

COMMENTS OF THE INDEPENDENT REGULATORY REVIEW COMMISSION

ON

PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY REGULATION NO. 30-52

**TRAINING AND CERTIFICATION STANDARDS FOR 9-1-1 EMERGENCY
COMMUNICATIONS PERSONNEL**

JUNE 3, 1999

We have reviewed this proposed regulation from the Pennsylvania Emergency Management Agency (PEMA) and submit for your consideration the following objections and recommendations. Subsections 5.1(h) and 5.1(i) of the Regulatory Review Act (71 P.S. §§ 745.5a(h) and (i)) specify the criteria the Commission must employ to determine whether a regulation is in the public interest. In applying these criteria, our Comments address issues that relate to consistency, statutory authority implementation procedures, reasonableness, need and clarity. We recommend that these Comments be carefully considered as you prepare the final-form regulation.

1. Section 120c.101. Purpose and definitions. - Consistency, Need and Clarity.

Subsection 120c.101(a) describes the purpose of this proposed regulation "to implement section 3(a)(6)" of the Public Safety Emergency Telephone Act (Act 17). The subsection's single sentence also states that Section 3(a)(6) of Act 17 "was added by section 3(a)(6) of the act of February 12, 1998 (P.L. 64, No. 17) to provide for the training and certification of call takers, emergency dispatchers and supervisors who work for 9-1-1 emergency communications centers in this Commonwealth."

The subsection is lengthy and inconsistent with Act 17. First, it is not necessary to include a detailed reference to Act 17. The citation for Act 17 in the proposed regulation's definition of the term "act" is sufficient. The date and pamphlet citation should be deleted from Subsection 120c.101(a).

Second, the subsection does not match the actual statutory language of Section 3(a)(6) of Act 17. This statute gives PEMA the power and duty "to establish minimum training and certification standards for emergency dispatchers, call takers and supervisors." Subsection 120c.101(a) should simply state that the purpose of this proposed regulation is to establish minimum standards for the training and certification of 9-1-1 personnel.

2. Sections 120c.102 – 120c.104. Call taker, Emergency dispatcher, and 9-1-1 Center supervisor certification. - Consistency, Implementation procedures, Reasonableness, Need and Clarity

Sections 120c.102, 120c.103 and 120c.104 set forth certification, training and examination procedures and requirements for the positions of call taker, emergency dispatcher and 9-1-1 center supervisor respectively. The structure and content of these three sections are

very similar. County 9-1-1 centers and other commentators have expressed concern and raised questions related to features that appear in all three sections. Because the subsections of Sections 120c.102, 120c.103 and 120c.104 are comparable, the following paragraphs discuss issues related to specific subsections and provisions in all three sections.

Subsection (b)(1)(i) Certification. - Application forms

Subsection (b)(1)(i) of Sections 120c.102, 120c.103 and 120c.104 requires an applicant for certification to complete “an application on a form prescribed by the Agency [PEMA].” However, the regulation does not inform potential applicants how to obtain the appropriate forms. Sections 120c.102 – 120c.104 should contain this information.

Subsection (b)(1)(ii) Certification. - Minimum age requirements

In Sections 120c.102, 120c.103 and 120c.104, Subsection (b)(1)(ii) contains a minimum age requirement for each of the three positions. Why is this provision necessary? This regulation should provide the counties and local entities with sufficient latitude to hire people with the ability to do the job. PEMA should explain the need for and purpose of the minimum age requirements.

*Subsections 120c.102(b)(1)(iii), 120c.103(b)(1)(iv) and 120c.102(b)(1)(v) Certification.
- Training requirement*

These subsections require that applicants complete training courses approved or prescribed by PEMA to qualify for certification. However, neither these subsections nor any other part of this regulation contain any information concerning the content or length of these courses. In another chapter, existing language at Subsection 120b.104(b)(2)(xviii) requires that 9-1-1 personnel “receive a minimum of 40 hours classroom and hands on instruction.”

