

House Engrossed
ambulance services; service areas

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HOUSE BILL 2609

AN ACT

AMENDING SECTIONS 36-2232, 36-2233, 36-2234, 36-2236, 36-2239, 36-2242 AND 36-2246, 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 36-2232, Arizona Revised Statutes, is amended to
3 read:

4 36-2232. Director; powers and duties; regulation of ambulance
5 services; inspections; response time compliance

6 A. The director shall adopt rules to regulate the operation of
7 ambulances and ambulance services in this state. Each rule shall identify
8 all sections and subsections of this chapter under which the rule was
9 formulated. The rules shall provide for the department to do the
10 following:

11 1. Determine, fix, alter and regulate just, reasonable and
12 sufficient rates and charges for the provision of ambulances, including
13 rates and charges for advanced life support service, basic life support
14 service, patient loaded mileage, standby waiting, subscription service
15 contracts and other contracts for services related to the provision of
16 ambulances. The director may establish a rate and charge structure as
17 defined by federal medicare guidelines for ambulance services. The
18 director shall inform all ambulance services of the procedures and
19 methodology used to determine ambulance rates or charges.

20 2. ENSURE EVIDENCE-BASED QUALITY PATIENT CARE IS THE PRIORITY FOR
21 DECISION-MAKING.

22 ~~2.~~ 3. Regulate operating and response times of ambulances to meet
23 the needs of the public and to ensure adequate service. The rules adopted
24 by the director for certificated ambulance service response times shall
25 include uniform standards for urban, suburban, rural and wilderness
26 geographic areas within the certificate of necessity based on, at a
27 minimum, population density, ~~AND~~ AND geographic and medical
28 considerations. RESPONSE TIMES SHALL BEGIN TOLLING WHEN THE PUBLIC SAFETY
29 ANSWERING POINT CONTACTS AN AMBULANCE SERVICE FOR DISPATCH AND CONCLUDE
30 WHEN THE AMBULANCE SERVICE ARRIVES AT THE DISPATCHED LOCATION. ARRIVAL
31 TIMES SHALL BE DOCUMENTED BY THE AMBULANCE SERVICE USING DISPATCH OR
32 GLOBAL POSITIONING SYSTEM DATA, OR A COMBINATION OF BOTH, AND KEPT ON
33 FILE. RESPONSE TIME DATA THAT IS COMPLIANT WITH THE HEALTH INSURANCE
34 PORTABILITY AND ACCOUNTABILITY ACT OF 1996 SHALL BE FILED WITH THE
35 DEPARTMENT. THE DEPARTMENT SHALL MAKE THE RESPONSE TIME DATA PUBLICLY
36 AVAILABLE ON ITS PUBLIC WEBSITE.

37 4. REVIEW RESPONSE TIMES ESTABLISHED PURSUANT TO PARAGRAPH 3 OF
38 THIS SUBSECTION WITH THE AMBULANCE SERVICE AND UPDATE THE RESPONSE TIMES
39 BASED ON, AT A MINIMUM, POPULATION DENSITY AND GEOGRAPHIC AND MEDICAL
40 CONSIDERATIONS, AND THE FINANCIAL IMPACT ON RATES AND CHARGES, EVERY SIX
41 YEARS. ONE ADDITIONAL REVIEW EACH SIX-YEAR PERIOD MAY BE REQUESTED BY A
42 CITY, TOWN, FIRE DISTRICT OR FIRE AUTHORITY WHOSE JURISDICTIONAL
43 BOUNDARIES IN WHOLE OR IN PART ARE WITHIN THE SERVICE AREA OF A
44 CERTIFICATE OF NECESSITY OR AN EXISTING CERTIFICATE OF NECESSITY HOLDER
45 WITHIN THE SERVICE AREA OF THE CERTIFICATE OF NECESSITY.

