

Senate Engrossed House Bill

~~department of health services; rulemaking~~  
(now: ambulance attendants; services)

State of Arizona  
House of Representatives  
Fifty-sixth Legislature  
Second Regular Session  
2024

**CHAPTER 128**  
**HOUSE BILL 2033**

AN ACT

AMENDING SECTIONS 36-2201, 36-2202 AND 36-2239, ARIZONA REVISED STATUTES;  
RELATING TO AMBULANCE SERVICES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 36-2201, Arizona Revised Statutes, is amended to  
3 read:

4 36-2201. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Administrative medical direction" means supervision of  
7 emergency medical care technicians by a base hospital medical director,  
8 administrative medical director or basic life support medical director.  
9 For the purposes of this paragraph, "administrative medical director"  
10 means a physician who is licensed pursuant to title 32, chapter 13 or 17  
11 and who provides direction within the emergency medical services and  
12 trauma system.

13 2. "Advanced emergency medical technician" means a person who has  
14 been trained in an advanced emergency medical technician program certified  
15 by the director or in an equivalent training program and who is certified  
16 by the director to render services pursuant to section 36-2205.

17 3. "Advanced life support" means the level of assessment and care  
18 identified in the scope of practice approved by the director for the  
19 advanced emergency medical technician, emergency medical technician I-99  
20 and paramedic.

21 4. "Advanced life support base hospital" means a health care  
22 institution that offers general medical and surgical services, that is  
23 certified by the director as an advanced life support base hospital and  
24 that is affiliated by written agreement with a licensed ambulance service,  
25 municipal rescue service, fire department, fire district or health  
26 services district for medical direction, evaluation and control of  
27 emergency medical care technicians.

28 5. "Ambulance":

29 (a) Means any publicly or privately owned surface, water or air  
30 vehicle, including a helicopter, that contains a stretcher and necessary  
31 medical equipment and supplies pursuant to section 36-2202 and that is  
32 especially designed and constructed or modified and equipped to be used,  
33 maintained or operated primarily to transport individuals who are sick,  
34 injured or wounded or who require medical monitoring or aid.

35 (b) Does not include a surface vehicle that is owned and operated  
36 by a private sole proprietor, partnership, private corporation or  
37 municipal corporation for the emergency transportation and in-transit care  
38 of its employees or a vehicle that is operated to accommodate an  
39 incapacitated person or person with a disability who does not require  
40 medical monitoring, care or treatment during transport and that is not  
41 advertised as having medical equipment and supplies or ambulance  
42 attendants.

- 1           6. "Ambulance attendant" means any of the following:
- 2           (a) An emergency medical technician, an advanced emergency medical
- 3 technician, an emergency medical technician I-99 or a paramedic whose
- 4 primary responsibility is the care of patients in an ambulance and who
- 5 meets the standards and criteria adopted pursuant to section 36-2204.
- 6           (b) An emergency medical responder who is employed by an ambulance
- 7 service operating under section 36-2202 and whose primary responsibility
- 8 is driving an ambulance.
- 9           (c) A physician who is licensed pursuant to title 32, chapter 13
- 10 or 17.
- 11           (d) A professional nurse who is licensed pursuant to title 32,
- 12 chapter 15 and who meets the state board of nursing criteria to care for
- 13 patients in the prehospital care system.
- 14           (e) A professional nurse who is licensed pursuant to title 32,
- 15 chapter 15 and whose primary responsibility is the care of patients in an
- 16 ambulance during an interfacility transport.
- 17           7. "Ambulance service" means a person who owns and operates one or
- 18 more ambulances.
- 19           8. "Basic life support" means the level of assessment and care
- 20 identified in the scope of practice approved by the director for the
- 21 emergency medical responder and emergency medical technician.
- 22           9. "Bureau" means the bureau of emergency medical services and
- 23 trauma system in the department.
- 24           10. "Centralized medical direction communications center" means a
- 25 facility that is housed within a hospital, medical center or trauma center
- 26 or a freestanding communication center that meets the following criteria:
- 27           (a) Has the ability to communicate with ambulance services and
- 28 emergency medical services providers rendering patient care outside of the
- 29 hospital setting via radio and telephone.
- 30           (b) Is staffed twenty-four hours a day seven days a week by at
- 31 least a physician licensed pursuant to title 32, chapter 13 or 17.
- 32           11. "Certificate of necessity" means a certificate that is issued
- 33 to an ambulance service by the department and that describes the
- 34 following:
- 35           (a) The service area.
- 36           (b) The level of service.
- 37           (c) The type of service.
- 38           (d) The hours of operation.
- 39           (e) The effective date.
- 40           (f) The expiration date.
- 41           (g) The legal name and address of the ambulance service.
- 42           (h) The any limiting or special provisions the director prescribes.
- 43           12. "Council" means the emergency medical services council.
- 44           13. "Department" means the department of health services.

