarding teacher bonuses for extra work assignments,  
659 is repealed July 1, 2024.
- 660 [~~18~~] (19) Section [53F-5-221](#), regarding a management of energy and water pilot  
661 program, is repealed July 1, 2028.
- 662 [~~19~~] (20) Section [53F-9-401](#) is repealed on July 1, 2024.
- 663 [~~20~~] (21) Section [53F-9-403](#) is repealed on July 1, 2024.
- 664 [~~21~~] (22) On July 1, 2023, when making changes in this section, the Office of  
665 Legislative Research and General Counsel shall, in addition to the office's authority under  
666 Section [36-12-12](#), make corrections necessary to ensure that sections and subsections identified  
667 in this section are complete sentences and accurately reflect the office's perception of the  
668 Legislature's intent.

669 Section 13. Section **75-2a-103** is amended to read:

670 **75-2a-103. Definitions.**

671 As used in this chapter:

672 (1) "Adult" means an individual who is:

673 (a) at least 18 years old; or

674 (b) an emancipated minor.

675 (2) "Advance health care directive":

676 (a) includes:

677 (i) a designation of an agent to make health care decisions for an adult when the adult  
678 cannot make or communicate health care decisions; or

- 679 (ii) an expression of preferences about health care decisions;
- 680 (b) may take one of the following forms:
- 681 (i) a written document, voluntarily executed by an adult in accordance with the
- 682 requirements of this chapter; or
- 683 (ii) a witnessed oral statement, made in accordance with the requirements of this
- 684 chapter; and
- 685 (c) does not include a POLST order.
- 686 (3) "Agent" means an adult designated in an advance health care directive to make
- 687 health care decisions for the declarant.
- 688 (4) "APRN" means an individual who is:
- 689 (a) certified or licensed as an advance practice registered nurse under Subsection
- 690 [58-31b-301\(2\)\(e\)](#);
- 691 (b) an independent practitioner;
- 692 (c) acting under a consultation and referral plan with a physician; and
- 693 (d) acting within the scope of practice for that individual, as provided by law, rule, and
- 694 specialized certification and training in that individual's area of practice.
- 695 (5) "Best interest" means that the benefits to the person resulting from a treatment
- 696 outweigh the burdens to the person resulting from the treatment, taking into account:
- 697 (a) the effect of the treatment on the physical, emotional, and cognitive functions of the
- 698 person;
- 699 (b) the degree of physical pain or discomfort caused to the person by the treatment or
- 700 the withholding or withdrawal of treatment;
- 701 (c) the degree to which the person's medical condition, the treatment, or the
- 702 withholding or withdrawal of treatment, result in a severe and continuing impairment of the
- 703 dignity of the person by subjecting the person to humiliation and dependency;
- 704 (d) the effect of the treatment on the life expectancy of the person;
- 705 (e) the prognosis of the person for recovery with and without the treatment;
- 706 (f) the risks, side effects, and benefits of the treatment, or the withholding or
- 707 withdrawal of treatment; and
- 708 (g) the religious beliefs and basic values of the person receiving treatment, to the extent
- 709 these may assist the decision maker in determining the best interest.

710 (6) "Capacity to appoint an agent" means that the adult understands the consequences  
711 of appointing a particular person as agent.

712 (7) "Declarant" means an adult who has completed and signed or directed the signing  
713 of an advance health care directive.

714 (8) "Default surrogate" means the adult who may make decisions for an individual  
715 when either:

716 (a) an agent or guardian has not been appointed; or

717 (b) an agent is not able, available, or willing to make decisions for an adult.

718 (9) "Emergency medical services provider" means a person that is licensed, designated,  
719 or certified under [~~Title 26B, Chapter 4, Part 1, Utah Emergency Medical Services System~~]  
720 Title 53, Chapter 2d, Emergency Medical Services Act.

721 (10) "Generally accepted health care standards":

722 (a) is defined only for the purpose of:

723 (i) this chapter and does not define the standard of care for any other purpose under  
724 Utah law; and

725 (ii) enabling health care providers to interpret the statutory form set forth in Section  
726 [75-2a-117](#); and

727 (b) means the standard of care that justifies a provider in declining to provide life  
728 sustaining care because the proposed life sustaining care:

729 (i) will not prevent or reduce the deterioration in the health or functional status of an  
730 individual;

731 (ii) will not prevent the impending death of an individual; or

732 (iii) will impose more burden on the individual than any expected benefit to the  
733 individual.