1 ~~3.~~ 5. Determine, fix, alter and regulate bases of operation. The
2 director may issue a certificate of necessity to more than one ambulance
3 service within any base of operation. For the purposes of this paragraph,
4 "base of operation" means a service area granted under a certificate of
5 necessity.

6 ~~4.~~ 6. Issue, amend, transfer, suspend or revoke certificates of
7 necessity under terms consistent with this article.

8 ~~5.~~ 7. Prescribe a uniform system of accounts to be used by
9 ambulance services that conforms to standard accounting forms and
10 principles for the ambulance industry and generally accepted accounting
11 principles.

12 ~~6.~~ 8. Require the filing of an annual financial report and other
13 data. These rules shall require an ambulance service to file the report
14 with the department not later than one hundred eighty days after the
15 completion of its annual accounting period.

16 ~~7. Regulate ambulance services in all matters affecting services to
17 the public to the end that this article may be fully carried out.~~

18 ~~8.~~ 9. Prescribe bonding requirements, if any, for ambulance
19 services granted authority to provide any type of subscription service.

20 ~~9.~~ 10. Offer technical assistance to ambulance services to
21 maximize a healthy and viable business climate for the provision of
22 ambulances ENSURE COMPLIANCE WITH THE RULES.

23 ~~10.~~ 11. Offer technical assistance to ambulance services in order
24 to obtain or to amend a certificate of necessity.

25 ~~11.~~ 12. Inspect, at a maximum of ~~twelve month~~ TWELVE-MONTH
26 intervals, each ambulance registered pursuant to section 36-2212 to ensure
27 that the vehicle is operational and safe and that all required medical
28 equipment is operational. At the request of the provider, the inspection
29 may be performed by a facility approved by the director. If a provider
30 requests that the inspection be performed by a facility approved by the
31 director, the provider shall pay the cost of the inspection.

32 B. The director may require any ambulance service offering
33 subscription service contracts to obtain a bond in an amount determined by
34 the director that is based on the number of subscription service contract
35 holders and to file the bond with the director ~~for the protection of~~ TO
36 PROTECT all subscription service contract holders in this state who are
37 covered under that subscription contract.

38 C. An ambulance service shall:

39 1. Maintain, establish, add, move or delete suboperation stations
40 within its base of operation to ensure that the ambulance service meets
41 the established response times or those approved by the director in a
42 political subdivision contract.

43 2. Determine the operating hours of its suboperation stations to
44 provide for coverage of its base of operation.

1 3. Provide the department with a list of suboperation station
2 locations.

3 4. Notify the department not later than thirty days after the
4 ambulance service makes a change in the number or location of its
5 suboperation stations.

6 5. INSTALL AND MAINTAIN AN ELECTRONIC GLOBAL POSITIONING SYSTEM
7 MONITORING DEVICE IN EACH VEHICLE THAT IS USED FOR TRANSPORT TO RECORD
8 ARRIVAL TIMES. THE DEPARTMENT MAY PROVIDE A WAIVER ON A
9 DEPARTMENT-APPROVED FORM TO AN AMBULANCE SERVICE THAT IS UNABLE TO MEET
10 THE REQUIREMENT OF THIS PARAGRAPH.

11 6. MAINTAIN RESPONSE RECORDS FOR A PERIOD OF THREE YEARS. ALL
12 AMBULANCE SERVICE RESPONSE RECORDS SHALL BE PROVIDED TO THE DEPARTMENT ON
13 REQUEST.

14 D. At any time, the director or the director's agents may:

15 1. Inquire into the operation of an ambulance service, including a
16 person operating an ambulance that has not been issued a certificate of
17 registration or a person who does not have or is operating outside of a
18 certificate of necessity.

19 2. Conduct on-site inspections of facilities, communications
20 equipment, vehicles, procedures, materials and equipment.

21 3. Review the qualifications of ambulance attendants.

22 E. If all ambulance services that have been granted authority to
23 operate within the same service area or that have overlapping certificates
24 of necessity apply for uniform rates and charges, the director may
25 establish uniform rates and charges for the service area.

