

**TITLE 28. HEALTH AND SAFETY**

**PART VII. EMERGENCY MEDICAL SERVICES**

*(Editors Note: As part of this proposed rulemaking, the Department is proposing to rescind Chapters 1001, 1003, 1005, 1007, 1009, 1011, 1013 and 1015 which appear in 28 Pa.Code pages 1001-1--1001-29, 1003-1--1003-35, 1005-1--1005-19, 1007-1--1007-10, 1009-1--1009-5, 1011-1--1011-7, 1013-1--1013-5 and 1015-1--1015-3, serial pages (336959) (336960), (297023), (297024), (269307)--(269312), (302695)--(302698), (293995), (293996), (269317)-(269322), (302699)--(302702), (269327)--(269334), (282207), (282208), (269337)--(269354), (293997), (293998), (302703), (302704), (269359)--(269369), (269371), (269372), (294001), (294002), (302705), (302706), (269377)--(269380), (287207), (287208), (302707)--(302710), (269387)--(269389), (269391)--(269396), (302711), (302712), (294009), (294010), (269401)--(269405), (269407)--(269413), (269415)--(269419), (269421), (269422) and (294011).*

As set forth in the preamble to this proposed rulemaking, and as will be set forth in the order accompanying the preamble to final-form rulemaking, some of the regulations will be rescinded when the final-form rulemaking is adopted and some will be rescinded 180 days after the final-form rulemaking is adopted.)

Chapter 1001 (Reserved)

Chapter 1003 (Reserved)

Chapter 1005 (Reserved)

Chapter 1005 (Reserved)

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**Subpart A. EMERGENCY MEDICAL SERVICES SYSTEM**

**CHAPTER 1021. ADMINISTRATION OF THE EMS SYSTEM**

**Subchapter A. GENERAL PROVISIONS**

**GENERAL INFORMATION**

Sec.

- 1021.1. Purpose.
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**§ 1021.1. Purpose.**

The purpose of this subpart is to facilitate improvement of the Statewide EMS system into a comprehensive and flexible system through coordination of the regional EMS systems, to synchronize the Statewide and regional systems with EMS systems in neighboring states, and to otherwise implement the Department's responsibilities under the act consistent with the Department's rulemaking authority.

**§ 1021.2. Definitions.**

The following words and terms, when used in this subpart, 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.

*AEMT—Advanced emergency medical technician*—An individual who is certified by the Department as an advanced EMT.

*ALS*—Advanced life support.

*ALS ambulance—Advanced life support ambulance*—An ambulance that is staffed and equipped to provide EMS above the AEMT level, and which is used in the transport of patients.

*ALS squad vehicle—Advanced life support squad vehicle*—A vehicle that is maintained or operated to transport EMS providers above the AEMT level, and equipment and

supplies, to rendezvous with the crew of an ambulance for the purpose of providing advanced EMS to patients, and which is not used in the transport of patients.

*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 System Act (35 Pa.C.S. §§ 8001-8057).

*Advanced EMS—Advanced emergency medical services*—EMS exceeding the scope of practice of an EMT, as authorized by the Department.

*Advisory Board*—The State Advisory Board, which is the Board of Directors of the Pennsylvania Emergency Health Services Council.

*Air ambulance*—A rotorcraft 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.

*Ambulance*—A ground or air vehicle that is maintained or operated for the purpose of providing EMS to and transportation of patients.

*BLS*—Basic life support.

*BLS ambulance—Basic life support ambulance*—An ambulance that is equipped to provide EMS at or below the AEMT level, and which is used in the transport of patients.

*BLS squad vehicle—Basic life support squad vehicle*—A vehicle that is maintained or operated to transport EMS providers, and equipment and supplies, to rendezvous with the crew of an ambulance for the purpose of providing to patients EMS at or below the AEMT level, and which is not used in the transport of patients.

*Basic EMS—Basic emergency medical services*—EMS included within but not exceeding the scope of practice of an EMT.

*Basic rescue practices technician*—An individual who is certified by the Department as possessing 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 is certified by the Department as possessing the training and skills to perform a rescue from a vehicle as taught in a basic vehicle rescue technician program approved by the Department.

*Bureau*—The Department’s Bureau of Emergency Medical Services or, if the Department is reorganized, the office within the Department assigned primary responsibility for administering the act.

*CPR—Cardiopulmonary resuscitation*—Artificial circulation which is performed as a procedure when cardiac arrest occurs.

*CPR course—Cardiopulmonary resuscitation course*—A course of instruction in CPR, meeting the Emergency Cardiac Care Committee National Conference on CPR and Emergency Cardiac Care standards. The course shall encompass one and two-rescuer adult, infant and child CPR, and obstructed airway methods.

*Commonwealth EMS Medical Director—Commonwealth Emergency Medical Services Medical Director*—A physician who is approved by the Department to advise and formulate policy on matters pertaining to EMS.

*Continuing education*—Learning activities intended to build upon the education and experience of EMS providers and EMSVOs to enhance and strengthen the quality of services provided.

*Continuing education course*—A unit of continuing education for which the Department will grant an EMS provider or EMSVO continuing education credit.

*Continuing education sponsor*—An entity or institution that is accredited by the Department as a sponsor of continuing education courses.

*Conviction*—A judgment of guilt, a plea of guilty or a plea of nolo contendere.

*Department*—The Department of Health of the Commonwealth.

*EMR—Emergency medical responder*—An individual who is certified by the Department as an emergency medical responder.

*EMSOF—Emergency Medical Services Operating Fund*—Moneys appropriated to the Department under section 8153(a) of the act (35 Pa.C.S. § 8153(a)) and which are not assigned to the Catastrophic Medical and Rehabilitation Fund.

*EMS—Emergency medical services*—Any of the following:

- (i) The medical care, including medical assessment, monitoring, treatment, transportation and observation, which may be provided to a person in responding to an actual or reported emergency to:
  - (A) prevent or protect against loss of life or a deterioration in physiological or psychological condition; or

(B) address pain or morbidity associated with the person's condition.

- (ii) The transportation of an individual with medical assessment, monitoring, treatment or observation of the individual who, due to the individual's condition, requires medical assessment, monitoring, treatment or observation during the transport.

*EMS agency—Emergency medical services agency*—An entity that engages in the business or service of providing EMS to patients within this Commonwealth by operating one or more of the following:

- (i) An ambulance service.
- (ii) An air ambulance.
- (iii) An ALS ambulance.
- (iv) An ALS squad vehicle.
- (v) A BLS ambulance.
- (vi) A BLS squad vehicle.
- (vii) A QRS.
- (viii) A special operations EMS service, which includes, but is not limited to, a tactical EMS service, a wilderness EMS service, an urban search and rescue service, and a mass gathering EMS service.
- (ix) Another vehicle or service that provides EMS outside of a health care facility, as prescribed by the Department by regulation.

*EMS agency dispatch center—Emergency medical services agency dispatch center*—A communications center owned, operated or controlled by an EMS agency that dispatches EMS resources due to a PSAP routing emergency callers to it for that purpose or due to the EMS agency receiving calls through an EMS agency provided telephone number through which the EMS agency invites persons to request the EMS agency's response to an emergency.

*EMS agency medical director—Emergency medical services agency medical director*—A physician who is employed by, contracts with or volunteers with, an EMS agency either directly or through an intermediary to evaluate the quality of patient care provided by the EMS providers utilized by the EMS agency and to provide medical guidance and advice to the EMS agency.

*EMS agency medical director course—Emergency medical services agency medical director course*—A course adopted by the Department for EMS agency medical directors, which provides education in EMS medical direction.

*EMS educational institute—Emergency medical services educational institute*—An institute accredited by the Department to provide education required for the certification of an EMS provider by the Department.

*EMS PCR—Emergency medical services patient care report*—A report that provides standardized data and information relating to patient assessment and care.

*EMS provider—Emergency medical services provider*—Any of the following:

- (i) An emergency medical responder.
- (ii) An emergency medical technician.
- (iii) An advanced emergency medical technician.
- (iv) A paramedic.
- (v) A prehospital registered nurse.
- (vi) A prehospital physician extender.
- (vii) A prehospital emergency medical services physician.
- (viii) An individual prescribed by regulation of the Department to provide specialized EMS.

*EMS provider educational course*—An educational course approved by the Department, other than a CPR course, the successful completion of which is a requirement for securing an EMS provider certification.

*EMS system—Emergency medical services system*—The arrangement of personnel, facilities and equipment for the delivery of EMS in a geographic area to prevent and manage emergencies.

*EMS vehicle—Emergency medical services vehicle*—A ground EMS vehicle or an air ambulance.

*EMSVO—Emergency medical services vehicle operator*—An individual who is certified by the Department to operate a ground EMS vehicle.

*EMT—Emergency medical technician*—An individual who is certified by the Department as an emergency medical technician.

*EVOC*—The emergency vehicle operator's course.

*Emergency*—A physiological or psychological illness or injury of an individual, such that a prudent layperson who possesses an average knowledge of health and medicine could reasonably expect the absence of immediate EMS to result in:

- (i) placing the health of the individual or, with respect to a pregnant woman, the health of the woman or her unborn child, in serious jeopardy;
- (ii) serious impairment of a bodily function; or
- (iii) serious dysfunction of a bodily organ or part.

*Emergency department*—An area of the hospital dedicated to offering emergency medical evaluation and initial treatment to individuals in need of emergency care.

*Facility*—A physical location at which an entity operates a health care facility licensed under Federal or State law.

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

*Ground EMS vehicle*—*Ground emergency medical services vehicle*—A BLS ambulance, a BLS squad vehicle, an ALS ambulance, and an ALS squad vehicle.

*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.

*Medical advisory committee*—An advisory body formed to advise a regional EMS council or the Advisory Board on issues that have potential impact on the delivery of emergency medical care.

*Medical audit*—A mechanism to evaluate patient care.

*Medical Command Course*—The course adopted by the Department for medical command physicians which provides an overview of the medical command system.

*Medical command facility*—A distinct unit that contains the necessary equipment and personnel for providing medical command to and direct medical oversight over EMS providers.

*Medical command facility medical director*—A medical command physician who meets the criteria established by the Department to assume responsibility for the direction and control of the equipment and personnel at a medical command facility.

*Medical command order*—An order issued by a medical command physician to an EMS provider who is functioning on behalf of an EMS agency.

*Medical command physician*—A physician who is certified by the Department to give medical command orders to EMS providers.

*Medical 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 EMS medical director.
- (ii) Responsibility for oversight to assure implementation of all medical requirements, with special emphasis on patient triage and medical treatment protocol.
- (iii) Effective emergency medical planning and recommendation for Department recognition of online command facilities with medical command physicians who give orders to EMS providers.
- (iv) Transfer and medical treatment protocols.
- (v) Technologic innovations which support the training and operations of the physicians giving orders to EMS 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 monitoring*—Performing continuous or periodic observations of an individual's condition or continuation of an ordered treatment plan for an individual to prevent pain, suffering or the exacerbation of a preexisting condition.

*Medical observation*—Performing continuous or periodic observations of an individual's stable condition to determine whether there is a change in that condition.

*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.

*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*—The Pennsylvania Emergency Management Agency-approved first point at which calls for emergency assistance from individuals are answered, operated 24 hours a day.

*Paramedic*—An individual who is certified by the Department as a paramedic.

*Patient*—An individual for whom an EMS provider is:

- (i) providing EMS on behalf of an EMS agency; or
- (ii) required to provide EMS on behalf of an EMS agency because the individual's condition requires or may require medical observation, monitoring, assessment or treatment for an illness, disease, injury or other disability.

*Peer review*—The evaluation by health care provider of the quality and efficiency of services ordered or performed by EMS providers and physicians who direct or supervise EMS providers under the act and the regulations of the Department.

*Peer review committee*—A committee of health care providers who engage in peer review under the act.

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

*PHP—Prehospital emergency medical services physician*—A physician who is certified by the Department as a prehospital EMS physician.

*PHPE—Prehospital physician extender*—A physician assistant who is certified by the Department as a prehospital physician extender.

*PHRN—Prehospital registered nurse*—A registered nurse who is certified by the Department as a prehospital registered nurse.

*QRS—Quick response service*—An operation in which EMS providers of an EMS agency:

- (i) respond to an actual, reported or perceived emergency; and
- (ii) provide EMS to patients pending the arrival of other EMS providers and resources that have been dispatched to the scene.

*Receiving facility*—A facility to which an ambulance may transport a patient who requires prompt medical care in addition to that provided by EMS providers who respond to an emergency.

*Regional EMS council*—A nonprofit incorporated entity or appropriate equivalent that is assigned by the Department to:

- (i) plan, develop, maintain, expand and improve EMS systems within a specific geographical area of this Commonwealth and;
- (ii) coordinate those systems into a regional EMS system.

*Regional EMS medical director*—*Regional emergency medical services medical director*—The medical director of a regional EMS council.

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

*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*—The EMS that an individual who is certified by the Department as an EMS provider is permitted to perform under the certification.

*Service area*—The geographic area in which an EMS agency routinely provides EMS.

*Special event*—A planned and organized activity or contest, which will place 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.

*Special vehicle rescue technician*—An individual who is certified by the Department as possessing the training and skills to perform special rescue operations as taught in the special vehicle rescue training program approved by the Department.

*Specialty receiving facility*—A facility identified by the Department as a receiving facility based upon its ability to provide specialized emergency and continuing care to patients, including, in one of the following medical areas: burns, cardiac, stroke, trauma, and other specialized care.

*Statewide EMS protocols*—Written EMS protocols adopted by the Department that have Statewide application to the delivery of EMS by EMS providers.

*Trauma center*—A facility accredited as a trauma center by the Trauma Foundation.

*Trauma Foundation*—The Pennsylvania Trauma Systems Foundation, a nonprofit Pennsylvania corporation whose function is to accredit trauma centers.

### **§ 1021.3. Applicability.**

This subpart affects all persons and activities regulated by the Department under the act.

### **§ 1021.4. Exceptions.**

(a) The Department may grant exceptions to, and departures from, this subpart when the policy objectives and intentions of the Department as reflected in this subpart 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 subpart will be granted if compliance with the standard is required by statute.

(b) Requests for exceptions to this subpart 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 in accordance with its document retention schedule. Approved requests shall be retained on file by the applicant during the period the exception remains in effect.

(c) A granted request will specify, if relevant, the period during which the exception is operative. The duration of an exception may be extended if the reasons for the original exception continue.

(d) An exception granted may be revoked by the Department for just cause. Just cause includes, for example, 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 subpart. Failure to comply after the specified date may result in enforcement or disciplinary proceedings.

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

### **§ 1021.5. Investigations.**

The Department may investigate any person, entity or activity for compliance with the act and this subpart.

**§ 1021.6. Comprehensive EMS system plan.**

(a) The Department, with the advice of the Advisory Board, will develop and annually update a Statewide EMS system plan, which will include both short-range and long-range goals and objectives for the coordinated delivery of EMS in this Commonwealth.

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

- (1) An inventory of EMS resources available in this Commonwealth.
- (2) An assessment of the effectiveness of the existing Statewide EMS system and a determination of the need for changes to the Statewide EMS system.
- (3) Performance measures for delivery of EMS to all persons in this Commonwealth.
- (4) Methods to be used in achieving stated performance measures.
- (5) A schedule for achievement of the stated performance measures.
- (6) A method for monitoring and evaluating whether the stated Statewide performance measures are being achieved.
- (7) Estimated costs for achieving the stated performance measures.

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

(d) The Department will adopt a Statewide EMS system 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.

**§ 1021.7. Comprehensive regional EMS system plan.**

(a) A regional EMS council shall develop and annually update a regional EMS system 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 EMS resources available in the region.
- (2) An assessment of the effectiveness of the existing regional EMS system and a determination of the need for enhancement of the regional EMS system.

(3) A statement of goals and specific measurable objectives for delivery of EMS to all persons in the region.

(4) Identification of interregional problems and recommended measures to resolve those problems.

(5) Methods to be used in achieving stated performance measures.

(6) A schedule for achievement of the stated performance measures.

(7) A method for evaluating whether the stated performance measures have been achieved.

(8) Estimated costs for achieving the stated performance measures.

(9) Other information as requested by the Department.

(c) A regional EMS council shall, in the course of preparing a regional EMS system 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 system 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.

#### **§ 1021.8. EMS data collection.**

(a) *Reasons for EMS data collection.* The Department, either directly, or through regional EMS councils or the Advisory Board, may collect EMS data for the purpose of evaluating the effectiveness of the Statewide and regional EMS system plans and the need to revise those plans and pursue future EMS system initiatives. This will include collecting EMS data to determine the status of the Statewide and regional EMS systems, the degree of compliance with the requirements of the act and this subpart, and the effectiveness of the Statewide and regional EMS systems in reducing morbidity and mortality where the EMS systems are involved.

(b) *Duty to provide EMS data and records.* All persons regulated by the Department under the act, as well as PSAPS and others dispatchers of EMS resources, shall provide data, and access to records, including audio records, without charge, as reasonably requested by the Department, or by the regional EMS councils or the Advisory Board when they are acting for and on behalf of the Department, to aid the Department, the regional EMS councils and the Advisory Board in conducting the activities referenced in subsection (a) and engaging in any investigation authorized pursuant to the act and this subpart.

**Subchapter B. AWARD AND ADMINISTRATION  
OF EMSOF FUNDING**

Sec.

- 1021.21. Purpose.
- 1021.22. Entities eligible to receive EMSOF funds through contracts or grants.
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- 1021.24. Use of EMSOF funding by a regional EMS council.
- 1021.25. Allocation of EMSOF funds to regional EMS councils.
- 1021.26. Technical assistance.
- 1021.27. Subcontracting.
- 1021.28. Contracts and grants with the Advisory Board.

**§ 1021.21. Purpose.**

This subchapter implements sections 8012 and 8053 of the act (35 Pa.C.S. §§ 8012 and 8053), which set forth the standards and criteria governing the award and administration of contracts and grants under the act that are funded by EMSOF funds.

**§ 1021.22. Entities eligible to receive EMSOF funds through contracts or grants.**

The following entities are eligible to directly receive EMSOF funds from the Department through contracts and grants:

- (1) Regional EMS councils.
- (2) The Advisory Board.
- (3) Other entities to assist the Department in complying with the provisions of the act.

**§ 1021.23. Award of contract or grant to a regional EMS council.**

(a) EMSOF funds shall be used by a regional EMS council to plan, initiate, maintain, expand or improve a regional EMS system in a manner that is consistent with the Statewide and relevant regional EMS system plans. To apply for a contract or grant for these purposes a regional EMS council or entity that seeks to become a regional EMS council shall submit to the Department a contract or grant application on a form prescribed by the Department in which the applicant does the following:

- (1) Provides information on the organizational structure of the regional EMS council and its provisions to ensure representation of appropriate entities.

(2) Addresses planning, maintenance, and improvement of the applicable regional EMS system

(3) Demonstrates the qualifications of the applicant to plan, maintain, and improve a regional EMS system.

(b) To be awarded a contract or grant to serve as a regional EMS council the applicant must demonstrate to the Department's satisfaction that it has an appropriate organizational structure; that it has made provision for the representation of appropriate entities to meet the requirements of §§ 1021.102 and 1021.103 (relating to structure of regional EMS councils; and governing body), and that it has the qualifications and commitment to plan, maintain and improve a regional EMS system.

(c) Upon expiration of a contract or grant with a regional EMS council, the Department, without undertaking a competitive bidding process, may enter into a new contract or grant with the same entity for that entity to continue to serve as a regional EMS council, if that entity in carrying out the prior contract or grant demonstrated its ability and commitment to the Department's satisfaction to plan, maintain and improve the regional EMS system consistent with the terms of the prior contract or grant.

**§ 1021.24. Use of EMSOF funding by a regional EMS council.**

(a) A regional EMS council may receive EMSOF funding from the Department for the following purposes:

(1) Providing public education, information, health promotion and prevention programs 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) Health promotion programs, including wellness of EMS workforce and EMS safety programs that promote a culture of safe practices among EMS providers.

(iv) Prevention programs, including passenger restraint systems, prudent heart living and general health awareness, and safety practices to prevent errors in patient care and to prevent injuries to EMS providers.

(2) Purchasing ambulances, other EMS vehicles, medical equipment and rescue equipment which enables or enhances the delivery of EMS.

(i) Ambulances and other EMS vehicles will be considered for funding if the funds will be used for the initial acquisition of vehicle or parts, or the addition or replacement of existing vehicles or parts, by an EMS agency or an entity that qualifies for initial licensure as an EMS agency.

(ii) Medical equipment will be considered for funding if the funds will be used to purchase medical equipment for EMS agencies.

(iii) Rescue equipment will be considered for funding if the funds will be used to purchase rescue equipment for EMS agencies, or for rescue services recognized by the Department or the State Fire Commissioner.

(3) Conducting and ensuring the reasonable availability of training and testing programs for EMS providers. Priority consideration with respect to training will be given to training programs leading to the certification of EMS providers, and the continuing education of EMS providers.

(4) Inspecting and investigating EMS agencies, educational institutes, and medical facilities, and conducting other inspections and investigations to assist the Department in carrying out its regulatory responsibilities under the act.

(5) Purchasing communications equipment and services, including medical command communications equipment, and alerting equipment for EMS purposes.

(6) Purchasing equipment for emergency departments, if the equipment is used or intended to be used in equipment exchange programs with EMS agencies. The equipment purchased shall be of a type used by EMS agencies in the EMS provided to 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 a receiving facility.

(7) Maintaining and operating a regional EMS council. Items eligible for funding include:

(i) Salaries, wages and benefits of staff.

(ii) Travel.

(iii) Equipment and supplies.

(iv) Leasing office space.

(v) Other costs incidental to the conduct of the business of a regional EMS council which are found by the Department to be necessary and appropriate.

(8) Collecting and analyzing data necessary to evaluate the effectiveness of EMS systems in providing EMS and to administer quality improvement programs. 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) Data analysis and evaluation.
- (v) Data interpretation and dissemination.

(9) Facilitating the merger of EMS agencies or assisting an EMS agency to acquire another EMS agency, when the Department determines circumstances exist such that the transaction and financial assistance are needed to serve the public interest.

(10) The recruitment and retention of EMS providers by EMS agencies.

(11) Other costs determined by the Department to be appropriate and necessary for the implementation of a comprehensive regional EMS system.

(b) The Department will set forth additional priorities for funding on a yearly basis in notices published in the *Pennsylvania Bulletin*.

(c) Funds appropriated to the Department from EMSOF 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 or modification of 911 and EMS communication systems.

(2) The purchase of hospital equipment, other than communications equipment for medical command and receiving facilities, unless the equipment is used or intended to be used in an equipment exchange program with EMS agencies.

(3) Maintenance of ambulances, other EMS vehicles and equipment.

(4) Costs deemed by the Department as inappropriate for carrying out the purposes of the act.

(5) Costs which are normally borne by patients, except for extraordinary costs as determined by the Department.

(d) As approved by the Department, a regional EMS council may make purchases and other expenditures of funds on behalf of EMS agencies, recognized rescue services,

accredited educational institutes, and medical command facilities for cost-savings purposes, or it may distribute funds to these entities to make such purchases and other expenditures of funds.

(e) The Department, by contract, grant or notice published in the *Pennsylvania Bulletin*, may require a regional EMS council or entity to which a regional EMS council distributes funds to provide matching funds in specified percentages as a condition for receiving EMSOF funds.

**§ 1021.25. Allocation of EMSOF funds to regional EMS councils.**

The Department will consider the following factors in determining the amount of EMSOF funding regional EMS councils will receive:

- (1) The total amount of funds available.
- (2) Conformity of the application for funding to the Statewide EMS system plan.
- (3) Financial need of the regional EMS system.
- (4) Funds available to the regional EMS council for the purpose set forth in the application for funding, 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 a regional EMS system by private, public or government entities, including the Federal government.
- (5) Geographic area.
- (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 notices published in the *Pennsylvania Bulletin*.