734 (11) "Health care" means any care, treatment, service, or procedure to improve,  
735 maintain, diagnose, or otherwise affect an individual's physical or mental condition.

736 (12) "Health care decision":

737 (a) means a decision about an adult's health care made by, or on behalf of, an adult, that  
738 is communicated to a health care provider;

739 (b) includes:

740 (i) selection and discharge of a health care provider and a health care facility;



741 (ii) approval or disapproval of diagnostic tests, procedures, programs of medication,  
742 and orders not to resuscitate; and

743 (iii) directions to provide, withhold, or withdraw artificial nutrition and hydration and  
744 all other forms of health care; and

745 (c) does not include decisions about an adult's financial affairs or social interactions  
746 other than as indirectly affected by the health care decision.

747 (13) "Health care decision making capacity" means an adult's ability to make an  
748 informed decision about receiving or refusing health care, including:

749 (a) the ability to understand the nature, extent, or probable consequences of health  
750 status and health care alternatives;

751 (b) the ability to make a rational evaluation of the burdens, risks, benefits, and  
752 alternatives of accepting or rejecting health care; and

753 (c) the ability to communicate a decision.

754 (14) "Health care facility" means:

755 (a) a health care facility as defined in Title 26B, Chapter 2, Part 2, Health Care Facility  
756 Licensing and Inspection; and

757 (b) private offices of physicians, dentists, and other health care providers licensed to  
758 provide health care under Title 58, Occupations and Professions.

759 (15) "Health care provider" means the same as that term is defined in Section  
760 [78B-3-403](#), except that "health care provider" does not include an emergency medical services  
761 provider.

762 (16) (a) "Life sustaining care" means any medical intervention, including procedures,  
763 administration of medication, or use of a medical device, that maintains life by sustaining,  
764 restoring, or supplanting a vital function.

765 (b) "Life sustaining care" does not include care provided for the purpose of keeping an  
766 individual comfortable.

767 (17) "Minor" means an individual who:

768 (a) is under 18 years old; and

769 (b) is not an emancipated minor.

770 (18) "Physician" means a physician and surgeon or osteopathic surgeon licensed under  
771 Title 58, Chapter 67, Utah Medical Practice Act or Chapter 68, Utah Osteopathic Medical

772 Practice Act.

773 (19) "Physician assistant" means an individual licensed as a physician assistant under  
774 Title 58, Chapter 70a, Utah Physician Assistant Act.

775 (20) "POLST order" means an order, on a form designated by the Department of Health  
776 and Human Services under Section 75-2a-106, that gives direction to health care providers,  
777 health care facilities, and emergency medical services providers regarding the specific health  
778 care decisions of the individual to whom the order relates.

779 (21) "Reasonably available" means:

780 (a) readily able to be contacted without undue effort; and

781 (b) willing and able to act in a timely manner considering the urgency of the  
782 circumstances.

783 (22) "Substituted judgment" means the standard to be applied by a surrogate when  
784 making a health care decision for an adult who previously had the capacity to make health care  
785 decisions, which requires the surrogate to consider:

786 (a) specific preferences expressed by the adult:

787 (i) when the adult had the capacity to make health care decisions; and

788 (ii) at the time the decision is being made;

789 (b) the surrogate's understanding of the adult's health care preferences;

790 (c) the surrogate's understanding of what the adult would have wanted under the  
791 circumstances; and

792 (d) to the extent that the preferences described in Subsections (22)(a) through (c) are  
793 unknown, the best interest of the adult.

794 (23) "Surrogate" means a health care decision maker who is:

795 (a) an appointed agent;

796 (b) a default surrogate under the provisions of Section 75-2a-108; or

797 (c) a guardian.

798 Section 14. Section 75-2a-106 is amended to read:

799 **75-2a-106. Emergency medical services -- POLST order.**

800 (1) A POLST order may be created by or on behalf of a person as described in this  
801 section.

802 (2) A POLST order shall, in consultation with the person authorized to consent to the

803 order pursuant to this section, be prepared by:

804 (a) the physician, APRN, or, subject to Subsection (11), physician assistant of the  
805 person to whom the POLST order relates; or

806 (b) a health care provider who:

807 (i) is acting under the supervision of a person described in Subsection (2)(a); and

808 (ii) is:

809 (A) a nurse, licensed under Title 58, Chapter 31b, Nurse Practice Act;

810 (B) a physician assistant, licensed under Title 58, Chapter 70a, Utah Physician

811 Assistant Act;

812 (C) a mental health professional, licensed under Title 58, Chapter 60, Mental Health

813 Professional Practice Act; or

814 (D) another health care provider, designated by rule as described in Subsection (10).