26 F. In consultation with the medical director of the emergency
27 medical services and trauma system, the emergency medical services council
28 and the medical direction commission, the director of the department of
29 health services shall establish protocols for ambulance services to refer
30 and advise a patient or transport a patient by the most appropriate means
31 to the most appropriate provider of medical services based on the
32 patient's condition. The protocols shall include triage and treatment
33 protocols that allow all classifications of emergency medical care
34 technicians responding to a person who has accessed 911, or a similar
35 public dispatch number, for a condition that does not pose an immediate
36 threat to life or limb to refer and advise a patient or transport a
37 patient to the most appropriate health care institution as defined in
38 section 36-401 based on the patient's condition, taking into consideration
39 factors including patient choice, the patient's health care provider,
40 specialized health care facilities and local protocols.

41 G. The director, when reviewing an ambulance service's response
42 time compliance with its certificate of necessity, shall consider in
43 addition to other factors the effect of hospital diversion, delayed
44 emergency department admission and the number of ambulances engaged in
45 response or transport in the affected area.

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

3 36-2233. Certificate of necessity to operate an ambulance
4 service; exceptions; service areas

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

8 B. WITHIN ONE HUNDRED EIGHTY DAYS AFTER RECEIVING AN APPLICATION
9 FOR A CERTIFICATE OF NECESSITY AS PRESCRIBED IN THIS SECTION, THE DIRECTOR
10 SHALL MAKE A DETERMINATION BASED ON WHETHER NECESSITY FOR THE AMBULANCE
11 SERVICE IS FOUND TO EXIST AND THE APPLICANT MEETS THE REQUIREMENTS OF
12 SUBSECTION C OF THIS SECTION. IF THE DIRECTOR REQUESTS ADDITIONAL
13 INFORMATION FROM THE APPLICANT AFTER INITIAL REVIEW, THE APPLICANT SHALL
14 HAVE THIRTY BUSINESS DAYS TO RESPOND. ON REQUEST, THE DIRECTOR MAY GIVE
15 THE APPLICANT ONE ADDITIONAL PERIOD OF THIRTY BUSINESS DAYS TO RESPOND.
16 THE ONE HUNDRED EIGHTY-DAY-PERIOD FOR THE DIRECTOR TO MAKE THE
17 DETERMINATION OF NECESSITY DOES NOT INCLUDE THE TIME THE APPLICANT USES TO
18 RESPOND TO REQUESTS FOR ADDITIONAL INFORMATION.

19 ~~B.~~ C. The director shall issue a certificate of necessity if all
20 of the following apply:

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

23 ~~2.~~ 1. The director finds that public necessity requires the
24 service or any part of the service proposed by the applicant.

25 ~~3.~~ 2. The director finds that the applicant is fit and proper to
26 provide the service.

27 ~~4.~~ 3. The applicant has paid the appropriate fees pursuant to
28 section 36-2240.

29 ~~5.~~ 4. The applicant has filed a surety bond pursuant to section
30 36-2237.

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

35 ~~D.~~ E. This section does not require a certificate of necessity
36 for:

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

39 2. Ambulance services operating under temporary authority pursuant
40 to section 36-2242.

41 ~~E.~~ F. The director may grant a service area by one or any
42 combination of the following descriptions:

43 1. Metes and bounds.

44 2. A city, town or political subdivision not limited to a specific
45 date. The merger or consolidation of two or more fire districts pursuant

1 to section 48-820 or 48-822 does not expand the service area boundaries of
2 an existing certificate of necessity.

