

Regulatory Analysis Form		This space for use by IRRC RECEIVED 2003 AUG -7 PM 3:55 REVIEW COMMISSION IRRC Number: 2003	
(1) Agency Department of Health			
(2) I.D. Number (Governor's Office Use) 10-143			
(3) Short Title Emergency Medical Services			
(4) PA Code Cite		(5) Agency Contacts & Telephone Numbers	
28 PA Code Chapters 1001-1015		Primary Contact: Deborah Griffiths	783-3985
		Secondary Contact: Margaret E. Trimble	787-8740
(6) Type of Rulemaking (Check One)		(7) Is a 120-Day Emergency Certification Attached?	
<input type="checkbox"/>	Proposed Rulemaking	<input checked="" type="checkbox"/>	No
<input checked="" type="checkbox"/>	Final Order Adopting Regulation	<input type="checkbox"/>	Yes: By the Attorney General
<input type="checkbox"/>	Final Order, Proposed Rulemaking Omitted	<input type="checkbox"/>	Yes: By the Governor
(8) Briefly explain the regulation in clear and non-technical language. Comprehensive amendments to the Department's regulations promulgated under the Emergency Medical Services Act (EMS Act).			
(9) State the statutory authority for the regulation and any relevant state or federal court decisions. Section 17.1 of the EMS Act (35 P.S. §6937.1) provides that the Department, in consultation with the Pennsylvania Emergency Health Services Council (Council), may promulgate regulations as may be necessary to carry out the provisions of the EMS Act. Numerous other provisions of the EMS Act contain more narrow grants of authority to the Department to promulgate regulations.			

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(10) Is the regulation mandated by any federal or state law or court order, or federal regulation? If yes, cite the specific law, case or regulation, and any deadlines for action.

Pursuant to Section 6 of the Act of October 5, 1994, P.L. 557, No. 82 (Act 82), the Department was supposed to promulgate by June 3, 1996, as final regulations, interim regulations previously adopted as authorized by Act 82.

(11) Explain the compelling public interest that justifies the regulation. What is the problem it addresses?

It has been 11 years since the Department published its initial regulations under the EMS Act. A changed EMS environment in that 11 year time span, statutory amendments, problems brought to the Department's attention in administering the existing regulations, judicial decisions that have clarified the Department's authority and responsibilities under the EMS Act, and a statutory duty to process through the customary rulemaking procedures standards the Department has imposed through interim regulations, present compelling reasons for the Department to pursue comprehensive revisions to its EMS regulations.

(12) State the public health, safety, environmental or general welfare risks associated with non-regulation.

- Quality of patient care in prehospital setting may be negatively affected secondary to delayed implementation of improved care modalities.
- Increased confusion regarding authority, process and standards relative to emergency medical services.
- Decreased standardization in delivery of services.
- Issues will be more likely solved through judicial process resulting in increased costs and decrease in prehospital provider numbers.
- Constrained resources will be redirected away from system improvement toward conflict resolution for issues not presently addressed by regulations.

(13) Describe who will benefit from the regulation. (Quantify the benefits as completely as possible and approximate the number of people who will benefit.)

All citizens and visitors of Pennsylvania are potential beneficiaries of these improved regulations.

Licensed ambulance services (1,113) responded to more than 1.27 million calls in 1998. Improved quality care will be delivered to the users.

Mortality reduction will be made through emergency medical services systems improvement particularly for the mortality in trauma (4,553 deaths in 1998) and in acute heart attack such as acute myocardial infarction (12,158 deaths in 1998).

EMS prehospital personnel will have improved opportunities to receive diverse continuing education because the concept of what constitutes qualifying continuing education programs has been broadened to include continuing education credit assigned to self-study courses and courses completed through an organization with national or state accreditation to provide education.

EMS personnel certified in other states will find it easier to apply for certification in Pennsylvania. An individual's certification materials will be evaluated through the endorsement process.

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Although medical command physicians who are not board certified in emergency medicine must complete additional courses to maintain recognition as a medical command physician, fewer courses are now required. Currently, a physician (not board certified in emergency medicine) must renew Advanced Trauma Life Support (ATLS) every four years and Advanced Cardiac Life Support (ACLS) certification every two years. Of the 3,500 medical command physicians, approximately 46 % (1610) of these physicians are board certified in emergency medicine and therefore are not required to take additional courses. The regulations for medical command physicians have been revised to require satisfaction of one of the following: (1) Completed three years in a residency program in emergency medicine, (2) Served as a medical command physician in the Commonwealth prior to the effective date of these amended regulations, (3) Completed or taught the ACLS Course within the preceding two years and have completed, at least once, the ATLS course, and either an Advanced Pediatric Life Support (APLS) or Pediatric Advanced Life Support (PALS) course, or other programs determined by the Department to meet or exceed the standards of these programs. The revised regulations will eliminate any future costs for physicians who served as a medical command physician in the Commonwealth prior to the effective date of the regulations. For physicians seeking initial medical command recognition who have not completed three years in a residency program in emergency medicine, costs will include expenses for completion of an ATLS, and either an APLS or PALS on a one time only basis, and either having taught or completed an ACLS course within the preceding two years. Costs for ATLS courses may range from \$400-600. These courses are not readily available in rural areas of the Commonwealth. Physicians frequently have to travel to distant parts of the State in order to complete ATLS courses. The final regulation will reduce medical command physician costs because the ATLS course is a one time only requirement. Costs for APLS or PALS range from \$150-225, but these courses are available throughout the Commonwealth. The requirement for APLS or PALS is also only a one-time requirement. The regulation will reduce physician costs every four years ranging from \$756,000 to \$1,134, 000.

(14) Describe who will be adversely affected by the regulation. (Quantify the adverse effects as completely as possible and approximate the number of people who will be adversely affected.)

As set forth in the interim regulations, EMS personnel (including first responders and emergency medical technicians) who choose to re-certify through the continuing education process must complete a specific number of hours of instruction prior to the expiration date of the three-year certification period. EMT-paramedics and prehospital RNs must complete 18 hours of instruction per calendar year. The number of hours of instruction will not be increased; however, the Department has revised the requirements. At least 50% of the required hours will have to be in two core areas: medical and trauma education. This may pose some hardship to the prehospital provider who does not choose continuing education offerings based on content. Availability of approved programs in some areas of the state will be closely monitored to ensure access and availability of courses. Also, a grace period will be provided. The Department believes that the negative effect of this regulatory change will be offset by the increase in types of courses and content now eligible for approval by the Department.

The regulations identify responsibilities for continuing education sponsors to meet regarding retention of student records and maintenance of record attendance through a check-in/check-out process. Even though this additional documentation of attendance may present a minimal hardship to the continuing education sponsor, it will ensure course integrity so that an EMS

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provider is not awarded continuing education hours of instruction inappropriately.

(15) List the persons, groups or entities that will be required to comply with the regulation. (Approximate the number of people who will be required to comply.)

Persons: Approximately 36,000 emergency medical technicians (EMTs); 6,700 first responders; 7,000 EMT-paramedics; 3,200 medical command physicians, and 736 prehospital registered nurses.

Entities: 1,113 licensed ambulance services, 178 medical command facilities and 1,400 approved continuing education sponsors.

(16) Describe the communications with and input from the public in the development and drafting of the regulation. List the persons and/or groups who were involved, if applicable.

On April 3, 2000, the Department forwarded the final draft EMS regulations to key stakeholders for review and comment. Additional comments were received by some of the regional EMS councils, the Council and the Ambulance Association of Pennsylvania. All additional comments were reviewed and considered.

(17) Provide a specific estimate of the costs and/or savings to the regulated community associated with compliance, including any legal, accounting or consulting procedures, which may be required.

Some efficiencies are anticipated by streamlining the process for ambulance service licensure, improved flow of research proposals and improvement in recognizing out-of-state providers and programs. The actual dollars saved cannot be estimated, but time saved in recognition of out-of-state certified providers and timely issuance of Pennsylvania certification materials (to these individuals) will provide them with the opportunity to volunteer or work more readily in the Pennsylvania EMS system. It is estimated that the regional councils will process and issue certification materials within five to ten business days, instead of the current 15 days.

Any additional costs associated with record keeping and coordination with regional councils should be offset by the efficiencies and clarity added by these regulations.

(18) Provide a specific estimate of the costs and/or savings to local governments associated with compliance, including any legal, accounting or consulting procedures, which may be required.

Local governments not presently involved in emergency medical services will be increasingly important to decisions regarding the allocation of services and utilization of EMS resources. This increased participation should not increase costs.

(19) Provide a specific estimate of the costs and/or savings to state government associated with the implementation of the regulation, including legal, accounting, or consulting procedures which may be required.

The Department will need to develop new continuing education programs and materials as well as revise existing programs and materials. Specifically, all currently approved continuing education courses (approximately 1,400) will be re-evaluated and assigned new course numbers to reflect trauma and/or medical credit hours needed by EMS personnel for re-certification. The Department will also revise the reporting/record keeping process for

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continuing education requirements and courses. Revision of forms and printing will be associated costs. The changes in course designation and credit hours and the new processing software required will cost about \$25,000 in software system redesign. An additional \$5,500 will be required for revised forms (approximately 200,000 scan forms are used annually). The new computer hardware to support this program will cost about \$3,000. The total estimated costs for these expenditures are \$33,500 for FY 2000-01.

(20) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government and state government for the current year and five subsequent years.

SAVINGS:	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
Regulated Community		\$200,200	\$200,200	\$200,200	\$200,200	\$200,200
Local Government						
State Government						
Total Savings		\$200,200	\$200,200	\$200,200	\$200,200	\$200,200
COSTS:						
Regulated Community						
Local Government						
State Government		33,500	0	0	0	0
Total Costs		33,500	0	0	0	0
REVENUE LOSSES:						
Regulated Community						
Local Government						
State Government						
Total Revenue Losses		0	0	0	0	0

(20a) Explain how the cost estimates listed above were derived.

SAVINGS: Costs for ATLS courses may range from \$400-600 and are not readily available in rural areas of the Commonwealth. The proposed regulation represents a cost avoidance every four years of approximately \$800,800, or \$200,200 annually.

(20b) Provide the past three-year expenditure history for programs affected by the regulation.

Program	96-97 FY - 3	97-98 FY - 2	98-99 FY - 1	99-00 Current FY
Planning				

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Licensure (Ambulance Services)				
Total Expenditures*	8,401,000	8,419,000	8,601,000	6,583,000**

*Includes total expenditures for implementing the EMS program.

**Includes total expenditures through April 30, 2000.

(21) Using the cost-benefit information provided above, explain how the benefits of the regulation outweigh the adverse effects and costs.

While the additional costs for these revisions is approximately \$33,500 for the start up year, the cost is much less for succeeding years. For these invested dollars, the continuing education program will be improved and will include more diverse opportunities for EMS prehospital personnel to complete a variety of continuing education programs thereby improving the knowledge and skills to enhance patient care. The regulations will provide regulatory relief to over 3,500 medical command physicians because they will not have to maintain additional course requirements such as ATLS. Barriers to reciprocity to out-of-state providers will be minimized thereby improving options to increase provider population. Opportunities to deliver improved care through research and enhanced delivery of care are supported. The improvements measured in lives saved and disability avoided far outweigh the costs generated. The final regulations will also enhance the existing EMS system, thus benefiting all citizens and visitors of the Commonwealth.

(22) Describe the non-regulatory alternatives considered and the costs associated with those alternatives. Provide the reasons for their dismissal.

Non-regulatory alternatives were not options. The regulations were a requirement to address the mandates as prescribed in Act 45, as amended by Act 82. Whenever possible, regulation was minimized. These regulations will provide some additional legal protection to EMS providers. Absence of regulations would result in increased litigation to resolve questions and issues. Increased litigation involving providers would likely result in fewer EMS providers. Additionally, self-regulation by numerous agencies and individuals would create high risk to the consumers when they are most vulnerable and dependent.

(23) Describe alternative regulatory schemes considered and the costs associated with those schemes. Provide the reasons for their dismissal.

Same as answer to question 22 above.

(24) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulation.

There are no federal regulations. Many national standards for private certifying bodies are more stringent, e.g., continuing education requirements, staffing of ambulance, etc.

(25) How does this regulation compare with those of other states? Will the regulation put Pennsylvania at a competitive disadvantage with other states?

In many respects, these regulations will support parity with other states. The regulations will not put Pennsylvania at a competitive disadvantage.

(26) Will the regulation affect existing or regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

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The regulations will not conflict with other regulations, but hospital and 911 regulations must complement these EMS regulations to provide a comprehensive regulatory scheme.

(27) Will any public hearings or information meetings be scheduled? Please provide the dates, times, and locations, if available.

Public meetings have not been held and none are scheduled at this time. Input has been solicited in addition to the comments received in response to proposed rulemaking, as described in block number 16.

(28) Will the regulation change existing reporting, record keeping, or other paperwork requirements? Describe the changes and attach copies of forms or reports which will be required as a result of implementation, if available.

Medical command facility medical director and medical command physician recognition applications will be revised. The Medical Command Accreditation Manual will require updating, reprinting and distribution. The Department will also need to revise, reprint and distribute the ambulance licensure application and the Ambulance Licensure Policy Manual.

The existing 1,400 continuing education programs and materials will need to be re-evaluated and assigned new course numbers to reflect trauma and/or medical credit hours needed by providers for recertification. Revision of course forms will be completed and the reporting/record keeping process for continuing education requirements and courses will also be revised.

Forms will be revised accordingly based upon approval of the regulations.

(29) Please list any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, elderly, small businesses and farmers.

Flexible regulatory requirements for ambulance services in rural areas.

More favorable funding for training and ambulance services equipment for ambulance services in rural areas.

Pediatric training required for medical command physicians.

(30) What is the anticipated effective date of the regulation; the date by which compliance with the regulation will be required; and the date by which any required permits, licenses or other approvals must be obtained?

Anticipated effective date for regulations: Summer, 2000.

Continuing education requirements for specific medical and trauma credit:

- 1) EMT s and first responders: first calendar year after regulation implementation.
- 2) Continuing education requirements for medical and trauma credits: first calendar year after regulation implementation.
- 3) Prehospital Registered Nurse and EMT-paramedic beginning in 2002.

(31) Provide the schedule for continual review of the regulation.


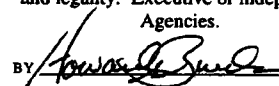
Effectiveness of regulations will be monitored on a continuing basis.

FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU
(Pursuant to Commonwealth Documents Law)

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REVIEW COMMISSION

2003

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<p>Copy below is hereby approved as to form and legality. Attorney General.</p> <p>BY _____ DEPUTY ATTORNEY GENERAL</p> <p>_____ DATE OF APPROVAL</p> <p><input type="checkbox"/> Check if applicable. Copy not approved. Objections attached.</p>	<p>Copy below is hereby certified to be a true and correct copy of a document issued, prescribed or promulgated by:</p> <p><u>DEPARTMENT OF HEALTH</u> (AGENCY)</p> <p>DOCUMENT/FISCAL NOTE NO. <u>10-143</u></p> <p>DATE OF ADOPTION: _____</p> <p> BY: <u>Robert S. Zimmerman, Jr.</u></p> <p>TITLE: <u>Secretary of Health</u></p>	<p>Copy below is hereby approved as to form and legality. Executive or independent Agencies.</p> <p>BY </p> <p><u>August 3, 2000</u> DATE OF APPROVAL</p> <p>(Deputy General Counsel) (Chief Counsel, Independent Agency) (Strike inapplicable title)</p> <p><input type="checkbox"/> Check if applicable. No Attorney General approval or objection within 30 days after submission.</p>
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Final Rulemaking

DEPARTMENT OF HEALTH

[28 PA. CODE CHS. 1001, 1003 1005, 1007, 1009, 1011, 1013, AND 1015]

Emergency Medical Services

**CONTINUATION SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU
(Pursuant to Commonwealth Documents Law)**

The Department of Health (Department) hereby adopts amendments to 28 Pa. Code Part VII (relating to emergency medical services), to read as set forth in Annex A.

Purpose and Background

The Emergency Medical Services Act (EMS Act) (P.L. 164, No. 45) ((35 P.S. §§6921-6938) establishes a comprehensive scheme for the regulation of emergency medical services (EMS) in the Commonwealth. It designates the Department as the lead agency for EMS in the Commonwealth and provides that the Department, in consultation with the Pennsylvania Emergency Health Services Council (PEHSC), may adopt regulations as necessary to carry out the purposes of the EMS Act. The Department's regulations adopted pursuant to the EMS Act are set forth at 28 Pa. Code Chapters 1001 through 1013. Those regulations were adopted on July 1, 1989, and were last amended on September 2, 1995.

The 1995 amendments were adopted to facilitate the implementation of the act of October 5, 1994 (P.L. 557, No. 82) (Act 82). Act 82 amended the EMS Act and authorized the Department to bypass certain rulemaking procedures to adopt interim regulations. That authorization was accompanied by the caveat that the Department later adopt through the customary rulemaking procedures regulations addressing the same subject matter.

As Act 82 was limited in scope, so too were the interim regulations adopted by the Department on September 2, 1995. Following its adoption of the interim regulations,

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the Department proposed comprehensive amendments to its regulations in Part VII at 29 Pa.B. 903-967 (February 13, 1999). It announced therein that the Department was proposing regulations not only to meet its duty to subject to standard rulemaking procedures the regulations it had adopted through the interim rulemaking process, but also to amend the other regulations in Part VII as needed. The preamble for the proposed rulemaking afforded a 30-day comment period.

Summary

This final rulemaking amends 28 Pa. Code Chapters 1001 (relating to administration of the EMS system), 1003 (relating to personnel), 1005 (relating to licensing of BLS and ALS ground ambulance services), 1007 (relating to licensing of air ambulance services--rotorcraft), 1009 (relating to medical command facilities), 1011 (relating to accreditation of EMS training institutes) and 1013 (relating to special event EMS), and adds Chapter 1015 (relating to quick response service recognition program).

Many comments to the proposed rulemaking were received. The comments and the Department's response to them appear in this summary of final rulemaking.

Chapter 1001. Administration of the EMS System

Subchapter A. General Provisions

Section 1001.1 (relating to purpose) explains the purpose of Part VII of the Department's regulations. No comments addressing this section were received. This section is adopted as proposed.

Section 1001.2 (relating to definitions) defines terms used in Part VII.

Comment

The last sentence in the definition of “ambulance call report,” which addresses what the report is to contain and how it is to be formatted, contains substantive requirements more properly placed in a regulation pertaining to ambulance call reports.

Response

The Department agrees. It has removed this sentence from the proposed definition, and has addressed this matter in §1001.41(a) (relating to data and information requirements for ambulance services).

Comment

The term “ambulance call report” should be changed to “EMS response report” because the term does not include reports of responses to calls made by quick response services.

Response

The Department accepts the recommendation in part, but not for the reason asserted. The proposed term is consistent with the statutory language. Section 5(b)(3) of the EMS Act (35 P.S. §6925(b)(3)) requires that responding ambulance personnel complete a report for each call to which an ambulance responds. Quick response service (QRS) personnel will only be required to complete certain portions of the report when a QRS responds. *See* §1015.1(a)(4) (relating to quick response services). Therefore, there is no need to broaden the defined term to suggest that the entire report is to be completed when the response is made by an EMS responder other than an ambulance service. Nevertheless, the Department does believe that a more appropriate and descriptive label

should be given to the report. Therefore, the proposed name is replaced with “EMS patient care report.”

Comment

The proposed definition of “board certification” does not recognize certifications in a medical specialty if the board issuing the certification is not recognized by either the American Board of Medical Specialties (ABMS) or the American Osteopathic Association (AOA). The Department should revise the definition or explain the reason for limiting the definition to certifications in medical specialties recognized by these two groups.

Response

The Department has decided to limit the definition, as proposed, to include only those certifications issued by boards recognized by the ABMS or the AOA. However, it has removed board certification in emergency medicine as a criterion for qualifying as a regional EMS council medical director, a medical command facility medical director, and a medical command physician.

The proposed regulations did not include the certification in emergency medicine issued by the Board of Certification in Emergency Medicine (BCEM). This board is recognized by the American Association of Physician Specialists (AAPS). The primary reason the Department had proposed to exclude the BCEM certification is that emergency medicine certifying boards recognized by the other two organizations, the American Board of Emergency Medicine (ABEM) and the American Osteopathic Board of Emergency Medicine (AOBEM), required, at that time, completion of a three-year residency in emergency medicine for the certifications they issue, and the BCEM did not.

Rather, at the time of the proposal, the BCEM would accept, in lieu of completion of a three-year emergency medicine residency, completion of a primary care residency and full time emergency medicine practice for five years with a minimum of 7,000 hours dedicated to such practice. The BCEM has now revised its certification criteria to require completion of three years in an emergency medicine residency program for an initial BCEM certification.

- The Department has elected to substitute completion of three years in an emergency medicine residency program for the proposed board certification in emergency medicine criterion. The Department considers completion of an intensive three years in an emergency medicine residency to be an appropriate qualifying criterion, without being supplemented by a document from a medical specialty board certifying excellence in emergency medicine. It does not, however, consider the prior practice tract criterion for BCEM certification to be equivalent to an intensive three-year residency in emergency medicine. As will be explained later, however, there are criteria alternative to the emergency medicine residency criterion which the Department has prescribed. Additionally, the Department includes a grandfather provision in the sections prescribing qualifying criteria for a regional EMS medical director, a medical command facility medical director, and a medical command physician, §§1003.2, 1003.3 and 1003.4 (relating to regional EMS medical director; medical command facility medical director; and medical command physician).

Comment

The Department should revise the proposed definition of “board certification” to include the medical specialty certifications issued by the boards functioning under the

umbrella of the American Association of Physician Specialists, Inc. (AAPS), and in particular the board certification in emergency medicine issued by the Board of Certification in Emergency Medicine (BCEM).

Response

The Department rejects this recommendation, as the board certification in emergency medicine criterion has been removed from the final regulations. The Department is not sufficiently familiar with the qualifying criteria for other boards functioning under the umbrella of the AAPS to conclude that the certifications issued by those boards are equivalent to those issued by boards recognized by the ABMS and the AOA.

Comment

The proposed definition of “board certification” should not be altered to include the certification in emergency medicine issued by BCEM.

Response

This comment is moot since the final regulations do not retain board certification in emergency medicine as a qualifying criterion for any position for which the Department prescribes qualifications.

Comment

Contrary to the proposal, the definition of “closest available ambulance” should not be deleted.

Response

The Department rejects the recommendation. The term is not used in the regulations. There is no need to define a term that does not appear.

Comment

The proposed definition of “direct support of EMS systems” is too narrow. It needs to reference research as a mechanism to evaluate and improve the EMS system.

Response

The Department agrees that research is part of the direct support of EMS systems, but only if it is used to help plan, initiate, maintain, expand or improve an EMS system. The Department believes that this concept is clearly conveyed in the proposed definition. Therefore, the Department has not made the recommended revision.

Comment

The definition of “EMT-paramedic” should state that it applies to an individual who is trained in accordance with the current EMT-paramedic NSC rather than the current EMT-NSC.

Response

The Department agrees. The term “NSC” means national standard curriculum. Both “EMT-NSC” and “EMT-paramedic NSC” are defined. The training EMTs are to receive is to be in accordance with the EMT-NSC, and the training EMT-paramedics are to receive is to be in accordance with the EMT-paramedic NSC. The Department has revised the definition to correct the error.

Comment

The definition of “emergency” should be revised to reflect the American College of Emergency Physician’s prudent layperson’s definition of “emergency” and to be consistent with definitions of “emergency” in several Pennsylvania statutes.

Response

The Department rejects the recommendation. The existing definition of “emergency” repeats the definition contained in section 3 of the EMS Act (35 P.S. §6923). The Department is not empowered to change the statutory definition. Moreover, within the context that “emergency” is used in the EMS Act, a definition that incorporates a prudent layperson’s assessment of an emergency is not appropriate. In determining whether an emergency exists and whether treatment and perhaps ambulance transportation to a receiving facility are required, prehospital personnel and medical command physicians need to rely upon their training and experience, not upon standards that a prudent layperson might use. For example, although a prudent layperson may believe that certain symptoms require emergency treatment at a hospital, trained EMS personnel should not use an ambulance to transport an individual with such symptoms to a hospital when they conclude that the individual’s condition does not constitute an emergency and does not warrant immediate hospital treatment.

Comment

The meaning of “base station” in the definition of “Medical Command Base Station Course” is unclear. The Department should define “base station.”

Response

The term “base station” refers to the hospital radio command console, which usually includes the radio, antenna and control methods. The medical command course includes instruction on various matters pertaining to medical command, including but not limited to base station direction. Moreover, the Department has historically labeled this course as the “Medical Command Course.” The Department will continue using that title

for the course. The term “base station” is removed from the proposed name of the course and is also deleted from other places where it appeared in the proposed regulations.

Comment

The Department’s regulations repeatedly refer to “medical treatment protocols.” In subparagraph (iv) of the definition of “medical coordination” the term that appears is “transfer and treatment protocols.” The term “medical” should be inserted before “treatment.”

Response

The Department agrees. The term “medical” was included in subparagraph (iv) in the proposed rulemaking the Department filed with the Legislative Reference Bureau (LRB). The LRB or its contract printer made an error in reprinting the proposed definition. The Department has corrected the error.

Comment

The definition of “medical command” should be modified to clarify that orders may be given to withhold treatment as well as to administer it.

Response

The Department agrees. It has added language to the definition to reflect that a medical command from a medical command physician may include medical instructions to a prehospital practitioner to withhold or discontinue treatment. Such an order should be given by a medical command physician only when EMS standards dictate that treatment will no longer be effective, or when the order is otherwise appropriate under law, such as pursuant to an advance directive for health care which directs that life sustaining procedures be withheld or withdrawn.

Comment

Contrary to the proposal, the definition of “medical service area” should not be deleted.

Response

The Department rejects the recommendation since the term is not used in Part VII.

Comment

- Remove the definition of “mutual aid response” as the use of such term may compromise EMS resource management at public service answering points (PSAPs) and promote inappropriate responses by ambulance services.

Response

The Department agrees with the comment. The Department has removed the proposed definition of “mutual aid response.” This term is not used in the final regulations.

Comment

The definition of “patient” should be revised to describe an individual who is believed to need immediate medical attention rather than an individual who requires immediate medical attention.

Response

The Department agrees and has revised the definition so that the language “believed to be” applies to both “sick, injured, wounded or otherwise incapacitated and helpless” as well as “in need of immediate medical attention.” Any person who is believed to be in one of these states requires immediate medical attention. That medical attention, in some cases, may be nothing more than a medical assessment of the

individual's condition. Such an individual becomes a patient, for purposes of the EMS system, and an EMS patient care report needs to be completed for that individual even if the medical assessment leads to the determination that the individual does not require additional emergency medical treatment.

Comment

The definition of "prehospital personnel" should use the term "health professional" rather than separately list health professional physicians and prehospital registered nurses, since the statutory and regulatory definitions of "health professional" include both types of personnel.

Response

The Department has decided not to make the recommended revision. The Department recognizes that the definition of "health professional" does include both types of personnel. However, the definition of "prehospital personnel" is drafted to identify each type of prehospital practitioner separately, so that the reader is not required to resort to another regulation for further clarification. Where the regulations refer to both types of practitioners, and distinguishing between the two does not enhance the regulation, the Department uses the term "health professional" to refer to them. The Department believes that the distinction here enhances the regulation.

Comment

In proposed § 1003.31 (relating to credit for continuing education) the term "prehospital practitioner" is used throughout, but nowhere is the term defined. Rather, the Department defines the term "prehospital personnel." The Department should delete

the term “prehospital practitioner” from §1003.31 and replace it with “prehospital personnel.”

Response

The Department rejects the recommendation. The term “prehospital practitioner” is employed throughout the proposed regulations, not solely in proposed §1003.31. The term “practitioner” is used to refer to a single individual, while the term “personnel” is used to refer to more than one individual. The proposed regulations the Department filed with the LRB included the statement that any one of the personnel listed in the definition of “prehospital personnel” is a “prehospital practitioner.” The Department addressed both terms because of the dissimilarity between the words “practitioner” and “personnel.” The LRB used its editorial prerogative to delete the term “prehospital practitioner.” Due to the confusion caused by its removal from the published version of the proposed definition of “prehospital personnel,” the Department has once again included in the final regulation the term “prehospital practitioner” and the clarification of its meaning.

Comment

Contrary to the proposal, the definition of “primary response area” should not be deleted.

Response

The Department rejects the recommendation. The term is not used in the regulations. Furthermore, the Department has been working with the General Assembly and other stakeholders in the Statewide EMS system to develop legislation that will regulate the process for public safety answering points (PSAPs) to dispatch EMS resources. The Department envisions that such legislation will use and define terms such

as “primary responders” and “primary response areas.” The inclusion of such terms in the Department’s regulations might cause confusion.

Comment

Change the proposed term “public safety answering point (PSAP)” to some other term more recognizable to the EMS community, possibly “emergency operations center.”

Response

- The Department rejects this recommendation. The Department believes that “public safety answering point” is a term well-recognized by the EMS community as the communications center established to serve as the first point at which calls requesting emergency assistance are received. The Department also took into consideration that the Public Safety Emergency Telephone Act and the Pennsylvania Emergency Management Agency, in its regulations, use the same term. *See* 35 P.S. §7012 and 4 Pa. Code §120b.102

Comment

In the definition of “receiving facility” there is a void in the description of the training required of a physician who must be present and available in an emergency department for that emergency department to qualify as a receiving facility. In addition to being trained to manage cardiac, trauma, and pediatric emergencies, as proposed, the physician should be required to have training in managing medical and psychiatric emergencies.

Response

The Department agrees with this comment. It has revised the proposed definition to require that the physician also be required to have training in managing medical and behavioral emergencies.

Comment

The definition of “receiving facility” should require that the physician who must be present and available in an emergency department have training in managing medical emergencies, but need not reference cardiac emergencies since those emergencies would be included in medical emergencies.

Response

The Department rejects this recommendation. The physician present and available in the emergency department needs to have significant training in the management of cardiac emergencies. Because cardiac patients represent a special subset of medical emergencies, the Department believes that the definition should specifically emphasize training of the physician to manage cardiac emergencies.

Comment

Because the definition of “service area” is used to identify the political subdivisions an ambulance service must notify when it is going out of business, and because any political subdivision that relies on an ambulance service should receive such notice, the definition of “service area” should be revised to remove the word “routinely” from the proposed language “area in which an ambulance service routinely provides service.”

Response

The Department has adopted the definition as proposed. It has elected not to remove the term “routinely” because many ambulance services may be called upon to transport a patient to or from a facility or other location which is located in a municipality which does not rely upon the ambulance service and in which the ambulance service seldom does business. Moreover, that location may be quite some distance from where the ambulance service generally operates. It should not be considered to be a part of the service area of the ambulance service. However, there may be some municipalities where an ambulance service seldom operates, but for which it has committed to provide backup services as needed. The Department agrees with the focus of the comment that an ambulance service that is discontinuing operations should also provide notice to these municipalities. To address the concern expressed by the comment, the Department has revised proposed §1005.15 (relating to discontinuation of service) to require an ambulance service to give notice to a political subdivision that relies upon it in addition to the political subdivisions in its service area.

Comment

The definition of “special event” should be expanded to deal with events that overtax local EMS resources.

Response

The Department agrees. It has expanded the proposed definition of “special event” to include activities conducted not only in areas where access by emergency vehicles might be delayed due to crowd or traffic congestion at or near the event, but also in areas in which the potential need for EMS exceeds local EMS capabilities.

Comment

The EMS Act and §1005.8 (relating to provisional license) make special provision for renewing provisional licenses issued to volunteer ambulance services. “Volunteer ambulance service” should be defined in the regulations since it is not defined in the EMS Act.

Response

- The Department agrees with this comment. The Department has added a definition to define the term “volunteer ambulance service” as it is defined in section 3 of the Volunteer Fire Company, Ambulance Service and Rescue Squad Assistance Act (72 P.S. §3943.3). While the Department is not required to use this definition in its regulations, it believes that it is consistent with legislative intent to do so. Both the Volunteer Fire Company, Ambulance Service and Rescue Squad Assistance Act and section 12(m)(2) of the EMS Act (35 P.S. §6932(m)(2)) are provisions enacted by the Legislature to provide special assistance to an entity the Legislature has labeled as a “volunteer ambulance service.” The Department believes that the Legislature intended the term to have the same meaning in both statutes. The Department has, however, added clarifying language to ensure that the definition is not construed to apply to a QRS.

Other Changes

The definition of “ambulance service affiliate number” is revised to reflect that the first two digits of the number will designate the county in which the ambulance service maintains its primary headquarters.

The words “ALS and BLS” are removed from the definition of “emergency medical services” as a description of the services comprising the defined term because

the Department concludes that other support services, such as communication services, are also included. The EMS Act does not use the language “ALS and BLS” in its definition of “emergency medical services.” The Department has also revised the definition of “regional EMS council” to provide that it shall be representative of not only public, but also private entities that provide EMS. This makes the regulatory definition consistent with the statutory definition.

The Department has revised the definition of the proposed term “ambulance call report,” which is now “EMS patient care report,” because the Department felt the proposed definition might cause confusion in implementation. The definition has been simplified to merely reflect that the report is a report of data and information relating to patient assessment and care. This definition tracks the statutory language better. Section 5(b)(3) of the EMS Act (35 P.S. §6925(b)(3)) provides that each ambulance service shall ensure that its responding personnel complete a report of patient data and information, as prescribed by the Department, for each call to which an ambulance responds. Section 1001.41 (relating to data and information requirements for ambulance services) requires an ambulance service to complete the report as appropriate. If there is any patient assessment at all, even if the assessment leads to the conclusion that no further EMS is required, a report needs to be completed. The only situation where an ambulance would be involved where no report would be required is where there is a routine transport of a convalescent or other nonemergency case which does not give rise to patient care or even patient assessment. *See* 35 P.S. §6932(e)(4) for provisions applicable to these transports.

The Department has also removed from this section the term “prehospital personnel training manual.” The Department has replaced that term in the regulations by

referring to a manual addressing the relevant subject matter without giving the manual a title. This affords the Department the flexibility to develop different guidance manuals to address different prehospital personnel subjects.

The Department has added a definition for “residency program.” The meaning of this term is significant because §§1003.2, 1003.3, and 1003.4 (relating to regional EMS medical director; medical command facility medical director; and medical command physician) include completion of a designated residency program or completion of three years in an emergency medicine residency program as criteria for qualifying to serve in different physician capacities in the Statewide EMS system.

Section 1001.3 (relating to applicability) identifies, in general terms, who is affected by Part VII. No comments addressing this section were received. This section is adopted as proposed.

Section 1001.4 (relating to exceptions) provides a process for persons to seek an exception to a regulatory requirement that is not also directly imposed by the EMS Act.

Comment

Proposed subsections (a) and (c) address the Department granting exceptions to its regulations for justifiable reasons if, as set forth in subsection (f), the substantive standards of the regulation are satisfied. The Department should either explain what a justifiable reason is or delete “justifiable reason” from subsections (a) and (c), and it should identify those standards of the regulation it considers to be substantive standards.

Response

The Department is deleting the term “justifiable reason” from subsections (a) and (c) and the term “substantive” from subsection (f). Upon further consideration of the

proposed regulation the Department concludes that these terms add nothing to the regulation. The basis for granting an exception is explained in subsection (a). The Department may grant an exception when the policy objectives and intentions reflected by the regulations are satisfied, or when compliance would create an unreasonable hardship and granting an exception would not impair the health, safety or welfare of the public. The Department has also reworded subsection (a) to more clearly articulate these criteria.

Comment

In the discussion of the definition of “board certification” the Department stated that if board certification was required under a particular regulation, and an individual did not have board certification, the Department could consider an application for an exception under this regulation and grant an exception if the candidate could establish that the certification the person received from another certifying agency was issued under standards equal to or greater than those referenced in the definition of “board certification.” The Department should explain the phrase “standards equal to or greater than” and otherwise describe the process set forth in this section.

Response

The criteria for granting an exception is set forth in the regulation and discussed in the response to the preceding comment. While the Department perceives that it will not be granting exceptions on a routine basis, this section does permit the Department to grant an exception to any regulation in Part VII to the extent the regulation does not set forth a standard imposed by statute.

The reference in the preamble to the proposed regulations to an individual seeking an exception to the board certification criterion was used as an example of where this section might be employed. In these final regulations, a board certification criterion is retained only in §1003(b)(2)(ii) (relating to medical command facility medical director), but the example is still relevant. In acknowledging that the Department would grant an exception to the board certification requirement if the applicant obtained a certification meeting standards equal or greater to the standards used by the certifying bodies acceptable under the proposed definition of “board certification,” the Department was recognizing that this would meet the policy objective of a regulation that includes board certification as a qualifying criterion.

Over the course of time certifying bodies other than those that satisfy the definition of “board certification” might come into existence. They may employ standards to certify the qualifications of medical specialists that are equal to or more stringent than the standards used by the recognized certifying bodies. Even existing certifying bodies that are not recognized under the definition might change their standards for granting certification so that those standards are equal to or more stringent than the standards that are currently acceptable to the Department.

Because it is not possible to envision all circumstances for granting an exception to each regulation to which an exception may be granted, it is not possible to list specific standards for granting an exception to each regulation with greater specificity than included in this regulation.

Section 1001.5 (relating to investigations) provides that the Department may investigate persons for compliance with the provisions of the EMS Act and Part VII of the Department's regulations.

Comment

Section 5(b)(13) of the EMS Act (35 P.S. §6925(b)(13)) specifically authorizes the Department to investigate trauma centers and forward the results of its investigation to the Pennsylvania Trauma Systems Foundation (Foundation). The Department should explain its intent for providing that the Department shall investigate other matters related to the EMS Act and should identify its authority to do so.

Response

The Department's power to investigate violations of the EMS Act is expressly derived from certain provisions of the EMS Act and implicitly derived from other provisions of the statute. The Department believes that the reason the Legislature included a specific provision authorizing the Department to investigate trauma centers and share its results with the Foundation is that absent that express grant of authority the remaining language of the statute could not be read to grant that responsibility to the Department. While the Department is given the power to regulate most entities addressed by the EMS Act, the express language of the statute dealing with trauma centers gives the Foundation, not the Department, the authority to regulate and set standards for trauma centers. *See* 35 P.S. §6926.

Some of the provisions from which the Department derives its authority to investigate violations of the EMS Act are section 2 of the EMS Act (35 P.S. §6922) (legislative intent to assure readily available and coordinated EMS and to maintain an

effective and efficient EMS system); section 4(b) of the EMS Act (35 P.S. §6924(b)) (designates the Department as the Commonwealth lead agency for EMS); section 11(j.1) of the EMS Act (35 P.S. §6931(j.1)) (the Department is to investigate possible violations of prehospital personnel and pursue disciplinary action if appropriate); and section 12(l) of the EMS Act (35 P.S. §6932(l)) (the Department is to pursue disciplinary action against ambulance services if they engage in proscribed conduct).

- It is the intent of the Department to investigate complaints against prehospital personnel, as expressly authorized, and to investigate complaints against ambulance services, as implicitly authorized. However, the Department will also investigate complaints against other entities it regulates, such as medical command facilities, receiving facilities, EMS training institutes and continuing education sponsors, to ensure that they are satisfying the statutory requirements and Department regulations adopted under the EMS Act which govern their operations. The Department will also conduct preliminary investigations of complaints of unlicensed entities acting as ambulance services and uncertified individuals functioning as prehospital personnel. This conduct is a summary offense under the EMS Act. *See* 35 P.S. §§6935 and 6936. The Department will refer information that tends to show unlicensed or uncertified activity to criminal enforcement agencies, or may pursue judicial action to enjoin those activities. These investigations are supported by the statutory language designating the Department as the lead agency for EMS in the Commonwealth, and the legislative intent language that the EMS Act operate to assure readily and coordinated EMS, to prevent premature death and reduce suffering and disability, and to maintain and assure an effective and efficient EMS system.

Comment

This regulation should be revised to assert that the Department will conduct its investigations in conjunction with the regional EMS councils.

Response

This recommendation is rejected. The Department will conduct most investigations in conjunction with a regional EMS council, but may conduct some investigations on its own. The Department's authority to employ regional EMS councils to assist it in conducting investigations is adequately addressed in §§1001.122 and 1001.123 (relating to purpose of regional EMS councils; and responsibilities).

Section 1001.6 (relating to comprehensive EMS development plan) is amended to provide that the regional EMS development plans will be incorporated into the Statewide EMS development plan. The section is also amended to require public notice and an opportunity for comment before the Department's adoption of a Statewide plan. No comments addressing this section were received. This section is adopted as proposed.

Section 1001.7 (relating to comprehensive regional EMS development plan) is new. It requires each regional EMS council to develop a regional plan for coordinating and improving the delivery of EMS in the region for which it has been assigned responsibility by the Department. It also requires the regional EMS council to give notice to the public and an opportunity for comment before submitting the plan to the Department for approval.

Comment

Requiring a regional EMS council to provide public notice and an opportunity for comment on a regional EMS development plan places an excessive burden on the planning process.

Response

The Department disagrees with the comment. This section is adopted as proposed.

Subchapter B. Award and Administration of Funding

The title of this chapter is revised to replace the term “Contracts” with “Funding.” This change is made because the scope of this chapter is not confined to addressing the distribution of funds through contracts exclusively.

Section 1001.21 (relating to purpose) describes the purpose of the subchapter on funding. Section 1001.22 (relating to criteria for funding) identifies criteria for the distribution of EMSOF moneys. Section 1001.23 (relating to allocation of funds) identifies some of the factors that are considered in determining the amount of funds to be distributed to eligible recipients. No comments addressing these sections were received. These sections are adopted as proposed, except §1001.22(a)(10) is revised by inserting “technician” and deleting “service” in the term “voluntary rescue service certification program”. The Department administers a voluntary program for the certification of rescue technicians, not rescue services.

Section 1001.24 (relating to application for contract) pertains to applications for contracts to plan, initiate, maintain, expand or improve an EMS system. It is amended to

clarify that the application process set forth in the section applies only to contracts for these purposes.

Comment

Since both paragraphs (2) and (3) of the current regulation require applicants for funding to include information about their organizational structure, subsection (3) may be redundant. Either the term “organizational structure” should be removed from paragraph (2) or paragraph (3) should be deleted.

Response

The Department agrees. The Department has deleted paragraph (3) from the regulation.

Section 1001.25 (relating to technical assistance) provides that the Department may provide technical assistance to contractors and subcontractors to assist them in carrying out their contracts. It also identifies some of the technical assistance resources the Department may make available.

Comment

The purpose of the last sentence in subsection (a), which states that “special consideration shall be given to contractors in rural areas,” is unclear. The Department should either revise the sentence to clarify its purpose, or delete it.

Response

The Department agrees that the sentence is unclear. It has revised it to clarify that special consideration will be given to contractors in rural areas to assist them with matters such as recruitment, retention of prehospital personnel, and other matters identified in subsection (a). Special consideration will be extended in recognition that rural areas may

lack sufficient manpower and other resources to perform EMS projects unless they receive some additional help.

Other Changes

The Department has revised subsection (c)(3) to read “information management resources” instead of “management information resources.” The resources to which the Department intends to refer are those involved in managing information.

- Section 1001.26 (relating to restrictions on contracting) prohibits the Department from contracting with more than one regional EMS council to exercise responsibility for any part of the same EMS region, and provides that a contractor does not have the right to have a contract renewed.

Section 1001.27 (relating to subcontracting) addresses rights and restrictions on the authority of an entity that enters into a contract with the Department pursuant to the EMS Act to enter into subcontracts for the performance of contracted duties.

No comments addressing these sections were received. These sections are adopted as proposed.

Section 1001.28 (relating to contracts with the Council) is new. It is added to clarify that some of the provisions in the subchapter do not apply to Department contracts with PEHSC. It also provides that the Department will contract with PEHSC to provide it with the funds PEHSC needs to perform the duties imposed upon it by the EMS Act, and may contract with PEHSC for it to assist the Department in complying with the provisions of the EMS Act.

Comment

The Department should not be providing PEHSC with money from EMSOF.

Response

This section does not use the term “EMSOF.” Nevertheless, in response to the concern asserted, it is noted that an express statutory direction relating to the distribution of EMSOF moneys, added by Act 82, is that some of the moneys be distributed by the Department to PEHSC. *See* section 14(d) of the EMS Act (35 P.S. §6934(d)).

Subchapter C. Collection of Data and Information

- Section 1001.41 (relating to data and information requirements for ambulance services) addresses an ambulance service’s responsibility to complete an EMS patient care report and to keep the report confidential. This section has been revised to delete the data elements previously specified. The required data elements will be identified in the EMS patient care report form or in computer software. As discussed previously in responding to a comment pertaining to the proposed definition of “ambulance call report,” the data elements are revised from time to time by the Department, in consultation with PEHSC.

Some of the data identify patient condition and treatment, while other data provide information on how well the EMS system is functioning. This section requires the ambulance service to provide the data solicited by the form. The Department will publish in the *Pennsylvania Bulletin* a notice specifying the required data elements and which data are to be handled in a confidential manner. Superseding notices will be published as needed. All information contained in the notice will be available on the Department’s website.

This section also requires that certain patient information solicited by the EMS patient care report be reported immediately to a receiving facility. It prescribes the time

in which an EMS patient care report is to be completed after termination of services to the patient, and imposes a duty upon an ambulance service to establish a policy prescribing who is to complete the report on behalf of the ambulance service. The *Pennsylvania Bulletin* notice will designate the data that are to be reported immediately to the receiving facility.

Comment

- The regulation should specify where ambulance services may obtain copies of the required contents and format for the EMS patient care report.

Response

The Department agrees with this recommendation. Subsection (a) has been revised as previously explained. In addition, it has been revised to relate that paper report forms may be secured from regional EMS councils and that the Department will maintain a list of the software that it has determined to be acceptable. The Department already maintains such a list and encourages software vendors to provide the Department with software products they believe should be included on the list so that the Department can evaluate those products and determine if they are acceptable.

Comment

If the Department chooses to require an ambulance service to complete and submit an EMS patient care report within 24 hours of concluding service, as proposed, the Department should explain the need for the 24-hour requirement and whether there may be exceptions to this reporting standard.

Response

The completion and submission of an EMS patient care report within a 24 hour time frame is required because patient information, in addition to that which is designated for immediate transmission, needs to be promptly provided to hospital personnel to facilitate the comprehensive care of the patient. Often patients will require care to address problems that were not a priority during the resuscitation phase, but which will impact their quality of life and functionality if not addressed prior to discharge. Hospital stays are increasingly short, decreasing the opportunity for discovery of additional care needs and minimizing the time to coordinate the intervention required to address them. It would be in the patient's best interest if the information would be provided to the hospital immediately, but transmission of the information within 24 hours seems most reasonable when balancing that interest against the burdens imposed upon prehospital personnel.

The Department may grant exceptions to the 24-hour reporting requirement, but has chosen not to include that statement in the regulation itself. Section 1001.4 (relating to exceptions) provides that the Department may grant a request for an exception to any regulatory standard if the standard does not repeat a statutory requirement. The Department has adopted §1001.4 to avoid having to include, in several regulations, language stating that exceptions to a standard may be granted.

Comment

The regulation should identify all of the acceptable methods for submitting and transmitting the data in the ambulance call report to the receiving facility.

Response

The Department agrees that acceptable methods for transmitting the data should be identified in the regulation. However, because of the lack of uniformity in receiving facilities of both equipment that could be used to receive the data and of the security of data received through such equipment, and because of different hospital policies and procedures for maintaining the confidentiality of patient information, the Department is unable to amend the regulation to identify a data-transmission method that would be uniformly acceptable. Therefore, the Department has amended subsection (d) to permit an ambulance service to report the data to a receiving facility in any manner which is acceptable to the receiving facility and which ensures the confidentiality of information which the Department has designated as confidential.

Comment

The Department should retain in the regulation the list of data the report form will solicit.

Response

This is not necessary. The report form will change from time to time. Published notices and the form, itself, will identify all information that needs to be reported.

Comment

If this section is to require an ambulance service to provide essential patient information to the hospital before the ambulance departs from the hospital, the regulation needs to define the information that is essential for immediate transmission.

Response

As previously explained, the Department will publish a notice in the *Pennsylvania Bulletin*, and issue superseding notices as necessary, to identify the information that is essential for immediate transmission.

Comment

Add a section under this subchapter to require an ambulance service to retain a copy of an EMS patient care report for a specified period of time, preferably seven years from the date of service or one year following the age of majority, whichever is later, which is the same period of time during which medical doctors are required to maintain medical records pursuant to State Board of Medicine regulation 49 Pa. Code §16.95 (relating to medical records).

Response

The Department agrees with the recommendation to include a provision requiring ambulance services to retain copies of the EMS patient care report for a specified period of time. The Department has added subsection (f) to this section to require an ambulance service to retain a copy of the record for a minimum of seven years.

Other Changes

The Department has revised subsection (a) to specify that the ambulance service is to file a copy of the EMS patient care report within 30 days with the regional EMS council that exercises responsibility for the region in which the responding ambulance is based. Also, wherever the term “ambulance call report” appeared in the proposed regulations the Department has replaced it with “EMS patient care report.” This substitution is made throughout the final regulations.

Section 1001.42 (relating to dissemination of information) identifies the circumstances under which an EMS patient care report may be released. This section has been revised to provide that persons who prepare or secure data from an EMS patient care report by virtue of their participation in the Statewide EMS system are required to prohibit access to only those data elements designated as confidential by the Department in the body of the EMS patient care report.

Comment

The designation of people to whom and circumstances under which the EMS patient care report or confidential information contained in that report may be disclosed should be revised as follows:

1. Subsection (a)(3) should permit disclosure “to the patient or the following authorized persons: the patient’s duly appointed attorney-in-fact; court-appointed guardian of the patient’s person and/or estate if the patient has been adjudicated as an incapacitated person; the patient’s parent or legal guardian if the patient is a minor; the executor/executrix or administrator/administratrix of the patient’s estate; or to such other third party as the patient or other authorized person shall direct in a writing signed by the patient or authorized person.”

2. Subsection (a)(4) should permit disclosure “under an order, subpoena or other lawful process of a court of competent jurisdiction.”

3. Subsection (a)(7) should be added to authorize disclosure “to a health care provider to whom responsibility for the patient’s care has been transferred or to another health care provider insofar as necessary to facilitate that provider’s treatment of the patient.”

Response

The Department agrees with the focus of this comment and has added language to achieve the intended results. In subsection (a)(3), instead of listing all of the examples identified in the comment, the Department uses the umbrella language “a person who is authorized to exercise the rights of a patient with respect to such records,” and provides an example. This approach avoids the risk that the regulation fails to list a person that should be listed. In subsection (a)(4), the Department uses the term “order” as general language, and again provides an example. The example, a subpoena, which is recognized under the Rules of Civil Procedure as an order of the court, is accompanied by language which excludes a subpoena as authorization for release of the information where the information is the type that cannot be released pursuant to a subpoena. For example, the Confidentiality of HIV-Related Information Act (35 P.S. §§7601-7612) prohibits the release of confidential HIV-related information pursuant to a subpoena. Subsection (a)(7) has been added to clarify that the EMS patient care report may be released to a health care provider to whom a patient’s medical record may be released pursuant to law.

Subchapter D. Quality Improvement Program

The title of this subchapter is amended to substitute “Improvement” for “Assurance.” The term “quality improvement” has generally replaced “quality assurance” in the health care industry.

This subchapter is amended to clarify that the quality improvement program operated by the Department and regional EMS councils is to be limited to monitoring and data collection activities. Section 5(b)(10) of the EMS Act (35 P.S. §6925(b)(10))

empowers the Department to establish a quality improvement program only for the purpose of “monitoring the delivery of [EMS].”

Section 1001.61 (relating to components) describes the purpose and parameters of the quality improvement program the Department is coordinating for the Statewide EMS system.

Comment

- The terms “medical care,” “prehospital personnel,” and “providers of EMS,” which are used in the proposed amendment of this section, need to be defined.

Response

“Prehospital personnel” and “providers of EMS” are defined in §1001.2 (relating to definitions). “Medical care” does not need to be defined. The section makes it clear that the medical care to which it refers is that which is provided “in the delivery of EMS...by prehospital personnel and providers of EMS.”

Section 1001.62 (relating to regional programs) provides that each regional EMS council shall develop a regional quality improvement program and requires that each program include certain features.

Comment

A regional EMS council should oversee the process, but not conduct the quality improvement audits itself.

Response

A regional EMS council will oversee the data collection process. Its review of the quality improvement effort of participants in the EMS system, such as ambulance services, ALS service medical directors, medical command facilities and receiving

facilities, will require that it coordinate the data collection process. The process of collecting that data will rarely require a regional EMS council employee to personally visit a provider of EMS.

Sections 1001.63 (relating to medical command facilities) and 1001.64 (relating to ambulance services), which previously required medical command facilities and ambulance services to participate in the quality improvement program, are replaced with §1001.65 (relating to cooperation). No comments addressing these sections were received. As proposed, §§1001.63 and 1001.64 are repealed.

Section 1001.65 requires all persons and entities authorized by the Department to participate in the Statewide EMS system to provide the Department and the regional EMS councils with data and reports requested by them to monitor the delivery of EMS as part of quality improvement oversight.

Comment

The one sentence comprising this section is too long. It should be separated into at least two sentences.

Response

The Department agrees. The Department has replaced the proposed sentence with two shorter sentences.

Comment

The subchapter should include a provision requiring medical command facilities to provide ambulance services with patient information to assist the ambulance services in their quality improvement initiatives.

Response

The Department rejects compelling medical command facilities to engage in this conduct, but encourages them to work with ambulance services to help ambulance services in their quality of care reviews. Patient diagnosis and treatment information secured after the transport of the patient to a receiving facility should be shared on a need-to-know basis exclusively. Otherwise, it should not be disclosed without the patient's consent. However, the medical command facility should provide aggregate data and anecdotal information to ambulance services to assist quality of care reviews conducted by ambulance services.

Subchapter E. Trauma Centers

This subchapter, comprised of §§1001.81-1001.84, was adopted by the Department pursuant to its duty under section 5(b)(12) of the EMS Act (35 P.S. §6925(b)(12)) to integrate trauma centers into the Statewide EMS system. No comments addressing these sections were received. They are adopted as proposed.

Subchapter F. Requirements for Regional EMS Councils and the Council

Section 1001.101 (relating to governing body) specifies standards for the governing bodies of PEHSC and regional EMS councils. It is adopted as proposed.

Comment

Retain the provision that a regional EMS council may be a unit of local government.

Response

This recommendation is rejected because this provision is included in §1001.124 (relating to composition).

Sections 1001.102 and 1001.103 (relating to council director; and personnel) are deleted. These sections had specified duties of directors of regional EMS councils and PEHSC, and written policies and procedures that are to be in place for both. The repeal is consistent with Executive Order 1996-1. These regulations were burdensome and did not serve a compelling interest. There are also viable nonregulatory alternatives that may be pursued to implement the standards that were included in these regulations if that becomes necessary. If the Department concludes that specific personnel and work policies are required for PEHSC or a regional EMS council to complete a project, the Department may include those terms in the body of the contract covering the project. A few comments were received endorsing the proposed repeal of these sections.

Subchapter G. Additional Requirements for Regional EMS Councils

Sections 1001.121, 1001.122 and 1001.124 (relating to designation of regional EMS councils; purpose of regional EMS councils; and composition) specify the criteria the Department will consider in designating regional EMS councils, the responsibility of regional EMS councils to assist the Department in administering the EMS Act and Part VII of the Department's regulations, and the types of entities that may serve as regional EMS councils. No comments addressing these sections were received. They are adopted as proposed.

Section 1001.123 (relating to responsibilities) identifies the major responsibilities of regional EMS councils.

Comment

Proposed paragraph (3) requires regional EMS councils to advise PSAPs and political subdivisions of any recommended dispatching criteria that may be developed by

the Department, or by the regional EMS council as approved by the Department. Does this pertain to the order in which available EMS resources are to be dispatched, or to the type of EMS resources (ALS or BLS) to be dispatched? Are there any appeal mechanisms if this pertains to the order in which similarly qualified ambulance services are to be dispatched?

Response

The duty imposed by this subsection applies to both types of dispatching criteria. The Department expects PSAPs to follow Statewide and regional medical treatment protocols in determining whether to dispatch BLS or ALS resources. Regional EMS councils may also recommend medical dispatch protocols. As to the order of dispatch, neither the Department nor regional EMS councils have statutory authority to dictate to PSAPs which ambulance service among similarly licensed services to dispatch first. Consequently, any guidance the Department or regional EMS councils develop in this area would not impose any duty upon PSAPs and political subdivisions and would not be subject to appeal.

Comment

The last sentence in proposed paragraph (14), which reads "Recruitment of volunteer expertise available shall be requested when needed," does not make sense.

Response

The Department agrees. It has revised the language to provide that regional EMS councils shall recruit volunteers as needed.

Comment

Proposed paragraph (20), which states that one of the functions of a regional EMS council is to perform duties, other than those specifically listed, as deemed appropriate by the Department, should conclude with the language “regarding the responsibilities of regional EMS councils.”

Response

The Department agrees with the concern expressed, however it has opted to insert somewhat different language than suggested. The Department is authorized to enter into contracts with regional EMS councils “for the initiation, expansion, maintenance and improvement of [EMS] systems which are in accordance with the Statewide [EMS] development plan.” See 35 P.S. §6930(a). This is the language the Department has added to the paragraph, which has been renumbered as paragraph (21).