1           14. "Director" means the director of the department of health  
2 services.

3           15. "Emergency medical care technician" means an individual who has  
4 been certified by the department as an emergency medical technician, an  
5 advanced emergency medical technician, an emergency medical technician  
6 I-99 or a paramedic.

7           16. "Emergency medical responder" as an ambulance attendant, whose  
8 primary responsibility is driving an ambulance, means a person who has  
9 successfully completed training in an emergency medical responder program  
10 that is certified by the director or is approved by the emergency medical  
11 services provider's administrative medical director on file with the  
12 department or in an equivalent training program.

13           17. "Emergency medical responder program" means a program that **HAS**  
14 **BEEN SUBMITTED FOR REVIEW BY THE DEPARTMENT AND** includes at least the  
15 following:

16           (a) Emergency vehicle driver training.

17           (b) Cardiopulmonary resuscitation certification.

18           (c) Automated external defibrillator training.

19           (d) Training in the use of noninvasive diagnostic devices,  
20 including blood glucose monitors and pulse oximeters.

21           (e) Training on obtaining a patient's vital signs, including blood  
22 pressure, pulse and respiratory rate.

23           18. "Emergency medical services" means those services required  
24 following an accident or an emergency medical situation:

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

26           (b) To transport the sick or injured by a licensed ground or air  
27 ambulance.

28           (c) In using emergency communications media.

29           (d) In using emergency receiving facilities.

30           (e) In administering initial care and preliminary treatment  
31 procedures by emergency medical care technicians.

32           19. "Emergency medical services provider" means any governmental  
33 entity, quasi-governmental entity or corporation whether public or private  
34 that renders emergency medical services in this state.

35           20. "Emergency medical technician" means a person who has been  
36 trained in an emergency medical technician program certified by the  
37 director or in an equivalent training program and who is certified by the  
38 director as qualified to render services pursuant to section 36-2205.

39           21. "Emergency receiving facility" means a licensed health care  
40 institution that offers emergency medical services, is staffed twenty-four  
41 hours a day and has a physician on call.

42           22. "Fit and proper" means that the director determines that an  
43 applicant for a certificate of necessity or a certificate holder has the  
44 expertise, integrity, fiscal competence and resources to provide ambulance  
45 service in the service area.

1           23. "Medical record" means any patient record, including clinical  
2 records, prehospital care records, medical reports, laboratory reports and  
3 statements, any file, film, record or report or oral statements relating  
4 to diagnostic findings, treatment or outcome of patients, whether written,  
5 electronic or recorded, and any information from which a patient or the  
6 patient's family might be identified.

7           24. "National certification organization" means a national  
8 organization that tests and certifies the ability of an emergency medical  
9 care technician and whose tests are based on national education standards.

10          25. "National education standards" means the emergency medical  
11 services education standards of the United States department of  
12 transportation or other similar emergency medical services education  
13 standards developed by that department or its successor agency.

14          26. "Paramedic" means a person who has been trained in a paramedic  
15 program certified by the director or in an equivalent training program and  
16 who is certified by the director to render services pursuant to section  
17 36-2205.

18          27. "Physician" means any person licensed pursuant to title 32,  
19 chapter 13 or 17.

20          28. "Police dog":

21           (a) Means a specially trained dog that is owned or used by a law  
22 enforcement department or agency of this state or any political  
23 subdivision of this state and that is used in the course of the  
24 department's or agency's official work.