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

5 Sec. 3. Section 36-2234, Arizona Revised Statutes, is amended to
6 read:

7 36-2234. Hearings; waiver of hearing; emergency action;
8 suspension; judicial review; definition

9 ~~A. The director shall require a public hearing on any proposed~~
10 ~~action related to rates, fares or charges, operating or response times,~~
11 ~~bases of operation or certificates of necessity unless subsection C, E, or~~
12 ~~M of this section applies.~~

13 A. ANY CERTIFICATE OF NECESSITY HOLDER WHOSE AMBULANCE SERVICE AREA
14 IN WHOLE OR IN PART IS WITHIN THE AFFECTED SERVICE AREA OF THE NEW
15 AMBULANCE SERVICE MAY APPEAL THE DIRECTOR'S DETERMINATION WITHIN THIRTY
16 DAYS AFTER THE DECISION. IF AN APPEAL IS MADE, THE DIRECTOR SHALL REQUIRE
17 A PUBLIC HEARING BE HELD WITHIN ONE HUNDRED TWENTY DAYS OF THE HEARING
18 NOTICE BEING ISSUED ON ANY PROPOSED ACTION RELATED TO RATES, FARES OR
19 CHARGES, OPERATING OR RESPONSE TIMES, OR BASES OF OPERATION OR
20 CERTIFICATES OF NECESSITY UNLESS SUBSECTION E, G OR O OF THIS SECTION
21 APPLIES. IF NO APPEAL IS MADE, THE DIRECTOR'S DECISION STANDS.

22 B. FOR THE PURPOSES OF ANY HEARING HELD PURSUANT TO THIS SECTION, A
23 CITY, TOWN, FIRE DISTRICT OR FIRE AUTHORITY WHOSE JURISDICTIONAL
24 BOUNDARIES IN WHOLE OR IN PART ARE WITHIN THE SERVICE AREA OF A
25 CERTIFICATE OF NECESSITY, AN EXISTING CERTIFICATE OF NECESSITY HOLDER
26 WITHIN THE SERVICE AREA OF THE CERTIFICATE OF NECESSITY OR A HOSPITAL THAT
27 IS LICENSED PURSUANT TO CHAPTER 4 OF THIS TITLE AND THAT IS LOCATED WITHIN
28 THE SERVICE AREA OF A CERTIFICATE OF NECESSITY IS CONSIDERED TO BE AN
29 INTERESTED PARTY AS A MATTER OF LAW.

30 C. ALL INTERESTED PARTIES SHALL BE NOTIFIED OF ANY APPLICATIONS FOR
31 A NEW OR EXPANDED CERTIFICATE OF NECESSITY WITHIN FIFTEEN DAYS AFTER AN
32 APPLICATION HAS BEEN FILED, WITHIN FIFTEEN DAYS AFTER THE APPLICATION IS
33 COMPLETE AND WITHIN FIFTEEN DAYS AFTER A DECISION BY THE DIRECTOR.

34 ~~B.~~ D. A public hearing held pursuant to subsection A of this
35 section shall meet the following requirements:

36 1. The hearing shall be held pursuant to title 41, chapter 6,
37 article 10.

38 2. The director shall mail notice of the hearing to every ambulance
39 service in the affected region ~~AND~~ AND EVERY INTERESTED PARTY AS SPECIFIED
40 IN SUBSECTION B OF THIS SECTION NOT later than fifteen days before the
41 hearing.

42 3. The director may mail notice to other persons who the director
43 determines are interested in the hearing.

44 4. In a hearing or rehearing conducted pursuant to this article, an
45 ambulance service may be represented by a corporate officer, an employee

1 or a designee who has been specifically authorized by the ambulance
2 service to represent it.

3 5. A certificate of necessity hearing may not last more than ~~ten~~
4 FIVE CONSECUTIVE BUSINESS days unless the administrative law judge
5 determines, in writing, on the final day of the hearing that there is an
6 extraordinary need for additional hearing days. THE ADMINISTRATIVE LAW
7 JUDGE IN THAT CASE MAY ADD UP TO FIVE ADDITIONAL CONSECUTIVE BUSINESS DAYS
8 FOR THE HEARING. THE ADDITIONAL HEARING DAYS SHALL BE CALENDARED WITHIN
9 THIRTY DAYS AFTER THE END OF THE INITIAL HEARING.