Comment

Since the Office of Inspector General of the United States Department of Health and Human Services issued an opinion that the restocking of ambulances by hospitals may constitute illegal remuneration under the Federal anti-kickback statute, 42 U.S.C. §1320a – 7(b), and then later issued opinions that the restocking of ambulances by hospitals through a coordinated system of care might not be a violation, it might enhance the Statewide EMS system to add as an additional responsibility of regional EMS councils, the duty “to formulate plans, policies and procedures for the restocking of nonreusable ambulance supplies, medications and/or linens by hospitals to whom patients are brought by licensed ambulance services.”

Response

The Department rejects the recommendation because the Department does not want to direct regional EMS councils to promote a restocking program which the Office of Inspector General of the Department of Health and Human Services may conclude violates the Federal anti-kickback statute. However, the Department will pursue this matter further with the Federal agency and may revise the regulation in the future to include such a provision.

Other Changes

Proposed paragraph (18), which referenced a medical command authorization being removed by an ALS ambulance service, has been corrected to reference removal of medical command authorization by the "ALS service medical director" for the ambulance service. One comment was received commending inclusion of the requirement in paragraph (18) that regional EMS councils are to notify medical command facilities and ALS service medical directors of an EMT-paramedic who loses medical command authorization. Minor clerical changes have been made to proposed paragraphs (1) and (19).

The Department received a comment to §1003.4 (relating to medical command physician), that the proposed provisions in that regulation that address a regional EMS council's role in approving physicians as medical command physicians should be removed from that regulation and inserted in this one. The Department has rejected that recommendation for reasons that are explained in the response to that comment under §1003.4. However, the Department has added a new paragraph (20) to this regulation to

relate that the approval of medical command physicians pursuant to §1003.4(c)(2) is a function of a regional EMS council.

Section 1001.125 (relating to requirements) deals with matters such as the composition of the regional EMS council when it is a nongovernmental body, and the composition of its advisory council when it is a governmental body. This section is amended to require that if a regional EMS council is a unit of local government it shall have an advisory council representative of the professions and organizations designated in the EMS Act's definition of "emergency medical services council," as well as health consumer representation, and that if the regional EMS council is a public or nonprofit organization, its governing body shall satisfy the same representation requirements. One comment questioned inclusion of the word "major" in describing certain organizations that should have representation on regional EMS councils. That word was taken directly from the statutory definition, and is retained. The Department received no other comment addressing this regulation.

Subchapter H. Additional Requirements for the Council

Sections 1001.141-1001.143 (relating to duties and purpose; meetings and members; and disasters) address requirements for PEHSC in addition to those enumerated in §1001.101 (relating to governing body). No comments were received on these sections. The Department has adopted them as proposed.

Subchapter I. Research in Prehospital Care

Section 5(b)(3) and (4) of the EMS Act (35 P.S. §6925(b)(3) and (4)) contemplate that the Department will permit data collected through the Statewide EMS system to be used for research to identify possible options for improving the system. The

Department's planning responsibilities imply that the Department may authorize research to aid it in making planning decisions. This subchapter addresses the procedures for providers of EMS to engage in clinical research investigations or studies that relate to direct patient care in the Statewide EMS system. Section 1001.161 (relating to research) is amended to revise the research proposal review process.

Comment

The Department should explain why it needs to review research proposals for merit before it refers proposals to PEHSC and regional EMS councils.

Response

A regional EMS council may not be aware of research the Department has approved or initiated in different parts of the Commonwealth. Based upon the type of research being conducted, the Department may not want to have that research duplicated in another part of the Commonwealth, or may want to recommend a modification of the proposal to supplement existing research. Also, both regional EMS councils and PEHSC receive EMSOF moneys through the Department to pay for their reviews of research proposals. The Department may eliminate the wasteful allocation of the resources of both entities if it concludes that it is clearly not worthwhile to pursue the proposed research. The Commonwealth Emergency Medical Director will be involved in the Department's preliminary review of the research proposal. One change that is made to this section is that the last sentence in subsection (b) is revised to clarify that the review of a research proposal by a regional EMS council and PEHSC is to begin after the Department requests them to proceed with the review.

Chapter 1003. Personnel

This chapter addresses qualifications and responsibilities of persons involved in the Statewide EMS system. It also addresses the disciplinary process for prehospital personnel, the medical command authorization process, continuing education requirements and options, and the accreditation standards for sponsors of continuing education.

Subchapter A. Administrative and Supervisory EMS Personnel

Section 1003.1 (relating to Commonwealth Emergency Medical Director) specifies the duties of the Commonwealth Emergency Medical Director.

Comment

Proposed subsection (a)(5) lacks clarity due to its length and the subjects covered. The regulation would be clearer if the subject matter is addressed in two paragraphs.

Response

The Department agrees that proposed subsection (a)(5) could be written to provide greater clarity. The proposed paragraph deals with the Commonwealth Emergency Medical Director's role relative to regional medical treatment protocols and patient transfer protocols. However, not addressed is the Commonwealth Emergency Medical Director's role relative to the Statewide BLS medical treatment protocols. The Department has corrected that oversight by addressing the Commonwealth Emergency Medical Director's role relative to regional medical treatment protocols in paragraph (5), the Statewide BLS medical treatment protocols in paragraph (6), and patient transfer protocols in paragraph (7). The remaining paragraphs are renumbered.

Other Changes

As discussed in response to a comment under §1001.161 (relating to research), the Commonwealth Emergency Medical Director will be involved in the review of research proposals pertaining to the Statewide EMS system. That role is set forth in subsection (a)(11).

As the Department has eliminated all references to “base station” in the regulations, the Department has revised subsection (b)(3) so that it states that the Commonwealth Emergency Medical Director will need to have knowledge regarding “medical command,” rather than “base station” direction of prehospital personnel. No other revisions have been made to the proposal.

Section 1003.2 (relating to regional EMS medical director) specifies the duties of regional EMS medical directors. It is revised to clarify that the regional EMS medical director does not function independent of the regional EMS council except when acting upon appeals from adverse medical command authorization decisions. That is the only function the EMS Act expressly assigns to a regional EMS medical director. *See* 35 P.S. §6931(d)(2)(iv) and (e.1)((4).

Comment

Proposed subsection (a)(1), (3), (4), (5) and (6) state that the regional EMS medical director’s duty is to “assist” the regional EMS council in performing certain functions. It is not clear how the regional EMS medical director will provide such assistance. These paragraphs should be made clearer regarding how the regional EMS medical director is to provide such assistance.

Response

The Department rejects the recommendation. As stated in the preamble to the proposed regulations, the Department wants to avoid micromanaging the regional EMS councils, some of which are units of county government. These paragraphs are designed to apprise both regional EMS councils and their medical directors that the Department expects the regional EMS medical directors to be involved in certain types of activities of the regional EMS councils. How that involvement is structured is left up to the regional EMS councils. If the Department deems it necessary to impose certain requirements on that relationship for the purpose of performing specific work, it will include those requirements in the contracts it negotiates with the regional EMS councils. None of the paragraphs mentioned in the comment include responsibilities imposed upon regional EMS medical directors by the EMS Act.

Changes

Subsection (b) is revised by the repeal of paragraph (2), which provided that the Secretary could waive the board certification in emergency medicine requirement for a regional EMS medical director upon request of a regional EMS council. This provision is not needed in light of the removal of the board certification in emergency medicine criterion.

With the repeal of paragraph (2), there is no need for the first paragraph under subsection (b) to be preceded by the paragraph (1) designation. The Department has removed that designation and has revised subsection (b) by redesignating the remaining provisions in the subsection.

Former subsection (b)(1)(v) included board certification in emergency medicine as a criterion for qualifying as a regional EMS medical director. In that provision, now subsection (b)(5), the Department has replaced the board certification in emergency medicine criterion with the requirement that the physician shall have either completed three years in a residency program in emergency medicine or have served as a medical command physician in this Commonwealth prior to the effective date of these amending regulations. The reason for this change was previously discussed in addressing comments pertaining to the definition of “board certification.” Additional explanation is provided in the response to the first comment discussed under the next section.

In subsection (b)(3) the term “base station” is replaced with “medical command” and “emergency units” is replaced with “personnel.”

Section 1003.3 (relating to medical command facility medical director) specifies the qualifications and responsibilities of a medical command facility medical director.

Comment

As the regulation is proposed, a physician who is not certified in emergency medicine by a medical specialty certification board recognized by the American Board of Medical Specialties or the American Osteopathic Association cannot qualify as a medical command physician.

Response

This is not accurate either as subsection (b)(1)(ii) (now subsection (b)(2)) was proposed or as it has been finally adopted. Certification in emergency medicine from a board recognized by one of the two entities mentioned in the proposed definition of “board certification” would not have been required if the physician had received board

certification in surgery, internal medicine, family medicine, pediatrics or anesthesiology. Some physicians who had received the BCEM certification, which was not previously accepted by the Department as a board certification in emergency medicine, are functioning as medical command facility medical directors currently. Each of them has a board certification in one of the medical specialties identified in subsection (b)(2)(iii).

Notwithstanding the subsection (b)(2)(iii) alternative criterion for becoming a medical command facility medical director, the Department has decided to remove board certification in emergency medicine as one alternative criterion for qualifying as a medical command facility medical director, and to replace it with two alternative qualifying criteria. Those alternatives are that the physician shall have successfully completed three years in a residency program in emergency medicine or have served as a medical command physician in this Commonwealth prior to the effective date of these amending regulations.

The Department has concluded that completion of a three-year emergency medicine residency or satisfaction of subsection (b)(2)(iii) should be the entry alternatives available to physicians who seek to become a medical command facility medical director in this Commonwealth for the first time. Consequently, it has revised subsection (b)(2) to require that any physician who is not already a medical command physician will need to satisfy one of these standards.

The Department recognizes that some physicians who are already in the system as medical command physicians have not met the standards in subsection (b)(2)(i), or even (b)(2)(iii) as it has been modified. While the Department is not fully comfortable with the qualifications those physicians had to demonstrate to qualify as medical command

physicians, as it now believes that those qualifications need to be upgraded or revised, it has had to weigh that discomfort against the chaos that would occur if the Department were to now disqualify as medical command physicians and medical command facility medical directors many physicians who have functioned in those capacities in the EMS system for some time. The Department has concluded that the proper balance is achieved if those physicians who are already functioning in the EMS system as medical command physicians and medical command facility medical directors are permitted to continue to function in those positions without having met either the subsection (b)(i) or (iii) standards. Also considered was the “on-the-job” experience these physicians have accumulated. Consequently, the Department has made those standards applicable to only those physicians who have not served as a medical command physician prior to the effective date of these amendments.

Comment

Proposed subsection (b)(1)(ii) would substantially duplicate proposed §1003.4(b)(2) (relating to medical command physician). Subsection (b)(1)(i) would require a medical command facility medical director to be a medical command physician. The minimum qualifications for a medical command physician are found in proposed §1003.4(b). Proposed subsection (b)(1)(ii) should be amended to specify only qualifications in addition to the minimum qualifications for a medical command physician.

Response

Proposed subsection (b)(1)(ii) (now subsection (b)(2)) cannot be amended to specify only qualifications in addition to the minimum qualifications for a medical

command physician, because there is more than one set of criteria by which a physician may qualify as a medical command physician. Proposed §1003.4(b)(2)(ii) proposed alternative criteria to qualify as a medical command physician. Likewise, subsection (b)(2) includes alternative criteria by which a physician may qualify as a medical command facility medical director. Moreover, the alternatives in the two provisions are not quite the same.

- However, the Department concludes that proposed subsection (b)(1)(ii) lacked clarity and has revised subsection (b)(2) to address that concern. It has also divided subsection (b)(2) into subparagraphs (i), (ii) and (iii) to identify the three alternative qualifying criteria.

Comment

Does a medical command facility medical director need to take the ACLS course every two years even if there is no change in the course?

Response

Yes, if the physician qualifies under subsection (b)(2)(iii) rather than subsection (b)(2)(i) or (ii).

Other Changes

Proposed subsection (b)(2) is repealed for the same reason that §1003.2(b)(2) (relating to regional EMS medical director) is repealed. This repeal causes proposed subsection (b)(1)(i)-(vi), to be renumbered as subsection (b)(1)-(6).

Proposed subsection (b)(1)(iv) (now subsection (b)(4)) is reworded from requiring “experience in base station direction of prehospital emergency units” to requiring “experience in providing medical command direction to prehospital personnel.”

Section 1003.4 (relating to medical command physician) specifies the qualifications and responsibilities of a medical command physician.

Comment

As proposed, a physician who does not have a board certification in emergency medicine cannot qualify as a medical command physician.

Response

This understanding is not accurate, but the issue is now moot, as board certification in emergency medicine has not been retained as a criterion for qualifying as a medical command physician. Both as proposed and adopted, this section permits a physician without a board certification in emergency medicine, or any other board certification, to qualify as a medical command physician. This is no different than the historical practice.

Comment

Section 1001.4 (relating to exceptions) does not appear to apply to granting exceptions to the criteria in the proposed section for qualifying as a medical command physician, particularly the board certification criterion.

Response

This observation is not accurate. None of the criteria to qualify as a medical command physician are directly imposed by the EMS Act. Therefore, the Department may grant exceptions to any of the criteria in accordance with §1001.4. The same is true for the criteria to qualify as a medical command facility medical director in §1003.3 (relating to medical command facility medical director). The Department may grant an

exception to the board certification criterion in §1003.3(b)(2)(iii) even though it is already presented in the regulation as an alternative to other criteria.

Comment

Proposed subsection (b)(2) concludes with the phrase “or other programs determined by the Department to meet or exceed the standards of those programs.” It is not clear what other programs would meet or exceed the standards of board certification in emergency medicine, or whether that language even applies to the board certification in emergency medicine. The Department should explain what other programs will meet or exceed the standard of board certification in emergency medicine and clarify which programs need to be taken only once.

Response

This comment illustrates that proposed subsection (b)(2) was not clearly written. The Department did not intend to have the above-quoted language apply to the proposed board certification in emergency medicine criterion. It has redrafted paragraph (2) by dividing it into subparagraphs (i), (ii) and (iii). The above-quoted language now appears only in subsection (b)(2)(iii). The language has been revised to identify those programs that need to be taken only once.

The language pertaining to meeting or exceeding the standards of the programs is also included in this subparagraph. Because of the nature of the courses involved, many programs may exist or be developed which duplicate, or include as a component, the subject matter contained in these courses. If these programs are brought to the Department’s attention, the Department will maintain a record of them. Physicians seeking to qualify as a medical command physician, who had not completed a course

specified in subsection b)(2)(iii), would be approved without having to go through the §1001.4 process if they completed one of these programs.

Comment

The Department should explain the effect of subsection (b)(2) on existing medical command physicians and those who require medical command physician status for their positions who are not board certified, and should also explain the effect on the EMS systems that currently employ medical command physicians who are not board certified.

Response

Subsection (b)(2) will not significantly impact physicians who are or seek to become medical command physicians. Previously, physicians did not require board certification in emergency medicine to become medical command physicians. There have been regulatory alternatives to the board certification criterion. That has not changed with respect to the new standard of having completed three years in an emergency medicine residency program.

Physicians who had received no board certification in emergency medicine had been required to be currently certified in advanced cardiac life support (ACLS) and advanced trauma life support (ATLS). Maintaining certification requires repeated completion of these courses. These standards are revised to require the physician to have taken or taught an ACLS course within the preceding two years, and to have completed at least once the ATLS course, and either the advanced pediatric life support (APLS) course or the pediatric advanced life support (PALS) course.

The criteria for becoming a medical command physician have been revised, but are no more stringent or burdensome under this regulation than they have been.

Physicians who are medical command physicians on the effective date of the amendments will be able to continue to serve as medical command physicians. Physicians who have not previously served as medical command physicians in this Commonwealth will be able to serve in that capacity by satisfying the criteria in subsection (b)(2)(i) or (iii). No comment was received contending that those standards in subsection (b)(2)(iii) are too burdensome. One comment was received supporting the changes.

As to the effect on EMS systems that currently employ medical command physicians who are not board certified in emergency medicine, there should be no impact since those physicians are grandfathered into the systems under subsection (b)(2)(ii).

Comment

Proposed subsection (c)(2) and (3), which provide parameters for a regional EMS council to employ in approving medical command physicians, should be moved to Chapter 1001, Subchapter G (relating to additional requirements for regional EMS councils). Proposed subsection (d)(1) and (2) set forth requirements for medical command facilities and regional EMS councils, not the medical command physician, and should be moved to Chapter 1001, Subchapter G and Chapter 1009 (relating to medical command facilities).

Response

The Department prefers to address the subsection (c) mechanisms for approving medical command physicians in the specific section of the regulations that pertains to medical command physicians. The Department believes that most people who are interested in ascertaining how medical command physicians are approved will look first

to this section rather than to a section that addresses regional EMS council responsibilities in a general fashion or that pertains to medical command facilities.

Subsection (d) pertains to notifications that medical command facilities and regional EMS councils are required to provide pertaining to medical command physicians. Both relate to the approval of medical command physicians. Again, this is the reason for the retention in this section of the subsection (d) provisions. In the first instance, a medical command facility is required to alert a regional EMS council that its medical command physicians intend to provide medical command in the region. Those physicians will require the regional EMS council's approval as medical command physicians unless they will only be giving medical command in that region to patients whose treatment originates in a region in which they are already approved. The send provision, providing for a regional EMS council to notify the Department of its approval of a medical command physician, completes the approval loop. However, to facilitate realization that these provisions are contained in this section, the Department has revised the subsection (d) heading to read "Notice requirements of medical command facility and regional EMS council."

Comment

Proposed subsection (c)(2)(ii) would permit a regional EMS council to approve a physician as a medical command physician if the physician completed the voluntary medical command certification program administered by the Department, instead of establishing to the regional EMS council that the physician satisfied the criteria in proposed subsection (b)(1)-(6). The Department should explain for which of the criteria

in proposed subsection (b)(1)-(6) completion of the voluntary program would serve as a substitute.

Response

The Department administers and will continue to administer the voluntary program such that the Department determines through the program that all of the criteria in subsection (b)(1)-(6) are satisfied. Virtually all physicians who secure approval to function as a medical command physician do so by completing the voluntary medical command physician certification program administered by the Department.

Comment

Proposed subsection (c)(3) requires a physician seeking approval as a medical command physician to establish that he or she will be working under the auspices of a medical command facility. The Department should revise the proposal to state how the physician is to demonstrate compliance with this requirement.

Response

The Department agrees with this comment. The Department considers a medical command physician to function under the auspices of a medical command facility when the physician has an arrangement with the facility to provide medical command on its behalf while on duty for the facility, under the direction of its medical director, and pursuant to its policies and procedures. It has revised subsection (c)(3) to include this clarification.

Comment

Proposed subsection (c)(3)(i) permits a regional EMS council to grant a waiver to Department recognition of a facility as a medical command facility. The Department should explain why this waiver is permitted.

Response

The topic of “recognition” of a medical command facility can be somewhat confusing. This is because the EMS Act does not require a facility to secure recognition from the Department to function as a medical command facility. Seeking recognition from the Department is optional. The Department believes that this is a weakness of the EMS Act. Nevertheless, without securing that recognition the medical command facility would not enjoy the limited civil liability protection afforded by section 11(j)(4) of the EMS Act (35 P.S. §6931(j)(4)). Consequently, to date, all medical command facilities that operate in the Commonwealth have secured recognition from the Department.

No waiver to Department “recognition” of a medical command facility is authorized by the regulation. The regulation does not permit regional EMS councils to grant “recognition” status to medical command facilities.

This section authorizes a regional EMS council to determine whether a facility meets Department-prescribed standards for a medical command facility in the course of the regional EMS council determining whether a physician affiliated with that facility should be approved as a medical command physician. Subsection (b)(2) provides that to be approved as a medical command physician a physician must function under the auspices of a medical command facility. The regional EMS council needs to determine whether the physician seeking approval from it as a medical command physician satisfies

that requirement. To make that determination, the regional EMS council must determine whether the facility identified by the physician is, in fact, a medical command facility. To qualify as a medical command facility, the facility must satisfy all of the requirements for a medical command facility which have been prescribed by the Department in §1009.1 (relating to operational criteria). Therefore, if the facility the physician identifies has not received Department recognition as a medical command facility, it becomes incumbent upon the regional EMS council to determine whether the facility has met the criteria prescribed by the Department.

Comment

The proposal should be modified so that it permits a physician to meet the ACLS course requirement by teaching the course. Also, the regulation should be modified to not require the physician to complete the ACLS course if the physician has completed a course providing more comprehensive ACLS training.

Response

The Department agrees. It has revised the text of subsection (b)(2)(iii) accordingly.

Comment

Contrary to the proposal, medical command physicians should not be required to provide medical command to prehospital personnel from other parts of the Commonwealth. Those prehospital personnel should be required to contact a medical command physician operating in the EMS region in which they normally function.

Response

The recommendation is rejected. The Department has received complaints from ambulance services that transport initially stable patients over long distances, that when emergencies arise during transport, and communication with a customary medical command physician cannot be established, medical command physicians unfamiliar with the ambulance service and its prehospital personnel will sometimes decline to provide necessary medical command. This cannot be permitted. Prehospital personnel need to have access to a medical command physician at all times. The recommendation is impractical to implement based upon current communications technology and the costs associated with securing long distance access to medical command physicians.

Other Changes

The LRB or its contract printer made errors in proposed subsection (b)(3) in labeling the years of residency training referenced in that paragraph. The Department has corrected the errors by inserting the term “graduate” where appropriate. The Department has also removed the term “base station” in subsection (b)(6).

Section 1003.5 (relating to ALS service medical director) specifies the criteria a physician needs to satisfy to become an ALS service medical director and the responsibilities of an ALS service medical director.

Comment

Subsection (a)(1)(ii) should be revised to insert the word “service” after the first time “ambulance” appears in that subparagraph, and the language “providing guidance” should be removed because it repeats the introductory language in paragraph (1).

Response

Absence of the term “ambulance” was an error and has been corrected. Although the introductory language in subparagraph (ii) does, to some extent, repeat the introductory language in paragraph (1), the Department has not removed it because the repetition makes sense within the structure of the paragraph, particularly when considering how subparagraphs (i), (iii), and (iv) are worded.

Other Changes

The term “base station” is removed from subsection (b)(2) and (5) and is replaced with “medical command” in paragraph (2).

Subchapter B. Prehospital and Other Personnel

Section 1003.21 (relating to ambulance attendant) is amended to explain the ambulance attendant’s role as a staff member of an ambulance service and to identify the skills an ambulance attendant may perform when serving on an ambulance crew.

Comment

The American Red Cross does not offer an advanced first aid course. The reference to that course in this section should be changed.

Response

The American Red Cross does not offer a course that it labels “Advanced First Aid.” Nevertheless, the reference in this section to “advanced first aid course” is retained as a generic label. The definition of “ambulance attendant” in section 3 of the EMS Act (35 P.S. §6923) provides that for an individual to be considered an ambulance attendant that person must have completed a course in advanced first aid sponsored by the American Red Cross or an equivalent program approved by the Department. Although

the American Red Cross does not offer a course that it labels “advanced first aid,” it does offer courses that are an advanced first aid course or include comprehensive training in advanced first aid, and which are simply not titled “advanced first aid,” such as its Emergency Response Course.

Comment

There is no support in the EMS Act for the proposal to permit an ambulance attendant to use an automated external defibrillator (AED) even if pursuant to the approval of the ambulance service medical director.

Response

The Department’s proposed regulations were published at almost the same time the good Samaritan civil immunity for use of AED statute (42 Pa.C.S. §8331.2) went into effect. Clearly, persons such as ambulance attendants have the authority to use an AED under that statute. However, when they are responding to an emergency as part of an ambulance crew, a patient is entitled to expect greater control and oversight over the ambulance attendant’s use of an AED than the patient might expect if the same individual responded to the emergency as a good Samaritan. Subsection (c)(11) is revised, however, to clarify that a BLS ambulance service that employs AEDs needs to secure the services of a physician who directs its use of AEDs rather than a physician who is required to function as an overall medical director for the BLS ambulance service.

Comment

The Department should reconsider the proposed removal of the requirement that an ambulance attendant be at least 16 years of age. Furthermore, if a regulation addressing one type of prehospital practitioner includes a minimum age requirement, all

regulations pertaining to certification requirements for prehospital personnel should include a minimum age requirement.

Response

The Department received similar comments for its other regulations that present criteria for qualifying as a type of prehospital practitioner. The comment will not be repeated in the discussion of the comments to those other regulations.

As explained in the preamble to the proposed regulations, the Department proposed to delete the 16 years of age criterion that had been in this regulation because the EMS Act sets no age requirement for an ambulance attendant. The age requirement for an ambulance attendant is regulated by the child labor laws in the Commonwealth, not the EMS Act. The child labor laws prohibit a minor under 16 years of age from serving as an ambulance attendant. *See* sections 2 and 7.3(g) of the Child Labor Law (43 P.S. §§42 and 48.3). The Department decided not to repeat in its regulations the age requirement of the Child Labor Law because the Department does not administer that law and because that law may change. However, in consideration of the concern that has been expressed, the Department has amended subsection (a) to state that one of the criteria for serving as an ambulance attendant is satisfying the age requirement for an ambulance attendant under the Child Labor Law. The reason a specific minimum age requirement is included in some of the other regulations, such as §1003.22(b)(1)(ii) (relating to first responder), is that the age for that type of prehospital practitioner is expressly established by the EMS Act. *See* 35 P.S. §6931(a.1)(2)(ii).

Comment

Courses in advanced first aid other than those offered by the American Red Cross should be accepted and mentioned in the regulation.

Response

Other courses may be accepted by the Department. The Department will not list them in this section because the list could change. The Department, in consultation with a technical advisory committee of PEHSC, publishes a notice in the *Pennsylvania Bulletin* listing such courses from time to time pursuant to the definition of “ambulance attendant” and the responsibility imposed upon the Department under the nonmedical good Samaritan civil immunity statute (42 Pa.C.S. §8332).

Other Changes

Since the American Red Cross does not offer a specific course labeled “advanced first aid,” the Department has had to look at courses it does offer which teach advanced first aid skills. However, some of those courses may emphasize different advanced first aid skills and some may go beyond advanced first aid skills and offer training in skills that an ambulance attendant should not be performing. Consequently, the Department proposed in subsection (c)(13) to publish in the *Pennsylvania Bulletin*, at least annually, a list of skills taught in the American Red Cross courses which are truly advanced first aid skills, and then to permit an ambulance attendant to perform only the skills among those listed for which the ambulance attendant actually received training. The Department has sought to clarify this paragraph by dividing it into subparagraphs, and by adding the statement that an ambulance attendant may not perform a skill taught in a course approved by the Department under that paragraph (which may include skills in addition

to advanced first aid skills) unless the skill is contained in the list of advanced first aid skills the Department publishes in the *Pennsylvania Bulletin*.

The Department has revised proposed subsection (c)(3) to remove the language “resuscitation mask, nasal cannula, nonrebreather mask and bag valve mask” to specify how an ambulance attendant may administer oxygen. As revised, this provision authorizes an ambulance attendant to administer oxygen only in a manner consistent with the ambulance attendant’s training.

The Department has substituted “skills” for “services” in various places in this section. The reason for this revision is discussed in response to the next comment.

Section 1003.22 (relating to first responder) specifies the qualifications and functions of a first responder.

Comment

Instead of using the term “BLS services” the regulation should use the term “BLS objectives.”

Response

The term “service” has the potential to cause confusion because it is sometimes used to refer to an ambulance organization (for example, BLS ambulance service) and other times used to refer to the procedures performed by prehospital personnel (for example, BLS services). Here it is used to refer to the latter. However, the EMS Act also uses this term in both contexts. In fact, two of the terms defined in section 3 of the EMS Act (35 P.S. §6923) are “ambulance service” and “basic life support services.” While the context of the sentence should clearly convey how the term is being used, the

Department has revised this regulation to substitute the term “skills” for “services” in several places.

Comment

The intent of subsection (e)(4) is not clear. It appears to state that some courses are offered which may not be counted as continuing education credits or may not be used to expand the scope of the first responder’s duties. The Department should amend subsection (e)(4) to clarify its intent.

Response

The Department agrees with the comment. Proposed subsection (e)(4) was not designed to address what courses are or are not acceptable for continuing education credit. The Department has revised subsection (e)(4) to clarify its intent.

The Department certifies first responders. One criterion for certification is that the individual must have completed a first responder training course approved by the Department. However, just as it recognizes for ambulance attendants, courses that provide training in addition to that which is appropriate for an ambulance attendant, the Department will also recognize, for first responder certification purposes, courses that meet or exceed the standards of a first responder training course that the Department has approved. A person who completes such a course will be able to qualify for first responder certification, but may perform skills for which that person has received training only if those skills are also taught in a Department-approved course. The Department will publish a list of these skills at least annually.

At present, the benchmark for courses approved by the Department for first responder training is the Emergency Response Course taught by the American Red

Cross--which is also the American Red Cross's course in advanced first aid--the course establishing the scope of practice for an ambulance attendant. The Department is also developing its own first responder course and has recognized a few other courses for first responder training.

A first responder's scope of practice may, in the future, exceed that of an ambulance attendant. This would occur if the Department develops or approves courses for first responder training which teach skills in addition to those taught in an advanced first aid course sponsored by the American Red Cross.

If that occurs, additional skills will be added to the list of first responder skills published by the Department. However, a first responder may have taken a training course before those additional skills were added to the approved training. The regulation requires the first responder to receive training in the listed skills before performing them, but permits the first responder to receive that training through continuing education rather than by completing a revised first responder training course.

The Department has revised proposed subsection (e)(2) to more clearly convey these standards. It has divided the proposed paragraph into subparagraphs and has added the statement that a first responder, regardless of which course he or she has taken, may not perform a skill unless the skill is contained in the list of first responder skills published by the Department in the *Pennsylvania Bulletin*.

Comment

First responders have liability protection under the EMS Act. Remove the proposed sentence that states the section does not prohibit a first responder from providing EMS as a good Samaritan. This sentence may encourage a prehospital

practitioner to attempt to bypass systematic responses orchestrated through the EMS system.

Response

No change is made. The same comment is made to several of the sections pertaining to prehospital personnel. It will be addressed here in a generic manner and will not be repeated in the discussion of the other sections.

While first responders and other prehospital personnel are afforded limited civil liability protection under sections 11(j)(2) and 13 of the EMS Act (35 P.S. §§6931(j)(2) and 6933), that protection may only apply when the prehospital practitioner is responding to an emergency within the scope of the EMS Act, that is, as part of the crew of an ambulance or on behalf of a QRS. There may be occasions, however, when a first responder or other prehospital practitioner is off duty and comes upon an emergency as an individual. It is not clear whether the civil liability protection afforded by the EMS Act would apply in that case. However, if it would not, the individual would be afforded the limited civil liability protection given by the good Samaritan statute provided the prehospital practitioner satisfies the statutory requirements to qualify for good Samaritan status. The questioned sentence is included in the section to encourage prehospital practitioners to act as good Samaritans if there is a need to do so. It does not authorize, nor is it intended to encourage, first responders and other prehospital personnel to circumvent systematic responses to emergencies by dispatched ambulance services and QRSs.

Section 1003.23 (relating to EMT) specifies the qualifications and role of an EMT.

Comment

Although proposed subsection (e)(2) would allow an EMT to transport a patient with an intravenous catheter, it would not permit the EMT to transport such patient with medication running. Prohibiting transportation of a patient with medication running is overly restrictive. An exception should be made to allow the transport of a patient with an intravenous catheter with medication running if continued running of the medication is part of the patient's normal outpatient protocol.

Response

The Department agrees. It has revised subsection (e)(2) to permit the transport of a patient with an intravenous catheter with medication running if the medication is part of the patient's normal treatment plan, and the care is consistent with the Statewide BLS medical treatment protocols.

Comment

The intent of proposed subsection (e)(3) is not clear. It appears to state that some courses are offered which may not be counted as continuing education credits or may not be used to expand the scope of the EMT's duties. The Department should amend subsection (e)(3) to clarify its intent.

Response

The Department agrees. The same comment was made to proposed §1003.22(e)(4) (relating to first responder). The Department has revised proposed subsection (e)(3) and added a subsection (f) to include provisions similar to those made to §1003.22(e)(4) for reasons similar to those discussed in responding to the comment to proposed §1003.22(e)(4).

Section 1003.23a (relating to EMS instructor certification) is new. Current provisions for EMT instructor certification have been removed from §1003.22 (relating to EMT) and, with some revision, have been inserted in this section. There is no statutory provision directing the Department to issue EMS instructor certifications. However, the Department offers this certification program to potential instructors to improve the quality of training in EMS training institutes. There was some discussion of this section in the comments, but no recommendation for change was received.

Changes

Subsection (a)(6) is revised to include current certification as a CPR instructor as an alternative qualifying criterion to current certification in CPR.

Subsection (b)(3) is revised to permit the applicant for renewal of an EMS instructor certification to document conducting 60 hours of teaching during the previous three years rather than 20 hours of teaching in each of those years. The paragraph has also been revised to clarify that the teaching may be in EMS or rescue courses.

Subsection (b)(4) is revised to remove the term “current” in referring to certification as an EMT-paramedic. Unlike some of the certifications issued by the Department, certification as an EMT-paramedic is permanent.

Subsection (b)(6) is revised to postpone the requirement of taking an EMS instructor update program, as a condition for renewal of EMS instructor certification, until three years after the effective date of these amendments. It will take some time for the Department and regional EMS councils to develop and administer these programs.

Section 1003.24 (relating to EMT-paramedic) specifies the qualifications and role of an EMT-paramedic.

Comment

The preamble to the proposed regulations states that subsection (c) (relating to transition of EMT-paramedic I and EMT-paramedic II certification to EMT-paramedic certification) would be deleted, but there is no beginning bracket in the annex to that preamble before subsection (c) to show that the subsection would be removed. This needs to be corrected in final rulemaking.

Response

The Department agrees. A bracket was included before the prior text of subsection (c) in the proposed rulemaking the Department filed with the LRB to indicate that the Department was proposing to repeal that language and substitute new text in its place. The LRB or its contract printer made an error in reprinting the proposed revisions to the section. The Department has corrected the error.

Comment

The intent of proposed subsection (d)(19) is not clear. It appears to state that some courses are offered which may not be counted as continuing education credits or may not be used to expand the scope of the EMT-paramedic's duties. The Department should amend subsection (d)(19) to clarify its intent.

Response

The Department agrees. The same comment was made to proposed §§1003.22(e)(4) (relating to first responder) and 1003.23(e)(3) (relating to EMT). The Department has revised proposed subsection (d)(19) and added a subsection (e) to include provisions similar to those made to §1003.22(e)(4) for reasons similar to those discussed in responding to the comment to proposed §1003.22(e)(4).

Comment

Because an EMT-paramedic requires medical command authorization from an ALS service medical director as a precondition to performing ALS skills, this regulation should state that an EMT-paramedic may not perform ALS skills when staffing a BLS ambulance.

Response

The same comment was made with respect to prehospital registered nurses. It will not be repeated in the discussion of §1003.25b (relating to prehospital registered nurses).

The recommended revision is not made. Subsection (d) does state that the ALS skills set forth in the subsection may be performed by an EMT-paramedic only if the EMT-paramedic has medical command authorization. Medical command authorization is not issued to prehospital personnel who work for BLS ambulance services. Section 1003.28(a) (relating to medical command authorization) states that the ALS service medical director's grant of medical command authorization to an EMT-paramedic or prehospital registered nurse applies only to the ALS ambulance service for which that physician makes the decision. Moreover, the contention that an EMT-paramedic or prehospital registered nurse may not perform ALS skills on a BLS ambulance is not entirely correct. Either prehospital practitioner may perform ALS skills on a BLS ambulance when that practitioner responds to an emergency on behalf of an ALS ambulance service for which the practitioner has medical command authorization, and then enters the BLS ambulance to attend to the patient during transport of the patient to a receiving facility by the BLS ambulance.

Comment

The Department should maintain a list of advanced skills that are not taught in EMT-paramedic training courses, which an EMT-paramedic could perform with additional training, continuing education and medical director approval. Similar provisions should also be made for EMTs and first responders.

Response

The Department rejects the recommendation. An ALS service medical director may apply for an exception to the scope of practice limitations imposed upon an EMT-paramedic, pursuant to §1001.4 (relating to exceptions), if an ALS service medical director wants an EMT-paramedic to be able to perform, for a specific ALS ambulance service, skills in addition to those taught in an EMT-paramedic training course and believes that the EMT-paramedic is qualified to do so. EMTs and first responders may also apply for an exception to their scope of practice limitations.

Comment

As an addendum to the preceding comment, the regulation should not include performing central venous cannulation, urinary catheterization and the use of gastric tubes. These are types of procedures that should be limited to EMT-paramedics with additional training.

Response

The recommendation is rejected. These are skills that have been taught in EMT-paramedic NSC for many years. Also, an ALS service medical director is required to determine the competency of EMT-paramedic to perform these skills before granting and renewing medical command authorization to the EMT-paramedic.

Section 1003.25a (relating to health professional physician) is revised to eliminate conditions the section previously specified for a physician to function as a health professional physician. The EMS Act's definition of "health professional" states that a physician qualifies to function in that capacity if the physician has "education and continuing education in [ALS] and prehospital care." 35 P.S. §6923. It does not provide for the Department to certify health professional physicians or to set standards physicians would be required to meet to serve as health professional physicians. No comment addressing this section was received. This section is adopted as proposed.

Section 1003.25b (relating to prehospital registered nurse) specifies the qualifications and role of a prehospital registered nurse.

Comment

Subsection (c) proposes that the scope of practice of a prehospital registered nurse include the scope of practice of an EMT-paramedic and other ALS services authorized by the Professional Nursing Law. The Professional Nursing Law does not mention ALS services. Either delete the acronym "ALS" from subsection (c), or explain how it applies.

Response

The Department agrees that the term "ALS" is not required and has deleted it from subsection (c).

Comment

The scope of practice of prehospital registered nurses and EMT-paramedics should be the same. Delete any reference to expanding that scope of practice in accordance with the Professional Nursing Law.

Response

This recommendation is rejected. Section 11(e.1)((7) of the EMS Act (35 P.S. §6931(e.1)(7)) provides that consistent with the provisions of the EMS Act a prehospital registered nurse's scope of practice is governed by the Professional Nursing Law (63 P.S. §211 *et seq.*) and 49 Pa. Code Chapter 21 (relating to State Board of Nursing). A prehospital registered nurse should be authorized to perform those nursing skills which exceed the scope of practice of an EMT-paramedic, but which facilitate the provision of EMS to a patient, when authorized by a medical command physician through either direct medical command orders or standing treatment protocols.

Other Changes

In subsection (c)(3) the Department has inserted the term "medical" before "treatment protocols."

Section 1003.26 (relating to rescue personnel) pertains to the Department's certification of rescue personnel. It is amended to clarify that the Department approves courses for rescue personnel and issues certifications to persons who complete those courses. Receipt of such a certification is not, however, required by law as a precondition to freeing an entrapped person. The Department is granted no regulatory oversight over rescue activities under the EMS Act. The Department approves rescue programs and issues rescue technician certificates as a public service, in an effort to ensure that there are a sufficient number of personnel throughout the Commonwealth who have appropriate training and skills to perform rescues. The certification merely reflects the Department's opinion that the person is qualified to perform the rescues taught in the

approved course. The section clarifies that receiving a rescue technician certification issued by the Department is not a legal precondition to performing rescues.

No comments addressing this section were received. This section is adopted as proposed.

Section 1003.27 (relating to disciplinary and corrective action) identifies the grounds for discipline against prehospital personnel, the rules applicable to disciplinary proceedings, and the sanctions the Department may impose when discipline is warranted. No comments to this section were received. The section is adopted as proposed except “personnel” is replaced by “practitioner” in subsection (a)(15).

Section 1003.28 (relating to medical command authorization) specifies the criteria for an ALS service medical director to grant medical command authorization, and the procedures for EMT-paramedics and prehospital registered nurses to appeal ALS service medical director decisions to deny, restrict or remove medical command authorization.

Comment

The first two sentences of subsection (b)(3) and the last sentence of subsection (c)(2) are unclear. They would be clearer if they were broken into shorter sentences, or where appropriate, a list of requirements.

Response

The Department has attempted to make this section clearer by dividing the specified sentences in subsection (b)(3) into shorter sentences, and by revising the referenced sentence in (c)(2) so that it lists requirements.

Comment

If the decision of the ALS service medical director is overturned by the regional EMS medical director or the Department, it is unclear as to who takes legal responsibility for the future actions of the EMT-paramedic. The ALS service medical director, who believed the prehospital practitioner to be deficient in the ability to care for patients, should not be responsible. The Department should clarify who will serve as the ALS service medical director of the prehospital practitioner whose medical command authorization is reinstated.

Response

It is beyond the scope of the Department's statutory authority to do what is being requested. The EMS Act provides that the decision of the ALS service medical director to remove an individual's medical command authorization may be overturned by the regional EMS medical director or the Department. Conceivably, the ALS service medical director's decision could even be overturned by the Commonwealth or the Supreme Court of Pennsylvania. If the ALS service medical director's decision is overturned, the ALS service medical director will need to either accept the decision, appeal it and attempt to secure a stay, or no longer function as the medical director for the ALS ambulance service with which the practitioner is employed. The matter of civil responsibility for actions of the prehospital practitioner is not a matter regulated by the Department and cannot be addressed in the Department's regulations. These concerns should be addressed to the Legislature rather than to the Department.

Comment

In subsection (e) the proposal to remove the authority to appeal the restriction of medical command authorization should be rejected.

Response

The Department rejects the recommendation. Section 11(d) and (e.1) of the EMS Act (35 P.S. §6931(d) and (e.1)) address appeals of decisions to remove medical command authorization. Proposed subsection (c)(3) clarifies that the type of restriction that an ALS service medical director may place on medical command authorization, short of removal of that authorization, may not preclude the prehospital practitioner from performing any of the skills included within the scope of the individual's certification or recognition which are also permitted by the medical treatment protocols for the region. In essence, the restrictions may only impose additional safeguards, such as additional supervision. This is not action for which the EMS Act grants any appeal rights.

Comment

This section should be revised to permit a regional EMS medical director to appoint a hearing officer.

Response

The recommendation is rejected. The EMS Act places the decisionmaking responsibility on the regional EMS medical director. The regional EMS medical director cannot delegate that responsibility to another person. The regional EMS medical director may, however, assign another person to conduct the hearing as long as the regional EMS medical director reviews the entire record and personally decides the matter.

Section 1003.29 (relating to continuing education requirements) specifies the continuing education requirements and options for prehospital personnel.

Comment

In subsection (a)(1) and (b)(1) the Department should clarify whether the proposed medical and trauma continuing education requirements are applicable to only the first full certification following the effective date of the regulations or whether they also apply to all subsequent recertifications.

Response

The proposed trauma and medical continuing education requirements are adopted as proposed. They will apply not only to the first full certification period, but to all subsequent recertifications. The language has been revised to clarify that intent.

Other Changes

In subsections (c) and (d) the Department had proposed that the medical and trauma continuing education requirements for EMT-paramedics and prehospital registered nurses commence in 1999. The Department has revised these subsections to provide that these requirements will commence in 2002. This amount of deferral time from the date of adoption of these new requirements is more realistic from an administrative perspective for the Department, regional EMS councils and continuing education sponsors.

Section 1003.30 (relating to accreditation of sponsors of continuing education) specifies the criteria that needs to be satisfied for an organization to serve as a continuing education sponsor.

Comment

Contrary to the proposal in subsection (d), the Department should not permit continuing education sponsors to assign credit to the courses they offer.

Response

The Department does not currently permit continuing education sponsors to assign credit to the courses that they offer. However, the Department wants to retain that option. As proposed, a continuing education sponsor could assign credit for a course only pursuant to express authorization from the Department. The continuing education sponsor would be required to comply with the regulatory criteria in doing so. This section is adopted as proposed.

Section 1003.31 (relating to credit for continuing education) is new. It defines what constitutes a credit hour and time units of instruction for which credit will be awarded. It also makes provision for continuing education credit to be awarded for teaching, self study courses and other courses not presented in a classroom setting, and for courses offered by organizations with national or state accreditation to provide education. Additional matters addressed are how continuing education credits are to be reported to prehospital personnel, and the procedure for resolving disputes when a prehospital practitioner believes that he or she has not received credit that has been earned.

Comment

This section uses the term “prehospital practitioner” but that term is not defined in the regulations.

Response

This comment was addressed in the discussion of comments to §1001.2 (relating to definitions). The term is used throughout the regulations and is now defined in §1001.2.

Comment

Clarify what is meant by the statement in proposed subsection (a) that credit may not be received for other than 30 or 60-minute units of instruction, however the course shall be at least 60 minutes in length.

Response

The Department believes that the statement is clear. It has not revised the language. One credit hour is awarded for each 60 minutes of instruction. A continuing education course must be at least 60 minutes in length. If the course extends beyond 60 minutes, no credit will be given for education in other than 30 or 60-minute increments. For example, a course that provides instruction for 90 minutes will be assigned 1 ½ credits; a course that provides instruction for 100 minutes will also be assigned 1 ½ credits.

Changes

In subsection (c) the proposed language “a training institute for prehospital personnel accredited by the Department” is replaced with “an EMS training institute.” The term “EMS training institute” is defined in §1001.2 (relating to definitions) to mean the same as the language it replaces.

Section 1003.32 (relating to continuing education sponsors) is new. This section specifies responsibilities of a continuing education sponsor with respect to keeping

records of attendance, reporting attendance, having a mechanism for course evaluation, retaining records, monitoring compliance, and making available various reports and records to the Department.

Section 1003.33 (relating to advertising) is also a new section. It addresses how a continuing education sponsor may advertise a course approved by the Department, as well as a course for which Department approval is being sought, but has not yet been obtained.

Section 1003.34 (relating to withdrawal of accreditation or course approval) is another new section. It provides for the Department to withdraw accreditation, downgrade accreditation to provisional status, or withdraw approval of a continuing education course applicable to any future presentation of the course.

No comments addressing these sections were received. Sections 1003.32-1003.34 are adopted as proposed, except the text of §1003.32(a) is replaced with language addressing the procedure for securing approval of a new continuing education course. As a result of this addition, the text of proposed §1003.32(a) through (h) is moved to subsections (b) through (i).

The Department proposed to delete subchapter C (relating to air ambulance personnel), and address much of the subject matter of this subchapter in Chapter 1007 (relating to the licensing of air ambulance services-rotorcraft). No comments addressing the proposed repeal of this subchapter were received. Subchapter C is repealed.

Chapter 1005. Licensing of BLS and ALS Ground Ambulance Services

This chapter specifies the licensure and operating criteria for ground ambulance services.

Section 1005.1 (relating to general provisions) is amended to state that Chapter 1005 applies to ground ambulance services. A later chapter, Chapter 1007, pertains to air ambulance services.

Comment

The first word “No” in the second sentence of subsection (a) is bracketed in the *Pennsylvania Bulletin* to show the proposed deletion of that word. A replacement word such as “A” needs to be inserted as the first word of the sentence. Also, the word “exempted” is deleted in the *Pennsylvania Bulletin* version of the regulation. Without it, the sentence makes no sense. That term needs to be inserted. Similar revisions also need to be made to §1007.1(a) (relating to general provisions for licensing of air ambulance services).

Response

The Department agrees that revisions are required to subsection (a) as recommended. The proposed language the Department submitted to the LRB for subsection (a) was different than the actual language published. The LRB exercised its editorial prerogative to revise the proposed language in a nonsubstantive manner. However, the LRB or its contract printer made errors in printing the revised language. The Department has corrected the errors. The language in proposed §1007.1(a) is somewhat different than that contained in subsection (a). That language is appropriate and does not require revision.

Comment

Subsection (c)(1) labels an ALS ambulance that transports patients as a mobile intensive care unit vehicle. The labeling of an ambulance that does not have the capability to perform a 12 lead electrocardiogram, do any invasive monitoring whatsoever, and is not required to carry pulse oximetry equipment, as a “mobile intensive care unit,” is incorrect and misleading to the public.

Response

The Department agrees. The term “mobile intensive care unit” has been employed for many years, but that does not make the use correct. The Department believes that the term exaggerates the function of a transporting ALS ambulance. The Department has revised the term by substituting “ALS” for “intensive.”

Section 1005.2 (relating to applications) identifies information solicited by an application for an ambulance service license and the process for an entity to apply for an ambulance service license and an amendment of a license.

Comment

Does this section permit an entity to apply for an ambulance service license to operate in an area that is already serviced by an ambulance service?

Response

An entity may apply for an ambulance service license to operate in an area that is already serviced by an ambulance service. This section does not address that issue. However, no provision of the EMS Act or Part VII of the Department’s regulations prohibits such application.

Comment

Contrary to the proposal, the Department should not revise subsection (a)(5) to delete solicitation of information on mutual aid agreements.

Response

This recommendation is rejected. The provision is being removed because the existence of mutual aid agreements is not material to whether the applicant should be licensed. However, the removal of the provision soliciting information on mutual aid agreements has no bearing upon whether an ambulance service may continue to have mutual aid agreements with other ambulance services. It bears noting, nevertheless, that an ambulance service may not use a mutual aid agreement as a mechanism to shift its licensure responsibilities to another ambulance service. For example, an ALS ambulance service may not satisfy the requirement that it operate 24 hours-a-day, 7 days-a-week, by discontinuing its operations for periods of time and arranging for another ALS ambulance service to respond to its calls during those periods.

Comment

A regional EMS council should not be required to conduct an on-site survey of an applicant for ambulance service licensure until it determines that the application is complete.

Response

The Department agrees. It did not provide otherwise in the proposed regulations. Nevertheless, upon additional consideration of this section, the Department concludes that further elaboration of the licensure mechanics is required. The Department has revised subsection (b)(2) to provide that the regional EMS council is to return an

incomplete application to the applicant. It has also revised that paragraph to state that a regional EMS council will return to an applicant an inaccurate application, before conducting an onsite survey, when it determines the inaccuracy of any information provided in the application that is verifiable without the regional EMS council conducting an onsite survey. A regional EMS council should not be wasting its resources in conducting an onsite survey when an application needs to be returned to the applicant for the purpose of correcting errors. The Department has revised subsection (c) to state that a regional EMS council is to conduct an onsite survey only after it has received a complete application and has verified the accuracy of the information included in the application which it is able to verify without conducting an onsite inspection.

Comment

In subsection (a)(5) instead of providing that the license application will include information pertaining to an emergency service area an ambulance service commits to serve, provide that the license application shall identify the emergency service area the ambulance service would be available to serve.

Response

The Department agrees that solicitation of information as to where an ambulance service is available or plans to serve is more appropriate, especially if ambulance service dispatch legislation is passed. The Department has revised subsection (a)(5) and subsection (d) accordingly.

Comment

Subsection (a)(9) should not require the applicant to divulge whether it intends to place its ambulances pursuant to systems status management practices rather than at specific building locations.

Response

The Department disagrees with the comment. Subsection (a)(9) is adopted as proposed. Systems status management is a process whereby an ambulance service locates its ambulances in different locations on different days and at different times so that it will be closer to anticipated calls for emergency assistance based upon historical patterns of requests for ambulance assistance. For example, during the normal business workweek it may place an ambulance near an area where business is concentrated. It may place the same ambulance at other locations when those businesses are not in full operation.

Some of the criteria for licensure are that the ambulance service will operate in a safe and efficient manner and that its ambulances will be adequately staffed. *See* 35 P.S. §6932(h)(2), (3) and (4). To make those determinations the Department needs information regarding how the ambulance service intends to operate.

Comment

In proposed subsection (e), which requires an ambulance service to apply for and secure an amendment of its license before substantively altering the location or operation of its ambulances within a region, the words “physical building” should be inserted before “location.”

Response

The Department rejects the recommendation. As discussed in the response to the previous comment, an ambulance service may elect to employ systems status management as its means for placing ambulances. Since the location of its ambulances would not be constant, the location of its physical building location would not be very significant. This is particularly true with respect to the duty to meet statutory staffing requirements. The Department is required to determine that an applicant will satisfy statutory staffing standards. The Department makes that determination after considering information such as where the ambulance service conducts operations and where its personnel are located. When an ambulance service intends to conduct operations a great distance from where it had previously operated, the service may not be able to do so for all required times with the same complement of prehospital personnel. The Department needs to determine that the ambulance service is capable of operating appropriately under those circumstances before the ambulance service commences those operations.

Other Changes

In subsection (a)(2) the Department has replaced the word “licensure” with “license.”

The Department has added paragraph (10) under subsection (a), which relates that the license application will solicit the names, titles and summary of responsibilities of persons who will be staffing the ambulance service as officers, directors or other officials, and information as to any misdemeanor or felony convictions, or disciplinary sanctions, that have been imposed against them. Section 12(h)(1) of the EMS Act (35 P.S. §6932(h)(1)) provides that one criterion for licensure is that the ambulance service

will be staffed by responsible persons. The Department needs information such as that specified in subsection (a)(10) to be able to make the assessment of whether the applicant for an ambulance service license will be staffed by responsible persons.

The Department has revised subsection (b) to provide procedures for an applicant to secure a single license to locate ambulances and conduct operations in multiple EMS regions. This is a departure from the previous regulations. They required a separate license for ambulance service operations in each region where an ambulance service stations its ambulances. The change in regulatory requirements to require an entity to secure a single license covering all of its ambulance service operations in the Commonwealth will be discussed in greater detail under §1005.5 (relating to licensure).

The Department has also removed the text of proposed subsection (d), which pertained to placing a new ambulance in operation, moved the text of proposed subsection (e) to subsection (d), and inserted new text in subsection (e) to describe application procedures for an ambulance service to amend its license to enable it to expand its operations into another EMS region.

Section 1005.2a (relating to change in ambulance fleet) is new. It deals with the subject matter that the Department had proposed to address in §1005.2(d). Subsection (a) requires an ambulance service to submit a modification of ambulance fleet form to the appropriate regional EMS council before placing an additional or permanent replacement ambulance in operation. It also provides that an ambulance service may not operate the ambulance unless it is authorized to do so by the Department following inspection of the ambulance. These requirements are consistent with the legislative intent that before an ambulance is placed into service it is to be determined by the Department to be

“adequately constructed, equipped, maintained and operated to safely and efficiently render the services offered.” *See* 35 P.S. §6932(h)(2). If there is an extraordinary event that requires an ambulance service to secure a permanent replacement ambulance immediately, the ambulance service may seek an exception to the prior inspection requirement under §1001.4 (relating to exceptions).

Sometimes an ambulance breaks down and an ambulance service needs to replace it on a temporary basis immediately to continue serving the public. The acquisition of a new or replacement ambulance is an expected event and affords the ambulance service ample time to provide a regional EMS council with advance notice and an opportunity to conduct an inspection before the ambulance needs to be used. On the other hand, the need to secure a temporary replacement ambulance may arise unexpectedly. Consequently, the Department has adopted subsection (b) to permit an ambulance service to operate a temporary replacement ambulance without securing prior approval from the Department. The ambulance service will be required to file a temporary change of vehicle form with the appropriate regional EMS council no later than 24 hours after placing the temporary replacement ambulance in operation. The form may be filed by facsimile, electronic or regular mail. Upon receiving the form the regional EMS council will issue a letter authorizing use of the temporary replacement for seven days, but may later extend that time period. The regional EMS council will conduct an inspection of the temporary ambulance if it will be used for more than a few days.

Section 1005.3 (relating to right to enter, inspect and obtain records) pertains to an ambulance service’s duty to permit employees of the Department or regional EMS councils to conduct inspections, review the applicant’s or ambulance service’s policies,

and secure copies of records from it. It clarifies that the ambulance service has a duty to permit such review and that its failure to do so constitutes misconduct and a basis for discipline. No comments to this section were received. The LRB or its contract printer made an error in subsection (b) in printing 35 P.S. §6932(k) as 35 P.S. §6932k. The Department has corrected that error. Otherwise, this section is adopted as proposed.

Section 1005.4 (relating to notification of deficiencies to applicants) pertains to how the Department and a regional EMS council interact with an applicant if there are deficiencies following an onsite inspection.

Changes

No comments addressing this section were received. Nevertheless, the Department has revised proposed subsection (a) to clarify that it applies when a regional EMS council completes an onsite inspection pursuant to either an application for a license or an application for an amendment of a license. Proposed subsection (e) is revised to clarify that the Department will act upon a license application within 30 days after the inspection process has been completed, unless the Department requires additional time to complete an investigation of those qualifications of an applicant which cannot be determined through the inspection process. The Department's experience is that additional time is most frequently required to determine whether persons staffing the ambulance service are responsible persons. This is particularly true if the Department becomes aware of criminal or disciplinary information not previously provided by the applicant to the regional EMS council.

Section 1005.5 (relating to licensure) identifies the indicia of licensure issued to an ambulance service and directs ambulance services where to place those items. This

section also specifies some of the information included in the license certificate, and provides for the consolidation into one license a person's multiple licenses to operate ambulance services in this Commonwealth.

Comment

A certificate of need should be required as part of the licensure process because an over abundance of ambulance services results in a dilution of the skill base of prehospital personnel.

Response

The recommendation is rejected. Section 12(h)(1)-(5) of the EMS Act (35 P.S. §6932(h)(1)-(5)) establish five criteria that need to be met for an applicant to secure an ambulance service license. Demonstrating a "need" for the applicant to become an ambulance service and operate in a particular area is not one of the criteria. The Department is not permitted to add additional licensure criteria by regulation.

Changes

In subsection (b) the Department has added a sentence to explain that it will issue a new license certificate if there is a need to change information on an existing license certificate. For example, this would occur if an ambulance service that had been licensed to provide BLS services only becomes licensed to also provide ALS services.