815 (3) A POLST order shall be signed:

816 (a) personally, by the physician, APRN, or, subject to Subsection (11), physician  
817 assistant of the person to whom the POLST order relates; and

818 (b) (i) if the person to whom the POLST order relates is an adult with health care  
819 decision making capacity, by:

820 (A) the person; or

821 (B) an adult who is directed by the person to sign the POLST order on behalf of the  
822 person;

823 (ii) if the person to whom the POLST order relates is an adult who lacks health care  
824 decision making capacity, by:

825 (A) the surrogate with the highest priority under Section [75-2a-111](#);

826 (B) the majority of the class of surrogates with the highest priority under Section  
827 [75-2a-111](#); or

828 (C) a person directed to sign the POLST order by, and on behalf of, the persons  
829 described in Subsection (3)(b)(ii)(A) or (B); or

830 (iii) if the person to whom the POLST order relates is a minor, by a parent or guardian  
831 of the minor.

832 (4) If a POLST order relates to a minor and directs that life sustaining treatment be  
833 withheld or withdrawn from the minor, the order shall include a certification by two physicians

834 that, in their clinical judgment, an order to withhold or withdraw life sustaining treatment is in  
835 the best interest of the minor.

836 (5) A POLST order:

837 (a) shall be in writing, on a form designated by the Department of Health and Human  
838 Services;

839 (b) shall state the date on which the POLST order was made;

840 (c) may specify the level of life sustaining care to be provided to the person to whom  
841 the order relates; and

842 (d) may direct that life sustaining care be withheld or withdrawn from the person to  
843 whom the order relates.

844 (6) A health care provider or emergency medical service provider, licensed or certified  
845 under [~~Title 26B, Chapter 4, Part 1, Utah Emergency Medical Services System~~] Title 53,  
846 Chapter 2d, Emergency Medical Services Act, is immune from civil or criminal liability, and is  
847 not subject to discipline for unprofessional conduct, for:

848 (a) complying with a POLST order in good faith; or

849 (b) providing life sustaining treatment to a person when a POLST order directs that the  
850 life sustaining treatment be withheld or withdrawn.

851 (7) To the extent that the provisions of a POLST order described in this section conflict  
852 with the provisions of an advance health care directive made under Section [75-2a-107](#), the  
853 provisions of the POLST order take precedence.

854 (8) An adult, or a parent or guardian of a minor, may revoke a POLST order by:

855 (a) orally informing emergency service personnel;

856 (b) writing "void" across the POLST order form;

857 (c) burning, tearing, or otherwise destroying or defacing:

858 (i) the POLST order form; or

859 (ii) a bracelet or other evidence of the POLST order;

860 (d) asking another adult to take the action described in this Subsection (8) on the  
861 person's behalf;

862 (e) signing or directing another adult to sign a written revocation on the person's  
863 behalf;

864 (f) stating, in the presence of an adult witness, that the person wishes to revoke the

865 order; or

866 (g) completing a new POLST order.

867 (9) (a) Except as provided in Subsection (9)(c), a surrogate for an adult who lacks  
868 health care decision making capacity may only revoke a POLST order if the revocation is  
869 consistent with the substituted judgment standard.

870 (b) Except as provided in Subsection (9)(c), a surrogate who has authority under this  
871 section to sign a POLST order may revoke a POLST order, in accordance with Subsection  
872 (9)(a), by:

873 (i) signing a written revocation of the POLST order; or

874 (ii) completing and signing a new POLST order.

875 (c) A surrogate may not revoke a POLST order during the period of time beginning  
876 when an emergency service provider is contacted for assistance, and ending when the  
877 emergency ends.

878 (10) (a) The Department of Health and Human Services shall make rules, in  
879 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:

880 (i) create the forms and systems described in this section; and

881 (ii) develop uniform instructions for the form established in Section [75-2a-117](#).

882 (b) The Department of Health and Human Services may make rules, in accordance  
883 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to designate health care  
884 professionals, in addition to those described in Subsection (2)(b)(ii), who may prepare a  
885 POLST order.

886 (c) The Department of Health and Human Services may assist others with training of  
887 health care professionals regarding this chapter.

888 (11) A physician assistant may not prepare or sign a POLST order, unless the physician  
889 assistant is permitted to prepare or sign the POLST order under the physician assistant's  
890 delegation of services agreement, as defined in Section [58-70a-102](#).