10 ~~E.~~ E. The director may waive the hearing required under subsection
11 A of this section if notification, including a general description of the
12 proposed action of the department and the time and manner for any
13 interested person to request a hearing, is given and all of the following
14 apply:

15 1. Notification of the proposed action has been sent to every
16 ambulance service in the affected region ~~AND EVERY INTERESTED PARTY AS~~
17 SPECIFIED IN SUBSECTION B OF THIS SECTION NOT later than fifteen days
18 before the action.

19 2. The director has notified other persons who the director
20 determines are interested in the proposed action ~~AND~~ NOT later than fifteen
21 days before the action.

22 3. The director has published notice of the proposed action in a
23 newspaper of general circulation in the affected region at least once each
24 week for two consecutive weeks before the action is taken.

25 4. The director has received no requests within the fifteen-day
26 notification period for a hearing to be held on the proposed action.

27 ~~F.~~ F. If the director receives a request WITHIN THE FIFTEEN-DAY
28 NOTIFICATION PERIOD pursuant to subsection ~~E.~~ E, paragraph 4 of this
29 section, the director shall hold a hearing in compliance with subsection
30 ~~D.~~ D of this section.

31 ~~G.~~ G. The director shall not hold a hearing if a person requests a
32 hearing regarding a rate increase that does not exceed the amount computed
33 as follows:

34 1. Determine the percentage growth in the transportation consumer
35 price index of the United States department of labor, bureau of labor
36 statistics, from the end of the second preceding calendar year to the
37 calendar year immediately preceding the calendar year for which the rate
38 increase is requested.

39 2. Determine the percentage growth in the medical care consumer
40 price index of the United States department of labor, bureau of labor
41 statistics, from the end of the second preceding calendar year to the
42 calendar year immediately preceding the calendar year for which the rate
43 increase is requested.

1 3. Add the amount determined in paragraph 1 of this subsection to
2 the amount determined in paragraph 2 of this subsection and divide the sum
3 by two.

4 ~~F.~~ H. A rate increase authorized pursuant to subsection ~~F~~ G of
5 this section is deemed to be fixed by the department at the requested
6 level. Notwithstanding subsection ~~G~~ E of this section, the department
7 shall hold a hearing pursuant to section 36-2232, subsection E for any
8 proposed uniform rate or charge that exceeds the annual rate increase
9 prescribed in subsection ~~F~~ G of this section. The department shall
10 require the applicants to submit the following information signed by the
11 designated financial officer and the chief executive of the ambulance
12 service who has fiduciary responsibility for providing accurate financial
13 information:

14 1. A financial statement for the previous twenty-four months
15 relating to the certificated areas.

16 2. Any additional information the department requires to analyze
17 the request.

18 ~~G.~~ I. If an ambulance service with an established general public
19 rate applies for a contract rate or range of rates that is up to thirty
20 percent less than its established rate, the director shall grant the rate
21 without a public hearing or waiver, and without any right of intervention,
22 unless within ninety days ~~of~~ AFTER the filing of a completed application
23 the director determines that the contract rate or range of rates applied
24 for does not accurately reflect the cost and economics of providing the
25 contract services, would adversely affect the service available to the
26 general public in the area of service as designated by its certificate of
27 necessity or would cause any fixed rate, fare or charge to the general
28 public to be adversely affected.

29 ~~H.~~ J. If the department disallows a proposed contract rate
30 pursuant to subsection ~~G~~ I of this section, the ambulance service has a
31 right to a hearing for review of the proposed contract rate or range of
32 rates.

33 ~~I.~~ K. The director may adopt rules for the establishment of a
34 contract rate or range of rates that may be implemented and that exceeds
35 the thirty percent rate variance identified pursuant to subsection ~~G~~ I of
36 this section.

37 ~~J.~~ L. Subsections ~~G, H and~~ I, J AND K of this section are limited
38 to contract rates or a range of rates applied for prescheduled,
39 interfacility or convalescent transports.