Subsection (g) is added to provide that the Department will consolidate into a single license a person's multiple licenses to operate an ambulance service in the Commonwealth. The Ambulance Association of Pennsylvania has endorsed this shift in policy. While the Department believes that all entities that have more than one ambulance service license will welcome this change, it has drafted subsection (g) to

afford an affected organization 60 days after the effective date of the amendments to object to the consolidation and advance reasons in support of the objection. The license consolidations will not occur for 90 days after the effective date of the regulations. The Department will rule upon any objection that is filed with it in a timely manner before consolidating the licenses of the objecting person. Pursuant to §1005.2 (relating to applications), after the effective date of the amendments any person that seeks to station and operate ambulances in more than one EMS region will need to submit a single application for licensure if not already licensed. If the person is already licensed but not conducting operations in multiple regions, it will need to apply for an amendment of its license.

Section 1005.6 (relating to out-of-state providers) recognizes the statutory permission for ambulance services not licensed in this Commonwealth to transport patients from outside the borders of this Commonwealth to facilities situated inside the Commonwealth's borders.

Comment

This section states that “ambulance services located or headquartered outside of this Commonwealth that regularly engages in the business of providing emergency medical care and transportation of patients from within this Commonwealth...” are required to be inspected and licensed by the Department. First, the word “engages” should be “engage.” Second, the term “regularly” is vague. The Department should explain whether all out-of-state providers that provide service in Pennsylvania are required to be inspected and licensed by the Department.

Response

The Department agrees with that part of the comment questioning use of the word “engages.” It has replaced “engages” with “engage.”

As to the second part of the comment, section 12(t)(3) of the EMS Act (35 P.S. §6932(t)(3)) permits some ambulance services that are located or headquartered outside this Commonwealth to engage in limited operations in this Commonwealth without securing a license from the Department. The statutory provision is written in a confusing manner, but as the Department interprets it, that provision permits an ambulance service located or headquartered outside of this Commonwealth to operate within this Commonwealth without a license issued by the Department only if it is transporting patients from locations outside of this Commonwealth to locations within this Commonwealth. The Department has added a sentence to clarify this. Moreover, the exemption is extended only if the transports do not occur “routinely.” Pursuant to section 6 of the EMS Act (35 P.S. §6936) operation of an ambulance service without a license is a summary offense. The Department proposed to use the word “regularly” rather than “routinely” because it believed that persons would understand that term better. However, as the courts, not the Department, make summary offense determinations, the Department has reconsidered replacing the term “routinely” with “regularly,” and has reinserted the term that is employed in the statute.

Section 1005.7 (relating to services owned and operated by hospitals) reiterates provisions in section 12(r) of the EMS Act (35 P.S. §6932(r)) which permit institutions licensed as hospitals by the Department to operate their own ambulance service without securing a separate license from the Department to operate an ambulance service. In all

other matters the ambulance service operations of hospitals are subject to the requirements of the EMS Act and this part. No comments addressing this section were received. This section is adopted as proposed.

Section 1005.7a (relating to renewal of ambulance service license) is new. It explains that the criteria for the renewal of a license are the same as the criteria for securing an initial license if an initial license had been sought at the time the renewal was required. A time period for filing a renewal application prior to the expiration of a current license is specified. No comments addressing this section were received. This section is adopted as proposed.

Section 1005.8 (relating to provisional license) pertains to the license the Department is permitted to issue to an ambulance service when it fails to meet multiple minor licensure requirements, or even a significant requirement, if the Department considers the operation of the ambulance service to be in the public interest. Section 12(m) of the EMS Act (35 P.S. §6932(m)) permits the Department to issue a provisional license for six months and to renew it for an additional six months pursuant to regulations established by the Department, except a renewal may be for 12 months if the ambulance service is a volunteer BLS ambulance service, or a volunteer fire department or rescue service that operates a BLS ambulance service.

Comment

The EMS Act and this regulation provide that if a BLS ambulance service is a volunteer ambulance service the Department may renew a provisional license for 12 months. Nowhere in the EMS Act or in the regulations is a “volunteer ambulance service” defined. The regulations should define the term.

Response

The Department agrees with this comment. As previously discussed in reviewing the revisions to proposed §1001.2 (relating to definitions), the Department has added a definition for “volunteer ambulance service.”

Other Change

As will be discussed under §1005.10 (relating to licensure and general operating standards), the Department has revised its proposed regulations to permit an ambulance service to maintain a duty roster or a staff availability schedule. This section has been revised to provide that the Department will require an ambulance service to maintain a duty roster if it issues the ambulance service a provisional license because of its failure to meet staffing standards or to apprise PSAPs when it is unable to respond to an emergency. This change was recommended by PEHSC after it reviewed the Department’s change to proposed rulemaking to allow ambulance services to maintain a staff availability schedule instead of a duty roster.

Section 1005.9 (relating to temporary license) pertains to the license that the Department is permitted to issue to an ALS ambulance service that cannot provide service 24 hours-a-day, 7 days-a-week. No comments addressing this section were received.

Change

This section has been revised to provide that the Department will require an ambulance service to maintain a duty roster if it issues the ambulance service a temporary license. As in §1005.8, this change was recommended by PEHSC after it reviewed the

Department's change to proposed rulemaking to allow ambulance services to maintain a staff availability schedule instead of a duty roster.

Section 1005.10 (relating to licensure and general operating standards) is the section that enumerates most of the standards an ambulance service needs to meet to become licensed and to continue operations.

Comment

Proposed subsection (a)(1) would require the ambulance service to document its process for scheduling staff to ensure that the minimum staffing requirements proposed in subsection (d) are met. Proposed subsection (d)(1)(iii) would specify that minimum staffing standards are satisfied when an ambulance service has a duty roster that identifies staff who meet the minimum staffing criteria who have committed themselves to be available at the specified times, and when the required staff are present during the emergency medical treatment and transport of a patient. Volunteer services may not be able to meet a "duty roster" requirement that requires staff to "commit" to being available at specified times. If adequate service is being provided, the Department should either use an outcome or performance standard, or explain why volunteers should be required to make specific commitments.

Response

The Department will not rely solely on performance, but has revised the proposed requirement for a duty roster to permit the ambulance service to have a staff availability schedule instead of a duty roster.

The types and number of prehospital personnel who must be present during the emergency medical treatment and transport of a patient are specified by statute. *See 35*

P.S. §6932(e)(4) and (g)(1)(i)-(iv) and (2)(ii). Ambulance services are required to be able to meet these requirements whenever they are in operation. ALS ambulance services are expressly required to operate 24 hours-a-day, 7 days-a-week. *See* 35 P.S. §6932(n). In addition to monitoring ambulance service operations to ensure that they are meeting staffing requirements, the Department is required to determine whether an ambulance service will be able to meet staffing requirements before it issues or renews an ambulance service license. *See* 35 P.S. §6932(h)(3). If the Department were to rely solely on performance, it would not be satisfying its responsibility to reasonably assure itself, before it issues a license, that staffing standards will be met.

In determining whether an applicant for licensure will meet staffing standards, the Department can look at the roster of personnel included with the application, but to conclude that staffing standards will be met during operation of the ambulance service the Department needs to ensure that the ambulance service has a mechanism in place to identify occasions when it will clearly not be able to meet staffing standards. This is particularly important, so that PSAPs may be properly alerted.

Requiring an ambulance service to maintain a duty roster was the Department's proposed solution, but the Department has been convinced by the comments it has received that prehospital personnel, particularly volunteers, will have a discomfort in making duty commitments for fear of liability should they not be able to honor their commitments. Consequently, the Department has included, as an alternative to the proposed duty roster requirement, a requirement that the ambulance service keep a listing of prehospital personnel who have been assigned to work by the ambulance service, if that has occurred, augmented by a listing of prehospital personnel who believe they will

be available to respond if called. In essence, this will result in the exclusion of names of only those persons who know they are not available. If the ambulance service maintains a duty roster or a staff availability schedule it will know, or at least have a reason to believe, when it will not be able to fill a time slot with appropriate crew. It can then provide advance notice to the dispatcher. Notwithstanding this change, the Department encourages ambulance services to maintain duty rosters if feasible. The Department expects that most large ambulance services will maintain a duty roster.

If the Department relies solely on outcomes and performances, not only will it not be satisfying its statutory duty to ensure that ambulances will be staffed as required, it also will not be dealing with a staffing problem prospectively. The two most frequent problems presented by ambulance services are failure to respond to an emergency call because they cannot secure a sufficient number of appropriate staff to respond to a call, and treating and transporting a patient without a proper crew. The ambulance services that most often experience these problems are small nonprofit ambulance services whose members are all or mostly volunteers. Maintaining a staff availability schedule or a duty roster will help these services, in particular, to identify staffing inadequacies. When an ambulance service identifies inadequate staff through one of these tools, it will be responsible for notifying a PSAP. While PSAPs have procedures for contacting backup ambulance services or QRSs when the first ambulance service they call cannot respond, precious time is lost if dispatchers need to resort to a backup after making an unfruitful call.

If the Department or a regional EMS council sees that an ambulance service is not able to assign or otherwise have crew available for certain times, it can work with the

ambulance service on a timely basis to help it improve its capacity to respond as required by statute. As made clear in section 12(m)-(o) of the EMS Act (35 P.S. §6932(m)-(o)), the legislative preference is that the Department work with ambulance services to resolve staffing and manpower problems before resorting to imposing sanctions, including the possible revocation of a license due to the ambulance service not satisfying staffing requirements. Subsections (a)(1) and (d)(1)(iii) provide ambulance services and the Department with tools to help them identify and address manpower and staffing problems when those problems are in their infancy.

Comment

When issuing a license what formula will the Department use to determine whether the ambulance service will meet minimum staffing requirements?

Response

There is no formula. The ambulance service needs to have commitments from several prehospital personnel to ensure that it has an adequate number of personnel to respond. For BLS ambulance services, a number of those personnel must be certified at least at the level of EMT, and for ALS ambulance services a number of those personnel must be certified at least at the level of EMT-paramedic. If the number is so small that there is a question of whether there will be sufficient numbers and types of personnel to fill all time slots, inquiries may be made regarding the flexibility of work hours of those persons who have been identified, and the applicant may be requested to develop a model staffing schedule after consulting with personnel who have made commitments to it. Inquiries may also be made about current recruiting efforts. If the Department is not convinced that staffing standards will be satisfied, it may offer to issue the applicant a

provisional or temporary license. If the applicant refuses that offer, and elects to pursue its license application, it would be entitled to a hearing on whether it will meet the staffing requirements for licensure. The applicant would have the burden of proof.

Comment

If an ambulance service is required to have personnel “committed” to be available to respond to calls at certain times, this may trigger the minimum wage and overtime provisions of the Fair Labor Standards Act. This would impose a significant expense to many licensees.

Response

This issue has become moot due to the Department revising the regulation to provide an ambulance service with the alternatives of maintaining a duty roster or a staff availability schedule.

Comment

If an ambulance service operates more than one ambulance, it should not be required to meet the minimum staffing standards for each ambulance it maintains.

Response

An ambulance service is not required to have a separate staff availability schedule for different ambulances it operates in the same service area. An ALS ambulance service, for example, need only operate one ambulance in a service area to meet the express statutory requirement that it operate 24 hours-a-day, 7 days-a-week. However, an ALS ambulance service needs to be able to operate at least one ambulance at all times in each service area where it conducts business. Moreover, each ambulance an

ambulance service operates needs to be properly staffed, as prescribed by the EMS Act, when it being used.

Comment

Remove from proposed subsection (a)(3) the requirement that an ambulance service shall maintain a record of each call it received to which it was unable to respond, and the reason it was unable to respond. A record of the ambulance service's failure to respond should be maintained by the dispatching communications center.

Response

The Department does not regulate PSAPs and, therefore, cannot impose requirements on them. Also, while PSAPs may maintain records of when an ambulance service is unable to respond, it may not receive or maintain a record of the reason for each lack of response. By the ambulance service maintaining this record, the Department and regional EMS councils will be able to identify problems in the EMS system and work with ambulance services to address those problems.

Comment

The proposed deletion in subsection (e) of provisions relating to mutual aid agreements seems to grant PSAPs the authority to dispatch whichever ambulance services they choose. This section should be amended to provide that control over which ambulance services are to be dispatched rests with local government and that the role of the dispatching office is to dispatch in accordance with the plan of a municipality.

Response

The repeal of the prior text of subsection (e) confers no power on PSAPs. The Department neither regulates nor empowers PSAPs. But the Department does recognize

that PSAPs are the bodies that dispatch ambulance services, regardless of whether PSAPs have the authority to make dispatch decisions or to merely implement dispatch protocols that have been prescribed by some other entity. The repeal of the previous provisions in subsection (e) does not preclude ambulance services from entering into mutual aid agreements. Ambulance services may continue to have mutual aid agreements with other ambulance services, but they may not use those agreements in an attempt to dictate to PSAPs which ambulance service to dispatch on a second call basis when a party to such agreement is dispatched first but is unable to respond to the call. As stated previously, the Department anticipates that ambulance service dispatch legislation will soon be enacted. The Department expects that that legislation will establish a statutory scheme for the development and implementation of ambulance service dispatch protocols.

Comment

Proposed subsection (e)(2) requires an ambulance service to apprise the PSAP, as soon as practical after receiving a dispatch call, if it is not able to have an ambulance and required staff immediately en route to an emergency. What does the term “immediately” mean? A fail time of five minutes should be used.

Response

The Department agrees that the term “immediately” is not appropriate. PSAPs in different parts of this Commonwealth will have different preferences as to how much time should elapse after dispatch before an ambulance service does not have an ambulance en route to an emergency, such that an ambulance service’s knowledge that it can not satisfy that standard triggers a duty to report to the PSAP. In a metropolitan area with a large number of ambulance services in a concentrated area, the PSAP may have

viable dispatch alternatives if the delay is more than a few minutes. In a sparsely populated rural area viable alternatives may not exist unless the delay is substantial. Consequently, the Department has revised subsection (e)(2) to provide that the duty to apprise the PSAP about not having an ambulance en route to an emergency after dispatch is triggered when an ambulance service realizes it will not have an ambulance en route to an emergency within the time prescribed by the PSAP to require a notification to the PSAP.

Comment

Proposed subsection (e)(4) would require an ambulance service to respond to an emergency when dispatched by a PSAP. An ambulance service should not have its license jeopardized if it is occupied with another call or if it intends to function solely as an interfacility transport service.

Response

The Department agrees that an ambulance service should not be subject to disciplinary action if it fails to respond to an emergency call because it is occupied with another call. The focus of the Department when proposing this paragraph was to establish a procedure to resolve conflicts between two competing ambulance services when both believe it is the most appropriate service to respond to a call. Over the last few years, physical conflicts between prehospital personnel from different ambulance services have actually erupted on occasion around which ambulance service should be transporting a patient to a receiving facility. In an EMS system, the PSAP needs to direct ambulance service response when there is a dispute. If the proposed ambulance service dispatch legislation is enacted, in making the decision as to which ambulance service

shall handle the emergency, the PSAP will simply be following a dispatch protocol that has been developed pursuant to statutorily prescribed procedures.

As to ambulance services that choose to confine their activities to interfacility transports, the Department believes that there is no likelihood that any dispatch protocol will be developed that designates such services as primary emergency responders. However, these services are part of the EMS system and must be prepared to respond to emergencies when needed. In mass casualty situations they may very well be dispatched to emergency calls. Nevertheless, to clarify the intent of this provision as it applies to both ambulance services that generally respond to emergency calls and ambulance services that generally confine their business to interfacility transports, the Department has revised the proposal to state that the duty to follow the direction of the dispatcher applies only when the ambulance service is able to respond (that is, it has resources available, such as an ambulance, crew, equipment and supplies, that enable it to respond.)

Comment

While the effort made in proposed subsection (g) to tighten the requirements for the use of lights and sirens should be applauded, a better approach would be to prohibit the use of lights and sirens unless the circumstances result in a need for immediate medical intervention that exceeds the capabilities of the ambulance crew.

Response

The Department accepts the recommendation and has revised this subsection accordingly.

Comment

Subsection (g) should be revised to include PEHSC recommendations regarding the use of lights and sirens by ambulance services.

Response

The regulation is consistent with the PEHSC recommendation. Both provide that lights and sirens are to be used only when responding to or transporting a patient with a life-threatening or potentially life-threatening condition.

Comment

Clarify whether proposed subsection (i) requires reporting of only those accidents and injuries to individuals that result from or are associated with an ambulance vehicle accident.

Response

Subsection (i) requires that ambulance services report ambulance vehicle accidents that are reportable pursuant to the Vehicle Code (75 P.S. § *et seq.*) and all line of duty fatalities and injuries that required treatment at a hospital, be they from ambulance crashes or other incidents.

Comment

Injury reporting pursuant to proposed subsection (i) could become very cumbersome. Revise the proposed reporting requirement to require the report of severe injuries only, and define what a severe injury is.

Response

The recommendation is rejected. By requiring the reporting of only those injuries that are treated in a hospital, the burden to ambulance services should be minimal. These

reports will enable the Department to gather data regarding the incidence, type and severity of injuries sustained in providing EMS. The Department, with the assistance of PEHSC and the regional EMS councils, will be able to use this information to alert ambulance services to potential hazards, and to develop prevention and risk management guidelines to disseminate to providers of EMS and EMS training institutes.

Comment

- Requiring all ALS ambulances to have guaranteed staffing 24 hours-a-day, 7 days-a-week would require all volunteer ALS ambulance services to convert to paying prehospital practitioners and eliminating the volunteer system. There should be no strict Statewide standards on staffing. Let municipalities, working with the appropriate regional EMS council, establish the staffing standards within their borders.

Response

This recommendation is rejected. Statewide standards are imposed by the EMS Act. The Department has no authority to promulgate regulations providing otherwise. Section 12(g) of the EMS Act (35 P.S. §6932(g)) prescribes minimum staffing standards for ALS ambulance services on a Statewide basis. Section 12(n) of the EMS Act (35 P.S. §6932(n)) requires an ambulance service to provide service 24 hours-a-day, 7 days-a-week to maintain full licensure.

Other Changes

One of the criteria an entity needs to meet to be licensed as an ambulance service is that it be staffed by responsible persons. See 35 P.S. §6932(h)(1). Neither the EMS Act nor Part VII have heretofore identified the persons to whom the “responsible” standard applies. The Department has revised subsection (d) by adding paragraph (3) to

address this matter. Subsection (d)(3) clarifies that the “responsible” standard applies to the management team, prehospital personnel and ambulance drivers. It requires the ambulance service to ensure that it is staffed by responsible persons, and directs the ambulance service to collect and consider the criminal and disciplinary records of its staff in making that determination. It also requires the ambulance service to provide the Department with 30 days advance notice, if possible, if it makes a change in its management team that includes the addition of a person who has a criminal or disciplinary record. This last provision will enable the Department to monitor management changes and to take appropriate action if a licensed ambulance service seeks to employ management personnel who present the greatest potential for being determined by the Department not to be responsible persons.

Subsection (a)(1) is revised to require the ambulance service to maintain a record of persons who function as its management team, and to maintain the disciplinary and criminal history record of all persons who staff the ambulance service. Subsection (k), which pertains to the ambulance service’s monitoring responsibilities, requires the ambulance service to apprise the Department if it determines that a prehospital practitioner who is part of its staff has engaged in conduct for which the Department may impose discipline.

Section 12(i) of the EMS Act (35 P.S. §6932(i)) prohibits the transfer of an ambulance service license. Section 12(l)(6) of the EMS Act (35 P.S. §6932(l)(6)) makes the lending, borrowing or using of another’s license a basis for disciplinary action against an ambulance service. Over the last few years there has been an increasing use of management services by ambulance services to help them manage their operations. This

is acceptable, provided that the management service does not make fundamental operating decisions for the ambulance service. The Department needs to be able to review management agreements and ask questions of the ambulance service to ensure that the arrangement is not a *de facto* lending or permitting use of an ambulance service license by an entity not licensed as an ambulance service. Consequently, the Department has added subsection (a)(6) to require an ambulance service to maintain in its records a copy of any management agreement it has entered into to either manage an ambulance service or be managed by another entity.

There have been questions about acceptable and required identifications on ambulance services. Subsection (b) pertains to ambulance standards. The Federal KKK standards address, among other matters, star of life markings on ambulances that operate as mobile ALS care units. Those standards do not apply to ambulances that operate as squad units. The Department has redesignated the text of proposed subsection (b) as paragraph (1) and has added a paragraph (2) to address the placement of names on ambulances and the placement of star of life markings on squad units.

Proposed subsection (c)(3) has been revised to provide improved clarity.

Subsection (d)(1)(i) has been revised to incorporate the statutory standard regarding when a BLS ambulance needs to meet minimum staffing standards.

Subsection (d)(1)(iii) has been revised to include the proposed text in clause (A) and to include in clause (B) language requiring an ambulance service to comply with child labor law statutes and regulations when using persons 18 years of age or younger to staff the service.

In subsection (d)(2) the term “ALS medical director” has been corrected to read “ALS service medical director.”

Subsection (g), which pertains to the use of lights and other warning devices, is revised to clarify that compliance with the standards in that subsection does not excuse noncompliance with standards imposed by the Vehicle Code.

Subsection (l) is amended to add a policy on substance abuse in the workplace as one of the policies that an ambulance service must have.

Section 1005.11 (relating to drug use, control and security) addresses the circumstances under which ambulance services may stock and carry drugs, drugs that may be used, requirements for securing and maintaining those drugs, and who may administer such drugs.

Comment

Proposed subsection (a)(3) mentions drugs being carried on board an ambulance by a physician assistant. Clarify the status of the physician assistant in the EMS system.

Response

Physician assistants are not regulated under the EMS Act. They do not function as prehospital personnel for ambulance services. However, the Department recognizes that nurses and physician assistants with special training may be attending to a patient in a hospital setting and that the hospital may want them to accompany the patient and continue to address certain patient care needs during an interfacility transport. Subsection (a)(3) provides for a physician assistant to bring drugs on board an ambulance only when the ambulance is engaged in an interfacility transport, the physician assistant has special training for the continuation of treatment that had been provided to the patient

at the facility from which the patient is being transferred, and the physician assistant does not substitute for staff required by the EMS Act.

Comment

Proposed subsection (d)(2) permits a health professional to administer drugs in addition to those permitted by the applicable regional and Statewide medical treatment protocols. Does this open the door for prehospital registered nurses to operate in the EMS system on an unregulated basis?

Response

There are sufficient controls to ensure that the prehospital registered nurse functions within the parameters of the EMS system. This paragraph requires that the health professional's use of additional drugs be approved by the ALS service medical director for the ambulance service and then specifically ordered by a medical command physician.

Comment

Current subsections (j) and (k) are not consistent with current practice where drugs that are used are replaced through medication orders rather than prescriptions. These subsections should be revised to reflect current acceptable practices.

Response

The person who made this comment was apparently confused by the proposed amendments to this section. The Department proposed to remove subsections (j) and (k), and to address the subject matter previously addressed in those subsections in new subsection (e). Subsection (e)(5) requires the ambulance service that seeks to replace a drug to provide the dispensing hospital, physician or pharmacy with a written record of

the use, loss or other disposition of the drug. When a drug's disposition occurs through administration of the drug to the patient, as opposed to another disposition, such as breakage or theft, the EMS patient care report will suffice as the requisite written record.

Changes

The language in subsection (b) is revised to improve clarity.

A new paragraph (7) is added to subsection (d) to require an ambulance service to ensure that the disposal of drugs occurs in compliance with the requirements of the Controlled Substance, Drug, Device and Cosmetic Act, and proposed subsection (d)(7) is now subsection (d)(8).

Section 1005.12 (relating to disciplinary and corrective actions) pertains to the disciplinary process applicable to ambulance services. The title of this section is changed from "Grounds for suspension, revocation or refusal of an ambulance service license" because the scope of this section exceeds the enumeration of grounds for discipline.

Comment

Proposed subsection (a)(9) would establish that failure of an ALS ambulance service to have staff sufficient to operate an ambulance 24 hours-a-day, 7 days-a-week, is a ground for discipline against an ALS ambulance service. This ground should be revised so that it applies to BLS ambulance services also.

Response

This recommendation is rejected. Following the recommendation would require the Department to exceed the scope of its rulemaking authority. The criteria for licensure of an ambulance service under section 12(h) of the EMS Act (35 P.S. §6932(h) does not include operation of an ambulance around-the-clock. That requirement is made

applicable to ALS ambulance services pursuant to section 12(n) of the EMS Act (35 P.S. §6932(n)), which provides that an ALS ambulance service could operate under a temporary license if it fails to meet that standard. No similar provision links a BLS ambulance service to an around-the-clock operational standard. Nevertheless, pursuant to §1005.10(e) (relating to licensure and general operating standards) a BLS ambulance service that provides emergency response is required to apprise a PSAP when it will not be in operation.

Other Changes

A new paragraph (19) is added in subsection (a) to include as a basis for discipline the failure of an ambulance service to continue to meet the standards it was required to satisfy when it secured a license.

Section 1005.13 (relating to removal of ambulances from operation) pertains to the removal of an ambulance from operation when there is a mechanical or equipment deficiency that poses a significant threat to the safety of patients or crew. No comments on this section were received, however the Department has revised the language to provide greater clarity.

Section 1005.14 (relating to invalid coaches) pertains to a statutory exemption from ambulance requirements for vehicles that are used to transport individuals who require assistance, but who are not anticipated to require emergency medical care during transport. No comments on this section were received. This section is revised to eliminate reference to §1001.2 (relating to definitions) for the definition of “invalid coach,” as no similar reference is made in other regulations for terms defined in §1001.2.

Section 1005.15 (relating to discontinuance of service) is new. It addresses and clarifies the duty imposed upon an ambulance service, by section 12(q) of the act (35 P.S. §6932(q)), to not discontinue its operations prior to giving the public, the Department and political subdivisions in its service area at least 90 days advance notice. The regulation also requires the ambulance service to provide similar notice to emergency communications centers in the EMS region in which it would be ceasing operations.

Comment

Although the proposed section is consistent with section 12(q) of the EMS Act (35 P.S. §6932(q)), the statutory provision is probably unconstitutional in that it forces an entity to stay in business without just compensation.

Response

The Department must assume that the referenced statutory provision is constitutional. The regulation is adopted as proposed.

Chapter 1007. Licensing of Air Ambulance Services-Rotorcraft

This chapter specifies the licensure and operating criteria for air ambulance services. Several provisions in Chapter 1005 (relating to licensing of BLS and ALS ground ambulance services) that are applicable to ground ambulance services are equally applicable to air ambulance services. Express provision is made in this chapter to incorporate applicable provisions in Chapter 1005. Consequently, some of the prior sections in this chapter are not needed. They have been repealed.

Section 1007.1 (relating to general provisions) specifies general standards applicable to air ambulance services. The most significant amendment of this regulation

is the addition of subsection (e). This subsection specifies sections in Chapter 1005 that apply to air ambulance services as well as ground ALS ambulance services.

All air ambulance services are licensed to provide ALS care. Some of the sections that are referenced in subsection (e) impose different requirements upon a ground ambulance service depending upon whether the service is licensed to provide ALS care or only BLS care. This subsection clarifies that the provisions of those sections that apply to air ambulance services are those which also apply to ground ALS ambulance services.

Comment

Air ambulance services are not addressed by the EMS Act. This chapter should be deleted.

Response

The recommendation is rejected. The EMS Act requires the Department to license and regulate entities that use ambulances to provide EMS to patients. The statutory definition of "ambulance" does not confine the described vehicle to a ground vehicle.

Changes

The proposed language the Department submitted to the LRB for subsection (e) was different than the actual language published. The Department's proposal related that only those provisions in the Chapter 1005 (relating to ground ambulance services) sections referenced in subsection (e), that are applicable to ground ALS ambulance services, are applicable to air ambulance services. The LRB exercised its editorial prerogative to revise the proposed language in a nonsubstantive manner. However, the

LRB or its contract printer made errors in printing the revised language, causing it to read that all provisions in the referenced sections would be applicable to air ambulance services. The Department has corrected the error. The Department has also added §1005.2a (relating to change in ambulance fleet) to the list of sections in Chapter 1005 that are applicable to air ambulance services.

Section 1007.2 (relating to applications) specifies the information solicited by applications for air ambulance service licenses. No comments on this section were received.

Changes

Consistent with its addition of §1005.2(a)(10) (relating to applications), to provide that the license application for a ground ambulance service will solicit specified information regarding the management team, the Department has added a similar provision in subsection (a)(10) and has renumbered proposed subsection (a)(10) as subsection (a)(11).

Procedures for an entity to apply for a license as an air ambulance service, for an air ambulance service to apply for an amendment of its license, and for regional EMS councils to process those applications are the same as those that are applicable to ground ambulance services. The Department had proposed new subsections (b), (c) and (d) to cover this subject matter. However, it has elected to replace the proposed text of these subsections with a revised subsection (b). That subsection states that the procedures for making the applications and for regional EMS councils to process the applications are the same as those that are applicable to ground ambulance services.

As proposed, §§1007.3, 1007.4, 1007.5 and 1007.6 (relating to licenses; renewal of air ambulance license; inspection; and notification of deficiencies) are repealed. Most of the subject matter that was addressed in these sections duplicated provisions in Chapter 1005. Section 1007.1(e) (relating to general provisions) makes those provisions applicable to air ambulance services.

Section 1007.7 (relating to licensure and general operating standards) enumerates most of the standards an entity needs to meet to become licensed as an air ambulance service and to continue operations. No comments addressing this section were received.

Changes

Subsection (a) is revised to require the air ambulance service to maintain the same type of information on medical command authorization and persons managing the air ambulance service that is required of a ground ambulance service pursuant to §1005.10(a)(1) (relating to licensure and general operating standards). Subsection (a)(2) is revised by replacing “ambulance call report” with “EMS patient care report.”

Subsection (b)(7) is revised to reflect that survival gear carried on an air ambulance shall be determined on a flight-by-flight basis.

Subsection (d)(3)(iii) is revised to require the air ambulance service to maintain a duty roster. No provision for a “staff availability schedule,” as an alternative to a duty roster, is required for an air ambulance service.

Subsection (d)(4) is added to require an air ambulance service to collect the same type of information regarding its staff as a ground ambulance service and to consider that information in making determinations as to whether its staff is comprised of responsible persons.

Subsection (f)(2) is revised to insert the word “service’s” before “service area.”

Subsection (g)(1) is revised to include air ambulance availability as an additional criterion in making a decision regarding whether to respond to a call.

Subsection (h) is revised by adding to the medical service requirements of an air ambulance service the requirement that the air ambulance service shall ensure that the patient is transported to the nearest appropriate receiving facility. Air ambulances may travel great distances to pick up an emergency patient. An equally long return trip is not in the best interest of the patient if appropriate care for the patient can be achieved by the air ambulance making a shorter patient transport trip. The Department does not consider it appropriate for an air ambulance to transport a patient to a trauma center affiliated with the entity that operates the air ambulance service if a trauma center appropriate for the care of the patient is located much closer to the location where the patient is retrieved. Considerations such as weather conditions, and patient choice when additional travel time will not impact the patient’s condition, may justify bypassing a closer trauma center but, in most instances, these considerations do not come in to play.

Subsection (k)(1) is revised to substitute the words “air medical” for “aeromedical.”

Subsection (m) is revised to add, to an air ambulance service’s monitoring duties, responsibilities similar to those that are being imposed upon ground ambulance services.

Subsection (n) is revised to include a policy on substance abuse in the workplace as a policy an air ambulance service is required to maintain.

Section 1007.8 (relating to disciplinary and corrective actions) deals with the disciplinary process applicable to air ambulance services. No comments addressing this section were received.

Changes

A new paragraph (22) is added in subsection (a) to include as a basis for discipline the failure of an air ambulance service to continue to meet the standards it was required to satisfy when it secured a license.

As proposed, §1007.9 (relating to voluntary discontinuation of service) is repealed. This section addressed the duty imposed upon an air ambulance service, pursuant to §12(q) of the EMS Act (35 P.S. §6932(q)), to not discontinue its operations prior to giving advance notice to the Department, political subdivisions in its service area, and the public. This subject matter is addressed in §1005.15 (relating to discontinuance of service). Section 1007.1(e) makes §1005.15 applicable to air ambulance services.

Chapter 1009. Medical Command Facilities

This chapter deals with the distinct units in hospitals out of which physicians who qualify as medical command physicians provide medical direction to prehospital personnel. Medical direction is provided when prehospital personnel are providing emergency medical care in prehospital settings and during the interfacility transport of patients.

Section 1009.1 (relating to operational criteria) sets forth the requirements that must be met for a distinct unit in a hospital to function as a medical command facility.

Comment

Proposed paragraph (12) should be revised to prescribe a standard length of time a medical command facility needs to keep communication records and tapes.

Response

The Department agrees with this comment. It has revised paragraph (12) to require a medical command facility to maintain medical command tapes for 180 days. This should assure the availability of these tapes for a period of time adequate to enable their use in quality improvement reviews and disciplinary investigations.

Comment

Contrary to proposed paragraph (15), medical command facilities should not be required to provide medical command to a prehospital practitioner with whom the facility is not familiar.

Response

This recommendation was previously discussed under §1003.4 (relating to medical command physician). It is rejected for the reasons explained in responding to the recommendation under that section.

Section 1009.2 (relating to recognition process) describes the procedure to be followed if a facility chooses to be recognized as a medical command facility by the Department.

Comment

While it is true that section 11(j)(4) of the EMS Act (35 P.S. §6931(j)(4)) provides that a medical command facility will enjoy certain civil liability protection under that provision if it is recognized by the Department, the Department should remove

reference to that fact to give some leeway to assert statutory immunity by a hospital that may substantially comply with the regulation but has not gone through the recognition process.

Response

This recommendation is rejected. The EMS Act requires that a facility be recognized as a medical command facility by the Department for a facility to secure the civil immunity protection afforded by section 11(j)(4) of the EMS Act (35 P.S. §6931(j)(4)). The Department is not aware of any hospital that has operated in the Commonwealth as a medical command facility without completing the Department's recognition program. Nevertheless, the Department believes that including language in this regulation which apprises a hospital that Department recognition of its medical command operations as a medical command facility affords it some civil immunity protection, serves as a helpful reminder to hospitals regarding what they need to do to limit their exposure to liability. It is the Department's experience that some facilities are more familiar with the Department's regulations than they are with the EMS Act. Moreover, the questioned provision explains the statutory basis for the Department to operate a medical command facility recognition program.

No other comments addressing this section were received, other than mention of a typographical error in subsection (a) that appeared in the *Pennsylvania Bulletin* when the proposed regulations were published. This section is adopted as proposed. The typographical error has been corrected.

Section 1009.3 (relating to continuity of medical command) is repealed. This regulation grandfathered medical command facilities recognized by regional EMS

councils prior to July 1, 1989, the date this former regulation was promulgated. The regulation is no longer required.

Section 1009.4 (relating to withdrawal of medical command facility recognition) identifies the procedures for conducting inspections and investigating complaints against medical command facilities, the grounds for withdrawal of recognition, and procedures for dealing with deficiencies in lieu of withdrawing recognition. No comments addressing this section were received. This section is adopted as proposed.

Section 1009.5 (relating to review of medical command facilities) provides for regional EMS councils to conduct biennial reviews of medical command facilities.

Comment

The proposal to have a regional EMS council conduct reviews of medical command facilities as requested by the Department, instead of biennially, as required previously, causes confusion, especially in light of proposed §1009.2(h), which would make recognition of a medical command facility valid for three years.

Response

No changes are made based upon this comment. As explained in the preamble to the proposed regulations, the biennial review provision of this section has been deleted to permit the Department more flexibility in determining the frequency of reviews. Comprehensive reviews conducted biennially could impose an excessive work burden on some regional EMS councils, while other regional EMS councils could conduct such reviews more frequently. This is because there are many medical command facilities in some EMS regions, and very few in others. The Department anticipates requesting reviews more frequently than once every two years, but will modify the scope of some

reviews so that they will not involve a comprehensive assessment of compliance with all recognition criteria.

Section 1009.6 (relating to discontinuance of service) is new. This section requires a medical command facility to provide 90 days notice to the Department, the appropriate regional EMS council, and providers of EMS for which they routinely give medical command, prior to discontinuing medical command operations.

Comment

The proposed regulations are inconsistent with respect to the number of days various entities need to provide prior notice to the Department and other entities. The time periods should be consistent.

Response

Certain advance notice requirements need to be longer or shorter than others based upon the type of activity involved, and the potential harm to the public due to the commencement or termination of an activity. Nevertheless, the Department agrees that notices regarding the discontinuation of service should be consistent throughout the regulations. Therefore, the Department has revised the proposed 60 days advance notice for discontinuation of medical command facility operations to 90 days advance notice. This makes the advance notice requirement for discontinuation of a medical command facility the same as that imposed prior to the discontinuation of an ambulance service.

Chapter 1011. Accreditation of EMS Training Institutes

This chapter pertains to the Department's accreditation of teaching institutes that provide persons with the training required by the Department's regulations to become

certified as a first responder, an EMT or an EMT-paramedic, or recognized as a prehospital registered nurse. Matters addressed are the criteria for accreditation, the process to secure accreditation, and the process for denying, withdrawing, or conditioning accreditation.

Section 1011.1 (relating to EMS training institutes) identifies the criteria to operate as a BLS training institute to provide training leading to certification as a first responder or an EMT, and as an ALS training institute to provide training leading to certification as an EMT-paramedic or recognition as a prehospital registered nurse.

Comment

Section 1001.2 deletes the definition of "BLS training institute" and adds the definition of "EMS training institute." Chapter 1011 repeatedly refers to ALS and BLS training institutes, not EMS training institutes. The term "EMS training institute" should be used consistently.

Response

The Department agrees with this observation and recommendation. It has changed the title of Chapter 1011 to "Accreditation of EMS Training Institutes" from "Accreditation of Training Institutes," and the title of §1011.1 to "EMS training institutes" instead of the proposed title of "BLS and ALS training institutes". Additionally, the Department uses the term "EMS training institute" throughout the chapter to replace proposed references to ALS and BLS training institutes, except where the context requires that the Department make a distinction between an EMS institute that provides BLS training and one that provides ALS training.

Comment

The second subparagraph under subsection (b)(1) should be (ii) rather than (iii).

Response

The Department agrees. The LRB or its contract printer made an error in designating the proposed subparagraph as (iii) instead of (ii). The Department has corrected the error.

Comment

Subsection (f) should explain what a qualified instructor is.

Response

This subsection does state that an instructor shall be at least 18 years of age and possess a high school diploma or GED equivalent. It also states that the instructor shall either meet very specific requirements in paragraph (3) or be determined by the EMS training institute, after the EMS training institute has consulted specified resources, to be qualified to provide the instructional services that would be provided by the individual if that person is accepted as an instructor. The Department believes that no more definitive explanation is needed.

Comment

Proposed subsection (f)(4) references a "Prehospital Practitioner Manual," while §1001.2 defines "Prehospital Personnel Training Manual." The Department should revise the reference in subsection (f)(4) or clarify the paragraph if a different manual is involved.

Response

As discussed under §1001.2 (relating to definitions), the Department has removed "prehospital personnel training manual" from the terms defined in that section. The deletion of that term affords the Department greater flexibility in developing various guidance manuals, more properly titled, to address different prehospital personnel subjects. Consequently, the Department has substituted for the name of a manual in this paragraph, a reference to the manual the Department develops to provide guidance regarding course administration. The same substitution is made in subsection (i)(2).

Comment

Proposed subsections (g) and (h) require an ALS training institute to ensure the availability of clinical and field preceptors for each training course. The same requirements should be imposed for BLS training institutes.

Response

The same requirements are not needed for BLS training institutes, for each training course it offers, because the courses these institutes offer rarely include a field internship or clinical activities outside of the classroom. However, there may be occasion when a BLS training course does include these activities. Consequently, the Department has revised subsections (g) and (h) to require a BLS training institute to ensure the availability of clinical and field preceptors whenever it offers a BLS training course that has field and clinical components.

Other Changes

Nonsubstantive revisions have been made to subsections (a), (b)(1) and (2), (c)(1), (d)(3)(i) and (iii), (e)(3), (f)(1) and (3), and (i)(1) to improve clarity.

The Department has revised subsection (j)(4) to add the requirements that an EMS training institute shall provide its students with the Department's testing policies, and the EMS training institute's policy for the prevention of sexual harassment.

The Department has added subsection (j)(7)-(9) to require an EMS training institute to collect from each student an application for enrollment and a completed criminal history disclosure form and to then forward those forms to the appropriate regional EMS council; to complete a course completion form for each student who successfully completes an EMS training course and to then forward the form to the appropriate regional EMS council; and to participate in EMS training institute evaluation activities as requested by the Department.

As proposed, §1011.2 is repealed. The subject matter that had been addressed in that section is now incorporated in §1011.1 (relating to EMS training institutes).

Section 1011.3 (relating to accreditation process) identifies the process for an entity to become accredited as an EMS training institute. No comments addressing this section were received.

Changes

The term "EMS training institute" is substituted for "ALS or BLS institutes" or similar terminology where appropriate.

Paragraphs (1), (5)(ii) and (8) are revised to improve clarity.

Paragraph (9) is added to address procedures for an EMS training institute to be able to offer an EMS training course for initial certification or recognition in an EMS region other than that through which it processed its application for accreditation.

Section 1011.4 (relating to denial, restriction or withdrawal of accreditation) identifies the procedures for investigating complaints against EMS training institutes, for denying, withdrawing or conditioning accreditation, and for appealing those decisions. No comments on this section were received, however, one person did ask to whom the term “agency head” refers. As stated in the proposed regulation, “agency head” is defined in 1 Pa. Code §31.3 (relating to definitions). In the Department the “agency head” is the Secretary of Health or a deputy secretary designated by the Secretary.

Changes

The term “EMS training institute” is substituted for other terms where appropriate.

Chapter 1013. Special Event EMS

This chapter enables entities that are responsible for the management and administration of a special event to have a Department determination as to whether EMS arrangements are adequate. A special event is a planned activity that places attendees or participants in a defined geographic area where access by emergency vehicles and personnel might be delayed due to people or traffic congestion at or near the event, or perhaps due to the inadequacy of EMS resources at that location.

Section 1013.1 (relating to special event planning requirements) explains the process for securing Department endorsement of an EMS plan for a special event and prescribes the contents that a plan needs to include to secure the Department’s endorsement.

Comment

The regulation should not be revised, as proposed, to provide that the person who is responsible for the management and administration of a special event “may,” rather than “shall,” secure Department approval of an EMS plan for the event. What happens if a sponsor does not submit an EMS plan for a special event?

Response

This recommendation is rejected. As explained in the preamble to the proposed regulations, submitting a special event EMS plan to the Department for its approval is not mandated under the EMS Act. Rather, as the Commonwealth's lead agency for EMS, the Department believes that approval of EMS plans for special events is a public service it should make available to entities desiring such a review. It encourages sponsors of special events to pursue EMS plan approval. There is nothing the Department can do if an entity sponsoring a special event does not submit a special event EMS plan, however, the Department believes that municipalities may choose to mandate such a review for special events held within their borders.

Comment

The Department should explain how it intends to coordinate the requirements of this chapter with other Commonwealth emergency operations plans, such as the Commonwealth Emergency Operations Plan, the Special Event Emergency Action Plan Guide, and the Planning Guidance for Mass Fatalities Incidents.

Response

The Department has discussed its implementation of this chapter with representatives of the Pennsylvania Emergency Management Agency (PEMA).

Population numbers PEMA has used in its policies dealing with the same subject matter have been based on the numbers specified in this chapter. PEMA has advised that it will revise population numbers in the above-referenced plans to be consistent with the changes made in this chapter.

No other comment addressing this section was received. This section is adopted as proposed, except minor revisions are made to subsection (a) to improve clarity, and references to the definition section, which is unnecessary surplusage, is removed.

Section 1013.2 (relating to administration, management and medical direction requirements) prescribes the qualifications and responsibilities for a special event EMS director and emergency supervisory physician. A special event EMS plan needs to show that these standards are met if the plan is to secure Department approval. No comments addressing this section were received. This section is adopted as proposed.

Sections 1013.3-1013.7 (relating to special event personnel and capability requirements; ALS services requirements; onsite facility requirements; communications system requirements; and requirements for educating event attendees regarding access to EMS) are not amended, except that population figures triggering the application of certain standards in §§1013.3 and 1013.5 are adjusted downward by 5,000, equipment requirements in §1013.5 are not confined to BLS equipment; and the term “PSAPs” is substituted for “emergency communications centers” in §1013.6.

Comment

Section 1013.5 should be amended to require a special event physician to be onsite at treatment facilities.

Response

The Department rejects this recommendation. The onsite presence of a physician should not normally be required, since prehospital personnel, when operating within the Statewide EMS system, are required to have the capability to immediately access a medical command physician as needed. Should the Department believe that the peculiarities of a particular special event warrant the physical presence of a physician on site, it will impose that requirement as a condition for its approval of the EMS plan for that special event.

Section 1013.8 (relating to special event report) is new. It requires an entity that secures Department approval of a special event EMS plan to file with the appropriate regional EMS council, after concluding a special event, a special event report containing information solicited by the Department in the report form.

Comment

The Department should explain the need for this report and should consider requiring a report only if EMS is provided at the special event.

Response

No change is made to the regulation based on this comment. Capturing information on the EMS outcomes of all events for which DOH approves a special event EMS plan will be helpful for continued quality improvement. Also, if no report is filed, DOH or a regional EMS council would need to follow-up with a special event sponsor to ensure that the failure to report was not merely an oversight. Another concern is that if the after-event reporting is not universally required, sponsors may be tempted not to file a report if the EMS incidents are few and minor. However, even that information is

important to EMS planning. The Department will develop a reporting form to facilitate the quick and easy completion of the report when the special event does not give rise to the delivery of EMS.

Chapter 1015. Quick Response Service Recognition Program

This chapter addresses the mobilization of prehospital personnel to arrive at the scene of an emergency and provide EMS in advance of the arrival of an ambulance and its crew. While most areas of the Commonwealth can be reached by an ambulance within a few minutes, there are a few areas, generally rural or remote wilderness areas, where this is not the case. In those areas, the Department approves units of prehospital personnel to respond to emergencies prior to the arrival of an ambulance. The label the Department has given to such an early EMS response team is "quick response service (QRS)."

Section 1015.1 (relating to quick response service) is new. It establishes criteria for recognition as a QRS. It also establishes a process for securing such recognition and for renewal of that recognition.

Comment

Many small ambulance services in rural Pennsylvania encounter serious problems in meeting statutory staffing requirements. Greater staffing flexibility should be afforded to those services.

Response

The Department is not authorized to waive statutory staffing requirements for ambulance services other than through procedures associated with issuing provisional and temporary licenses. However, such licenses provide only short-term solutions. The EMS

Act does not provide for the perpetual renewal of those licenses. The Department has encouraged some small rural ambulance services to terminate their operations as an ambulance service and convert their operations to those of a QRS with AED capability. The regulatory requirements for QRS operation are less stringent than the statutory requirements for ambulance service operation. Several former small rural ambulance services have successfully made the transition. Pursuant to the EMS Act and this part, QRSs are eligible for EMSOF funding.

Changes

Minor language changes are made to this section to improve clarity.

Section 1015.2 (relating to discontinuation of service) is also new. It requires a QRS to provide advance notice to the Department, the appropriate regional EMS council, and each political subdivision within its service area before discontinuing services. No comments addressing this section were received, and the Department has made no revisions to the proposal

Fiscal Impact

The cost to the Department to administer and monitor the continuing education program will increase. The Department will incur costs in developing review processes to incorporate alternative methods of course presentation that are permitted by the amendments. All currently approved continuing education courses (approximately 1400) will need to be re-evaluated and assigned new course numbers to reflect trauma and medical continuing education credit hours for which the course qualifies. The Department will need to revise the reporting and recordkeeping procedures for it to

process continuing education information. Revision of forms and printing will also result in associated costs.

The Department will also incur additional costs for the continuing education program to update computer software to maintain a registry of continuing education courses. Also, costs will be incurred in updating continuing education data processing capabilities. The total estimated costs for these expenditures are \$33,500 for FY 2001-02.

Costs to patients and insurers associated with the routine transport of BLS patients requiring intravenous maintenance medications should decrease. BLS ambulance services, as well as ALS ambulance services, will now be able to transport these patients. Although it is difficult to quantify the savings at this time, it should be sizeable, both in dollars and time saved. ALS ambulance services, freed from the sole responsibility for these transports, should be able to have ambulances increasingly available to respond to emergencies requiring an ALS response. However, services that provide these transports will incur some additional costs in ensuring EMTs are trained to appropriately address patient needs when transporting patients with intravenous medications running.

Individuals who choose to participate in the EMS instructors program will need to attend an update program every two years. The update course will probably last two days. Persons who attend may incur travel and subsistence costs.

Specified record retention requirements for ambulance services and medical command facilities may create some additional costs for those entities based upon the dedication of additional storage space for that purpose. Those costs may be less for entities that store such records electronically.

Currently, an entity must secure a separate license from the Department for each EMS region in which it stations and operates ambulances. As amended, the regulations provide for a single license, augmented by a process for amending the license if an entity chooses to conduct operations out of a region not identified in the license application. The Department and regional EMS councils may experience some cost-savings from reduced inspection and paperwork processing requirements.

Paper Requirements

The Department intends to employ all reasonable opportunity afforded by technology to reduce paperwork and costs. Web sites and e-commerce initiatives will be used, where possible, to reduce paperwork and to support data transmission required by the regulations.

Forms associated with the approval of medical command physicians and the recognition of medical command facilities will need to be revised to accommodate revised qualifying criteria. The Department's records pertaining to continuing education courses will need to be modified. For example, they will need to be revised to reflect trauma and medical continuing education credit assigned to each course. Course forms will need to be revised by continuing education sponsors. Sponsors of continuing education courses will also incur revised reporting and recordkeeping responsibilities.

The Department will also need to revise existing guidance manuals to assist regional EMS councils and regulated entities to meet new requirements imposed upon them.

Ambulance services will be required to maintain additional documentation regarding staff, policies and responsiveness to calls for emergency assistance. They will also be required to develop and maintain additional written policy records and duty rosters or staff availability schedules. They will be required to secure criminal and disciplinary histories from their personnel and to maintain a written record of that information. Additionally, they will also be required to report ambulance accidents resulting in injuries to personnel and patients that result in hospital care. Ambulance services will also need to complete modification of fleet or temporary change of vehicle forms when they add, replace or temporarily use an ambulance not previously inspected and approved by the Department.

Quick response services will need to complete part of the EMS patient care report.

Special event sponsors that submit EMS plans for special events will also need to submit a special event report following conclusion of the event.

EMS training institutes that intend to conduct courses leading to the certification of prehospital personnel, in an EMS region other than that through which their applications for accreditation were processed, will need to file an application for amendment to the accreditation. EMS training institutes will also be required to develop and maintain additional written policy records.

Effective Date/Sunset Date

The regulations are effective upon publication in the *Pennsylvania Bulletin* as final regulations. No sunset date is imposed. The Department will monitor the

regulations to ensure that they meet EMS needs within the scope of the Department's authority to address through regulations.

Statutory Authority

Section 17.1 of the EMS Act (35 P.S. §6937.1) provides that the Department, in consultation with PEHSC, may promulgate regulations as may be necessary to carry out the provisions of the EMS Act. Other sections of the EMS Act contain more narrow grants of authority to the Department to promulgate regulations.

In section 3 of the EMS Act (35 P.S. §6923), the definitions of "advanced life support service medical director" and "Commonwealth Emergency Medical Director" provide that to qualify as either, one must be a medical command physician or meet equivalent qualifications as established by the Department through regulation. In the same section, the definitions of "emergency medical technician" and "emergency medical technician-paramedic" provide that both are to be certified in accordance with the current national standard curriculum as set forth in the regulations of the Department. *See, also*, section 11(b)(1)(i) and (d)(1)(i) of the EMS Act (35 P.S. §6931(b)(1)(i) and(d)(1)(i)). The definition of "medical command" in section 3 of the EMS Act provides that medical command physicians are to meet qualifications prescribed by the Department.

Section 5(2) of the EMS Act (35 P.S. §6925(2)) authorizes the Department to employ regulations to establish standards and criteria governing the award and administration of contracts under the EMS Act. Section 5(11) of the EMS Act (35 P.S. §6925(11)) authorizes the Department to adopt regulations to establish standards and criteria for EMS systems.

Section 11(a)(1) of the EMS Act (35 P.S. §6931(a)(1)) provides that the Department shall employ regulations to develop standards for the accreditation of educational institutes for EMS personnel. Section 11(a)(4), (d)(3) and (e) of the EMS Act (35 P.S. §6931(a)(4), (d)(3) and (e)) provide that EMTs and EMT-paramedics may, in the case of an emergency, perform duties deemed appropriate by the Department in accordance with the Department's regulations. Section 11(d)(2)(ii)(A) and (B), and (e.1)(3)(i) and (ii) of the EMS Act (35 P.S. §6931(d)(2)(ii)(A) and (B), and (e.1)(3)(i) and (ii)) provide that ALS service medical directors shall base a decision on whether to grant medical command authorization to an EMT-paramedic or prehospital registered nurse upon the individual's demonstrated competency in knowledge and skills as defined by Department regulation and the individual's completion of continuing education requirements adopted by regulation. Section 11(d)(2)(vi) and (e.1)(5) of the EMS Act (35 P.S. §6931(d)(2)(vi) and (e.1)(5)) provide that when an EMT-paramedic or prehospital registered nurse chooses to not seek or maintain medical command authorization, and to function exclusively as an EMT, that person is to apply to the Department for recognition as an EMT pursuant to Department regulations. Section 11(f) of the EMS Act (35 P.S. §6931(f)) provides that physicians approved by regional EMS councils as medical command physicians may give medical commands subject to Department regulatory requirements. Section 11(h) and (i) of the EMS Act (35 P.S. §6931(h) and (i)) provide that regional EMS council transfer and medical treatment protocols are to be established pursuant to Department regulation. Section 11(j)(2) of the EMS Act (35 P.S. §6931(j)(2)) grants immunity, for specified conduct, to EMS students enrolled in approved courses and supervised pursuant to Department regulations.

Section 12(b) of the EMS Act (35 P.S. §6932(b)) provides that applications for renewal of ambulance service licenses shall be made on forms prescribed by the Department in accordance with its regulations. Section 12(d) of the EMS Act (35 P.S. §6932(d)) provides that the Department shall promulgate regulations setting forth minimum essential equipment for BLS and ALS ambulances, as well as design criteria for ambulances.

Section 14(d) of the EMS Act (35 P.S. §6934(d)) provides that the standards the Department employs to disburse monies from EMSOF to providers of EMS shall be pursuant to regulation.

Regulatory Review

Under Section 5(a) of the Regulatory Review Act (Act), the Act of June 30, 1989 (P.L. 73, No. 19) (71 P.S. §§745.1-745.15), on January 29, 1999, the Department submitted a copy of proposed rulemaking, published at 29 Pa. B. 903, to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Health and Human Services Committee and the Senate Public Health and Welfare Committee for review and comment. In compliance with section 5(c) of the Act, the Department also provided IRRC and the Committees with copies of all comments received, as well as other documentation.

In compliance with section 5.1(a) of the Act, the Department submitted a copy of the final-form regulations to IRRC and the Committees on August 7, 2000. In addition, the Department provided IRRC and the Committees with Information pertaining to commentators and a copy of a detailed Regulatory Analysis Form prepared by the

Department in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

In preparing these final-form regulations the Department considered all comments received from IRRC, the Committees and the public.

These final-form regulations were (deemed) approved by the House Health and Human Services Committee on _____ and (deemed) approved by the Senate Public Health and Welfare Committee on _____. IRRC met on _____ and approved the regulations in accordance with section 5.1(e) of the Act. The Office of Attorney General approved the regulations on _____.

Contact Person

Questions regarding these final-form regulations may be submitted to Margaret E. Trimble, Director, Emergency Medical Services Office, Department of Health, 912 Health and Welfare Building, P.O. Box 90, Harrisburg, PA 17108-0090, (717) 787-8740. Persons with disabilities may submit questions in alternative formats, such as by audio tape or Braille. Speech or hearing impaired person may use V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Services at 1-800-654-5984 [TT].

Persons with disabilities who would like to obtain this document in an alternative format (that is, large print, audiotape, or Braille) should contact Ms. Trimble so that necessary arrangements may be made.

Findings

The Department finds:

- (1) Public notice of intention to adopt the regulations adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§1201 and 1202), and the regulations thereunder, 1 Pa. Code §§7.1 and 7.2.
- (2) A public comment period was provided as required by law and all comments were considered and forwarded to IRRC, the House Committee on Health and Human Services and the Senate Committee on Public Health and Welfare.
- (3) The adoption of the final-form regulations is necessary and appropriate for the administration of the authorizing statutes.

Order

The Department, acting under the authorizing statutes, orders that:

- (a) The regulations of the Department, 28 Pa. Code, Part VII. Emergency Medical Services, is amended by adding §§1001.7, 1001.28, 1001.65, 1003.23a, 1003.31-1003.34, 1005.2a, 1005.7a, 1005.15, 1009.6, 1013.8, and 1015.1-1015.2; by amending §§1001.1-1001.6, 1001.21-1001.27, 1001.41-1001.42, 1001.61-1001.62, 1001.81-1001.82, 1001.101, 1001.121, 1001.123-1001.125, 1001.141, 1001.161, 1003.1-1003.5, 1003.21-1003.23, 1003.24, 1003.25a-1003.30, 1005.1-1005.2, 1005.3-1005.7, 1005.8-1005.14, 1007.1-1007.2, 1007.7-1007.8, 1009.1-1009.2, 1009.4-1009.5, 1011.1, 1011.3-1011.4, 1013.1-1013.3, 1013.5-1013.6; and by repealing 1001.63-1001.64, 1001.102-1001.103, 1003.41-1003.44, 1007.3-1007.6, 1007.9, 1009.3, and 1011.2 as set forth in 29 Pa. B. 903 and Annex A hereto.