The details of the minimum standards for training should be set forth in this regulation. Counties and applicants for certification as 9-1-1 personnel, as well as the public at large, should be provided an opportunity to review the minimum training requirements for 9-1-1 staff. PEMA should establish the minimum number of hours and subject areas required of call takers, emergency dispatchers and 9-1-1 center supervisors in this regulation.

Concerning subject areas for training, the Pennsylvania Chapter of the American College of Emergency Physicians recommended that 9-1-1 staff receive training in emergency medical dispatch (EMD) standards. Training in EMD standards includes medical call-taking, triage and dispatch of resources, and pre-arrival patient care instruction. PEMA staff indicated that EMD standards would be a part of an approved training program. If so, this core requirement should be listed in this regulation.

*Subsections 120c.102(b)(1)(iv), 120c.103(b)(1)(v) and 120c.102(b)(1)(v) Certification.
- Written examination*

These subsections require the applicant to pass a written examination prescribed by PEMA. However, there is no indication who will administer the examinations, when they will be available or of the examination’s content or length. If PEMA plans to develop, administer

and grade the examinations, then the regulation should articulate this plan. It should also indicate when and where applicants can take the examinations.

Subsections 120c.102(b)(1)(v), 120c.103(b)(1)(vi) and 120c.102(b)(1)(vi) Certification.
- Practical test

These subsections state that the applicant must pass a “practical test” related to the respective position skill requirements. The tests will be “prescribed by” PEMA. As indicated above with written examinations, PEMA should set forth minimum standards and requirements outlining the content, length and administration of these tests in the regulation.

Subsection (c) Recertification.

Recertification is required every three years for call takers and emergency dispatchers, and every four years for 9-1-1 center supervisors. Each applicant for recertification is required to pass a written examination prescribed by PEMA. In addition, call takers and emergency dispatchers are required by Section 120c.106 to complete “refresher training.” Commentators questioned the need for both recertification examinations and continuing education through refresher training.

PEMA should explain the need for both refresher training and recertification examinations. If a certified employee has worked in the 9-1-1 system for three years and has fulfilled the “refresher training” requirements, why does he or she need to pass another examination? The licensure boards for several professions in health care and other occupations have continuing education requirements. For many of these licensure boards, documentation of continuing education is the only requirement for licensure renewal.

If an employee has not worked in the 9-1-1 system for an extended period, an examination for recertification may be more appropriate. If PEMA opts to require recertification of former 9-1-1 system employees, it should quantify the length of absence that would trigger the recertification requirement in this regulation. This subsection should also include information concerning the recertification examination’s contents, administration and availability.

Missing “grandfather” provision - Testing and training of current personnel

A few commentators expressed concern with imposition of the new training requirements on current employees. Many 9-1-1 centers already have training programs in place. Many of these programs go beyond the minimum standards that PEMA is contemplating. In addition, these existing training programs include courses approved by the National Emergency Numbers Association and other professional organizations with training standards that are identical or comparable to those PEMA plans to use.

Commentators stated that there is no need to compel current employees to enroll in duplicative courses of instruction. We agree. One resolution of this concern is to allow current employees to take the PEMA examinations without additional training. PEMA indicated that it was considering this approach. However, there is nothing in the regulation that provides an exception for current employees.

Will PEMA allow current employees to document previous training experience? If so, the regulation should require current employees to document their training experiences. After

PEMA determines that current employees' previous training meets or exceeds its standards, these employees should be allowed to qualify for certification just by passing the examination without having to complete additional or duplicative training courses.

3. Section 120c.105. Certification curriculum and instructors. – Reasonableness and Clarity

This section states that PEMA "will review and approve certification curriculums, materials, schedules, examinations, fees, recordkeeping and other related matters that are necessary to implement the certification standards." In addition, the section states that PEMA will approve instructors. As stated earlier, several counties already have comprehensive training programs in place for their 9-1-1 personnel. Because the regulation does not provide what PEMA's requirements will be, these counties indicate that they are uncertain whether their training programs will meet PEMA's standards.

It is our understanding that PEMA will allow counties to continue to run their own training programs. If this is true, the regulation should set forth the details of an application process whereby counties may submit information on their training programs and instructors for review and approval by PEMA. This is another reason why this regulation should include information on the minimum hour and course content requirements for training courses. Without specific standards, counties cannot determine whether their training courses will meet PEMA's standards.