**§ 1021.26. Technical assistance.**

(a) Regional EMS councils that obtain contracts or grants from the Department may request technical assistance from the Department, if necessary, for the purpose of carrying out their contracts or grants. Special consideration shall be given to regional

EMS councils that serve rural areas to assist with matters such as recruitment, retention of EMS providers, EMS agency management, and the use of EMS agency equipment.

(b) Technical assistance from the Department may also be available to subcontractors or other recipients of funds from the regional EMS council when technical assistance resources are not available from the regional EMS council.

(c) Examples of technical assistance resources include, but are not limited to:

- (1) Communications assistance.
- (2) Public education resources.
- (3) Information management sources.

#### **§ 1021.27. Subcontracting.**

(a) A regional EMS council may receive the Department's written approval to subcontract certain of its duties to other entities as deemed necessary and appropriate for the proper execution of the contract or grant with the Department.

(b) A regional EMS council may not execute a subcontract until the Department determines in writing that the subcontract is necessary and appropriate.

#### **§ 1021.28. Contracts and grants with the Advisory Board.**

Sections 1021.22—1021.27 do not apply to contracts or grants between the Department and the Advisory Board. The Department will enter into a contract or grant with the Advisory Board to perform the services the Advisory Board is required to perform under the act, and may contract with the Advisory Board for it to assist the Department in complying with other provisions of the act.

### **Subchapter C. COLLECTION OF DATA AND INFORMATION**

Sec.

- |          |                                      |
|----------|--------------------------------------|
| 1021.41. | EMS patient care reports.            |
| 1021.42. | Dissemination of information.        |
| 1021.43. | Vendors of EMS patient care reports. |

**§ 1021.41. EMS patient care reports.**

(a) EMS agencies shall collect, maintain and electronically report complete, accurate and reliable patient data and such other information as solicited on the EMS PCR form for calls for assistance in the format prescribed by the Department. An EMS agency shall file the report for any call to which it responds that results in EMS being provided. The report shall be made by completing an EMS PCR within the time prescribed by the EMS agency's written policies, which shall be no later than 72 hours after the EMS agency concludes patient care, and then submitting it, within 30 days, to the regional EMS council that is assigned responsibilities for the region in which the EMS agency initially encounters the patient. An entity located out-of-state, but licensed as an EMS agency by the Department, shall file its EMS PCRs with the regional EMS council with which it has been directed to file its EMS PCRs by the Department. The Department will publish a list of the data elements and the form specifications for the EMS PCR form in a notice in the *Pennsylvania Bulletin* and on the Department's World Wide Web Site. The reporting shall conform to 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) When an EMS provider relinquishes primary responsibility for the care of a patient to another EMS provider, the EMS provider relinquishing that responsibility shall provide the other EMS provider with the patient information that has been collected.

(c) When an EMS agency transports a patient to a receiving facility, before its ambulance departs from the receiving facility, the EMS agency having primary responsibility for the patient shall verbally, and in writing or other means by which information is recorded, report to the individual at the receiving facility assuming responsibility for the patient, the patient information that is essential for immediate transmission for patient care. The Department will publish a notice in the *Pennsylvania Bulletin* specifying the types of patient information that are essential for patient care. The EMS agency shall provide the completed EMS PCR to the receiving facility to which the patient was transported within 72 hours after the EMS agency concluded patient care. Upon request of any other facility that subsequently provides health care services to the patient related to the reason the patient was transported to the original receiving facility, the EMS agency shall provide the completed EMS PCR to that facility within 24 hours of the request or within 72 hours after the EMS agency concluded patient care, whichever is later. The EMS agency shall submit the data to the facility in any manner mutually acceptable to the facility and the EMS agency which ensures the confidentiality of information in the EMS PCR.

(d) An EMS agency shall have a policy for designating which member of its responding crew is responsible for completing an EMS PCR. That EMS provider shall ensure that the EMS PCR is accurate and complete, and completed within the time prescribed by the EMS agency under subsection (a). When a patient is transported to a receiving facility, an EMS provider of the EMS agency having primary responsibility for the patient shall

also ensure that before the ambulance departs from the receiving facility essential patient information is reported to the receiving facility as required by subsection (c).

(e) The EMS agency shall retain a copy of the EMS PCR for a minimum of 7 years.

**§ 1021.42. Dissemination of information.**

(a) A person who collects, has access to, or knowledge of information collected under § 1021.41 (relating to EMS patient care reports), by virtue of that person's participation in the Statewide EMS system, may not provide the EMS PCR, or disclose the information contained in the report or a report or record thereof, except:

(1) To another person who by virtue of that person's office as an employee of the Department or a regional EMS council is entitled to obtain the information.

(2) For research or EMS planning purposes approved by the Department, subject to strict supervision by the Department to ensure that the use of the data is limited to the specific research or planning and that appropriate measures are taken to protect patient confidentiality.

(3) To the patient who is the subject of the report or to a person who is authorized to exercise the rights of the patient with respect to securing the information, such as a person appointed as the patient's health care agent pursuant to a health care power of attorney.

(4) Pursuant to an order of a court of competent jurisdiction, including a subpoena when it constitutes a court order, except when the information is of a nature that disclosure under a subpoena is not authorized by law.

(5) For the purpose of quality improvement or peer review activities, with strict attention to patient confidentiality.

(6) For the purpose of data entry/retrieval and billing, with strict attention to patient confidentiality.

(7) As authorized under § 1021.41.

(8) To a health care provider to whom a patient's medical record may be released under the law.

(b) The Department or a regional EMS council may disseminate nonconfidential, statistical data collected from EMS PCRs to EMS agencies and other participants in the Statewide EMS system for improvement of services.

**§ 1021.43. Vendors of EMS patient care reports.**

(a) An EMS agency shall submit EMS PCR's as required under § 1021.41 (relating to EMS patient care reports) by using only a software program approved by the Department.

(b) A vendor may not sell or otherwise provide or offer reporting forms or software marketed as appropriate for use in making EMS PCR's unless the vendor submits the product to the Department for review and receives the Department's approval. This also applies to any substantive modification the vendor makes to the reporting form or software, however the vendor must apprise the Department of the modification before marketing the modified form or software regardless of whether the vendor considers the modification to be substantive. EMS agencies may ascertain which vendor products have been approved by the Department under this subsection by contacting the Department's Bureau of Emergency Medical Services.

(c) If the Department makes changes to the minimum data elements of the EMS PCR, it will publish a notice of the changes in the *Pennsylvania Bulletin*, which shall make the effective date of the changes no less than 60 days after publication of the notice.

(d) After publication of the changes, a vendor may not market as appropriate for making EMS PCR's a product that had been approved by the Department prior to the Department publishing the notice of changes, unless the vendor clearly discloses that the forms or software were approved prior to the publication of the changes and may only be used to make EMS PCR's until the changes go into effect.

(e) A vendor may store EMS PCR data on its server for data entry or processing purposes arranged by an EMS agency or a regional EMS council to facilitate the transmission of EMS PCR information between the EMS agency, a receiving facility and the regional EMS council, but may not transmit or provide access to that data to any other entity, except the Department, and may not use the data for any other purpose.

**Subchapter D. QUALITY IMPROVEMENT AND PEER REVIEW**

Sec.

- 1021.61. Components of Statewide quality improvement program.
- 1021.62. Regional quality improvement programs.
- 1021.63. Peer review.
- 1021.64. Cooperation.

**§ 1021.61. Components of Statewide quality improvement program.**

(a) The Department, in conjunction with the Advisory Board, will identify the necessary components for a Statewide EMS quality improvement program for the Statewide EMS system. The Statewide EMS quality improvement program shall be operated to monitor the delivery of EMS.

(b) The Department will develop and update a Statewide EMS Quality Improvement Plan in which it will establish goals and reporting thresholds.

**§ 1021.62. Regional quality improvement programs.**

A regional EMS council, after considering input from participants in and persons served by the regional EMS system, shall develop, update and implement a regional EMS quality improvement program to monitor the delivery of EMS, which addresses, at a minimum, the quality improvement components identified by the Department. A regional EMS council quality improvement program shall:

(1) Conduct quality improvement audits of the regional EMS system including reviewing the quality improvement activities conducted by the EMS agency medical directors and medical command facilities within the region.

(2) Have a regional quality improvement committee that, in conjunction with the regional medical advisory committee, shall recommend to the regional EMS council ways to improve the delivery of EMS within the region based upon State and regional goals.

(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.

**§ 1021.63. Peer review.**

(a) *Persons subject to peer review.* Peer review under this section may be conducted of EMS providers, EMS agency medical directors, and medical command physicians.

(b) *Purpose.* The purpose of peer review conducted under this section is to evaluate the quality and efficiency of services performed under this part by EMS providers, EMS agency medical directors, and medical command physicians. This includes reviews to evaluate and improve the quality of EMS rendered, to determine whether the direction

and supervision of EMS providers was in accordance with accepted standards, and to determine whether the EMS provided or not provided was in accordance with accepted standards of care.

(c) *Composition of peer review committee.* A peer review committee established under this section may include health care providers such as EMS providers, EMS agency medical directors and other physicians, nurses, physician assistants, EMS agency managers and administrators, hospital personnel with expertise in quality assurance, and PSAP dispatchers and administrators.

(d) *Proceedings and records of a peer review committee.* The proceedings and records of a peer review committee conducted under this section have the same protections from discovery and introduction into evidence in civil proceedings as they would under the Peer Review Protection Act (63 P.S. §§ 425.1-425.4). A person who attends a meeting of a peer review committee has the same right as a person who attends a meeting of a review organization under the Peer Review Protection Act with respect to not testifying in a civil action as to evidence or other matters produced or presented during the peer review proceeding or as to findings, recommendations, evaluations opinions or other actions of the peer review committee or other records thereof. These protections do not apply to records that are reviewed in peer review, but were not created for the sole purpose of being reviewed in a peer review proceeding. A person who testifies before a peer review committee or who is a member of a peer review committee is not protected from testifying as to matters within that person's knowledge, except as to that person's testimony before the peer review committee, matters learned by that person through that person's participation in the peer review committee's proceeding, or opinions formed by that person as a result of the peer review proceeding.

(e) *Persons who provide information to a peer review committee.* A person who provides information to a peer review committee conducting peer review under this section has the same protections from civil and criminal liability as a person who provides information to a review organization under the Peer Review Protection Act.

(f) *Members and employees of a peer review committee and persons who furnish professional services to a peer review committee.* An individual who is a member or employee of a peer review committee or who provides professional services to a peer review committee conducting peer review under this section has the same protections from civil and criminal liability for the performance of any duty, function or activity required of the peer review committee as a person who performs the duty, function or activity under the Peer Review Protection Act.

#### **§ 1021.64. 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 and peer reviews

conducted under the act and this subchapter and shall provide information, data, reports and access to records, including audio records as reasonably requested by quality improvement and peer review committees to conduct such reviews.

## **Subchapter E. TRAUMA CENTERS**

Sec.

- 1021.81. Purpose.
- 1021.82. Requirements.
- 1021.83. Complaints.

### **§ 1021.81. Purpose.**

The 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.

### **§ 1021.82. Requirements.**

To ensure that trauma centers are integrated into the Statewide EMS system, trauma centers shall:

- (1) Maintain a dedicated telephone number to allow for access by referring 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 ensure the provision of patient outcome and treatment information to the transferring facility and the EMS agency or agencies involved in transporting the patient to the transferring facility, if the patient was transferred to the trauma center, or to the EMS agency or agencies involved in transporting the patient to the trauma center if the patient was not transferred to the trauma center by another facility, on each patient transported to the trauma center by ambulance.
- (4) Maintain a medical command facility to allow for communication between a transporting ground ambulance or air ambulance and the trauma center to ensure that patient information and condition updates are available to the trauma center and that

medical consultation is available to the transporting ambulance crew. The capabilities shall be in accordance with regional and Statewide EMS telecommunications plans.

**§ 1021.83. Complaints.**

The Department will investigate complaints related to the delivery of services by trauma centers and forward the results of the investigation to the Trauma Foundation with a recommendation for action.

**Subchapter F. REGIONAL EMS COUNCILS**

Sec.

- 1021.101. Designation of regional EMS councils.
- 1021.102. Structure of regional EMS councils.
- 1021.103. Governing body.
- 1021.104. Responsibilities of regional EMS councils.

**§ 1021.101 Designation of regional EMS councils.**

(a) The Department will designate a regional EMS council that satisfies the structural and representation requirements in § 1021.102 (relating to structure of regional EMS councils) for each geographic area of this Commonwealth that the Department designates as a regional EMS geographic area for regional EMS system purposes.

(b) The designation of the geographical area will be based on:

(1) The capability to provide definitive care services to the majority of general, emergent and critical patients.

(2) The capability to establish community-wide and regional care programs.

(3) The capability to interact and liaison with hospitals, other health care facilities, and important public health and public safety entities.

(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 the EMS region to which it is assigned in planning, developing, maintaining, expanding, improving and upgrading the regional EMS system.

**§ 1021.102. Structure of regional EMS councils.**

(a) 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.

(b) If the regional EMS council is a unit of local government it shall have an advisory council which is determined by the Department to be representative of health care consumers, the health professions, and major private and public and volunteer agencies, organizations and institutions concerned with providing EMS.

(c) A regional EMS council shall have a governing body.

(d) A regional EMS council shall have a director who is approved by the Department.

(e) A regional EMS council shall have a medical director and establish committees which are necessary to carry out the responsibilities of the regional EMS council.

**§ 1021.103. Governing body.**

(a) If the regional EMS council is a public or private nonprofit organization, its governing body shall satisfy the representation requirements in § 1021.102 (relating to structure of regional EMS councils).

(b) If the governing body consists of a board, it shall adopt written policies which include:

(1) A method of selection for board membership.

(2) Qualifications for board membership.

(3) Criteria for continued board membership.

(4) Frequency of meetings.

(c) The duties of the governing body shall include:

(1) Selecting a director who will be responsible for the daily operations of the regional EMS council.

- (2) Selecting a regional EMS medical director.
- (3) Describing the organizational structure.
- (4) Establishing appropriate committees, including a quality improvement committee and a medical advisory committee.
  - (i) A majority of the members of the medical advisory committee shall be physicians.
  - (ii) The regional medical advisory committee shall assist the regional EMS medical director in matters of medical coordination and shall ensure that EMS is provided within the region in a manner that considers patient safety and the quality of EMS.
- (5) Monitoring and ensuring the regional EMS council's compliance with contracts and grants from the Department.
- (d) The governing body shall make available to the public an annual report which includes:
  - (1) Activities and accomplishments of the preceding year.
  - (2) A financial statement of income and expenses.
  - (3) A statement disclosing the names of officers and directors.
- (e) A staff member of a regional EMS council may not serve as a voting member of the governing body.

**§ 1021.104. Responsibilities of regional EMS councils.**

In addition to other responsibilities imposed upon regional EMS councils by this subpart, regional EMS councils have responsibility for the following:

- (1) Organizing, maintaining, implementing, expanding and improving the EMS system within the geographic area for which the regional EMS council has been assigned responsibilities.
- (2) Developing and implementing comprehensive EMS plans, as approved by the Department.
- (3) Advising PSAPs, and municipal and county governments, as to EMS resources available for dispatching and recommending dispatching criteria that may be

developed by the Department, or by the regional EMS council as approved by the Department.

(4) Developing, maintaining, implementing, expanding and improving programs of medical coordination. The programs are subject to approval by the Department.

(5) Providing input to hospitals, upon their request, in the development and coordination of a comprehensive written plan for emergency care as required under § 117.11 (relating to emergency services plan).

(6) Assisting the Department in achieving a unified Statewide EMS system and regional EMS system components and goals as described in section 8105 of the act (35 Pa.C.S. § 8105).

(7) Assisting the Department in the collection and maintenance of standardized data and information provided through EMS PCRs.

(8) Providing EMS agencies with data summary reports.

(9) Assuring the reasonable availability of training programs, including continuing education programs, for EMS providers. The programs shall include those that lead to certification of EMS providers by the Department. Regional EMS councils may also develop and implement additional educational programs.

(10) Monitoring EMS provider, EMS agency, EMS agency medical director, medical command physician, medical command facility medical director, and medical command facility compliance with minimum standards established by the Department.

(11) Facilitating the integration of medical command facilities into the regional EMS system in accordance with policies and guidelines established by the Department.

(12) Developing and implementing regional protocols for issues of regional importance that are not addressed by the Statewide EMS protocols. Protocols shall be developed in consultation with the regional EMS council's medical advisory committee and approved by the Department. Protocols shall:

(i) Be consistent with the Department's established protocol format.

(ii) Address matters the Department directs regional EMS councils to address.

(iii) Be distributed to EMS agencies within the region.

(iv) Be reviewed annually, and revised as necessary in consultation with the regional EMS council's medical advisory committee.

(v) Be consistent with Chapter 1023 (relating to personnel), which governs the scope of practice of EMS providers.

(vi) Be based upon accepted standards of emergency medical care, with consideration given to maximizing patient safety.

(13) Assisting Federal, State and 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.

(14) Maintaining an inventory of EMS resources, including EMS providers, available in the EMS region and promoting the recruitment, retention and recognition of EMS providers.

(15) Designating a regional EMS medical director.

(16) Supervising the regional EMS medical director to assure that the roles and responsibilities in § 1023.4 (relating to regional EMS medical director) are carried out.

(17) Assisting EMS providers, other persons, and EMS agencies operating in the regional EMS system to meet the licensure, certification, registration and continuing education requirements established under the act and this subpart, and assisting the Department in ensuring that those requirements are met.

(18) Having a conflict of interest policy and requiring its employees and officials to agree to the policy in writing.

(19) Assisting the Department in carrying out the act and this part and adhering to policy direction established by the Department.

(20) 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 System Plan.

### **Subchapter G. ADVISORY BOARD**

Sec.

- 1021.121. Duties and purpose.
- 1021.122. Meetings and members.
- 1021.123. Disasters.

**§ 1021.121. Duties and purpose.**

(a) The Advisory Board shall advise the Department on EMS issues that relate to manpower and training, communications, EMS agencies, the content of EMS PCR's, the content of rules and regulations, standards and policies promulgated by the Department, the permitted scope of continuing education courses, and other subjects as required by the act or deemed appropriate by the Department or the Advisory Board. The Advisory Board shall also advise the Department on the content of the Statewide EMS System Plan, and proposed revisions to it.

(b) The Advisory Board shall adopt written policies which include:

- (1) A method of selection for board membership.
- (2) Qualifications for board membership.
- (3) Criteria for continued board membership.
- (4) Frequency of meetings.

(c) The Advisory Board shall:

- (1) Select a director who will be responsible for the daily operations of the Advisory Board and the Pennsylvania Emergency Health Services Council.
- (2) Describe its organizational structure.
- (3) Establish appropriate committees, including an EMS for children advisory committee to advise on a program to address the emergency medical needs of the pediatric population, and a medical advisory committee with a majority of its members being physicians.

(d) The Advisory Board shall make available to the public an annual report which shall include:

- (1) A description of its activities and accomplishments of the preceding year.
- (2) A financial statement of income and expenses.
- (3) A statement disclosing the names of officers and members of the Advisory Board.

**§ 1021.122. Meetings and members.**

- (a) Meetings of the Advisory Board shall be held in accordance with 65 Pa.C.S. Ch. 7 (relating to open meetings) or a successor act.
- (b) A voting member of the Advisory Board 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 Advisory Board constitutes a quorum for the transaction of business.
- (d) A member of the Advisory Board shall serve without compensation, except for reimbursement of reasonable expenses incurred by members while performing official duties.
- (e) A staff member of the Pennsylvania Emergency Health Services Council may not serve as a voting member of the Advisory Board.

**§ 1021.123. Disasters.**

In the event of a potential or actual disaster, mass casualty situation or other substantial threat to public health, the Advisory Board 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 Advisory Board will be requested and utilized as conditions and circumstances necessitate.

**Subchapter H. EMS RESEARCH**

Sec.  
1021.141. Research.

**§ 1021.141. Research.**

- (a) Prior to engaging in a clinical investigation or study that relates to the provision of EMS, the principal investigator shall file with the Department a report of the planned investigation or study on a form prescribed by the Department. The principal investigator shall also file with the Department a report at the conclusion of the investigation or study and status reports as requested by the Department.
- (b) A person who wants to secure from the Department or a regional EMS council and use, for research purposes, information collected by the Department or a regional EMS

council through EMS PCRs, or information collected by the Department or a regional EMS council regarding patients who utilize emergency departments without being admitted to a hospital or who are admitted to a hospital through emergency departments, trauma centers or directly to special care units, shall submit the proposed research project to the Department. If the Department concludes that the proposed use of the information would serve the public interest, it may refer the proposal to the medical advisory committee of the Advisory Board, or to one or more of the medical advisory committees of the regional EMS councils for review and recommendation.

(c) If access to and use of the information requested under subsection (b) is approved by the Department, the Department will release or direct the release of the information for the research project under conditions specified by the Department.

(d) A research proposal submitted under subsection (b) shall include and address the following 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 research.
- (3) An estimated duration of the research.
- (4) An explanation of how patient confidentiality will be protected.
- (5) A letter from the principal investigator in which that person identifies himself as the principal investigator and assumes responsibility for compliance with the conditions imposed by the Department.
- (6) A plan for providing the Department with progress reports, annually at a minimum, and a final report on the research.

(e) If institutional review board approval is required by law, the Department will not approve access to the requested information until it receives evidence of institutional review board approval.

(f) The Department may direct that the use of the information be terminated if the Department determines that the use of the information fails to satisfy the conditions under which the Department approved use of the information.

(g) An EMS agency or other person that intends to conduct research that would involve an EMS agency violating a regulation in this part or an EMS protocol adopted or approved by the Department shall apply for an exception to the regulation or protocol under § 1021.4 (relating to exceptions).

(h) This regulation does not empower the Department to approve research that involves any act otherwise prohibited by law.

## CHAPTER 1023. PERSONNEL

### Subchapter A. ADMINISTRATIVE AND SUPERVISORY EMS PERSONNEL

Sec.

- 1023.1. EMS agency medical director.
- 1023.2. Medical command physician.
- 1023.3. Medical command facility medical director.
- 1023.4. Regional EMS medical director.
- 1023.5. Commonwealth EMS Medical Director.

#### § 1023.1. EMS agency medical director.

(a) *Roles and responsibilities.* An EMS agency medical director is responsible for the following:

- (1) Providing medical guidance and advice to the EMS agency, including:
  - (i) Reviewing the Statewide EMS protocols and Department-approved regional EMS protocols that are applicable to the EMS agency and ensuring that its EMS providers and other relevant personnel are familiar with the protocols applicable to the EMS agency.
  - (ii) Performing medical audits of EMS provided by the EMS agency's EMS providers.
  - (iii) Participating in and reviewing quality improvement and peer reviews of EMS provided by the EMS agency.
  - (iv) Reviewing regional mass casualty and disaster plans and providing guidance to the EMS agency regarding its provision of EMS under those plans.
  - (v) Providing guidance to the EMS agency, when applicable, with respect to the ordering, stocking and replacement of medications, and compliance with laws and regulations impacting upon the EMS agency's acquisition, storage and use of those medications.
  - (vi) Making an initial assessment of each EMS provider at or above the AEMT level to determine whether the EMS provider has the knowledge and skills to

competently perform the skills within the EMS provider's scope of practice, and a commitment to adequately perform other functions relevant to the EMS provider providing EMS at that level. This paragraph does not apply if the EMS provider was working for the EMS agency at the same level prior to the physician becoming the medical director for the EMS agency and the EMS provider was credentialed at that EMS agency within the last 12 calendar months as being able to perform at the EMS provider's certification level.

