

1 **Rule 507.1. Behavioral Or Medical Emergency Services Technician-Patient**

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3 **(a) Definitions**

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5 (a)(1) "Patient" means a person who consults or is examined or interviewed by a
6 behavioral or medical emergency services technician.

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8 (a)(2) "Behavioral or medical emergency services technician" means a person who:

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10 (a)(2)(A) is or is reasonably believed by the patient to be delivering medical,
11 mental or emotional health services in an emergency context within a scope
12 and in accordance with guidelines established by the Utah Department of
13 Health as a behavioral emergency services technician, paramedic, or
14 emergency medical services technician; and

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16 (a)(2)(B) is engaged in the diagnosis or treatment of a mental, emotional, or
17 medical condition.

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19 (a)(3) "Physician" means a person licensed, or reasonably believed by the patient to be
20 licensed, to practice medicine in any state.

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22 (a)(4) "Mental health therapist" means a person who:

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24 (a)(4)(A) is or is reasonably believed by the patient to be licensed or certified in
25 any state as a physician, psychologist, clinical or certified social worker,
26 marriage and family therapist, advanced practice registered nurse designated
27 as a registered psychiatric mental health nurse specialist, or professional
28 counselor; and

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30 (a)(4)(B) is engaged in the diagnosis or treatment of a mental or emotional
31 condition, including alcohol or drug addiction.

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33 **(b) Statement of the Privilege.** A patient has a privilege, during the patient's life, to refuse
34 to disclose and to prevent any other person from disclosing information that is
35 communicated in confidence to a medical or behavioral emergency services technician
36 for the purpose of diagnosing or treating the patient. The privilege applies to:

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38 (b)(1) diagnoses made, treatment provided, or advice given by a medical or behavioral
39 emergency services technician;

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41 (b)(2) information obtained by a behavioral or medical emergency services technician
42 through examination of the patient; and

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44 (b)(3) information transmitted among a patient and a behavioral or medical emergency

45 services technician and other persons who are participating in the diagnosis or
46 treatment under the direction of a physician or mental health therapist. Such other
47 persons include guardians or members of the patient's family who are present to
48 further the interest of the patient because they are reasonably necessary for the
49 transmission of the communications, or participation in the diagnosis and treatment
50 under the direction of the physician or mental health therapist.

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52 (c) **Who May Claim the Privilege.** The privilege may be claimed by the patient, or the
53 guardian or conservator of the patient. The person who was the physician, mental
54 health therapist, or behavioral or medical emergency services technician at the time of
55 the communication is presumed to have authority during the life of the patient to claim
56 the privilege on behalf of the patient.

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58 (d) **Exceptions.** No privilege exists under paragraph (b) in the following circumstances:

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60 (d)(1) **Child Neglect or Abuse.** For communications to a behavioral or medical
61 emergency services technician that is evidence of actual or suspected child neglect or
62 abuse.

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64 (d)(2) **Danger to Patient or Others.** For communications to a behavioral or medical
65 emergency services technician that is evidence a patient is a clear and immediate
66 danger to the patient or others.

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68 (d)(3) **Condition as Element of Claim or Defense.** For communications relevant to an
69 issue of the physical, mental, or emotional condition of the patient:

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71 (d)(3)(A) in any proceeding in which that condition is an element of any claim or
72 defense; or

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74 (d)(3)(B) after the patient's death, in any proceedings in which any party relies
75 upon the condition as an element of the claim or defense.

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77 (d)(4) **Hospitalization for Mental Illness.** For communications relevant to an issue in
78 proceedings to hospitalize the patient for mental illness, if the mental health therapist in
79 the course of diagnosis or treatment has determined that the patient is in need of
80 hospitalization; and

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82 (d)(5) **Court Ordered Examination.** For communications made in the course of, and
83 pertinent to the purpose of, a court-ordered examination of the physical, mental, or
84 emotional condition of a patient, whether a party or witness, unless the court in
85 ordering the examination specifies otherwise.

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87 *Effective date to coincide with the effective date of Department of Health guidelines governing*
88 *the function and scope of Behavioral Emergency Service Technicians.*