25           (b) Includes a search and rescue dog, service dog, accelerant  
26 detection canine or other dog that is in use by the law enforcement  
27 department or agency for official duties.

28          29. "Stretcher van" means a vehicle that contains a stretcher and  
29 that is operated to accommodate an incapacitated person or person with a  
30 disability who does not require medical monitoring, aid, care or treatment  
31 during transport.

32          30. "Suboperation station" means a physical facility or location at  
33 which an ambulance service conducts operations for the dispatch of  
34 ambulances and personnel and that may be staffed twenty-four hours a day  
35 or less as determined by system use.

36          31. "Trauma center" means any acute care hospital that provides  
37 in-house twenty-four-hour daily dedicated trauma surgical services that is  
38 designated pursuant to section 36-2225.

39          32. "Trauma registry" means data collected by the department on  
40 trauma patients and on the incidence, causes, severity, outcomes and  
41 operation of a trauma system and its components.

42          33. "Trauma system" means an integrated and organized arrangement  
43 of health care resources having the specific capability to perform triage,  
44 transport and provide care.



1           6. Maintain a state system for recertifying emergency medical care  
2 technicians, except as otherwise provided by section 36-2202.01, that is  
3 independent from any national certification organization recertification  
4 process. This system shall allow emergency medical care technicians to  
5 choose to be recertified under the state or the national certification  
6 organization recertification system subject to subsection H of this  
7 section.

8           B. Emergency medical technicians who choose the state  
9 recertification process shall recertify in one of the following ways:

10           1. Successfully completing an emergency medical technician  
11 refresher course approved by the department.

12           2. Successfully completing an emergency medical technician  
13 challenge course approved by the department.

14           3. For emergency medical care technicians who are currently  
15 certified at the emergency medical technician level by the department,  
16 attesting on a form provided by the department that the applicant holds a  
17 valid and current cardiopulmonary resuscitation certification, has and  
18 will maintain documented proof of a minimum of twenty-four hours of  
19 continuing medical education within the last two years consistent with  
20 department rules and has functioned in the capacity of an emergency  
21 medical technician for at least two hundred forty hours during the last  
22 two years.

23           C. After consultation with the emergency medical services council,  
24 the director may authorize pilot programs designed to improve the safety  
25 and efficiency of ambulance inspections for governmental or  
26 quasi-governmental entities that provide emergency medical services in  
27 this state.

28           D. The rules, standards and criteria adopted by the director  
29 pursuant to subsection A, paragraphs 2, 3, 4 and 5 of this section shall  
30 be adopted in accordance with title 41, chapter 6, except that the  
31 director may adopt on an emergency basis pursuant to section 41-1026 rules  
32 relating to the regulation of ambulance services in this state necessary  
33 to protect the public peace, health and safety in advance of adopting  
34 rules, standards and criteria as otherwise provided by this subsection.

35           E. The director may waive the requirement for compliance with a  
36 protocol adopted pursuant to section 36-2205 if the director determines  
37 that the techniques, drug formularies or training makes the protocol  
38 inconsistent with contemporary medical practices.

39           F. The director may suspend a protocol adopted pursuant to  
40 section 36-2205 if the director does all of the following:

41           1. Determines that the rule is not in the public's best interest.

42           2. Initiates procedures pursuant to title 41, chapter 6 to repeal  
43 the rule.

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

4           G. To be eligible for appointment as the medical director of the  
5 emergency medical services and trauma system, the person shall be  
6 qualified in emergency medicine and shall be licensed as a physician in  
7 one of the states of the United States.

8           H. Applicants for certification shall apply to the director for  
9 certification. Emergency medical care technicians shall apply for  
10 recertification to the director every two years. The director may extend  
11 the expiration date of an emergency medical care technician's certificate  
12 for thirty days. The department shall establish a fee for this extension  
13 by rule. Emergency medical care technicians shall pass an examination  
14 administered by the department as a condition for recertification only if  
15 required to do so by the advanced life support base hospital's medical  
16 director or the emergency medical care technician's medical director.