(b) The Secretary of Health shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for approval as required by law.

(c) The Secretary of Health shall submit this order, Annex A and a Regulatory Analysis Form to IRRC, the House Committee on Health and Human Services and the Senate Committee on Public Health and Welfare for their review and action as required by law.

(d) The Secretary of Health shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(e) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

ANNEX A

Title 28. Health and Safety

Chapters 1001 -- 1015. Emergency Medical Services

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1009.	[EMS] MEDICAL COMMAND [MEDICAL] FACILITIES.....	1009.1
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CHAPTER 1001. ADMINISTRATION OF THE EMS SYSTEM

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Subchapter A. GENERAL PROVISIONS

GENERAL INFORMATION

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GENERAL INFORMATION

§1001.1. Purpose.

The [Department has the duty under the act] purpose of this part is to plan, guide, assist and coordinate the development of regional EMS systems into a unified Statewide system and to coordinate the system with similar systems in neighboring states, and to otherwise implement the Department's responsibilities under the act consistent with the Department's rulemaking authority. [The Department will accomplish this purpose through this part.]

§1001.2. Definitions.

The following words and terms, when used in this part, have the following meanings, unless the context clearly indicates otherwise:

ACLS course -- Advanced cardiac life support course -- A course in advanced cardiac life support sanctioned by the American Heart Association.

ALS ambulance service-Advanced life support ambulance service -- An entity licensed by the Department to provide ALS services [and transportation] by ambulance to

seriously ill or injured patients. The term includes mobile ALS ambulance services that may or may not transport patients.

ALS service medical director -- Advanced life support service medical director -- A medical command physician or a physician meeting the equivalent qualifications [set forth] in §1003.5 (relating to ALS service medical director) who is employed by, contracts with or volunteers with, either directly, or through an intermediary, an ALS ambulance service to make medical command authorization decisions, provide medical guidance and advice to the ALS ambulance service, and [to] evaluate the quality of patient care provided by the prehospital personnel utilized by the ALS ambulance service.

ALS services -- Advanced life support services -- The advanced prehospital and interhospital emergency medical care of serious illness or injury by appropriately trained health professionals and [certified] EMT-paramedics.

APLS course-- Advanced pediatric life support course -- A course in advanced pediatric life support sanctioned by the American Academy of Pediatrics and the American College of Emergency Physicians.

ATLS course -- Advanced trauma life support course -- A course in advanced trauma life support sanctioned by the American College of Surgeons Committee on Trauma.

Act -- The Emergency Medical Services Act (35 P.S. §§6921 -- 6938).

Air ambulance -- A rotorcraft [licensed by the Department for use as an EMS vehicle] specifically designed, constructed or modified and equipped, used or intended to be used, and maintained or operated for the purpose of providing emergency medical care to, and air transportation of, patients.

[Air ambulance medical crew member -- A licensed physician, registered nurse or certified EMT-paramedic, who meets the qualifications required by Chapter 1007 (relating to licensing of air ambulance services--rotorcraft) and who is employed to provide prehospital medical care and services to patients transported by air ambulance.]

Air ambulance medical director -- A medical command physician or a physician meeting the minimum qualifications [set forth] in [§1003.41 (relating to air ambulance medical director)] §1003.5 who is employed by, or contracts with, or volunteers with, either directly, or through an intermediary, an air ambulance service to make medical command authorization decisions, provide medical guidance and advice to the [ALS] air

ambulance service, and [to] evaluate the quality of patient care provided by the prehospital personnel utilized by the air ambulance service.

Air ambulance service -- An agency or entity licensed by the Department to provide transportation and ALS care of patients by air ambulance.

Aircraft operator -- The person, company or agency, certified by the FAA, under 14 CFR Part 135 (relating to air taxi operators and commercial operators), to conduct air taxi operations.

Ambulance -- A vehicle specifically designed, constructed or modified and equipped, used or intended to be used, and maintained or operated for the purpose of providing emergency medical care to patients, and the transportation of[,] patients if used for that purpose. The term includes ALS or BLS vehicles that may or may not transport patients.

Ambulance attendant -- An individual who [holds a valid certificate evidencing the successful completion of a course in advanced first aid sponsored by the American Red Cross and a valid certificate evidencing the successful completion of a course in CPR sponsored by the American Heart Association or the American Red Cross, or an individual who can evidence the successful completion of an equivalent training program approved by the Department] possesses the qualifications in §1003.21(b) (relating to ambulance attendant).

~~Ambulance call report -- A summary of an emergency ambulance response, nonemergency ALS response, interfacility transport, or nonemergency BLS transport that becomes an emergency. The report shall contain information specified in a format provided by the Department.~~

Ambulance identification number -- A number issued by the Department to each ambulance operated by an ambulance service.

Ambulance service -- An entity which regularly engages in the business or service of providing emergency medical care and transportation of patients in this Commonwealth. The term includes [mobile] ALS ambulance services that may or may not transport patients.

Ambulance service affiliate number -- [The] A unique number assigned by the Department to an ambulance service, the first two digits of which designate the county in which the ambulances of the ambulance service are based MAINTAINS ITS PRIMARY HEADQUARTERS.

[Ambulance trip report number -- A unique number assigned to an ambulance response and recorded on the ambulance trip report form.]

BLS ambulance service -- Basic life support ambulance service -- An entity licensed by the Department to provide BLS services and transportation by ambulance to [seriously ill or injured] patients.

BLS services--Basic life support services -- The basic prehospital or interhospital emergency medical care and management of illness or injury performed by specially trained, [and] certified or licensed personnel.

[BLS training institute -- Basic life support training institute -- An entity accredited by the Department to conduct BLS training courses designed to prepare individuals to render prehospital and interhospital BLS within an organized EMS system.]

Basic rescue practices technician -- An individual who [holds a valid certificate of successful completion of a rescue training program conducted in accordance with the training curriculum approved by the Department] is certified by the Department to possess the training and skills to perform a rescue operation as taught in a basic rescue practices technician program approved by the Department.

Basic vehicle rescue technician -- An individual who [holds a valid certificate of successful completion of a vehicle rescue training program conducted in accordance with the training curriculum approved by the Department] is certified by the Department to possess the training and skills to perform a rescue from a vehicle as taught in a basic vehicle rescue technician program approved by the Department.

Board certification -- Current certification in a medical specialty or subspecialty recognized by either the American Board of Medical Specialties or the American Osteopathic Association.

CPR -- Cardiopulmonary resuscitation -- The combination of artificial respiration and circulation which is started immediately as an emergency procedure when cardiac arrest or respiratory arrest occurs[, by those properly trained and certified to do so].

*CPR [Certification] course -- Cardiopulmonary resuscitation [certification] course -
- A [certificate evidencing successful completion of a] course of instruction in CPR, meeting the [most current American Heart Association] Emergency Cardiac Care Committee National Conference on CPR and Emergency Cardiac Care standards. The*

[certification] course shall [have a current valid date and] encompass one and two-rescuer adult, infant and child CPR, and obstructed airway methods.

[Closest available ambulance -- An ambulance, which as a result of a combination of location and other factors, such as traffic conditions, weather, and the like, can reach a patient most promptly.]

Commonwealth Emergency Medical Director -- A medical command physician or a physician meeting the equivalent qualifications in §1003.1 (relating to Commonwealth Emergency Medical Director) and approved by the Department to advise, formulate and direct policy on matters pertaining to EMS.

Continuing education -- Learning activities intended to build upon the education and experiential basis of prehospital personnel for the enhancement of practice, education, administration, research or theory development, to strengthen the quality of care provided.

Continuing education sponsor -- An entity or institution that [applies to the Department and satisfies the Department's requirements to become an] is accredited by the Department as a sponsor of continuing education courses.

Council -- The [State Advisory Council, which shall be known as the] Board of Directors of the Pennsylvania Emergency Health Services Council.

Critical care specialty receiving facility -- [Facilities] A facility identified by [their] its capability of providing specialized emergency and continuing care to patients [within], including, in one of the following medical areas: poisoning, neonatal, spinal cord injury, behavioral, burns, cardiac and trauma.

Department -- The Department of Health of the Commonwealth or a designee.

Department [of Health certification] identification number -- A number issued [through the Department's computer system] by the Department that identifies an individual who participates in the Statewide EMS system and, who has been certified [as an EMT, EMT-paramedic, EMT instructor, first responder, and the like. The certification includes the expiration date and status level.], recognized or otherwise assigned an identification number by the Department.

Direct support of EMS systems -- Activities, equipment and supplies that are involved in the planning, initiation, maintenance, expansion, or improvement of EMS systems.

EMSOF - Emergency Medical Services Operating Fund -- Moneys appropriated to the Department pursuant to section 14(c) of the Act (35 P.S. §6934(c)) and which are not assigned to the Catastrophic Medical and Rehabilitation Fund.

EMS -- Emergency medical services -- The ~~ALS and BLS~~ services utilized in responding to the needs of an individual for immediate medical care to prevent loss of life or aggravation of physiological or psychological illness or injury.

[*EMS council --* A nonprofit incorporated entity or appropriate equivalent whose function is to plan, develop, maintain, expand and improve EMS systems within a specific geographical area of this Commonwealth and which is deemed by the Department as being representative of health professions and major public and voluntary agencies, organizations and institutions concerned with providing EMS. See the definition of "regional EMS council."]

EMS PATIENT CARE REPORT—A REPORT THAT PROVIDES STANDARDIZED DATA AND INFORMATION RELATING TO PATIENT ASSESSMENT AND CARE.

EMS system -- The arrangement of personnel, facilities and equipment for the effective and coordinated delivery of EMS required in the prevention and management of incidents which occur either as a result of a medical emergency or of an accident, natural disaster or similar situation.

EMS training institute -- Emergency medical services training institute -- An institute accredited by the Department to provide a course required for the certification or recognition of a prehospital practitioner.

EMS training manual -- Emergency medical services training manual -- A manual adopted by the Department and reviewed biennially by the Council to aid ALS service medical directors in determining whether EMT-paramedics and prehospital registered nurses have demonstrated competency in the knowledge and skills necessary to be granted or maintain medical command authorization.

EMT -- Emergency medical technician -- An individual trained to provide prehospital emergency medical treatment and certified as such by the Department in accordance with the current [NSC for basic EMTs] EMT-NSC, as set forth in this part.

EMT-NSC-- Emergency medical technician-National standard curriculum -- [The current National training program for emergency medical technicians] An outline of

knowledge and skills recommended for the education and training of EMTs, as adopted by the United States Department of Transportation.

EMT-paramedic -- Emergency medical technician-paramedic -- An individual who is trained to provide prehospital emergency medical treatment at an advanced level and certified as such by the Department [under] in accordance with the current [NSC for EMT-paramedics] EMT-PARAMEDIC NSC, as set forth in this part.

EMT-paramedic NSC -- Emergency medical technician-paramedic National standard curriculum -- [The National training program for EMT-paramedics] An outline of knowledge and skills recommended for the education and training of EMT-paramedics, as adopted by the United States Department of Transportation.

Emergency -- A combination of circumstances resulting in a need for immediate medical intervention.

Emergency department -- An area of the hospital dedicated to offering emergency medical evaluation and initial treatment to individuals in need of emergency care. [An emergency department may be a section/division of the medicine or surgery department, or may be organized as a separate department.]

FAA -- The Federal Aviation Administration.

FAA certification number -- An air taxi/commercial operator operating certificate number assigned by the FAA, authorizing the certificate holder to operate aircraft as required by 14 CFR Part 135.

Facility -- A hospital.

Federal KKK standards -- The minimum standards and specifications for ambulance vehicles [set up] adopted by the United States Department of Transportation [Federal KKK-A-1822-B 1985, and amendments or revisions thereto].

Federally declared emergency -- A state of emergency declared by the President of the United States, upon the request of a governor. Once the President declares the situation a "major disaster," the Federal government supplements State and local efforts to meet the crisis.

[Field internship -- A portion of a required EMT-paramedic training program during which the student obtains supervised experience on a licensed ALS unit.

Field preceptor -- A person who evaluates a student's performance in a prehospital setting and is approved by the ALS training institute medical director.]

First responder -- An individual who is certified by the Department as a first responder.

Health professional -- A [licensed] physician who has education and continuing education in ALS services and prehospital care or a prehospital registered nurse.

Hospital -- An institution having an organized medical staff which is primarily engaged in providing to inpatients by or under the supervision of physicians, diagnostic and therapeutic services or rehabilitation services for the care or rehabilitation of injured, disabled, pregnant, diseased, sick or mentally ill persons. The term includes a facility for the diagnosis and treatment of disorders within the scope of specific medical specialties, but not a facility caring exclusively for the mentally ill.

[*Incident location* -- The geographic site of an emergency usually indicated by a minor civil division code number.]

Invalid coach -- A vehicle primarily maintained, operated and intended to be used for routine transport of persons who are convalescent or otherwise nonambulatory and do not ordinarily require emergency medical treatment while in transit. The term does not include an ambulance or [an] another EMS vehicle.

[*Licensing agency* -- The Department.]

Medical advisory committee -- An advisory body, composed of a majority of physicians, to advise [the] a regional[/State] EMS council or the Council on issues that have potential impact on the delivery of emergency medical care.

Medical audit -- A mechanism to evaluate patient care.

Medical command -- An order given [to a provider of EMS by an authorized medical command physician who meets qualifications prescribed by the Department] by a medical command physician to a prehospital practitioner in a prehospital, interfacility, or emergency care setting in a hospital, to provide immediate medical care to prevent loss of life or aggravation of physiological or psychological illness or injury, OR TO WITHDRAW OR WITHHOLD TREATMENT.

Medical command authorization -- Permission given by the ALS service medical director, including an air ambulance medical director, to an EMT-paramedic or a prehospital registered nurse under §1003.28 (relating to medical command authorization) to perform, on behalf of an ALS ambulance service, ALS services pursuant to medical command or in accordance with Department approved regional EMS council transfer and

medical treatment protocols when medical command cannot be secured, is disrupted or is not required pursuant to the approved regional EMS council transfer and medical treatment protocols.

Medical Command Base Station Course -- The course adopted by the Department for medical command physicians and ALS service medical directors which provides an overview of the medical command system ~~and base station direction.~~

Medical command facility -- The distinct unit within a facility that contains the necessary equipment and personnel, as prescribed in §1009.1 (relating to operational criteria) for providing medical command to and control [to an ambulance service] over prehospital personnel when providing medical command.

Medical command facility medical director -- A medical command physician [responsible] who meets the criteria established by the Department to assume responsibility for the [medical] direction and control of the [medical command physicians at an accredited] equipment and personnel at a medical command facility.

Medical command physician -- A physician [licensed in this Commonwealth who meets the criteria set forth by the Department for a medical command physician and] who is approved by [the] a regional EMS council [medical director] to provide medical command [to prehospital and interhospital providers].

Medical [control] coordination-- A system which involves the medical community in all phases of the regional EMS system and consists of the following elements:

- (i) Designation of a regional medical director.
- (ii) Responsibility for [overall supervision] oversight to assure implementation of all medical requirements, with special emphasis on patient triage and medical treatment protocol.
- (iii) Effective emergency medical planning and [designation] recommendation for Department recognition of [on-line] online command facilities with medical command physicians who give orders to prehospital patient care providers.
- (iv) [Medical] Transfer and MEDICAL treatment protocols.
- (v) Technologic innovations which support the training and operations of the physicians giving orders to prehospital patient care providers.

(vi) Technologic innovations which support the training and operations of the EMS program and an effective process for accountability -- for example, records, case review and audits.

[Medical protocols -- Written prescribed medical procedures, adopted by the regional EMS councils after consultation with the regional EMS medical advisory committee and approval by the Department. Review of medical protocols by the regional councils shall be made on an annual basis with notification to the Department of changes.]

Medical record -- Documentation of the course of a patient's condition and treatment, maintained to provide communication among health care providers for current and future patient care.

[Medical service area -- A specified geographic area within which responsibility for medical supervision and control is designated by a regional EMS council based upon factors such as patient flow patterns, area population and EMS call volumes.]

Medical treatment protocols -- Written prescribed medical procedures.

~~*Mutual aid response --* Response by an ambulance unit to an emergency based on a written agreement between [EMS providers] ambulance services whereby the signing parties agree to lend aid to one another under conditions specified in the agreement.~~

NSC -- National Standard Curriculum.

[On-line communication -- Direct radio or telephonic communication.]

PALS course-- Pediatric advanced life support course -- A course in advanced pediatric life support sanctioned by the American Heart Association and the American Academy of Pediatrics.

PSAP -- Public safety answering point -- A communications center established to serve as the first point at which calls by or on behalf of patients are received requesting emergency medical assistance.

Patient -- An individual who is believed to be sick, injured, wounded or otherwise incapacitated and helpless and ~~who needs~~ IN NEED OF immediate medical attention.

[Pennsylvania Field Protocols for BLS -- The most current BLS treatment guidelines recommended by the Council's Medical Advisory Committee and approved by the Department as defined in the act.]

Pennsylvania Trauma Systems Foundation -- A nonprofit Pennsylvania corporation whose function is to accredit trauma centers in this Commonwealth.

Physician -- An individual who has a currently registered license to practice medicine or osteopathic medicine in this Commonwealth.

[*Prehospital ambulance trip report* -- A summary of each ambulance call to which an ambulance responds. The report shall contain information specified on forms provided by the Department.]

Prehospital personnel --[Personnel certified or recognized by the Department to render EMS to patients outside of the hospital setting.] The term includes any of the following individuals:

(i) Ambulance attendants.

(ii) First responders.

(iii) EMTs.

(iv) EMT-paramedics.

(v) Prehospital registered nurses.

(vi) Health professional physicians.

ANY ONE OF THESE INDIVIDUALS IS A "PREHOSPITAL PRACTITIONER."

~~*Prehospital Personnel [Training] Manual* -- A manual developed by the Department and reviewed by the Council for the administration of ALS and BLS prehospital personnel training programs.~~

Prehospital registered nurse -- An individual who is recognized by the Department as such under §1003.25b (relating to prehospital registered nurse.)

[*Prescribing physician* -- A physician licensed in this Commonwealth who is either the medical command physician who has ordered the controlled substance or the receiving emergency department physician who has received the patient from the ALS unit and will be replacing the controlled substance. A prescribing physician shall possess a valid DEA number.

Primary response area -- The specified geographic area assigned to a licensed ambulance service that then has responsibility for the provision of prehospital emergency medical care and transportation in the area. Primary response areas are determined by regional EMS council plans, according to factors such as the location of ambulance resources, ambulance response times and area population. A primary response area designation is not intended to be an exclusive designation.]

Providers of EMS -- A facility, BLS ambulance service or ALS ambulance service, or a QRS.

QRS -- *Quick [Response Service] response service* -- [A service which meets Department requirements and is strategically located to fill a response time gap if EMS cannot be provided within 10 minutes of the time a call for assistance is received.] An entity recognized by the Department to respond to an emergency and to provide EMS to patients pending the arrival of the prehospital personnel of an ambulance service.

[Quick responder -- A person responding as part of a designated quick response service which is strategically located within a specified EMS service area and is coordinated through the local and regional EMS response system. The personnel shall be trained and certified to the first responder level or higher.]

Receiving facility -- A fixed facility that provides an organized emergency department [of emergency medicine], with a [licensed and ACLS certified] physician who is trained to manage cardiac, trauma, and pediatric, MEDICAL AND BEHAVIORAL emergencies, and is present in the facility [who is] and available to the emergency department 24 [hours a day] hours-a-day, 7 [days a week] days-a-week, and a registered nurse who is present in the emergency department 24 [hours a day] hours-a-day, 7 [days a week] days-a-week. The [facilities] facility shall also comply with Chapter 117 (relating to emergency services).

Regional EMS council -- A nonprofit incorporated entity or appropriate equivalent whose function is to plan, develop, maintain, expand and improve EMS systems within a specific geographical area of this Commonwealth and which is deemed by the Department as being representative of health professions and major PRIVATE AND public and voluntary agencies, organizations and institutions concerned with providing EMS in the region. [See the definition of EMS council.]

Registered nurse -- An individual who has a current original or renewed license to practice nursing in this Commonwealth as a registered nurse.

Rescue vehicle -- A vehicle which is designed or modified and equipped for rescue operations to release persons from entrapment and which is not routinely used for emergency medical care or transport of patients.

RESIDENCY PROGRAM – TRAINING APPROVED OR RECOGNIZED BY THE STATE BOARD OF MEDICINE OR THE STATE BOARD OF OSTEOPATHIC

MEDICINE AS A PROGRAM OF GRADUATE MEDICAL TRAINING FOR PHYSICIANS.

Rural area -- An area outside urbanized areas as defined by the United States Bureau of the Census.

Scope of practice -- Those emergency medical services that an individual who is certified or recognized by the Department is permitted to perform pursuant to the certification or recognition provided the individual has medical command authorization, if required.

Secretary -- The Secretary of the Department.

Service area -- The area in which an ambulance service routinely provides services.

Special care unit -- An appropriately equipped area of the hospital where provision has been made for a concentration of physicians, registered nurses and others who have special skills and experiences to provide medical care for critically ill patients.

Special event -- A planned and organized activity or contest, which will place [a group of 10,000 or more known or estimated] participants or attendees, or both, in a defined geographic area IN WHICH THE POTENTIAL NEED FOR EMS EXCEEDS LOCAL EMS CAPABILITIES, OR where access by emergency vehicles might be delayed due to crowd or traffic congestion at or near the event.

[*Specialized*] *Special vehicle rescue [training] technician* -- An individual who [holds a valid certificate of successful completion of a training program in specialized rescue training conducted in accordance with the curriculum approved by the Department] is certified by the Department to possess the training and skills to perform special rescue operations as taught in the special vehicle rescue training program approved by the Department.

State declared emergency -- An emergency declared by the Governor.

Statewide BLS medical treatment protocols -- Written medical treatment protocols adopted by the Department that have Statewide application to the delivery of BLS services by prehospital personnel.

[*Transfer agreements* -- A formal written agreement between facilities providing for transfer of patients to specialized facilities which offer follow-up care and rehabilitation as necessary to effect the maximum recovery of the patient.]

Trauma center -- A facility accredited as a trauma center by the Pennsylvania Trauma Systems Foundation.

[Vehicle licensure identification number -- A number issued by the Department to each ambulance of a ambulance service.]

VOLUNTEER AMBULANCE SERVICE – ANY NONPROFIT CHARTERED CORPORATION, ASSOCIATION, OR ORGANIZATION LOCATED IN THIS COMMONWEALTH AND WHICH IS REGULARLY ENGAGED IN THE SERVICE OF PROVIDING EMERGENCY MEDICAL CARE AND TRANSPORTATION OF PATIENTS AS AN AMBULANCE SERVICE.

§1001.3. Applicability.

[(a) This part implements the act.]

(b)] This part affects regional EMS councils, the Council, other entities desiring to [contract with] receive funding from the Department or the regional EMS councils for the provision of EMS, ALS and BLS ambulance services, QRSs, instructors and institutes involved in the training of prehospital personnel including EMTs, EMT-paramedics, first responders, ambulance attendants and health professionals, and trauma centers and local governments involved in the administration and support of EMS.

§1001.4. Exceptions.

(a) The Department may, ~~for justifiable reason~~, grant exceptions to, and departures from, this part when the policy objectives and intentions of this part are otherwise met or when compliance would create an unreasonable hardship, but would not impair the health, safety or welfare of the public. No exceptions or departures from this part will be granted if compliance with the [requirement is provided for] standard is required by statute.

(b) Requests for exceptions to this part shall be made in writing to the Department. The requests, whether approved or not approved, will be documented and retained on file by the Department. Approved requests shall be retained on file by the applicant during the period the exception remains in effect.

(c) A granted request will specify the period during which the exception is operative. Exceptions may be reviewed or extended if the ~~justifiable~~ reasons for the original exception continue.

(d) An exception granted may be revoked by the Department for just cause. Just cause includes, but is not limited to, failure to meet the conditions for the exception. Notice of the revocation will be in writing and will include the reason for the action of the Department and a specific date upon which the exception will be terminated.

(e) In revoking an exception, the Department will provide for a reasonable time between the date of the written notice or revocation and the date of termination of an exception for the holder of the exception to come into compliance with this part. Failure to comply after the specified date may result in enforcement proceedings.

(f) The Department may, on its own initiative, grant an exception to this part if the substantive requirements of subsection (a) are satisfied.

§1001.5. Investigation.

[(a) The Department may investigate accidents involving an ambulance or other EMS vehicle.

(b) The Department may investigate complaints involving EMS providers or personnel.] The Department may investigate any person, entity or activity for compliance with the provisions of the act and this part.

§1001.6. Comprehensive EMS development plan.

(a) The Department, with the advice of the Council, will develop and annually update a Statewide EMS development plan for the coordinated delivery of EMS in this Commonwealth.

(b) The plan will contain, but not be limited to:

(1) An inventory of emergency services resources available in this Commonwealth.

(2) An assessment of the effectiveness of the existing services and a determination of the need for additional services.

(3) A statement of goals and specific measurable objectives for delivery of EMS to persons in need of the services in this Commonwealth.

- (4) Methods to be used in achieving the stated objectives.
- (5) A schedule for achievement of the stated objectives.
- (6) A method for evaluating the stated objectives.
- (7) Estimated costs for achieving the stated objectives.

(c) The Department will incorporate regional EMS development plans into the Statewide EMS development plan.

(d) The Department will adopt a Statewide EMS development plan, and updates to the plan, after public notice, an opportunity for comment and its consideration of comments received, and will make the plan available to the General Assembly and all concerned agencies, entities and individuals who request a copy.

§1001.7. Comprehensive regional EMS development plan.

(a) A regional EMS council shall develop and annually update a regional EMS development plan for coordinating and improving the delivery of EMS in the region for which it has been assigned responsibility.

(b) The plan shall contain:

- (1) An inventory of emergency services resources available in the region.
- (2) An assessment of the effectiveness of the existing services and a determination of the need for additional services.
- (3) A statement of goals and specific measurable objectives for delivery of EMS to persons in need of EMS in the region.
- (4) Identification of interregional problems and recommended measures to resolve those problems.
- (5) Methods to be used in achieving stated objectives.
- (6) A schedule for achievement of the stated objectives.
- (7) A method for evaluating whether the stated objectives have been achieved.
- (8) Estimated costs for achieving the stated objectives.
- (9) Other information as requested by the Department.

(c) A regional EMS council shall, in the course of preparing a regional EMS development plan, and updates to the plan, provide public notice and an opportunity for comment. It shall consider all comments before submitting a proposed plan to the Department.

(d) A regional EMS development plan shall become final after it is approved by the Department. The regional EMS council shall make the plan available to all concerned agencies, entities and individuals who request a copy.

Subchapter B. AWARD AND ADMINISTRATION OF [CONTRACTS] FUNDING

Sec.

- 1001.21. Purpose.
- 1001.22. Criteria for funding.
- 1001.23. Allocation of funds.
- 1001.24. Application for contract.
- 1001.25. Technical assistance.
- 1001.26. Restrictions on contracting.
- 1001.27. Subcontracting.
- 1001.28. Contracts with the Council.

§1001.21. Purpose.

This subchapter implements section 5(b)(2) of the act (35 P.S. §6925(b)(2)), which authorizes the Department to establish, by regulation, standards and criteria governing the award and administration of contracts under the act, and section 10 of the act (35 P.S. §6930), which authorizes the Secretary to enter into contracts with regional EMS councils and other appropriate entities for the initiation, expansion, maintenance and improvement of EMS systems which are in accordance with the Statewide EMS development plan, and which further authorizes the Secretary to enter into contracts with organizations other than regional EMS councils to assist the Department in complying with the provisions of the act.

§1001.22. Criteria for funding.

(a) A potential contractor or other recipient of funds from the Department, either directly or through the Department's agent, may receive funding for the following:

- (1) Public education, information and prevention regarding EMS, including:
 - (i) Public education programs, including CPR, first aid, instruction regarding 911 systems and how to access EMS systems.
 - (ii) Public information programs, including passenger and driver safety specialty services and EMS system awareness programs.
 - (iii) Prevention programs, including passenger restraint systems, prudent heart living and general health awareness.
- (2) Purchasing ambulances, medical equipment and rescue equipment which enables or enhances the delivery of EMS. Equipment will be funded only if approved by the Department.
 - (i) Ambulances will be considered for funding if the funds will be used for [expansion for the service] the addition or replacement of existing vehicles or parts, by a licensed ambulance service or an [ambulance service] entity submitting an application for licensure as an ambulance service. [Ambulances which are funded shall meet or exceed standards defined, published and distributed by the Department.]
 - (ii) Medical equipment will be considered for funding if the funds will be used to purchase medical equipment for ambulances, [QRS] QRSs, [first responder agencies], rescue services and other emergency services approved by the Department, including police and fire departments and recognized medical command facilities.
 - (iii) Rescue equipment will be considered for funding if the funds will be used to purchase rescue equipment for ambulance services, rescue services, fire departments, [QRS] QRSs, police agencies and other emergency services approved by the Department.
- (3) Costs associated with training programs for prehospital personnel.
 - (i) [These funds will be provided only to EMS training facilities accredited by the Department for classes that include first responders, EMTs, EMT-paramedics, emergency services dispatchers, health professionals and rescue technicians.
 - (ii) Costs associated with the training programs in subparagraph (i) that will be eligible for funding include expenses associated with providing:
 - (A) Instructors.
 - (B) Course coordinators.
 - (C) Program medical directors.

- (D) Clinical and field preceptors.
- (E) Medical and nonmedical equipment and supplies.
- (F) Field internships.
- (G) Related travel expenses.
- (H) Program directors.]

Educational costs associated with the conduct of training programs for prehospital personnel, and for other personnel who are involved in managing interfacility patient transports.

[(iii)] (ii) Priority consideration will be given to training programs providing for certification, recertification, recognition and continuing education of individuals actively engaged in providing prehospital or interhospital EMS and rescue services.

(4) Costs associated with ambulance service inspections conducted to assist the Department with ambulance service licensure.

(5) Purchasing communications equipment, including medical command communications equipment, and alerting equipment for EMS purposes, if the purchases are in accordance with regional EMS council and Statewide telecommunications plans.

(6) Purchasing equipment for [hospital] emergency departments, if the equipment is used or intended to be used in equipment exchange programs with ambulance services. The equipment purchased shall be of a type used by prehospital and interhospital EMS personnel in the care, treatment, stabilization and transportation of patients in a prehospital or interhospital setting. It shall be the type of equipment that can be easily or safely removed from the patient upon arrival or during treatment at the receiving [medical] facility.

(7) Costs associated with the maintenance and operation of regional EMS councils. Items eligible for funding include:

- (i) Salaries, wages and benefits of staff.
- (ii) Travel.
- (iii) Equipment and supplies.
- (iv) Leasing of office space.
- (v) Other costs incidental to the conduct of business which are found by the Department to be necessary and appropriate.

(8) Costs associated with the collection and analysis of data necessary to evaluate the effectiveness of EMS systems in providing EMS. These costs may include the processing of both prehospital and hospital data and include the following:

- (i) Data collection.
- (ii) Data entry.
- (iii) Data processing of information.
- (iv) Analysis and evaluation of data.
- (v) Dissemination and interpretation of data.

(9) Emergency allocations.

(i) Costs associated with a State or Federally declared emergency which the [Secretary] Department finds necessary to carry out the purpose of the act. Eligible applicants are those recognized by the regional EMS council as participants in the delivery of emergency medical or rescue services to or in the affected area.

(ii) Other emergency allocations found necessary by the [Secretary] Department to provide immediate resources or equipment to an area where the health and safety of the residents of this Commonwealth are in jeopardy.

(10) Costs associated with the implementation of voluntary certification or recognition programs, [including] such as a voluntary rescue ~~service~~ TECHNICIAN certification program.

(11) Other costs determined by the Department to be appropriate and necessary for the implementation of a comprehensive EMS system.

(b) [To be considered for funding, a potential contractor may not propose to provide] Funds will not be made available for any of the following:

(1) Acquisition, construction or rehabilitation of facilities or buildings, except renovation as may be necessary for the implementation of 911 and EMS communication systems.

(2) The purchase of hospital equipment, unless the equipment is used or intended to be used in an equipment exchange program with ambulance services.

(3) Maintenance of ambulances, medical equipment or rescue equipment.

(4) Other costs found by the Department to be inappropriate.

(5) Costs which are normally borne by patients.

(c) The Department will set forth additional priorities for funding on a yearly basis in notices published in the *Pennsylvania Bulletin*.

(d) The Department, by contract or notice published in the *Pennsylvania Bulletin*, may require a contractor or other applicant for funding to provide matching funds in specified percentages as a condition for receiving funds distributed by the Department or a regional EMS council.

§1001.23. Allocation of funds.

[(a)] The Department and regional EMS councils will consider the following factors in determining who shall receive funding and in what amount:

- (1) The total amount of funds available.
- (2) Conformity of the proposed application to the [State] Statewide EMS development plan.
- (3) Financial need of the applicant.
- (4) [Source of other funds] Funds available to the applicant for the purpose set forth in the application, including non-State contributions, Federal grants[,] or Federal contracts pertaining to EMS. Non-State contributions include cash and in-kind services provided to the contractor or toward the operation of an EMS system by private, public or government entities, including the Federal government.
- (5) Economic base of the geographic area served by the applicant.
- (6) Population of the geographic area served by the applicant.
- (7) Special rural needs of the geographic area served by the applicant.
- (8) Potential duplication of services.
- (9) Priorities of the Department.
- (10) Other factors set forth by the Department in published guidelines or policies.

[(b)] The Department will set forth priorities for funding on a yearly basis in policies published by notice in the *Pennsylvania Bulletin*.]

§1001.24. Application for contract.

To be considered for funding by the Department to plan, initiate, maintain, expand or improve an EMS system, a regional EMS council or other appropriate entity shall submit

an application on a form [presented] ~~prepared~~ PRESCRIBED by the Department[, including, but not limited to,] and shall provide the following information:

(1) The need for planning, initiation, maintenance, expansion or improvement of an EMS system.

(2) Data and information which demonstrate the qualifications of the applicant to plan, initiate, expand or improve an EMS system, and which include organizational structure and provision for representation of appropriate entities.

~~(3) The applicant's organizational structure.~~

§1001.25. Technical assistance.

(a) Regional EMS councils and other contracting entities may request technical assistance from the Department, if necessary, for the purpose of carrying out their contracts. Special consideration shall be given to contractors in rural areas TO ASSIST WITH MATTERS SUCH AS RECRUITMENT, RETENTION OF PREHOSPITAL PERSONNEL, AMBULANCE SERVICE MANAGEMENT, AND AMBULANCE EQUIPMENT, IN RECOGNITION THAT RURAL AREAS MAY NOT HAVE SUFFICIENT RESOURCES OF THESE TYPES.

(b) Technical assistance from the Department may also be available to subcontractors when technical assistance resources are not available from the regional EMS council designated for the applicable area.

(c) Examples of technical assistance resources include, but are not limited to:

(1) Telecommunications specialists.

(2) Public education resources.

(3) ~~Management information~~ INFORMATION MANAGEMENT sources.

§1001.26. Restrictions on contracting.

(a) The Department will not contract, during the same term of contract, [for the organization of] with more than one regional EMS council [which covers the same geographic area or a substantial] to exercise responsibility for all or a portion of the same geographic area.

(b) A regional EMS council or other contractor does not have the right to have a contract renewed.

§1001.27. Subcontracting.

(a) A regional EMS council, which has received a contract from the Department, may receive the Department's written approval to subcontract certain of its contractual duties to other [EMS] entities as deemed necessary and appropriate for the proper execution of the contract with the Department.

(b) A subcontract may not be executed until the Department determines in writing that the subcontract is necessary and appropriate.

(c) Subcontractors will be paid on a cost reimbursement basis. The costs will be determined by the Department based on documentation submitted to the Department.

§1001.28. Contracts with the Council.

Sections 1001.22 -- 1001.27 do not apply to contracts between the Department and the Council. The Department will contract with the Council to provide it funds to perform the services the Council is required to perform under the act, and may contract with the Council for it to assist the Department in complying with other provisions of the act.

Subchapter C. COLLECTION OF DATA AND INFORMATION

Sec.

1001.41. Data and information requirements for ambulance services.

1001.42. Dissemination of information.

§1001.41. Data and information requirements for ambulance services.

(a) Ambulance services licensed to operate in this Commonwealth shall collect, maintain and report accurate and reliable patient data and information for calls for assistance {in the format prescribed and on PAPER OR ELECTRONIC forms provided OR APPROVED by the Department [within a specified time period]}. AN AMBULANCE SERVICE SHALL FILE THE REPORT FOR ANY CALL TO WHICH IT RESPONDS THAT RESULTS IN PATIENT CARE, ASSESSMENT, OR REFUSAL

OF THE PATIENT TO BE ASSESSED. The report shall be made by completing an ambulance call EMS PATIENT CARE report AND FILING IT, WITHIN 30 DAYS, WITH THE REGIONAL EMS COUNCIL THAT IS ASSIGNED RESPONSIBILITIES FOR THE REGION IN WHICH THE AMBULANCE IS BASED. IT SHALL CONTAIN INFORMATION SPECIFIED BY THE DEPARTMENT. THE DEPARTMENT WILL PUBLISH A LIST OF THE DATA ELEMENTS AND THE FORM SPECIFICATIONS FOR THE EMS PATIENT CARE REPORT FORM IN A NOTICE IN THE *PENNSYLVANIA BULLETIN* AND ON THE DEPARTMENT'S WEBSITE. PAPER EMS PATIENT CARE REPORT FORMS MAY BE SECURED FROM REGIONAL EMS COUNCILS. ELECTRONIC REPORTING SHALL CONFORM WITH THE REQUIREMENTS PUBLISHED IN THE *PENNSYLVANIA BULLETIN* NOTICE. THE DEPARTMENT WILL MAINTAIN A LIST OF SOFTWARE IT HAS DETERMINED TO SATISFY THE REQUIREMENTS FOR ELECTRONIC REPORTING.

- (b) [The information collected shall include, but not be limited to:
- (1) Ambulance service affiliate number and vehicle identification number.
 - (2) Ambulance trip report number.
 - (3) Patient sex and age.
 - (4) Patient vital signs.
 - (5) Incident location.
 - (6) Type of incident.
 - (7) Classification of the call at time of dispatch as either emergency or nonemergency.
 - (8) Date of call.
 - (9) Times as follows:
 - (i) Time call received for dispatch of ambulance service.
 - (ii) Time of dispatch of responding ambulance.
 - (iii) Time of ambulance responding to incident scene.
 - (iv) Time of ambulance arrival at the scene.
 - (v) Time extrication was completed.
 - (vi) Time of ambulance departure from the scene.
 - (vii) Time of ambulance arrival at facility.

(viii) Time ambulance available for further service.

(10) Patient condition at the time emergency personnel arrived at the scene and arrived at the receiving facility.

(11) History of present illness or injury.

(12) Type of injury or illness.

(13) Anatomic site of injury or illness.

(14) Seriousness of patient illness or injury.

(15) Highest level of care rendered to the patient.

(16) Treatments, aids and medications given.

(17) Indication of mutual aid response.

(18) If mutual aid response, time of initial dispatch for the incident.

(19) Times medications or treatment, or both were rendered.

(20) Medical command: time, type and quality of transmission.

(21) Type of telecommunication utilized to notify receiving facility.

(22) Department identification number of medical command physician, when medical command is obtained.

(23) Each ambulance crew member's name, level of EMS training, and Department ID number if assigned.

(24) Indication that CPR was in progress before arrival; for example, citizen, QRS, first responder, if applicable.

(25) Support services utilized; for example, rescue, fire, helicopter or coroner.

(26) Indication that QRS was utilized, if applicable.

(27) If utilized, the QRS's arrival time at the scene of the incident.

(28) Receiving facility and location.

(29) Documentation regarding refusal of care by patient.

(30) Documentation regarding a decision that emergency care and transportation were not needed.

(31) Information regarding patient seat belt usage, if pertinent and available.]

The Department will identify data items for the ~~ambulance call~~ EMS PATIENT CARE report as either confidential or not confidential.

(c) [No person or ambulance service may disseminate the information collected under this section except as provided in 1001.42 (relating to dissemination of

information). Licensed] An ambulance [services] service shall [provide to the Department evidence that] store the information designated as confidential in secured areas to assure that access to unauthorized persons is prevented, and shall take other necessary measures to ensure that such information is maintained in a confidential manner and is not available for public inspection or dissemination, except as authorized by §1001.42 (relating to dissemination of information). [Ambulance services that fail to maintain confidentiality of information are subject to suspension, revocation or denial for license as provided for in Chapter 1005 (relating to licensing of BLS and ALS ambulance services).]

(d) When an ambulance service transports a patient to a hospital, before its ambulance departs from the hospital, it shall provide to the individual at the hospital assuming responsibility for the patient, either verbally, or in writing or other means by which information is recorded, the patient information designated in the ambulance call EMS PATIENT CARE report as essential for immediate transmission for patient care. Within 24 hours following the conclusion of its provision of services to the patient, the ambulance service shall complete the full ambulance call EMS PATIENT CARE report and provide a copy or otherwise transmit the data to the receiving facility. THE AMBULANCE SERVICE MAY REPORT THE DATA TO THE RECEIVING FACILITY IN ANY MANNER ACCEPTABLE TO THE RECEIVING FACILITY WHICH ENSURES THE CONFIDENTIALITY OF INFORMATION DESIGNATED AS CONFIDENTIAL IN THE EMS PATIENT CARE REPORT.

(e) The ambulance service shall have a policy for designating which member of the ambulance crew is responsible for completing the ambulance call EMS PATIENT CARE report.

(F) THE AMBULANCE SERVICE SHALL RETAIN A COPY OF THE EMS PATIENT CARE REPORT FOR A MINIMUM OF 7 YEARS.

§1001.42 Dissemination of information.

(a) [No] A person who collects, has access to, or knowledge of, confidential information collected under §1001.41 (relating to data and information requirements for ambulance services), by virtue of that person's participation in the Statewide EMS system, may not provide the ambulance call EMS PATIENT CARE report, or disclose

the [knowledge] confidential information contained in the report or a report or record thereof, except:

(1) To another person who by virtue of his office as an employee of the Department is entitled to obtain the information.

(2) To another person or agency under contract with or licensed by the Department and subject to strict supervision by the Department to insure that the use of the data is limited to specific research, planning [and], quality [assurance] improvement and complaint investigation purposes and that appropriate measures are taken to protect patient confidentiality.

(3) To the patient who is the subject of the information released or ~~the patient's designee or assigned heirs~~ TO A PERSON WHO IS AUTHORIZED TO EXERCISE THE RIGHTS OF THE PATIENT WITH RESPECT TO SECURING SUCH INFORMATION, SUCH AS THE PATIENT'S DULY APPOINTED ATTORNEY-IN-FACT.

(4) Under an order of a court of competent jurisdiction, INCLUDING A SUBPOENA WHEN IT CONSTITUTES A COURT ORDER, EXCEPT WHEN THE INFORMATION IS OF SUCH NATURE THAT DISCLOSURE PURSUANT TO A SUBPOENA IS NOT AUTHORIZED BY LAW.

(5) For the purpose of quality [assurance] improvement activities, with strict attention to patient confidentiality.

(6) For the purpose of data entry/retrieval and billing, with strict attention to patient confidentiality.

(7) PURSUANT TO §1001.41 (RELATING TO DATA AND INFORMATION REQUIRMENTS FOR AMBULANCE SERVICES) AND TO ANOTHER HEALTH CARE PROVIDER TO WHOM A PATIENT'S MEDICAL RECORD MAY BE RELEASED PURSUANT TO LAW.

(b) [A person or organization in the possession of patient identifying data or records, shall store the information in secured areas to assure that access to unauthorized persons is prohibited.] The Department will regularly disseminate nonconfidential, statistical data collected from ambulance-call EMS PATIENT CARE reports to providers of EMS for improvement of services.

Subchapter D. QUALITY [ASSURANCE] IMPROVEMENT PROGRAM

Sec.

1001.61. Components.

1001.62. Regional programs.

1001.63. [Medical command facilities.] (Reserved).

1001.64. [Ambulance services.] (Reserved).

1001.65. Cooperation.

§1001.61. Components.

(a) The Department, in conjunction with the Council, will identify the necessary components for a Statewide EMS quality [assurance] improvement program for the Commonwealth's EMS system. The Statewide EMS quality improvement program shall be operated to monitor the delivery of EMS through the collection of data pertaining to emergency medical care provided by prehospital personnel and providers of EMS.

(b) The Department will develop, approve, and update a Statewide EMS Quality Improvement Plan in which it will establish goals and reporting thresholds.

§1001.62. Regional programs.

A regional EMS council, after considering input from participants in and persons served by the regional EMS system, shall develop and implement a regional EMS quality [assurance] improvement program to monitor the delivery of EMS, which addresses, at a minimum, the quality [assurance] improvement components identified by the Department. A regional EMS council quality improvement program shall:

(1) Conduct quality improvement audits on the regional EMS system including reviewing the quality improvement activities conducted by the ALS service medical directors and medical command facilities within the region.

(2) Have a regional quality improvement committee that shall recommend to the regional EMS council ways to improve the delivery of prehospital EMS care within the region based upon State and regional goals and reporting requirements.

(3) Develop and implement a regional EMS quality improvement plan to assess the EMS system in the region.

(4) Investigate complaints concerning the quality of care rendered and forward recommendations and findings to the Department.

(5) Submit to the Department reports as prescribed by the Department.

§1001.63. [Medical command facilities.] (Reserved).

[A medical command facility accredited by the Department shall actively participate in quality assurance programs approved by the Department.]

§1001.64. [Ambulance services.] (Reserved).

[An ambulance service licensed to operate in this Commonwealth shall actively participate in quality assurance programs approved by the Department. The quality assurance programs shall incorporate prehospital data summary information required by the Department.]

§1001.65. Cooperation.

Each individual and entity licensed, certified, recognized, accredited or otherwise authorized by the Department to participate in the Statewide EMS system shall cooperate in the Statewide and regional EMS quality improvement programs, by providing. THESE INDIVIDUALS AND ENTITIES SHALL PROVIDE INFORMATION, data, reports and access to records as requested by the Department and regional EMS councils to monitor the delivery of EMS.

Subchapter E. TRAUMA CENTERS

Sec.

- 1001.81. Purpose.
- 1001.82. Requirements.
- 1001.83. Complaints.
- 1001.84. Statistics.

§1001.81. Purpose.

The [Department has the duty] purpose of this subchapter is to integrate trauma centers into the Statewide EMS system, by providing access to trauma centers and by providing for the effective and appropriate utilization of resources.

§1001.82. Requirements.

(a) To ensure that trauma centers are integrated into the Statewide EMS system, [accredited] trauma centers in this Commonwealth shall:

(1) Maintain a dedicated telephone number to allow for access by referring community hospitals to make arrangements for the most appropriate and expeditious mode of transportation to the trauma center, as well as allow for direct consultation between the two facilities prior to transfer and during the course of treatment of the patient.

(2) Develop and implement outreach education programs to be offered to referring hospitals and emergency services dealing with management of major and multiple systems trauma patients and the capabilities of the trauma center.

(3) Develop and institute a system to insure the provision of patient outcome and treatment information to the referring facility on each patient referred by that facility to the trauma center.

(4) Maintain communications capabilities to allow for direct access by a transferring ground ambulance or [helicopter] air ambulance to insure that patient information and condition updates are available and medical consultation is available to the transferring service. The capabilities shall be in accordance with regional and Statewide EMS telecommunications plans.

§1001.83. Complaints.

The Department will investigate complaints related to the delivery of services by trauma centers and forward the results of the investigation to the accrediting entity with a recommendation for action.

§1001.84. Statistics.

The Department will compile and maintain statistics on mortality and morbidity on multi-system trauma victims. This data collection shall be coordinated and performed in conjunction with other collection activities.

**Subchapter F. REQUIREMENTS FOR REGIONAL
EMS COUNCILS AND THE COUNCIL**

Sec.

- 1001.101. Governing body.
- 1001.102. [Council director.] **(Reserved).**
- 1001.103. [Personnel.] **(Reserved).**

§1001.101. Governing body.

A regional EMS council and the Council shall have a governing body[, whether a unit of local government or a public or private nonprofit entity. Responsibility for the contract will rest in the governing body].

(1) No more than one staff member of the regional EMS council or Council may sit on the governing body at the same time.

(2) If the governing body consists of a board, it shall adopt written policies which include, but are not limited to:

- (i) A method of selection for membership.
- (ii) Qualifications for membership.
- (iii) Criteria for continued membership.
- (iv) Frequency of meetings.

(3) The duties of the governing body shall include, but not be limited to:

- (i) Selecting a director as the person officially responsible to the governing body.
- (ii) Identifying the purpose and philosophy.
- (iii) Describing the organizational structure.

(4) The governing body shall make available to the public an annual report which includes, but is not limited to:

- (i) Activities and accomplishments of the preceding year.
- (ii) A financial statement of income and expenses.
- (iii) A statement disclosing the names of officers and directors.

§1001.102. [Council director.] (Reserved).

[The director shall:

- (1) Prepare and annually update written policies and procedures.
- (2) Assist the governing body in formulating policy and present the following to the governing body at least annually:
 - (i) Project goals and objectives which include time frames and available resources.
 - (ii) Written reports of project operations.
 - (iii) A performance report summarizing the progress towards meeting goals and objectives.]

§1001.103. [Personnel.] (Reserved).

[The governing body shall:

- (1) Adopt and implement written project personnel policies and procedures which include, but are not limited to:
 - (i) Recruitment, selection, promotion and termination of staff.
 - (ii) Utilization of volunteers.
 - (iii) Wage and salary administration.
 - (iv) Employee benefits.
 - (v) Working hours.
 - (vi) Vacation and sick leave.
 - (vii) Rules of conduct.
 - (viii) Disciplinary actions.
 - (ix) Supervision of staff.
 - (x) Work performance evaluations.
 - (xi) Employee accidents and safety.

- (xii) Employee grievances.
- (2) Adopt a written policy to implement and coordinate personnel management, which includes, but is not limited to, confidential maintenance of personnel records.
- (3) Develop written policies and procedures to provide for ongoing staff development. Documentation includes, but is not limited to, an assessment of staff training needs and plans for addressing these needs.
- (4) Maintain records on an employee which include, but are not limited to:
 - (i) An application for employment.
 - (ii) The results of reference investigations.
 - (iii) Verification of training experience and professional licensure or registration, if applicable.
 - (iv) Salary information.
 - (v) A work performance evaluation.
 - (vi) Disciplinary actions.
- (5) Develop written policies on employee rights, and document efforts by the project to inform staff of the following:
 - (i) The employee's right to inspect his own records.
 - (ii) The employee's right to request the correction or removal of inaccurate, irrelevant, outdated or incomplete information from the records.
 - (iii) The employee's right to submit rebuttal data or memoranda to his own records.
- (6) Develop written job descriptions or project positions which include but are not limited to:
 - (i) A job title.
 - (ii) Tasks and responsibilities of the job.
 - (iii) Prerequisite skills, knowledge and experience.]

**Subchapter G. ADDITIONAL REQUIREMENTS
FOR REGIONAL EMS COUNCILS**

Sec.

- 1001.121. Designation of regional EMS councils.
- 1001.122. Purpose of regional EMS councils.
- 1001.123. Responsibilities.
- 1001.124. Composition.
- 1001.125. Requirements.

§1001.121. Designation of regional EMS councils.

(a) The Department will designate [an] a regional EMS council that satisfies the representation requirements in §1001.125 (relating to requirements) for each geographic area of this Commonwealth.

(b) The designation of the geographical area will be based on:

- (1) Existing usual patient care flow patterns.
- (2) The capability to provide definitive care services to the majority of general, emergent and critical patients.
- (3) Financial resources to sustain the EMS system operations.
- (4) The capability to establish community-wide and regional care programs.

(c) The Department will evaluate the performance and effectiveness of each regional EMS council on a periodic basis to assure that each council is appropriately meeting the needs of its region in planning, developing, maintaining, expanding, improving and upgrading the [emergency medical services] EMS system in its region.

§1001.122. Purpose of regional EMS councils.

Regional EMS councils shall assist the Department in carrying out the act and this part and shall adhere to policy direction established by the Department.

§1001.123. Responsibilities.

[The] In addition to other responsibilities imposed upon regional EMS councils by this part, regional EMS councils have responsibility for the following:

(1) Organizing, maintaining, implementing, expanding and improving the EMS system within the [identified] geographic area [of] for which the regional EMS council has BEEN assigned responsibilities.

(2) Developing and implementing comprehensive EMS plans, as approved by the Department. [The plans are subject to approval by the Department and shall include the designation of primary response areas.]

(3) Advising PSAPs, and municipal and county governments, as to EMS resources available for dispatching and any recommended dispatching criteria that may be developed by the Department, or by the regional EMS council as approved by the Department.

[(3)] (4) Developing, maintaining, implementing, expanding and improving programs of medical [control and accountability] coordination. The programs are subject to approval by the Department.

[(4)] (5) Assisting hospitals in providing the Department with a comprehensive written plan for emergency care based on community need as provided in §117.11 (relating to emergency services plan) and in identifying the hospital's scope of services as provided in §117.13 (relating to scope of services).

[(5)] (6) Assisting the Department in achieving a unified Statewide EMS system as described in section 4 of the act (35 P.S. §6924).

[(6)] (7) Assisting the Department in collection and maintenance of standardized patient data and information.

[(7)] (8) Providing [licensed] ambulance services with data summary reports.

[(8)] (8) Preparing plans for implementing, expanding, improving and maintaining EMS systems in the area. The plan shall contain information as prescribed by the Secretary.

(9) Carrying out, to the extent feasible, the EMS system plans.

(10)] (9) Assuring the reasonable availability of training programs, including continuing education programs, for EMS personnel. The programs shall include those that lead to certification or recognition by the Department. Regional EMS councils may also develop and implement additional educational programs.

[(11)] (10) Monitoring medical command facilities and [medical control and accountability of] prehospital [emergency] personnel [for] compliance with minimum standards established by the Department, and ambulance service medical director and medical command physician medical control of prehospital personnel.

[(12)] [Developing processes and procedures for] (11) Facilitating the integration of medical command facilities into the regional EMS system in accordance with policies and guidelines established by the Department.

[(13)] Determining system needs and recommending the allocation of resources based upon this need assessment. Guidelines for needs assessment will be provided by the Department and shall be consistent with the State EMS plan.

(14) Establishing and implementing criteria for the evaluation or referral of acutely ill and injured persons for transport to the most appropriate facilities in accordance with policies, guidelines and criteria established by the Department. The criteria shall address the treatment and transfer of trauma, cardiac, spinal cord, poison, burns, neonatal and behavioral patients. Facilities in the region may participate on a voluntary basis in the categorization process established by the Department.

(15)] (12) Developing and implementing regional protocols for the triage, treatment, transport and transfer of patients to the most appropriate facility. Protocols shall be developed [by the] in consultation with the regional EMS council's medical advisory [and facilities committees] committee and approved by the [Secretary or a designee] Department. Protocols shall, at a minimum:

(i) Include a method of identifying patients requiring specialized medical care, utilizing measurable criteria to identify patient referral[, including, but not limited to, the seven critical care groups identified in paragraph (14). The Department will provide guidelines for recommended protocols].

(ii) Be based upon the specialty care capabilities of the receiving facilities and available [prehospital] providers of EMS [providers], prehospital personnel, local geodemographic considerations and transport time considerations.

(iii) Be distributed to the providers of EMS within the region.

(iv) Be reviewed annually, and revised as necessary in consultation with the regional EMS council's [regional] medical advisory committee.

(v) Be consistent with Chapter 1003 (relating to personnel) which governs the scope of practice of [emergency medical technicians, paramedics] EMTs, EMT-paramedics and other prehospital [EMS] personnel.

(vi) Be based upon accepted standards of emergency medical care.

(vii) [Prohibit patient transfer unless it is for medical necessity or upon request of the patient.] Address patient choice regarding receiving facility.

[(viii) Require written transfer agreements between appropriate facilities.

(ix)] (viii) Set forth a procedure for the efficient transfer of patients.

When appropriate, these regional protocols shall be developed in consultation with specialty care facilities in the region. [The transfer protocols shall contain the following requirements:

(A) The process of transferring patients from one facility to another shall be carried out as expeditiously as possible.

(B) The receiving facility shall have at least one staff person available 24 hours-a-day, 7 days-a-week, who, without consultation from other personnel, has the authority to approve or disapprove transfers.

(C) If the facility is designated as a critical care specialty receiving hospital and that hospital disapproves a transfer from another facility, that hospital shall participate in a backup network which will identify another available receiving facility.

(D) Providers involved in a transfer shall insure that necessary patient information and records will accompany the patient. Prehospital and interhospital personnel shall be advised of patient care needs during the transfer. Hospital personnel accompanying the patient shall be familiar with the ambulance and hospital equipment accompanying the patient, and capable of operating the equipment for appropriate administration of care to the patient.

(16) Developing a program to assess the quality of EMS system in its region and investigating complaints concerning the quality of care rendered and forwarding recommendations and findings to the Department in regard to each complaint investigated. Complaint investigations shall be conducted in accordance with administrative rules and procedures and written documentation of facts and findings shall be provided the Department. Quality assurance programs implemented by regional EMS councils shall be consistent with guidelines prescribed by the Department.

(17) Developing a review process for investigating complaints received by either the council or the Department concerning care rendered by prehospital personnel or providers.