40 ~~K.~~ M. A service contract between an ambulance service and a
41 political subdivision of this state, including local fire districts, shall
42 be filed with and approved by the department in accordance with the
43 following requirements:

44 1. On receipt of the proposed contract, the department has fifteen
45 days to review the contract and notify the ambulance service of any

1 additional information the department requires, recommended corrections or
2 any provision that does or may violate this article.

3 2. The ambulance service has fifteen days to provide the department
4 with the information requested or to submit a revised or amended contract
5 if required under paragraph 1 of this subsection.

6 3. The contract becomes effective fifteen days after the ambulance
7 service complies with the department's request unless the department
8 determines that any rate or charge or other provisions specified in the
9 contract will cause any fixed rate or charge to the general public rate to
10 be adversely affected or the contract would be in violation of the
11 ambulance service's certificate of necessity.

12 4. If the department disallows a proposed contract pursuant to this
13 subsection, the ambulance service has a right to a hearing for review of
14 the proposed contract.

15 5. The rates and charges contained in the contract are the rates
16 and charges fixed by the director in a decision or order for the ambulance
17 service and conform to the ambulance service's current or subsequent
18 general public rates and charges.

19 6. The area of response is within the ambulance service's
20 certificated area.

21 ~~N.~~ N. In case of emergency, the director may take action providing
22 for immediate suspension of a certificate of registration or a certificate
23 of necessity, or both, under this section without notice or a hearing if
24 the director determines that a potential threat to the public health and
25 safety exists. If such an action is taken by the director, the director
26 shall conduct a hearing within ten days after the date of the director's
27 action unless the person against whom the action is directed waives the
28 right to have a hearing held within ten days. If the ten-day hearing
29 requirement is waived, the director shall set a date mutually agreeable to
30 the interested parties. The purpose of the hearing is to review the
31 decision of the director to take such an action. The director shall make
32 findings of fact and may continue, suspend or modify the director's
33 action.

34 ~~M.~~ O. The director shall waive the hearing required under
35 subsection A of this section if ~~geographical~~ GEOGRAPHIC changes in
36 suboperation stations do not alter the service area or adversely affect
37 approved response times.

38 ~~N.~~ P. Except as provided in section 41-1092.08, subsection H, a
39 final decision of the director is subject to judicial review pursuant to
40 title 12, chapter 7, article 6.

41 ~~O.~~ Q. For the purposes of this section, "hearing day":

42 1. Means any portion of a business day that is used for any
43 hearing-related activity, including testimony, argument or presentation of
44 evidence.

1 is effective June 1 of that year. The department shall notify the
2 applicant and each health care services organization as defined in section
3 20-1051 of the rate adjustment on or before May 1 of that year.

4 B. Notwithstanding subsection E of this section, if the department
5 does not hold a hearing within ninety days after an ambulance service
6 ~~submits an application~~ APPLIES to the department ~~for an adjustment of TO~~
7 ADJUST its rates or charges, the ambulance service may adjust its rates or
8 charges to an amount not to exceed the amount sought by the ambulance
9 service in its application to the department. An ambulance service shall
10 not apply ~~for an adjustment of TO~~ ADJUST its rates or charges more than
11 once every six months.

12 C. At the time ~~it~~ THE DEPARTMENT holds a hearing on the rates or
13 charges of an ambulance service pursuant to section 36-2234, the
14 department may adjust the rates or charges adjusted by the ambulance
15 service pursuant to subsection B of this section, but the adjustment shall
16 not be retroactive.

17 D. Except as provided in subsection H of this section, an ambulance
18 service shall not charge, demand or collect any remuneration for any
19 service greater or less than or different from the rate or charge
20 determined and fixed by the department as the rate or charge for that
21 service. An ambulance service may charge for disposable supplies, medical
22 supplies and medication and oxygen related costs if the charges do not
23 exceed the manufacturer's suggested retail price, are uniform throughout
24 the ambulance service's certificated area and are filed with the director.
25 An ambulance service shall not refund or limit in any manner or by any
26 device any portion of the rates or charges for a service that the
27 department has determined and fixed or ordered as the rate or charge for
28 that service.