891 (12) (a) Notwithstanding any other provision of this section:

892 (i) the provisions of Title 46, Chapter 4, Uniform Electronic Transactions Act, apply to  
893 any signature required on the POLST order; and

894 (ii) a verbal confirmation satisfies the requirement for a signature from an individual  
895 under Subsection (3)(b)(ii) or (iii), if:

896 (A) requiring the individual described in Subsection (3)(b)(i)(B), (ii), or (iii) to sign the  
897 POLST order in person or electronically would require significant difficulty or expense; and

898 (B) a licensed health care provider witnesses the verbal confirmation and signs the  
899 POLST order attesting that the health care provider witnessed the verbal confirmation.

900 (b) The health care provider described in Subsection (12)(a)(ii)(B):

901 (i) may not be the same individual who signs the POLST order under Subsection  
902 (3)(a); and

903 (ii) shall verify, in accordance with HIPAA as defined in Section 26B-3-126, the  
904 identity of the individual who is providing the verbal confirmation.

905 Section 15. Section 76-10-3105 is amended to read:

906 **76-10-3105. Exempt activities.**

907 (1) This act may not be construed to prohibit:

908 (a) the activities of any public utility to the extent that those activities are subject to  
909 regulation by the public service commission, the state or federal department of transportation,  
910 the federal energy regulatory commission, the federal communications commission, the  
911 interstate commerce commission, or successor agencies;

912 (b) the activities of any insurer, insurance producer, independent insurance adjuster, or  
913 rating organization including, but not limited to, making or participating in joint underwriting  
914 or reinsurance arrangements, to the extent that those activities are subject to regulation by the  
915 commissioner of insurance;

916 (c) the activities of securities dealers, issuers, or agents, to the extent that those  
917 activities are subject to regulation under the laws of either this state or the United States;

918 (d) the activities of any state or national banking institution, to the extent that the  
919 activities are regulated or supervised by state government officers or agencies under the  
920 banking laws of this state or by federal government officers or agencies under the banking laws  
921 of the United States;

922 (e) the activities of any state or federal savings and loan association to the extent that  
923 those activities are regulated or supervised by state government officers or agencies under the  
924 banking laws of this state or federal government officers or agencies under the banking laws of  
925 the United States;

926 (f) the activities of a political subdivision to the extent authorized or directed by state

927 law, consistent with the state action doctrine of federal antitrust law; or

928 (g) the activities of an emergency medical service provider licensed under [~~Title 26B,~~  
929 ~~Chapter 4, Part 1, Utah Emergency Medical Services System~~] Title 53, Chapter 2d, Emergency  
930 Medical Services Act, to the extent that those activities are regulated by state government  
931 officers or agencies under that act.

932 (2) (a) The labor of a human being is not a commodity or article of commerce.

933 (b) Nothing contained in the antitrust laws shall be construed to forbid the existence  
934 and operation of labor, agricultural, or horticultural organizations, instituted for the purpose of  
935 mutual help and not having capital stock or conducted for profit, or to forbid or restrain  
936 individual members of these organizations from lawfully carrying out their legitimate objects;  
937 nor may these organizations or membership in them be held to be illegal combinations or  
938 conspiracies in restraint of trade under the antitrust laws.

939 (3) (a) As used in this section, an entity is also a municipality if the entity was formed  
940 under Title 11, Chapter 13, Interlocal Cooperation Act, prior to January 1, 1981, and the entity  
941 is:

- 942 (i) a project entity as defined in Section [11-13-103](#);
- 943 (ii) an electric interlocal entity as defined in Section [11-13-103](#); or
- 944 (iii) an energy services interlocal entity as defined in Section [11-13-103](#).

945 (b) The activities of the entities under Subsection (3)(a) are authorized or directed by  
946 state law.

947 Section 16. Section **80-2-1002** is amended to read:

948 **80-2-1002. Licensing Information System -- Contents -- Classification of records**  
949 **-- Access -- Unlawful release -- Penalty.**

950 (1) (a) The division shall maintain a sub-part of the Management Information System  
951 as the Licensing Information System to be used:

- 952 (i) for licensing purposes; or
- 953 (ii) as otherwise provided by law.

954 (b) Notwithstanding Subsection (1)(a), the department's access to information in the  
955 Management Information System for the licensure and monitoring of a foster parent is  
956 governed by Sections [80-2-1001](#) and [26B-2-121](#).