(18)] (13) Assisting Federal, State or local agencies, upon request, in the provision of onsite mitigation, technical assistance, situation assessment, coordination of functions or postincident evaluations, in the event of a potential or actual disaster, mass casualty situation or other substantial threat to public health.

[(19)] (14) Maintaining an [EMS resource] inventory of EMS resources and personnel available on a volunteer basis as conditions and circumstances require. ~~Recruitment of volunteer expertise available shall be requested when needed.~~ AND RECRUITING VOLUNTEERS AS NEEDED.

[(20)] (15) Designating a regional medical director [subject to approval by the Department.

(21)] (16) Supervising the regional EMS medical director to assure that the roles and responsibilities in §1003.2 (relating to regional EMS medical director) are carried out.

(17) Assisting prehospital personnel and ambulance services operating in the regional EMS system to meet the licensure, certification, recertification, recognition, biennial registration and continuing education requirements established under the act and this part, and assisting the Department in ensuring that those requirements are met.

(18) Apprising medical command facilities and ALS ambulance services in the region when an EMT-paramedic or prehospital registered nurse has had medical command authorization removed by AN ALS SERVICE MEDICAL DIRECTOR FOR an ALS ambulance service in the region.

(19) Developing a conflict of interest policy and ~~require~~ REQUIRING all employees and officials to agree to the policy in writing.

(20) APPROVING MEDICAL COMMAND PHYSICIANS IN ACCORDANCE WITH §1003.4(C)(2) (RELATING TO MEDICAL COMMAND PHYSICIAN).

[(22)] ~~(20)~~ (21) Performing other duties deemed appropriate by the Department FOR THE INITIATION, EXPANSION, MAINTENANCE AND IMPROVEMENT OF THE REGIONAL AND STATEWIDE EMS SYSTEM WHICH ARE IN ACCORDANCE WITH THE STATEWIDE EMS DEVELOPMENT PLAN.

§1001.124. Composition.

Regional EMS councils shall be organized by one of the following:

- (1) A unit of general local government with an advisory council.
- (2) A representative public entity administering a compact or other areawide arrangement or consortium.
- (3) A public or private nonprofit entity.

§1001.125. Requirements.

(a) If the regional EMS council is a unit of local government, it shall have an advisory council which is [broadly representative of EMS providers, public safety agencies, health care facilities, consumers and elected public officials] deemed by the Department to be representative of health care consumers, the health professions, and major private and public and voluntary agencies, organizations and institutions concerned with providing EMS.

(b) If the regional EMS council is a public or private nonprofit organization, its governing body shall [be representative of the following:

- (1) EMS providers.
- (2) Public safety agencies.
- (3) Health care facilities.
- (4) Consumers.
- (5) Elected public officials] satisfy the representation requirements in

subsection (a).

(c) A regional EMS council shall establish and maintain a medical advisory committee and other committees which are necessary to carry out the responsibilities of the regional EMS council.

(d) The regional[/State] medical advisory committee shall assist the regional EMS council's medical director in matters of medical [control, and a majority of its members shall be physicians] coordination.

(e) Meetings of the regional EMS council shall be held under the Sunshine Act (65 P.S. §§271-286).

**Subchapter H. ADDITIONAL REQUIREMENTS
FOR THE COUNCIL**

Sec.

- 1001.141. Duties and purpose.
- 1001.142. Meetings and members.
- 1001.143. Disasters.

§1001.141. Duties and purpose.

The Council shall advise the Department on emergency health services issues that relate to manpower and training, communications, ambulance services, special care units, the content of ambulance call EMS PATIENT CARE reports, the content of rules and regulations, standards and policies promulgated by the Department and other subjects as required by the act or deemed appropriate by the Department or the Council. The Council shall also advise the Department on the content of the Statewide EMS development plan, and proposed revisions to it.

§1001.142. Meetings and members.

- (a) Meetings of the Council shall be held under the Sunshine Act (65 P.S. §§271-286).
- (b) A voting member of the Council shall serve a 3-year term. A voting member may not serve more than two consecutive terms.
- (c) A simple majority of the voting members of the Council constitutes a quorum for the transaction of business.
- (d) A member of the Council shall serve without compensation, except for reimbursement of reasonable expenses incurred by members while performing official duties.

§1001.143. Disasters.

In the event of a potential or actual disaster, mass casualty situation or other substantial threat to public health, the Council shall, upon request, assist Federal, State and local agencies in the provision of onsite mitigation, technical assistance, situation assessment, coordination of functions or postincident evaluations. Recruitment of volunteer expertise available to the Council will be requested and utilized as conditions and circumstances necessitate.

Subchapter I. RESEARCH IN PREHOSPITAL CARE

Sec.

1001.161. Research.

§1001.161. Research.

(a) [Proposals for clinical] Clinical investigations or studies that relate to direct patient care [shall be] may not be conducted by providers of EMS unless the investigation or study is proposed to and approved by the Department. [An investigation or study may not be undertaken unless approved.]

(b) A proposal for clinical investigation or study shall be presented to the [regional medical director, the medical advisory committee of the regional EMS council, the medical advisory committee of the Council and the Commonwealth Emergency Medical Director for review and comment. Recommendations shall be forwarded to the Department within 60 days from the date the proposal is submitted] Department. If the Department concludes that the proposal may have merit, it shall refer the proposal to the Council, and to the regional EMS council having responsibilities in the region where the investigation or study would be undertaken. The Council and the regional EMS council shall have the proposal reviewed by their medical advisory committees and consider the comments of those committees, and shall forward their recommendations to the Department within 60 days after receiving the proposal from the Department. A REQUEST TO REVIEW THE PROPOSAL.

(c) The Department will approve or disapprove the proposal within 30 days after receiving the recommendations of the Council and the regional EMS council. If the proposal is approved, the [EMS] prehospital personnel identified in the proposal may function in accordance with the proposal and under conditions specified by the Department during the term of the clinical investigation or study.

(d) A proposal shall include and address the following considerations and items in a format specified by the Department:

- (1) A specific statement of the hypothesis to be investigated and the clinical significance of the hypothesis.
- (2) A specific description of the methodology to be used in the investigations.
- (3) An estimated duration of the investigation.
- (4) Consideration of complications or side effects that may be encountered and how they shall be treated.
- (5) Consideration of how to assure patient confidentiality.
- (6) Consideration of obtaining informed consent of the patient.
- (7) [A letter approving the investigation from the appropriate regional EMS council.] Institutional review board approval when required by law.
- (8) A letter from the researcher who identifies himself as the lead investigator and assumes clinical responsibility for the investigation.
- (9) A letter from the physician who assumes clinical responsibility for the investigation.
- (10) A plan for providing the Department with progress reports and a final report on the investigation or study.

(e) The Department may direct that the investigation or study be terminated prematurely for its failure to satisfy conditions of approval.

CHAPTER 1003. PERSONNEL

Subch.	Sec.
A. ADMINISTRATIVE AND SUPERVISORY EMS PERSONNEL.....	1003.1
B. PREHOSPITAL [EMS] <u>AND OTHER</u> PERSONNEL.....	1003.21
C. [AIR AMBULANCE PERSONNEL1003.41]	1003.41]

(Reserved).

**Subchapter A. ADMINISTRATIVE AND
SUPERVISORY EMS PERSONNEL**

Sec.	
1003.1.	Commonwealth Emergency Medical Director.
1003.2.	Regional EMS medical director.
1003.3.	Medical command facility medical director.
1003.4.	Medical command physician.
1003.5	ALS service medical director.

§1003.1. Commonwealth Emergency Medical Director.

(a) *Roles and responsibilities.* The Commonwealth Emergency Medical Director is responsible for the following:

- (1) Providing medical advice and recommendations to the Department regarding the EMS system.
- (2) Assisting in the development and implementation of a Statewide EMS quality [assurance] improvement program.

(3) Assisting the Department in revising or modifying the scope of practice of ALS and BLS prehospital personnel.

(4) Providing advice and guidance to the Department on investigations and the pursuit of disciplinary actions against prehospital personnel and providers of EMS.

(5) Reviewing ~~and~~, evaluating AND MAKING RECOMMENDATIONS REGARDING regional transfer and medical treatment protocols ~~and making recommendations for the Statewide [medical protocols] BLS medical treatment protocols and Statewide criteria for the evaluation, triage, treatment, transport, transfer and referral, including bypass protocols of acutely ill and injured persons to the most appropriate facility.~~

(6) REVIEWING, EVALUATING AND MAKING RECOMMENDATIONS FOR THE STATEWIDE BLS MEDICAL TREATMENT PROTOCOLS.

(7) REVIEWING, EVALUATING AND MAKING RECOMMENDATIONS FOR PROTOCOLS TO GET ACUTELY ILL AND INJURED PATIENTS TO THE MOST APPROPRIATE FACILITY, INCLUDING CRITERIA FOR THE EVALUATION, TRIAGE, TREATMENT, TRANSPORT AND REFERRAL, AS WELL AS BYPASS PROTOCOLS.

~~(6)~~ (8) Evaluating regional EMS quality [assurance] improvement programs.

~~(7)~~ (9) Providing direction and guidance to the regional EMS medical directors for training and quality [assurance activities] improvement monitoring and assistance.

~~(8)~~ (10) Meeting with [directors] representatives and committees of regional EMS councils and the Council as necessary and as directed by the Department to provide guidance and direction.

(11) REVIEWING, EVALUATING AND MAKING RECOMMENDATIONS TO THE DEPARTMENT ON CLINICAL RESEARCH PROPOSALS.

~~(9)~~ (12) Providing other services relating to the Department's administration of the act as assigned by the Department.

(b) *Equivalent qualifications.* If the Commonwealth Emergency Medical Director is not a medical command physician, the Commonwealth Emergency Medical Director shall possess the following qualifications:

(1) The minimum qualifications for a medical command physician in §1003.4(b)(1)-(3) and (5) (relating to medical command physician).

- (2) Experience in the prehospital and emergency department care of the acutely ill and injured patient.
 - (3) Knowledge regarding the ~~base station~~ [radio] MEDICAL COMMAND direction of prehospital personnel and the operation of emergency dispatch.
 - (4) Knowledge of the capabilities and limitations of ambulances, including air ambulances and prehospital personnel.
 - (5) Knowledge of potential medical complications which may arise during transport of a patient by an ambulance service.
- (c) Disclosure. The Commonwealth Emergency Medical Director shall disclose to the Department all financial or other interest in providers of EMS and in other matters which present a potential conflict of interest.

§1003.2. Regional EMS medical director.

- (a) *Roles and responsibilities.* Each regional EMS council shall have a regional EMS medical director who shall carry out the following duties:
- (1) [Approve] Assist the regional EMS council to approve or reject applications for medical command physicians received from medical command facility medical directors.
 - (2) Maintain liaison with the Commonwealth Emergency Medical Director.
 - (3) [Establish and review system-wide medical protocols in] Assist the regional EMS council, after consultation with the regional medical advisory committee [and regional EMS council], to establish and revise transfer and medical treatment protocols for the regional EMS system.
 - [(4)] Assist the Department in ensuring that personnel in the EMS system meet the certification, recertification, recognition, biennial registration and continuing education requirements established under the act.
 - (5) Establish standards for EMS dispatch to assure that the an appropriate response unit is dispatched to the medical emergency scene and that proper patient evaluation is conducted.
 - (6) [(4)] [Establish] Assist the regional EMS council to establish field treatment protocols for determining when a patient will not be transported to a treatment facility and establish procedures for documenting the reasons for a nontransport decision.

[(7)] (5) [Establish] Assist the regional EMS council to establish field protocols to govern situations in which a patient may be transported without consent, in accordance with Pennsylvania law. The protocols shall cover appropriate documentation and review procedures.

[(8)] (6) [Establish] Assist the regional EMS council to establish criteria for level of care and type of transportation to be provided in various medical emergencies, such as ALS versus BLS, and ground versus air [specialty unit transportation] ambulance, and distribute approved criteria to PSAPs.

[(9)] Establish operation standards for medical command facilities.

[(10)] (7) Conduct quality [assurance] improvement audits of the regional EMS system including reviewing the quality [assurance] improvement activities conducted by the ALS service medical directors within the region.

[(11)] (8) Serve on the State EMS Quality [Assurance] Improvement Committee.

[(12)] (9) Serve as chairperson of the regional EMS council medical advisory committee.

[(13)] (10) Facilitate [and assure] continuity of patient care during inter-regional transport.

[(14)] (11) Recommend to the Department suspension, [or] revocation or restriction of prehospital personnel certifications and recognitions.

[(15)] (12) Conduct hearings in accordance with § 1003.28 (relating to medical command authorization) upon appeal of an individual whose medical command authorization is denied or restricted by the ALS service medical director and issue written decisions.

[(16)] (13) Review regional plans, procedures and processes for compliance with State standards of emergency medical care.

[(17)] Delegate portions of his authority to other qualified physicians.

(18) Meet with the ALS service medical directors within the region as necessary to disseminate information regarding State statutes, regulations, policies and direction.]

(b) *Minimum qualifications.*

(4) A regional EMS council medical director shall have the following qualifications:

(i) [A valid license to practice medicine in this Commonwealth as a doctor of medicine or doctor of osteopathy.] Licensure as a physician.

(ii) (2) Experience in prehospital and emergency department care of the acutely ill or injured patient.

(iii) (3) Experience in ~~base station~~ [radio] MEDICAL COMMAND direction of prehospital ~~emergency units~~ PERSONNEL.

(iv) (4) Experience in emergency department management of the acutely ill or injured patient.

(v) (5) ~~Board certification in emergency medicine.~~ HAVE COMPLETED 3 YEARS IN A RESIDENCY PROGRAM IN EMERGENCY MEDICINE OR HAVE SERVED AS A MEDICAL COMMAND PHYSICIAN IN THIS COMMONWEALTH PRIOR TO (EFFECTIVE DATE OF THESE AMENDING REGULATIONS).

(vi) (6) Experience in the training of basic and advanced prehospital personnel.

(vii) (7) Experience in the medical audit, review and critique of BLS and ALS prehospital personnel.

(2) ~~The [Secretary] Department may waive the board certification requirement upon written request by the regional EMS council.~~

(c) [Medical Advisory Committee. Each regional EMS council shall have a medical advisory committee to provide the council medical director with advice on issues relevant to the areawide EMS system.] Disclosure. A regional EMS medical director shall disclose to a regional EMS council all financial or other interest in providers of EMS and in other matters which present a potential conflict of interest.

§1003.3. Medical command facility medical director.

(a) *Roles and responsibilities.* A medical command facility shall have a medical command facility medical director. A medical command facility medical director is responsible for the following:

- (1) Medical command.
- (2) Quality [assurance] improvement.
- (3) Liaison with regional EMS council medical director.
- (4) Participation in prehospital training activities.

(5) Clinical and continuing education training of prehospital [emergency care] personnel.

(6) Recommendations to the regional EMS medical director regarding medical command physician applications from [his institution] the medical command facility.

(b) *Minimum qualifications.*

(+) A TO QUALIFY AND CONTINUE TO FUNCTION AS A medical command facility medical director, AN INDIVIDUAL shall have the following qualifications:

(+) (1) Be CURRENTLY SERVING AS a medical command physician.

(ii) (2) ~~Board certification in emergency medicine or, [in lieu of this, current ACLS and ATLS certification] have successfully completed the ACLS course within the preceding 2 years and the ATLS course, and either an APLS or PALS course, or other programs determined by the Department to meet or exceed the standards of those programs, along with board certification in surgery, internal medicine, family medicine, pediatrics or anesthesiology.~~ SATISFY ONE OF THE FOLLOWING:

(I) HAVE COMPLETED 3 YEARS IN A RESIDENCY PROGRAM IN EMERGENCY MEDICINE.

(II) HAVE SERVED AS A MEDICAL COMMAND PHYSICIAN IN THIS COMMONWEALTH PRIOR TO (EFFECTIVE DATE OF THESE AMENDING REGULATIONS).

(III) HAVE SECURED BOARD CERTIFICATION IN SURGERY, INTERNAL MEDICINE, FAMILY MEDICINE, PEDIATRICS OR ANESTHESIOLOGY. IF THE PHYSICIAN HAS BOARD CERTIFICATION IN ONE OF THESE MEDICAL SPECIALTIES, THE PHYSICIAN SHALL ALSO HAVE SUCCESSFULLY COMPLETED OR TAUGHT THE ACLS COURSE WITHIN THE PRECEDING 2 YEARS AND HAVE COMPLETED, AT LEAST ONCE, THE ATLS COURSE, AND EITHER AN APLS OR PALS COURSE, OR OTHER PROGRAMS DETERMINED BY THE DEPARTMENT TO MEET OR EXCEED THE STANDARDS OF THESE PROGRAMS.

(iii) (3) Experience in prehospital and emergency department care of the acutely ill or injured patient.

~~(iv)~~ (4) Experience in ~~base station~~ [radio] PROVIDING MEDICAL COMMAND direction of TO prehospital ~~emergency units~~ PERSONNEL.

~~(v)~~ (5) Experience in the training of [basic] BLS and [advanced prehospital emergency health] ALS prehospital personnel.

~~(vi)~~ (6) Experience in the medical audit, review and critique of BLS and ALS prehospital personnel.

~~(2) The [Secretary] Department may waive the board certification requirement upon written request by the regional EMS council.~~

§1003.4. Medical command physician.

(a) *Roles and responsibilities.* A medical command physician shall [carry out the following duties:

(1) Provide] provide medical command to prehospital [emergency health] personnel.

[(2) Assist with the duties of medical control.] This includes providing online medical command to prehospital personnel whenever they seek direction.

(b) *Minimum qualifications.* A TO QUALIFY AND CONTINUE TO FUNCTION AS A medical command physician, AN INDIVIDUAL shall:

(1) [Hold a valid license to practice in this Commonwealth as a Doctor of Medicine or Doctor of Osteopathy.] Be a physician.

(2) ~~Be board certified in emergency medicine or~~[, in lieu of this, be certified in ATLS and] have successfully completed the ACLS course within the preceding 2 years and the ATLS course, and either an APLS or PALS course, or other programs determined by the Department to meet or exceed the standards of those programs. SATISFY ONE OF THE FOLLOWING:

(I) HAVE COMPLETED 3 YEARS IN A RESIDENCY PROGRAM IN EMERGENCY MEDICINE.

(II) HAVE SERVED AS A MEDICAL COMMAND PHYSICIAN IN THIS COMMONWEALTH PRIOR TO (EFFECTIVE DATE OF THESE AMENDING REGULATIONS).

(III) HAVE SUCCESSFULLY COMPLETED OR TAUGHT THE ACLS COURSE WITHIN THE PRECEDING 2 YEARS AND HAVE COMPLETED, AT

LEAST ONCE, THE ATLS COURSE, AND EITHER AN APLS OR PALS COURSE, OR OTHER PROGRAMS DETERMINED BY THE DEPARTMENT TO MEET OR EXCEED THE STANDARDS OF THESE PROGRAMS.

(3) [Complete] Have completed the [American Medical Association's (AMA's) Continuing Medical Education Credits] continuing medical education credits required for membership in the American Medical Association, or its equivalent, or be serving a [postgraduate]~~post~~ GRADUATE year III in an ~~approved~~ A residency program in emergency medicine or a [postgraduate] post graduate year II in an ~~approved~~ A residency program in emergency medicine, with concurrent [on-line] online supervision by an approved medical command physician.

(4) Be a full-time emergency physician or practice emergency medicine for at least half-time of a full-time medical practice.

(5) Possess a valid Drug Enforcement Agency (DEA) number.

(6) [Complete a base station medical command course within 2 years of the adoption of a course by the Department]. Have completed the Medical Command Base Station Course.

[(7) Be approved by the regional EMS medical director.]

(c) Approval of medical command physician.

(1) A physician may function as a medical command physician if approved to do so by a regional EMS council.

(2) A regional EMS council shall approve a physician as a medical command physician if the physician demonstrates that the physician will function under the auspices of a medical command facility and establishes one of the following:

(i) That the physician satisfies the qualifications for a medical command physician in subsection (b).

(ii) That the physician has received certification as a medical command physician from the Department upon successfully completing the voluntary medical command physician certification program administered by the Department.

(3) A regional EMS council shall conclude that the physician will be operating under the auspices of a medical command facility if the physician establishes THAT THE PHYSICIAN HAS AN ARRANGEMENT WITH THE MEDICAL COMMAND FACILITY TO PROVIDE MEDICAL COMMAND ON ITS BEHALF

WHILE ON DUTY FOR THE MEDICAL COMMAND FACILITY, UNDER THE DIRECTION OF THE MEDICAL COMMAND FACILITY MEDICAL DIRECTOR AND PURSUANT TO THE POLICIES AND PROCEDURES OF THE MEDICAL COMMAND FACILITY, AND FURTHER ESTABLISHES one of the following:

(i) That the facility meets the requirements for a medical command facility prescribed in §1009.1 (relating to operational criteria).

(ii) That the facility has received recognition as a medical command facility from the Department pursuant to §1009.2 (relating to recognition process).

(d) Notice requirements FOR MEDICAL COMMAND FACILITY AND REGIONAL EMS COUNCIL.

(1) A medical command facility shall give notice to each regional EMS council having responsibility for an EMS region in which the medical command facility anticipates medical command physicians functioning under its auspices will be providing medical command, and shall explain the circumstances under which medical command will be given in that region.

(2) A regional EMS council that has approved a physician as a medical command physician shall give notice of the approval to the Department.

(e) Transfer and medical treatment protocols. A medical command physician shall provide medical command to prehospital personnel in ground ambulances and QRSs consistent with the transfer and medical treatment protocols which are in effect in either the region in which treatment originates or the region in which the prehospital personnel begin receiving online medical command from the medical command physician.

§1003.5. ALS service medical director.

(a) Roles and responsibilities. An ALS service medical director is responsible for the following:

(1) Providing medical guidance and advice to the ALS ambulance service[.], including:

(i) Reviewing the Statewide BLS medical treatment protocols and the regional transfer and medical treatment protocols, and ensuring that the ALS ambulance service's prehospital personnel are familiar with them, and amendments and revisions thereto.

(ii) Providing guidance to the ALS ambulance SERVICE with respect to the ordering, stocking and replacement of drugs, and compliance with laws and regulations impacting upon the ALS ambulance service's acquisition, storage and use of those drugs.

(iii) Participating in the regional and Statewide quality improvement plans, including continuous quality improvement reviews of patient care and its interaction with the regional EMS system.

(iv) Recommending to the relevant regional EMS council, when appropriate, specific transfer and medical treatment protocols for inclusion in the regional transfer and medical treatment protocols.

(2) Granting [or], denying, or restricting medical command authorization to members of the ALS ambulance service's prehospital personnel who require this authorization, and participating in appeals from decisions to deny or restrict medical command authorization in accordance with [§1003.29] §1003.28 (relating to medical command authorization).

(3) Performing medical audits of patient care provided by the ALS ambulance service's prehospital personnel.

(b) *Equivalent qualifications.* If the ALS service medical director is not a medical command physician, the ALS service medical director shall:

(1) Possess the minimum qualifications for a medical command physician in §1003.4(b)(1)-(5) (relating to medical command physician).

(2) Have experience in the ~~base station~~ [radio] MEDICAL COMMAND direction of prehospital personnel [and the operation of emergency dispatch].

(3) Have knowledge of the capabilities and limitations of ambulances, including air ambulances, and prehospital personnel.

(4) Have knowledge of potential medical complications which may arise during transport of the patient by an ambulance service.

(5) Successfully complete [Parts A and B of] the Medical Command ~~Base Station~~ Course [adopted by the Department].

Subchapter B. PREHOSPITAL [EMS] AND OTHER PERSONNEL

Sec.

- 1003.21. Ambulance attendant.
- 1003.22. First responder.
- 1003.23. EMT.
- 1003.23a. EMS instructor certification.
- 1003.24. EMT-paramedic.
- 1003.25. (Reserved).
- 1003.25a. Health professional physician.
- 1003.25b. Prehospital registered nurse.
- 1003.26. Rescue personnel.
- 1003.27. Disciplinary and corrective action.
- 1003.28. Medical command authorization.
- 1003.29. Continuing education requirements.
- 1003.30. Accreditation of sponsors of continuing education.
- 1003.31. Credit for continuing education.
- 1003.32. Responsibilities of continuing education sponsors.
- 1003.33. Advertising.
- 1003.34. Withdrawal of accreditation or course approval.

§1003.21. Ambulance attendant.

(a) *Roles and responsibilities.* [Attendants provide first aid in accordance with the American Red Cross First Aid standards and provide CPR in accordance with American Heart Association standards.] An ambulance attendant, as part of the crew of an ambulance or a QRS, may perform BLS activities within the ambulance attendant's scope of practice, as set forth in subsection (c), at the scene of an emergency or enroute to a facility. This section does not prohibit an ambulance attendant from providing BLS services as a good Samaritan.

(b) [Minimum qualifications.]Qualifications. [Ambulance attendants] To qualify as an ambulance attendant an individual shall satisfy THE AGE REQUIREMENT UNDER THE CHILD LABOR LAW (43 P.S. §41-71) AND one of the following:

(1) Possess a [valid] current certificate evidencing successful completion of an advanced first aid course sponsored by the American Red Cross [or another advanced first aid course approved by the Department] and a certificate issued within the last 2 years evidencing successful completion of a CPR course.

(2) Possess a [valid CPR certification] current certificate evidencing successful completion of a course determined by the Department to be equivalent to the requirements in paragraph (1).

[(3) Be at least 16 years of age.]

(c) Scope of practice. An ambulance attendant shall have the authority to provide the following BLS services if trained to do so:

(1) Patient assessment--including vital signs-- and ongoing evaluation.

(2) Pulmonary or cardiopulmonary resuscitation and foreign body airway obstruction management.

(3) Administration of oxygen via a resuscitation mask, nasal cannula, non-rebreather mask and bag valve mask.

(4) Insertion of oropharyngeal or nasopharyngeal airways.

(5) Oropharyngeal suctioning.

(6) Assessment and management of cardiac, respiratory, diabetic shock, behavioral and heat/cold emergencies, as prescribed within an advanced first aid course meeting the requirements in subsection (b)(1) or (2).

(7) Emergency treatment for bleeding, burns, poisoning, seizures, soft tissue injuries, chest-abdominal-pelvic injuries, muscle and bone injuries, eye injuries, and childbirth (including care of the newborn), as prescribed within an advanced first aid course meeting the requirements in subsection (b)(1) or (2).

(8) Application of spinal immobilization devices and splinting materials, including traction splints.

(9) Basic triage and basic maneuvers to gain access to the patient.

(10) Patient lifting and moving techniques.

(11) Use of an automated external defibrillator when approved by A PHYSICIAN WHO SERVES AS the medical director of the ambulance service WITH RESPECT TO ITS USE OF AUTOMATED EXTERNAL DEFIBRILLATORS.

(12) Assist a prehospital practitioner who is above the level of first responder in the use of Department-approved automatic ventilators and pulse oximetry when approved by the medical director of the ambulance service.

(13) Other BLS ~~services~~ SKILLS taught in a course in advanced first aid sponsored by the American Red Cross, provided the ambulance attendant has received training to perform those ~~services~~ SKILLS in such a course or in an equivalent training program approved by the Department, and is able to document having received such training. THE DEPARTMENT WILL IDENTIFY THESE SKILLS AS FOLLOWS:

(I) The Department will publish in the *Pennsylvania Bulletin*, at least annually, a list of the skills ~~and services~~ taught in the most recent course in advanced first aid sponsored by the American Red Cross.

(II) If the course sponsored by the American Red Cross teaches ~~services~~ SKILLS in addition to advanced first aid, the Department will exclude those ~~services~~ SKILLS from the published list. AN AMBULANCE ATTENDANT MAY NOT PERFORM A SKILL TAUGHT IN A COURSE APPROVED UNDER THIS PARAGRAPH IF THE DEPARTMENT DOES NOT INCLUDE THE SKILL IN THE LIST IT PUBLISHES UNDER SUBPARAGRAPH (I).

§1003.22. First responder.

(a) *Roles and responsibilities.* A first responder may perform, at the scene of an emergency, enroute to a facility [or trauma center], or in an emergency setting in a facility, the BLS services [set forth] in subsection (e) to stabilize and improve a patient's condition until more highly trained [prehospital] personnel arrive [at the scene]. Following the arrival of more highly trained [prehospital] personnel, a first responder may continue to perform the BLS services within a first responder's scope of practice as set forth in subsection (e) under the direction of more highly trained [prehospital] personnel. This section does not prohibit a first responder from providing BLS services as a good Samaritan.

(b) *Certification.*

(1) The Department will certify as a first responder an individual who meets the following qualifications:

(i) Completes an application on a form prescribed by the Department.

(ii) Is 16 years of age or older.

(iii) Has successfully completed a first responder training course approved by the Department. The Department will publish annually in the *Pennsylvania Bulletin* a list of courses leading to first responder certification.

(iv) Has passed a written examination for first responder certification prescribed by the Department, or has passed an examination which the Department has determined to be equivalent in both content and manner of administration.

(v) Has passed a practical test of first responder skills prescribed by the Department, or has passed an examination which the Department has determined to be equivalent in both content and manner of administration.

(2) A first responder's certification is valid for 3 years, subject to disciplinary action under section 11(j.1) of the act (35 P.S. §6931(j.1)) and §1003.27 (relating to disciplinary and corrective action). [An individual who received certification as a first responder under the voluntary first responder certification program in existence prior to September 2, 1995, will be deemed certified. The certification is valid for 3 years from the date the certification was issued. Following expiration of the deemed certification, the recertification requirements set forth in subsection (c) apply.]

(c) *Recertification.* A first responder shall apply for recertification between 1 year and 60 days prior to expiration of the first responder's certification from the Department. Failure to apply for recertification in a timely manner may result in the individual not being recertified before the prior certification expires. The Department will recertify as a first responder an individual who meets the following qualifications:

(1) Completes an application on a form prescribed by the Department.

(2) Is or was previously certified as a first responder.

(3) [Successfully completes] Has successfully completed one of the following:

(i) The first responder practical skills and written knowledge examination prescribed by the Department.

(ii) The continuing education requirements applicable to first responders in §1003.29(a) (relating to continuing education requirements).

(d) [*Reciprocal certification*] Certification by endorsement.

(1) [The Department will grant first responder certification to an individual who is currently certified as a first responder in another state who meets the following qualifications:] For an individual who is 16 years of age or older and who is currently certified in another state as a first responder or as a person with similar responsibilities, the Department will endorse the following qualifications as equivalent to those in subsection (b):

(i) [Completes an application on a form prescribed by the Department.] Successful completion of training curriculum which meets or exceeds the standards for the training course prescribed by the Department in subsection (b)(1)(iii).

(ii) [Is 16 years of age or older.] Successful completion of a written examination for first responder certification, or an equivalent certification, which is determined by the Department to meet or exceed the standards of the written examination prescribed by the Department pursuant to subsection (b)(1)(iv).

(iii) [Can demonstrate successful completion of a first responder training curriculum which is recognized by the Department as meeting or exceeding standards for the curriculum in the first responder training course approved by the Department, within the 2 years preceding submission of the application, or, in the alternative, successfully completes the Pennsylvania first responder training course approved by the Department.] Successful completion of a practical skills examination for first responder certification, or an equivalent certification, which is determined by the Department to meet or exceed the standards of the practical skills examination prescribed by the Department pursuant to subsection (b)(1)(v).

[(iv) Has successfully completed written and practical certification examinations recognized by the Department as meeting or exceeding the standards of the examinations prescribed by the Department.]

(2) An individual whose first responder certification or equivalent certification in another state is expired at the time of application may seek to have the satisfaction of paragraph (1)(i) endorsed as equivalent to the satisfaction of subsection (b)(1)(iii), but will [meet the requirements in paragraphs (1)(i)-(iii)] not be considered by

the Department for endorsement of qualifications under paragraph (1)(ii) or (iii), and shall successfully complete the first responder practical skills and written knowledge [examination] examinations prescribed by the Department after applying for certification through examination.

(3) [Reciprocal certification] Certification under this subsection is valid for 3 years. Upon expiration of [reciprocal] that certification, the individual [to whom the Department granted reciprocal certification] shall meet the requirements for recertification in subsection (c).

(e) *Scope of practice.* (1) A first [responder shall have authority to provide the following BLS services] responder's scope of practice includes the BLS services which may be performed by an ambulance attendant as set forth in §1003.21(c) (relating to ambulance attendant), if the first responder has been trained to perform those services. [:

- (1) Patient assessment and evaluation.
- (2) Pulmonary or cardiopulmonary resuscitation.
- (3) Administration of oxygen via an oxygen mask, nasal cannula, a bag valve mask or a manually operated positive valve unit.
- (4) Application of oropharyngeal or nasopharyngeal airways and pocket masks.
- (5) Oropharyngeal or nasopharyngeal suctioning.
- (6) Emergency medical treatment prescribed within the first responder training program for bleeding, shock, burns, heat and cold emergencies, poisoning, fractures and childbirth.
- (7) Use of an automatic external defibrillator, when the use is approved by the regional EMS council in accordance with criteria established by the Department.
- (8) Use of spinal immobilization devices.
- (9) Use of Department approved automatic ventilators and pulse oximetry when approved by the medical director for the ambulance service after appropriate training.
- (10) Other BLS services authorized by Department-approved regional EMS council transfer and medical treatment protocols or under medical command.]

(2) A first responder's scope of practice also includes other BLS services taught in a first responder training course approved by the Department, if the first responder has

~~received training to perform those services in the course, in a course which is determined by the Department to meet or exceed the standards of a first responder training course preapproved by the Department, or in a course for which a first responder may receive continuing education credit towards recertification, and is able to document having received such training.~~ AND IS ABLE TO DOCUMENT HAVING RECEIVED SUCH TRAINING, IN ONE OF THE FOLLOWING:

(I) A FIRST RESPONDER TRAINING COURSE APPROVED BY THE DEPARTMENT.

(II) A COURSE WHICH IS DETERMINED BY THE DEPARTMENT TO MEET OR EXCEED THE STANDARDS OF A FIRST RESPONDER TRAINING COURSE PREAPPROVED BY THE DEPARTMENT.

(III) A COURSE FOR WHICH THE FIRST RESPONDER MAY RECEIVE CONTINUING EDUCATION CREDIT TOWARDS RECERTIFICATION.

(3) The Department will publish in the Pennsylvania Bulletin, at least annually, a list of the ~~services~~ SKILLS taught in first responder training courses most recently approved by the Department.

(4) If the approved course is not offered by the Department, the Department may exclude from the published list, ~~services~~ SKILLS taught which the Department determines are not appropriate services to be performed by a first responder. A FIRST RESPONDER MAY NOT PERFORM A SKILL TAUGHT IN A COURSE UNDER PARAGRAPH (2)(II) OR (III) IF THE DEPARTMENT DOES NOT INCLUDE THE SKILL IN THE LIST IT PUBLISHES UNDER PARAGRAPH (3).

§1003.23. EMT.

(a) *Roles and responsibilities.*

[(1) The scope of practice of an EMT includes the BLS services which may be performed by a first responder under §1003.22(e) (relating to first responder) and other BLS services involved in the rescue, triage and transfer and transport of emergency and nonemergency patients, under section 11(e) of the act (35 P.S. §6931(e)) and in accordance with the Department of Transportation EMT National Standard Curriculum, and amendments and revisions thereto.

(2) An EMT's scope of practice shall be limited to the activities listed in paragraph (1), except if the Secretary authorizes an EMT to perform additional activities.]

An EMT may perform, in a prehospital, interhospital or emergency care setting in a hospital, or during the transfer of convalescent or other nonemergency cases, the BLS services set forth in subsection (e), to prevent loss of life or aggravation of physiological or psychological illness or injury. This section does not prohibit an EMT from providing BLS services as a good Samaritan.

(b) *Certification.*

(1) [To qualify for EMT certification, an individual shall:] The Department will certify as an EMT an individual who meets the following qualifications:

(i) [Successfully complete a basic EMT training course approved by the Department.] Completes an application on a form prescribed by the Department.

(ii) [Successfully complete an EMT practical skills examination developed by the Department and administered by the Department.] Is 16 years of age or older.

(iii) [Successfully complete a written EMT examination developed by the Department and administered by the Department.] Has successfully completed an EMT training course approved by the Department.

(iv) [Possess current CPR certification.] Has successfully completed a written EMT examination prescribed by the Department.

(v) [Be at least 16 years of age or older.] Has successfully completed an EMT practical skills examination prescribed by the Department.

(2) The Department will also certify as an EMT an individual who completes an application on a form prescribed by the Department and who has one of the following:

(i) Permanent certification as an EMT-paramedic under §1003.24(b) (relating to EMT-paramedic) but without medical command authorization under §1003.28 (relating to medical command authorization).

(ii) Permanent recognition as a prehospital registered nurse under §1003.25b (relating to prehospital registered nurse) but without medical command authorization under §1003.28.

(3) Certification granted under paragraph (1) or (2) is valid for 3 years, subject to disciplinary action under section 11(j.1) of the act (35 P.S. §6931(j.1)) and §1003.27 (relating to disciplinary and corrective action).

(c) *[Reciprocal certification] Certification by endorsement.*

(1) [An individual who possesses EMT certification from another state may qualify for reciprocal certification as an EMT in this Commonwealth. Applications shall be submitted to the regional EMS councils. The Department has the authority to make the final decision on the applications.

(2) Reciprocal certification may be granted to EMTs from states that the Department has formal reciprocity agreements with if:

(i) The applicant is currently certified or licensed in a state with reciprocity agreements with the Commonwealth.

(ii) The applicant successfully completed written and practical exams within 2 1/2 years of application.

(iii) The current certification has an expiration date of more than 6 months from date of application.

(iv) If the current certification remaining is less than 6 months, the applicant shall successfully complete written and practical Pennsylvania EMS certification exams.

(v) The applicant completes the student registration form and a request for reciprocity form provided by the Department. The applicant shall attach a copy of incoming State certification or license to the request for reciprocity form.

(3) Certification may be granted to applicants with certification or National registry from states without formal reciprocity agreements if:

(i) The applicant is currently certified or licensed as an EMT.

(ii) The applicant provides written verification of completion of an EMT-NSC National Standard Curriculum Course.

(iii) The applicant successfully completes Pennsylvania written and practical certification exams.

(iv) The current certification has an expiration date of more than 6 months from date of application.

(4) EMT certification may be granted to applicants currently certified by the military, if:

(i) The applicant provides written verification of successful completion of an EMT-NSC course.

(ii) The applicant successfully completes Pennsylvania written and practical certification exams.

(iii) Current certification has an expiration date of more than 6 months from date of application.

(5) Reciprocal certification may be granted with an expiration date of 3 years from the date the certification was issued by the incoming state.

(6) Pennsylvania residents who have been granted reciprocity in this Commonwealth and currently need recertification shall take the Department's practical and written certification examinations.]

For an individual who is 16 years of age or older and currently certified as an EMT in another state, the Department will endorse the following qualifications as equivalent to those in subsection (b):

(i) Successful completion of EMT training curriculum that meets or exceeds the standards of the training course prescribed by the Department under subsection (b)(1)(iii).

(ii) Successful completion of a written examination for EMT certification which is determined by the Department to meet or exceed the standards of the written examination prescribed by the Department under subsection (b)(1)(iv).

(iii) Successful completion of a practical skills examination for EMT certification which is determined by the Department to meet or exceed the standards of the practical skills examination prescribed by the Department under subsection (b)(1)(v).

(2) An individual whose EMT certification in another state is expired at the time of application may seek to have the satisfaction of paragraph (1)(i) endorsed as equivalent to the satisfaction of subsection (b)(1)(iii), but will not be considered by the Department for endorsement of qualifications under paragraph (1)(ii) or (iii), and shall successfully complete the EMT practical skills and written examinations prescribed by the Department after applying for certification through examination.

(3) Certification under this subsection is valid for 3 years. Upon expiration of that certification the individual shall meet the requirements for recertification in subsection (d).

(d) *Recertification.* An EMT shall apply for recertification between 1 year and 60 days prior to expiration of the EMT's certification from the Department. Failure to apply for recertification in a timely manner may result in the individual not being recertified before the prior certification expires. The Department will recertify as an EMT an individual who meets the following qualifications:

(1) Completes an application on a form prescribed by the Department.
(2) Is or was previously certified as an EMT.
(3) [Files with the Department proof of successful completion of] Has successfully completed one of the following:

(i) The written and practical EMT recertification examinations prescribed by the Department.

(ii) The continuing education requirements for EMTs in §1003.29(b) (relating to continuing education requirements).

(e) [*EMT instructor certification.*] Scope of practice.

[(1) To qualify for EMT instructor certification, an individual shall:

(i) Be 18 years of age or older.

(ii) Successfully complete an EMT instructor course as provided by the Department or possess at least a bachelor's degree or teacher's certification in secondary education.

(iii) Possess current certification as an EMT or EMT-paramedic.

(iv) Possess current certification in CPR.

(v) Possess a minimum of 1 year's experience functioning at the EMT or EMT-paramedic level providing prehospital care.

(vi) Possess demonstrated competence in teaching the didactic and practical skills portions of the curriculum. The Department is responsible for assessing an instructor's competence.

(vii) Possess recommendations from the regional EMS council and an approved training institute that the individual be certified as an instructor.

(2) EMT instructor certification shall expire concurrently with the individual's EMT or EMT-paramedic certification.]

An EMT's scope of practice, under medical command direction or utilization of the Statewide BLS medical treatment protocols, includes the BLS services which may be performed by a first responder as set forth in §1003.22(e) (relating to first responder) and the following:

(1) Administration to a patient or assisting a patient to administer drugs previously prescribed for that patient, as specified in the Statewide BLS medical treatment protocols.

(2) Transportation of a patient with an indwelling intravenous catheter without medication running, UNLESS THE MEDICATION IS PART OF THE PATIENT'S NORMAL TREATMENT PLAN AND THE TRANSPORT OF THE PATIENT WITH MEDICATION RUNNING IS CONSISTENT WITH THE STATEWIDE BLS MEDICAL TREATMENT PROTOCOLS.

(3) Other BLS services taught in a basic training program for EMTs approved by the Department, if the EMT has received training to perform those services in such a course, in a course which is determined by the Department to meet or exceed the standards of a training program for EMTs preapproved by the Department, or in a course for which an EMT may receive continuing education credit towards recertification, and is able to document this training. The Department will publish in the *Pennsylvania Bulletin*, at least annually, a list of the services in the most recent basic training program for EMTs approved by the Department. If the approved course is not offered by the Department, the Department may exclude from the published list, services taught which the Department determines are not appropriate services to be performed by an EMT. ,
AND IS ABLE TO DOCUMENT HAVING RECEIVED SUCH TRAINING, IN ONE OF THE FOLLOWING:

(I) A BASIC TRAINING COURSE FOR EMTS APPROVED BY THE DEPARTMENT.

(II) A COURSE WHICH IS DETERMINED BY THE DEPARTMENT TO MEET OR EXCEED THE STANDARDS OF A BASIC TRAINING COURSE FOR EMTS PREAPPROVED BY THE DEPARTMENT.

(III) A COURSE FOR WHICH THE EMT MAY RECEIVE CONTINUING EDUCATION CREDIT TOWARDS RECERTIFICATION.

[(f) *Instructor recertification*

- (1) To qualify for recertification as an EMT instructor, an individual shall:
 - (i) Receive favorable ratings from the Department during annual reviews of the instructor under actual classroom conditions.
 - (ii) Provide documentation to the Department that the instructor did a minimum of 20 hours of teaching per year.
 - (iii) Possess current certification as an EMT or an EMT-paramedic.
 - (iv) Possess current certification in CPR.
 - (v) Possess recommendations for recertification from the regional EMS council and an approved training institute.
 - (vi) Complete additional continuing education requirements established and approved by the Department.
- (2) EMT instructor recertification shall expire concurrently with the individual's EMT or EMT-paramedic recertification.]

(F) PUBLICATION OF APPROVED SKILLS

(1) THE DEPARTMENT WILL PUBLISH IN THE *PENNSYLVANIA BULLETIN*, AT LEAST ANNUALLY, A LIST OF THE SKILLS TAUGHT IN THE EMT BASIC TRAINING COURSE MOST RECENTLY APPROVED BY THE DEPARTMENT.

(2) IF THE COURSE IS NOT OFFERED BY THE DEPARTMENT, THE DEPARTMENT MAY EXCLUDE, FROM THE PUBLISHED LIST, SKILLS TAUGHT WHICH THE DEPARTMENT DETERMINES ARE NOT APPROPRIATE SKILLS TO BE PERFORMED BY AN EMT. AN EMT MAY NOT PERFORM A SKILL TAUGHT IN A COURSE UNDER SUBSECTION (E)(3)(II) OR (III) IF THE DEPARTMENT DOES NOT INCLUDE THE SKILL IN THE LIST IT PUBLISHES UNDER PARAGRAPH (1).

§1003.23a. EMS instructor certification.

(a) *Qualifications for certification.* The Department will issue an EMS instructor certification to an individual who meets all of the following requirements:

(1) Has completed an application for EMS instructor certification on a form prescribed by the Department.

(2) Is 18 years of age or older.

(3) Has successfully completed an EMS instructor course approved by the Department, or possesses a bachelor's degree in education or a teacher's certification in education.

(4) Has successfully completed an EMT-Basic transition program or update, or has completed an EMT-Basic course.

(5) Possesses current certification as an EMT or EMT-paramedic, or recognition as a health professional.

(6) Possesses current certification in CPR OR CURRENT CERTIFICATION AS A CPR INSTRUCTOR.

(7) Possesses at least 1 year experience functioning at the EMT, EMT-paramedic or health professional level providing prehospital care.

(b) *Renewal of instructor certification.* An EMS instructor certification is valid for 3 years. The Department will renew an EMS instructor certification for an individual who meets the following requirements:

(1) Has completed an application for renewal of an EMS instructor certification on a form prescribed by the Department.

(2) Has demonstrated competence in teaching the didactic and practical skills portions of the curriculum.

(3) Has provided documentation to the Department to establish that the individual conducted at least ~~20~~ 60 hours of teaching ~~per year~~ EMS OR RESCUE COURSES DURING THE PREVIOUS 3 YEARS.

(4) Possesses current certification as an EMT ~~or~~, CERTIFICATION AS AN EMT-paramedic, or recognition as a health professional.

(5) Possess current certification in CPR.

(6) EFFECTIVE (THREE YEARS AFTER EFFECTIVE DATE OF THESE AMENDING REGULATIONS) ~~Has~~ HAS completed an EMS instructor update program within 3 years prior to applying for renewal of certification.

§1003.24. EMT-paramedic.

(a) *Roles and responsibilities.*

(1) An [individual who is certified by the Department as an] EMT-paramedic [and] who has been granted medical command authorization under §1003.28 (relating to medical command authorization), or an individual who is a student in an approved EMT-paramedic training program under the supervision of an approved preceptor, may provide in a prehospital, interhospital or in an emergency care setting in a facility, or during the transfer of convalescent or other nonemergency cases, BLS services which may be performed by an EMT as set forth in §1003.23(a) and (e) (relating to EMT), as well as the ALS services [listed] in subsection (d) to prevent loss of life or aggravation of physiological or psychological illness or injury. This section does not prohibit an EMT-paramedic from providing EMS as a good Samaritan.

(2) An EMT-paramedic who does not have or chooses not to maintain medical command authorization [in accordance with] under §1003.28 may apply to the Department for certification as an EMT. The rules applicable to certification of an EMT-paramedic as an EMT are in §1003.23(b)(2) [(relating to EMT)]. An EMT-paramedic without medical command authorization who is certified as an EMT may provide only the BLS services within an EMT's scope of practice as set forth in §1003.23(a) and (e) until the EMT-paramedic has regained medical command authorization in accordance with §1003.28. Following loss of medical command authorization, an EMT-paramedic may function as an EMT for the ALS ambulance service under which the EMT-paramedic has lost medical command authorization, for 30 days without securing EMT certification, if approval to do so is granted by the ALS service medical director for that ALS ambulance service.

(b) *Certification.*

(1) [To be certified as an EMT-paramedic, an individual shall] The Department will certify as an EMT-paramedic an individual who meets the following qualifications:

- (i) Completes an application on a form prescribed by the Department.
- [(i)] (ii) Possesses current certification as an EMT.
- (iii) Is 18 years of age or older.

[(ii) Successfully complete] (iv) Has successfully completed a training course for EMT-paramedics approved by the Department.

[(iii) Successfully complete] (v) Has successfully completed a practical examination of EMT-paramedic skills[, as verified by the medical director of the training program on a form provided by the Department].

[(iv) Possess current CPR certification.

(v) Successfully complete] (vi) Has successfully completed a written examination for EMT-paramedics administered by the Department.

[(vi) Be 18 years of age or older.

(2) An individual who possesses EMT-paramedic certification from another state or National registry may qualify for EMT-paramedic certification in this Commonwealth by meeting the Department's requirements for reciprocity in §1003.23(c).

(3)] (2) [The Department will consider an] An individual certified as an EMT-paramedic [to be] is permanently certified as an EMT-paramedic, subject to disciplinary action under section 11(j.1) of the act (35 P.S. §6931(j.1)) and §1003.27 (relating to disciplinary and corrective action).

[(4)] (3) An EMT-paramedic shall register biennially with the Department on forms supplied by the Department prior to the biennial anniversary date of the EMT-paramedic's certification and shall supply information requested by the Department on the registration form.

(c) [*Transition of EMT-paramedic I and EMT-paramedic II certification to EMT-paramedic.*

(1) Current certification by the Department as an EMT-paramedic II is equivalent to certification as an EMT-paramedic. After June 30, 1989, EMT-paramedic II certifications will not be issued by the Department. Only certification as an EMT-paramedic will be issued after June 30, 1989.

(2) Certification as an EMT-paramedic I will not be issued after June 30, 1989. Individuals currently certified as an EMT-paramedic I shall successfully complete additional certification requirements as determined by the Department to bring them up to the level of EMT-paramedic by June 30, 1989, or their certification will revert to the status of an EMT for the remainder of their certification period.]

Certification by endorsement.

(1) For an individual who is 18 years of age or older and who is currently certified in another state as an EMT-paramedic, the Department will endorse the following qualifications as equivalent to those in subsection (b).

(i) Certification as an EMT-paramedic in the other state instead of current certification as an EMT in this Commonwealth.

(ii) Successful completion of EMT-paramedic training curriculum that meets or exceeds the standards of the training course prescribed by the Department under subsection (b)(1)(iv).

(iii) Successful completion of a written examination for EMT-paramedic certification which is determined by the Department to meet or exceed the standards of the written examination prescribed by the Department under subsection (b)(1)(vi).

(iv) Successful completion of a practical skills examination for EMT-paramedic certification which is determined by the Department to meet or exceed the standards of the practical skills examination prescribed by the Department under subsection (b)(1)(v).

(2) An individual whose EMT-paramedic certification in another state is expired at the time of application may seek to have the satisfaction of paragraph (1)(ii) endorsed as equivalent to the satisfaction of subsection (b)(1)(iv), but will not be considered by the Department for endorsement of qualifications under paragraph (1)(i), (iii) or (iv), and shall successfully complete the EMT-paramedic practical skills and written examinations prescribed by the Department after making application for certification through examination.

(d) *Scope of practice.* An EMT-paramedic's scope of practice includes the BLS services which may be performed by an EMT as [set forth] in §1003.23(a) and (e) and the ALS services set forth in this subsection. An EMT-paramedic, with medical command authorization, following the order of a medical command physician, or use of Department approved transfer and medical treatment protocols as authorized by the ALS service medical director, may:

(1) Perform pulmonary ventilation by the use of oral, nasal, endotracheal or tracheostomy intubation.

(2) Insert, in peripheral veins, intravenous catheters, needles or other cannulae-IV lines.

- (3) Obtain venous blood samples for analysis, but only for diagnostic and treatment purposes.
- (4) Prepare and administer approved medication and solutions by intravenous, intramuscular, subcutaneous, intraosseous, oral, sublingual, topical, inhalation, rectal or endotracheal routes.
- (5) Perform defibrillation and synchronized cardioversion.
- (6) Perform gastric suction by nasogastric or orogastric intubation.
- (7) Insert nasogastric or orogastric tubes.
- (8) Visualize the airway by use of the laryngoscope and remove foreign bodies with forceps.
- (9) Apply electrodes and monitor cardiac electrical activity including electrocardiograms.
- (10) Perform [vagal] Valsalva maneuvers.
- (11) Use mechanical cardiopulmonary resuscitation devices.
- (12) Assess and manage patients in accordance with the EMT-paramedic training curriculum approved by the Department.
- (13) Perform thoracic decompression.
- (14) Perform cricothyrotomy and pulmonary ventilation.
- (15) Perform central venous and intraosseous cannulation.
- (16) Perform external trans[thoracic]cutaneous pacing.
- (17) Perform urinary catheterization.
- (18) Access central venous lines and subcutaneous indwelling catheters.
- (19) Perform other ALS services [authorized by the Department-approved regional EMS council transfer and medical treatment protocols.]

SKILLS
taught in a training course for EMT-paramedics approved by the Department, if the EMT-paramedic has received training to perform those services in such a course, in a course which is determined by the Department to meet or exceed the standards of a training course for EMT paramedics preapproved by the Department, or in a course for which an EMT paramedic may receive continuing education credit towards qualifying for medical command authorization, and is able to document this training. The Department will publish, at least annually, a list of the ALS services taught in the most recent training course for EMT paramedics approved by the Department. If the approved course is not

~~offered by the Department, the Department may exclude from the published list, services taught which the Department determines are not appropriate services to be performed by an EMT-paramedic.~~ AND IS ABLE TO DOCUMENT HAVING RECEIVED SUCH TRAINING, IN ONE OF THE FOLLOWING:

(I) A TRAINING COURSE FOR EMT-PARAMEDICS APPROVED BY THE DEPARTMENT.

(II) A COURSE WHICH IS DETERMINED BY THE DEPARTMENT TO MEET OR EXCEED THE STANDARDS OF A TRAINING COURSE FOR EMT-PARAMEDICS PREAPPROVED BY THE DEPARTMENT.

(III) A COURSE FOR WHICH THE EMT-PARAMEDIC MAY RECEIVE CONTINUING EDUCATION CREDIT TOWARDS QUALIFYING FOR MEDICAL COMMAND AUTHORIZATION.

(E) PUBLICATION OF APPROVED SKILLS

(1) THE DEPARTMENT WILL PUBLISH IN THE *PENNSYLVANIA BULLETIN*, AT LEAST ANNUALLY, A LIST OF THE SKILLS TAUGHT IN THE EMT-PARAMEDIC TRAINING COURSE MOST RECENTLY APPROVED BY THE DEPARTMENT.

(2) IF THE APPROVED COURSE IS NOT OFFERED BY THE DEPARTMENT, THE DEPARTMENT MAY EXCLUDE, FROM THE PUBLISHED LIST, SKILLS TAUGHT WHICH THE DEPARTMENT DETERMINES ARE NOT APPROPRIATE SKILLS TO BE PERFORMED BY AN EMT-PARAMEDIC. AN EMT-PARAMEDIC MAY NOT PERFORM A SKILL TAUGHT IN A COURSE UNDER SUBSECTION (D)(19)(II) OR (III) IF THE DEPARTMENT DOES NOT INCLUDE THE SKILL IN THE LIST IT PUBLISHES UNDER PARAGRAPH (1).

§1003.25. (Reserved).

§1003.25a. Health professional physician.

[(a) *Basic qualifications.*] Physicians who have education and continuing education in ALS services and prehospital care may [participate in EMS teams] function as a member of the crew on an ambulance as a health [professionals] professional. This

section does not prohibit a health professional physician from providing EMS as permitted under 42 Pa.C.S. §8331 (relating to medical good Samaritan civil immunity).

[(b) *Minimum qualifications* At a minimum, a health professional physician shall:

- (1) Be a practicing physician.
- (2) Possess valid CPR certification.
- (3) Possess valid ACLS certification.
- (4) Possess current certification as an EMT-paramedic, or successfully

complete a prehospital health professional training program approved by the Department and a practical skills evaluation and written examination administered by the Department.

(c) *Recognition of current practitioners who are physicians.* A 1-year grace period after the approval of a prehospital physician course will permit an individual currently working in the prehospital setting to challenge the practical or written portion, or both, of the physician prehospital exam format under the following conditions:

(1) The physician shall take written and practical prehospital physician exams and possess:

- (i) A valid license to practice in this Commonwealth as a Doctor of Medicine or Doctor of Osteopathy.
- (ii) Evidence of participation in an educational program sponsored by a hospital or regional training institute intended to provide the physician with the knowledge and skills needed to provide an advanced level of prehospital care, including physical assessment, immobilization and stabilization, patient extrication, airway management, EKG and rhythm interpretation and pharmacology.
- (iii) A letter of support from a director of a medical command facility specific to challenging the exams.

(2) The physician need take only the practical prehospital physician exam and possess:

- (i) A valid license to practice in this Commonwealth as a Doctor of Medicine or Doctor of Osteopathy.
- (ii) Evidence of participation in an educational program sponsored by a hospital or regional training institute intended to provide the physician with the knowledge and skills needed to provide an advanced level of prehospital care, including

physical assessment, immobilization and stabilization, patient extrication, airway management, EKG and rhythm interpretation and pharmacology.

(iii) Board certification in an appropriate specialty or a residency in an emergency medicine residency program or currently advanced cardiac life support and advanced trauma life support course certified.

(iv) A letter of support from a director of a medical command facility specific to challenging the exams.

(d) *Health professionals with specialty transport teams.* For the purposes of §1005.10(d) (relating to licensure standards), a physician may function as a health professional for specialty transport situations when operating under institutional policies and procedures approved by the Department.]