(vii) Making an assessment, within 12 calendar months of the last assessment, of each EMS provider at or above the AEMT level to determine whether the EMS provider has demonstrated competency in the knowledge and skills to perform the skills within the EMS provider's scope of practice, and a commitment to adequately perform other functions relevant to the EMS provider providing EMS at that level.

(viii) Recommending to the EMS agency that an EMS provider not be permitted to provide EMS at the EMS provider's certification level if the EMS agency medical director determines that the EMS provider has not demonstrated competency in the knowledge and skills to perform the skills within the EMS provider's scope of practice, or a commitment to adequately perform other functions relevant to the EMS provider providing EMS at that level, and recommending restrictions on the EMS provider's practice for the EMS agency, if appropriate, to ensure patient safety.

(ix) Providing medical direction for the EMS agency dispatch center if the EMS agency operates an EMS agency dispatch center.

(2) Maintaining a liaison with the regional EMS medical director.

(3) Participating in the regional and Statewide quality improvement programs.

(4) Recommending to the relevant regional EMS council, when appropriate, EMS protocols for inclusion in the Statewide and regional EMS protocols.

(5) Recommending to the Department the suspension, revocation or restriction of an EMS provider's certification.

(b) *Minimum qualifications.* To qualify and continue to function as an EMS agency medical director, an individual shall:

(1) Be a physician.

(2) Satisfy one of the following:

(i) Have successfully completed an emergency medicine residency program accredited by a residency program accrediting body recognized by the State Board of Medicine or the State Board of Osteopathic Medicine.

(ii) Have successfully completed a residency program in surgery, internal medicine, family medicine, pediatrics or anesthesiology, accredited by a residency program accrediting body recognized by the State Board of Medicine or the State Board of Osteopathic Medicine. The physician shall also have successfully completed or taught the ACLS course within the preceding two years and have completed, at least once, the ATLS course and PALS course or APLS course, or other programs determined by the Department to meet or exceed the standards of these programs.

(iii) Have served as an advanced life support service medical director under the repealed act of July 3, 1985 (P.L.164, No.45), known as the Emergency Medical Services Act, prior to February 16, 2010.

(3) Have a valid Drug Enforcement Agency number.

(4) Have completed an EMS agency medical director course, or an EMS fellowship or other EMS training program that is determined by the Department to be equivalent. This training shall assure that the EMS agency medical director has knowledge of:

- (i) The scope of practice of EMS providers.
- (ii) The provision of EMS pursuant to the Statewide EMS protocols.
- (iii) The interface between EMS providers and medical command physicians.
- (iv) Quality improvement and peer review principles.
- (v) Emergency medical dispatch principles and EMS agency communication capabilities.
- (vi) EMS system design and operation.
- (vii) Federal and State laws and regulations regarding EMS.
- (viii) Regional and State mass casualty and disaster plans.
- (ix) Patient and EMS provider safety principles.

### **§ 1023.2. Medical command physician.**

(a) *Roles and responsibilities.* A medical command physician functions under the direction of a medical command facility medical director and under the auspices of a medical command facility. A medical command physician is responsible for the following:

(1) Providing medical command orders to EMS providers whenever they seek direction.

(2) Issuing medical command orders consistent with Statewide protocols and protocols that are in effect either in the region in which EMS originates or the region from which the EMS providers who are providing EMS begin receiving medical command direction. For good cause, a medical command physician may give medical command orders that are inconsistent with these protocols.

(3) Documenting patient information received from EMS providers and medical command orders given to EMS providers if providing medical command at the scene.

(b) *Minimum qualifications.* To qualify and continue to function as a medical command physician, an individual shall be serving as a medical command physician immediately prior to February 16, 2010, or shall:

(1) Complete an application for medical command physician certification on a form or through an electronic application process, as prescribed by the Department.

(2) Be a physician.

(3) Satisfy one of the following:

(i) Have successfully completed a residency program in emergency medicine accredited by a residency program accrediting body recognized by the State Board of Medicine or the State Board of Osteopathic Medicine.

(ii) Have had an emergency medicine practice in another jurisdiction and establish to the Department that the physician has a combination of training, education and emergency medicine practice that makes the physician qualified to serve as a medical command physician.

(iii) Have successfully completed or taught the ACLS course within the preceding 2 years and have completed or taught 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.

(4) Have an arrangement with a medical command facility to serve as a medical command physician for that facility after receiving certification as a medical command physician.

(5) Be practicing as an emergency medicine physician, or be participating as a resident in a second or subsequent year in an emergency medicine residency program accredited by an accrediting body recognized by the State Board of Medicine or the State Board of Osteopathic Medicine, or have had at least three years' experience as a full-time emergency medicine physician.

(6) Have a current Drug Enforcement Agency (DEA) number or be an emergency medicine resident in an emergency medicine residency program accredited by an accrediting body recognized by the State Board of Medicine or the State Board of Osteopathic Medicine, who is authorized to use a hospital's DEA number for practice within the emergency medicine residency program.

(7) Have successfully completed the Medical Command Course.

(c) *Triennial registration.* A medical command physician's certification is deemed registered for three years. Thereafter, a medical command physician shall triennially register the certification on a form or through an electronic process, as prescribed by the Department. The Department will issue a new registration within 30 days after the application for registration is filed if the application demonstrates that the medical command physician:

(1) Maintains licensure as a physician.

(2) Has an arrangement with a medical command facility to serve as a medical command physician for that facility.

(3) Is practicing as an emergency medicine physician or has had at least 3 years' experience as a full-time emergency medicine physician.

(4) Has completed the most recent update or refresher course that the Department provided on Statewide and other applicable Department-approved EMS protocols.

**§ 1023.3. Medical command facility medical director.**

(a) *Roles and responsibilities.* A medical command facility medical director is responsible for the following for the medical command facility:

(1) Medical command.

(2) Quality improvement.

(3) Liaison with regional EMS medical director.

(4) Participation in prehospital training activities.

(5) Clinical and continuing education training of EMS providers.

(6) Verifying to the Department that an applicant for medical command physician certification has an arrangement to serve as a medical command physician for the

medical command facility under the direction of the medical command facility medical director and meets all medical command physician certification requirements.

(7) Monitoring the operation of the medical command facility and the performance of its medical command physicians to ensure that they are satisfying all statutory and regulatory requirements.

(8) Reviewing a departure from the Statewide EMS protocols of one of the facility's medical command physicians when requested by the Department, and apprising the Department whether the medical command facility medical director believes there is good cause for the departure.

(b) *Minimum qualifications.* To qualify and continue to function as a medical command facility medical director, an individual shall be serving as a medical command facility medical director immediately prior to February 16, 2010, or shall:

(1) Complete an application for medical command facility medical director certification on a form or through an electronic application process, as prescribed by the Department.

(2) Be currently serving as a medical command physician.

(3) Satisfy one of the following:

(i) Have completed a residency program in emergency medicine accredited by a residency program accrediting body recognized by the State Board of Medicine or the State Board of Osteopathic Medicine.

(ii) Have completed a residency program in surgery, internal medicine, family medicine, pediatrics or anesthesiology accredited by a residency program accrediting body recognized by the State Board of Medicine or the State Board of Osteopathic Medicine; and completed or taught, the ACLS course within the preceding 2 years, 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.

(4) Have experience in prehospital and emergency department care of the acutely ill or injured patient.

(5) Have experience in providing medical command direction to EMS providers.

(6) Have experience in the training of EMS providers above and below the AEMT level.

(7) Have experience in the medical audit, review and critique of EMS providers above and below the AEMT level.

(8) Have an arrangement with a medical command facility to serve as its medical director after receiving certification as a medical command facility medical director.

(c) *Triennial registration.* A medical command facility medical director's certification is deemed registered for three years. Thereafter, a medical command facility medical director shall triennially register the certification on a form or through an electronic process, as prescribed by the Department. The Department will issue a new registration within 30 days after the application for registration is filed if the application demonstrates that the medical command facility medical director will be:

(1) Serving as a medical command physician and a medical command facility medical director for a medical command facility.

(2) Providing prehospital and emergency department care of acutely ill or injured patients.

(3) Performing medical audit, review and critique of EMS providers above and below the AEMT level.

#### **§ 1023.4. Regional EMS medical director.**

(a) *Roles and responsibilities.* A regional EMS medical director shall carry out the following duties:

(1) Maintain liaison with the Commonwealth EMS Medical Director.

(2) Assist the regional EMS council, after consultation with the regional medical advisory committee, to establish and revise, subject to Department approval, regional EMS protocols.

(3) Assist the regional EMS council to develop, subject to Department approval, criteria to recommend to PSAPs for emergency medical dispatch, including criteria for prearrival instructions, level of care to be dispatched to respond to various clinical conditions, types of EMS resources to be sent, and mode of EMS resource response.

(4) Serve as a member of the regional EMS council's quality improvement committee and as that committee's liaison to the regional EMS council's medical advisory committee.

(5) Serve on the State EMS Quality Improvement Committee.

(6) Serve as chairperson of the regional EMS council's medical advisory committee.

(7) Assist, as appropriate, the regional EMS council in its investigations, analysis of investigation information, and recommendations to make to the Department on actions the Department should pursue, if any, against certifications, licenses, accreditations, and other authorizations issued by the Department under the act.

(8) Review regional plans, procedures and processes for compliance with State standards of EMS.

(b) *Minimum qualifications.* A regional EMS medical director shall have the following qualifications:

(1) Be a physician.

(2) Experience in prehospital and emergency department care of the acutely ill or injured patient.

(3) Experience as a medical command physician and as an EMS agency medical director or as an ALS service medical director under the repealed act of July 3, 1985 (P.L. 164, No. 45), known as the Emergency Medical Services Act.

(4) Have completed a residency program in emergency medicine accredited by a residency program accrediting body recognized by the State Board of Medicine or the State Board of Osteopathic Medicine or have served as a medical command physician in this Commonwealth prior to October 14, 2000.

(5) Experience in the training of EMS providers above and below the AEMT level.

(6) Experience in the medical audit, review and critique of EMS providers above and below the AEMT level.

(c) *Disclosure.* A regional EMS medical director shall disclose to a regional EMS council and the Department all financial or other interest in entities regulated by the Department under the act and in other matters which present a potential conflict of interest.

#### **§ 1023.5. Commonwealth EMS Medical Director.**

(a) *Roles and responsibilities.* The Commonwealth EMS 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 improvement program.

(3) Evaluating and making recommendations on regional EMS quality improvement programs and on programs to improve patient and provider safety and provider wellness.

(4) Assisting the Department in revising or modifying the scope of practice of EMS providers.

(5) Providing advice and guidance to the Department on investigations and the pursuit of disciplinary actions against EMS providers and other persons and entities regulated by the Department under the act.

(6) Reviewing, evaluating and making recommendations for the Statewide EMS protocols.

(7) Reviewing, evaluating and making recommendations regarding regional EMS protocols that supplement Statewide EMS protocols.

(8) Providing direction and guidance to the regional EMS medical directors for training and quality improvement monitoring and assistance.

(9) Meeting with representatives and committees of regional EMS councils and the Advisory Board as necessary and as directed by the Department to provide guidance and direction.

(10) Reviewing, evaluating and making recommendations to the Department on requests, for research purposes, for data made confidential by the act.

(11) Assisting the Department in the development of regulations under the act.

(12) Providing other services relating to the Department's administration of the act as assigned by the Department.

(b) *Minimum qualifications.* The Commonwealth EMS Medical Director shall possess the same qualifications as a regional EMS medical director under § 1023.4 (relating to regional EMS medical director).

(c) *Disclosure.* The Commonwealth EMS Medical Director shall disclose to the Department all financial or other interest in EMS agencies and other entities regulated by the Department, and in other matters which present a potential conflict of interest.

(d) *Prohibition against dual service.* A physician may not simultaneously serve as the Commonwealth EMS Medical Director and a regional EMS medical director.

## Subchapter B. EMS PROVIDERS AND VEHICLE OPERATORS

Sec.

- 1023.21. General rights and responsibilities.
- 1023.22. EMS vehicle operator.
- 1023.23. Ambulance attendant and first responder.
- 1023.24. Emergency medical responder.
- 1023.25. Emergency medical technician.
- 1023.26. Advanced emergency medical technician.
- 1023.27. Paramedic.
- 1023.28. Prehospital physician extender.
- 1023.29. Prehospital registered nurse.
- 1023.30. Prehospital EMS physician.
- 1023.31. Continuing education requirements.
- 1023.32. Credit for continuing education.
- 1023.33. Endorsement of course or examination.
- 1023.34. Reciprocity.

### § 1023.21. General rights and responsibilities.

(a) *Change of address.* An EMS provider, an EMSVO and an applicant for EMS provider or EMSVO certification shall ensure that the Department has a current address at which the person can be reached by mail at all times. This applies to an EMS provider and an EMSVO whether or not that person maintains current registration of the EMS provider or EMSVO certification.

(b) *Reports of criminal convictions, discipline and exclusions.*

(1) An applicant for EMS provider or EMSVO certification shall report to the Department, on a form or through an electronic process, as prescribed by the Department, all misdemeanor, felony and other criminal convictions that are not summary or equivalent offenses, and all disciplinary sanctions that have been imposed upon a license, certification or other authorization of the applicant to practice an occupation or profession. An applicant for an EMSVO certification shall also report to the Department any other conviction of an offense involving reckless driving or driving under the influence of alcohol or drugs. The applicant shall also arrange for the custodian of the criminal charging, judgment and sentencing document for each conviction and the custodian of an adjudication or other document imposing discipline against the applicant to provide the Department with a certified copy of those records. If the applicant has not been sentenced on a criminal conviction at the time of making application for certification, the applicant shall so inform the Department and then arrange, within 5 days after the applicant is sentenced, for the custodian of the sentencing document to provide the Department with a certified copy of that document. If, after making application for EMS provider certification, but before the Department acts upon an application, the applicant is convicted of a reportable offense or has discipline imposed upon a license,

certification or other authorization to practice an occupation or profession, the applicant is to report that information to the Department immediately in the manner prescribed in the application form.

(2) An applicant for EMS provider certification shall report to the Department, on a form or through an electronic process, as prescribed by the Department, an exclusion from a Federal or State health care program of the applicant, or of an entity in which the applicant had equity or capital, stock or profits equal to at least 5 % of the value of the property or assets of the entity at the time of the exclusion. The applicant shall also provide the Department with a certified copy of the document by which the applicant is excluded from the health care program. A health care program is a program in which the State or Federal government serves as a payor for health care services, such as the Medicare and Medicaid programs. If, after making application for EMS provider certification, but before the Department acts upon an application, there is an exclusion from a Federal or State health care program that is reportable under this paragraph, the applicant is to report that information to the Department immediately in the manner prescribed in the application form.

(3) The Department will not act upon an application for certification that reports information under paragraph (1) or (2) until it receives a certified copy of each document that is required to be provided under those paragraphs, unless the applicant establishes that the document from which a certified copy would be made does not exist.

(4) An EMS provider and an EMSVO shall report the same type of information and arrange for the same documents to be provided to the Department, as required under paragraphs (1) and (2), within 30 days after each conviction, discipline and exclusion. This applies to an EMS provider and an EMSVO whether or not the person maintains current registration of the EMS provider's or EMSVO's certification.

(c) *Certification examinations.*

(1) An applicant for EMS provider certification shall take the required certification examinations within 1 year after completing the education required for the EMS provider certification.

(2) Except as otherwise provided in this section, a person who fails a written or practical skills certification examination may repeat the failed examination without retaking any certification examination passed.

(3) A person who fails a written certification examination three times shall complete a refresher course approved by the Department or repeat the education required for the EMS provider certification before retaking a written certification examination.

(4) A person who fails a practical skills certification examination three times shall complete a remedial course approved by the Department or repeat the education

required for the EMS provider certification before retaking a practical skills certification examination.

(5) A person who either fails an EMS provider certification examination six times, or does not pass all required EMS provider certification examinations within 2 years after completing the EMS provider education required for the EMS provider certification shall receive no credit for an examination previously passed. If that person elects to continue to pursue EMS provider certification that person shall be required to repeat the EMS provider education program and take the EMS provider certification examinations in accordance with paragraphs (1)-(4).

(d) *Exceptions to certification registration requirements for members of armed forces.* An EMS provider or EMSVO who returns from active military service and who had a certification registration expire during a tour of duty or will have a certification registration expire within 12 months after returning from active military service may secure an exception to the certification registration requirements as follows:

(1) An EMS provider who chooses to secure registration of the EMS provider's certification by satisfying continuing education requirements may apply for an exception to the period of time in which the EMS provider was required or would be required to satisfy the continuing education requirements, and the Department will grant the EMS provider an extended period of time to satisfy those requirements as the Department deems appropriate under the circumstances. If the EMS provider is certified at an AEMT level or higher, before the EMS provider may begin work for an EMS agency without a current registration, the EMS provider needs to be approved by the EMS agency's medical director, under § 1023.1(a)(1)(viii) (relating to EMS agency medical director) as having current competency in the knowledge and skills required to provide the level of EMS the EMS agency intends to assign to the EMS provider.

(2) An EMS provider who chooses to secure registration of the EMS provider's certification by satisfying continuing education requirements may ask the Department to endorse the EMS provider's relevant military training as satisfying some or all of the continuing education requirements.

(3) An EMSVO may apply for an exception to the period of time in which the EMSVO was required or would be required to satisfy the continuing education requirements, and the Department will grant the EMSVO an extended period of time to satisfy those requirements as the Department deems appropriate under the circumstances. An EMSVO may also ask the Department to endorse the EMSVO's relevant military training as satisfying some or all of the continuing education requirements.

(e) *Lapse of registration.*

(1) An EMS provider who does not secure a new registration of an EMS provider certification before a registration expires may secure a new registration within 2 years after the registration expires by completing a registration form or through an electronic

process, as prescribed by the Department, if the information provided establishes that the EMS provider has passed the written certification registration examination as well as the clinical patient care and other core continuing education requirements that would have been needed to timely secure the registration by satisfying the continuing education requirements for registering the certification.

(2) An EMS provider who does not secure a new registration of an EMS provider certification before a registration expires may secure a new registration later than 2 years after the registration expires by completing a registration form or through an electronic process, as prescribed by the Department, if the information provided establishes that the EMS provider has passed both the written and practical skills certification registration examinations and the clinical patient care and other core continuing education requirements for each registration of a certification that was missed.

(3) The paramedic certification registration examinations are the certification registration examinations for a PHPE, a PHRN and a PHP who seeks to register a certification after the registration of that certification lapses.

(4) A registration secured under this subsection shall expire when the registration would have expired if past registrations would have been secured on a timely basis.

(f) *Authority derived from protocols and medical command orders.* An EMS provider shall provide EMS for an EMS agency within the EMS provider's scope of practice and, other than a PHP, pursuant to Statewide and regional EMS protocols and medical command orders.

(g) *Downgraded certification or practice.* An EMS provider who is certified at or above the AEMT level who chooses not to practice at that level or who is not permitted to practice at that level for an EMS agency by its EMS agency medical director under §§ 1023.1(a)(1)(vi) or (vii) and 1027.3(n) (relating to licensure and general operating standards), has the following options with respect to EMS provider certification and registration of that certification:

(1) Upon expiration of the biennial registration period the EMS provider may choose to maintain EMS provider certification at the EMS provider's current certification level, in which case the EMS provider would need to satisfy the requirements for the registration of that EMS provider certification to renew registration of that certification.

(2) Prior to or upon expiration of the registration period the EMS provider may choose to transition to a lower level EMS provider certification than the EMS provider's current certification level, in which case the EMS provider would need to satisfy the requirements for the registration of that EMS provider certification to secure registration of that lower level EMS provider certification. If the EMS provider satisfies the registration requirements for that lower level of EMS provider certification, the Department will issue the EMS provider an EMS provider certification at that level,

which shall be deemed registered for 3 years or 2 years, depending upon the level of certification.

(3) When providing EMS, an EMS provider who transitions to a lower level EMS provider certification may not display a higher level insignia, patch, registration card or any other indicia of the EMS provider's certification at the higher EMS provider level.

(4) An EMS provider who, for any period of time, has been precluded from practicing for an EMS agency at the EMS provider's certification level pursuant to § 1027.3(n), shall report such action to all other EMS agencies for which the EMS provider is providing or seeks to provide EMS and to all regional EMS councils having responsibility for the EMS regions in which those EMS agencies are headquartered.

(5) An EMS provider who transitions to a lower level EMS provider certification may later renew registration of the EMS provider's certification at the higher level by satisfying the requirements in subsection (e).

(h) *Identification.* If an EMS provider is asked to provide proof of authority to practice as an EMS provider when the EMS provider is providing EMS, or an EMSVO is asked to provide proof of authority to operate an EMS vehicle when the EMSVO is operating an EMS vehicle, the EMS provider or EMSVO shall present a card or certificate issued by the Department that shows current registration of the EMS provider's or EMSVO's certification.

(i) *Interaction with law enforcement officers.*

(1) If a law enforcement officer is at the scene of a police incident when an EMS provider arrives, the EMS provider shall not enter the scene to provide EMS if the law enforcement officer so directs, until the law enforcement officer advises that it is safe for the EMS provider to enter.

(2) An EMS provider shall have access to a patient at a police incident scene before the patient is removed from the scene by or at the direction of a law enforcement officer.

(3) If, pursuant to a medical treatment protocol or a medical command order, an EMS provider is required to transport to a receiving facility a patient whom a law enforcement officer has taken or wants to take into custody or whom the law enforcement officer believes needs to be spoken to immediately by the law enforcement officer, the EMS provider shall transport the patient to a receiving facility by ambulance. The EMS provider and EMSVO shall allow the law enforcement officer to accompany the patient in the ambulance if the law enforcement officer so chooses, and shall not interfere with the law enforcement officer employing security precautions deemed necessary by the law enforcement officer to ensure the safety of the officer and others. A law enforcement officer is not permitted to implement security precautions that unreasonably interfere with the provision of EMS to the patient.

**§ 1023.22. EMS vehicle operator.**

(a) *Roles and responsibilities.* An EMSVO operates ground EMS vehicles for an EMS agency, as authorized by an EMS agency.

(b) *Certification.* The Department will certify as an EMSVO an individual who meets the following qualifications:

(1) Completes an application for EMSVO certification on a form or through an electronic process, as prescribed by the Department.

(2) Is 18 years of age or older.

(3) Has a current driver's license.

(4) Is not addicted to alcohol or drugs.

(5) Is free from physical or mental defect or disease that may impair the person's ability to drive a ground EMS vehicle.

(6) Has successfully completed an emergency vehicle operator's course of instruction approved by the Department.

(7) Has not:

(i) Been convicted within the last four years prior to the date of application of driving under the influence of alcohol or drugs.

(ii) Within the last two years prior to the date of application, been convicted of reckless driving or had a driver's license suspended due to use of drugs or alcohol or a moving traffic violation.

(8) Has successfully completed an EVOC following a disqualification from certification under paragraph (7), regardless of whether the person successfully completed the course previously.

(c) *Transition for operators of ground ambulances and squad vehicles.* A person who drove an ambulance or squad vehicle prior to [effective date of the regulation], and who satisfies the certification requirements under subsection (b), may serve as an EMSVO until [90 days after effective date of the regulation], without having secured a certification as an EMSVO.

(d) *Registration.*

(1) Except as otherwise provided in this subsection an EMSVO's certification is deemed registered for three years. Thereafter, an EMSVO shall triennially register the

certification by completing a form or through an electronic process, as prescribed by the Department. An EMSVO shall submit the form or complete the electronic process no less than 30 days prior to the expiration of a current registration. Failure to do so in a timely manner may result in the EMSVO certification not being registered again before the prior registration expires. The Department will issue a new registration within 30 days after the EMSVO completes the form or the electronic process if the information provided establishes that the EMSVO has a current driver's license and has successfully completed the continuing education requirements for registration of an EMSVO certification in § 1023.31(a) (relating to continuing education requirements).