29 E. The department shall determine and render its decision regarding
30 all rates or charges within ninety days after commencement of the
31 applicant's hearing ~~for an adjustment of TO~~ ADJUST rates or charges. If
32 the department does not render its decision as required by this
33 subsection, the ambulance service may adjust its rates and charges to an
34 amount that does not exceed the amounts sought by the ambulance service in
35 its application to the department. If the department renders a decision
36 to adjust the rates or charges to an amount less than that requested in
37 the application and the ambulance service has ~~made an adjustment to~~
38 ADJUSTED its rates and charges ~~that is~~ higher than the adjustment approved
39 by the department, within thirty days after the department's decision the
40 ambulance service shall refund to the appropriate ratepayer the difference
41 between the ambulance service's adjusted rates and charges and the rates
42 and charges ordered by the department. The ambulance service shall
43 provide evidence to the department that the refund has been made. If the
44 ambulance service fails to comply with this subsection, the director may

1 impose a civil penalty subject to the ~~limitations~~ LIMITS provided in
2 section 36-2245.

3 F. An ambulance service shall charge the advanced life support base
4 rate as prescribed by the director under any of the following
5 circumstances:

6 1. A person requests an ambulance by dialing telephone number 911,
7 or a similarly designated telephone number for emergency calls, and ~~the~~
8 ~~ambulance service meets~~ ALL OF the following APPLY:

9 (a) The ambulance is staffed with at least one ambulance attendant.

10 (b) The ambulance is equipped with all required advanced life
11 support medical equipment and supplies for the advanced life support
12 attendants in the ambulance.

13 (c) The patient receives advanced life support services or is
14 transported by the advanced life support unit.

15 2. Advanced life support is requested by a medical authority or by
16 the patient.

17 3. The ambulance attendants administer one or more specialized
18 treatment activities or procedures as prescribed by the department by
19 rule.

20 G. An ambulance service shall charge the basic life support base
21 rate as prescribed by the director under any of the following
22 circumstances:

23 1. A person requests an ambulance by dialing telephone number 911,
24 or a similarly designated telephone number for emergency calls, and ~~the~~
25 ~~ambulance service meets~~ ALL OF the following APPLY:

26 (a) The ambulance is staffed with two ambulance attendants
27 certified by this state.

28 (b) The ambulance is equipped with all required basic life support
29 medical equipment and supplies for the basic life support medical
30 attendants in the ambulance.

31 (c) The patient receives basic life support services or is
32 transported by the basic life support unit.

33 2. Basic life support transportation or service is requested by a
34 medical authority or by the patient, unless any provision of subsection F
35 of this section applies, in which case the advanced life support rate
36 ~~shall apply~~ APPLIES.

37 H. For each contract year, the Arizona health care cost containment
38 system administration and its contractors and subcontractors shall provide
39 remuneration for ambulance services for persons who are enrolled in or
40 covered by the Arizona health care cost containment system in an amount
41 equal to 68.59 percent of the amounts as prescribed by the department as
42 of July 1 of each year for services specified in subsections F and G of
43 this section and 68.59 percent of the mileage charges as determined by the
44 department as of July 1 of each year pursuant to section 36-2232. The
45 Arizona health care cost containment system administration shall ~~make~~

1 ~~annual adjustments to~~ ANNUALLY ADJUST the Arizona health care cost
2 containment system fee schedule according to the department's approved
3 ambulance service rate in effect as of July 1 of each year. The rate
4 adjustments made pursuant to this subsection are effective beginning
5 October 1 of each year.

6 I. In establishing rates and charges, the director shall consider
7 the following factors:

8 1. The transportation needs assessment of the medical response
9 system in a political subdivision.