§1003.25b. Prehospital registered nurse.

(a) *Roles and responsibilities.*

(1) A prehospital registered nurse who has medical command authorization under §1003.28 (relating to medical command authorization) may provide the ALS services in §1003.24(d) (relating to EMT-paramedic) and those listed at subsection (c) in addition to the BLS services in §1003.23(a) and (e) (relating to EMT) to respond to the perceived needs of an individual for immediate medical care in an emergency. This section does not prohibit a prehospital registered nurse from providing EMS as permitted under 42 Pa.C.S. §8331 (relating to medical good Samaritan civil immunity).

(2) A prehospital registered nurse who does not have or chooses not to maintain medical command authorization may apply to the Department for recognition as an EMT. The rules applicable to certification of a prehospital registered nurse as an EMT are set forth in §1003.23(b)(2). Following loss of medical command authorization, a prehospital registered nurse may function as an EMT for the ALS ambulance service under which the prehospital registered nurse has lost medical command authorization, for 30 days without securing EMT certification, if approval to do so is granted by the ALS service medical director for that ALS ambulance service.

(b) *Recognition of a prehospital registered nurse.*

- (1) The Department will recognize as a prehospital registered nurse a [licensed] registered nurse who meets the following qualifications:
 - (i) Completes an application on a form prescribed by the Department.
 - (ii) Is 18 years of age or older.
 - (iii) Has successfully completed the American Heart Association or American Red Cross basic cardiac life support training program and the [American Heart Association advanced cardiac life support training program] ACLS course, or other programs determined by the Department to meet or exceed the standards of the specified programs.
 - (iv) Has successfully completed one of the following:
 - (A) The Pennsylvania prehospital registered nurse curriculum adopted by the Department.
 - (B) A knowledge and skills assessment process adopted by the Department.
 - (v) Has successfully completed the written ALS examination for prehospital registered nurses approved by the Department.
 - (vi) Has successfully completed the EMT practical skills examination.
- (2) A [licensed] registered nurse who received recognition as a health professional registered nurse under the voluntary health professional registered nurse recognition program conducted by the Department prior to September 2, 1995, will be deemed to have Department recognition as a prehospital registered nurse.
- (3) Department recognition of a prehospital registered nurse under [paragraphs (1) and (2) will be] this section is permanent subject to disciplinary action under section 11(j.1) of the act (35 P.S. §6931(j.1)) and §1003.27 (relating to disciplinary and corrective action).
- (4) A prehospital registered nurse shall register biennially with the Department on forms supplied by the Department prior to the biennial anniversary date of the prehospital registered nurse's recognition and shall supply information requested on the registration form.

(c) *Scope of practice.* A prehospital registered nurse with medical command authorization may perform, in addition to those services within an EMT-paramedic's scope of practice, [the following services:

(1) Those] other ALS services authorized by The Professional Nursing Law (63 P.S. §§221--225.5)[.]

[2) Other ALS services authorized by the Department-approved regional EMS council transfer and medical treatment protocols.

(3) Other ALS services authorized by medical command in the case of a prehospital registered nurse who functions on an air ambulance service], when authorized by a medical command physician through either on line medical command or standing MEDICAL treatment protocols.

(d) *Recognition by endorsement.*

(1) The Department will grant recognition as a prehospital registered nurse to an individual who has served in a similar capacity in another state and who meets the following qualifications:

(i) Completes an application on a form prescribed by the Department.

(ii) Is 18 years of age or older.

(iii) Has successfully completed the American Heart Association or the American Red Cross basic life support training program and the ACLS course, or other programs determined by the Department to meet or exceed the standards of the specified programs.

(iv) Is licensed as a registered nurse in both this Commonwealth and another state.

(v) Has successfully completed one of the following:

(A) The written ALS examination for prehospital registered nurses approved by the Department and the EMT practical skills examination.

(B) Written and practical skills examinations determined by the Department to meet or exceed the examinations approved by the Department.

(vi) Has successfully completed one of the following:

(A) The Pennsylvania prehospital registered nurse curriculum adopted by the Department.

(B) A knowledge and skills assessment process adopted by the Department.

(C) Curriculum or a knowledge and skills assessment process, which is determined by the Department to meet or exceed the standards adopted by the Department.

§1003.26. Rescue personnel.

(a) *Basic rescue practices technician.*

(1) *Roles and responsibilities.* A [certified] basic rescue practices technician is [authorized] an individual certified by the Department as possessing the training and skills to perform rescue skills in accordance with the basic rescue practices course approved by the Department. A [certified] basic rescue practices technician utilizes basic tools and equipment of the rescue service [and is responsible for employing these tools, equipment and techniques] to perform a safe and efficient rescue operation.

(2) *Training programs.* Basic rescue practices technician training programs will be approved by the Department.

(3) *Minimum qualifications.* A basic rescue practices technician shall successfully complete a training program for basic rescue practices approved by the Department and shall successfully complete a written basic rescue practices test administered by the Department.

(b) *Basic vehicle rescue technician.*

(1) *Roles and responsibilities.* A [certified] basic vehicle rescue technician is [authorized] an individual certified by the Department as possessing the training and skills to perform rescue skills in accordance with the basic vehicle rescue course approved by the Department [which]. That program provides the student with the knowledge and skills necessary to achieve the rescue of persons involved in automobile accidents [on highways].

(2) *Training programs.* Basic vehicle rescue technician training programs will be approved by the Department.

(3) *Minimum qualifications.* A basic vehicle rescue technician shall complete a training program for basic vehicle rescue approved by the Department, and shall

successfully complete a written examination for basic vehicle rescue developed by the Department and administered by the Department.

(c) [*Specialized*] Special vehicle rescue technician.

(1) *Roles and responsibilities*. A [person certified in specialized] special vehicle rescue technician is an individual certified by the Department as possessing the training and skills [training is authorized] to perform [rescue skills] rescues in accordance with the specialized rescue training course approved by the Department.

(2) *Training programs*. Specialized rescue training programs will be approved by the Department.

(3) *Minimum qualifications*. An individual shall complete a training program approved by the Department for a specific level of specialized vehicle rescue performance, and also shall successfully complete a written examination developed by the Department and administered by the Department.

(d) *Rescue instructor [roles and responsibilities]*.

(1) Rescue instructors shall:

(i) Follow the prescribed course of instruction in leading the student to mastery of unit's objectives and finally to mastery and accomplishment of successfully reaching the course objective.

(ii) Assure that teaching aids are present and in operating condition.

(iii) Assure that tools, equipment and support materials are present and in operating condition.

(iv) Set -up the classroom facility to permit a comfortable, yet successful, learning environment.

(v) Assure that field training facilities are sufficient to meet the needs of the practice phase of the training program.

(vi) Obtain and prepare classroom materials and exercises which reflect local resources, policies and practices.

(vii) Keep discussion oriented toward basic rescue practices.

(viii) Prepare practice and remedial activities, as required, to permit students to meet stated objectives.

(ix) Assign responsibilities to assistant instructors.

- (x) Supervise assistant instructors.
 - (xi) Monitor and evaluate student and assistant instructor attendance, and performance.
 - (xii) Maintain records of student and instructor attendance, performance evaluation and knowledge levels.
 - (xiii) Provide recommendations for course improvement.
- (2) At a minimum, rescue instructors shall:
- (i) Be certified as an EMT by the Department, and be certified in the fundamentals of fire fighting.
 - (ii) Successfully complete a course of instruction in the techniques and philosophy of teaching. One of the following shall be submitted as proof of completion of this requirement:
 - (A) A baccalaureate degree with an education major.
 - (B) State certification as an EMT-instructor.
 - (C) State certification as a fire service instructor.
 - (iii) Successfully complete the Basic Rescue Practices Training Program which they intend to teach.
 - (iv) Be certified as a rescue instructor by the Department.
 - (v) Be able to demonstrate their ability to operate every tool and piece of equipment identified on the minimum equipment list in a manner above the average person's ability to perform.
 - (vi) Agree to actively participate in the presentation of at least one certified basic rescue course per year in order to maintain their instructor certification.
- (3) The Department will give special consideration to competent instructors who do not meet the requirements in paragraph (2)(ii)(A)-(C). The candidate shall submit a letter to the Department of Health, Division of Emergency Medical Services, Post Office Box 90, Harrisburg, Pennsylvania 17108.]--The Department will develop a program providing for the certification of rescue instructors. Courses that seek Department approval as a rescue training course shall be taught by certified rescue instructors.

(e) Certificates. The rescue technician certifications issued by the Department pursuant to this section do not constitute a legal prerequisite to performing rescues. The rescue instructor certifications issued by the Department pursuant to this section do not constitute a legal prerequisite to serving as a rescue instructor in programs other than rescue training courses approved by the Department. The Department approves the rescue programs and issues the certifications referenced within this section to promote the Statewide EMS system having an adequate number of personnel with sufficient training and skills to perform rescues.

§1003.27. Disciplinary and corrective action.

(a) The Department may, upon investigation, hearing and disposition, impose upon prehospital personnel who are certified or recognized by the Department one or more of the disciplinary or corrective measures in subsection (c) for one or more of the following reasons:

- (1) Demonstrated incompetence to provide adequate emergency medical services.
- (2) Deceptive or fraudulent procurement or misrepresentation of certification or recognition credentials.
- (3) Willful or negligent practice beyond the scope of certification or recognition authorization.
- (4) Abuse or abandonment of a patient.
- (5) The rendering of services while under the influence of alcohol or illegal drugs.
- (6) The operation of an emergency vehicle in a reckless manner or while under the influence of illegal drugs or alcohol.
- (7) Disclosure of medical or other information if prohibited by Federal or State law.
- (8) Willful preparation or filing of false medical reports or records, or the inducement of others to do so.
- (9) Destruction of medical records required to be maintained.

(10) Refusal to render emergency medical care because of a patient's race, sex, creed, National origin, sexual preference, age, handicap, medical problem or financial inability to pay.

(11) Failure to comply with Department-approved regional EMS council transfer and medical treatment protocols.

(12) Failure to comply with ambulance [trip] response reporting requirements as established by the Department.

(13) Failure to meet recertification requirements.

(14) Conviction of a felony or crime involving moral turpitude. Conviction includes a judgment of guilt, a plea of guilty or a plea of nolo contendere.

(15) Conviction of a misdemeanor which relates to the practice or the profession of the prehospital ~~personnel~~ practitioner. Conviction is a judgment of guilt.

(16) A willful or consistent pattern of failure to complete details on a patient's medical record.

(17) Misuse or misappropriation of drugs or medication.

(18) Having a certification or other authorization to practice a health care profession or occupation revoked, suspended or subjected to disciplinary sanction.

(19) Failure to comply with skill maintenance requirements established by the Department.

(20) Violating a duty imposed by the act, this part or an order of the Department previously entered in a disciplinary proceeding.

(21) Other reasons as determined by the Department which pose a threat to the health and safety of the public.

(b) It is the duty of all prehospital personnel to report to the Department, within 30 days, a misdemeanor or felony conviction, or a revocation, suspension or other disciplinary sanction of a certificate or other authorization to practice a health care profession or occupation.

(c) If disciplinary action is appropriate for one of the reasons listed in subsection (a), the Department may:

(1) Deny an application for certification or recognition.

(2) Administer a written reprimand with or without probation.

- (3) Revoke, suspend, limit or otherwise restrict the certification or recognition.
- (4) Require the person to take refresher educational courses.
- (5) Stay enforcement of a suspension and place the individual on probation with the right to vacate the probationary order for noncompliance.

(d) The Department will conduct all aspects of the disciplinary process and any hearing that may be held in accordance with 1 Pa. Code Part II (relating to [general rules of administrative practice and procedure] General Rules of Administrative Practice and Procedure). A revocation or suspension of certification or recognition may be appealed to the Commonwealth Court under 2 Pa.C.S. §§501-508 and 701-704 (relating to [administrative agency law] Administrative Agency Law).

§1003.28. Medical command authorization.

(a) *Authority to grant medical command.* The ALS service medical director has the authority to grant, deny, or restrict as provided in subsection (c)(3), medical command authorization to an EMT-paramedic or prehospital registered nurse who seeks to provide EMS on behalf of the ALS ambulance service. The ALS service medical director shall document the medical command authorization decision and how that decision was made. The decision of the ALS service medical director shall affect the medical command authorization status of the EMT-paramedic or prehospital registered nurse for that ALS ambulance service only.

(b) *Prerequisites to initial determination regarding medical command authorization.*

(1) Prior to making the initial determination whether to grant or deny medical command authorization, the ALS service medical director shall:

(i) Require the individual seeking medical command authorization to complete an application for medical command authorization on a form prescribed by the Department.

(ii) Verify with the Department the individual's certification or recognition status.

(iii) Inquire of the Department whether disciplinary action under section 11(j.1) of the act (35 P.S. §6931(j.1)) and §1003.27 (relating to disciplinary and corrective action) has been or is currently being imposed against the individual.

(2) The ALS service medical director shall deny medical command authorization to an individual who is not certified or recognized by the Department, who is currently subject to a disciplinary or corrective measure imposed by the Department which prevents the individual from having medical command authorization, or who has not complied with the applicable continuing education requirements in §1003.29 (relating to continuing education requirements).

(3) Before the ALS service medical director may grant medical command authorization to an individual, the ALS service medical director shall verify that the individual can competently perform each of the services set forth [in] within the [individual's applicable] scope of practice authorized by the individual's certification or recognition, which is also permitted by. **THE ALS SERVICE MEDICAL DIRECTOR MAY ONLY GRANT MEDICAL COMMAND AUTHORIZATION TO PERMIT PRACTICE IN ACCORDANCE WITH the medical treatment protocols in the region or regions in which ambulances of the ALS ambulance service, out of which the individual will function, are stationed.** If the individual had not previously been granted medical command authorization for any ALS ambulance service in this Commonwealth, the ALS service medical director shall [directly observe] determine the individual's [performance of each ALS service set forth in the individual's applicable scope of practice] competence to perform those services by direct observation or. **ALTERNATIVELY, THE ALS SERVICE MEDICAL DIRECTOR MAY DETERMINE THE INDIVIDUAL'S COMPETENCE by consulting with a physician, EMT-paramedic or prehospital registered nurse who has directly observed the individual's performance of those services, and who the ALS service medical director has determined to be qualified to make the assessment.** If the individual had previously been granted medical command authorization, the ALS service medical director shall verify that the individual can competently perform each [ALS service set forth in the individual's applicable scope of practice by] of those services by either directly observing the individual's performance of those services; or by consulting with a physician, EMT-paramedic or prehospital

registered nurse who has directly observed the individual's performance of those services, and who the ALS service medical director has determined to be qualified to make the assessment; or doing the following for services not directly observed ~~or by~~:

(i) Consulting with one or more medical command physicians who have given the individual medical command.

(ii) Consulting with emergency department physicians who have received patients to whom the individual has provided prehospital emergency care.

(iii) Performing a medical audit of records of services provided by the individual seeking medical command authorization, for patients attended to by that individual for the ALS ambulance for which the ALS service medical director is making the medical command authorization decision.

(iv) Consulting with one or more ALS service medical directors who has granted, denied or restricted the individual's medical command status.

(4) If the ALS service medical director determines that the individual applying for medical command authorization cannot competently perform [the ALS services within that individual's scope of practice] one or more of those services, the ALS service medical director shall either deny, or restrict as provided in subsection (c)(3), the individual's medical command authorization in a written document provided to the individual.

(c) *Review of medical command authorization.* At least annually, and more often as circumstances warrant, the ALS service medical director shall review the medical command authorization status of each EMT-paramedic and prehospital registered nurse providing services on behalf of the ALS ambulance service. In reviewing medical command authorization, the ALS service medical director shall ensure that the individual has completed or is completing the applicable continuing education requirements in §1003.29 and has demonstrated competence, as verified by the ALS service medical director, in performing each of the [skills set forth in the individual's scope of practice] services that fall within the scope of the individual's medical command authorization.

The ALS service medical director, upon review of medical command authorization, may:

(1) Renew medical command authorization.

(2) Renew medical command authorization and require continuing education courses in any field the ALS service medical director deems appropriate. The ALS service medical director may require an individual to secure more continuing education credit than generally required for personnel operating under medical command authorization for the ALS ambulance service, only if the ALS service medical director determines that THE FOLLOWING CONDITIONS ARE SATISFIED:

(I) ~~the~~ THE individual does not demonstrate sufficient competence in performing a service.

(II) ~~the~~ THE continuing education is prescribed to address that deficiency.

(III) ~~and the~~ THE number of continuing education hours generally required are not sufficient to provide the education the individual needs to remedy the problem.

[(3)] (3) Require completion of specified continuing education courses as a prerequisite to renewal of medical command authorization.

(4) [(3)] Restrict [the scope of practice under] medical command authorization, if the restriction does not preclude the individual from performing the services specified within the scope of the individual's certification or recognition as permitted by the medical treatment protocols for the region. This permits imposing a restriction such as requiring on scene supervision when the individual performs a specified service or services, or permitting a specified service or services to be performed only when the individual is receiving online medical command.

[(5)] (4) Withdraw medical command authorization.

(d) *Appeals to the regional EMS medical director.* An individual whose medical command authorization has been denied [or restricted] by the ALS service medical director may appeal the decision within 14 days to the regional EMS medical director. The individual's appeal shall be in writing and shall specify the reasons the individual disagrees with the decision of the ALS service medical director. The regional EMS medical director shall conduct a hearing. If the regional EMS medical director is unable to conduct a fair hearing due to receiving prejudicial information prior to the hearing, or for any other reason, the regional EMS council shall arrange for the regional EMS medical director of another region to conduct the hearing. At the hearing, the ALS

service medical director shall have the burden to proceed and offer testimony and other evidence in support of the ALS service medical director's decision. The individual shall also have an opportunity to present testimony and other evidence in support of the individual's position. Both parties shall have an opportunity to cross-examine opposing witnesses and to submit oral and written position statements. The regional EMS medical director may give the parties up to 5 additional days following the hearing to submit written position statements. The regional EMS medical director will issue a written decision affirming, reversing or modifying the ALS service medical director's decision within 14 days [of] after the hearing or within 14 days [of] after the submission of post hearing position statements, if they are filed. The regional EMS medical director's written decision shall contain the regional EMS medical director's findings and conclusions. If the ALS service medical director fails to appear at the hearing, the regional EMS medical director shall reverse the ALS service medical director's decision. If the individual fails to appear at the hearing, the regional EMS medical director shall make a determination upon the evidence presented and either affirm, reverse or modify the decision of the ALS service medical director. The burden of proof is a preponderance of the evidence.

(e) *Appeals to the Department.* If either party is dissatisfied with the decision of the regional EMS medical director with regard to medical command authorization, that party shall have the right of immediate appeal to the Department. The party appealing the regional EMS medical director's decision shall submit a written statement to the Department specifying the reasons for the party's objections to the regional EMS medical director's decision within 14 days [of] after that decision. The other party shall have 14 days to respond. The Department will review the record before the regional EMS medical director, and if deemed advisable by the Department [shall] will hear argument and additional evidence. As soon as practicable, the Department, will issue a final decision containing findings of fact and conclusions of law which affirms, reverses or modifies the regional EMS medical director's decision.

(f) *Scope of appeals.* Appeals under this section shall be confined to a review and determination of whether, at the time of the assessment conducted by the ALS service medical director, the individual possessed the competence to perform [skills for which

the individual was denied medical command authorization] all services within the scope of the individual's medical command authorization for the ambulance service.

(g) Service; determination of time period. Each party shall serve the other with any document the party files with a regional EMS medical director or the Department. In determining the time in which a document is to be filed pursuant to this section, time begins to run for the parties when the document is mailed, and time begins to run for a regional EMS medical director when the document is received by the regional EMS medical director.

§1003.29. Continuing education requirements.

(a) *First responders.* A first responder who elects to qualify for recertification by fulfilling continuing education requirements shall, prior to the expiration of the 3-year certification period, [attend] successfully complete the following:

(1) Sixteen hours of instruction [provided by a continuing education sponsor] in subjects related to the scope of practice of a first responder as set forth in §1003.22(a) and (e) (relating to first responder) and which have been approved by the Department for continuing education credit. ~~During the first full certification period the first responder begins following [effective date of regulations],~~ at AT least 8 of those credits shall be in medical and trauma education, COMMENCING WITH THE FIRST FULL CERTIFICATION PERIOD THE FIRST RESPONDER BEGINS FOLLOWING [EFFECTIVE DATE OF REGULATIONS].

(2) A CPR course [for adult, child and infant sponsored by the American Heart Association, the American Red Cross or another CPR program determined by the Department to meet or exceed the standards of the specified programs] completed or taught biennially.

(b) *EMTs.* An EMT who elects to qualify for recertification by fulfilling continuing education requirements shall, prior to the expiration of the 3-year certification period, [attend] successfully complete the following:

(1) Twenty-four hours of instruction [provided by a continuing education sponsor] in subjects related to the scope of practice of an EMT as set forth in §1003.23(a) and (e) (relating to EMT) and which have been approved by the Department for

continuing education credit. ~~During the first full certification period the EMT begins following [effective date of regulations],~~ at AT least 12 of those credits shall be in medical and trauma education, COMMENCING WITH THE FIRST FULL CERTIFICATION PERIOD THE EMT BEGINS FOLLOWING [EFFECTIVE DATE OF THESE AMENDING REGULATIONS].

(2) A CPR course [for adult, child and infant sponsored by the American Heart Association, the American Red Cross or another CPR program determined by the Department to meet or exceed the standards of the specified programs] completed or taught biennially.

(c) *EMT-paramedics.* To be eligible to receive and retain medical command authorization, an EMT-paramedic shall [attend] successfully complete in each calendar year, 18 hours of instruction [provided by a continuing education sponsor] in subjects related to the scope of practice of an EMT-paramedic as set forth in §1003.24(a) and (d) (relating to EMT-paramedic) and which have been approved by the Department for continuing education credit, and shall biennially attend or teach a CPR course [for adult, child and infant sponsored by the American Heart Association, the American Red Cross or another CPR program determined by the Department to meet or exceed the standards of the specified programs]. Beginning in 1999 2002 at least 9 of the 18 hours of instruction shall be in medical and trauma education. In the initial year of certification, the EMT-paramedic's continuing education requirements, to secure renewal of medical command authorization for the following year, shall be prorated based upon the month the certification was secured.

(d) *Prehospital registered nurses.* To be eligible to receive and retain medical command authorization, a prehospital registered nurse shall [attend] successfully complete in each calendar year, 18 hours of instruction [provided by a continuing education sponsor] in subjects related to the scope of practice of a prehospital registered nurse as set forth in §1003.25b(a) and (c) (relating to prehospital registered nurse) and which have been approved by the Department for continuing education credit, and shall attend or teach biennially a CPR course [for adult, child and infant sponsored by the American Heart Association, the American Red Cross or another CPR program determined by the Department to meet or exceed the standards of the specified

programs]. Beginning in 1999 2002 at least 9 of the 18 hours of instruction shall be in medical and trauma education. In the initial year of recognition, the prehospital registered nurse's continuing education requirements, to secure renewal of medical command authorization for the following year, shall be prorated based upon the month the recognition was secured.

(e) [*Continuing education credit for instruction.* Prehospital personnel may also accrue hours to be credited to the individual's continuing education requirements equivalent to the number of hours the individual is an instructor in a continuing education course offered by a continuing education sponsor, or a course that satisfies requirements for initial certification or recognition of prehospital personnel conducted by an accredited training institute for prehospital personnel. EMT-paramedics and prehospital registered nurses may secure no more than 6 hours of continuing education credit in a calendar year for serving as an instructor in courses for EMTs or first responders.] This section does not prohibit an ambulance service from requiring prehospital personnel to satisfy continuing education requirements it may choose to impose as a condition of employment, provided that the ambulance service may not do the following:

(1) Excuse a prehospital practitioner from meeting continuing education requirements imposed by this section.

(2) Establish individual continuing education requirements for the EMT-paramedics or prehospital registered nurses staffing the ambulance service, except as authorized by §1003.28(c)(2) (relating to medical command authorization).

[(f) *Continuing education credit through endorsement.* Prehospital personnel who attend courses offered by any organization or agency with National or state accreditation to provide continuing education may apply to the Department to receive credit for these courses. The individual shall have the burden of demonstrating to the Department that these courses meet standards equivalent to those standards imposed by this part.]

§1003.30. Accreditation of sponsors of continuing education.

(a) Entities and institutions may apply for accreditation as a continuing education sponsor by submitting to the Department an application [on] in a [form supplied] format prescribed by the Department. The applicant shall supply all information requested [on]

in the application. The Department will grant accreditation to an applicant for accreditation as a continuing education sponsor [who] if the applicant satisfies the Department that the courses the applicant will offer will meet the following minimum standards:

- (1) The courses shall be of intellectual and practical content.
- (2) The courses shall contribute directly to the professional competence, skills and education of prehospital personnel.
- (3) The course instructors shall possess the necessary practical and academic skills to conduct the course effectively.
- (4) Course materials shall be well written, carefully prepared, readable and distributed to attendees at or before the time the course is offered whenever practical.
- (5) The courses shall be presented by a qualified responsible instructor in a suitable setting devoted to the educational purpose of the course.
- [(6) The course shall be open to all prehospital personnel interested in the subject matter.]

(b) Accreditation of the continuing education sponsor shall be effective for 3 calendar years.

(c) At least [30] 90 days prior to expiration of the 3-year accreditation period, a continuing education sponsor shall apply to the Department for renewal of the sponsor's accreditation. The Department will renew the sponsor's accreditation if the sponsor meets all of the following requirements:

- (1) The sponsor has presented, within the preceding 3 years, at least five separate continuing education courses which met the minimum standards in subsection (a).
- (2) The sponsor establishes to the Department's satisfaction that future courses to be offered by the sponsor will meet the minimum standards in subsection (a).
- (3) The sponsor has satisfied its responsibilities under §1003.32 (relating to responsibilities of continuing education sponsors).

(d) If the Department deems that the continuing education sponsor has demonstrated a history of understanding and compliance with the regulatory standards for providing continuing education to prehospital personnel, the Department may apprise the

continuing education sponsor that its accreditation constitutes prior approval of continuing education courses offered under this chapter which are presented in a classroom setting, and permit the continuing education sponsor to assign the number of credit hours for such a course, based upon the criteria in §1003.31(a) (relating to credit for continuing education).

§1003.31. Credit for continuing education.

(a) Credit hour. A prehospital practitioner shall receive 1 hour credit for each 60 minutes of instruction presented in a classroom setting by a continuing education sponsor. Credit may not be received if attendance or other participation in the course is not adequate to meet the educational objectives of the course as determined by the course sponsor. Credit may not be received for other than 30 or 60-minute units of instruction, however the course shall be at least 60 minutes. For completing a continuing education course that is not presented in a classroom setting, or that is not presented by a continuing education sponsor, the prehospital practitioner shall receive the number of credit hours assigned by the Department to the course.

(b) Course completion. A prehospital practitioner may not receive credit for a continuing education course not completed, as evidenced by satisfaction of the check-in/check-out process for a course presented in a classroom setting by a continuing education sponsor, which reflects that the prehospital practitioner met the continuing education attendance requirement for receiving credit, and the continuing education sponsor's report to the Department verifying that the prehospital practitioner has completed the course. The course will also not be considered completed if the prehospital practitioner does not satisfy other course completion requirements imposed by this chapter and the continuing education sponsor.

(c) Continuing education credit for instruction. A prehospital practitioner shall receive credit equal to the number of hours served as an instructor in a continuing education course offered by a continuing education sponsor, or in a course that satisfies requirements for initial certification or recognition of a prehospital practitioner conducted by a AN EMS training institute for prehospital personnel accredited by the Department.

(d) Continuing education credit through endorsement. A prehospital practitioner who attends or teaches a course offered by an organization with National or state accreditation to provide education may apply to the Department to receive credit for the course. The prehospital practitioner shall have the burden of demonstrating to the Department that the course meets standards substantially equivalent to the standards imposed in this chapter.

(e) Continuing education credit assigned to courses not conducted by a continuing education sponsor. If a course is offered by an organization with National or state accreditation to provide education, which is not a continuing education sponsor, the Department will assign credit to the course, including the possibility of no credit or partial credit, based upon considerations of whether the course bears entirely upon appropriate subject matter and whether the method of presenting the course meets standards substantially equivalent to those prescribed in this chapter.

(f) Continuing education credit assigned to self-study courses. Credit may be sought from the Department for a self-study continuing education course. The prehospital practitioner shall submit an application to the Department to approve the self-study course for credit prior to commencing the course and shall supply the Department with the materials the Department requests to conduct the evaluation. The Department will assign credit to the course based upon considerations of whether the course addresses appropriate subject matter and whether the method of completing the course meets standards substantially equivalent to those prescribed in this chapter. The Department may require modifications to the proposed self-study as a precondition to approving it for credit.

(g) Continuing education credit assigned to courses not presented in a classroom setting. A prehospital practitioner shall be awarded credit for completing a course without the prehospital practitioner physically attending the course in a classroom setting, provided the course has been approved by the Department for credit when presented in that manner.

(h) Reporting continuing education credits to prehospital personnel. A record of the continuing education credits received by prehospital personnel shall be maintained in a Statewide registry. A report of the continuing education accumulated shall be provided

annually to first responders and EMTs, and semiannually to EMT-paramedics and prehospital registered nurses at the mailing address on record with the Department.

(i) Resolution of discrepancies. It is the responsibility of the prehospital practitioner to review the report of continuing education credits and to notify the appropriate regional EMS council of any discrepancy within 30 days after the report is mailed. The Department will resolve all discrepancies between the number of continuing education credits reported and the number of continuing education credits a prehospital practitioner alleges to have earned, which are not resolved by the regional EMS council.

§1003.32. Responsibilities of continuing education sponsors.

(A) *COURSE APPROVAL.* A CONTINUING EDUCATION SPONSOR SHALL SUBMIT, TO THE REGIONAL EMS COUNCIL THAT EXERCISES RESPONSIBILITY FOR THE EMS REGION IN WHICH THE CONTINUING EDUCATION SPONSOR INTENDS TO CONDUCT A NEW CONTINUING EDUCATION COURSE, AN APPLICATION FOR APPROVAL OF THAT CONTINUING EDUCATION COURSE. THE CONTINUING EDUCATION SPONSOR SHALL SUBMIT THAT APPLICATION AT LEAST 30 DAYS PRIOR TO THE DATE THE CONTINUING EDUCATION SPONSOR EXPECTS TO CONDUCT THE COURSE.

~~(a)~~ (B) *Record of attendance.* A continuing education sponsor shall maintain a record of attendance for a course presented in a classroom setting by maintaining a check-in/check-out process approved by the Department, and shall assign at least one person to ensure that all individuals attending the course check in when entering and check out when leaving. If an individual enters a course after the starting time, or leaves a course before the finishing time, the assigned person shall ensure that the time of arrival or departure is recorded for the individual.

~~(b)~~ (C) *Reporting attendance.* A continuing education sponsor shall report to the Department, in the manner and format prescribed by the Department, attendance at each continuing education course presented in a classroom setting within 10 days after the course has been presented.

~~(e)~~ (D) Course evaluation. A continuing education sponsor shall develop and implement methods to evaluate its course offerings to determine their effectiveness. The methods of evaluation shall include providing a course evaluation form to each person who attends a course.

~~(d)~~ (E) Record retention. The continuing education sponsor shall retain for each course it presents, the completed course evaluation forms and the check-in/check-out record for a course presented in a classroom setting. If the continuing education sponsor has received Department approval to assign credit to a course pursuant to §1003.30(d) (relating to accreditation of sponsors of continuing education), the retained records shall also include course materials used, a record of the course instructor's qualifications, the course instructor's lesson plans and examinations if applicable. These records shall be retained for at least 4 years from the presentation of the course.

~~(e)~~ (F) Providing records. A continuing education sponsor shall promptly provide the Department with complete and accurate records relating to the course as requested by the Department.

~~(f)~~ (G) Course not presented in a classroom setting. A continuing education sponsor shall be exempt from the requirements of subsections (a) and (b) for a course which is not presented in a classroom setting, if the course is approved by the Department for credit when presented in that manner. When presenting the course to the Department for approval for credit, the continuing education sponsor shall present a procedure for monitoring, confirming and reporting prehospital practitioner participation in a manner that achieves the purposes of subsections (a) and (b).

~~(g)~~ (H) Monitoring responsibilities. A continuing education sponsor shall ensure that a course was presented in a manner that met all of the educational objectives for the course, and shall determine whether each prehospital practitioner who enrolled in the course met the requirements of this chapter and the continuing education sponsor to receive credit for completing the course.

~~(h)~~ (I) Course completion. A continuing education sponsor shall report to the Department, in a manner and format prescribed by the Department, completion of a course by a prehospital practitioner who completes the course, and shall identify to the Department a prehospital practitioner who seeks credit for a course but who did not meet

the requirements of the continuing education sponsor or this chapter to receive continuing education credit. The continuing education sponsor shall also provide a prehospital practitioner who completes a course with a document certifying completion of the course.

§1003.33. Advertising.

(a) A continuing education sponsor may advertise a course as a continuing education course in a manner that states or suggests that the course meets the requirements of this chapter only if the course has been approved by the Department or is deemed approved pursuant to §1003.30(d) (relating to accreditation of sponsors of continuing education).

(b) When a course has been approved for continuing education credit, the continuing education sponsor shall announce, in its brochures or registration materials: this course has been approved by the Pennsylvania Department of Health for (the approved number of hours) of continuing education credit for (the type of prehospital practitioner to which the course applies).

(c) If a continuing education sponsor advertises that it has applied to the Department to secure continuing education credit for a course, prior to presenting the course it shall disclose to all enrollees whether the course has been approved or disapproved for credit.

§1003.34. Withdrawal of accreditation or course approval.

If the continuing education sponsor fails to satisfy the requirements of this chapter, the Department may:

(1) Withdraw its accreditation.

(2) Downgrade its accreditation status to provisional accreditation, subject to withdrawal if deficiencies are not resolved within a time period prescribed by the Department.

(3) Withdraw approval of a continuing education course applicable to any future presentation of the course.

Subchapter C. [AIR AMBULANCE PERSONNEL] (Reserved).

Sec.

- 1003.41. [Air ambulance medical director.] **(Reserved).**
- 1003.42. [Air ambulance medical crew members.] **(Reserved).**
- 1003.43. [Air ambulance pilot.] **(Reserved).**
- 1003.44. [Air ambulance communications specialist.] **(Reserved).**

§1003.41. [Air ambulance medical director.] (Reserved).

[(a) *Roles and responsibilities.* An air ambulance medical director is responsible for the following:

- (1) Providing medical guidance and advice to the air ambulance service personnel.
- (2) Participating in training of medical flight crew members.
- (3) Granting or denying medical command authorization in accordance with 1003.28 (relating to medical command authorization) to medical flight crew members who require the authorization.
- (4) Performing medical audits of patient care provided by the air ambulance service's medical flight crew members.

[(b) *Minimum qualifications.* If the air ambulance medical director is not a medical command physician, the air ambulance medical director shall:

- (1) Possess the minimum qualifications for a medical command physician in §1003.4 (b) (1)--(5) (relating to medical command physician).
- (2) Have experience in the base station radio direction of prehospital personnel.
- (3) Have knowledge of altitude physiology and of potential medical complications which may arise during transport of a patient by air ambulance.
- (4) Have knowledge of air craft safety and the capabilities and limitations of the aircraft used.

(5) Have knowledge regarding the application, use, maintenance and hazards of routine or special medical equipment used during transport of patients by the air ambulance service.

(6) Successfully complete Parts A and B of the Medical Command Base Station Course adopted by the Department.]

§1003.42. [Air ambulance medical crew members.] (Reserved).

[(a) *Roles and responsibilities.* The air ambulance medical air crew members shall have the following responsibilities:

(1) To assure that equipment/supplies that are required for an air ambulance flight are on the aircraft and in working order prior to takeoff for patient transport.

(2) To provide medical care and intervention according to direct medical command or written protocols/standing orders.

(3) To maintain a patient treatment record, documenting medical care rendered by the medical flight crew and the disposition of the patient at the receiving medical facility. The patient treatment record shall be maintained at the base hospital.

(4) To evaluate each patient for potential adverse effects from flight operations.

(5) To assure that the patient and equipment are secured during flight.

[(b) *Minimum qualifications.* Air ambulance medical air crew members shall have the following minimum qualifications:

(1) Recognition as a Pennsylvania licensed health professional or certification as an EMT-paramedic.

(2) Knowledge and skill in the application, operation, care and removal of on-board medical equipment used in the care of the patient, as well as knowledge of potential in-flight complications which may arise from the use of the equipment, and the treatment of these complications, as well as knowledge of flight physiology.

(3) Training in the use of extrication devices, rescue and survival techniques appropriate to the terrain and the conditions under which the service is operated.

(4) Knowledge of policies and procedures of the air ambulance service.

- (5) Knowledge of safety operations in and around aircraft, and in-flight and post-flight aircraft accident and incident procedures.
- (6) Knowledge of the use of the installed aircraft and portable communications equipment.]

§1003.43. [Air ambulance pilot.] (Reserved).

[(a) *Roles and responsibilities.* A pilot employed and dispatched for air ambulance service flight shall have the following responsibilities:

- (1) To assure that the aircraft is ready for flight at all times.
- (2) To proceed expeditiously and as directly as possible to the flight destination considering weather, appropriate safety rules, noise abatement procedures, flight path and altitude clearances.
- (3) To flight follow with the communications center at intervals not to exceed 15 minutes. If the aircraft is outside the radio range of the base communications center, adequate flight following shall be planned and executed.

(b) *Minimum qualifications.* Pilots employed and dispatched for air ambulance service flight shall:

- (1) Meet FAA requirements for medical certification, licensing and aircraft type ratings pertaining to the flight, as specified at 14 CFR Part 135 (relating to air taxi operators and commercial operators).
- (2) Be trained in, and familiar with, the Pennsylvania Emergency Medical Services Communications Systems within their service area.
- (3) Be trained by the manufacturer in the operation of the specific type of aircraft, and have at least 5 hours of flying time in the aircraft before serving as pilot in command.
- (4) Be specifically trained, and preferably experienced, in flying the terrain and conditions unique to the air ambulance service area.
- (5) Possess recurrent training in accordance with FAA requirements found at 14 CFR 135.351 (relating to recurrent training).
- (6) Hold a current rotorcraft certification with a minimum of 2,000 rotorcraft flight hours as pilot in command.]

§1003.44. [Air ambulance communications specialist.] (Reserved).

[(a) *Roles and responsibilities.* Communications specialists who dispatch air ambulance service aircraft have the following responsibilities:

(1) To take emergency calls and dispatch appropriate air ambulance services to respond to the emergency.

(2) To document the following information:

(i) Time of initial and subsequent air ambulance request calls.

(ii) Name of party or agency requesting the air ambulance service and a verification phone number.

(iii) Pertinent patient medical information.

(iv) Names of referring and receiving physicians at hospitals.

(v) Landing and destination sites.

(vi) The details of needed ground transportation arrangements at pick-up and landing sites.

(vii) Times and reasons for aborted or missed flights.

(viii) Details of coordination with ground personnel for landing and receipt of the aircraft.

(ix) Other data pertinent to the service's specific needs for completing activity review reports.

(b) *Minimum qualifications.* Air ambulance communications specialists shall have training commensurate with the scope of responsibility given them by the particular dispatch center.]

**CHAPTER 1005. LICENSING OF BLS AND
ALS GROUND AMBULANCE SERVICES**

Sec.

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§1005.1. General provisions.

(a) This chapter applies to ground ambulance services. [No] A person, or other entity, as an owner, agent or otherwise, may not operate, conduct, maintain, advertise or otherwise engage in or profess to be engaged in providing a BLS or ALS ambulance service upon the highways or in other public places in this Commonwealth, unless that person holds a current valid license as a BLS or ALS ambulance service issued by the Department [unless exempted by] or is EXEMPT from these prohibitions under the act.

(b) The Department will license an [ambulance service] applicant as a BLS or ALS ambulance service, or both, when it meets the requirements of the act and this part.

(c) An ALS ambulance service may [be licensed to provide ALS under medical command and direction, in one or more] employ either or both of the following [modes] types of ambulances:

(1) A mobile ~~intensive~~ ALS care unit vehicle, which is a [unit] vehicle that [responds and transports seriously ill or injured] is designed, constructed, equipped and maintained or operated to provide ALS AND BLS emergency medical care to and transportation of patients.

(2) An ALS squad unit vehicle, which is a vehicle that is specifically modified and equipped, and is maintained or operated for the purpose of transporting ALS prehospital personnel and equipment to the scene of an emergency.

[(3) An ALS transport service, which is a unit that transports patients between health care facilities/institutions.]

(d) In addition to the general requirements for exception §1001.4 (relating to exceptions), the Department may grant exceptions to regulatory licensure standards for ALS and BLS ambulance services that are licensed in a contiguous state if:

(1) Requiring compliance with both states' licensure standards imposes an undue hardship on the individual or service.

(2) Standards in the contiguous state are comparable.

(3) The exception will not have a negative impact on the quality of care for the population of this Commonwealth.

§1005.2. Applications.

(a) An application for [licensure] an original or renewal ambulance service licensure LICENSE shall be submitted [by ambulance service providers] on forms prescribed by the Department. The application shall contain[, but not be limited to,] the following information as well as any additional information that may be solicited by the application form:

(1) Name and address of the applicant.

(2) Name under which the applicant is doing business.

(3) Type of organization - profit or nonprofit.

(4) [Type and level] Level of service -- ALS or BLS.

(5) [Service] The emergency service area [served -- both primary and mutual-aid] the applicant commits PLANS to serve, or, alternatively, a statement that the applicant intends to engage primarily in interfacility transports.

(6) Personnel [work status - partially paid, fully paid or volunteer] roster and staffing plan.

(7) [Design types and the] The number and types (BLS, mobile intensive ALS care unit, ALS squad unit) of ambulance vehicles to be operated by the [service] applicant, and identifying information relating to those ambulances.

(8) Communication access and capabilities of the applicant.

(9) Primary physical building location, and other building locations out of which it will operate ambulances or a full description of how its ambulances will be placed and respond to emergency calls if they will not be operated out of other building locations.

(10) NAMES, TITLES AND SUMMARY OF RESPONSIBILITIES OF PERSONS WHO WILL BE STAFFING THE AMBULANCE SERVICE AS OFFICERS, DIRECTORS OR OTHER AMBULANCE SERVICE OFFICIALS, AND INFORMATION AS TO ANY MISDEMEANOR OR FELONY CONVICTIONS, OR DISCIPLINARY SANCTIONS AGAINST LICENSES, CERTIFICATIONS, OR OTHER AUTHORIZATIONS TO PRACTICE A HEALTH CARE OCCUPATION OR PROFESSION, THAT HAVE BEEN IMPOSED AGAINST THEM.

[(9)] ~~(10)~~ (11) Statement attesting to the veracity of the application, which shall be signed by [a responsible person affiliated with] the principal official of the applicant.

(b) The [ambulance service] applicant shall [complete and] submit the application to the regional EMS council [in whose jurisdiction] exercising responsibility for the EMS region in which the [service is located] applicant will station its ambulances if licensed. IF THE APPLICANT SEEKS A LICENSE TO STATION AND OPERATE ITS AMBULANCES IN MORE THAN ONE REGION, IT SHALL CHOOSE A PRIMARY HEADQUARTERS, SUBMIT AN ORIGINAL LICENSE APPLICATION FORM TO THE REGIONAL EMS COUNCIL THAT EXERCISES RESPONSIBILITY FOR THE REGION IN WHICH THAT PRIMARY HEADQUARTERS IS LOCATED, AND SUBMIT A COPY OF THE APPLICATION TO THE REGIONAL EMS COUNCIL THAT EXERCISES RESPONSIBILITY FOR EACH ADDITIONAL REGION IN WHICH IT SEEKS TO STATION AND OPERATE AN AMBULANCE.

(1) The regional EMS council shall review the application for completeness[,] and accuracy [and conformance with regional EMS plans and protocols].

[(2)] Complete applications shall be forwarded to the Department by the regional EMS council within 14 days of receipt.

(3)] ~~(2) Incomplete applications shall be returned by the~~ A regional EMS council SHALL RETURN AN INCOMPLETE APPLICATION to the applicant within 14 days of receipt. PRIOR TO CONDUCTING AN ONSITE INSPECTION, A REGIONAL EMS COUNCIL SHALL RETURN AN INACCURATE APPLICATION TO THE APPLICANT AS SOON AS THE REGIONAL EMS COUNCIL DETERMINES THAT ANY INFORMATION PROVIDED IN THE APPLICATION IS INACCURATE.

(c) Upon receipt of a complete application, AND ITS VERIFICATION OF THE ACCURACY OF THE INFORMATION PROVIDED IN THE APPLICATION WHICH IS VERIFIABLE WITHOUT AN ONSITE INSPECTION, the [Department] regional EMS council will schedule and conduct an onsite inspection of the applicant's [service] vehicles, equipment, and personnel qualifications, as well as other matters that bear upon whether the applicant satisfies the statutory and regulatory criteria for licensure. The inspection shall be performed within 45 days after receipt by the [Department] regional EMS council of the completed application.

~~(d) An ambulance service shall submit a change of vehicle form to the regional EMS council within ten days after placing a new ambulance in service, and may continue to operate the ambulance unless its authority to do so is disapproved by the Department following inspection.~~

~~(e) (D) An ambulance service shall apply for and secure an amendment of its license prior to substantively altering the location or operation of its ambulances in~~ WITHIN an EMS region, such as a change in location or operations which would not enable it to timely respond to emergencies in the emergency service area it committed PLANNED to serve when it applied for a license. The application for an amendment of an ambulance service license shall be submitted to the regional EMS council on a form prescribed by the Department.

(E) AN AMBULANCE SERVICE SHALL APPLY FOR AND SECURE AN AMENDMENT OF ITS LICENSE PRIOR TO LOCATING AND OPERATING AN AMBULANCE IN A REGION NOT IDENTIFIED IN ITS ORIGINAL LICENSE APPLICATION OR IN A PRIOR AMENDMENT THERETO. IT SHALL SUBMIT ITS APPLICATION FOR AMENDMENT TO THE REGIONAL EMS COUNCIL HAVING RESPONSIBILITY FOR THE REGION IN WHICH IT INTENDS TO

BEGIN LOCATING AND OPERATING AN AMBULANCE. THAT REGIONAL EMS COUNCIL SHALL PROCESS THE APPLICATION FOR AMENDMENT AS SET FORTH IN SUBSECTIONS (B) AND (C). THE AMBULANCE SERVICE SHALL ALSO FILE A COPY OF THE APPLICATION FOR AMENDMENT WITH THE REGIONAL EMS COUNCIL HAVING RESPONSIBILITY FOR THE REGION IN WHICH THE AMBULANCE SERVICE MAINTAINS ITS PRIMARY HEADQUARTERS.

§1005.2A. CHANGE IN AMBULANCE FLEET

(A) *PERMANENT CHANGE.* BEFORE PLACING AND OPERATING AN ADDITIONAL OR PERMANENT REPLACEMENT AMBULANCE IN A REGION, AN AMBULANCE SERVICE SHALL SUBMIT A MODIFICATION OF AMBULANCE FLEET FORM TO THE REGIONAL EMS COUNCIL RESPONSIBLE FOR THAT REGION. THE AMBULANCE SERVICE MAY NOT OPERATE THAT AMBULANCE UNLESS IT IS AUTHORIZED TO DO SO BY THE DEPARTMENT FOLLOWING AN INSPECTION OF THE AMBULANCE.

(B) *TEMPORARY CHANGE.* AN AMBULANCE SERVICE MAY OPERATE A TEMPORARY REPLACEMENT AMBULANCE WITHOUT SECURING PRIOR APPROVAL FROM THE DEPARTMENT. IT SHALL SUBMIT A TEMPORARY CHANGE OF VEHICLE FORM TO THE APPROPRIATE REGIONAL EMS COUNCIL, BY FACSIMILE, ELECTRONIC OR REGULAR MAIL, NO LATER THAN 24 HOURS AFTER PLACING THAT AMBULANCE IN SERVICE. THIS DUTY APPLIES EVEN IF USE OF THE REPLACEMENT AMBULANCE HAS STOPPED. UPON FILING A TEMPORARY CHANGE OF VEHICLE FORM, THE AMBULANCE SERVICE MAY CONTINUE TO OPERATE THE TEMPORARY REPLACEMENT AMBULANCE UNLESS ITS AUTHORITY TO DO SO IS DISAPPROVED BY THE DEPARTMENT FOLLOWING AN INSPECTION OF THE AMBULANCE. UPON RECEIVING A TEMPORARY CHANGE IN VEHICLE FORM THE REGIONAL EMS COUNCIL SHALL ISSUE A LETTER AND A TEMPORARY CERTIFICATE AUTHORIZING THE AMBULANCE SERVICE TO

OPERATE THE REPLACEMENT AMBULANCE FOR 7 DAYS. THAT TIME PERIOD MAY BE EXTENDED BY THE REGIONAL EMS COUNCIL, BY LETTER.

§1005.3. Right to enter [and], inspect and obtain records.

(a) Upon the request of an employee or agent of the Department during regular and usual business hours, or at other times when that person possesses a reasonable belief that violations of this part may exist, a licensee shall:

(1) Produce for inspection records maintained under §1001.41 (relating to data and information requirements for ambulance services).

(2) Produce for inspection [personnel and other employment], permit copying, and provide within a reasonable period of time, records that pertain to [certification of] personnel and their qualifications, staffing, equipment [and mutual aid agreements], supplies, and policies and procedures required under §1005.10 (relating to licensure and general operating standards).

(3) Permit the [agent] person to examine vehicles, required equipment and [recordkeeping] supplies and security facilities [for information collected under §1001.41].

(b) The Department's [agent] representative shall advise the licensee that the inspection is being conducted under section 12(k) of the act (35 P.S. §[6938] 6932k(K)) and this chapter.

(c) [The Department reserves the right to enter and make inspections at least quarterly, and at other times upon complaint or a reasonable belief that violations of this part may exist.

(d) Failure of a licensee to produce records [for inspection] or to permit an examination [of equipment and facilities] as required by this section constitutes misconduct in operating the ambulance service and shall be grounds for [suspension, revocation] disciplinary sanctions or denial of license.

§1005.4. Notification of deficiencies to applicants.

(a) [Within 30 days of an inspection,] Upon completion of the license AN inspection PURSUANT TO AN APPLICATION FOR A LICENSE OR AN AMENDMENT OF A

LICENSE, the inspector shall provide the applicant for an ambulance service license [and the regional EMS council shall be notified as to] an inspection report specifying the results of the inspection.

(b) If the [Department has determined] inspector determines that deficiencies warrant a reinspection, the [Department will give written notice to the applicant and the regional EMS council of the deficiencies] inspector shall give the ambulance service written notice of the matters to be reinspected.

(c) [The] If the type of deficiency requires a plan of correction, the applicant shall have 30 days in which to [respond to the Department] provide the inspector with a plan to correct the [deficiencies] deficiency. [The Department will review the plan of correction, and, if] If the plan is found to be acceptable, the [Department] inspector will [make an onsite] conduct a reinspection in accordance with the time frame given in the plan of correction.

(d) [Within 30 days of the reinspection, the Department will give written notice to the applicant and the regional EMS council of the results of the reinspection.] If the applicant disagrees with any deficiency cited by the inspector following the inspection or reinspection, or the regional EMS council's rejection of a plan of correction, the applicant shall apprise the Department of the matter in dispute, and the Department will resolve the dispute.

(e) [When the applicant meets the requirements of this part, the Department will proceed with the licensure process.] The Department will act upon the license application within 30 days after the inspection process has been completed, UNLESS THE DEPARTMENT REQUIRES ADDITIONAL TIME TO COMPLETE AN INVESTIGATION OF THOSE QUALIFICATIONS OF THE APPLICANT WHICH CANNOT, FOR JUST CAUSE, BE DETERMINED THROUGH THE INSPECTION PROCESS.

§1005.5. Licensure.

(a) A license to operate as an ambulance service will be issued by the Department when it has [been] determined that requirements for licensure have been met.

(b) A license certificate will [indicate] specify the name of the ambulance service, its license number, the address of its primary headquarters, the [date] dates of issuance and expiration, the levels of service the ambulance service [provider] is authorized to provide, and the name of the regional EMS council through which the license application was processed. If the ambulance service is an ALS ambulance service, the license certificate will also specify the type or types of ALS ambulance the ambulance service has been authorized to use. THE DEPARTMENT SHALL ISSUE A NEW LICENSE CERTIFICATE IF THERE IS A NEED TO CHANGE INFORMATION ON AN EXISTING LICENSE CERTIFICATE.

(c) [A license shall be issued for each level of service being provided by the licensee. The issuance of a license for both BLS and ALS shall be determined by the contents of the application, and with the concurrence of the regional EMS council, within whose jurisdiction the applicant is located or headquartered.

(d)] The current license certificate shall be displayed in a public and conspicuous place in the ambulance service's [quarters] primary headquarters.

[(e)] (d) An ambulance [vehicle of an ambulance service], OTHER THAN A TEMPORARY REPLACEMENT AMBULANCE, shall be identified by a decal issued by the Department which shall be considered part of its license and which shall be applied to the outside of the [vehicle] ambulance in a conspicuous place. AFTER AN AMBULANCE SERVICE RECEIVES A TEMPORARY CERTIFICATE ISSUED PURSUANT TO §1005.2A(B) (RELATING TO CHANGE IN AMBULANCE FLEET) IT SHALL IDENTIFY A TEMPORARY REPLACEMENT AMBULANCE BY DISPLAYING THE TEMPORARY CERTIFICATE IN A CONSPICUOUS PLACE IN THE AMBULANCE. IF THE EXPIRATION DATE OF A TEMPORARY CERTIFICATE HAS BEEN EXTENDED, THE AMBULANCE SHALL KEEP IN THE TEMPORARY REPLACEMENT AMBULANCE A COPY OF THE LETTER EXTENDING THE EXPIRATION DATE.

[(f) A] (e) An ambulance decal issued by the Department may not be displayed on a vehicle by [a service] an entity not [currently] licensed as an ambulance service by the Department.

[(g)] (f) A license shall be nontransferable and shall remain valid for 3 years unless revoked or suspended by the Department.

(G) THE DEPARTMENT WILL CONSOLIDATE INTO ONE LICENSE A PERSON'S MULTIPLE LICENSES TO OPERATE AN AMBULANCE SERVICE IN THIS COMMONWEALTH, AS OF [90 DAYS AFTER THE EFFECTIVE DATE OF THESE AMENDING REGULATIONS], UNLESS THE PERSON OBJECTS AND ASSERTS REASONS IN WRITING WHY CONSOLIDATION OF THE MULTIPLE LICENSES INTO A SINGLE LICENSE IS OPPOSED. THE PERSON SHALL FILE THE WRITTEN OBJECTION BY [60 DAYS AFTER THE EFFECTIVE DATE OF THESE AMENDING REGULATIONS]. IF AN OBJECTION IS FILED, THE DEPARTMENT WILL CONSIDER AND RULE UPON THE OBJECTION PRIOR TO CONSOLIDATING THE LICENSES.

§1005.6. Out-of-State providers.

Ambulance services located or headquartered outside of this Commonwealth that [have primary response areas or routinely transport] regularly engages in the business of providing emergency medical care and transportation of patients from within this Commonwealth, to facilities within or outside this Commonwealth, are required to be inspected and licensed by the Department. AMBULANCE SERVICES LOCATED OR HEADQUARTERED OUTSIDE OF THIS COMMONWEALTH THAT LIMIT THEIR OPERATIONS IN THIS COMMONWEALTH TO THE TRANSPORTATION OF PATIENTS FROM OUTSIDE THIS COMMONWEALTH TO FACILITIES WITHIN THIS COMMONWEALTH ARE NOT REQUIRED TO BE LICENSED AND INSPECTED BY THE DEPARTMENT PROVIDED THEY DO NOT ENGAGE IN SUCH PATIENT TRANSPORTS ON A ROUTINE BASIS.

§1005.7. Services owned and operated by hospitals.

[Ambulance services owned and operated by a] A hospital[,], licensed under Chapter 8 of the Health Care Facilities Act (35 P.S. §§448.801-448.820) [are] is not required to obtain a separate ambulance service license to [provide] own and operate an ambulance service. [These] An ambulance [services are] service owned and operated by a

hospital is subject to the act and this part, and shall be inspected under this part, regardless of whether the hospital secures a license to operate as an ambulance service.

§1005.7a. Renewal of ambulance service license.

(a) The Department will notify the ambulance service to renew its license at least 120 days prior to the expiration date of the license.

(b) An ambulance service shall apply for renewal of its license between 120 days and 60 days prior to the expiration of its license. Failure to apply for renewal in a timely manner may result in the applicant not securing a renewal of its license before the prior license expires.

(c) The criteria for license renewal are the same as the requirements that would apply for original licensure at the time the renewal application is made.

§1005.8. Provisional [licenses] license.

(a) [The] If an ambulance service or an applicant for an ambulance service license fails to meet licensure requirements, the Department may issue it a provisional license, valid for a specific time period of not more than 6 months, when the Department [finds that an ambulance service:] deems it is in the public interest to do so.

(b) The Department may renew a provisional license once, for a period not to exceed 6 months except when a longer period of renewal is permitted under subsection (c), if:

(1) [Has] The ambulance service has substantially, but not completely, complied with applicable requirements for licensure.

(2) [Is complying] The ambulance service is making a good faith effort to comply with a course of correction approved by the Department.

(3) [Has existing deficiencies that will not adversely affect the health, welfare or safety of citizens of this Commonwealth.] The Department deems it is in the public interest to do so.