(2) If an EMSVO also has an EMS provider's certification, the registration of the EMSVO's certification shall expire at the same time as the registration of the EMS provider's certification. If the EMSVO does not maintain current registration of the EMS provider's certification, the registration of the EMSVO's certification shall continue on the same renewal cycle. If an EMSVO who is an EMS provider becomes certified as a higher-level EMS provider, the registration of the EMSVO's certification shall expire at the same time as the registration of the higher-level EMS provider's certification.

(3) An EMSVO who does not secure a new registration of an EMSVO certification later than 2 years after the registration expires may secure a new registration by completing a registration form or through an electronic process, as prescribed by the Department, if the information provided establishes that the EMSVO has completed the continuing education requirements for that registration period and an EVOC within the preceding 2 years.

(4) An EMSVO who is a member of the armed forces who is returning from active military service and whose EMSVO registration has expired or will expire within 12 months after returning from active military service may secure an exception to the registration requirements under § 1023.21(d) (relating to general rights and responsibilities).

(5) An EMSVO who operates an EMS vehicle exclusively for a QRS operated by an EMS agency shall have no registration requirements.

### **§ 1023.23. Ambulance attendant and first responder.**

An individual who is an ambulance attendant or who is certified as a first responder on [effective date of section, which is 180 days after the regulations are adopted] shall be deemed to be an EMR with a current registration and shall thereafter be subject to § 1023.24 (relating to emergency medical responder). The Department will issue an EMR certification to an individual who is certified as a first responder on [effective date of section]. The Department will issue an EMR certification to an individual who is qualified as an ambulance attendant on [effective date of section] if that individual submits an application for EMR certification on a form or through an electronic process, as prescribed by the Department, which documents that the individual was qualified as an

ambulance attendant under former § 1003.21(b) (relating to ambulance attendant). An individual who qualifies for EMR certification by virtue of having been an ambulance attendant may serve as an EMR until [180 days after the regulation is effective] without having obtained an EMR certification. The initial registration of an EMR certification of a person who qualified for that certification by having been a first responder shall expire when that person's first responder certification would have expired. The initial registration of an EMR certification of a person who qualified for that certification by having been an ambulance attendant shall expire when that person's qualifications as an ambulance attendant would have expired.

**§ 1023.24. Emergency medical responder.**

(a) *Roles and responsibilities.* An EMR performs for an EMS agency BLS skills involving basic interventions with minimum EMS equipment as follows:

(1) As a member of a QRS to stabilize and improve a patient's condition until a higher level EMS provider arrives at the scene, and then the EMR may assist the higher level EMS provider if requested to do so.

(2) As a member of the crew of an ambulance or squad vehicle.

(3) As a member of a special operations EMS service.

(b) *Certification.*

(1) The Department will certify as an EMR an individual who meets the following qualifications:

(i) Completes an application for EMR certification on a form or through an electronic process, as prescribed by the Department.

(ii) Is 16 years of age or older.

(iii) Has successfully completed an EMS provider educational course for EMRs or by [the effective date of the regulation] a first responder educational course previously approved by the Department as an educational course leading to first responder certification.

(iv) Has a current certificate evidencing successful completion of a CPR course acceptable to the Department.

(v) Has passed a written examination for EMR 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 to the written examination for EMR certification.

(vi) Has passed a practical test of EMR skills for EMR 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 to the practical test of EMR skills for EMR certification.

(2) The Department will also certify as an EMR an individual who completes an application on a form or through an electronic process, as prescribed by the Department and who applies for EMR certification pursuant to § 1023.21(g) (relating to general rights and responsibilities).

(c) *Triennial registration.*

(1) An EMR's certification is deemed registered for three years. Thereafter, an EMR shall triennially register the certification by completing a form or through an electronic process, as prescribed by the Department. An EMR shall submit the form or complete the electronic process no less than 30 days prior to the expiration of a current registration. Failure to do so in a timely manner may result in the EMR certification not being registered again before the prior registration expires. The Department will issue a new registration within 30 days after the EMR completes the form or the electronic process if the information provided establishes that the EMR has successfully completed one of the following:

(i) The EMR practical skills and written knowledge triennial registration examinations prescribed by the Department.

(ii) The continuing education requirements for triennial registration of an EMR certification in § 1023.31(b) (relating to continuing education requirements).

(2) An EMR who is a member of the armed forces who is returning from active military service and whose EMR registration has expired or will expire within 12 months after returning from active military service may secure an exception to the triennial registration requirements under § 1023.21(d).

(d) *Scope of practice.*

(1) An EMR's scope of practice includes skills in the following skill areas, as published in the *Pennsylvania Bulletin*, if the EMR has been educated to perform those skills-

Airway/Ventilation/Oxygenation  
Cardiovascular Circulation  
Immobilization

(2) An EMR's scope of practice may be expanded to include BLS skills in other skill areas as the Department shall publish in notices in the *Pennsylvania Bulletin*. An EMR may not perform those additional skills unless the EMR has received education to

perform those skills, and is able to document having received the education, in one of the following:

- (i) A course approved by the Department that covers the complete curriculum for certification as an EMR.
  - (ii) A course which is determined by the Department to meet or exceed the standards of a course approved by the Department under subparagraph (i).
  - (iii) A course for which the EMR may receive continuing education credit towards triennial registration of the EMR's certification or, if the EMR was previously certified as a first responder, a course for which the EMR received continuing education credit towards first responder recertification prior to [effective date of regulation].
- (3) The Department will publish in the *Pennsylvania Bulletin*, at least biennially, a list of the skills the Department has approved as being within the scope of practice of an EMR.

**§ 1023.25. Emergency medical technician.**

(a) *Roles and responsibilities.* An EMT performs basic EMS skills involving basic interventions and equipment found on an EMS vehicle or within an EMT's scope of practice, as follows:

- (1) For an EMS agency as a member of the crew of an ambulance or squad vehicle.
- (2) For an EMS agency as a member of a QRS to stabilize and improve a patient's condition in an out-of-hospital setting until an ambulance arrives, and then may assist the ambulance crew.
- (3) As a member of a special operations EMS service.
- (4) As a first aid or safety officer, or in a similar capacity, for or independent of an EMS agency. When serving in this capacity independent of an EMS agency the EMT does not function under the direction of an EMS agency medical director or a medical command physician. The EMT shall perform skills as prescribed by applicable Statewide and regional EMS protocols, and may not perform any skill for which the EMT is required to secure medical command direction pursuant to those protocols.

(b) *Certification.*

- (1) The Department will certify as an EMT an individual who meets the following qualifications:

(i) Completes an application for EMT certification on a form or through an electronic process, as prescribed by the Department.

(ii) Is 16 years of age or older.

(iii) Has successfully completed an EMS provider educational course for EMTs.

(iv) Has a current certificate evidencing successful completion of a CPR course acceptable to the Department.

(v) Has passed a written examination for EMT certification prescribed by the Department.

(vi) Has passed a practical test of EMT skills for EMT certification prescribed by the Department.

(2) The Department will also certify as an EMT an individual who completes an application on a form or through an electronic process, as prescribed by the Department and who applies for EMT certification pursuant to § 1023.21(g) (relating to general rights and responsibilities).

(c) *Triennial registration.*

(1) An EMT's certification is deemed registered for three years. Thereafter, an EMT shall triennially register the certification by completing a form or through an electronic process, as prescribed by the Department. An EMT shall submit the form or complete the electronic process no less than 30 days prior to the expiration of a current registration. Failure to do so in a timely manner may result in the EMT certification not being registered again before the prior registration expires. The Department will issue a new registration within 30 days after the EMT completes the form or the electronic process if the information provided establishes that the EMT has successfully completed one of the following:

(i) The EMT practical skills and written knowledge triennial registration examinations prescribed by the Department.

(ii) The continuing education requirements for triennial registration of an EMT certification in § 1023.31(c) (relating to continuing education requirements).

(2) An EMT who is a member of the armed forces who is returning from active military service and whose EMT registration has expired or will expire within 12 months after returning from active military service may secure an exception to the triennial registration requirements under § 1023.21(d).

(d) *Scope of practice.*

(1) An EMT's scope of practice incorporates the scope of practice of an EMR and additional skills in the following skill areas, as published in the *Pennsylvania Bulletin*, if the EMT has been educated to perform those skills:

Airway/Ventilation/Oxygenation  
Cardiovascular Circulation  
Immobilization  
Medication Administration-Routes

(2) An EMT's scope of practice may be expanded to include basic EMS skills in other skill areas as the Department shall publish in notices in the *Pennsylvania Bulletin*. An EMT may not perform those additional skills unless the EMT has received education to perform those skills, and is able to document having received the education, in one of the following:

(i) A course approved by the Department that covers the complete curriculum for certification as an EMT.

(ii) A course which is determined by the Department to meet or exceed the standards of course approved by the Department under subparagraph (i).

(iii) A course for which the EMT may receive continuing education credit towards recertification.

(3) The Department will publish in the *Pennsylvania Bulletin*, at least biennially, a list of the skills the Department has approved as being within the scope of practice of an EMT.

**§ 1023.26. Advanced emergency medical technician**

(a) *Roles and responsibilities.* An AEMT performs basic EMS and ALS skills which include interventions and administration of medications and vaccines with basic and advanced equipment found on an EMS vehicle or within an AEMT's scope of practice, as follows:

(1) For an EMS agency as a member of the crew of an ambulance or squad vehicle.

(2) For an EMS agency as a member of a QRS to stabilize and improve a patient's condition in an out-of-hospital setting until an ambulance arrives, and then may assist the ambulance crew.

(3) As a member of a special operations EMS service.

(4) As a first aid or safety officer, or in a similar capacity, for or independent of an EMS agency. When serving in this capacity independent of an EMS agency an AEMT does not function under the direction of an EMS agency medical director or a medical command physician. The AEMT shall perform skills as prescribed by applicable Statewide and regional EMS protocols, and may not perform the following:

(i) Skills other than those permitted at the EMT level of care.

(ii) Any skill for which the EMT is required to secure medical command direction pursuant to those protocols.

(b) *Certification*

(1) The Department will certify as an AEMT an individual who meets the following qualifications:

(i) Completes an application for AEMT certification on a form or through an electronic process, as prescribed by the Department.

(ii) Is 18 years of age or older.

(iii) Has successfully completed one of the following:

(A) An EMS provider educational course for AEMTs.

(B) An EMS provider educational course for EMTs, and education, through continuing education courses, in skills required in the scope of practice of an AEMT for which the applicant did not receive education in the EMT course.

(iv) Has a current certificate evidencing successful completion of a CPR course acceptable to the Department.

(v) Has passed a written examination for AEMT certification prescribed by the Department.

(vi) Has passed a practical test of AEMT skills for AEMT certification prescribed by the Department.

(2) The Department will also certify as an AEMT an individual who completes an application on a form or through an electronic process, as prescribed by the Department and who applies for AEMT certification pursuant to § 1023.21(g) (relating to general rights and responsibilities).

(c) *Biennial registration.*

(1) When an AEMT certification is issued it is deemed registered through December 31 of that year if it is issued in an odd-numbered year, or through December 31 of the next odd-numbered year if it is issued in an even-numbered year. Thereafter, an AEMT shall biennially register the certification by completing a form or through an electronic process, as prescribed by the Department. An AEMT shall submit the form or complete the electronic process no less than 30 days prior to the expiration of a current registration. Failure to do so in a timely manner may result in the AEMT certification not being registered again before the prior registration expires. The Department will issue a new registration within 30 days after the AEMT completes the form or the electronic process if the information provided establishes that the AEMT has successfully completed one of the following:

(i) The AEMT practical skills and written knowledge biennial registration examinations prescribed by the Department.

(ii) The continuing education requirements for biennial registration of an AEMT certification in § 1023.31(d) (relating to continuing education requirements).

(2) An AEMT who is a member of the armed forces who is returning from active military service and whose AEMT registration has expired or will expire within 12 months after returning from active military service may secure an exception to the biennial registration requirements under § 1023.21(d).

(d) *Scope of practice.*

(1) An AEMT's scope of practice incorporates the scope of practice of an EMT and additional skills in the following skill areas, as published in the *Pennsylvania Bulletin*, if the AEMT has been educated to perform those skills:

Airway/Ventilation/Oxygenation  
Cardiovascular Circulation  
Immobilization  
Medication Administration-Routes  
IV Initiation / Maintenance Fluids

(2) An AEMT's scope of practice may be expanded to include ALS skills in other skill areas as the Department shall publish in notices in the *Pennsylvania Bulletin*. An AEMT may not perform those additional skills unless the AEMT has received education to perform those skills, and is able to document having received the education, in one of the following:

(i) A course approved by the Department that covers the complete curriculum for an AEMT.

(ii) A course which is determined by the Department to meet or exceed the standards of a course approved by the Department under subparagraph (i).

(iii) A course for which an AEMT may receive continuing education credit towards biennial registration of the AEMT certification.

(3) The Department will publish in the *Pennsylvania Bulletin*, at least biennially, a list of the skills the Department has approved as being within the scope of practice of an AEMT.

### **§ 1023.27. Paramedic.**

#### *(a) Roles and responsibilities.*

A paramedic performs basic and advanced EMS skills which include interventions and administration of medications and vaccines with basic and advanced equipment found on an EMS vehicle or within a paramedic's scope of practice, as follows:

(1) For an EMS agency as a member of the crew of an ambulance or squad vehicle.

(2) For an EMS agency as a member of a QRS to stabilize and improve a patient's condition in an out-of-hospital emergency until an ambulance arrives at the scene and then may assist the ambulance crew.

(3) As a member of a special operations EMS service.

(4) As a first aid or safety officer, or in a similar capacity, for or independent of an EMS agency. When serving in this capacity independent of an EMS agency a paramedic does not function under the direction of an EMS agency medical director or a medical command physician. The paramedic shall perform skills as prescribed by applicable Statewide and regional EMS protocols, and may not perform the following:

(i) Skills other than those permitted at the EMT level of care.

(ii) Any skill for which the EMT is required to secure medical command direction pursuant to those protocols.

*(b) Certification.* The Department will certify as a paramedic an individual who meets the following qualifications:

(1) Completes an application for paramedic certification on a form or through an electronic process, as prescribed by the Department.

(2) Is certified as an EMT or an AEMT by the Department or possesses an equivalent certification issued by another state.

(3) Is 18 years of age or older.

(4) Has a high school diploma or its equivalent.

(5) Has successfully completed an EMS provider educational course for paramedics.

(6) Has a current certificate evidencing successful completion of a CPR course acceptable to the Department.

(7) Has passed a practical test of paramedic skills for paramedic certification approved by the Department.

(8) Has passed a written examination for paramedic certification approved by the Department.

(c) *Biennial registration.*

(1) When a paramedic certification is issued it is deemed registered through December 31 of that year if it is issued in an odd-numbered year, or through December 31 of the next odd-numbered year if it is issued in an even-numbered year. Thereafter, a paramedic shall biennially register the certification by completing a form or through an electronic process, as prescribed by the Department. A paramedic shall submit the form or complete the electronic process no less than 30 days prior to the expiration of a current registration. Failure to do so in a timely manner may result in the paramedic certification not being registered again before the prior registration expires. The Department will issue a new registration within 30 days after the paramedic completes the form or the electronic process if the information provided establishes that the paramedic has successfully completed one of the following:

(i) The paramedic practical skills and written knowledge biennial registration examinations prescribed by the Department.

(ii) The continuing education requirements for biennial registration of a paramedic certification in § 1023.31(e) (relating to continuing education requirements).

(2) A paramedic who is a member of the armed forces who is returning from active military service and whose paramedic registration has expired or will expire within 12 months after returning from active military service may secure an exception to the triennial registration requirements under § 1023.21(d) (relating to general rights and responsibilities).

(d) *Scope of practice.*

(1) A paramedic's scope of practice incorporates the scope of practice of an AEMT and additional skills in the following skill areas, as published in the *Pennsylvania Bulletin*, if the paramedic has been educated to perform those skills:

Airway/Ventilation/Oxygenation  
Cardiovascular Circulation  
Immobilization  
Medication Administration-Routes  
IV Initiation / Maintenance Fluids

(2) A paramedic's scope of practice may be expanded to include advanced EMS skills in other skill areas as the Department shall publish in notices in the *Pennsylvania Bulletin*. A paramedic may not perform those additional skills unless the paramedic has received education to perform those skills, and is able to document having received the education, in one of the following:

- (i) A course approved by the Department that covers the complete curriculum for certification as a paramedic.
- (ii) A course which is determined by the Department to meet or exceed the standards of a course approved by the Department under subparagraph (i).
- (iii) A course for which the paramedic may receive continuing education credit towards biennial registration of the paramedic certification.

(3) The Department will publish in the *Pennsylvania Bulletin*, at least biennially, a list of the skills the Department has approved as being within the scope of practice of a paramedic.

#### **§ 1023.28. Prehospital physician extender.**

(a) *Roles and responsibilities.* A PHPE performs for an EMS agency basic and advanced EMS skills, and additional skills within the scope of practice of a physician assistant under the Medical Practice Act of 1985 (63 P.S. §§ 422.1-422.45) or the Osteopathic Medical Practice Act (63 P.S. §§ 271.1-271.18), or a successor act, as follows:

- (1) As a member of the crew of an ambulance or squad vehicle.
- (2) As a member of a QRS to stabilize and improve a patient's condition in an out-of-hospital emergency until an ambulance arrives at the scene and then may assist the ambulance crew.
- (3) As a member of a special operations EMS service.

(4) As a first aid or safety officer, or in a similar capacity.

(b) *Certification.* The Department will certify as a PHPE an individual who meets the following qualifications:

(1) Completes an application for PHPE certification on a form or through an electronic process, as prescribed by the Department.

(2) Has a currently registered license as a physician assistant with the State Board of Medicine or the State Board of Osteopathic Medicine.

(3) Is 18 years of age or older.

(4) Has a current certificate evidencing successful completion of a CPR course acceptable to the Department.

(5) Has passed a practical test of PHPE skills for PHPE certification approved by the Department.

(6) Has passed a written test of PHPE skills for PHPE certification approved by the Department.

(c) *Biennial registration.*

(1) When a PHPE certification is issued it is deemed registered through December 31 of that year, if it is issued in an odd-numbered year, or through December 31 of the next odd-numbered year, if it is issued in an even-numbered year. Thereafter, a PHPE shall biennially register the certification by completing a form or through an electronic process, as prescribed by the Department. A PHPE shall submit the form or complete the electronic process no less than 30 days prior to the expiration of a current registration. Failure to do so in a timely manner may result in the PHPE certification not being registered again before the prior registration expires. The Department will issue a new registration within 30 days after the PHPE completes the form or the electronic process if the information provided establishes that the PHPE has satisfied the following:

(i) Has a current physician assistant license or current registration of that license.

(ii) Has completed the continuing education requirements for biennial registration of a PHPE certification in § 1023.31(f) (relating to continuing education requirements).

(2) A PHPE who is a member of the armed forces who is returning from active military service and whose PHPE registration has expired or will expire within 12 months after returning from active military service may secure an exception to the biennial

registration requirements under § 1023.21(d) (relating to general rights and responsibilities).

(d) *Scope of practice.* A PHPE may perform skills within a paramedic's scope of practice and other skills a physician assistant is authorized to perform by the Medical Practice Act of 1985 or the Osteopathic Medical Practice Act, whichever applies to the physician assistant, when authorized by a medical command physician or an applicable Statewide or Department-approved EMS protocol. When a PHPE functions in this capacity, the physician supervision requirements under the Medical Practice Act of 1985 and the Osteopathic Medical Practice Act do not apply. A PHPE who has not been educated in a skill within a paramedic's scope of practice may not perform that skill unless and until the PHPE has received education to perform the skill and is able to document having received the education as required by § 1023.27(d)(2) (relating to paramedic) or otherwise documents having received the education to competently perform the skill.

#### **§ 1023.29. Prehospital registered nurse.**

(a) *Roles and responsibilities.* A PHRN performs for an EMS agency basic and advanced EMS skills and additional skills within the scope of practice of a registered nurse under The Professional Nursing Law (63 P.S. §§ 211-225.5), or a successor act, as follows:

- (1) As a member of the crew of an ambulance or squad vehicle.
- (2) As a member of a QRS to stabilize and improve a patient's condition in an out-of-hospital emergency until an ambulance arrives at the scene and then may assist the ambulance crew.
- (3) As a member of a special operations EMS service.
- (4) As a first aid or safety officer, or in a similar capacity.

(b) *Certification.* The Department will certify as a PHRN an individual who meets the following qualifications:

- (1) Completes an application for PHRN certification on a form or through an electronic process, as prescribed by the Department.
- (2) Has a current license as a registered nurse with the State Board of Nursing.
- (3) Is 18 years of age or older.
- (4) Has a current certificate evidencing successful completion of a CPR course acceptable to the Department.

(5) Has passed a practical test of PHRN skills for PHRN certification approved by the Department.

(6) Has passed a written test of PHRN skills for PHRN certification approved by the Department.

(c) *Biennial registration.*

(1) When a PHRN certification is issued it is deemed registered through December 31 of that year, if it is issued in an odd-numbered year, or through December 31 of the next odd-numbered year, if it is issued in an even-numbered year. Thereafter, a PHRN shall biennially register the certification by completing a form or through an electronic process, as prescribed by the Department. A PHRN shall submit the form or complete the electronic process no less than 30 days prior to the expiration of a current registration. Failure to do so in a timely manner may result in the PHRN certification not being registered again before the prior registration expires. The Department will issue a new registration within 30 days after the PHRN completes the form or the electronic process if the information provided establishes that the PHRN has satisfied the following:

(i) Has a current registered nurse license or current registration of that license.

(ii) Has completed the continuing education requirements for biennial registration of a PHRN certification in § 1023.31(g) (relating to continuing education requirements).

(2) A PHRN who is a member of the armed forces who is returning from active military service and whose PHRN registration has expired or will expire within 12 months after returning from active military service may secure an exception to the biennial registration requirements under § 1023.21(d) (relating to general rights and responsibilities).

(d) *Scope of practice.* A PHRN may perform skills within a paramedic's scope of practice and other skills authorized by The Professional Nursing Law (63 P. S. §§ 221—225.5), when authorized by a medical command physician or the applicable Statewide or Department-approved EMS protocol. A PHRN who has not been educated in a skill within a paramedic's scope of practice may not perform that skill unless and until the PHRN has received education to perform the skill and is able to document having received the education as required by § 1023.27(d)(2) (relating to paramedic) or otherwise documents having received the education to competently perform the skill.

**§ 1023.30. Prehospital EMS physician.**

(a) *Roles and responsibilities.* A PHP performs for an EMS agency basic and advanced EMS skills within the scope of practice of a physician under the Medical Practice Act of 1985 (63 P.S. §§ 422.1-422.45) or the Osteopathic Medical Practice Act (63 P.S. §§ 271.1-271.18), or a successor act, as follows:

(1) As a member of the crew of an ambulance or squad vehicle.

(2) As a member of a QRS to stabilize and improve a patient's condition in an out-of-hospital setting.

(3) As a member of a special operations EMS service.

(4) As a first aid or safety officer, or in a similar capacity.

(b) *Certification.* The Department will certify as PHP a physician who meets the following qualifications:

(1) Completes an application for PHP certification on a form or through an electronic process, as prescribed by the Department.

(2) Has successfully completed one of the following:

(i) A residency program in emergency medicine accredited by a residency program accrediting body recognized by the State Board of Medicine or the State Board of Osteopathic Medicine.