4. Section 120c.106. Refresher training. – Clarity

This section states that call takers and dispatchers will receive "annual refresher training of sufficient content and duration to maintain their competencies." As stated earlier, the regulation should specifically state the minimum number of hours to be required for continuing education. It should also indicate the subject areas that qualify as continuing education or establish a process whereby counties, training providers or 9-1-1 personnel can submit continuing education proposals to PEMA for review and approval.

5. Certification, Training, Recertification and Refresher training. – Fiscal impact and Clarity

The actual costs of implementing this regulation are uncertain. In the Regulatory Analysis Form for this regulation, PEMA indicates that the costs of this regulation should be minimal. Many counties have training programs in place and PEMA plans to require that these programs comply with its minimum standards. Because the regulation does not contain PEMA's minimum standards, no one can ascertain whether the costs will be minimal. Hence, the fiscal impact of this regulation is unclear. This concern applies to training costs as well as the additional costs for examinations, refresher training and recertification outlined in the regulation. The cost is a significant unknown amount for counties that do not already have training programs.

Act 17 identifies training expenses as eligible expenditures for funding via the 9-1-1 fees. However, revenues from 9-1-1 fees generated by the statutory contribution rates are a limited

resource. PEMA should establish the minimum standards and estimate the potential economic impact of mandating compliance with its standards.

6. Section 120c.108. Right to enter and inspect. - Reasonableness and Clarity

This section states that PEMA has the right to enter any 9-1-1 center during regular and usual business hours to inspect employment records, county plans, protocols and equipment. It also states that PEMA reserves the right to enter at other times upon any complaint or PEMA's reasonable belief that violations of this regulation or Chapter 120b exist. The question arises as to what PEMA would or could do if it found a problem. Act 17, existing regulations and this proposed regulation do not provide penalties for violations. PEMA's enforcement role in the 9-1-1 system is unclear. PEMA should explain its intent for this provision and its role in working with 9-1-1 centers, counties and local governments to advance the 9-1-1 systems.

7. Training and certification standards and "remote dispatch points" - Statutory authority, Fiscal impact, Implementation procedure and Clarity

A commentator questioned whether this regulation will apply to the staffs of "remote dispatch points" (RDPs). RDPs include local police units, private ambulance services or local fire companies. PEMA staff stated that RDPs will be expected to comply with this regulation because they are part of the "9-1-1 system." However, they indicated that they may need to amend the regulation to include RDP personnel.

RDPs and 9-1-1 centers have a vital relationship. Calls to a 9-1-1 center for emergency assistance can be transferred to RDPs where a dispatcher determines the appropriate response and dispatches equipment and personnel. Dispatchers at RDPs are not necessarily employees of a 9-1-1 center. It is unclear whether the certification and training requirements and other provisions of this regulation apply to dispatchers or other personnel at RDPs.

Act 17 gives PEMA broad authority and discretion in the development and operation of the 9-1-1 system. Section 2 of Act 17 (35 P.S. § 7012) contains definitions for "911 emergency communication system" or "911 system" and "public safety answering point." However, the words "remote dispatch point" do not appear in Act 17. PEMA's goal is to improve 9-1-1 systems and the response of police, fire, ambulance and medical services to emergencies. This goal is understandable and worthwhile. Nonetheless, PEMA should explain its statutory authority to require certification and training of dispatchers and other personnel at RDPs.

Comments from the Pennsylvania State Association of Township Supervisors dated May 28, 1999, and the Berks County Communication Center also raise a number of other important questions concerning the application of this regulation to RDPs. Will the provision concerning PEMA's inspections of 9-1-1 centers apply to RDPs? How will RDP staffs pay for training? RDPs training may be eligible for funding via the county 9-1-1 plans but only at the discretion of the counties. How many RDPs are currently included in county 9-1-1 plans?

PEMA should review these questions and explain its positions for inclusion with the final-form regulation. Including representatives of local governments and RDPs in the discussions along with 9-1-1 centers would probably improve the final-form regulation.