[(b) A provisional license may be renewed for 6 months if the Department determines that the ambulance service is making a good faith effort to correct existing deficiencies and it is in the public interest to do so.]

(c) The Department may renew a provisional BLS ambulance service license for [a period of] 12 months for a volunteer [fire department or a volunteer] ambulance service, or a volunteer fire department or rescue service that operates an ambulance service, which does not meet the minimum standards for staffing at the [basic life support] BLS level of care, but meets the other requirements of this chapter.

(D) THE DEPARTMENT WILL REQUIRE AN AMBULANCE SERVICE TO MAINTAIN A DUTY ROSTER IF THE DEPARTMENT ISSUES THAT AMBULANCE SERVICE A PROVISIONAL LICENSE BECAUSE THE AMBULANCE SERVICE IS NOT MEETING STAFFING STANDARDS OR IS NOT PROVIDING PSAPS NOTICE WHEN IT IS UNABLE TO RESPOND AS REQUIRED BY §1005.10(E) (RELATING TO LICENSURE AND GENERAL OPERATING STANDARDS).

§1005.9. Temporary [licensure] license.

When [a new or existing ALS service] an ALS ambulance service or an applicant for an ALS ambulance service license cannot provide service 24 [hours a day] hours-a-day, 7 [days a week] days-a-week, the Department may issue a temporary license for operation of the ALS ambulance service when the Department deems it is in the public interest to do so. The temporary license is valid for 1 year and may be renewed once. THE DEPARTMENT WILL REQUIRE AN ALS AMBULANCE SERVICE TO MAINTAIN A DUTY ROSTER IF THE DEPARTMENT ISSUES THAT AMBULANCE SERVICE A TEMPORARY LICENSE.

§1005.10. Licensure and general operating standards.

(a) *Documentation requirements.* An applicant for an ambulance service license shall have the following documents available for the inspection by the Department:

(1) [Roster] A roster of active personnel, including certification and recognition documentation with dates of expiration and identification numbers, ~~and~~; DOCUMENTATION OF MEDICAL COMMAND AUTHORIZATION DECISIONS AND THE MEDICAL COMMAND STATUS OF PERSONNEL, IF APPLICABLE; its process for scheduling staff to ensure that the minimum staffing requirements set forth in

subsection (d) are met; IDENTIFICATION OF PERSONS WHO ARE RESPONSIBLE FOR MAKING OPERATING AND POLICY DECISIONS FOR THE AMBULANCE SERVICE, SUCH AS OFFICERS, DIRECTORS AND OTHER AMBULANCE SERVICE OFFICIALS; AND THE CRIMINAL AND DISCIPLINARY INFORMATION FOR ALL PERSONS WHO STAFF THE AMBULANCE SERVICE AS REQUIRED BY SUBSECTIONS (D)(3) AND (4)(VII) AND (K).

(2) Copies of ~~prehospital ambulance~~ [trip] call EMS PATIENT CARE reports, or other formats on which those records are kept on patients treated or transported[, or both, during the 3-month period prior to the inspection date], if applicable.

(3) Call volume records from the previous year's operations, if applicable. These records shall include a record of each call received requesting the ambulance service to respond to an emergency, as well as a notation of whether it responded to the call and the reason if it did not respond.

(4) [Copies of mutual-aid agreements with other ambulance services which service the applicant's community or applicant's service area.] A record of the time periods for which the ambulance service notified the PSAP, PURSUANT TO SUBSECTION (E), that it would not be available to respond to a call.

(5) Copies of all written policies required by this section.

(6) COPIES OF ANY DOCUMENTS BY WHICH IT AGREES TO MANAGE ANOTHER AMBULANCE SERVICE OR TO BE MANAGED BY ANOTHER ENTITY.

(b) [Vehicle] Ambulance standards.

(1) [Ambulance] For ambulance vehicles which transport patients [and were purchased after June 1, 1985, shall at the time of purchase or acquisition meet or exceed the Federal Specification KKK-A-1822, and amendments and revisions thereto, Section 1.2.1 *Ambulance Types, Classes and Floor Plans* and Section 3.1 *General Vehicular Design Types and Floor Plans* or other National standards as recognized and approved by the Department. Ambulance vehicles purchased before June 1, 1985,] the ambulance service will be required to show evidence that the vehicle has met [the requirements of the Federal Specification KKK-A-1822] 75 Pa.C.S. §§4571 and 4572 (relating to visual and audible signals on emergency vehicles; and visual signals on authorized vehicles) and

67 Pa. Code Chapter 173 (relating to flashing or revolving lights on emergency and authorized vehicles), and the Federal KKK standards which were in effect at the time of [vehicle] vehicle's manufacture [or that the vehicle met the requirements of the Department's Voluntary Ambulance Certification Program (VASC) at the time of VASC certification] and which are not inconsistent with the Vehicle Code standards in 75 P.S. §§4571 and 4572. These specifications will be for design types, floor plans and, general configuration, AND EXTERIOR MARKINGS. An ALS squad unit vehicle is not subject to the Federal KKK standards; however, it is required to meet the standards in 75 P.S. §§4571 and 4572. IT IS ALSO REQUIRED TO HAVE A MINIMUM OF 6 STARS OF LIFE AT LEAST 3 INCHES IN DIAMETER PROMINENTLY DISPLAYED ON ITS EXTERIOR, AT LEAST 2 ON BOTH THE FRONT AND REAR AND AT LEAST 1 ON EACH SIDE.

(2) THE NAME OF THE AMBULANCE SERVICE, OR A FICTITIOUS NAME OF THE AMBULANCE SERVICE DULY REGISTERED WITH THE DEPARTMENT OF STATE, SHALL BE DISPLAYED ON BOTH SIDES OF AN AMBULANCE IN LETTERING AT LEAST 3 INCHES IN HEIGHT, EXCEPT THESE REQUIREMENTS DO NOT APPLY TO A TEMPORARY AMBULANCE USED FOR 30 DAYS OR LESS.

(c) *Equipment and supplies.* [Approved] Required equipment and supplies shall be carried and readily available in working order for use on BLS and ALS vehicles.

(1) BLS and ALS vehicles shall carry [BLS] medical equipment and supplies as [specified by the Department.

(2) The minimum list of equipment and supplies for BLS and ALS vehicles will be published by the Department in the Pennsylvania Bulletin on an annual basis, or more frequently.

[(3)] (2) An ALS squad unit vehicle is exempt from the requirement of carrying patient litters and equipment which is permanently installed.

[(4)] ALS vehicles and ALS squad units shall carry ALS medical equipment, supplies and drugs as prescribed by the Department.

(5) (3) A BLS [services] ambulance service may carry ALS equipment and drugs [for use by the], in addition to those generally prescribed for use by a BLS ambulance

service, only if it has a physician [affiliated with the service as long as the physician] ~~medical director who has education and continuing education in ALS and prehospital care, and who~~ is directly responsible for security, accountability, administration and maintenance of the equipment and drugs, [and when the service is approved to operate in this manner by the regional EMS council and the Department] ~~if~~ AND the arrangement is authorized by the Department upon its determination that the arrangement is in the public interest. THE PHYSICIAN SHALL HAVE EDUCATION AND CONTINUING EDUCATION IN ALS AND PREHOSPITAL CARE AND SHALL SERVE AS THE MEDICAL DIRECTOR OF THE BLS AMBULANCE SERVICE.

(d) *Personnel requirements.*

(1) *Minimum staffing requirements.*

(i) *BLS unit.* [Minimum staffing standards for ambulance services that operate at the BLS level of care shall be as follows:

(A) Ambulances] A BLS ambulance, when transporting a patient, except for when engaging in the routine transfer of convalescent or other nonemergency cases, shall be staffed by at least two persons, [who] one of whom shall be an EMT, EMT-paramedic, or health professional, and one of whom shall, at least, qualify as an ambulance [attendants] attendant. [At least one attendant] A BLS AMBULANCE NEED NOT MEET THE ABOVE STAFFING REQUIREMENT WHEN RESPONDING TO A CALL, PROVIDED THAT THE MINIMUM STAFFING REQUIREMENT IS SATISFIED WHEN TRANSPORTING A PATIENT. An EMT, EMT-paramedic or a health professional shall accompany the patient in the patient compartment of the ambulance during transport. [Ambulance personnel between 16-18 years of age shall be directly supervised by an adult crew member with equal or greater training during patient treatment and transport.

(B) Effective July 1, 1990, ambulances, when transporting patients, except for routine transfer of convalescent or other nonemergency cases, shall be staffed by at least two persons, one of whom shall be an EMT, EMT-paramedic or health professional, and one of who shall, at least, qualify as an ambulance attendant. The patient shall be accompanied in the patient compartment by the crew member with the highest level of certification.]

(ii) *ALS units.* Minimum staffing standards for an ambulance [services] that [operate] is operating at the ALS level of care shall be as follows:

(A) Two persons shall respond to calls for assistance. This staff shall consist of one of the following:

(I) Two health professionals.

(II) One health professional and either one EMT or one EMT-paramedic.

(III) One EMT and one EMT-paramedic.

(IV) Two EMT-paramedics.

(B) An ALS ambulance service may be staffed by one EMT-paramedic or one health professional when responding to calls for assistance, if the minimum ALS staffing requirements in this subsection are met during emergency medical treatment and transport of the patient.

(C) An ALS squad unit meets minimum staffing requirements by transporting an EMT-paramedic or health professional to rendezvous with a BLS ambulance, and having the EMT-paramedic or health professional provide emergency medical treatment to, and accompany on the BLS ambulance during transport, a patient requiring ALS care.

(D) Minimum ALS staffing standards apply to the ALS ambulance service 24 hours-a-day, 7 days-a-week. An ALS A mobile intensive ALS care unit, itself, need only satisfy BLS ambulance staffing requirements under subparagraph (i) when responding to a call for BLS assistance exclusively. If the nature of the assistance requested is unknown, the mobile intensive care unit shall respond as if the patient requires ALS care.

(iii) All units.

(A) Minimum staffing standards are satisfied when an ambulance service has a duty roster that identifies staff who meet minimum staff criteria and who have committed themselves OR BEEN ASSIGNED BY THE AMBULANCE SERVICE to be available at the specified times, OR A STAFF AVAILABILITY SCHEDULE THAT IDENTIFIES STAFF WHO MEET MINIMUM STAFF CRITERIA AND HAVE IDENTIFIED THEMSELVES TO THE AMBULANCE SERVICE AS BEING

AVAILABLE AT THE SPECIFIED TIMES, ~~and when minimum required staff are present during the emergency medical treatment and transport of a patient~~ AT TIMES REQUIRED BY THIS SUBSECTION, SUCH STAFF BEING THE STAFF OF THE AMBULANCE SERVICE EXCEPT AS OTHERWISE AUTHORIZED IN THIS SUBSECTION.

(B) THE AMBULANCE SERVICE SHALL COMPLY WITH THE CHILD LABOR LAW (43 P.S. §41 ET SEQ.) AND REGULATIONS ADOPTED PURSUANT TO THAT LAW WHEN IT IS USING PERSONS 18 YEARS OF AGE AND YOUNGER TO STAFF AN AMBULANCE.

(2) *ALS service medical director.* [A licensed] An ALS ambulance service shall have an ALS SERVICE medical director whose duties include the following:

(i) Providing medical guidance and advice to the ambulance service.

(ii) Making medical command authorization determinations for EMT-paramedics and prehospital registered nurses as set forth in §1003.28 (relating to medical command authorization).

(iii) Reviewing the medical command authorization status of EMT-paramedics and prehospital registered nurses utilized by the ALS ambulance service as set forth in §1003.28 at least once annually.

(iv) Evaluating the quality of patient care provided by the ALS and BLS prehospital personnel utilized by the ALS ambulance service.

(3) *RESPONSIBLE STAFF.* AN AMBULANCE SERVICE SHALL ENSURE THAT ALL PERSONS WHO STAFF THE AMBULANCE SERVICE, INCLUDING ITS OFFICERS, DIRECTORS AND OTHER MEMBERS OF ITS MANAGEMENT TEAM, PREHOSPITAL PERSONNEL, AND AMBULANCE DRIVERS, ARE RESPONSIBLE PERSONS. IN MAKING THAT DETERMINATION IT SHALL REQUIRE EACH PERSON WHO STAFFS THE AMBULANCE SERVICE TO PROVIDE IT WITH INFORMATION AS TO MISDEMEANOR AND FELONY CONVICTIONS, AND DISCIPLINARY SANCTIONS AGAINST A LICENSE, CERTIFICATION OR OTHER AUTHORIZATION TO PRACTICE A HEALTH CARE OCCUPATION OR PROFESSION, THAT HAVE BEEN IMPOSED AGAINST SUCH PERSON, AND TO UPDATE THAT INFORMATION IF AND WHEN

ADDITIONAL CONVICTIONS AND DISCIPLINARY SANCTIONS OCCUR. THE AMBULANCE SERVICE SHALL CONSIDER THIS INFORMATION IN DETERMINING WHETHER THE PERSON IS A RESPONSIBLE PERSON. AN AMBULANCE SERVICE SHALL ALSO PROVIDE THE DEPARTMENT WITH ADVANCE NOTICE, 30 DAYS IF POSSIBLE, OF ANY CHANGE IN ITS MANAGEMENT PERSONNEL TO INCLUDE AS A NEW MEMBER OF ITS MANAGEMENT TEAM A PERSON WHO HAS BEEN CONVICTED OF A FELONY OR MISDEMEANOR OR HAS HAD A DISCIPLINARY SANCTION IMPOSED AGAINST A LICENSE, CERTIFICATION OR OTHER AUTHORIZATION TO PRACTICE A HEALTH CARE OCCUPATION OR PROFESSION.

~~(3)~~ (4) *Ambulance drivers.* [A] ~~An ambulance service shall ensure that a person who drives an ambulance for that service is a responsible person.~~ Notwithstanding other considerations that may bear upon whether a driver of an ambulance is a responsible person, a person who drives an ambulance [vehicle] for [a licensed] an ambulance service [shall] will not be considered to be a responsible person unless that individual:

- (i) [Be] Is at least 18 years of age.
- (ii) [Hold] Has a valid driver's license.
- (iii) [Observe relevant] Observes all traffic laws.
- (iv) [Not be] Is not addicted to, or under the influence of, alcohol or drugs.
- (v) [Be] Is free from physical or mental defect or disease that may impair the person's ability to drive an ambulance.
- [(vi) Not have been convicted within the last 4 years of driving under the influence of alcohol or drugs, and, within the last 2 years, not have been convicted of reckless driving or have had a driver's license suspended under the point system. Persons who have been convicted of one or more of these violations shall repeat an emergency vehicle operator's course of instruction approved by the Department.
- (vii) Take and] (vi) Has successfully [complete] completed an emergency vehicle operator's course of instruction[,] approved by the Department[, within 3 years of course approval. Personnel who have completed an emergency vehicle operator's course of instruction acceptable to the Department by July 1, 1992, shall be deemed to be in compliance with this requirement].

(vii) Has not been convicted within the last 4 years of driving under the influence of alcohol or drugs, or , within the last 2 years, has not been convicted of reckless driving or had a driver's license suspended. The person will not be considered to be a responsible person until the designated time has elapsed and the individual, after the conviction or suspension of license, repeats an emergency vehicle operator's course of instruction approved by the Department.

[(e) *Coverage agreement.*

(1) A licensed ambulance service shall have a written agreement with one or more neighboring ambulance services for coverage during times when its own ambulance is not available for service in its primary response area. The agreement shall specify the respective duties, responsibilities and coverage times of the parties involved and shall be filed with the Department.

(2) An ambulance service which is unable to provide 24-hours-a-day, 7-day-a-week services shall provide for alternate ambulance service either through a mutual aid agreement or other type of contract as approved by the regional EMS council.

(3) When a licensed ambulance service does not have an ambulance enroute to a reported emergency call within 10 minutes of the time of dispatch, the call shall be referred to the closest available ambulance service. Once a request for service has been referred to another service, if the referring service is subsequently able to initiate a response which will access the patient more quickly than the service to which the request was referred, the service which can access the patient most quickly shall respond.]

(e) *Communicating with PSAPs.*

(1) *Responsibility to communicate unavailability.* An ambulance service shall apprise the PSAP in its area as to when it will not be in operation DUE TO INADEQUATE STAFFING OR FOR ANOTHER REASON and when its resources are committed in such a manner that it will not be able to have an ambulance and required staff respond to a call requesting it to provide emergency assistance.

(2) *Responsibility to communicate delayed response.* An ambulance service shall apprise the PSAP, as soon as practical after receiving a dispatch call, if it is not able to have an ambulance and required staff immediately en route to an emergency WITHIN

SUCH TIME AS MAY BE PRESCRIBED BY A PSAP FOR THAT TYPE OF COMMUNICATION.

(3) Responsibility to communicate with PSAP generally. In addition to the communications required by paragraphs (1) and (2), an ambulance service shall provide a PSAP with information, and otherwise communicate with a PSAP, as the PSAP requests to enhance the ability of the PSAP to make dispatch decisions.

(4) Response to dispatch by PSAP. An ambulance service shall respond to a call for emergency assistance as communicated by the PSAP, PROVIDED IT IS ABLE TO RESPOND AS REQUESTED.

(f) [Policy and procedures. An ambulance service shall establish written policies and procedures governing the function of personnel, the operation of ambulances and the provision of EMS. The policies shall be available for inspection by the Department and shall address the following topics:

(1) *Recordkeeping.* An ambulance service shall have a written policy requiring responding ambulance personnel to complete a prehospital ambulance trip report on forms provided by the Department for each ambulance call to which the service responds.

(2) *Scene control.* An ambulance service shall establish a written policy on scene control directing prehospital personnel as follows:

(i) Control of all aspects of patient management at an emergency scene shall be the responsibility of the individual in attendance who has the highest level of EMS certification/recognition. For the purposes of this section, level of certification/recognition, shall be as follows:

- (A) 1 -- Health professional.
- (B) 2 -- EMT-paramedic.
- (C) 3 -- EMT.
- (D) 4 -- First responder.
- (E) 5 -- Ambulance attendant.

(ii) If a prehospital care provider is not available, the authority is vested in the most appropriately trained representative of a public safety agency at the scene of the emergency.]

Patient management. All aspects of patient management are to be handled by a prehospital practitioner with the level of EMS certification or recognition necessary to care for the patient based upon the condition of the patient.

[(3)](g) Use of lights and other warning devices. [Ambulance services shall establish a policy covering the use of warning devices which includes the following requirements:

(i) Ambulances [responding to an incident scene or to an emergency care facility] may NOT use emergency lights or audible warning devices, ~~or both,~~ [for cases] ~~only when~~ UNLESS THEY DO SO IN ACCORDANCE WITH STANDARDS IMPOSED BY 75 PA.C.S. (RELATING TO VEHICLE CODE) AND ARE transporting or responding to a call involving [patients with life-threatening or potentially life-threatening illnesses or injuries] a patient who presents or is in good faith perceived to present a combination of circumstances resulting in a need for immediate medical intervention. When transporting the patient, the need for immediate medical intervention must be beyond the capabilities of the ambulance crew using available supplies and equipment.

(ii) Ambulances responding to the incident scene or to an emergency care facility may not use emergency lights and audible warning devices for cases involving patients that do not have life-threatening or potentially life-threatening illnesses or injuries.

(4) (h) Weapons and explosives. [Ambulance services shall establish a written policy directing that weapons] Weapons and explosives may not be worn by ambulance personnel or carried aboard an ambulance. This [section] subsection does not apply to law enforcement officers who are serving in an authorized law enforcement capacity.

(i) Accident, injury and fatality reporting. An ambulance service shall report to the appropriate regional EMS council, in a form or manner prescribed by the Department, an ambulance vehicle accident that is reportable under 75 Pa.C.S. (relating to Vehicle Code), and an accident or injury to an individual that occurs in the line of duty of the ambulance service that results in a fatality, or medical treatment at a facility. The report shall be made within 24 hours after the accident or injury. The report of a fatality shall be made within 8 hours after the fatality.

(j) Medical command notification. An ALS ambulance service shall identify, to the regional EMS council having responsibility in the region out of which it operates, the prehospital personnel used by it that have medical command authorization in the region for that ALS ambulance service. It shall also notify the regional EMS council when a prehospital practitioner loses medical command authorization for that ALS ambulance service.

(k) Monitoring compliance. An ambulance service shall monitor compliance with the requirements that the act and this part impose upon the ambulance service and its staff. AN AMBULANCE SERVICE SHALL FILE A WRITTEN REPORT WITH THE DEPARTMENT IF IT DETERMINES THAT A PREHOSPITAL PRACTITIONER WHO IS A MEMBER OF THE AMBULANCE SERVICE, OR WHO HAS RECENTLY LEFT THE AMBULANCE SERVICE, HAS ENGAGED IN CONDUCT NOT PREVIOUSLY REPORTED TO THE DEPARTMENT, FOR WHICH THE DEPARTMENT MAY IMPOSE DISCIPLINARY SANCTIONS PURSUANT TO §1003.27 (RELATING TO DISCIPLINARY AND CORRECTIVE ACTION). THE DUTY TO REPORT PERTAINS TO CONDUCT THAT OCCURS DURING A PERIOD OF TIME IN WHICH THE PREHOSPITAL PRACTITIONER IS FUNCTIONING FOR THE AMBULANCE SERVICE.

(l) Policies and procedures. An ambulance service shall maintain written policies and procedures addressing each of the requirements imposed by this section, as well as the requirements imposed by §§1001.41, 1001.42, 1001.65, and 1005.11 and shall also maintain written policies and procedures addressing infection control, management of personnel safety, SUBSTANCE ABUSE IN THE WORKPLACE, and the placement and operation of its ambulances.

§1005.11. [Medication] Drug use, control and security.

(a) [A licensed ALS] An ambulance service may stock [certain approved] drugs [and medications for emergency medical purposes, under written authorization by the medical director of a regional EMS council,] as approved by the Department, and shall carry drugs in an ambulance in conformance with the [ALS plan for the service's area] transfer and medical treatment protocols applicable in the region in which its ambulance is

stationed. Additional drugs may be stocked by an ALS ambulance service as authorized by the ALS service medical director if the ALS ambulance service uses health professionals, and additional drugs may be carried or brought on an ambulance as follows:

(1) Drugs which the applicable regional transfer and medical treatment protocols prescribe for the treatment of an ALS patient may be brought on a BLS ambulance by an EMT-paramedic or health professional when rendezvousing with a BLS ambulance to treat an ALS patient on behalf of an ALS ambulance service.

(2) Drugs other than those authorized by the applicable regional transfer and medical treatment protocols may also be carried on an ALS ambulance, or brought on board a BLS ambulance by a health professional, when the requirements of subsection (d)(2) are satisfied.

(3) Drugs other than those authorized by the applicable regional transfer and medical treatment protocols may also be carried on an ALS ambulance, or brought on board a BLS ambulance by a registered nurse, physician assistant, or physician when the following standards are met:

(i) The ambulance is engaged in an interfacility transport.

(ii) The physician, registered nurse, or physician assistant has special training required for the continuation of treatment provided to the patient at the facility, and the use of drugs not maintained on the ambulance is or may be required to continue that treatment.

(iii) The physician, registered nurse, or physician assistant does not substitute for required staff.

(4) A BLS [services] ambulance service, if not also licensed as both an ALS and BLS ambulance service, may not [possess] stock drugs [or medications] which are not prescribed by the Department for use by a BLS ambulance, and a BLS ambulance service may not carry such drugs, except as authorized under this section and §1005.10(c)[(5)] (3) (relating to licensure and general operating standards).

(b) The Department will publish at least annually by notice in the *Pennsylvania Bulletin* a list of drugs [and medications] approved for use by [licensed ALS] ambulance

services when also USE OF THOSE DRUGS IS ALSO permitted by the applicable regional transfer and medical treatment protocols.

(c) [For purposes of emergency administration, a licensed ALS unit] An ambulance service may [have possession of certain designated controlled substances and other] procure and replace drugs, [as approved and published by the Department on an annual basis through an appropriate service contract or written affiliation with] from a hospital, pharmacy or from a participating and supervising physician, if not otherwise prohibited by law. [Responsibility for drugs and controlled substances remains with the original dispensing physician, hospital or pharmacy of record. Replacement of designated controlled substances and other drugs may be obtained from a dispensing physician, hospital or pharmacy of record if subsections (j) and (k) are followed.]

(d) Administration of drugs [and medications] by prehospital personnel, other than those approved for use by a BLS ambulance service, shall be restricted to [ALS personnel] EMT-paramedics and health professionals who have been authorized to administer [medication] the drugs by the [regional] ALS service medical director, when under orders of a medical command physician[, regional] or pursuant to standing orders in the EMS region's transfer and medical treatment [protocol or standing orders] protocols; except all prehospital personnel other than a first responder and an ambulance attendant may administer to a patient, or assist the patient to administer, drugs previously prescribed for that patient, as specified in the Statewide BLS medical treatment protocols.

(1) An EMT-paramedic is restricted to administering drugs permitted by the applicable regional transfer and medical treatment protocols and the Statewide BLS medical treatment protocols.

(2) A health professional may administer drugs in addition to those permitted by the applicable regional transfer and medical treatment protocols and the Statewide BLS medical treatment protocols, provided the health professional has received approval to do so by the ALS service medical director of the ambulance service, and has been ordered to administer the drug by the medical command physician.

(e) [Areas of control including labeling, adulteration, misbranding, checking expiration dates and storage shall be adhered to by the practitioner who has responsibility for the drugs as is required under The Controlled Substance, Drug, Device and Cosmetic

Act (35 P.S. §§780-101--780-144). The original dispensing practitioner to ALS units as identified on the ambulance service license application will examine drug stock to insure product quality and will reconcile the inventory of drugs a minimum of once a month for supply and administration records.] The ambulance service shall adequately monitor and direct the use, control and security of drugs provided to the ambulance service. This includes, but is not limited to:

(1) Ensuring proper labeling and preventing adulteration or misbranding of drugs, and ensuring drugs are not used beyond their expiration dates.

(2) Storing drugs as required by the Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. §§780-101--780-144), and as otherwise required to maintain the efficacy of drugs and prevent their misappropriation.

(3) Including in the ambulance call EMS PATIENT CARE report information as to the administration of drugs by patient name, drug identification, date and time of administration, manner of administration, dosage, name of the medical command physician who gave the order to administer the drug, and name of person administering the drug.

(4) Maintaining records of drugs administered, lost or otherwise disposed of, and records of drugs received and replaced.

(5) Providing the pharmacy, physician or hospital that is requested to replace a drug, with a written record of the use and administration, or loss or other disposition of the drug, which identifies the patient and includes any other information required by law.

(6) Ensuring, in the event of an unexplained loss or theft of a controlled substance, that the dispensing pharmacy, physician or hospital has contacted local or state police and the Department's Drugs, Devices and Cosmetics Office, and has filed a DEA Form 106 with the Federal drug enforcement administration.

(7) DISPOSING OF DRUGS AS REQUIRED BY THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT.

(7) (8) Arranging for the original dispensing pharmacy, physician or hospital, or its ALS service medical director, to provide it consultation and other assistance necessary to ensure that it meets the requirements of this section.

[(f) When drugs are administered, records shall verify the administration of the drug by patient name, drug identification, date and time of administration; dosage, name of physician who provided medical command and name of person administering the drug.

(g) When drugs are administered, an adequate record of use shall be maintained for a minimum of 2 years by the involved parties. Variations in maintaining records are acceptable; however, a process shall be in effect which provides for the written verification of medication orders. Records shall be kept by each licensed service of drugs distributed, supplied and resupplied to them, and be made available to the Department for inspection upon demand.

(h) Drugs and medications administered by a licensed or certified EMT-paramedic or health professional shall be maintained and controlled in conformity with The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. §§780-101--780-144) and the Pharmacy Act (63 P.S. §§390-1--390-13).

(i) A physician giving a medical command to an EMT-paramedic or health professional to administer a drug shall first identify the drug and then specify the dosage and the manner of administration.

(j) When a Schedule II controlled substance has been ordered and administered, the prescribing physician shall, within 72 hours, forward a signed prescription to the dispensing/replacing pharmacy, hospital or physician. The prescription for the controlled substance shall include the information required by law and the physician's DEA number.

(k) A hospital, physician or pharmacy may replace a drug, controlled substance or legend device to a licensed ambulance service upon presentation of a written record of use and administration. This written record shall include information required by law and patient identification.

(l) No licensed ambulance service may purchase or acquire legend drugs and controlled substances except as provided for in subsection (c).

(m) In the event of an unexplained loss or theft of controlled drugs, a dispensing hospital/pharmacy or physician shall contact local or State police or the State Bureau of Drug Control. In addition, a DEA Form 106 shall be filed with the Federal Drug Enforcement Administration.]

§1005.12. [Grounds for suspension, revocation or refusal of an ambulance service license.] Disciplinary and corrective actions.

(a) The Department may, in compliance with proper administrative procedure, reprimand, or suspend, revoke or refuse to issue a license, or issue a provisional or temporary license as permitted by §§1005.8 and 1005.9 (relating to provisional license; and temporary license) for the following reasons:

(1) A serious violation of the act or this part. A serious violation is one which poses a continued significant threat to the health and safety of the public.

(2) Failure of the licensee or applicant to submit a reasonable timetable to correct deficiencies and violations cited by the Department.

(3) The existence of a continuing pattern of deficiencies over a period of 3 or more years.

(4) Fraud or deceit in obtaining or attempting to obtain a license [or permit].

(5) Lending a license or borrowing or using the license of another, or knowingly aiding or abetting the improper granting of a license.

(6) Incompetence, negligence or misconduct in operating the ambulance service or in providing EMS to patients.

(7) Failure of an ALS ambulance service to secure an ALS service medical director and to ensure that the ALS service medical director meets the roles and responsibilities in §1003.5(a) (relating to ALS service medical director).

(8) Failure to have appropriate medical equipment and supplies required for licensure as identified in §1005.10(c) (relating to licensure and general operating standards).

(9) Failure [to staff a sufficient number of certified or licensed personnel to provide service 24 hours-a-day, 7 days-a-week, or failure to provide agreements as per §1005.10(e)(2)] of an ALS ambulance service to staff a sufficient number of qualified EMS personnel to provide service 24 hours-a-day, 7 days-a-week in accordance with required staffing standards.

(10) Failure of the ambulance service licensee to promptly notify the Department of a change of ownership.

(11) Abuse or abandonment of a patient.

- (12) Unauthorized disclosure of medical or other confidential information.
- (13) Willful preparation or filing of false reports or records, or the inducement of another to do so.
- (14) Alteration or inappropriate destruction of medical records.
- (15) Refusal to render EMS because of a patient's race, sex, creed, [National] national origin, sexual preference, age, handicap, medical problem or financial inability to pay.
- (16) Failure to comply with the regional EMS council transfer and medical treatment protocols[, plans, policies and procedures] which have been approved by the Department.
- (17) Misuse or misappropriation of drugs/medication.
- (18) [A consistent pattern of a failure to respond to emergency calls within a 10 minute time period.] Repeated failure by an ambulance service to communicate with the PSAP or comply with the dispatch communication as required by §1005.10(e).
- [(19) Other reasons as determined by the Department to pose a significant threat to the health and safety of the public.]

(19) FAILURE TO CONTINUE TO MEET STANDARDS APPLICABLE TO THE ISSUANCE OF THE LICENSE.

(b) Upon receipt of a written complaint describing [specific violations of the ambulance regulations] conduct for which the Department may take disciplinary action against an ambulance service, the Department will:

- (1) Initiate an investigation of the specific charges.
- (2) [Notify] Provide the ambulance service with a copy of the [charges] complaint and [investigation procedures] request a response unless the Department determines that disclosure to the ambulance service of the complaint will compromise the investigation or would be inappropriate for some other reason.
- (3) [Conduct and develop] Develop a written report of the investigation.
- (4) Notify the [ambulance service] complainant of the results of the investigation of the complaint, as well as the ambulance service if the ambulance service has been officially apprised of the complaint or investigation. This notification does not include providing a copy of the written report developed pursuant to paragraph (3).

(c) [The Department will immediately suspend, after a hearing has been held, the license for the violations specified in subsection (a)(1), (6), (11), (15) and (17). This

suspension shall be for a period of up to 90 days. A second offense of these enumerated violations during the same license period shall result in the automatic revocation of the license.

(1) The Department will suspend the license for other violations for a period to be determined by the Department. The Department may revoke a license for repeated violations.

(2) Upon suspension or revocation of an ambulance license, the service shall cease operations and no person may permit or cause the service to continue.

(3) The Department will provide public notification of [suspension or revocation of] the sanction it imposes upon an ambulance service license.

§1005.13. Removal of ambulances from operation.

(a) When a vehicle manifests evidence of a mechanical or equipment deficiency which poses a significant threat to the health or safety of patients or crew, [it] the ambulance service shall [be] immediately [suspended] suspend the vehicle from operation. No vehicle, which has been suspended from operation, may be operated as an ambulance until the deficiency has been corrected.

(b) When a vehicle, upon examination by the Department, manifests evidence of a mechanical or equipment deficiency which poses a significant threat to the health or safety of patients or crew, it shall be immediately suspended from operation as directed by the Department. No vehicle, which has been suspended from operation by the Department, may be operated as an ambulance until the Department has ~~certified~~ **CONFIRMED TO THE AMBULANCE SERVICE** that the deficiency has been corrected.

§1005.14. Invalid coaches.

(a) Invalid coaches, ~~as defined at §1001.2 (relating to definitions)~~, are not eligible for licensing as an ambulance.

(b) The terms "ambulance," "emergency," or other similar designations may not be used by invalid coaches. Invalid coaches may not be equipped with emergency warning devices, audible or visible, such as flashing lights, sirens, air horns or other devices

except those which are required by 75 Pa.C.S. [§§101-9910] (relating to [the] Vehicle Code).

§1005.15. Discontinuation of service.

An ambulance service may not discontinue service, except upon order of the Department, without providing each regional EMS council, PSAP and the chief executive officer of each political subdivision within its service area, AS WELL AS THE CHIEF EXECUTIVE OFFICER OF A POLITICAL SUBDIVISION OUTSIDE OF ITS SERVICE AREA THAT RELIES UPON IT FOR SERVICE EVEN IF NOT PROVIDED ON A ROUTINE BASIS, 90 days advance notice. The ambulance service shall also advertise notice of its intent to discontinue service in a newspaper of general circulation in its service area at least 90 days in advance of discontinuing service, and shall provide the Department with written notice that it has met these responsibilities at least 90 days in advance of discontinuing service.

**CHAPTER 1007. LICENSING OF AIR
AMBULANCE SERVICES-ROTORCRAFT**

- Sec.
- 1007.1 General provisions.
 - 1007.2 Applications.
 - 1007.3 [Licenses.] **(Reserved)**.
 - 1007.4 [Renewal of air ambulance license.] **(Reserved)**.
 - 1007.5 [Inspections.] **(Reserved)**.
 - 1007.6 [Notification of deficiencies.] **(Reserved)**.
 - 1007.7 Licensure and general operating requirements.
 - 1007.8 [Grounds for suspension, revocation or refusal of an air ambulance license.]
Disciplinary and corrective actions.
 - 1007.9 [Voluntary discontinuation of service.] **(Reserved)**.

§1007.1. General provisions.

(a) [Except as provided in subsection (c), no agency or] This chapter applies to air ambulance services. No person [either], or other entity, as owner, agent or otherwise, may furnish, operate, conduct, maintain, advertise, engage in or profess to engage in providing an air ambulance service in this Commonwealth, unless the agency or person holds a [current valid] license as an air ambulance service issued by the Department or is exempted from these prohibitions under the act.

(b) The Department will license an applicant as an air ambulance service when it meets the requirements of the act and this part.

(c) [Air ambulance services operated by hospitals] A hospital licensed under Chapter 8 of the Health Care Facilities Act (35 P.S. §§448.801-448.820) [are] is not required to obtain a separate air ambulance service license to own and operate an air ambulance service. [The] An air ambulance service owned and operated by a hospital is subject to the act and this part, and shall be inspected under this part, regardless of whether the hospital applies for or secures licensure as an air ambulance service.

(d) The Department will issue a [permit] certificate acknowledging a hospital's authority to own and operate an air ambulance [services operated by hospitals] service if the hospital chooses to operate an air ambulance service without securing a separate license to do so.

(e) Sections THOSE PROVISIONS IN SECTIONS 1005.2A, 1005.3—1005.5, 1005.7a, 1005.8, 1005.9, 1005.11, 1005.13 and 1005.15, which apply to ground ALS ambulance services, also apply to air ambulance services.

§1007.2. Applications.

(a) [An application for a license to operate an air ambulance service may be obtained from the Pennsylvania Department of Health, Division of Emergency Medical Services, Post Office Box 90, Harrisburg, Pennsylvania 17108.]

(b) An application for an original or renewal license to operate as an air ambulance service shall [be submitted to the Department and shall] contain the following information, as well as any additional information that may be solicited by the application form:

- (1) The name and address of the [vendor of the air ambulance service or proposed ambulance service] applicant and the name [and address], if different, under which the [service will be operating] applicant intends to operate.
- (2) The [name, address and] FAA certification number of the aircraft operator.
- (3) [The experience and qualifications of the applicant to operate an air ambulance service.] The type of organization - profit or nonprofit.
- (4) A description of each aircraft to be used as an air ambulance, including the make, model, year of manufacture, FAA registration number, name, monogram or other distinguishing designation and FAA air worthiness certification.
- (5) The [geographical] intended emergency medical service area and the location and description of the places from which the air ambulance service is to operate.
- (6) The name, training and qualifications of the air ambulance medical director[, who has responsibility for auditing the medical care provided by the air ambulance service].
- (7) A personnel roster [of medical personnel] which includes level of certification [or], licensure and recognition, and a staffing plan.
- (8) A roster of pilots including training and qualifications.
- (9) [A statement in which the applicant agrees to provide patient specific data, as identified by the Department, to the Department.] The communications access and capabilities of the applicant.
- (10) NAMES, TITLES AND SUMMARY OF RESPONSIBILITIES OF PERSONS WHO WILL BE STAFFING THE AIR AMBULANCE SERVICE AS OFFICERS, DIRECTORS OR OTHER AIR AMBULANCE SERVICE OFFICIALS, AND INFORMATION AS TO ANY MISDEMEANOR OR FELONY CONVICTIONS, OR DISCIPLINARY SANCTIONS AGAINST LICENSES, CERTIFICATIONS, OR OTHER AUTHORIZATIONS TO PRACTICE A HEALTH CARE OCCUPATION OR PROFESSION, THAT HAVE BEEN IMPOSED AGAINST THEM.
- ~~(10)~~ [Other information the Department deems necessary and prescribes as part of the application.] (11) A statement attesting to the veracity of the application, which shall be signed by the chief executive officer.

~~(b) The applicant shall submit the application to the regional EMS council exercising responsibility for the EMS region in which the applicant will station its air ambulances if licensed.~~

~~(1) The regional EMS council shall review the application for completeness and accuracy.~~

~~(2) Incomplete applications shall be returned by the regional EMS council to the applicant within 14 days of receipt.~~ AN ENTITY SHALL APPLY FOR A LICENSE AS AN AIR AMBULANCE SERVICE OR AN AMENDMENT TO A LICENSE AS AN AIR AMBULANCE SERVICE, AND A REGIONAL EMS COUNCIL SHALL PROCESS THOSE APPLICATIONS, AS SET FORTH IN §1005.2(B)-(E) (RELATING TO APPLICATIONS).

~~(c) Upon receipt of a complete application, the regional EMS council will schedule and conduct an onsite inspection of the applicant's air ambulances, equipment and personnel qualifications, as well as other matters that bear upon whether the applicant satisfies the statutory and regulatory criteria for licensure. The inspection shall be performed within 45 days after receipt by the regional EMS council of the completed application.~~

~~(d) An air ambulance service shall apply for an amendment of its license and secure Department approval of the amendment prior to commencing the operation of an air ambulance not previously inspected and approved by the Department or substantively altering its plan for locating and operating air ambulances, except that if the air ambulance service is replacing an air ambulance, at the same location, it may operate the air ambulance immediately, apply for an amendment within 10 days, and continue to operate the air ambulance unless its authority to do so is disapproved by the Department following inspection.~~

§1007.3. [Licenses.] (Reserved).

(a) Within 30 days of receipt of an appropriately completed application from the air ambulance service applicant, the Department will initiate the licensure process.

(b) The Department will issue a regular license to operate an air ambulance service after an onsite inspection and review conducted by the Department indicates that the

applicant's service is in compliance with the act, this part, other applicable laws and the regional EMS plan for the areas to be served.

(c) An air ambulance license will be issued for 3 years from the date of issue and will remain valid for that period of time unless revoked or suspended by the Department. Annual inspections shall be conducted to assure compliance.

(d) Change of ownership requires reapplication for a license. An air ambulance service licensee shall file with the Department an application for renewal of the ambulance service license within 10 business days of acquisition of the service by the new owner.

(e) Change of aircraft operator requires submission of supplemental information to the Department within 10 business days of the effective date of the operator change. The licensee shall provide the Department with new information required under §1007.2(b)(2), (4) and (7) (relating to applications). The Department may inspect the aircraft operator and each aircraft to assure compliance with appropriate provisions of this part before the license is renewed.

(f) Upon change of aircraft during the licensing period, another application for an air ambulance license shall be submitted to the Department on the form prescribed. If the change of aircraft is for a temporary period, not to exceed 30 days, the air ambulance service shall only notify the Department of the change and the reasons.

(g) The current license shall be posted in a conspicuous place in the air ambulance service's operations center and on or in the aircraft where it is clearly visible.]

§1007.4. [Renewal of air ambulance license.] (Reserved).

[(a) The Department will notify the applicant service at least 90 days prior to the expiration date of the license. The notification will include a renewal application.

(b) The applicant shall submit to the Department the renewal application postmarked at least 60 days prior to the expiration of the license.

(c) The criteria for license renewal are the same as the current requirements for original licensure.]

§1007.5. [Inspections.] (Reserved).

[(a) Upon the request of an agent of the Department during regular and usual business hours, or at other times when a reasonable belief that violations of this part may exist, a licensee shall:

(1) Produce for inspection records maintained under §1001.41(c) (relating to data and information requirements for ambulance services).

(2) Produce for inspection personnel and other employment records that pertain to certification of personnel, staffing, equipment and mutual aid agreements.

(3) Permit the agent to examine required equipment and recordkeeping facilities for information collected under §1001.41(c).

(b) The Department's agent shall advise the licensee that the inspection is being conducted under section 12(k) of the act (35 P.S. §6932(k)) and this chapter.

(c) The Department reserves the right to enter and make the inspections at least quarterly, and at other times upon complaint or a reasonable belief that violations of this part may exist.

(d) Failure of a licensee to produce records for inspection or to permit examination of equipment and facilities is grounds for suspension, revocation or denial of license.]

§1007.6. [Notification of deficiencies.] (Reserved).

[(a) Within 30 days of an inspection, the air ambulance service and the regional EMS council shall be notified as to deficiencies found and the results of the inspection.

(b) The ambulance service has 30 days in which to respond to the Department with a plan to correct deficiencies and schedule a reinspection. The plan of correction shall be approved by the Department. If the plan is approved, the Department will schedule a reinspection.

(c) Within 30 days of the reinspection, the Department will give written notice to the service of the findings regarding the deficiencies and the results of the reinspection.]

§1007.7. Licensure and general operating requirements.

(a) Documentation requirements. An applicant for an air ambulance service license shall have the following documents available for the inspection by the Department:

(1) A roster of active personnel, including certification and recognition documentation with dates of expiration and identification numbers; ;
DOCUMENTATION OF MEDICAL COMMAND AUTHORIZATION DECISIONS AND THE MEDICAL COMMAND STATUS OF PERSONNEL; IDENTIFICATION OF PERSONS WHO ARE RESPONSIBLE FOR MAKING OPERATING AND POLICY DECISIONS FOR THE AIR AMBULANCE SERVICE, SUCH AS OFFICERS, DIRECTORS AND OTHER AMBULANCE SERVICE OFFICIALS; AND THE CRIMINAL AND DISCIPLINARY INFORMATION FOR ALL PERSONS WHO STAFF THE AMBULANCE SERVICE AS REQUIRED BY SUBSECTIONS (D)(4) AND (M); and the plan for staffing the air ambulance service.

(2) Copies of ~~prehospital ambulance call~~ EMS PATIENT CARE reports, or other formats on which those records are kept on patients treated or transported, if applicable.

(3) Call volume records from the previous year's operations if applicable. These records shall include a record of each call received requesting the air ambulance service to respond to an emergency, as well as a notation of whether it responded to the call and the reason if it did not respond.

(4) Copies of the written policies required by this section.

(b) [Aircraft] Air ambulance requirements. [Aircraft operated by a licensed] An air ambulance [service] shall meet the following minimum requirements:

(1) The [aircraft] air ambulance shall be configured to carry at least one supine patient with sufficient access to the patient in order to begin and maintain ALS and other treatment modalities.

(2) The [aircraft] air ambulance design may not compromise patient safety in loading, unloading or during flight, and THE AIR AMBULANCE shall be equipped with either a cargo door or an entry that will allow loading and unloading the patient without excessive maneuvering.

(3) The [aircraft] air ambulance shall be climate controlled for the comfort of the patient.

(4) The [aircraft] air ambulance shall have adequate interior lighting so that medical care can be provided and patient status monitored without interfering with the pilot's vision

(5) The [aircraft] air ambulance shall be configured so that the patient is isolated from the cockpit to minimize in-flight distractions to the pilot and to prevent interference with the pilot's manipulation of the flight controls.

(6) An air ambulance operating from sunset to sunrise shall be equipped with at least one tail rotor illuminating light and a controllable search light.

(7) The [aircraft] air ambulance shall carry, ON A FLIGHT, survival gear appropriate to the EXPECTED terrain and environment [shall be carried on flights].

(8) The [aircraft] air ambulance shall be equipped with appropriate patient restraints.

(9) The [aircraft] air ambulance shall be equipped with 110 [A] V electrical output with appropriate cabin outlets for medical equipment use.

(10) The [aircraft] air ambulance shall be equipped with two-way radios capable of communicating with hospital [communication] communications centers, [public safety communication centers] PSAPs and ambulances.

[(b)] (c) Equipment and supply requirements. [Approved] Required equipment and supplies shall be carried and readily available in working order for use on [aircraft operated by a licensed] an air ambulance [service]. The [minimum] list of required equipment and supplies for [aircraft] an air ambulance will be published by the Department [as a notice] in the *Pennsylvania Bulletin* on an annual basis.

[(c)] Medications. Approved medications and drugs shall be carried and available for administration to patients on aircraft operated by a licensed air ambulance service. The minimum list of medications and drugs for aircraft will be published by the Department as a notice in the *Pennsylvania Bulletin* on an annual basis.

(d) Patient data. Air ambulance services licensed to operate in this Commonwealth shall collect, maintain and report accurate and reliable patient data and information for calls for assistance in the format prescribed or on forms provided by the Department within the specified time period.

(1) The information collected shall include information identified in §1001.41 (relating to data and information requirements for ambulance services).

(2) Air ambulance services licensed to operate in this Commonwealth shall meet the requirements of §1001.41 and §1001.42 (relating to dissemination of information).

(e)] (d) *Personnel requirements.* [Air] An air ambulance [services] service shall meet the following requirements related to personnel and staffing:

(1) *Air ambulance medical director.* [The service] It shall [employ] have an air ambulance medical director who possesses the qualifications specified in [§1003.41(b) (relating to air ambulance medical director) to serve as the medical director responsible for] §1003.5(b) (relating to ALS service medical director) and performs the duties specified in [§1003.41] §1003.5(a). [If the air ambulance medical director leaves or is removed from service, a qualified replacement shall be hired within 30 days of the previous medical director's departure. The air ambulance service shall inform the Department of a change in air ambulance service medical directors within 30 days of a medical director's departure].

(2) *Pilot and prehospital personnel.* [The service] It shall assure that each air ambulance responding to a call for EMS services is staffed with at least one pilot and [two medical crew members who possess the minimum qualifications defined in §§1003.42(b) and 1003.43(b) (relating to air ambulance medical crew members; and air ambulance pilot)] prehospital personnel as set forth in §1005.10(d)(1)(ii) (relating to licensure and general operating standards). At least one of the [medical crew members] responding prehospital personnel shall be [either a physician or nurse] specially trained in [aeromedical] air-medical transport.

(3) *Other personnel requirements.*

(i) [The service] It shall keep a pilot and two [medical crew members] prehospital personnel staff as set forth in §1005.10(d)(ii) available for the [aircraft] air ambulance at all times to assure immediate response to emergency calls.

[(4) The service shall have a communications center operational 24 hours per day, 7 days per week and staffed with a communications specialist who has the minimum qualifications in §1003.44(b) (relating to air ambulance communications specialist).]

[(5) The service] (ii) It shall require [that flight crew members] prehospital personnel who staff an air ambulance to undergo annual physical examinations to assure that they are physically able to perform their jobs.

(iii) Minimum staffing standards are satisfied when an air ambulance service has a duty roster that identifies staff who meet minimum staff criteria 24 hours-a-day, 7 days-a-week and who have committed themselves AS BEING AVAILABLE OR BEEN ASSIGNED BY THE AIR AMBULANCE SERVICE to be available at the specified times, and when minimum required staff are present during the emergency medical treatment and transport of a patient.

(4) *RESPONSIBLE STAFF.* IT SHALL ENSURE THAT ALL PERSONS WHO STAFF THE AIR AMBULANCE SERVICE, INCLUDING ITS OFFICERS, DIRECTORS AND OTHER MEMBERS OF ITS MANAGEMENT TEAM, PREHOSPITAL PERSONNEL, AND PILOTS, ARE RESPONSIBLE PERSONS. IN MAKING THAT DETERMINATION IT SHALL REQUIRE EACH PERSON WHO STAFFS THE AIR AMBULANCE SERVICE TO PROVIDE IT WITH INFORMATION AS TO MISDEMEANOR AND FELONY CONVICTIONS, AND DISCIPLINARY SANCTIONS AGAINST A LICENSE, CERTIFICATION OR OTHER AUTHORIZATION TO PRACTICE A HEALTH CARE OCCUPATION OR PROFESSION, THAT HAVE BEEN IMPOSED AGAINST SUCH PERSON, AND TO UPDATE THAT INFORMATION IF AND WHEN ADDITIONAL CONVICTIONS AND DISCIPLINARY SANCTIONS OCCUR. IT SHALL CONSIDER THIS INFORMATION IN DETERMINING WHETHER THE PERSON IS A RESPONSIBLE PERSON. IT SHALL ALSO PROVIDE THE DEPARTMENT WITH ADVANCE NOTICE, 30 DAYS IF POSSIBLE, OF ANY CHANGE IN ITS MANAGEMENT PERSONNEL TO INCLUDE AS A NEW MEMBER OF ITS MANAGEMENT TEAM A PERSON WHO HAS BEEN CONVICTED OF A FELONY OR MISDEMEANOR OR HAS HAD A DISCIPLINARY SANCTION IMPOSED AGAINST A LICENSE, CERTIFICATION OR OTHER AUTHORIZATION TO PRACTICE A HEALTH CARE OCCUPATION OR PROFESSION.

(e) Communicating with ground PSAPs.

(1) If requested by a ground PSAP, an air ambulance service shall apprise the PSAP as to when it will not be in operation, when weather conditions prevent or impede flight, and when its resources are already committed.

(2) An air ambulance service shall apprise the dispatching ground PSAP as soon as practical after receiving a dispatch call, its estimated time of arrival at the scene of the emergency. While its air ambulance is enroute to the scene of an emergency, if an air ambulance service believes that it will not be able to have an air ambulance and required staff arrive at the emergency scene within the estimated time of arrival previously given, the air ambulance service shall contact the ground PSAP and provide its new estimated time of arrival.

(f) *[Policy requirements.* The air ambulance service shall have in place written policies as follows:

(1)] *Access to air ambulance service.*

[(i)] (1) The air ambulance service shall have [in place a written policy which describes its policy regarding access to its service. This policy shall include the following information] a policy which addresses the following:

[(A)] (i) Who, in addition to a PSAP, may request air ambulance service.

[(B)] (ii) How its air ambulance services should be accessed.

[(C)] (iii) General and medical guidelines for personnel to consider prior to requesting its air ambulance services.

[(D)] (iv) To whom the air ambulance service provides its services, including general service area.

[(E)] (v) What level of EMS [are] is provided by the air ambulance service.

[(F)] (vi) Patient preparation guidelines.

[(G)] (vii) Aircraft enplanement and safety requirements.

[(ii) This] (2) The air ambulance service shall disseminate this policy [shall be disseminated] to relevant health care providers in the air [ambulance's] ambulance SERVICE'S service area.

[(2) Air ambulance pilot operational] (g) Flight requirements. [(This] The air ambulance service shall [have in place a written policy governing pilot operational procedures which includes the following requirements] ensure that:

[(i) The pilot shall make a] (1) A determination to accept the flight is based solely on AVAILABILITY, safety procedures and weather conditions.

[(ii)] (2) The [pilot shall proceed] air ambulance proceeds expeditiously and as directly as possible to the flight destination, considering the weather, appropriate safety rules, noise abatement procedures and flight path and altitude clearances.

[(iii)] (3) The [pilot shall] air ambulance engages in flight [follow] following with [a] an air communications center at intervals not to exceed 15 minutes. If the [aircraft] air ambulance is outside of radio range of the base communications center, adequate flight following shall be planned and executed.

[(iv)] (4) The [pilot is responsible for assuring that the aircraft] AIR ambulance is ready for flight at all times when the air ambulance service has not reported to ground PSAPs that the air ambulance is unavailable to respond to emergencies.

[(3)] (h) *Medical [crew members' operational] service requirements.* The air ambulance service shall [have in place a written policy governing medical crew members operational procedures which includes the following requirements] ensure that:

[(i)] (1) [Medical crew members are responsible for assuring that equipment/] Equipment and supplies required for an air ambulance flight are on the [aircraft] air ambulance and in working order prior to takeoff for patient transport.

[(ii)] (2) Medical [crew members shall provide] care and intervention is provided according to direct medical command or written protocols/standing orders.

[(iii)] Medical crew members shall maintain a] (3) A patient treatment record is maintained, documenting medical care rendered by the medical flight crew and the disposition of the patient at the receiving medical facility. The patient treatment record shall be maintained at the base hospital.

[(iv)] Medical crew members shall evaluate each] (4) Each patient is evaluated for potential adverse effects from flight operations.

[(v)] Medical crew members shall assure that the] (5) The patient and equipment are secured during flight.

(6) THE PATIENT IS TRANSPORTED TO THE NEAREST APPROPRIATE RECEIVING FACILITY. THAT FACILITY SHALL BE A TRAUMA CENTER WHEN REQUIRED BY DEPARTMENT-APPROVED BYPASS PROTOCOLS.

(4)] (i) *Air ambulance medical director's operational requirements.* The air ambulance service shall have [in place] a [written] policy setting forth the air ambulance medical director's operational procedures which shall include procedures for at least the following:

[(i)] (1) [To assure that the medical condition or history of the patient is made known only to medical crew members, and other EMS providers who have participated in the delivery of patient care.] The performance of responsibilities set forth in §1003.5(a) (relating to ALS service medical director).

[(ii)] To assure adequate training and experience of medical flight crew members.

[(iii)] For developing] (2) The development of medical treatment protocols for [use by medical crew members] the air ambulance service, [and] submitting them [for approval] to the regional EMS council medical [direction] advisory committee for its review and recommendations, and securing approval of the medical treatment protocols from the Department.

[(iv)] For establishing and operating a quality assurance program whereby the quality and appropriateness of patient care provided by the air ambulance service can be continuously documented, reviewed and evaluated.

(5)] (j) *Communication center [operational requirements] arrangements.* The air ambulance service shall [have in place a written policy governing communication center operational procedures which includes the requirements that the communications center shall] ensure that it has access to an air communications center that meets the following standards:

[(i)] Have] (1) Has a designated person--communications specialist--assigned to receive and dispatch requests for emergency air medical services and charged with the relay of information between the flight crew, requesting agency and receiving hospital.

[(ii)] Be] (2) Is operational 24 hours [per]-a-day, 7 [days a week] days-a-week and [have] has radio capabilities to transmit to and receive from the air ambulance [aircraft]. At a minimum, 123.05 MHz, radio frequency shall be available.

[(iii)] Have] (3) Has at least one incoming telephone line that is dedicated to the air ambulance service.

[(iv) Have] (4) Has a system for recording incoming and outgoing telephone and radio transmissions. The system shall have an inherent time recording capability and recordings shall be kept for a minimum of 30 days.

[(v) Have] (5) Has the capability of communicating with the flight crew so that the [aircraft] air ambulance may take off within the scheduled takeoff time.

[(vi) Have] (6) Has a backup emergency power source.

[(vii) Maintain] (7) Maintains a status board listing flight crew names and other pertinent operational information.

[(viii) Have] (8) Has copies of operational protocols and procedures, including emergency operation plans in the event of overdue, missing or downed aircraft.

[(ix) Have] (9) Has posted or displayed applicable licenses and permits.

[(x) Maintain] (10) Maintains current maps and navigational aids.

[(6) *Communications specialist operational requirements.* The service shall have in place a written policy governing communication specialist operational procedures. The written policy shall include a requirement that the communication specialist document contains, at a minimum, the following information:]

(11) Collects and maintains records of the following data:

(i) The time of initial and subsequent air ambulance request calls.

(ii) The name of the party or agency requesting the air ambulance service and a verification phone number.

(iii) Pertinent patient medical information.

(iv) The names of referring and receiving physicians at hospitals.

(v) The landing and destination sites.