17           I. The medical director of the emergency medical services and  
18 trauma system is exempt from title 41, chapter 4, articles 5 and 6 and is  
19 entitled to receive compensation pursuant to section 38-611, subsection A.

20           J. The standards, criteria and procedures adopted by the director  
21 pursuant to subsection A, paragraph 5 of this section shall require that  
22 ambulance services:

23           1. Providing interfacility transportation in any certificate of  
24 necessity area of this state have ~~at least~~ one ambulance attendant as  
25 defined in section 36-2201, paragraph 6, subdivision (a), (c), (d) or (e)  
26 and one ambulance attendant as defined in section 36-2201, paragraph 6,  
27 subdivision (a), ~~or~~ (b), (c), (d), ~~OR~~ (e) staffing an ambulance while  
28 transporting a patient. ~~IF AN AMBULANCE ATTENDANT AS DEFINED IN SECTION~~  
29 ~~36-2201, PARAGRAPH 6, SUBDIVISION (b) IS STAFFING THE AMBULANCE PURSUANT~~  
30 ~~TO THIS PARAGRAPH, THAT AMBULANCE ATTENDANT MAY EXCLUSIVELY DRIVE THE~~  
31 ~~AMBULANCE.~~

32           2. Serving a rural or wilderness certificate of necessity area with  
33 a population of less than ten thousand persons have at least one ambulance  
34 attendant as defined in section 36-2201, paragraph 6, subdivision (a),  
35 (c), (d) or (e) and one ambulance attendant as defined in section 36-2201,  
36 paragraph 6, subdivision (a) or (b) staffing an ambulance while  
37 transporting a patient.

38           3. Serving a population of ten thousand persons or more have at  
39 least one ambulance attendant as defined in section 36-2201, paragraph 6,  
40 subdivision (a) and one ambulance attendant as defined in section 36-2201,  
41 paragraph 6, subdivision (a), (c), (d) or (e) staffing an ambulance while  
42 transporting a patient.

43           K. If the department determines there is not a qualified  
44 administrative medical director, the department shall ensure the provision



1 of administrative medical direction for an emergency medical technician if  
2 the emergency medical technician meets all of the following criteria:

3 1. Is employed by a nonprofit or governmental provider employing  
4 less than twelve full-time emergency medical technicians.

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

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

9 Sec. 3. Section 36-2239, Arizona Revised Statutes, is amended to  
10 read:

11 36-2239. Ambulance services; rates; charges; adjustment;  
12 civil penalty

13 A. An ambulance service that applies to adjust its rates or charges  
14 shall automatically be granted a rate increase equal to the amount  
15 determined under section 36-2234, subsection G, if the ambulance service  
16 is so entitled. An automatic rate adjustment that is granted pursuant to  
17 this subsection and that is filed on or before April 1 is effective June 1  
18 of that year. The department shall notify the applicant and each health  
19 care services organization as defined in section 20-1051 of the rate  
20 adjustment on or before May 1 of that year.

21 B. Notwithstanding subsection E of this section, if the department  
22 does not hold a hearing within ninety days after an ambulance service  
23 applies to the department to adjust its rates or charges, the ambulance  
24 service may adjust its rates or charges to an amount not to exceed the  
25 amount sought by the ambulance service in its application to the  
26 department. An ambulance service shall not apply to adjust its rates or  
27 charges more than once every six months.

28 C. At the time the department holds a hearing on the rates or  
29 charges of an ambulance service pursuant to section 36-2234, the  
30 department may adjust the rates or charges adjusted by the ambulance  
31 service pursuant to subsection B of this section, but the adjustment shall  
32 not be retroactive.

33 D. Except as provided in subsection H of this section, an ambulance  
34 service shall not charge, demand or collect any remuneration for any  
35 service greater or less than or different from the rate or charge  
36 determined and fixed by the department as the rate or charge for that  
37 service. An ambulance service may charge for disposable supplies, medical  
38 supplies and medication and oxygen related costs if the charges do not  
39 exceed the manufacturer's suggested retail price, are uniform throughout  
40 the ambulance service's certificated area and are filed with the director.  
41 An ambulance service shall not refund or limit in any manner or by any  
42 device any portion of the rates or charges for a service that the  
43 department has determined and fixed or ordered as the rate or charge for  
44 that service.