(ii) The first year of a residency program that satisfies subparagraph (i) and the ACLS course, the ATLS course, the APLS or PALS course or, for each of these courses, a course that the Department determines meets or exceeds the requirements of the course.

(iii) A residency program in anesthesia, general surgery, internal medicine, or family medicine, by a residency program accrediting body recognized by the State Board of Medicine or the State Board of Osteopathic Medicine, and the ACLS course, the ATLS course, the APLS or PALS course or, for each of these courses, a course that the Department determines meets or exceeds the requirements of the course.

(3) Has a current certificate evidencing successful completion of a CPR course acceptable to the Department.

(4) Has passed a practical test of EMS skills prescribed by the Department for a PHP or served as a prehospital health professional physician prior to [effective date of the regulation].

(c) *Transition for prehospital health professional physicians.* A physician who served as a prehospital health professional physician prior to [effective date of the regulation], and who satisfies the certification requirements under paragraph (b)(2), may serve as a PHP until [90 days after effective date of the regulation], without having secured a certification as a PHP.

(d) *Biennial registration.*

(1) When a PHP certification is issued it is deemed registered through December 31 of that year, if it is issued in an odd-numbered year, or through December 31 of the next odd-numbered year, if it is issued in an even-numbered year. Thereafter, a PHP shall biennially register the certification by completing a form or through an electronic process, as prescribed by the Department. A PHP shall submit the form or complete the electronic process no less than 30 days prior to the expiration of a current registration. Failure to do so in a timely manner may result in the PHP certification not being registered again before the prior registration expires. The Department will issue a new registration within 30 days after the PHP completes the form or the electronic process if the information provided establishes that the PHP has satisfied the following:

(i) Has a current physician license or current registration of that license.

(ii) Has completed the continuing education requirements for biennial registration of a PHP certification in § 1023.31(h) (relating to continuing education requirements).

(2) A PHP who is a member of the armed forces who is returning from active military service and whose PHP registration has expired or will expire within 12 months after returning from active military service may secure an exception to the biennial registration requirements under § 1023.21(d) (relating to general rights and responsibilities).

(e) *Scope of practice.* A PHP may perform skills within a paramedic's scope of practice and other skills within the practice of medicine or osteopathic medicine. A PHP may not perform a skill that the PHP has not been educated to perform. A regional EMS medical director shall verify that a PHP who is also an EMS agency medical director and who qualifies for PHP certification by satisfying subsection (b)(2)(iii) has the competency to perform all skills within a paramedic's scope of practice.

### **§ 1023.31. Continuing education requirements.**

(a) *EMS vehicle operators.* Commencing with the first full registration period an EMSVO begins following [effective date of regulation], an EMSVO whose certification is currently registered shall, prior to the expiration of the registration period, successfully complete 3 continuing education credits if the registration is on a three-year renewal cycle and 2 continuing education credits if the registration is on a two-year renewal cycle,

as specified in a notice the Department publishes in the *Pennsylvania Bulletin*. The continuing education requirements imposed by this subsection for registration of an EMSVO certification are in addition to those imposed upon an EMS provider for registration of an EMS provider certification.

(b) *Emergency medical responders*. Commencing with the first full registration period an EMR begins following [effective date of the regulation], an EMR whose certification is currently registered and who elects to qualify for triennial registration of the certification by fulfilling continuing education requirements shall, prior to the expiration of the 3-year registration period, successfully complete the following:

(1) Sixteen credits in instruction in subjects related to the scope of practice of an EMR as set forth in § 1023.24(a) and (d) (relating to emergency medical responder) and which have been approved by the Department for continuing education credit. At least twelve of those credits shall be in clinical patient care and other core continuing education courses as specified in a notice the Department publishes in the *Pennsylvania Bulletin*. During an initial registration period that goes into effect on [effective date of regulation], an EMR who has transitioned from a first responder certification to an EMR certification shall satisfy the continuing education requirements that had been imposed upon a first responder under former § 1003.29(a) (relating to continuing education requirements) to renew a first responder certification.

(2) A CPR course completed or taught biennially.

(c) *Emergency medical technicians*. Commencing with the first full registration period an EMT begins following [effective date of the regulation], an EMT whose certification is currently registered and who elects to qualify for triennial registration of the certification by fulfilling continuing education requirements shall, prior to the expiration of the 3-year registration period, successfully complete the following:

(1) Twenty-four credits in instruction in subjects related to the scope of practice of an EMT as set forth in § 1023.25(a) and (d) (relating to emergency medical technician) and which have been approved by the Department for continuing education credit. At least 18 of those credits shall be in clinical patient care and other core continuing education courses as specified in a notice the Department publishes in the *Pennsylvania Bulletin*. During an initial registration period that goes into effect on [effective date of regulation], an EMT shall satisfy the continuing education requirements that had been imposed upon an EMT under former § 1003.29(b) to renew an EMT certification.

(2) A CPR course completed or taught biennially.

(d) *Advanced emergency medical technicians*. An AEMT whose certification is currently registered and who elects to qualify for biennial registration of the certification by fulfilling continuing education requirements shall, prior to the expiration of the 2-year registration period, successfully complete the following:

(1) Effective with the registration period beginning January 1, 2014, 36 credits in instruction in subjects related to the scope of practice of an AEMT as set forth in § 1023.26(a) and (d) (relating to advanced EMT) and which have been approved by the Department for continuing education credit. At least 27 of those credits shall be in clinical patient care and other core continuing education courses as specified in a notice the Department publishes in the *Pennsylvania Bulletin*, commencing with the first full registration period the AEMT begins following the initial registration period. The continuing education requirements to register an AEMT certification for a second registration period shall be prorated based upon the month the certification was secured, with any fractional requirement rounded down.

(2) A CPR course completed or taught biennially.

(e) *Paramedics*. A paramedic whose certification is currently registered and who elects to qualify for biennial registration of the certification by fulfilling continuing education requirements shall, prior to the expiration of the 2-year registration period, successfully complete the following:

(1) Effective with the registration period beginning January 1, 2014, 36 credits in instruction in subjects related to the scope of practice of a paramedic as set forth in § 1023.27(a) and (d) (relating to paramedic) and which have been approved by the Department for continuing education credit. At least 27 of those credits shall be in clinical patient care and other core continuing education courses as specified in a notice the Department publishes in the *Pennsylvania Bulletin*, commencing with the first full registration period the paramedic begins following the initial registration period. The continuing education requirements to register a paramedic certification for a second registration period shall be prorated based upon the month the certification was secured, with any fractional requirement rounded down.

(2) A CPR course completed or taught biennially.

(3) Prior to January 1, 2014, a paramedic shall satisfy the continuing education requirements that had been imposed upon a paramedic under former § 1003.29(c) to renew medical command authorization.

(f) *Prehospital physician extenders*. A PHPE whose certification is currently registered shall, prior to the expiration of the 2-year registration period, successfully complete the following:

(1) Effective with the registration period beginning January 1, 2014, 36 credits in instruction in subjects related to the scope of practice of a PHPE as set forth in § 1023.28(a) and (d) (relating to prehospital physician extender) and which have been approved by the Department for continuing education credit. At least 27 of those credits shall be in clinical patient care and other core continuing education courses as specified in a notice the Department publishes in the *Pennsylvania Bulletin*. The continuing education requirements to register a PHPE certification for a second registration period

shall be prorated based upon the month the certification was secured, with any fractional requirement rounded down.

(2) A CPR course completed or taught biennially.

(3) Prior to January 1, 2014, a PHPE shall satisfy the continuing education requirements that had been imposed upon a paramedic under former § 1003.29(c) to renew medical command authorization.

(g) *Prehospital registered nurses.* A PHRN whose certification is currently registered shall, prior to the expiration of the 2-year registration period, successfully complete the following:

(1) Effective with the registration period beginning January 1, 2014, 36 credits in instruction in subjects related to the scope of practice of a PHRN as set forth in § 1023.29(a) and (d) (relating to prehospital registered nurse) and which have been approved by the Department for continuing education credit. At least 27 of those credits shall be in clinical patient care and other core continuing education courses as specified in a notice the Department publishes in the *Pennsylvania Bulletin*. The continuing education requirements to register a PHRN certification for a second registration period shall be prorated based upon the month the certification was secured with any fractional requirement rounded down.

(2) A CPR course completed or taught biennially.

(3) Prior to January 1, 2014, a PHRN shall satisfy the continuing education requirements that had been imposed upon a PHRN under former § 1003.29(d) to renew medical command authorization.

(h) *Prehospital EMS physicians.* A PHP whose certification is currently registered shall, prior to the expiration of the 2-year registration period, successfully complete the following:

(1) Effective with the registration period beginning January 1, 2014, 36 credits in instruction in subjects related to the scope of practice of a PHP as set forth in § 1023.30(a) and (e) (relating to prehospital EMS physician) and which have been approved by the Department for continuing education credit. At least 27 of those credits shall be in clinical patient care and other core continuing education courses as specified in a notice the Department publishes in the *Pennsylvania Bulletin*. The continuing education requirements to register a PHP certification for a second registration period shall be prorated based upon the month the certification was secured, with any fractional requirement rounded down.

(2) A CPR course completed or taught biennially.

(i) This section does not prohibit an EMS agency from requiring EMS providers or EMSVO to satisfy continuing education requirements it may choose to impose as a condition of employment, provided that the EMS agency may not excuse an EMS provider or EMSVO from meeting continuing education requirements imposed by this section.

**§ 1023.32. Credit for continuing education.**

(a) *Credit.* An EMS provider and an EMSVO shall receive 1 credit for each 60 minutes of instruction approved by the Department for continuing education credit 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, however, no credit shall be received if the EMS provider or EMSVO misses more than 15% of the time assigned for the course. Credit may not be received for other than 30 or 60-minute units of instruction, however the course shall be at least 30 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 EMS provider or EMSVO shall receive the number of credit hours assigned by the Department to the course.

(b) *Course completion.* An EMS provider or EMSVO 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 EMS provider or EMSVO met the continuing education attendance requirement for receiving credit, and the continuing education sponsor's report to the Department verifying that the EMS provider or EMSVO has completed the course. The course will also not be considered completed if the EMS provider or EMSVO does not satisfy other course completion requirements imposed by this chapter and the continuing education sponsor.

(c) *Continuing education credit for instruction.* An EMS provider or EMSVO shall receive credit for serving as an instructor in a continuing education course offered by a continuing education sponsor, or in a course that satisfies requirements for EMS provider or EMSVO certification conducted by an EMS educational institute. An EMS provider or EMSVO shall receive credit for teaching a continuing education course equal to the amount of credit for which a continuing education course is approved by the Department, and shall receive credit for teaching a course that satisfies requirements for EMS provider or EMSVO certification equal to the number of hours served as an instructor in that course. An EMS provider or EMSVO shall receive credit for teaching the same course only once during a registration renewal cycle.

(d) *Continuing education credit through endorsement.* An EMS provider or EMSVO 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 EMS provider or EMSVO 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 is based 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 EMS provider or EMSVO 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, including the possibility of no credit or partial credit, 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.* An EMS provider or EMSVO shall be awarded credit for completing a course without the EMS provider or EMSVO 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) *Department record of continuing education credits.* A record of the continuing education credits received by EMS providers and EMSVOs shall be maintained by the Department in a Statewide registry that may be accessed by an EMS provider or EMSVO through a secure access process provided by the Department.

(i) *Resolution of discrepancies.* It is the responsibility of an EMS provider and an EMSVO to review the record of continuing education credits in the Statewide registry for that individual and to notify the appropriate regional EMS council of any discrepancy. The Department will resolve all discrepancies between the number of continuing education credits reported and the number of continuing education credits an EMS provider or EMSVO alleges to have earned, which are not resolved by the regional EMS council. An EMS provider and an EMSVO shall receive no credit for completing the same continuing education course more than once during a registration renewal cycle.

**§ 1023.33. Endorsement of course or examination.**

(a) When acting upon an application for EMS provider certification, the Department may endorse as satisfying the education or examination requirement for the certification a National course or examination taken by the applicant, or a course or examination taken by the applicant in another state to meet that state's course or examination requirement for the same or equivalent certification, if the Department determines that the course or examination meets or exceeds the standards for the course or examination requirement for the EMS provider certification issued by the Department.

(b) When acting upon an application for registration of an EMS provider certification, the Department may endorse as satisfying the continuing education or examination requirement for registration of the certification a National course or examination taken by the applicant, or a course or examination taken by the applicant in another state to meet that state's course or examination requirement for renewal or registration of the same or equivalent certification, if the Department determines that the course or examination meets or exceeds the standards for the course or examination requirement for registration of the EMS provider certification issued by the Department.

**§ 1023.34. Reciprocity.**

(a) If the Department, upon review of the criteria for certification or equivalent authorization of a type of EMS provider in another state determines that the criteria is substantially equivalent to the criteria for a type of EMS provider certification it issues, the Department may enter into a reciprocity agreement with its counterpart agency in the other state to certify the same type of provider in the Commonwealth based solely upon the other state's certification of the EMS provider, provided:

(1) The agreement provides that the counterpart authority in the other state will accord the equivalent EMS provider certified by the Department the same treatment in the other state.

(2) The agreement does not deprive the Department of its authority to deny a certification based upon disciplinary considerations.

(b) The Department will publish in the *Pennsylvania Bulletin*, and update as appropriate, a notice listing all states with which it has entered into a reciprocity agreement and, for each state, the type of EMS provider covered by the reciprocity agreement.

**Subchapter C. OTHER PERSONS ASSOCIATED WITH THE  
STATEWIDE EMS SYSTEM**

Sec.

1023.51. Certified EMS instructors.

1023.52. Rescue personnel.

**§ 1023.51. Certified EMS instructors.**

(a) *Certification.* The Department will certify as an EMS instructor an individual who meets the following qualifications:

(1) Has completed an application for EMS instructor certification on a form or through an electronic process, as 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 at a minimum a bachelor's degree in education or a teacher's certification in education.

(4) Has provided at least 20 hours of instruction time in an EMS provider educational course monitored by a certified EMS instructor designated by the EMS educational institute's administrative director.

(5) Possesses current certification as an EMT or higher level EMS provider.

(6) Possesses current certification in CPR or current certification as a CPR instructor.

(7) Possesses at least 1 year experience in providing EMS as an EMT or higher level EMS provider.

(b) *Triennial registration.* An EMS instructor certification is deemed registered for 3 years. Thereafter, an EMS instructor shall triennially register the certification by completing a form or through an electronic process, as prescribed by the Department. An EMS instructor shall submit the form or complete the electronic process no less than 30 days prior to the expiration of a current registration. Failure to do so in a timely manner may result in the EMS instructor certification not being registered again before the prior registration expires. The Department will issue a new registration within 30 days after the EMS instructor completes the form or the electronic process if the information provided establishes that the EMS instructor has met the following requirements:

(1) Has provided documentation to the Department to establish that the individual conducted at least 60 hours of teaching EMS provider or rescue courses during the previous 3 years.

(2) Possesses current registration of a certification as an EMT or higher level EMS provider.

(3) Possesses current certification in CPR or a current certification as a CPR instructor.

(c) *Standards for providing instruction.* An EMS instructor shall satisfy the following in providing instruction in an EMS educational institute:

(1) Presenting EMS educational program course materials as required by § 1025.1(h)(6) (relating to accreditation and operational requirements of EMS educational institutes).

(2) Utilize a variety of instructional strategies, adapting to students with diverse backgrounds and different learning styles.

(3) Establish and clearly communicate to students the goals and objectives for the certification class being taught, and administer periodic evaluations to assess whether those goals and objectives are being met.

(4) Maintain class order and discipline, manage the classroom learning environment, and monitor the effectiveness of instruction.

(5) Ensure proper class time management, with particular attention to completion of all required class hours.

### **§ 1023.52. Rescue personnel.**

(a) *Basic rescue practices technician.*

(1) *Roles and responsibilities.* A basic rescue practices technician is 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 in consultation with the State Fire Commissioner. A basic rescue practices technician utilizes basic tools and equipment of the rescue service to perform a safe and efficient rescue operation.

(2) *Minimum qualifications.* To secure certification as a basic rescue practices technician an applicant shall make application for basic rescue practices technician certification on a form or through an electronic process, as prescribed by the Department and shall have successfully completed a training program for basic rescue practices

approved by the Department and a written basic rescue practices test developed by the Department.

(b) *Basic vehicle rescue technician.*

(1) *Roles and responsibilities.* A basic vehicle rescue technician is 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 in consultation with the State Fire Commissioner. That program provides the student with the knowledge and skills necessary to achieve the rescue of persons involved in automobile accidents.

(2) *Minimum qualifications.* To secure certification as a basic vehicle rescue technician an applicant shall make application for basic vehicle rescue practices technician certification on a form or through an electronic process, as prescribed by the Department and shall have successfully completed a training program for basic vehicle rescue approved by the Department and a written basic vehicle rescue practices test developed by the Department.

(c) *Special vehicle rescue technician.*

(1) *Roles and responsibilities.* A special vehicle rescue technician is an individual certified by the Department as possessing the training and skills to perform rescues in accordance with the specialized rescue training course approved by the Department in consultation with the State Fire Commissioner.

(2) *Minimum qualifications.* To secure certification as a special vehicle rescue technician an applicant shall make application for special vehicle rescue practices technician certification on a form or through an electronic process, as prescribed by the Department and shall have successfully completed a training program for specialized vehicle rescue approved by the Department and a written special vehicle rescue technician test developed by the Department.

(d) *Rescue instructor.* The Department will develop a program in consultation with the State Fire Commissioner providing for the certification of rescue instructors. Courses that seek Department approval as a rescue training course for a basic rescue practices technician, basic vehicle rescue technician, or special vehicle rescue technician shall be taught by certified rescue instructors.

(e) *Certificates.* The rescue technician certifications issued by the Department under this section do not constitute a legal prerequisite for the performance of rescues. The rescue instructor certifications issued by the Department under this section do not constitute a legal prerequisite for 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 personnel with sufficient education and skills to perform rescues.

## CHAPTER 1025. EDUCATION

### Subchapter A. EMS EDUCATIONAL INSTITUTES

Sec.

- 1025.1. Accreditation and operational requirements of EMS educational institutes.
- 1025.2. Accreditation process.
- 1025.3. Advertising.

#### **§ 1025.1. Accreditation and operational requirements of EMS educational institutes.**

(a) *Eligible entity.* An EMS educational institute shall be a secondary or postsecondary institution, hospital, regional EMS council, an educational institute in a branch of the armed forces, or another entity which meets the criteria in this chapter.

(b) *Educational programs.*

(1) An EMS educational institute that is accredited by the Department to offer BLS educational courses (BLS educational institute) shall evidence the ability to conduct one or more of the following EMS provider educational courses:

- (i) Emergency Medical Responder Course.
- (ii) Emergency Medical Technician Course.

(2) An EMS educational institute that is accredited by the Department to offer ALS educational courses (ALS educational institute) shall evidence the ability to conduct one or more of the following EMS provider educational courses:

- (i) Advanced Emergency Medical Technician Course.
- (ii) Paramedic Course.

(3) An EMS educational institute shall register with the Department the location and staffing plan of a course it offers towards satisfying an EMS provider certification educational requirement at least 30 business days before the first class is held.

(c) *Advisory committee.*

(1) An EMS educational institute shall have an advisory committee that is comprised of representatives of the EMS communities that have an interest in the EMS provider educational courses the institute offers, and which also includes a representative of an appropriate regional EMS council and the institute's medical director.

(2) The advisory committee shall meet at least annually, and shall assist program personnel in formulating and periodically revising appropriate goals and objectives and in monitoring the EMS educational institute's performance.

(d) *Disclosure to students and prospective students.* An EMS educational institute shall disclose the following to students and prospective students:

(1) The institute's accreditation status.

(2) That the Department is the accrediting body, and the contact information for the Department, and the regional EMS councils where its courses are offered, as provided to the institute by the Department and those regional EMS councils.

(3) The institute's admissions, discipline and discharge policies and practices.

(4) The functional job analysis of each EMS provider classification for which it is offering an EMS provider educational course.

(5) The requirements for completing each EMS provider educational course it offers, including, to the extent known, advance notice of the books and materials required for each course.

(6) The tuition fees and other costs involved in completing each EMS provider educational course.

(7) The policies and processes for withdrawal from a course and for the refund of tuition and other fees.

(8) Information as to how students may perform clinical work while enrolled in an EMS provider educational course.

(9) The percentage of students for the three previous years who enrolled in and completed each EMS provider educational course offered by the institute.

(10) The percentage of students for the three previous years, for each EMS provider educational course, who obtained EMS provider certification, and a percentage of such students who obtained certification after a first examination.

(11) The regulatory requirements for testing leading to EMS provider certification.

(12) The EMS educational institute's policies for the prevention of sexual harassment.

(e) *Medical director.*

(1) An EMS educational institute shall have a medical director who is a physician. The medical director shall be experienced in emergency medical care, and shall have demonstrated ability in education and administration.

(2) The responsibilities of the medical director shall include:

(i) Reviewing course content to ensure compliance with this chapter.

(ii) Reviewing and approving the EMS educational institute's criteria for the recruitment, selection and orientation of educational institute faculty.

(iii) Providing technical advice and assistance to the EMS educational institute faculty and students.

(iv) Reviewing the quality and medical content of the education, and compliance with protocols.

(v) Participating in the review of new technology for training and education.

(3) Additional responsibilities for a medical director of an ALS educational institute include:

(i) Approving the content of course written and practical skills examinations.

(ii) Identifying and approving facilities where students are to fulfill clinical and field internship requirements.

(iii) Identifying and approving individuals to serve as field and clinical preceptors to supervise and evaluate student performance when fulfilling clinical and field internship requirements.

(iv) Signing skill verification forms for students who demonstrate the knowledge and skills required for successful completion of the EMS provider educational course and entry level competency for the EMS provider for which the EMS provider educational course is offered.

(f) *Administrative director.*

(1) A BLS educational institute shall have an administrative director who has at least 2 years experience in administration and 3 years experience in prehospital care.

(2) An ALS educational institute shall have an administrative director who has at least 2 years experience in administration and 3 years experience in ALS prehospital care,

and who has a Bachelor's degree from an accredited school of higher education and an EMS provider certification above the AEMT level.

(3) Responsibilities of the administrative director include ensuring:

(i) The adequacy of the system for processing student applications and the adequacy of the student selection process.

(ii) The adequacy of the process for the screening and selection of instructors for the EMS educational institute.

(iii) The EMS educational institute maintains an adequate inventory of necessary educational equipment and that the training equipment is properly prepared and maintained.

(iv) The adequate administration of the course and written and practical skills examinations involved in the course.

(v) There is an adequate system for the maintenance of student records and files.

(vi) There is an appropriate mechanism to resolve disputes between students and faculty.

(vii) Serve as the contact person and liaison between the EMS educational institute and the Department and regional EMS councils, or designate another person to perform those functions and monitor that person's performance to ensure that the contact and liaison responsibilities are being satisfied.

(g) *Course coordinator.*

(1) The EMS educational institute shall designate a course coordinator for each EMS provider educational course conducted by the educational institute.

(2) A course coordinator shall satisfy the following requirements:

(i) Reading and language skills commensurate with the resource materials to be utilized in the course.

(ii) Knowledge of the Statewide EMS protocols and of the regional EMS protocols for each EMS region where the course is offered.

(iii) Have 3 years of clinical experience providing prehospital care as an EMS provider at or above the EMT level.

(iv) Be certified as an EMS instructor.

(3) The 3 years of clinical experience providing prehospital care of a course coordinator for an ALS educational course shall be as an EMS provider above the AEMT level.

(4) A course coordinator is responsible for the management and supervision of each EMS provider educational course offered by the educational institute for which that individual serves as a course coordinator.