10 2. The medical care consumer price index of the United States
11 department of labor, bureau of labor statistics.

12 3. Whether a review is made by a local emergency medical services
13 coordinating system in regions where that system is designated as to the
14 appropriateness of the proposed service level.

15 4. The rate of return on gross revenue.

16 5. Response times pursuant to section 36-2232, subsection A,
17 ~~paragraph 2~~ PARAGRAPHS 3 AND 4.

18 J. Notwithstanding section 36-2234, an ambulance service may charge
19 an amount for medical assessment, equipment or treatment that exceeds the
20 requirements of section 36-2205 if requested or required by a medical
21 provider or patient.

22 K. Notwithstanding subsections D, F and G of this section, an
23 ambulance service may provide gratuitous services if an ambulance is
24 dispatched and the patient subsequently declines to be treated or
25 transported.

26 Sec. 6. Section 36-2242, Arizona Revised Statutes, is amended to
27 read:

28 36-2242. Temporary authority to operate in urgent
29 circumstances; application; application to provide
30 permanent service

31 A. If the director determines that there is an immediate and urgent
32 need for service to one or more points or within an area lacking adequate
33 ambulance service, the director may, at ~~his~~ THE DIRECTOR'S discretion and
34 without a hearing or other proceeding, grant an ambulance service, FIRE
35 DEPARTMENT, FIRE DISTRICT OR FIRE AUTHORITY temporary authority to provide
36 the needed service. The temporary authority is valid for the period
37 specified by the director, not to exceed ninety days, and may ~~not be~~
38 ~~renewed~~ BE EXTENDED FOR ONE ADDITIONAL NINETY-DAY PERIOD.

39 B. An applicant for temporary authority pursuant to this section
40 shall submit to the director a verified written statement setting forth
41 the circumstances of the immediate and urgent need for service. THE
42 APPLICANT MUST DEMONSTRATE THAT THE SERVICE PROVIDED UNDER THE TEMPORARY
43 AUTHORITY WILL BE IN APPROPRIATELY EQUIPPED VEHICLES DESIGNED FOR PATIENT
44 TRANSPORT AND STAFFED WITH APPROPRIATELY CERTIFIED PERSONNEL FOR PATIENT
45 CARE. The director shall prescribe a temporary schedule of rates and

1 charges ~~which shall~~ THAT DO not exceed rates and charges established by
2 the director for similar services.

3 C. The department may make an independent investigation to
4 determine whether there is an immediate and urgent need for the authority
5 requested.

6 D. During the period of temporary authority, a person granted
7 temporary authority shall file an application for a certificate of
8 necessity to conduct the service if ~~he~~ THE PERSON intends to continue the
9 service after the temporary authority expires. A grant of temporary
10 authority pursuant to this section does not create a presumption that
11 permanent authority for the service should be granted.

12 Sec. 7. Section 36-2246, Arizona Revised Statutes, is amended to
13 read:

14 36-2246. Fire districts; rural ambulance services; request
15 for information; format

16 A. The department shall implement a format to govern its requests
17 for information from each fire district that holds a certificate of
18 necessity to operate an ambulance service under this chapter that
19 substantially conforms to the annual report prescribed by section 48-251.

20 B. The department's request for financial information from each
21 fire district that holds a certificate of necessity to operate an
22 ambulance service under this chapter shall substantially conform to the
23 accounting method prescribed by section 48-251.

24 C. The department's request for information from each rural
25 ambulance service that holds a certificate of necessity under this chapter
26 shall include the minimum information the department requires under
27 section 36-2232, subsection A, paragraphs ~~5 and 6~~ 7 AND 8.

28 Sec. 8. Rulemaking exemption

29 Notwithstanding any other law, for the purposes of section 36-2232,
30 Arizona Revised Statutes, as amended by this act, the department of health
31 services is exempt from the rulemaking requirements of title 41, chapter
32 6, Arizona Revised Statutes, for one year after the effective date of this
33 act.