

**Senator Wayne A. Harper** proposes the following substitute bill:

**AIR AMBULANCE AMENDMENTS**

2017 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Wayne A. Harper**

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

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**LONG TITLE**

**General Description:**

This bill amends air ambulance provisions in the Utah Health Code.

**Highlighted Provisions:**

This bill:

- ▶ requires the Department of Health to establish an Air Ambulance Committee;
- ▶ establishes the membership of the Air Ambulance Committee;
- ▶ establishes the duties of the Air Ambulance Committee;
- ▶ sunsets the Air Ambulance Committee on July 1, 2019;
- ▶ authorizes the State Emergency Medical Services Committee to coordinate with the

Health Data Committee to report air ambulance charges in the state;

- ▶ specifies the data that should be reported;
- ▶ requires the publication of certain data regarding air ambulance charges; and
- ▶ amends the duties of the Health Data Committee to assist the State Emergency

Medical Services Committee with the reporting of the air ambulance charge data.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None



**Utah Code Sections Affected:**

## AMENDS:

**26-1-7**, as last amended by Laws of Utah 2014, Chapters 322 and 384

**26-8a-203**, as last amended by Laws of Utah 2011, Chapter 297

**26-33a-106.1**, as last amended by Laws of Utah 2014, Chapters 118, 425 and last amended by Coordination Clause, Laws of Utah 2014, Chapter 425

**63I-2-226**, as last amended by Laws of Utah 2016, Chapter 345

## ENACTS:

**26-8a-107**, Utah Code Annotated 1953

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

Section 1. Section **26-1-7** is amended to read:

**26-1-7. Committees within department.**

(1) There are created within the department the following committees:

(a) Health Facility Committee;

(b) State Emergency Medical Services Committee;

(c) Air Ambulance Committee;

~~[(c)]~~ (d) Health Data Committee;

~~[(d)]~~ (e) Utah Health Care Workforce Financial Assistance Program Advisory Committee;

~~[(e)]~~ (f) Residential Child Care Licensing Advisory Committee;

~~[(f)]~~ (g) Child Care Center Licensing Committee; and

~~[(g)]~~ (h) Primary Care Grant Committee.

(2) The department shall:

~~[(a) review all committees and advisory groups in existence before July 1, 2003 that are not listed in Subsection (1) or Section **26-1-7.5**, and not required by state or federal law; and]~~

~~[(b) beginning no later than July 1, 2003:]~~

~~[(i)]~~ (a) consolidate ~~[those]~~ advisory groups and committees with other committees or advisory groups as appropriate to create greater efficiencies and budgetary savings for the department; and

~~[(ii)]~~ (b) create in writing, time-limited and subject-limited duties for the advisory

groups or committees as necessary to carry out the responsibilities of the department.

Section 2. Section **26-8a-107** is enacted to read:

**26-8a-107. Air Ambulance Committee -- Membership -- Duties.**

(1) The Air Ambulance Committee created by Section [26-1-7](#) shall be composed of the following members:

(a) the state emergency medical services medical director;

(b) one physician who:

(i) is licensed under:

(A) Title 58, Chapter 67, Utah Medical Practice Act;

(B) Title 58, Chapter 67b, Interstate Medical Licensure Compact; or

(C) Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;

(ii) actively provides trauma or emergency care at a Utah hospital; and

(iii) has experience and is actively involved in state and national air medical transport issues;

(c) one member from each level 1 and level 2 trauma center in the state of Utah, selected by the trauma center the member represents;

(d) one registered nurse who:

(i) is licensed under Title 58, Chapter 31b, Nurse Practice Act; and

(ii) currently works as a flight nurse for an air medical transport provider in the state of Utah;

(e) one paramedic who:

(i) is licensed under Title 26, Chapter 8a, Utah Emergency Medical Services System Act; and

(ii) currently works for an air medical transport provider in the state of Utah; and

(f) one member from a for-profit air medical transport company operating in the state of Utah.

(2) The state emergency medical services medical director shall appoint the physician member under Subsection (1)(b), and the physician shall serve as the chair of the Air Ambulance Committee.

(3) The chair of the Air Ambulance Committee shall:

(a) appoint the Air Ambulance Committee members under Subsections (1)(c) through

88 (f);

89 (b) designate the member of the Air Ambulance Committee to serve as the vice chair  
90 of the committee; and

91 (c) set the agenda for Air Ambulance Committee meetings.

92 (4) (a) Except as provided in Subsection (4)(b), members shall be appointed to a  
93 two-year term.

94 (b) Notwithstanding Subsection (4)(a), the Air Ambulance Committee chair shall, at  
95 the time of appointment or reappointment, adjust the length of the terms of committee  
96 members to ensure that the terms of the committee members are staggered so that  
97 approximately half of the committee is reappointed every two years.

98 (5) (a) A majority of the members of the Air Ambulance Committee constitutes a  
99 quorum.

100 (b) The action of a majority of a quorum constitutes the action of the Air Ambulance  
101 Committee.

102 (6) The Air Ambulance Committee shall, before November 30, 2017, provide  
103 recommendations to the Health and Human Services Interim Committee regarding the  
104 development of state standards and requirements related to:

105 (a) air medical transport provider licensure and accreditation;

106 (b) air medical transport medical personnel qualifications and training; and

107 (c) other standards and requirements to ensure patients receive appropriate and  
108 high-quality medical attention and care by air medical transport providers operating in the state  
109 of Utah.

110 (7) An Air Ambulance Committee member may not receive compensation, benefits,  
111 per diem, or travel expenses for the member's service on the committee.