(5) Specific duties of a course coordinator shall be assigned by the EMS educational institute.

(6) One person may serve both as the administrative director and a course coordinator.

(h) *Instructors.*

(1) An EMS educational institute shall ensure the availability of qualified and responsible instructors for each EMS provider educational course.

(2) The EMS educational institute shall make available faculty development for EMS instructors in the concepts of utilizing a variety of instructional strategies, adapting to students with diverse backgrounds and different learning styles and shall be responsible for ensuring that its instructors are competent in providing education employing those instructional strategies.

(3) An instructor shall be 18 years of age or older, and possess a high school diploma or GED equivalent.

(4) At least 75% of the instruction provided in EMS provider educational courses shall be provided by instructors who are EMS instructors certified by the Department who have at least 3 years of experience as an EMS provider at or above the level they are teaching and at least 2 years experience in teaching an EMS provider educational course at or above the level they are teaching; or who are determined by the course coordinator and the medical director of the EMS educational institute to meet or exceed these standards.

(5) The EMS educational institute's medical director, in consultation with appropriate course coordinators, is responsible for verifying the special expertise of an instructor who does not satisfy the requirements in paragraph (4) and for specifying the portions of the curriculum that are appropriate for the instructor to teach.

(6) Instructors are responsible for presenting course materials in accordance with the curriculum established or approved for the course by the Department for the EMS provider level of the course and the Statewide EMS protocols applicable to that EMS provider level.

(i) *Clinical preceptors.*

(1) An EMS educational institute shall ensure the availability of clinical preceptors for each EMS provider educational course.

(2) A clinical preceptor is responsible for the supervision and evaluation of students while fulfilling clinical requirements for an EMS provider educational course.

(j) *Field preceptors.*

(1) An EMS educational institute shall ensure the availability of qualified field preceptors for each student enrolled in an EMS provider educational course at or above the AEMT level.

(2) An EMS educational institute shall ensure the availability of a qualified field preceptor for each student enrolled in an EMS provider educational course below the AEMT level for whom it provides a field internship.

(3) An EMS educational institute shall use as a field preceptor for an EMS provider educational course an EMS provider who is certified and practicing at or above the level of the EMS provider certification for which the course is being taught.

(4) A field preceptor is responsible for the supervision and evaluation of students while fulfilling a field internship for an EMS provider educational course. A field preceptor shall directly supervise a student's performance of any EMS skill for which the student does not have an EMS provider certification pursuant to which the student is authorized to perform the skill.

(k) *Facilities and equipment.* An EMS educational institute shall:

(1) Maintain educational facilities necessary for the provision of EMS provider educational courses, including satisfying applicable State and Federal standards to address the needs of persons with disabilities. 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.

(2) Provide, properly prepare and maintain the essential equipment, including simulators and task trainers, and the supplies to administer the course.

(l) *Operating procedures.* An EMS educational institute shall:

(1) Adopt and implement a nondiscrimination policy with respect to student selection and faculty recruitment.

(2) Maintain a file on each enrolled student which includes class performance, practical and written examination results, and reports made concerning the progress of the student during the EMS provider educational course.

(3) Provide a mechanism by which students may grieve decisions made by the institute regarding dismissal from an EMS provider educational course or other disciplinary action.

(4) Provide students with preparation for testing leading to EMS provider certification.

(5) Have a policy regarding the transfer of a student into or out of an EMS provider educational course from one EMS educational 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 provided by the Department.

(8) Prepare a course completion form for each student who successfully completes the EMS provider educational course and, no later than 14 days after the educational course has concluded, forward that form to the regional EMS council having responsibility in the EMS region where the EMS educational institute operates.

(9) Participate in EMS educational institute system evaluation activities as requested by the Department.

(10) Require each student to complete and submit the form, or complete the electronic process, as prescribed by the Department under § 1023.21(b) (relating to general rights and responsibilities) for reporting criminal convictions, discipline and exclusion from a State or Federal health care program, and inform each student of their duty to update the report if there is a change in such information before the Department acts upon the student's application for EMS provider certification.

(11) No later than 14 days after the first class session, forward a copy of the application completed under paragraph (8) and the form completed under paragraph (10) to the regional EMS council having responsibility in the EMS region where the EMS educational institute operates.

(m) *Providing access to facility and records.* An EMS educational institute and an applicant for EMS educational institute accreditation shall promptly make available to the Department or a regional EMS council, upon their request, its educational facility for inspection and provide them with complete and accurate records relating to the institute's compliance with the requirements of this subchapter.

(n) *Transitional requirements.* The requirements of this section shall apply to an EMS educational institute that is accredited on [the effective date of this regulation, which is 180 days after the regulation is promulgated] beginning with its initial application for reaccreditation as an EMS educational institute on or after [the effective date of this regulation, which is 180 days after the regulation is promulgated] and to its operations as an EMS educational institute beginning with its accreditation pursuant to that application.

## **§ 1025.2. Accreditation process.**

For an EMS educational institute to be accredited by the Department, the following are required:

(1) The applicant shall submit an application for accreditation on forms or through an electronic process, as prescribed by the Department, to the regional EMS council having responsibility in the EMS region where the EMS educational 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.

(3) The regional EMS council shall have 45 days in which to review the application, conduct an onsite assessment of the institute and determine whether the applicant has satisfied the requirements of § 1025.1 (relating to accreditation and operational requirements of EMS educational institutes).

(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, citing regulatory standards it believes have not been satisfied.

(5) Within 150 days of receipt, the Department will review the application and make one of the following determinations:

(i) *Full accreditation.* The EMS educational institute meets the criteria in § 1025.1 as applicable, and will be accredited to operate for 3 years.

(ii) *Conditional accreditation.* The EMS educational institute does not meet criteria in § 1025.1 as applicable, but the deficiencies identified are deemed correctable by the Department. The EMS educational 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 meet criteria in § 1025.1 and the deficiencies identified are deemed to be serious enough to preclude any type of accreditation.

(6) An EMS educational institute that has received full or conditional accreditation shall submit status reports to the Department as requested.

(7) Prior to and during accreditation, an EMS educational institute is subject to review, including inspection of records, facilities and equipment by the Department. An authorized representative of the Department may enter, visit and inspect an accredited EMS educational institute or a facility operated by or in connection with the EMS educational institute, with or without prior notification. 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.

(8) An EMS educational 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 educational institute that intends to conduct an EMS educational course 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 these courses. That application shall be processed by that regional EMS council and acted upon by the Department within 90 days.

### **§ 1025.3. Advertising.**

(a) An entity may advertise an educational course in a manner that states or suggests that the successful completion of the course satisfies the EMS provider educational course requirement for an EMS provider certification issued by the Department only after the entity has been accredited by the Department as an EMS educational institute and the course has been approved by the Department for that purpose under § 1025.2 (relating to accreditation process).

(b) When an EMS provider educational course has been approved under § 1025.2, the EMS education institute shall announce, in its brochures or registration materials: this course has been approved by the Pennsylvania Department of Health as meeting the educational course requirement that an applicant for certification as a/an (the type of EMS provider or EMS vehicle operator to which the course applies) needs to satisfy to be certified by the Pennsylvania Department of Health as a/an (the type of EMS provider or EMS vehicle operator to which the course applies).

## **Subchapter B. EMS CONTINUING EDUCATION COURSES**

Sec.

- 1025.21. Accreditation of sponsors of continuing education.
- 1025.22. Responsibilities of continuing education sponsors.
- 1025.23. Advertising.

### **§ 1025.21. 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 a form or through an electronic process, as prescribed by the Department. The applicant shall supply all information requested in the application. The Department will grant accreditation to an applicant for accreditation as a continuing education sponsor 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 EMS providers or EMSVOs.
- (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.

(b) Accreditation of the continuing education sponsor shall be effective for 3 calendar years.

(c) At least 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 on a form or through an electronic process, as prescribed by the Department. 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, a continuing education course or courses on at least five occasions 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 § 1025.22 (relating to responsibilities of continuing education sponsors).

**§ 1025.22. 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.

(b) *Registration of course.* A continuing education sponsor may not offer, for continuing education credit, a course for which it or another continuing education sponsor has received approval to offer as a continuing education course, without registering with the Department the location of the class through which it intends to offer that course for continuing education credit at least 30 days before the class is held.

(c) *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.

(d) *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) *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. The continuing education sponsor shall provide a copy of the completed course evaluation forms to the regional EMS council within 10 days after the course has been presented.

(f) *Record retention.* The continuing education sponsor shall retain the completed course evaluation forms for each course it presents, and the check-in/check-out record for each course it presents in a classroom setting. These records shall be retained for at least 4 years from the presentation of the course.

(g) *Providing access to records.* A continuing education sponsor and an applicant for accreditation as a continuing education sponsor shall promptly make available for inspection and provide the Department or a regional EMS council with complete and accurate records relating to its compliance with the requirements of this subchapter as requested by the Department or a regional EMS council.

(h) *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 EMS provider or EMSVO participation in a manner that achieves the purposes of subsections (a) and (b).

(i) *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 EMS provider or EMSVO who enrolled in the course met the requirements of this chapter and the continuing education sponsor to receive credit for completing the course.

(j) *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 an EMS provider or EMSVO, and shall identify to the Department an EMS provider or EMSVO 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 an EMS provider or EMSVO who completes a course with a document certifying completion of the course.

### **§ 1025.23. 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 to be offered by that continuing education sponsor.

(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 EMS provider(s) or EMS vehicle operator 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.

## CHAPTER 1027. EMS AGENCIES

### Subchapter A. GENERAL REQUIREMENTS

Sec.

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#### § 1027.1. General provisions.

(a) *License required.* 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 operating an EMS agency in this Commonwealth, unless that person holds a license as an EMS agency and a current registration of that license issued by the Department or is exempt from these requirements. By way of example, an entity is operating an EMS agency if it operates any of the following:

- (1) An ambulance service.
  - (i) BLS ambulance service.
  - (ii) ALS ambulance service, including a critical care transport ambulance service.
  - (iii) Air ambulance service.
- (2) ALS squad service.
- (3) A QRS.
- (4) A special operations EMS service.

- (i) Tactical EMS service.
- (ii) Wilderness EMS service.
- (iii) Mass-gathering EMS service.
- (iv) Urban search and rescue service.

(b) *License requirements.* The Department will license an applicant as an EMS agency if the Department is satisfied that the applicant has met the following requirements:

(1) The applicant and persons having a substantial ownership interest in the applicant are responsible persons, and the EMS agency will be staffed by and conduct its activities through responsible persons. For purposes of this paragraph:

(i) A responsible person is a person who has not engaged in an act contrary to justice, honesty or good morals which indicates that the person is likely to betray the public trust in carrying out the activities of the EMS agency, or is a person who has engaged in such conduct but has been rehabilitated and is not likely to again betray the public trust.

(ii) A person has a substantial ownership in the applicant if the person has equity in the capital, stock or the profits of the applicant equal to 5% or more of the property or assets of the applicant.

(iii) A person staffs an EMS agency if the person engages in activity integral to the operation of the EMS agency, including, by way of example, participating in the making or execution of management decisions, providing EMS, billing, calltaking and dispatching.

(2) The applicant meets the supply and equipment requirements for each EMS vehicle and type of EMS service it makes application to offer, and demonstrates that it will be maintained and operated to safely and efficiently operate those vehicles and render those services.

(3) The applicant will meet staffing standards for the vehicles it seeks to operate and the services it seeks to provide. Subject to the exceptions in § 1027.5 (relating to Statewide EMS response plan), this includes providing EMS services 24 hours per day for 7 days a week or participating in a county-level or broader-level EMS response plan approved by the Department.

(4) The applicant will provide safe services that are adequate for the emergency medical care, treatment and comfort and, when applicable, the transportation of patients.

(5) The applicant has an EMS agency medical director who satisfies requirements established by the Department based upon the types of services it seeks to provide and the EMS vehicles it seeks to operate.

(6) The applicant satisfies all regulatory requirements relating to making its application for a license and has adopted policies and procedures adequate to ensure compliance with the requirements of the act, this part, and notices the Department publishes in the *Pennsylvania Bulletin* that are applicable to its operations.

(c) *License certificate.* The Department will issue a license certificate to an applicant that it licenses as an EMS agency. The license certificate will specify the name of the EMS agency, its license number, the address of its primary operational headquarters, and the date the license was issued. The Department will also issue with the license certificate a document that specifies the type or types of EMS agency services the EMS agency is licensed to provide, the types of EMS vehicles the agency will operate, the locations out of which it is authorized to provide that service or services if more than one location is involved, the fictitious name if any under which it conducts its operations at each location involved, and the name of the regional EMS council through which the license application was processed. The Department will replace that document if there is a need to change the information on it due to a license amendment.

(d) *License registration.* An EMS agency requires both an EMS agency license and current registration of that license to conduct its operations. When the Department registers an EMS agency's license it will issue a registration certificate to the EMS agency that specifies the name of the EMS agency, its license number, the address of its primary operational headquarters, and the dates the registration is effective and will expire.

(e) *Transition for ambulance services and QRSs.*

(1) An entity that is licensed as an ambulance service or recognized as a QRS by the Department, or a hospital that operates an ambulance service or QRS under its hospital license, immediately prior to [the effective date of this section, which is 180 days after the regulations are adopted], shall be licensed by the Department as an EMS agency, with a current registration of that license on [the effective date of this section], if the records of the Department reflect that the ambulance service, QRS or hospital has an EMS agency medical director. The license and registration shall authorize the EMS agency to operate the EMS vehicles and provide the services it was authorized to operate and provide when licensed as an ambulance service, recognized as a QRS, or operated under a hospital license.

(2) An entity that is licensed as an ambulance service or recognized as a QRS by the Department, or operates an ambulance service under a hospital license, immediately prior to [the effective date of this section, which is 180 days after the regulations are adopted], that does not have an EMS agency medical director may continue to operate as an ambulance service or QRS under the requirements of the former act of July 3, 1985

(P.L. 164, No. 45), known as the Emergency Medical Services Act, until [180 days after the regulations go into effect], without securing an EMS agency license.

**§ 1027.2. License and registration applications.**

(a) *License application.* An application for an EMS agency license shall be submitted on a form, or through an electronic process, as prescribed by the Department. The application shall contain the following information as well as any additional information and documents that may be solicited by the application form:

(1) The name and mailing address of the applicant, and a primary contact person and telephone number at which that person can be reached.

(2) The name under which the applicant will be holding itself out to the public in conducting its EMS agency operations and the address of its primary location in this Commonwealth out of which it will be conducting its EMS agency operations. If the applicant seeks to conduct EMS agency operations out of more than one location, the address of its primary operational headquarters and each other location out of which it intends to operate. If the applicant will be holding itself out to the public under different fictitious names for the EMS agency operations it will conduct at different locations, the fictitious name under which it intends to operate at each location.

(3) The manner in which the applicant is organized—corporation, partnership, limited liability company, sole proprietorship, etc.

(4) The tax status of the applicant—profit or nonprofit.

(5) The type of EMS service or services the applicant intends to provide.

(6) For each type of service it intends to operate, the geographic area for which the applicant intends to provide the service. If the service is a type of service that is dispatched by a PSAP, the geographic area, if any, in which it plans to routinely respond to emergency dispatches.

(7) A personnel roster and staffing plan, or personnel rosters and staffing plans if applicable.

(8) The number and types of EMS vehicles to be operated by the applicant, and identifying information for each EMS vehicle.

(9) The communication access and capabilities of the applicant.

(10) A full description of the EMS agency services that it intends to provide out of each location and how it intends to respond to emergency calls if it will not conduct operations out of a fixed location or locations.

(11) The names, titles and summary of responsibilities of persons who will be staffing the EMS agency as officers, directors or other EMS agency officials, and the same information pertaining to them that an EMS provider is required to report under § 1023.21(b)(1) and (2) (relating to general rights and responsibilities).

(12) Information concerning any arrangement in which it has entered to manage an EMS agency or any contract with an entity for that entity to exercise operational or managerial control over the EMS agency, or to conduct the day-to-day operations of the EMS agency.

(13) A statement attesting to the veracity of the application, which shall be signed by the principal official of the applicant.

(b) *Submission of license application.* The applicant shall submit the application to the regional EMS council exercising responsibility for the EMS region in which the applicant will conduct its operations if licensed. If the applicant seeks a license to conduct EMS agency operations in more than one region, it shall choose a primary operational headquarters and submit its license application to the regional EMS council that exercises responsibility for the region in which that primary operational headquarters is located. If the applicant's primary operational headquarters is located outside the Commonwealth, the applicant shall contact the Department for direction as to the regional EMS council to which it is to submit its application.

(c) *Processing the license application.*

(1) The regional EMS council that receives a license application shall review the application for completeness and accuracy. It shall also provide a copy of the application to each regional EMS council that exercises responsibility for an EMS region in which the applicant intends to conduct EMS agency operations. If more than one regional EMS council is involved in the review, they shall coordinate their review with the regional EMS council that exercises responsibility for the EMS region in which the applicant's primary operational headquarters is located, and that regional EMS council shall communicate with the applicant regarding any issues presented by the application.

(2) The regional EMS council that has responsibility for communicating with the applicant under paragraph (1) shall return an incomplete application to the applicant within 14 days of receipt.

(3) If the regional EMS council that has responsibility for communicating with the applicant under paragraph (1) determines that the application contains inaccurate information, and that the nature of the inaccurate information does not suggest fraud or deceit in attempting to obtain a license, the regional EMS council shall return the application to the applicant for correction.

(4) 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 regional EMS council will schedule and conduct an onsite inspection of the applicant's 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 regional EMS council of an application that is complete, and, if requested by the regional EMS council, that has been corrected. If the applicant seeks to conduct EMS agency operations in more than one EMS region, the regional EMS council that has responsibility for communicating with the applicant under paragraph (1) may seek the assistance of other relevant regional EMS councils in conducting onsite surveys.

(5) Upon completion of its review the regional EMS council that has responsibility for communicating with the applicant under paragraph (1) shall forward the application to the Department, with the regional EMS council's assessment as to whether applicable statutory and regulatory requirements are satisfied. If the regional EMS council determines that the application contains inaccurate information that suggests fraud or deceit by the applicant in attempting to obtain a license, the regional EMS council may forward the application to the Department without having conducted an onsite inspection and await instructions from the Department as to whether an onsite inspection should be conducted.

(d) *Amendment of license.*

(1) An EMS agency shall apply for and secure an amendment of its license prior to changing the location of any of its operations, the days or hours of the services it provides, or the types of services it provides, or prior to arranging for an entity to exercise operational or managerial control over the EMS agency or to conduct the day-to-day operations of the EMS agency.

(2) An EMS agency shall submit its application for amendment of its license on a form or through an electronic process, as prescribed by the Department, to the regional EMS council responsible for the EMS region in which the EMS agency maintains its primary operational headquarters. That regional EMS council shall process the application for amendment as set forth in subsections (b) and (c).

(e) *Triennial registration.* An EMS agency's license is deemed registered for three years after issuance, except for an EMS agency that transitions from an ambulance service, a QRS, an ambulance service that operated under a hospital license on [the effective date of the section], under § 1027.1(e) (relating to general provisions), in which case the initial registration shall expire when its license or recognition would have expired under the former act of July 3, 1985 (P.L. 164, No. 45), known as the Emergency Medical Services Act, or, in the case of a hospital, under the act of July 19, 1979 (P.L. 130, No. 48), known as the Health Care Facilities Act. Thereafter, an EMS agency shall triennially register the license by completing a form or through an electronic process, as prescribed by the Department, and filing it with the regional EMS council responsible for the EMS region in which the EMS agency maintains its primary operational headquarters. An EMS agency shall submit the form or complete the electronic process no less than 120 days

prior to the expiration of a current registration. Failure to do so in a timely manner may result in the EMS agency license not being registered again before the prior registration expires. The Department will act on an application for registration within 90 days after a regional EMS council receives a complete and accurate application. The Department may also deny an application after it is received by a regional EMS council if it contains false information, subject to notice and an opportunity for a hearing before the denial would become effective, or it may grant the application and then pursue disciplinary action against the EMS agency based upon the false information provided.

**§ 1027.3. Licensure and general operating standards.**

(a) *Documentation requirements for licensure.* An applicant for an EMS agency license shall have the following documents available for inspection by the Department or a regional EMS council:

(1) A roster of active personnel, including the EMS agency medical director, with certification and registration documentation including certification numbers and dates of registration expiration for each EMS provider and EMSVO.

(2) A record of the age of each EMS provider and EMSVO, and a copy of the driver's license for each EMSVO.

(3) Documentation, if applicable, of the initial and most recent review of each EMS provider's competence by the EMS agency medical director and the EMS provider certification level at which each EMS provider is permitted to practice.

(4) Its process for scheduling staff to ensure that the minimum staffing requirements as required by this chapter are met.

(5) Identification of persons who are responsible for making operating and policy decisions for the EMS agency, such as officers, directors and other EMS agency officials.

(6) Criminal, disciplinary and exclusion information for all persons who staff the EMS agency as required by subsection (f).

(7) Copies of the Statewide and applicable regional EMS protocols.

(8) Copies of all written policies required by this section.

(9) Copies of any documents by which it agrees to manage another EMS agency or to be managed by another entity.

(b) *Documentation requirements after licensure.* An EMS agency shall have the following documents available for inspection by the Department or a regional EMS council when it applies for registration of its license and at all other times:

(1) All documents that are required to be available for inspection under subsection (a).

(2) EMS PCR's.

(3) Call volume records from the previous year's operations. These records shall include a record of each call received requesting the EMS agency 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) A record of the time periods for which the EMS agency notified the PSAP, under subsection (g)(1), that it would not be available to respond to a call.

(c) *EMS vehicles, equipment and supplies.* The Department will publish in the *Pennsylvania Bulletin*, and update as necessary, vehicle construction, and equipment and supply requirements for EMS agencies based upon the types of services they provide and the EMS vehicles they operate. Required equipment and supplies shall be carried and readily available in working order.

(d) *Use of persons under 18 years of age.* The EMS agency shall comply with the Child Labor Law (43 P.S. §§ 41—66.1) and regulations adopted under that law when it is using persons under 18 years of age to staff its operations. The EMS agency shall also ensure that an EMS provider under 18 years of age, when providing EMS on behalf of the EMS agency, is directly supervised by an EMS provider who is at least 21 years of age who has the same or higher level of EMS provider certification and at least 1 year of active practice as an EMS provider.

(e) *EMS agency medical director.* An EMS agency shall have an EMS agency medical director.

(f) *Responsible staff.* An EMS agency shall ensure that all persons who staff the EMS agency, including its officers, directors and other members of its management team, EMS providers, and EMSVOs, are responsible persons. In making that determination it shall require each person who staffs the EMS agency to provide it with the information and documentation an EMS provider is required to provide to the Department under § 1023.21(b) (relating to general rights and responsibilities), and require each EMSVO to provide it with the information and documentation an EMSVO is required to provide to the Department under § 1023.21(b), and to update that information if and when additional convictions, disciplinary sanctions, and exclusions occur. The EMS agency shall consider this information in determining whether the person is a responsible person. An EMS agency 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 reported to it information required under this subsection.

(g) *Communicating with PSAPs.*

(1) *Responsibility to communicate unavailability.* An EMS agency shall apprise the PSAP in its area, in advance, 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 respond with an EMS vehicle, if applicable, and required staff, to a request to provide EMS.

(2) *Responsibility to communicate delayed response.* An EMS agency shall apprise the PSAP, as soon as practical after receiving a dispatch call from the PSAP, if it is not able to have an appropriate EMS vehicle, if applicable, or otherwise provide the requested level of service, including having the required staff en route to an emergency within the time as may be prescribed by a PSAP for that type of dispatch.