957 (2) The Licensing Information System shall include only the following information:

- 958 (a) the name and other identifying information of the alleged perpetrator in a supported  
959 finding, without identifying the alleged perpetrator as a perpetrator or alleged perpetrator;
- 960 (b) a notation to the effect that an investigation regarding the alleged perpetrator  
961 described in Subsection (2)(a) is pending;
- 962 (c) the information described in Subsection (3);
- 963 (d) consented-to supported findings by an alleged perpetrator under Subsection  
964 80-2-708(3)(a)(iii);
- 965 (e) a finding from the juvenile court under Section 80-3-404; and
- 966 (f) the information in the licensing part of the division's Management Information  
967 System as of May 6, 2002.
- 968 (3) Subject to Section 80-2-1003, upon receipt of a finding from the juvenile court  
969 under Section 80-3-404, the division shall:
- 970 (a) promptly amend the Licensing Information System to include the finding; and
- 971 (b) enter the finding in the Management Information System.
- 972 (4) Information or a record contained in the Licensing Information System is:
- 973 (a) a protected record under Title 63G, Chapter 2, Government Records Access and  
974 Management Act; and
- 975 (b) notwithstanding Title 63G, Chapter 2, Government Records Access and  
976 Management Act, accessible only:
- 977 (i) to the Office of Licensing created in Section 26B-2-103:
- 978 (A) for licensing purposes; or
- 979 (B) as otherwise specifically provided for by law;
- 980 (ii) to the division to:
- 981 (A) screen an individual at the request of the Office of Guardian Ad Litem at the time  
982 the individual seeks a paid or voluntary position with the Office of Guardian Ad Litem and  
983 annually throughout the time that the individual remains with the Office of Guardian Ad Litem;  
984 and
- 985 (B) respond to a request for information from an individual whose name is listed in the  
986 Licensing Information System;
- 987 (iii) to a person designated by the Department of Health and Human Services, only for  
988 the following purposes:



989 (A) licensing a child care program or provider; or

990 (B) determining whether an individual associated with a child care facility, program, or  
 991 provider, who is exempt from being licensed or certified by the Department of Health and  
 992 Human Services under Title 26B, Chapter 2, Part 4, Child Care Licensing, has a supported  
 993 finding of a severe type of child abuse or neglect; ~~[or]~~

994 ~~[(C) determining whether an individual who is seeking an emergency medical services  
 995 license has a supported finding of a severe type of child abuse or neglect;]~~

996 (iv) to a person designated by the Department of Workforce Services and approved by  
 997 the Department of Health and Human Services for the purpose of qualifying a child care  
 998 provider under Section [35A-3-310.5](#);

999 (v) to the Bureau of Emergency Medical Services, within the Department of Public  
 1000 Safety, in determining whether an individual who is seeking an emergency medical services  
 1001 license has a supported finding of a severe type of child abuse or neglect;

1002 ~~[(v)]~~ (vi) as provided in Section [26B-2-121](#); or

1003 ~~[(vi)]~~ (vii) to the department or another person, as provided in this chapter.

1004 (5) A person designated by the Department of Health and Human Services, ~~[or]~~ the  
 1005 Department of Workforce Services, or the Bureau of Emergency Medical Services under  
 1006 Subsection (4) shall adopt measures to:

1007 (a) protect the security of the Licensing Information System; and

1008 (b) strictly limit access to the Licensing Information System to persons allowed access  
 1009 by statute.

1010 (6) The department shall approve a person allowed access by statute to information or a  
 1011 record contained in the Licensing Information System and provide training to the person with  
 1012 respect to:

1013 (a) accessing the Licensing Information System;

1014 (b) maintaining strict security; and

1015 (c) the criminal provisions of Sections [63G-2-801](#) and [80-2-1005](#) pertaining to the  
 1016 improper release of information.

1017 (7) (a) Except as authorized by this chapter, a person may not request another person to  
 1018 obtain or release any other information in the Licensing Information System to screen for  
 1019 potential perpetrators of abuse or neglect.

1020 (b) A person who requests information knowing that the request is a violation of this  
1021 Subsection (7) is subject to the criminal penalties described in Sections [63G-2-801](#) and  
1022 [80-2-1005](#).

1023 Section 17. **Effective date.**

1024 (1) Except as provided in Subsection (2), this bill takes effect on July 1, 2024.

1025 (2) If approved by two-thirds of all the members elected to each house, the actions  
1026 affecting Sections [53-2d-101.1](#) (effective upon governor's approval) and [63I-2-253](#) (effective  
1027 upon governor's approval) take effect upon approval by the governor, or the day following the  
1028 constitutional time limit of Utah Constitution, Article VII, Section 8, without the governor's  
1029 signature, or in the case of a veto, the date of veto override.