1 E. The department shall determine and render its decision regarding  
2 all rates or charges within ninety days after commencement of the  
3 applicant's hearing to adjust rates or charges. If the department does  
4 not render its decision as required by this subsection, the ambulance  
5 service may adjust its rates and charges to an amount that does not exceed  
6 the amounts sought by the ambulance service in its application to the  
7 department. If the department renders a decision to adjust the rates or  
8 charges to an amount less than that requested in the application and the  
9 ambulance service has adjusted its rates and charges higher than the  
10 adjustment approved by the department, within thirty days after the  
11 department's decision the ambulance service shall refund to the  
12 appropriate ratepayer the difference between the ambulance service's  
13 adjusted rates and charges and the rates and charges ordered by the  
14 department. The ambulance service shall provide evidence to the  
15 department that the refund has been made. If the ambulance service fails  
16 to comply with this subsection, the director may impose a civil penalty  
17 subject to the limits provided in section 36-2245.

18 F. An ambulance service shall charge the advanced life support base  
19 rate as prescribed by the director under any of the following  
20 circumstances:

21 1. A person requests an ambulance by dialing telephone number 911,  
22 or a similarly designated telephone number for emergency calls, and all of  
23 the following apply:

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

25 (b) The ambulance is equipped with all required advanced life  
26 support medical equipment and supplies for the advanced life support  
27 attendants in the ambulance.

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

30 2. Advanced life support is requested by a medical authority or by  
31 the patient.

32 3. The ambulance attendants administer one or more specialized  
33 treatment activities or procedures as prescribed by the department by  
34 rule.

35 G. An ambulance service shall charge the basic life support base  
36 rate as prescribed by the director under any of the following  
37 circumstances:

38 1. A person requests an ambulance by dialing telephone number 911,  
39 or a similarly designated telephone number for emergency calls, and all of  
40 the following apply:

41 (a) The ambulance is staffed with two ambulance attendants  
42 certified by this state.

43 (b) The ambulance is equipped with all required basic life support  
44 medical equipment and supplies for the basic life support medical  
45 attendants in the ambulance.

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

3 2. Basic life support transportation or service is requested by a  
4 medical authority or by the patient, unless any provision of subsection F  
5 of this section applies, in which case the advanced life support rate  
6 applies.

7 3. FOR AN INTERFACILITY TRANSPORT WHEN THE AMBULANCE IS STAFFED  
8 WITH AT LEAST ONE AMBULANCE ATTENDANT AS DEFINED IN SECTION 36-2201,  
9 PARAGRAPH 6, SUBDIVISION (a), (c), (d) OR (e).

10 H. For each contract year, the Arizona health care cost containment  
11 system administration and its contractors and subcontractors shall provide  
12 remuneration for ambulance services for persons who are enrolled in or  
13 covered by the Arizona health care cost containment system in an amount  
14 equal to 68.59 percent of the amounts as prescribed by the department as  
15 of July 1 of each year for services specified in subsections F and G of  
16 this section and 68.59 percent of the mileage charges as determined by the  
17 department as of July 1 of each year pursuant to section 36-2232. The  
18 Arizona health care cost containment system administration shall annually  
19 adjust the Arizona health care cost containment system fee schedule  
20 according to the department's approved ambulance service rate in effect as  
21 of July 1 of each year. The rate adjustments made pursuant to this  
22 subsection are effective beginning October 1 of each year.

23 I. In establishing rates and charges, the director shall consider  
24 the following factors:

25 1. The transportation needs assessment of the medical response  
26 system in a political subdivision.

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

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

32 4. The rate of return on gross revenue.

33 5. Response times pursuant to section 36-2232, subsection A,  
34 paragraphs 3 and 4.

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

39 K. Notwithstanding subsections D, F and G of this section, an  
40 ambulance service may provide gratuitous services if an ambulance is  
41 dispatched and the patient subsequently declines to be treated or  
42 transported.

H.B. 2033

APPROVED BY THE GOVERNOR APRIL 10, 2024.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 10, 2024.