(3) *Responsibility to communicate with PSAP generally.* In addition to the communications required by paragraphs (1) and (2), an EMS agency 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 EMS agency shall respond to a call for emergency assistance as communicated by the PSAP, provided it is able to respond as requested. An EMS agency is able to respond as requested if it has the staff, and an operational EMS vehicle if needed, capable of responding to the dispatch. An EMS agency may not refuse to respond to a dispatch based upon a desire to keep staff or an EMS vehicle in reserve to respond to other calls to which it has not already committed.

(h) *Dispatching.*

(1) An EMS agency dispatch center shall use calltakers and dispatchers who are certified and maintain certification as calltakers and dispatchers by the Pennsylvania Emergency Management Agency under section 3(a)(6) of the act of July 9, 1990 (P.L. 340, No. 78), known as the Public Safety Emergency Telephone Act.

(i) A calltaker is responsible for taking calls seeking EMS and for gathering all essential information from the caller to determine whether EMS is needed and, if required, the location to which EMS resources need to be sent.

(ii) A dispatcher is responsible for taking the information gathered by the calltaker, determining the appropriate EMS response to the situation, and dispatching the EMS resources needed to respond to the EMS needs of the patient or patients.

(2) With the exception of the responsibilities calltakers and dispatchers have under paragraph (1), the requirements of paragraph (1) shall be effective [2 years after this regulation is published in the *Pennsylvania Bulletin*].

(3) The costs of the Pennsylvania Emergency Management Agency and a county or municipality associated with the training, certification and recertification of an EMS

agency dispatch center's calltakers and dispatchers shall be the responsibility of the EMS agency.

(4) An EMS agency that operates an EMS agency dispatch center shall:

(i) Establish and maintain policies and procedures to aid in directing the daily operations of its telecommunications staff.

(ii) Require its calltakers and dispatchers to satisfy the performance standards in 4 Pa. Code § 120d.105 (relating to quality assurance standards)

(iii) Have a quality assurance reviewer who is qualified to perform and performs the quality assurance review functions specified in 4 Pa. Code §§ 120d.104 (relating to time frames and procedures for quality assurance reviews). The quality assurance reviewer shall be a member of the EMS agency's quality improvement committee and that committee shall also be responsible for the quality improvement of the EMS agency dispatch center and shall participate in the county PSAP quality assurance process.

(iv) Refer to the PSAP in its area any request for emergency EMS for which it is unable to dispatch appropriate EMS resources within the time prescribed by the PSAP.

(5) References in 4 Pa. Code §§ 120d.104 and 120d.105 to the Agency and to 911 communications centers and remote dispatch points are replaced with the Department and EMS agency dispatch centers for the purpose of this regulation.

(6) Effective [90 days after the effective date of this regulation, which is 180 days after it is published in the *Pennsylvania Bulletin*] an EMS agency dispatch center shall use the emergency medical dispatch program used by the 911 emergency communications center of the county in which the EMS agency dispatch center is located.

(i) *Patient management.* All aspects of patient management are to be handled by an EMS provider with the level of certification necessary to care for the patient based upon the condition of the patient.

(j) *Use of lights and other warning devices.* Ground EMS vehicles may not use emergency lights or audible warning devices, unless they do so in accordance with standards imposed by 75 Pa.C.S. (relating to Vehicle Code). When transporting or responding to a call involving a patient who presents or is in good faith perceived to present a combination of circumstances that may lead to worsened patient outcomes if additional medical intervention were delayed by the amount of time that is estimated to be saved by the use of emergency lights or audible warning devices. Lights and a siren may be used on an ambulance when transporting a patient only when medical intervention is beyond the capabilities of the ambulance crew using available supplies and equipment.

(k) *Weapons and explosives.* Weapons and explosives may not be worn by EMS providers or EMSVOs or carried aboard an EMS vehicle. This subsection does not apply to law enforcement officers who are serving in an authorized law enforcement capacity.

(l) *Accident, injury and fatality reporting.* An EMS agency shall report to the appropriate regional EMS council, in a form or electronically, as prescribed by the Department, an EMS vehicle accident that is reportable under 75 Pa.C.S., and an accident or injury to an individual that occurs in the line of duty of the EMS agency that results in a fatality, or medical treatment by a licensed health care practitioner. 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.

(m) *Committees.* An EMS agency shall have a safety committee and a quality improvement committee that meet at least quarterly.

(n) *EMS provider credentialing.* The EMS agency shall maintain a record for a period of 7 years of the EMS agency medical director's assessments and recommendations provided under § 1023.1(a)(1)(vi)-(viii) (relating to EMS agency medical director). An EMS agency may not permit an EMS provider at or above the AEMT level to provide EMS at the EMS provider's certification level if the EMS agency medical director determines that the EMS provider has not demonstrated the knowledge and skills to competently perform the skills within the scope of practice at that level or the commitment to adequately perform other functions relevant to an EMS provider providing EMS at that level. Under these circumstances an EMS agency may continue to permit the EMS provider to provide EMS for the EMS agency only in accordance with such restrictions as the EMS agency medical director may prescribe. The EMS agency shall notify the Department within 10 days after it makes a decision to allow an EMS provider to practice at a lower level based upon the assessment of the EMS provider's skills and other qualifications by the EMS agency medical director, or a decision to terminate the EMS agency's use of the EMS provider based upon its consideration of the EMS agency medical director's assessment.

(o) *Display of license and registration certificates.* The EMS agency shall display its license certificate and the certificate evidencing current registration of its license in a public and conspicuous place in the EMS agency's primary operational headquarters.

(p) *Monitoring compliance.* An EMS agency shall monitor compliance with the requirements that the act and this part impose upon the EMS agency and its staff. An EMS agency shall file a written report with the Department if it determines that an EMS provider or EMSVO who is on the staff of the EMS agency, or who has recently left the EMS agency, has engaged in conduct not previously reported to the Department, for which the Department may impose disciplinary sanctions under §§ 1031.3 or 1031.5 (relating to discipline of EMS providers; and discipline of EMS vehicle operators). The duty to report pertains to conduct that occurs during a period of time in which the EMS provider or EMSVO is functioning for the EMS agency.

(q) *Policies and procedures.* An EMS agency shall maintain written policies and procedures ensuring that each of the requirements imposed by this section, as well as the requirements imposed by §§ 1021.8(b), 1021.41, 1021.42, 1021.64, 1027.4 and Chapter 1051 (relating to out-of-hospital do-not-resuscitate orders), are satisfied by the EMS agency and its staff. It shall also maintain written policies and procedures addressing infection control, management of personnel safety and the safe operation of EMS vehicles, storage and environmental control of medications, substance abuse in the workplace, and the placement and operation of its resources, and ensure that appropriate staff are familiar with these policies and procedures.

#### **§ 1027.4. Medication use, control and security.**

(a) An EMS agency may stock medications as approved by the Department, and shall store medications in a temperature-controlled environment, secured in conformance with the Statewide EMS protocols and the EMS agency's policy and procedures on the storage and environmental control of medications. Additional medications may be stocked by an EMS agency as approved by the EMS agency medical director and the Department if the EMS agency uses PHPEs, PHRN or PHPs.

(b) The Department will publish at least annually by notice in the *Pennsylvania Bulletin* a list of medications approved for use by EMS agencies, by EMS provider certification level, and a list of medications that an EMS agency is required to stock based upon the type of EMS service it is licensed to provide.

(c) An EMS agency may procure and replace medications, from a hospital, pharmacy or from a medical supply company, if not otherwise prohibited by law.

(d) EMS providers, other than a PHP, may administer to a patient, or assist the patient to administer, medications previously prescribed for that patient, as specified in the Statewide EMS protocols or as authorized by a medical command physician. A PHP may administer to a patient, or assist the patient to administer, any medication that was previously prescribed for the patient.

(1) An EMS provider, other than a PHPE, PHRN or PHP, is restricted to administering medications, not previously prescribed for a patient, as permitted by the Statewide EMS protocols.

(2) A PHPE or PHRN may administer medications, not previously prescribed for a patient, in addition to those permitted by the Statewide EMS protocols, provided the PHPE or PHRN has received approval to do so by the EMS agency medical director, and has been ordered to administer the medication by the medical command physician. A PHP may administer any medication that the PHP has authority to administer by virtue of the PHP's license to practice medicine or osteopathic medicine.

(e) The EMS agency shall adequately monitor and direct the use, control and security of medications provided to the EMS agency. This includes:

(1) Ensuring proper labeling and preventing adulteration or misbranding of medications, and ensuring medications are not used beyond their expiration dates.

(2) Storing medications as required by The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. §§ 780-101—780-149), and as otherwise required to maintain the efficacy of medications and prevent their misappropriation.

(3) Including in the EMS PCR information as to the administration of medications by patient name, medication identification, date and time of administration, manner of administration, dosage, name of the medical command physician who gave the order to administer the medication, and name of person administering the medication.

(4) Maintaining records of medications administered, lost or otherwise disposed of, and records of medications received and replaced.

(5) Providing the pharmacy, physician or hospital that is requested to replace a medication, with a written record of the use and administration, or loss or other disposition of the medication, 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 medications as required by The Controlled Substance, Drug, Device and Cosmetic Act.

(8) Arranging for the original dispensing pharmacy, physician or hospital, or its EMS agency medical director, to provide it consultation and other assistance necessary to ensure that it meets the requirements of this section.

(9) Securing medications in such a manner that only those EMS providers authorized to administer such medications in providing EMS have access to those medications.

#### **§ 1027.5. Statewide EMS response plan.**

An EMS agency may provide an EMS service at a location through which it is licensed to provide that service, less than 24 hours-a-day, 7 days-a-week, as follows:

(1) There are no day or time requirements applicable to an EMS agency's operation of an air ambulance service.

(2) A tactical EMS response service shall be available at all times that a law enforcement service with which it is affiliated requests its participation in a tactical law enforcement operation.

(3) An EMS agency may operate any EMS service less than 24 hours-a-day, 7 days-a-week, out of any location through which it is licensed to provide such service, in accordance with a county-level or broader-level EMS response plan approved by the Department.

#### **§ 1027.6. EMS vehicle fleet.**

(a) *Inspection of EMS vehicles.* When an applicant for an EMS agency license is inspected, a Department or regional EMS council inspector will inspect each vehicle the applicant intends to operate as an EMS vehicle. If the vehicle satisfies all requirements for the type of EMS vehicle designated by the applicant, and the applicant otherwise satisfies the requirements for licensure and to conduct a service for which the EMS vehicle will be used, the inspector will affix a date stripe, with an inspection and expiration date, to 2 decals appropriate to that type of EMS vehicle and provide the decals to the applicant. The applicant shall place a decal in a prominent location on each side of the vehicle. The applicant may not operate the vehicle as an EMS vehicle until the applicant is licensed as an EMS agency and it affixes the decals to the EMS vehicle.

(b) *Permanent change.* Before operating an additional or permanent replacement EMS vehicle, an EMS agency shall submit an application for amendment of its license to the regional EMS council through which its license application was processed. The EMS agency may not operate that vehicle as an EMS vehicle unless, as described in subsection (a), it is authorized to do so following an inspection of the vehicle and it affixes decals to the vehicle.

(c) *Temporary change.* An EMS agency may operate a temporary replacement EMS vehicle without securing prior approval from the Department. It shall submit a temporary change of vehicle form to the regional EMS council through which its license application was processed, by facsimile, electronic or regular mail before putting the EMS vehicle in service. In the form the EMS agency shall attest to the fact that the EMS vehicle satisfies all requirements for that type of EMS vehicle that are imposed by regulation and notices published in the *Pennsylvania Bulletin*. Upon submitting a temporary change of vehicle form, the EMS agency may continue to operate the temporary replacement EMS vehicle unless its authority to do so is disapproved by the inspector following an inspection of the EMS vehicle. Upon receiving a temporary change in vehicle form from the regional EMS

council shall issue a letter which acknowledges receipt of the temporary change of vehicle form and authorizes the EMS agency to operate the replacement EMS vehicle for 7 days based upon its attestation that the vehicle satisfies all requirements. That time period may be extended by the regional EMS council, by letter.

(d) *Triennial inspections.* A Department or regional EMS council inspector will inspect all of an EMS agency's EMS vehicles when the inspector conducts the inspection of the EMS agency for the triennial registration of the EMS agency's license. If an EMS vehicle satisfies all requirements the inspector will affix a new date stripe to each decal to reflect that the vehicle has satisfied EMS vehicle inspection requirements. If the vehicle does not satisfy the requirements, the inspector will not affix a new date stripe to each decal and the EMS agency may not operate the vehicle as an EMS vehicle unless and until the vehicle is reinspected, satisfies all requirements, and the inspector affixes a new date stripe on each decal.

(e) *Removal of decals.* A Department or regional EMS council inspector will require the EMS agency to remove the decals from an EMS vehicle when directed by the Department under § 1027.7(b) (relating to removal of EMS vehicles from operation). An EMS agency shall remove the decals from an EMS vehicle when the EMS agency transfers the title or operation of the EMS vehicle to another entity, other than to enable another EMS agency to operate the EMS vehicle as a temporary replacement vehicle under subsection (c), or when it discontinues use of the vehicle as an EMS vehicle.

(f) *Ambulance requirements.* An ambulance shall meet the following minimum requirements:

(1) It shall have a patient care compartment that is designed to carry at least one patient on a stretcher that is securely mounted to the ambulance and that enables transportation in both the supine and seated upright positions.

(2) It shall have a patient care compartment that is designed to provide sufficient access to a patient's body to perform and maintain ALS skills, including adequate space for one caregiver to sit superior to the patient's head to perform required ALS airway skills, and other EMS required by the Statewide EMS protocols.

(3) It shall have a design that does not compromise patient safety during loading, unloading or patient transport, and it shall be equipped with a door that will allow loading and unloading of the patient without excessive maneuvering.

(4) It shall be equipped with permanently installed climate control equipment to provide an environment appropriate for the medical needs of a patient.

(5) It shall have interior lighting adequate to enable medical care to be provided and patient status monitored without interfering with the vehicle operator's vision.

(6) It shall be designed for patient safety so that the patient is isolated from the operator's compartment in a manner that minimizes distractions to the vehicle operator during patient transport and prevents interference with the operator's manipulation of vehicle controls.

(7) It shall be equipped with appropriate patient restraints and with restraints in every seating position within the patient compartment.

(8) An ALS ambulance used for critical care transports and an air ambulance shall be equipped with 110 V electrical output with a minimum of 4 appropriate outlets within the patient compartment with the ability to operate the vehicle while operating medical equipment using all outlets simultaneously.

(9) It shall have enough space to accommodate the loading, unloading, and transport of an infant isolette and shall permit sufficient access to the infant's entire body to begin and maintain ALS and other treatment modalities within the isolette.

(10) It shall be equipped with two-way radios capable of communication with medical command facilities, receiving facility communications centers, PSAPs and ambulances for the purpose of communicating medical information and assuring the continuity of resources for patient care needs.

(11) It shall carry an oxygen supply that is capable of providing high flow oxygen at more than 25 liters per minute to a patient for the anticipated duration of patient transport.

**§ 1027.7. Removal of EMS vehicles from operation.**

(a) When an EMS vehicle manifests evidence of a mechanical or equipment deficiency which poses a significant threat to the health or safety of patients or crew, the EMS agency shall immediately suspend the vehicle from operation. An EMS agency may not operate an EMS vehicle that it has suspended from operation until the deficiency has been corrected.

(b) When an EMS vehicle, upon examination by the Department or a regional EMS council, manifests evidence of a mechanical or equipment deficiency which poses a significant threat to the health or safety of patients or crew, the EMS agency shall immediately suspend it from operation as directed by the Department. An EMS agency may not operate as an EMS vehicle a vehicle which has been suspended from operation by the Department until the Department has confirmed to the EMS agency that the deficiency has been corrected.

**§ 1027.8. Right to enter, 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 subpart may exist, an EMS agency or applicant for an EMS agency license shall:

(1) Produce for inspection records maintained under § 1021.41 (relating to EMS patient care reports).

(2) Produce for inspection, permit copying, and provide within a reasonable period of time as directed by the Department, records that pertain to personnel and their qualifications, staffing, equipment, supplies, and policies and procedures required under § 1027.3 (relating to licensure and general operating standards).

(3) Permit the person to examine EMS vehicles, equipment and supplies and security arrangements.

(b) The Department's representative shall advise the licensee or applicant that the inspection is being conducted under section 8129(h) of the act (35 Pa.C.S. § 8129(h)) and this subpart.

(c) Failure of an EMS agency or an applicant for an EMS agency license to produce records or to permit an examination as required by this section is a ground for imposing disciplinary sanctions upon the EMS agency and denying an application for an EMS agency license.

**§ 1027.9. Notification of deficiencies to applicants.**

(a) Upon completion of an inspection pursuant to an application for a license, registration of a license, or an amendment of a license, the inspector shall provide the applicant with an inspection report specifying the results of the inspection.

(b) If the inspection reveals deficiencies that can be corrected and the inspector determines that the deficiencies warrant a reinspection, the inspector shall give the applicant written notice of the matters to be reinspected and copy the Department on the notice.

(c) If the type of deficiency requires a plan of correction, the applicant shall have 30 days in which to provide the inspector with a plan to correct the deficiency. If the plan is found to be acceptable by the regional EMS council, the inspector will conduct a reinspection in accordance with the time frame given in the plan of correction.

(d) 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 in writing within 10 days of the inspection or rejection of the plan of correction, and the Department will resolve the dispute within 30 days of receipt of the written notification.

(e) The Department will act upon the 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.

(f) Nothing in this section shall be construed to preclude the Department from identifying to the EMS agency statutory or regulatory violations not identified by the inspector, or from requiring the EMS agency to file a plan of correction to correct those deficiencies or taking immediate action to correct those deficiencies, or from taking disciplinary action against an EMS agency for a statutory or regulatory violation that cannot be corrected or for which the Department determines that disciplinary action best serves the public interest.

#### **§ 1027.10. Plan of correction.**

(a) *Notification of violation.* Upon determining that an EMS agency has violated the act or this chapter, the Department may issue a written notice to the EMS agency specifying the violation or violations. The notice shall require the EMS agency to take immediate action to discontinue the violation or to submit a plan of correction, or both, to bring the EMS agency into compliance. If the nature of a violation is such that the EMS agency cannot remedy the problem immediately and a plan of correction is therefore required, the Department may direct that the violation be remedied within a specified period of time.

(b) *Response by EMS agency.* After receiving the notice of violation the EMS agency shall do one of the following:

(1) Comply with the requirements specified in the notice of violation.

(2) Refuse to comply with one or more of the requirements specified in the notice of violation and apprise the Department of its decision, with an explanation, within the time and manner specified in the notice of violation.

(3) Comply with the requirements specified in the notice of violation and apprise the Department of its decision, within the time and manner specified in the notice of violation of any violation identified in the notice of violation with which it disagrees, supported by an explanation for its disagreement.

(c) *EMS agency disagreement or refusal to comply.* If the EMS agency fails to comply with any of the directives in the notice of violation and responds as required by subsection (b)(2), or disagrees with any of the violations identified and responds as

required by subsection (b)(3), the Department will evaluate the explanation provided by the EMS agency to determine whether the response was justified. If the Department determines that the response was justified in whole or part, it will so inform the EMS agency and rescind any violation identified or directive given in the notice of violation that the Department determines should not have applied.

(d) *Consequence of failure to comply.* An EMS agency's response to a notice of violation under subsection (b)(2) does not act to stay any of the directives in the notice of violation. An EMS agency's failure to comply with a directive in the notice of violation constitutes a ground for discipline if the violation to which the directive relates is found to be true following a hearing.

#### **§ 1027.11. Conditional temporary license.**

When an EMS agency or an applicant for an EMS agency license does not provide service 24 hours-a-day, 7 days-a-week and does not participate in a county-level or broader level EMS response plan, the Department will issue the EMS agency a conditional temporary license, subject to terms the Department determines to be appropriate, if the Department deems it is in the public interest to do so. The conditional temporary license is valid for 1 year and may be renewed as many times as the Department deems it is in the public interest to do so. If the EMS agency does not agree to the terms under which the Department would grant the EMS agency a conditional temporary license, the Department shall take disciplinary action against the EMS agency for failing to either provide service 24 hours-a-day, 7 days-a-week or participate in a county-level or broader level EMS response plan.

#### **§ 1027.12. Discontinuation or movement of operations or reduction of service.**

An EMS agency shall give at least 90 days advance notice to each appropriate regional EMS council, PSAP and chief executive officer of a political subdivision within its service area, as well as the chief executive officer of each political subdivision outside of its service area that relies upon it for service even if not provided on a routine basis, before it discontinues its operations or providing an EMS service out of any location at which it is licensed to provide that service, or reducing the days or hours it provides the service. The EMS agency shall also advertise notice of its intent to discontinue operations or a service, or reduce the days or hours it provides the service, in a newspaper of general circulation in its service area at least 90 days in advance of discontinuing its operations or a service, or reducing the days or hours it provides the service, and shall provide the Department with written notice that it has met these responsibilities at least 90 days in advance of taking such action. These requirements do not apply if the Department revokes, suspends or restricts the EMS agency's license under terms that do not afford the EMS agency the opportunity to comply with these requirements.

**§ 1027.13. Management companies.**

(a) *Information required to secure approval.* Subject to Department approval, an entity may offer management services to EMS agencies. Management services involve exercising operational or managerial control over an EMS agency, or conducting the day-to-day operations of the EMS agency. To secure Department approval the entity shall provide to the Department, on a form or through an electronic process, as prescribed by the Department, the following information and such other information as the Department may require:

(1) Its name, including any fictitious name it has registered, its mailing address, and a primary contact person and telephone number at which that person can be reached.

(2) The manner in which the applicant is organized—corporation, partnership, limited liability company, sole proprietorship, etc.

(3) A description of the management services it offers.

(4) The names, titles and summary of responsibilities of persons who will be staffing the entity as officers, directors or other officials, and the same information pertaining to the entity and to its officers, directors or other officials, that an applicant for an EMS provider is required to report under § 1023.21(b)(1) and (2) (relating to general rights and responsibilities).

(5) A statement attesting to the veracity of the information provided, which shall be signed by the principal official of the entity.

(b) *Updating information.* An entity approved by the Department to provide management services shall provide the Department, on a form or through an electronic process as prescribed by the Department, any change in the information provided under subsection (a) within 10 days after the change.

(c) *Approval.* After receipt of the information required under subsection (a), the Department will approve an entity to offer management services to EMS agencies, subject to possible disapproval under § 1031.16 (relating to discipline of management companies).

(d) *Registry.* The Department will maintain a registry of all entities approved by the Department to provide management services to EMS agencies.

(e) *Disclosures to EMS agencies.* An entity that has received approval from the Department to offer management services to EMS agencies shall provide the same information to an EMS agency that it provides to the Department under subsection (a)(1)-(4) before it contracts with the EMS agency to provide management services for the EMS agency, and shall provide the EMS agency with any change in that information within 10 days after the change, except it shall immediately inform the EMS agency of any

suspension or revocation of its approval or condition imposed upon it by the Department under § 1031.16.

(f) *Effective date.* The effective date of this section is [360 days after the regulation is published in the *Pennsylvania Bulletin*]. By [effective date of this section], an entity that is under contract with an EMS agency to provide management services for the EMS agency on [effective date of this section] shall make the same disclosures to the EMS agency as required in subsection (e).

## **Subchapter B. EMS AGENCY SERVICES**

Sec.

- 1027.31. General standards for providing EMS.
- 1027.32. Quick response service.
- 1027.33. Basic life support ambulance service.
- 1027.34. Advanced life support ambulance service.
- 1027.35. Advanced life support squad service.
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- 1027.37. Air ambulance service.
- 1027.38. Special operations EMS services.