112 (8) The Office of the Attorney General shall provide staff support to the Air  
113 Ambulance Committee.

114 (9) The Air Ambulance Committee shall report to the Health and Human Services  
115 Interim Committee before November 30, 2018, regarding the sunset of this section in  
116 accordance with Section [63I-2-226](#).

117 Section 3. Section **26-8a-203** is amended to read:

118 **26-8a-203. Data collection.**

119 (1) The committee shall specify the information that shall be collected for the  
120 emergency medical services data system established pursuant to Subsection (2).

121 (2) (a) The department shall establish an emergency medical services data system  
122 which shall provide for the collection of information, as defined by the committee, relating to  
123 the treatment and care of patients who use or have used the emergency medical services  
124 system.

125 (b) Beginning July 1, 2017, the committee shall coordinate with the Health Data  
126 Authority created in Chapter 33a, Utah Health Data Authority Act, to create a report of data  
127 collected by the Health Data Committee under Section [26-33a-106.1](#) regarding:

128 (i) the total amount of air ambulance flight charges in the state for a one-year period;  
129 and

130 (ii) of the total number of flights in a one-year period under Subsection (2)(b)(i):

131 (A) the number of flights for which a patient had no personal responsibility for paying  
132 part of the flight charges;

133 (B) the number of flights for which a patient had personal responsibility to pay part of  
134 the flight charges;

135 (C) the range of flight charges for which patients had personal responsibility under  
136 Subsection (2)(b)(ii)(B), including the median amount for patient personal responsibility; and

137 (D) the name of any air ambulance provider that billed a patient in excess of the  
138 median amount for patient personal responsibility during the reporting year.

139 (3) (a) The department shall, beginning October 1, 2017, and on or before each October  
140 1 thereafter, make the information in Subsection (2)(b) public and send the information in  
141 Subsection (2)(b) to:

142 (i) the Health and Human Services Interim Committee; and

143 (ii) public safety dispatchers and first responders in the state.

144 (b) Before making the information in Subsection (2)(b) public, the committee shall  
145 provide the air ambulance providers named in the report with the opportunity to respond to the  
146 accuracy of the information in the report under Section [26-33a-107](#).

147 ~~[(3)]~~ (4) Persons providing emergency medical services;

148 (a) shall provide information to the department for the emergency medical services  
149 data system established pursuant to Subsection (2)(a);

150           (b) are not required to provide information to the department under Subsection (2)(b);  
151   and  
152           (c) may provide information to the department under Subsection (2)(b) or (3)(b).  
153       Section 4. Section **26-33a-106.1** is amended to read:  
154       **26-33a-106.1. Health care cost and reimbursement data.**  
155       (1) The committee shall, as funding is available:  
156       (a) establish a plan for collecting data from data suppliers, as defined in Section  
157   26-33a-102, to determine measurements of cost and reimbursements for risk-adjusted episodes  
158   of health care;  
159       (b) share data regarding insurance claims and an individual's and small employer  
160   group's health risk factor and characteristics of insurance arrangements that affect claims and  
161   usage with the Insurance Department, only to the extent necessary for:  
162       (i) risk adjusting; and  
163       (ii) the review and analysis of health insurers' premiums and rate filings; and  
164       (c) assist the Legislature and the public with awareness of, and the promotion of,  
165   transparency in the health care market by reporting on:  
166       (i) geographic variances in medical care and costs as demonstrated by data available to  
167   the committee; and  
168       (ii) rate and price increases by health care providers:  
169       (A) that exceed the Consumer Price Index - Medical as provided by the United States  
170   Bureau of Labor Statistics;  
171       (B) as calculated yearly from June to June; and  
172       (C) as demonstrated by data available to the committee; [~~and~~]  
173       (d) provide on at least a monthly basis, enrollment data collected by the committee to a  
174   not-for-profit, broad-based coalition of state health care insurers and health care providers that  
175   are involved in the standardized electronic exchange of health data as described in Section  
176   31A-22-614.5, to the extent necessary:  
177       (i) for the department or the Medicaid Office of the Inspector General to determine  
178   insurance enrollment of an individual for the purpose of determining Medicaid third party  
179   liability;  
180       (ii) for an insurer that is a data supplier, to determine insurance enrollment of an

individual for the purpose of coordination of health care benefits; and

(iii) for a health care provider, to determine insurance enrollment for a patient for the purpose of claims submission by the health care provider[.]; and

(e) coordinate with the State Emergency Medical Services Committee to publish data regarding air ambulance charges under Section 26-8a-203.

(2) (a) The Medicaid Office of Inspector General shall annually report to the Legislature's Health and Human Services Interim Committee regarding how the office used the data obtained under Subsection (1)(d)(i) and the results of obtaining the data.

(b) A data supplier shall not be liable for a breach of or unlawful disclosure of the data obtained by an entity described in Subsection (1)(b).

(3) The plan adopted under Subsection (1) shall include:

(a) the type of data that will be collected;

(b) how the data will be evaluated;

(c) how the data will be used;

(d) the extent to which, and how the data will be protected; and

(e) who will have access to the data.

Section 5. Section **63I-2-226** is amended to read:

**63I-2-226. Repeal dates -- Title 26.**

(1) Section 26-8a-107 is repealed July 1, 2019.

[~~(1)~~] (2) Title 26, Chapter 46, Utah Health Care Workforce Financial Assistance Program, is repealed July 1, 2017.

[~~(2)~~] (3) Section 26-18-412 is repealed December 31, 2016.