(vi) The details of needed ground transportation arrangements at pickup and landing sites.

(vii) The times and reasons for aborted or missed flights.

(viii) The details of coordination with ground personnel for landing and receipt of the aircraft.

(ix) Other data pertinent to the air ambulance service's specific needs for completing activity review reports.

[(g)] (k) Community education program requirements.

(1) An air ambulance service shall develop a professional and community education program that will promote proper ~~aeromedical~~ AIR MEDICAL service utilization.

(2) The educational program shall include the following:

(i) [The service shall communicate] Communication to the public that the [emergency] air [medical] ambulance service accepts medically necessary calls from authorized personnel and does not discriminate against a person because of race, creed, sex, color, age, religion, [National] national origin, ancestry, medical problem, handicap or ability to pay.

(ii) A safety program covering landing site designation and safe conduct around the [aircraft] air ambulance, which shall be offered to appropriate agencies and individuals.

(iii) Training regarding stabilization and preparation of the patient for airborne transport, which shall be provided to prehospital [EMS] personnel.

(iv) [The service shall institute an] An active community relations program.

(l) Medical command notification. An air ambulance service shall identify, to the regional EMS council having responsibility in the region out of which it operates, the prehospital personnel used by it that have medical command authorization in the region for that air ambulance service. The service shall also notify the regional EMS council when a prehospital practitioner loses medical command authorization for that air ambulance service.

(m) Monitoring compliance. An air ambulance service shall monitor compliance with all requirements that the act and this part impose upon the air ambulance service and its staff. AN AIR AMBULANCE SERVICE SHALL FILE A WRITTEN REPORT WITH THE DEPARTMENT IF IT DETERMINES THAT A PREHOSPITAL PRACTITIONER WHO IS A MEMBER OF THE AIR AMBULANCE SERVICE, OR WHO HAS RECENTLY LEFT THE AIR AMBULANCE SERVICE, HAS ENGAGED IN CONDUCT NOT PREVIOUSLY REPORTED TO THE DEPARTMENT, FOR WHICH THE DEPARTMENT MAY IMPOSE DISCIPLINARY SANCTIONS PURSUANT TO §1003.27 (RELATING TO DISCIPLINARY AND CORRECTIVE ACTION). THE DUTY TO REPORT PERTAINS TO CONDUCT THAT OCCURS DURING A PERIOD OF TIME IN WHICH THE PREHOSPITAL PRACTITIONER IS FUNCTIONING FOR THE AIR AMBULANCE SERVICE.

(n) Policies and procedures. An air ambulance service shall maintain written policies and procedures addressing each of the requirements imposed by this section, as well as the requirements imposed by §§1001.41, 1001.42 and 1001.65 (relating to data and information requirements for ambulance services; dissemination of information; and cooperation), and shall also maintain written policies and procedures addressing infection control, management of personnel safety, SUBSTANCE ABUSE IN THE WORKPLACE and the placement and operation of its air ambulances.

§1007.8. [Grounds for suspension, revocation or refusal of an air ambulance license.] Disciplinary and corrective actions.

(a) The Department may, in compliance with proper administrative procedure, reprimand, or suspend, revoke or refuse to issue a license, or issue a provisional or temporary license as permitted by §§1005.8 and 1005.9 (relating to provisional license; and temporary license) for the following reasons:

(1) A serious violation of the act or this part. A serious violation is one which poses a continued significant threat to the health and safety of the public.

(2) Failure of the licensee or applicant to submit a reasonable timetable to correct deficiencies and violations cited by the Department.

(3) The existence of a continuing pattern of deficiencies over a period of 3 or more years.

(4) Fraud or deceit in obtaining or attempting to obtain a license [or permit].

(5) Lending a license or borrowing or using the license of another, or knowingly aiding or abetting the improper granting of a license.

(6) Incompetence, negligence or misconduct in operating the ambulance service or in providing EMS to patients.

(7) Failure to secure an air ambulance medical director and ensure that the air ambulance medical director [meets the roles and] exercises the responsibilities in [§1003.41(a) (relating to air ambulance medical director)] §1003.5(a) (relating to ALS service medical director).

(8) Failure to have appropriate medical equipment and supplies required for licensure as identified in §1007.7(b) (relating to licensure and general operating requirements).

(9) Failure of the air ambulance service to have an aircraft equipped in compliance with §1007.7(a).

(10) Failure of the aircraft operator to maintain required FAA certifications.

(11) Failure to employ a sufficient number of certified, recognized or licensed personnel to provide service 24 hours[per]-a-day, 7 [days a week] days-a-week.

(12) Failure of the air [medical] ambulance service to be available 24 hours [per]-a-day, 7 [days a week] days-a-week to authorized callers within the service area. Exceptions to this requirement include unsafe weather conditions, commitment to another flight, grounding due to maintenance or other reasons that would prevent response. The air [medical] ambulance service shall maintain a record of each failure to respond to a request for service, and make the record available upon request to the Department. Financial inability to pay does not constitute sufficient grounds to deny response for emergency air service.

(13) Failure [of an air ambulance service licensee] to notify the Department of the change of ownership or aircraft operation.

(14) Abuse or abandonment of a patient.

(15) Unauthorized disclosure of medical or other confidential information.

(16) Willful preparation or filing of false medical reports or records, or the inducement of another to do so.

(17) Destruction of medical records.

(18) Refusal to render EMS because of a patient's race, sex, creed, [National] national origin, sexual preference, age, handicap, medical problem or financial inability to pay.

(19) Failure to comply with regional EMS council transfer and medical treatment protocols.

(20) Misuse or misappropriation of drugs/medication.

(21) [Other reasons as determined by the Department which pose a significant threat to the health and safety of the public.] Repeated failure to communicate with a PSAP as required by §1007.7(e).

(22) FAILURE TO CONTINUE TO MEET STANDARDS APPLICABLE TO THE ISSUANCE OF THE LICENSE.

(b) Upon receipt of a written complaint describing [specific violations of this chapter] conduct for which the Department may take disciplinary action against an air ambulance service, the Department will:

(1) Initiate an investigation of the specific charges.

(2) [Notify] Provide the air ambulance service with a copy of the [charges] complaint and [investigation procedures] request a response unless the Department determines that disclosure to the air ambulance service of the complaint will compromise the investigation or would be inappropriate for some other reason.

(3) [Conduct and develop] Develop a written report of the investigation.

(4) Notify the [air ambulance service] complainant of the results of the investigation of the complaint, as well as the air ambulance service if the air ambulance service has been officially apprised of the complaint or investigation. This notification does not include providing a copy of the written report developed pursuant to paragraph (3).

[(c) The Department will immediately suspend the license for the violations specified in §1005.12 (a)(1), (6), (11), (15) and (17) (relating to grounds for suspension, revocation or refusal of an ambulance service license). This suspension shall be for a period of up to 90 days. A second offense during the same license period shall result in the automatic revocation of the license.

(d) The Department will suspend the license for other violations for a period to be determined by the Department. The Department may revoke a license for repeated violations.

(e) Upon suspension or revocation of an air ambulance license, the service shall cease operations and no person may permit or cause the service to continue.

(f) (c) The Department will provide public notification of [suspension, including the length of suspension period or revocation of] sanctions it imposes upon an air ambulance service license.

[(g) Upon suspension or revocation of an air ambulance license, the service shall cease operations and no person may permit or cause the service to continue.]

§1007.9. [Voluntary discontinuation of service.] (Reserved).

(a) Air ambulance service licenses may not voluntarily discontinue service until 90 days after the licensee notifies the Department in writing that the service is to be discontinued.

(b) Notice to the Department shall include a statement that the licensee has notified the chief executive officer of each political subdivision in the licensee's ambulance service area and that the intent to discontinue service has been advertised in a newspaper of general circulation in the service area.

(c) The air ambulance service licensee shall notify the Department in advance of anticipated temporary discontinuance of service expected to last for at least 7 consecutive days.]

**CHAPTER 1009. [EMS] MEDICAL
COMMAND [MEDICAL] FACILITIES**

Sec.

1009.1. [Accreditation and operational] Operational criteria.

1009.2. [Accreditation] Recognition process.

1009.3. [Continuity of medical command.] (Reserved).

1009.4. [Suspension/revocation of accreditation.] Withdrawal of medical command facility recognition.

1009.5. [Biennial review] Review of [accredited] medical command facilities.

1009.6. Discontinuation of service.

§1009.1. [Accreditation and operational] Operational criteria.

[*Medical command facilities shall be accredited by the Department*]. To qualify [for accreditation] as [an EMS] a medical command facility, an institution shall [demonstrate that it complies] comply with the following criteria [related to personnel, capabilities, procedures and programs by]:

(1) [Employing] Employ a [physician] medical command facility medical director who meets the requirements specified [at] in §1003.3(b) (relating to medical command facility medical director) [for a medical command facility medical director].

(2) [Employing] Employ sufficient staff to ensure that at least one approved medical command physician, meeting the requirements specified [of] in §1003.4(b) (relating to medical command physician), is present in the facility 24 hours [per]-a-day, 7 days[per]-a-week.

(3) [Possessing communication capabilities and recordkeeping protocols that provide for the following:] Satisfy the following communication and recordkeeping requirements:

(i) Compatibility with regional telecommunication systems plans, if in place.

(ii) Communication by way of telecommunications equipment/radios with BLS and ALS units within the [respective medical service] area in which medical command is exercised.

(iii) Tape recording of medical command communications.

(iv) Maintenance of a medical command record, containing [specific] appropriate information on patients for whom medical command is sought.

(v) An appropriate program for training emergency department staff in the effective use of telecommunication equipment.

(vi) Protocols to provide for prompt response to requests from prehospital personnel for radio or telephone medical guidance, assistance or advice.

(4) [Demonstrating the capacity to accurately] Accurately and promptly relay information regarding patients to the appropriate receiving [hospital] facility.

(5) [Adhering] Adhere to [transportation instruction and hospital assignment] transfer and medical treatment protocols established by the regional EMS council, or, when dealing with an air ambulance service, as approved by the Department.

(6) [Establishing] Establish a program of regular case audit conferences involving the medical command facility medical director or [his] the director's designee and prehospital personnel for purposes of problem identification, and a process to correct identified problems.

(7) [Obtaining] Obtain a contingency agreement with at least one other medical command facility to assure availability of medical command.

(8) [Establishing] Establish internal procedures that comply with regional EMS transfer and medical treatment protocols [developed by the respective regional EMS council].

(9) Notify PSAPs, through which it routinely receives requests for medical command, when it will not have a medical command physician available to provide medical command.

(10) Establish a plan to ensure that medical command is available at all times during mass casualty situations, natural disasters and declared states of emergency.

(11) [Participating] Participate in the [respective] regional EMS council's quality [assurance programs] improvement program for monitoring the delivery of EMS.

[(10) Adopting] (12) Adopt procedures for maintaining medical command communication records and tapes under §117.43 (relating to medical records), AND MAINTAIN TAPES OF MEDICAL COMMAND COMMUNICATIONS FOR AT LEAST 180 DAYS.

[(11) Employing] (13) Employ sufficient administrative support staff to enable the institution to carry out its essential duties which include, but are not limited to: audits, [continuing education,] equipment maintenance and processing and responding to complaints.

[(12) Establishing] (14) Establish a program of training [and continuing education] for medical command physicians, prehospital personnel and emergency department staff.

(15) Provide medical command to prehospital personnel whenever they seek direction.

§1009.2. [Accreditation] Recognition process.

(a)[Regional EMS councils shall recommend to the Department those facilities which meet the criteria for accreditation. If the applying facility disagrees with the recommendation of the regional EMS council, it may submit a written request for reconsideration by the council.

(b) The Department has 60 days to accredit or deny accreditation from the time of receipt of the regional EMS council's recommendation.

(c) Denial of accreditation shall be based on cause.

(d) The Department may review and inspect facilities to aid in accreditation decisions.

(e) If the applying facility disagrees with the decision by the Department, an appeal may be filed under 2 Pa.C.S. §§501-508 and 701-704 (relating to Administrative Agency Law).]

To qualify for the civil immunity protection afforded by section 11(j)(4) of the act (35 P.S. §6931(j)(4)), a facility shall secure recognition as a medical command facility from the Department. To secure recognition as a medical command facility, a facility shall submit an application to the Department through a regional EMS council exercising responsibility for an EMS region in which the applicant intends to provide medical command through medical ~~medical~~ command physicians who function under its auspices. Application for medical command facility recognition shall be made on forms prescribed by the Department.

(b) The regional EMS council will review the application for completeness.

(c) If the application is complete, the regional EMS council shall conduct an on-site inspection of the applying facility to verify information contained within the application and to complete a physical inspection of the medical command area.

(d) After completing its review, the regional EMS council shall forward a copy of its recommendation to the Department and to the applying facility. If the applying facility disagrees with the recommendation of the regional EMS council, it may submit a written rebuttal to the Department.

(e) The Department will review the application, information and recommendation submitted by the regional EMS council, and the rebuttal statement, if any, submitted by

the applying facility, and will make a decision within 60 days from the time of its receipt of the regional EMS council's recommendation to grant or deny recognition.

(f) The Department may review and inspect facilities to aid it in making medical command facility recognition decisions.

(g) If the applying facility disagrees with the decision by the Department, it may appeal the decision pursuant to 1 Pa. Code §35.20 (relating to appeals from actions of the staff) if the decision was not issued by the agency head as defined in 1 Pa. Code §31.3 (relating to definitions) and, if it disagrees with the decision of the agency head, it may file an appeal under 2 Pa. C. S. §§501-508 and 701-704 (relating to Administrative Agency Law).

(h) Recognition as a medical command facility shall be valid for 3 years. A facility shall file an application for renewal of its recognition as a medical command facility 60 days prior to expiration of the medical command facility's recognition from the Department. Failure to apply for renewal of recognition in a timely manner may result in the facility having a lapse in the civil immunity protection afforded by section 11(j)(4) of the act.

§1009.3. [Continuity of medical command.] (Reserved).

[A facility recognized by the regional EMS council as a medical command facility as of July 1, 1989 shall continue to be accredited until July 1, 1991, or until surveyed by the Department, whichever comes first.]

§1009.4. [Suspension/revocation of accreditation.] Withdrawal of medical command facility recognition.

(a) The Department may [suspend accreditation for up to 90 days for the following reasons:

- (1) Failure to comply with regional EMS council protocols or guidelines.
- (2) Violation of accreditation criteria in §1009.1 (relating to accreditation and operational criteria).
- (3) Failure to cooperate in the data collection and retrieval procedures required by the Department.

(4) Other reasons deemed appropriate by the Department.

(b) A medical command facility shall correct the deficiencies that were cited by the Department as reasons for suspension by the end of the suspension period set by the Department.

(c) The Department may revoke accreditation for failure to correct deficiencies within the suspension period] withdraw medical command facility recognition if the facility fails to continue to meet the standards for a medical command facility in §1009.1 (relating to operational criteria).

(b) The Department will conduct inspections of a medical command facility from time to time, as deemed appropriate and necessary, including when necessary to investigate a complaint or a reasonable belief that violations of this part may exist.

(c) If the facility fails to continue to meet the standards for a medical command facility in §1009.1, as an alternative to rescinding medical command facility recognition, the Department may request the facility to submit a plan of correction to correct the deficiencies. The procedures are as follows:

(1) The Department will give written notice to the facility and the regional EMS council of the deficiencies.

(2) The facility shall have 30 days in which to respond to the Department with a plan to correct the deficiencies.

(3) The Department will review the plan of correction and, if the plan is found to be acceptable, the Department may make an onsite reinspection in accordance with the time frame given in the plan of correction.

(4) Within 30 days after the review of the plan of correction, as well as 30 days after the reinspection, the Department will give written notice to the facility and the regional EMS council of the results of the Department's review of the plan of correction and reinspection.

(d) Upon receipt of a written complaint describing conduct for which the Department may withdraw medical command facility recognition, the Department will:

(1) Initiate an investigation of the specific charges.

(2) Provide the medical command facility with a copy of the complaint and request a response unless the Department determines that disclosure to the medical

command facility of the complaint will compromise the investigation or would be inappropriate for some other reason.

(3) Develop a written report of the investigation.

(4) Notify the complainant of the results of the investigation of the complaint, as well as the medical command facility if the medical command facility has been officially apprised of the complaint or investigation. This notification does not include providing a copy of the written report developed pursuant to paragraph (3).

§1009.5. [Biennial review] Review of [accredited] medical command facilities.

The regional EMS councils shall conduct a [biennial] review of medical command facilities as requested by the Department, and at other times may inspect [accredited]; medical command facilities. These reviews and inspections shall be conducted to audit for continued compliance with, at a minimum, the criteria in §1009.1 (relating to [accreditation and] operational criteria) as directed by the Department.

§1009.6. Discontinuation of service.

A medical command facility may not discontinue medical command operations without providing 60 90 days advance written notice to the Department, regional EMS councils responsible for regions in which the medical command facility routinely provides medical command and providers of EMS for which it routinely provides medical command.

CHAPTER 1011. ACCREDITATION OF EMS TRAINING INSTITUTES

Sec.

1011.1. ~~BLS and ALS~~ EMS training institutes.

1011.2. [ALS training institutes.] (Reserved).

1011.3. Accreditation process.

1011.4. [Suspension/revocation] Denial, restriction, or withdrawal of accreditation.

§1011.1. ~~BLS and ALS~~ EMS training institutes.

(a) *Eligible entity.* ~~A BLS and an ALS~~ AN EMS training institute shall be accredited by the Department. A [BLS] AN EMS training institute shall be a secondary or postsecondary institution, hospital, regional EMS council or another entity which meets the criteria in this part.

(b) *[Accreditation criteria.* To qualify for accreditation as a BLS training institute, an entity shall demonstrate compliance with the following:

(1) *Criteria.] Training programs.*

(1) [The] ~~A BLS~~ AN EMS training institute THAT IS ACCREDITED BY THE DEPARTMENT TO OFFER BLS TRAINING COURSES (BLS TRAINING INSTITUTE) shall evidence the ability to conduct one or more of the following training programs approved by the Department:

(i) Emergency Medical Technician[-Ambulance] Course[, National Standard Curriculum.

(ii) Emergency Medical Technician Refresher Course, National Standard Curriculum].

~~(iii)~~ (II) [Emergency Medical Services (JEMS)] First Responder Course[, First Edition or amendments and revisions thereto].

[(iv) EMS First Responder Refresher Course.

(v) EMT Instructor Training Program, National Standard Curriculum.]

(2) An ~~ALS~~ EMS training institute THAT IS ACCREDITED BY THE DEPARTMENT TO OFFER ALS TRAINING COURSES (ALS TRAINING INSTITUTE) shall evidence the ability to conduct one or more of the following training programs approved by the Department:

(i) Emergency Medical Technician-Paramedic Course.

(ii) Prehospital Registered Nurse Course.

[(2)] (c) *Personnel.*

[(i)] (1) *Medical director.*

[(A) An] (i) ~~A~~ AN EMS training institute shall have a medical director who is a physician [licensed in this Commonwealth]. The medical director shall be

experienced in emergency medical care, and shall have demonstrated ability in education [7] and administration.

[(B)] (ii) The responsibilities of the medical director shall include:

[(I) Assuring that the] (A) Reviewing course content [is in] to ensure compliance with this part.

[(II) Assisting with] (B) Reviewing and approving the EMS training institute's criteria for the recruitment, selection and orientation of training institute faculty.

[(III)] (C) Providing technical advice and assistance to THE EMS training institute faculty and students.

(D) Reviewing the quality and medical content of the education, and compliance with protocols.

(E) Participating in the review of new technology for training and education.

(iii) Additional responsibilities for a medical director of an ALS training institute include:

(A) Approving the content of course written and practical skills examinations.

(B) Identifying and approving facilities where students are to fulfill clinical and field internship requirements.

(C) Identifying and approving individuals to serve as field and clinical preceptors to supervise and evaluate student performance when fulfilling clinical and field internship requirements.

(D) Signing skill verification forms for students who demonstrate the knowledge and skills required for successful completion of the training course and entry level competency for the prehospital practitioner for which the training course is offered.

[(ii)] (d) *Administrative director.*

[(A)] (1) A BLS training institute shall have an administrative director who [is a currently certified EMT and] has at least 1 year experience in administration and 1 year experience in prehospital care.

(2) An ALS training institute shall have an administrative director who has at least 1 year experience in administration and 1 year experience in ALS prehospital care.

[(B)] (3) Responsibilities of the administrative director include ensuring:

[(I) Application] (i) The adequacy of the system for processing student applications and [oversight] THE ADEQUACY of the student selection process.

[(II) Class scheduling and assignment] (ii) The adequacy of the process for the screening and selection of instructors for the EMS training institute.

[(III) Preparation, maintenance and] (iii) The EMS TRAINING institute maintains an adequate inventory of necessary training equipment and that the training equipment is properly prepared and maintained.

[(IV) Administration] (iv) The adequate administration of the course and written and practical skills examinations involved in the course.

[(V) Maintenance] (v) There is an adequate system for the maintenance of student records and files.

[(VI)] (vi) [Student/faculty liaison.] There is an appropriate mechanism to resolve disputes between students and faculty.

[(iii)] (e) *Course coordinator.*

[(A)] (1) The [BLS] EMS training institute shall designate a course coordinator for each training course [of instruction] conducted by the training institute. [The coordinator shall possess certification as an EMT instructor, and shall have other qualifications as prescribed by the Department's Prehospital Personnel Training Manual.]

(2) A course coordinator shall have:

(i) Reading and language skills commensurate with the resource materials to be utilized in the course.

(ii) Knowledge of the Statewide BLS medical treatment protocols.

(3) A course coordinator for an ALS training course shall also satisfy the following requirements:

(i) One year experience in DIRECTLY PROVIDING ALS prehospital care.

(ii) One year experience as an EMT-paramedic or a health

professional, or as a supervisor of ALS prehospital care.

~~(iii)~~ (II) Have knowledge of the ALS transfer and medical treatment protocols for the region.

[(B) The] (4) A course coordinator is responsible for the management and supervision of each [BLS] training course offered by the training institute for which he THAT INDIVIDUAL serves as a course coordinator.

[(C)] (5) Specific duties of [the] a course coordinator [also include:

(I) Scheduling and supervising course instructors.

(II) Scheduling and supervising student clinical observation activities.

(III) Completing course records, including individual student performance summaries and scores.

(IV) Providing counseling services to students] shall be assigned by the EMS training institute.

(6) One person may serve both as the administrative director and a course coordinator.

[(iv)] (f) *Instructors.*

[(A)] (1) A [BLS] AN EMS training institute shall ensure the availability of qualified and responsible instructors for each training course. [Instructors shall meet the qualifications required by §1003.23(e) (relating to EMT).]

(2) An instructor shall be 18 years of age or older, and possess a high school diploma or GED equivalent.

(3) At least 75% of the instruction provided in training courses shall be provided by instructors who are health professional physicians or prehospital personnel and who have at least 1 year of experience as a health professional physician or a prehospital practitioner above the level of a first responder and at or above the level they are teaching, and have SUCCESSFULLY completed an EMS instructor course approved by the Department or possess a bachelor's degree in education or a teacher's certification in education; or be determined by a review body of the training institute to meet or exceed these standards.

(4) An instructor who does not satisfy the requirements in paragraph (3) shall be qualified to provide the instructional services offered as determined by the training institute after consulting the ~~Prehospital Practitioner Manual~~ MANUAL THE DEPARTMENT PREPARES TO PROVIDE GUIDANCE REGARDING INSTRUCTOR QUALIFICATIONS and with the appropriate regional EMS council.

[(B)] (5) Instructors are responsible for presenting course materials in accordance with the curriculum established by this part.

[(v) *Other faculty.* A BLS training institute may use the instructional services of other personnel as may be deemed appropriate, subject to approval by the regional EMS council.]

(g) Clinical preceptors.

(1) An ALS training institute shall ensure the availability of clinical preceptors for each training course.

(2) A clinical preceptor is responsible for the supervision and evaluation of students while fulfilling clinical requirements for a training program.

(3) A BLS TRAINING INSTITUTE SHALL ENSURE THE AVAILABILITY OF A CLINICAL PRECEPTORS FOR EACH TRAINING COURSE THAT INCLUDES CLINICAL ACTIVITIES OUTSIDE OF THE CLASSROOM.

(h) Field preceptors.

(1) An ALS training institute shall ensure the availability of field preceptors for each student.

(2) A BLS TRAINING INSTITUTE SHALL ENSURE THE AVAILABILITY OF A FIELD PRECEPTOR FOR EACH STUDENT FOR WHOM IT PROVIDES A FIELD INTERNSHIP.

(2) (3) A field preceptor is responsible for the supervision and evaluation of students while fulfilling a field internship for a training program.

[(3)] (i) *Facilities and equipment.* ~~A~~ AN EMS training institute shall:

[(i) The institute shall maintain] (1) Maintain EDUCATIONAL facilities necessary for the provision of [BLS] training courses. The facilities shall include classrooms and space for equipment storage, and shall be of sufficient size AND QUALITY to conduct didactic and practical skill performance sessions. [The regional

EMS council is responsible for determining the appropriateness of the facilities provided.]

[(ii) The institute shall provide] (2) Provide and maintain the essential equipment and supplies [as] to administer the course. These shall be identified in the [Department's] ~~Prehospital Personnel [Training] Manual~~ MANUAL THE DEPARTMENT DEVELOPS TO PROVIDE GUIDANCE REGARDING COURSE ADMINISTRATION.

[(4)] (i) *Operating procedures.* ~~A~~ AN EMS training institute shall:

[(i) The institute shall adopt] (1) Adopt and implement [the Department's] a nondiscrimination policy with respect to student selection and faculty recruitment.

[(ii) A file shall be maintained] (2) Maintain a file on each enrolled student [to include] which includes class performance, practical and written examination results, and reports made concerning the progress of the student during the training program.

[(iii) The institute shall provide] (3) Provide a mechanism by which students may grieve decisions made by the institute regarding dismissal or other disciplinary action. [The grievance procedure shall be subject to approval by the regional EMS council.]

[(iv) Students shall be provided] (4) Provide students with DEPARTMENT POLICIES FOR TESTING LEADING TO CERTIFICATION OR RECOGNITION, THE EMS TRAINING INSTITUTE'S POLICIES FOR THE PREVENTION OF SEXUAL HARASSMENT, AND a clear description of the program and its content, including learning goals, course objectives and competencies to be attained.

[(v) The institute shall evidence compliance with policies contained in the Department's Prehospital Personnel Training Manual.]

(5) Have a policy regarding the transfer of a student into or out of a training program from one EMS training institute to another.

(6) Have a continuing quality improvement process in place for students, instructors, and clinical evaluation.

(7) REQUIRE EACH STUDENT APPLICANT TO COMPLETE AN APPLICATION FOR ENROLLMENT AND A CRIMINAL HISTORY DISCLOSURE FORM PROVIDED BY THE DEPARTMENT AND, NO LATER THAN 14 DAYS

AFTER THE FIRST CLASS SESSION, FORWARD A COPY OF BOTH DOCUMENTS TO THE REGIONAL EMS COUNCIL HAVING RESPONSIBILITY IN THE EMS REGION WHERE THE EMS TRAINING INSTITUTE OPERATES.

(8) PREPARE A COURSE COMPLETION FORM FOR EACH STUDENT WHO SUCCESSFULLY COMPLETES THE TRAINING COURSE AND, NO LATER THAN 14 DAYS AFTER THE TRAINING COURSE HAS CONCLUDED, FORWARD THAT FORM TO THE REGIONAL EMS COUNCIL HAVING RESPONSIBILITY IN THE EMS REGION WHERE THE EMS TRAINING INSTITUTE OPERATES.

(9) PARTICIPATE IN EMS TRAINING INSTITUTE SYSTEM EVALUATION ACTIVITIES AS REQUESTED BY THE DEPARTMENT.

§1011.2. [ALS training institutes.] (Reserved).

(a) Eligible entity. An ALS training institute shall be accredited by the Department. An ALS training institute shall be a secondary or a postsecondary institution, hospital, EMS council or another entity which meets the criteria in this part.

(b) Criteria. To qualify for accreditation as an ALS training institute, an entity shall demonstrate compliance with the following:

(1) *Training programs.* The institute shall evidence the ability to conduct one or more of the following training programs approved by the Department.

(i) Emergency Medical Technician-Paramedic Course, National Standard Curriculum.

(ii) Emergency Medical Technician-Paramedic Refresher Course, National Standard Curriculum.

(iii) Health professional.

(2) *Administration.*

(i) *Medical director.*

(A) An institute shall have a medical director who is a physician licensed in this Commonwealth. The medical director shall be experienced in emergency medical care, and shall have demonstrated ability in education/administration.

(B) The responsibilities of the medical director include:

(I) Assuring that the course content is in compliance with this part.
(II) Assisting with the recruitment, selection and orientation of training institute faculty.

(III) Providing technical advice and assistance to training institute faculty and students.

(IV) Approving the content of written and practical skills examinations.

(V) Identifying and approving facilities and ALS services where students can fulfill clinical and field internship requirements.

(VI) Identifying and approving individuals who will serve as field and clinical preceptors for supervising and evaluating student performance when fulfilling clinical and field internship requirements.

(ii) *Administrative director.*

(A) The administrative director shall have at least 1 year of experience in administration and 1 year of experience in ALS prehospital care education.

(B) Responsibilities of the administrative director include:

(I) Application processing and oversight of the student selection process.

(II) Class scheduling and assignment of instructors.

(III) Preparation, maintenance and inventory of necessary training equipment.

(IV) Administration of written and practical skill examinations.

(V) Maintenance of student records and files.

(VI) Student/faculty liaison.

(iii) *Course coordinator.*

(A) The ALS training institute shall designate a course coordinator for each course of instruction conducted by the training institute. The coordinator shall be a currently certified EMT-paramedic or health professional as defined in this part, and shall have other qualifications prescribed by the Department's Prehospital Personnel Training Manual.

(B) The course coordinator is responsible for the management and supervision of each ALS training course offered by the training institute.

(C) Specific duties of the course coordinator also include:

(I) Scheduling and supervising course instructors.

(II) Scheduling and supervising student clinical observation activities and field internships.

(III) Completing course records, including individual student performance summaries and scores.

(IV) Providing counseling services for students.

(iv) *Instructors.*

(A) The ALS training institute shall ensure the availability of instructors for each course.

(B) An instructor shall be experienced in the education of individuals at the ALS level, and approved by the course medical director as qualified to teach those sections of the course to which the instructor is assigned.

(C) An instructor is responsible for presenting course materials in accordance with the curriculum established by this part.

(v) *Clinical preceptors.*

(A) The ALS training institute shall ensure the availability of clinical preceptors for each course.

(B) The clinical preceptor is responsible for the supervision and evaluation of paramedic students while fulfilling clinical requirements in an approved facility.

(vi) *Field preceptors.*

(A) The ALS training institute shall ensure the availability of field preceptors for each student.

(B) The field preceptor is responsible for supervision and evaluation of paramedic students while fulfilling field internships with an approved ALS service.

(vii) *Other faculty.* An ALS training institute may use the instructional services of other personnel as may be deemed appropriate, subject to approval by the regional EMS council.

(3) *Facilities and equipment.*

(i) The institute shall maintain facilities appropriate to conduct ALS training courses. Facilities include classrooms and space for equipment storage, and shall be of sufficient size to conduct didactic and practical skill performance sessions. The regional EMS council is responsible for determining the appropriateness of the facilities.

(ii) The institute shall provide and maintain the essential equipment and supplies as identified in the Department's Prehospital Personnel Training Manual. The equipment includes items necessary to perform skills required by the course curriculum, as defined in this part.

(4) Operating procedures.

(i) The institute shall adopt and implement the Department's nondiscrimination policy with respect to student selection and faculty recruitment.

(ii) A file shall be maintained on each enrolled student to include class performance, practical and written examination results and reports made concerning the progress of the student during the training program.

(iii) The institute shall provide a mechanism by which students may grieve decisions made by the institute regarding dismissal or other disciplinary action. The grievance procedure shall be subject to approval by the regional EMS council.

(iv) Students shall be provided with a clear description of the program and its content, including learning goals, course objectives and competencies to be attained.

(v) The institute shall evidence compliance with policies contained in the Department's Prehospital Personnel Training Manual.]

§1011.3. Accreditation process.

For an ~~ALS or BLS~~ EMS TRAINING institute to be accredited by the Department, the following are required:

(1) The applicant shall submit ~~to the regional EMS council~~ an application for accreditation on forms developed by the Department TO THE REGIONAL EMS COUNCIL HAVING RESPONSIBILITY IN THE EMS REGION WHERE THE EMS TRAINING INSTITUTE INTENDS TO CONDUCT ITS PRIMARY OPERATIONS. An applicant for reaccreditation shall submit the application at least 180 days, but not more than 1 year, prior to expiration of the current accreditation.

(2) The regional EMS council shall review the application for completeness[,] and accuracy [and conformance with the regional EMS plans and protocols].

(3) The regional EMS council shall have 45 days in which to review the application and to conduct an onsite assessment of the institute.

(4) The regional EMS council shall forward to the Department the application for accreditation either with an endorsement or with an explanation as to why the application has not been endorsed.

(5) Within 150 days of receipt, the Department will review the application and make one of the following determinations:

(i) *Full accreditation.* The EMS training institute [currently] meets the criteria in [§] §1011.1 [or 1011.2] (relating to ~~BLS and ALS~~ EMS training institutes[; and ALS training institutes]) as applicable, and will be accredited to operate for 3 years.

(ii) *Conditional accreditation.* The EMS training institute does not [currently] meet criteria in [§]§1011.1 [or 1011.2] as applicable, but the deficiencies identified are deemed correctable by the Department. The ~~program~~ EMS TRAINING INSTITUTE will be allowed to proceed or continue TO PROVIDE ACCREDITED EMS EDUCATION with close observation by the Department. Deficiencies which prevent full accreditation shall be enumerated and corrected within a time period specified by the Department. Conditional accreditation may not exceed 1 year, and may not be renewed.

(iii) *Nonaccreditation.* The institute does not [currently] meet criteria in [§]§1011.1 [or 1011.2] and the deficiencies identified are deemed to be serious enough to preclude any type of accreditation. [The applicant may request a hearing from the Department under 2 Pa.C.S. §§501-508 and 701-704 (relating to Administrative Agency Law).]

(6) ~~Institutes~~ EMS TRAINING INSTITUTES that have received full or conditional accreditation shall submit status reports to the Department as requested.

(7) Prior to and during accreditation, EMS training institutes are subject to review, including inspection of records, facilities and equipment by the Department. An authorized representative of the Department [or its designee has the right to] may enter, visit and inspect an accredited EMS training institute or a facility operated by or in connection with the EMS training institute, with or without prior notification.

[(8) A training institute accredited by the American Medical Association shall be considered to have met the requirements in this part, and shall be accredited by the Department for a period to coincide with that of the American Medical Association's certification.] The Department may accept the survey results of another accrediting body if the Department determines that the accreditation standards of the other accrediting body are equal to or exceed the standards in this chapter, and that the survey process employed by the other accrediting body is adequate to gather the information necessary for the Department to make an accreditation decision.

[(9)] (8) An ~~accredited~~ EMS training institute shall advise the Department at least 90 days prior to an intended change of ownership, or control of the institute. Accreditation is not transferable to new owners or controlling parties.

(9) AN EMS TRAINING INSTITUTE THAT INTENDS TO CONDUCT COURSES LEADING TO INITIAL CERTIFICATION OR RECOGNITION, IN AN EMS REGION UNDER THE JURISDICTION OF A REGIONAL EMS COUNCIL OTHER THAN THAT THROUGH WHICH IT SUBMITTED ITS APPLICATION FOR ACCREDITATION, SHALL FILE A WRITTEN APPLICATION TO AMEND ITS ACCREDITATION WITH THE REGIONAL EMS COUNCIL HAVING RESPONSIBILITY FOR THE REGION IN WHICH IT INTENDS TO CONDUCT SUCH COURSES. THAT APPLICATION SHALL BE PROCESSED BY THAT REGIONAL EMS COUNCIL AND ACTED UPON BY THE DEPARTMENT WITHIN 90 DAYS.

§1011.4. [Suspension/revocation] Denial, restriction, or withdrawal of accreditation.

(a) The Department may [suspend or revoke] deny, withdraw or condition the accreditation of a AN EMS training institute [upon written complaint and investigation] for one or more of the following:

(1) Failure to maintain compliance with the applicable criteria in [§]§1011.1 [or 1011.2] (relating to ~~BLS and ALS~~ EMS training institutes[; and ALS training institutes]) [and standards and policies in the Department's Prehospital Personnel Training Manual].

(2) An absence of students in the program for 2 consecutive years.

(b) Before denying or withdrawing accreditation, or granting conditional accreditation, the Department will give written notice to the institute's administrative director and the regional EMS council that the action is contemplated. The notice will identify reasons for [withdrawal of accreditation] the intended decision and will provide sufficient time for response [and a request for appeal and review of the Department's determination].

(c) [A revocation or suspension of accreditation may be appealed under 2 Pa.C.S. §§501-508 and 701-704 (relating to administrative agency law).] If an institute that applies for accreditation, or has its accreditation withdrawn or conditioned, disagrees with the decision of the Department, it may appeal the decision pursuant to 1 Pa. Code §35.20 (relating to appeals from actions of the staff) if the decision was not issued by the agency head as defined in 1 Pa. Code §31.3 (relating to definitions) and, if it disagrees with the decision of the agency head, it may file an appeal under 2 Pa. C. S §§501-508 and 701-704 (relating to Administrative Agency Law).

(d) Upon receipt of a written complaint describing conduct for which the Department may withdraw EMS training facility INSTITUTE accreditation, the Department shall:

(1) Initiate an investigation of the specific charges.

(2) Provide the EMS training facility INSTITUTE with a copy of the complaint and request a response unless the Department determines that disclosure to the EMS training facility INSTITUTE of the complaint will compromise the investigation or would be inappropriate for some other reason.

(3) Develop a written report of the investigation.

(4) Notify the complainant of the results of the investigation of the complaint, as well as the EMS training facility INSTITUTE if the training facility INSTITUTE has been officially apprised of the complaint or investigation. This notification does not include providing a copy of the written report developed under paragraph (3).

CHAPTER 1013. SPECIAL EVENT EMS

Sec.

- 1013.1. Special event EMS planning requirements.
- 1013.2. Administration, management and medical direction requirements.
- 1013.3. Special event EMS personnel and capability requirements.
- 1013.4. ALS services requirements.
- 1013.5. Onsite facility requirements.
- 1013.6. Communications system requirements.
- 1013.7. Requirements for educating event attendees regarding access to EMS.
- 1013.8. Special event report.

§1013.1. Special event EMS planning requirements.

(a) *Procedure for obtaining required plan approval.* A person, agency or organization responsible for the management and administration of special events, ~~as defined in §1001.2 (relating to definitions),~~ [shall] may submit a plan for EMS to the Department, through the regional EMS council assigned responsibility for the region in which the special event is to occur, to secure a determination from the Department as to whether the plan is adequate to address the EMS needs presented by a special event or a series of special events conducted at the same location. The plan shall be [approved] submitted prior to the start of the special event OR EVENTS.

(1) Persons, agencies or organizations, managing facilities or locations which are involved in special events ~~as defined in §1001.2,~~ who seek the Department's approval of an EMS plan for a special event or series of special events conducted at the same location, shall submit an annual plan to the [Department] appropriate regional EMS council at least [60] 90 days prior to the date of the first scheduled event of each calendar year.

(2) The Department will approve or disapprove a special event EMS plan within [30] 60 days [of its receipt] after a complete plan is filed with the regional EMS council.

(b) *Plan content.* The special event EMS plan shall contain information[,] including[,] but not limited to]:

- (1) The type and nature of event, location, length and anticipated attendance.
 - (2) Identification of sponsoring organization.
 - (3) The name and qualifications of the special event supervisory physician and the special event EMS director.
 - (4) Identification of the number and qualifications of emergency medical personnel who will be involved.
 - (5) The type and quantity of emergency medical vehicles, equipment and supplies to be utilized.
 - (6) A description of the onsite treatment facilities including maps of the special event site.
 - (7) The level of care to be provided BLS, ALS or both.
 - (8) Patient transfer protocols and agreements.
 - (9) A description of the special event emergency medical communications capabilities.
 - (10) Plans for educating event attendees regarding EMS system access, specific hazards or severe weather.
 - (11) Measures that have and will be taken to coordinate EMS for the special event OR EVENTS with local emergency care services and public safety agencies - such as ambulance, police, fire, rescue, and hospital agencies or organizations.
- (c) Plan approval. To secure Department approval of an EMS plan for a special event, the applicant shall satisfy the requirements of this chapter.

§1013.2. Administration, management and medical direction requirements.

(a) *Special event EMS director.* [Emergency medical services] EMS provided at a special event shall be supervised by an individual identified as the special event EMS director.

(1) *Responsibilities.* The responsibilities of the special event EMS director include[, but are not limited to]:

(i) The preparation of a plan under §1013.1 (relating to special event EMS planning requirements).

(ii) Management of the delivery of special event EMS.

(iii) [Coordination of special event EMS, with local emergency care services and public safety entities - such as ambulance, police, fire rescue and hospital agencies or organizations.] Ensuring implementation of the EMS coordination measures contained in the special event EMS plan.

(2) *Qualifications.* A special event EMS director shall be experienced in the administration and management of prehospital EMS at the BLS or ALS level, depending on the level of EMS provided at the special event.

(b) *Special event emergency supervisory physician.*

(1) *Requirement.* A special event EMS system shall be directed and supervised by a [licensed] medical command physician for events involving more than [30,000] 25,000 actual or anticipated participants or attendees, or both.

(2) *Qualifications.* A special event emergency supervisory physician shall possess the following qualifications:

(i) Experience in the medical direction and supervision of prehospital EMS at the BLS or ALS level, depending on the level of care provided at the special event.

(ii) [A valid license to practice medicine in this Commonwealth as a Doctor of Medicine or Doctor of Osteopathy.] Be licensed as a physician.

§1013.3. Special event EMS personnel and capability requirements.

(a) Special event emergency medical staff shall be certified at appropriate emergency care levels based on the level of EMS provided at the special event; that is, BLS, ALS, or both.

(b) One staffed and Pennsylvania licensed ambulance vehicle shall be stationed onsite of a special event with a known or estimated population of between [10,000] 5,000 and [30,000] 25,000 participants or attendees, or both.

(c) Two staffed and Pennsylvania licensed ambulance vehicles shall be stationed onsite of a special event with a known or estimated population greater than [30,000] 25,000 but less than [60,000] 55,000 participants or attendees, or both.

(d) Three staffed and Pennsylvania licensed ambulance vehicles shall be stationed onsite of any special event with a known or estimated population greater than [60,000] 55,000 participants or attendees, or both.

(e) Sufficient personnel shall be available to assure the availability of BLS care to special event spectators or participants within 10 minutes of notification of need for emergency care. EMS personnel shall be currently certified at the ambulance attendant, first responder, EMT, EMT-paramedic or health professional level.

§1013.4. ALS services requirements.

(a) ALS services, if available, shall be provided in accordance with regional ALS plans and protocols.

(b) Where regional ALS plans and protocols are deemed inappropriate for the special event, alternate plans may be submitted for consideration by the regional EMS council under §1013.1 (relating to special event EMS planning requirements).

(c) When ALS services are provided, a sufficient number of ALS personnel shall be available to assure ALS care to patients within 10 minutes of notification of need for emergency care. The requirement for ALS personnel only applies to special event EMS operations planned at the ALS level.

§1013.5. Onsite facility requirements.

A special event for which greater than [30,000] 25,000 participants or spectators, or both, will be involved shall require the use of onsite treatment facilities. The onsite treatment facilities shall provide:

(1) Environmental control, providing protection from weather elements to insure patient safety and comfort.

(2) Sufficient beds, cots and [BLS] equipment to provide for evaluation and treatment of at least four simultaneous patients.

(3) Adequate lighting and ventilation to allow for patient evaluation and treatment.

§1013.6. Communications system requirements.

(a) A special event EMS system shall have onsite communications capabilities to insure:

(1) Uniform access to care for patients in need of EMS.

(2) Onsite coordination of the activities of EMS personnel.

(3) Communication with existing community [emergency communications centers]

PSAPs.

(4) Communication interface with other involved public safety agencies.

(5) Communication with receiving facilities.

(6) Communication with ambulances providing emergency transportation.

§1013.7. Requirements for educating event attendees regarding access to EMS.

(a) The sponsoring agency, individual or organization shall develop and implement a plan to educate special event participants and spectators about the following:

(1) The presence and location of EMS at the special event.

(2) The methods of obtaining emergency medical care at the special event.

(b) A procedure and means for alerting the participants or spectators of specific hazards or serious changing conditions, such as severe weather, shall be established and operational.

§1013.8. Special event report.

The person or organization that filed the special event EMS plan shall complete a special event report form prepared by the Department and provided to it by the relevant regional EMS council, and shall file the completed report with that regional EMS council within 30 days following a special event.

CHAPTER 1015. QUICK RESPONSE SERVICE RECOGNITION PROGRAM

Sec.

1015.1. Quick response service.

1015.2. Discontinuation of service.

§1015.1. Quick response service.

(a) Criteria. An applicant for recognition as a QRS shall file an application in which it shall commit to the following to receive Department recognition as a QRS:

(1) The applicant will maintain essential equipment and supplies for a QRS, as published by the Department at least annually in the *Pennsylvania Bulletin*, for immediate use when dispatched.

(2) The applicant has capabilities to be dispatched and to communicate with a responding ambulance service.

(3) EMS it provides will be performed by prehospital personnel or other persons authorized by law to perform the services.

(4) The applicant shall satisfy the requirements applicable to ambulance services in §§1001.41 and 1001.42 (relating to data and information requirements for ambulance services; and dissemination of information), for data elements included in an ambulance call EMS PATIENT CARE report which the Department designates for completion by a QRS.

(5) The applicant shall provide EMS in compliance with regional medical treatment protocols and the Statewide BLS medical treatment protocols.

(b) Recognition process.

(1) An applicant for Department recognition as a QRS shall submit an application on forms prescribed by the Department to the regional EMS council having jurisdiction over the area in which the applicant intends to locate. The application shall contain the following information:

(i) The name and address of the applicant.

(ii) The physical location of the applicant.

(iii) Service affiliations (police department, fire department, ambulance service, or other).

(iv) The service area.

(v) The types and number of vehicles it will employ, if any.

(vi) Communication access and capabilities of the applicant.

(vii) A roster of persons who have committed to serve as QRS members, and their qualifications.

(viii) A summary of how the QRS will interface with ambulance services.

(ix) Verification that the applicant will satisfy the requirements of subsection

(a).

(x) A statement attesting to the veracity of the application, which shall be signed by the principal official of the applicant.

(2) The regional EMS council shall review the application for completeness and accuracy. It shall return an incomplete application to the applicant within 14 days of receipt.

(3) Upon receipt of a complete application, the regional EMS council shall conduct, within 45 days, an onsite inspection of the applicant to determine whether the applicant satisfies the regulatory criteria for QRS recognition. Deficiencies identified during the inspection shall be documented and made known to the applicant. A reinspection shall be scheduled when the applicant notifies the regional EMS council that the deficiencies have been corrected. The results shall be forwarded to the Department.

(c) Recognition.

(1) A certificate of recognition as a QRS will be issued by the Department when it has been determined that requirements for recognition have been met.

(2) The certificate of recognition will specify the name of the QRS, the date of issuance, the date of expiration, the regional EMS council through which the application was processed and the recognition number assigned by the Department.

(3) The QRS may identify a vehicle being utilized for response by applying to the outside of the vehicle a QRS decal issued by the Department

(4) The QRS decal issued by the Department may not be displayed on a vehicle not utilized for response by the QRS.

(5) A certificate of recognition is nontransferable and SHALL remain valid for 3 years unless withdrawn by the Department due to the QRS failing to continue to meet the standards for recognition as a QRS in subsection (a).

(d) Renewal of recognition. A QRS may continue to participate in the Quick Response Service Recognition Program by resubmitting an application in a format prescribed by the Department to the appropriate regional EMS council at least 60 days prior to the expiration date of its certificate of recognition.

§1015.2. Discontinuation of service.

A QRS shall not discontinue service, except upon order of the Department, without providing each regional EMS council and the chief executive officer of each political

subdivision within its service area 90 days advance notice. The ORS shall also advertise notice of its intent to discontinue service in a newspaper of general circulation in its service area at least 90 days in advance of discontinuing service, and shall provide the Department with written notice that it has met these responsibilities at least 90 days in advance of discontinuing service.

Raymond J. Barth, NREMT
Operations Manager
108 Short Street
Harrisburg, PA 17109

Laura K. Taylor
Citizens Volunteer Fire Company
P.O. Box 31
Fawn Grove, PA 17321

Ronald W. Gregory, D.O.
193 Stonehedge Road
Hollidaysburg, PA 16648

Lori Lang, D.O.
Custom Care Medical LLC
25 North 9th Street
Lebanon, PA 17046

Russell E. James, II, M.D.
62 Division Street
Kingston, PA 18704

Sanders S. Ergas, M.D.
Lee Hospital Emergency Dept
Johnstown, PA

Samuel E. Long, M.D.
212 Deer Run Road
Hollidaysburg, PA 16648

Williams C. Wingo, Manager
Titusville Area Hospital
406 West Oak Street
Titusville, PA 16354

Mike J. Sheedy, Manager
Yellow Breeches EMS, Inc.
P.O. Box 106
Mt. Holly Springs, PA 17065

Paul A. LeVan, Jr
American Red Cross
21 North Church Street
Suite 1
Hazleton, PA 18201

Gary L. Shoemaker
8 Loop Drive
Hanover, PA 17331

Richard S. Holty
Cumberland Valley EMS
56 West King Street
Shippensburg, PA 17257

Joseph E. McAndrew, M.D.
275 Treasure Lake
DuBois, PA 15801

Gene Stish, EMT, Co-Capt.
Valley Emergency Ambulance
P.O. Box 1018
Conyngham, PA 18219

Jeffrey S. Manning, Manager
Lancaster General Hospital
555 North Duke Street
P.O. Box 3555
Lancaster, PA 17604

George E. Abraham, M.D.
Guthrie Clinic
125 Center Street
Troy, PA 16947

J. Theodore Wise
Cumberland County OEP
1 Courthouse Square
Carlisle, PA 17013

Andrew Worth, Captain
Paoli Fire Company
69 Darby Road
Paoli, PA 19301

Elaine D. Nicolardi
American Red Cross
21 North Church Street, STE1
Hazleton, PA 18201

Geoffrey L. Ruben, M.D.
375 Woodside Drive
Washington, PA 15301

Charles I. Artz
Charles I. Artz & Associates
Harrisburg, PA 17101

Thomas G. Whitfield
2113 Circle Road
Carlisle, PA 17013

Keith J. Gillespie
Memorial Hospital
325 S. Belmont Street
York, PA 17405

Lewis W. Marshal, Jr. M.D.
American Assoc. of Physician
2296 Henderson Mill Road
Atlanta, Georgia

James Effinger, Manager
Cresson Area Ambulance
725 2nd Street
Cresson, PA 16630

Perry Pitkow, M.D.
Holy Redeemer Hosp/Med/ctr
Dept of Emergency Meds
1648 Huntingdon Pike
Meadowbrook, PA 19046

Debra K. Hermany, D.O.
199 Dock Street
Schuylkill Haven, PA 17972

Herman Brizuela, M.D.
Temple Physicians Inc.
5024 North 24th Street
Philadelphia, PA 19120

George Grof-Tisza, M.D.
P.O. Box 771
Somerset, PA 15501

Terry Linville, M.D.
Latrobe Area Hospital
121 W. 2nd Avenue
Latrobe, PA 15650

Joel P. Miller, D.O.P.C.
Torresdale Campus Med Bld
Suite 209
3998 Red Lion Road
Philadelphia, Pa. 19114

Daniel S. Reifsnyder, M.D.
8 Summit Manor
Lewistown, PA 17044

R. Skip Powell, Jr.
West Shore EMS
503 N. 21st Street
Camp Hill, PA 17011

James N. Rintoul M.D.
Director of Emergency Meds
Fulton County Med. Ctr
216 S. First Street
McConnellsburg, PA 17233

Debra K. Hermany, D.O.
199 Dock Street
Schuylkill Haven, PA 17972

John W. Lawrence, M.D.
Pennsylvania Medical Society
777 East Park Drive
P.O. Box 8820
Harrisburg, PA 17105

Cheri L. Rinehart, Vice Pres
Integrated Delivery Systems
Hospital & Health Systems
4750 Lindle Road
Harrisburg, PA 17105

Victoria Elliot, RPh, MBA
Executive Vice President
P.O. Box 13329
Philadelphia, PA 19101

Monty Monoriti
PA Management Agency Bureau
of Plans
P.O. Box 3321
Harrisburg, PA 17105

Edward E. Janus, D.O.
Doctors Plaza
217 West 11th Street
Erie, PA 16501

Frank R. Penater, MD, FAAFP
824 North 24th Street
Allentown, PA 18104

Rick Farrington, Captain
Delta Cardiff Ambulance Div.
P.O. Box 208
Delta, PA 17314

Donald A. DeReamus, Chair.
Ambulance Association of PA
3600 Raymond Street
Reading, PA 19605

David Demshock, Jr., Chief
Nurenberg Community
Ambulance Association
P.O. Box 47
Nurenberg, PA 18241

Glen A. Miller, BSAS, NREMT
Sharon Regional Health Sys
740 East State Street
Sharon, PA 16146

Douglas M. Wolfberg
Duane, Morris & Heckscher
305 North Front Street
5th Floor, P.O. Box 1003
Harrisburg, PA 17108

Dennis Mitterer
313 Hill Street
Montville, PA 17554

George C. Weimer, Jr.
78 Skyline Drive
Mechanicsburg, PA 17055

Barbara Markle, Supervisor
Mahaffey Community Ambulance
P.O. Box 32
Mahffey, PA 15757

Tony Gerard
4th and Walnut Street
Lebanon, PA 17022

Susan Ressel, R.N.
Wakefield Ambulance
1240 Tanning Yard Hollow
Peach Bottom, PA 17563

Laurence Gavin, M.D.
PA Chapter of ACEP
777 East Park Drive
P.O. Box 8820
Harrisburg, PA 17105

Thomas L. Cook
2825 E. Orville Road
Hartfield, PA 19440

Clyde M. Salandra, Pres
Brockway Area Ambulance
P.O. Box 222
Brockway, PA 15824

Omid Rowsham, M.D.
44 Alexander CT
Newstown, PA 18940

Clayton C. Lindemuth, D.O.
Osteopathic Health Care
Docketor's Plaza LTD
217 West 11th Street
Erie, PA 16501

Robert L. Shearer, Jr.
Waynesboro Ambulance Squad
161 Ash Spring Court
Waynesboro, PA 17268

Commonwealth of Pennsylvania



DEPARTMENT OF HEALTH
HARRISBURG

ROBERT S. ZIMMERMAN, JR., MPH
SECRETARY OF HEALTH

August 7, 2000

Robert E. Nyce
Executive Director
Independent Regulatory Review Commission
14th Floor, Harrisstown II
333 Market Street
Harrisburg, PA 17101

Re: Department of Health Final-Form Regulations
Emergency Medical Services, No. 10-143

Dear Mr. Nyce:

Enclosed is a copy of final-form regulations for review by the Commission pursuant to the Regulatory Review Act (Act) (P.L. 73, No. 19)(71 P.S. §§745.1-745.14). Section 5.1(a) of the Act provides that, upon completion of the agency's review of comments following proposed rulemaking, the agency is to submit to the Commission and the standing committees a copy of the agency's response to the comments received, the names and addresses of commentators who have requested additional information relating to the final-form regulations, and the text of the final-form regulations which the agency intends to adopt.

All comments received by the Department within the comment period following proposed rulemaking were previously forwarded to the Commission. Many of the commentators requested additional information relating to the final-form regulations. A list of the names and addresses of those commentators is enclosed.

Section 5.1(e) of the Act provides that within ten (10) days following the expiration of the standing committee review period, or at its next regularly scheduled meeting, the Commission shall approve or disapprove the final-form regulations.

The Department will provide your committee with any assistance it requires to facilitate a thorough review of the final-form regulations. If you have any questions, please contact Deborah Griffiths, Director, Office of Legislative Affairs, at (717) 783-3985.

Sincerely,

Robert S. Zimmerman, Jr.
Secretary of Health

Enclosures

**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE
REGULATORY REVIEW ACT**

RECEIVED

I.D. NUMBER: 10-143
 SUBJECT: Emergency Medical Services
 AGENCY: DEPARTMENT OF HEALTH

2000 AUG -7 PM 3:54

INDEPENDENT REGULATORY
REVIEW COMMISSION



TYPE OF REGULATION

- Proposed Regulation
- X Final Regulation
- Final Regulation with Notice of Proposed Rulemaking Omitted
- 120-day Emergency Certification of the Attorney General
- 120-day Emergency Certification of the Governor
- Delivery of Tolled Regulation
 - a. With Revisions
 - b. Without Revisions

FILING OF REGULATION

DATE	SIGNATURE	DESIGNATION
8-7-00	<i>Lila J. Burris</i>	HOUSE COMMITTEE ON HEALTH & HUMAN SERVICES
8-7-00	<i>[Signature]</i>	
8/7/00	<i>Krista Kreiser</i>	
8/7/00	<i>[Signature]</i>	SENATE COMMITTEE ON PUBLIC HEALTH & WELFARE
8/7	<i>J. Vaillancourt</i>	INDEPENDENT REGULATORY REVIEW COMMISSION
		ATTORNEY GENERAL
		LEGISLATIVE REFERENCE BUREAU

August 3, 2000