### **§ 1027.31. General standards for providing EMS.**

Regardless of the type of service through which an EMS agency is providing EMS, the following standards apply to the EMS agency and its EMS providers when functioning as an EMS provider on behalf of an EMS agency, except as otherwise provided in this subchapter:

- (1) An EMS provider who encounters a patient before the arrival of other EMS providers shall attend to the patient and begin providing EMS to the patient at that EMS provider's skill level.
- (2) An EMR shall not be the EMS provider who primarily attends to a patient unless no other higher level EMS provider is present or all other EMS providers who are present are attending to other patients
- (3) Except as set forth in paragraph (2), or unless there are multiple patients and the EMS needs of other patients require otherwise, among EMS providers who are present, an EMS provider who is certified at or above the EMS skill level required by the patient shall be the EMS provider who primarily attends to the patient.
- (4) If a patient requires EMS at a higher skill level than the skill level of the EMS providers who are present, unless there are multiple patients and the EMS needs of other patients require otherwise, an EMS provider who is certified at the highest EMS

skill level among the EMS providers who are present shall be the EMS provider who primarily attends to the patient.

(5) A member of the crew with the highest level of EMS provider certification shall be responsible for the overall management of the EMS provided to the patient or patients by the members of that crew. If more than one member of the crew is an EMS provider above the AEMT level, any of those EMS providers may assume responsibility for the overall management of the EMS provided to the patient or patients by the members of that crew.

(6) If a crew of an EMS agency service needs additional assistance in attending to the needs of a patient or patients, it shall contact a PSAP to request that assistance.

(7) Except as otherwise provided in this subchapter an EMS agency shall operate 24 hours-a-day, 7 days-a-week, each type of service it is licensed to provide, at each location it is licensed to operate that service.

(8) A member of an EMS agency crew who responds to a call in a personal vehicle may not transport in that vehicle any medications, equipment or supplies that an EMT is not authorized to use.

#### **§ 1027.32. Quick response service.**

(a) *Purpose.* An EMS agency that operates a QRS uses EMS providers to respond to calls for EMS and provide EMS to patients before an ambulance arrives.

(b) *Vehicles.* A QRS is not required to use a vehicle when responding to a call. If a QRS responds to a call using a vehicle, it may use a vehicle other than an EMS vehicle, such as a bicycle, motorized cart, or all terrain vehicle.

(c) *Staffing.* The minimum staffing for a QRS is one EMS provider. If the QRS responds to a call with a BLS squad vehicle or ALS squad vehicle, the minimum staff shall also include an EMSVO, except that only one person is required if the EMSVO is also the EMS provider.

(d) *Providing EMS.*

(1) When a member of an ambulance crew arrives at the scene who is certified at the level for which the patient requires EMS or is a higher-level EMS provider than the EMS provider of the QRS crew exercising primary responsibility for the patient, the member of the QRS crew exercising primary responsibility for the patient shall relinquish that responsibility to that member of the ambulance crew.

(2) Members of a QRS crew who are present shall follow the direction of the member of the ambulance crew who has assumed responsibility for the overall

management of the EMS that is provided to the patient or patients at the scene, and shall leave the scene or continue to provide assistance, as requested by that member of the ambulance crew.

**§ 1027.33. Basic life support ambulance service.**

(a) *Purpose.* An EMS agency that operates a BLS ambulance service employs one or more BLS ambulances staffed by a crew capable of providing medical assessment, observation, triage, monitoring, treatment and transportation of patients who require EMS at the EMT or AEMT level.

(b) *Operating at the advanced EMT level.* An EMS agency that chooses to operate a BLS ambulance service that provides EMS at the AEMT level shall apply for DOH approval to operate in that manner through its application for a license as an EMS agency or an application to amend its EMS agency license. It shall satisfy equipment, staffing and supply requirements to be able to operate at least one BLS ambulance at the AEMT level. A BLS ambulance is operating at an intermediate ALS level when it is staffed, equipped and supplied to operate at the AEMT level and an AEMT or other provider above the EMT level is providing advanced EMS at the AEMT level.

(c) *Staffing.*

(1) The minimum staffing for a BLS ambulance crew when responding to a call to provide EMS and transporting a patient is an EMS provider at or above the EMR level, a second EMS provider at or above the EMT level and an EMSVO, except that only a two-person crew is required if the EMSVO is also one of the EMS providers and an EMS provider above the EMR level is available to attend to the patient during patient transport. Until [180 after the effective date of the regulations] an ambulance attendant who has not yet secured certification as an EMR may substitute for an EMR.

(2) If the EMS agency responds to a call with a BLS ambulance operating at an intermediate ALS level, at least one of the EMS providers staffing the crew shall be an AEMT or higher level EMS provider and available to attend to the patient during patient transport.

(3) Responding ambulance crew members may arrive at the scene separately, but the ambulance shall be fully staffed at or above the required minimum staffing level before transporting a patient.

(d) *Providing EMS when dispatched with higher level crews.*

(1) If a BLS ambulance operating at the BLS or intermediate ALS level and an ALS squad vehicle, ALS ambulance or air ambulance are dispatched to provide EMS for a patient, the following shall apply:

(i) BLS ambulance crew members shall begin providing EMS to the patient at their skill levels, including transportation of the patient to a receiving facility if the crew determines such transport is needed, until higher level EMS is afforded by the arrival of a higher level EMS provider.

(ii) Upon the arrival of an EMS provider from the crew of an ALS squad vehicle, ALS ambulance, or air ambulance, who is a higher level EMS provider than the highest level EMS provider of the BLS ambulance crew who is present, or who is above the AEMT level, the BLS ambulance crew shall relinquish primary responsibility for the patient to that EMS provider.

(iii) Upon rendezvousing with an ALS ambulance or air ambulance, the BLS ambulance shall continue transporting the patient or release the patient to be transported by the other ambulance, consistent with the Statewide EMS protocols, as directed by the EMS provider exercising primary responsibility for the patient.

(iv) The BLS ambulance crew shall reassume primary responsibility for the patient if that responsibility is relinquished back to that crew by the EMS provider of the ALS squad vehicle, ALS ambulance, or air ambulance who had assumed primary responsibility for the patient.

(2) A BLS ambulance and crew may transport from a receiving facility a patient who requires EMS above the skill level at which the ambulance is operating, if the sending or a receiving facility provides a registered nurse, physician assistant or physician to supplement the ambulance crew, that person brings on board the ambulance equipment and supplies to provide the patient with EMS above the EMS level at which the BLS ambulance is operating to attend to the EMS needs of the patient during the transport, and that person attends to the patient during the patient transport.

#### **§ 1027.34. Advanced life support ambulance service.**

(a) *Purpose.* An EMS agency that operates an ALS ambulance service employs one or more ALS ambulances staffed by a crew capable of providing medical assessment, observation, triage, monitoring, treatment and transportation of patients who require EMS above the skill level of an AEMT.

(b) *Staffing.* The minimum staffing for a ALS ambulance crew when responding to a call to provide EMS to a patient who requires EMS above the skill level of an EMT is an EMS provider at or above the EMT level, a second EMS provider above the AEMT level and an EMSVO, except that only a two-person crew is required if the EMSVO is also one of the EMS providers and an EMS provider above the AEMT level is available to attend to the patient during patient transport. Responding crew members may arrive at the scene separately, but the ambulance shall be fully staffed at or above the minimum staffing level before transporting a patient.

(c) *Providing EMS when dispatched with a BLS ambulance.* If the crew of both an ALS ambulance and a BLS ambulance are dispatched to provide EMS for a patient, the following shall apply:

(1) Upon arrival of an EMS provider from the ALS ambulance crew who is a higher level EMS provider than an AEMT or a higher level EMS provider than the highest level EMS provider of the BLS ambulance crew who is present, that EMS provider shall assume primary responsibility for the patient.

(2) If the patient is assessed by the crew of the ALS ambulance to require EMS above the skill level at which the BLS ambulance is operating, and to require transport to a receiving facility, the EMS provider who is responsible for the overall management of the EMS provided to the patient shall decide, consistent with the Statewide EMS protocols, whether the patient shall be transported by the BLS ambulance or the ALS ambulance. In either event an appropriately certified member of the ALS ambulance crew shall attend to the patient during the transport. If the BLS ambulance is used to transport the patient, that EMS provider shall use the equipment and supplies on the BLS ambulance, supplemented with the additional equipment and supplies, including medications, from the ALS ambulance after the ALS ambulance rendezvous with the BLS ambulance.

(3) If at the scene or during patient transport by a BLS ambulance, the EMS provider of the ALS ambulance crew who has assumed primary responsibility for the patient determines that the BLS ambulance is operating at the skill level needed to attend to the patient's EMS needs, consistent with the Statewide EMS protocols, that EMS provider may relinquish responsibility for the patient to the BLS ambulance crew.

(d) *Responding to a call for a patient who requires EMS at or below the AEMT level.* When an ALS ambulance is employed to respond to a call to provide EMS to a patient who requires EMS at or below the skill level of an AEMT, the staffing and the responsibilities of the ambulance crew are the same as set forth in § 1027.33 (relating to basic life support ambulance service).

#### **§ 1027.35. Advanced life support squad service.**

(a) *Purpose.* An EMS agency that operates an ALS squad service employs one or more ALS squad vehicles that transports an EMS provider above an AEMT level, along with equipment and supplies, to rendezvous with an ambulance crew to provide medical assessment, observation, triage, monitoring, and treatment of persons who require EMS above the skill level of an EMT.

(b) *Staffing.* The minimum staffing for a ALS squad vehicle crew when responding to a call to provide EMS is an EMS provider above the AEMT level and an EMSVO, except that only one person is required if the EMSVO is also the EMS provider.

(c) *Providing EMS when dispatched with a BLS ambulance.* If the crew of both an ALS squad vehicle and a BLS ambulance are dispatched to provide EMS for a patient, the following shall apply:

(1) Upon arrival of an EMS provider from the ALS squad vehicle who is a higher level EMS provider than the highest level EMS provider of the BLS ambulance crew who is present, or is a higher level EMS provider than an AEMT, that EMS provider shall assume primary responsibility for the patient.

(2) If the patient is assessed by the crew of the ALS squad vehicle to require EMS above the skill level at which the BLS ambulance is operating, and to require transport to a receiving facility, an appropriately certified member of the ALS squad vehicle shall attend to the patient during the transport by the BLS ambulance. That EMS provider shall use the equipment and supplies on the BLS ambulance, supplemented with the additional equipment and supplies, including medications, from the ALS squad vehicle after the ALS squad vehicle rendezvous with the BLS ambulance.

(3) If at the scene or during patient transport by a BLS ambulance, the crew of the ALS squad vehicle determines that the BLS ambulance is operating at the skill level needed to attend to the patient's EMS needs, consistent with the Statewide EMS protocols, the EMS provider of the ALS squad vehicle who is responsible for the overall management of the EMS provided to the patient may relinquish responsibility for the patient to the BLS ambulance crew.

#### **§ 1027.36. Critical care transport ambulance service.**

(a) *Purpose.* An EMS agency that operates a critical care transport ambulance service employs one or more ALS ambulances staffed by a crew capable of providing medical assessment, observation, triage, monitoring, treatment and transportation of patients who require EMS at the skill level needed to attend to and transport critically ill or injured patients between receiving facilities.

(b) *Staffing.* The minimum staffing for a critical care transport crew when responding to a call to provide critical care transport is an EMSVO and two EMS providers above the AEMT level with at least one of the EMS providers being a paramedic, PHPE, PHRN or a PHP who has successfully completed a critical care transport educational program approved by the Department. Responding crew members may arrive at the scene separately, but the ambulance shall be fully staffed at or above the minimum staffing level before transporting a patient.

(c) *Transport of critical care patient.* During patient transport, two EMS providers who satisfy the minimum EMS provider staffing requirement in subsection (b) shall accompany the patient in the patient compartment of the ambulance and be available to attend to the patient during the transport.

(d) *Expanded scope of practice.* When providing EMS through a critical care transport ambulance service the scope of practice of an EMS provider above the AEMT level is expanded to include EMS skills and the use of equipment in addition to those included in the EMS provider's general scope of practice if the EMS provider has received education to perform those skills and use that equipment by having successfully completed a critical care transport educational program approved by the Department, the EMS provider is able to document having received that education, and the performance of those skills and use of that equipment by that level of EMS provider is authorized by the Department as published in a notice in the *Pennsylvania Bulletin*. An EMS provider shall perform these skills as directed by the Statewide EMS protocols applicable to a critical care transport ambulance service or as otherwise directed by a medical command physician.

**§ 1027.37. Air ambulance service.**

(a) *Purpose.* An EMS agency that operates an air ambulance service employs one or more air ambulances staffed by a crew capable of providing medical assessment, observation, triage, monitoring, treatment and transportation of patients who require EMS. An air ambulance should be employed when time to administer definitive care to a patient is of the essence and transportation by air ambulance to a receiving facility able to provide the care is faster than transportation by ground ambulance, or when a patient requires EMS provided by specialized equipment or providers not available on a ground ambulance and the air ambulance can provide this faster than the patient would receive such care at a receiving facility if transported by ground ambulance.

(b) *Staffing.* The minimum staffing for an air ambulance crew when responding to a call to transport a patient by air ambulance is a pilot and two EMS providers above the AEMT level, with at least one of the EMS providers being a paramedic, PHPE, PHRN or a PHP who has successfully completed an air ambulance transport educational program approved by the Department. Provided that one of the EMS providers is a paramedic, PHPE, PHRN or a PHP who has successfully completed an air ambulance transport educational program approved by the Department, another health care provider or providers may substitute for a second EMS provider above the AEMT level to attend to a patient with special medical needs if the EMS agency has submitted to the Department, and received the Department's approval, of a plan that provides for such substitution to attend to the needs of such patients in accordance with the Department-approved protocol the EMS agency has established for its air ambulance service. Responding crew members may arrive at the scene separately, but the ambulance shall be fully staffed at or above the minimum staffing level before transporting a patient.

(c) *Transport of patient.* During patient transport, two EMS providers who satisfy the minimum EMS provider staffing requirement in subsection (b) shall accompany the patient in the patient compartment of the ambulance and be available to attend to the patient during the transport.

(d) *Flight requirements.*

(1) An EMS agency's determination regarding whether to accept a flight shall be based solely on availability, weather conditions, and safety considerations.

(2) The crew of an air ambulance 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 the air ambulance is enroute to the scene of an emergency, if the crew of the air ambulance believes that the air ambulance and required staff will not be able to arrive at the emergency scene within the estimated time of arrival previously given, the air ambulance crew shall contact the ground PSAP and provide a new estimated time of arrival.

(e) *EMS protocols.* In addition to following the Statewide EMS protocols, an EMS agency that operates an air ambulance service may establish and follow EMS protocols that address EMS not covered by the Department's EMS protocols, provided those protocols are approved by the Department. To secure that approval the EMS agency shall submit the proposed protocols to the medical advisory committee of the regional EMS council through which it submitted its application to be licensed as an EMS agency. That medical advisory committee shall assess the appropriateness of the proposed protocols and then forward the proposed protocols to the Department with its recommendations.

(f) *Expanded scope of practice.* When providing EMS through an air ambulance service the scope of practice of an EMS provider above the AEMT level is expanded to include EMS skills and the use of equipment in addition to those included in the EMS provider's general scope of practice if the EMS provider has received education to perform those skills and use that equipment by having successfully completed an air ambulance transport educational program approved by the Department, the EMS provider is able to document having received that education, and the performance of those skills and use of that equipment by that level of EMS provider is authorized by the Department as published in a notice in the *Pennsylvania Bulletin*. An EMS provider shall perform these skills as directed by the Statewide EMS protocols applicable to an air ambulance service or as otherwise directed by a medical command physician.

#### **§ 1027.38. Special operations EMS services.**

(a) *Generally.* A special operations EMS service provides EMS in austere environments that require specialized knowledge, equipment or vehicles to access a patient or it addresses patient care situations that differ from the routine situations that can be handled by a QRS, ambulance service or ALS squad service, or some combination thereof. Depending upon the type of special operations EMS service and the circumstances presented, a special operations EMS service may be able to meet the EMS needs of such patient by itself, or may need to work with other EMS services to meet the EMS needs of such patient.

(b) *Special provisions.* The following apply to all special operations EMS services:

(1) When providing EMS through a special operations EMS service an EMS provider's scope of practice is expanded to include EMS skills and the use of equipment in addition to those included in the EMS provider's general scope of practice if the EMS provider has received education to perform those skills and use that equipment by having successfully completed a course approved by the Department for that type of special operations EMS service, the EMS provider is able to document having received that education, and the performance of those skills and use of that equipment by that level of EMS provider is authorized by the Department as published in a notice in the *Pennsylvania Bulletin*. An EMS provider shall perform these skills as directed by the Statewide EMS protocols applicable to that type of special operations EMS service or as otherwise directed by a medical command physician.

(2) Notwithstanding § 1021.41(a) (relating to EMS patient care reports), when an EMS agency is providing EMS exclusively through a special operations EMS service it shall document patient encounters as follows:

(i) It shall document every patient encounter on a log that includes the minimum information required by the Department as published in a notice in the *Pennsylvania Bulletin*, including documentation required by the Statewide EMS protocols for any patient refusing treatment.

(ii) For any patient transported by ambulance from a special operations EMS incident, it shall complete a written transfer of care form that contains the patient information that is essential for immediate transmission for patient care required by § 1021.41(c), and provide it to the EMS provider on the ambulance who accepts responsibility for the patient.

(iii) For any patient transported by ambulance from a special operations EMS incident who receives EMS from the special operations EMS service exceeding the scope of practice of an EMT, it shall complete an EMS PCR and otherwise comply with the requirements of § 1021.41.

(iv) For any patient not transported by ambulance who refuses EMS or dies while under the care of a special operations EMS service, it shall complete an EMS PCR and otherwise comply with the requirements of § 1021.41.

(3) Notwithstanding § 1027.31(8) (relating to general standards for providing EMS), when an EMS provider at or above the AEMT level is responding as part of a special operations EMS service in a vehicle other than an EMS vehicle, the EMS provider may transport in that vehicle EMS equipment and supplies that an EMT is not authorized to use, provided the EMS agency has adopted policies approved by its EMS agency medical director to ensure the proper storage and security of the equipment and medications, and the EMS provider abides by those policies.

(4) To facilitate the ability of EMS providers to access and move patients, a special operations EMS service may use modes of transportation at the special operations EMS incident site, such as a bike or any motorized vehicle or cart, to transport EMS providers and patients.

(c) *Tactical EMS service.*

(1) *Purpose.* An EMS agency that provides a tactical EMS service provides EMS support to a law enforcement service to afford a rapid and safe EMS response should a person become ill or injured during a tactical law enforcement operation.

(2) *Affiliation.* To secure and maintain an EMS agency license that authorizes the EMS agency to operate a tactical EMS service, an EMS agency shall demonstrate that it is affiliated with a law enforcement service operated by a government law enforcement agency or a consortium of government law enforcement agencies.

(3) *Staffing.* An EMS agency that provides a tactical EMS service shall be staffed by at least six EMS providers who are above the AEMT level with a minimum of 2 years experience as an EMS provider above the AEMT level, and who have completed an educational program approved by the Department on tactical EMS operations. The minimum staff when providing EMS support as a tactical EMS service is two EMS providers who meet these standards. All EMS providers who provide EMS for an EMS agency's tactical EMS service shall be 21 years of age or older.

(4) *Weapons.* Notwithstanding § 1027.3(h) (relating to licensure and general operating standards), when an EMS provider is responding to a tactical law enforcement operation as part of a tactical EMS service, the EMS provider may carry weapons and other tactical items as otherwise permitted by law and approved by the affiliated law enforcement agency.

(5) *Reporting.* The EMS agency shall provide a summary report of a tactical EMS operation response to the regional EMS council assigned to the region in which the tactical EMS service was provided, within 30 days of the tactical EMS operation, on a form or through an electronic process as prescribed by the Department.

(d) *Wilderness EMS service.*

(1) *Purpose.* An EMS agency that provides a wilderness EMS service provides EMS in the wilderness, backcountry, or other wild and uncultivated area to afford an EMS response should a person become ill or injured in that setting.

(2) *Coordination.* To secure and maintain an EMS agency license that authorizes the EMS agency to operate a wilderness EMS service, an EMS agency shall demonstrate that it has coordinated with a local, county or state emergency service or services and responds at their request.

(3) *Staffing.* An EMS agency that provides a wilderness EMS service shall be staffed by at least six EMS providers who have completed an educational program approved by the Department on wilderness EMS operations. The minimum staff when providing EMS as a wilderness EMS service is two EMS providers at or above the EMT level who meet these standards. All EMS providers who provide EMS for a wilderness EMS service shall be 18 years of age or older.

(4) *Reporting.* The EMS agency shall provide a summary report of a wilderness EMS operation response to the regional EMS council assigned to the region in which the wilderness EMS service was provided, within 30 days of the wilderness EMS operation, on a form or through an electronic process as prescribed by the Department.

(e) *Mass-gathering EMS service.*

(1) *Purpose.* An EMS agency that provides a mass gathering EMS service provides EMS when there is a large gathering of persons under circumstances such as the following:

(i) The number of anticipated participants or spectators would overwhelm normal EMS capabilities for the area or local hospital capabilities.

(ii) The nature of the activity occurring at the mass gathering site may result in increased risk of injury or illness to spectators or participants.

(iii) Areas where access to normal EMS operations are limited due to factors such as physical/logistical restrictions in access routes, gathering areas, and the number of spectators.

(iv) Risk analysis has determined that the site of the mass gathering could be considered a target of opportunity for terrorist activity.

(2) *Coordination.* To secure and maintain an EMS agency license that authorizes the EMS agency to operate a mass-gathering EMS service, an EMS agency shall demonstrate that it has coordinated with an EMS agency that operates an ambulance service and other local, county or state emergency services.

(3) *Staffing.* An EMS agency that provides mass-gathering EMS service shall be staffed by at least six EMS providers. The minimum staff when providing EMS support as a mass-gathering EMS service is two EMS providers with at least one EMS provider at or above the EMT level.

(4) *Reporting.* The EMS agency shall provide a summary report of a mass gathering event at which it provides EMS to the regional EMS council assigned to the region in which the mass-gathering EMS service was provided, within 30 days of the event, on a form or through an electronic process as prescribed by the Department.

(f) *Urban Search and Rescue EMS service.*

(1) *Purpose.* An EMS agency that provides an Urban Search and Rescue (USAR) EMS service provides EMS at an incident in which patients are entrapped by a structural collapse or other entrapment for an extended period of time.

(2) *Coordination.* To secure and maintain an EMS agency license that authorizes the EMS agency to operate a USAR EMS service, an EMS agency shall demonstrate that it has coordinated with a local, county or state emergency service or services and responds at their request.

(3) *Staffing.* An EMS agency that provides a USAR EMS service shall be staffed by at least six EMS providers above the level of AEMT who have completed an educational program approved by the Department on USAR EMS operations. The minimum staff when providing EMS as a USAR EMS service is two EMS providers above the AEMT level who meet these standards. All EMS providers who provide EMS for a USAR EMS service shall be 18 years of age or older.

(4) *Reporting.* The EMS agency shall provide a summary report of a USAR EMS operation response to the regional EMS council assigned to the region in which the USAR EMS service was provided, within 30 days of the USAR EMS operation, on a form or through an electronic process as prescribed by the Department.

(g) *Extraordinary applications.* An EMS agency or an applicant for an EMS agency license may apply to operate under its license a type of special operations EMS service that is not addressed in this chapter. The Department shall address each request on an individual basis. It will grant, conditionally grant or deny the request as it deems appropriate to protect the public interest. An EMS agency granted authorization to conduct a special operations EMS service under this subsection shall be subject to any later adopted regulations that apply to that type of special operations EMS service.

(h) *Construction.* This section enables an EMS agency that has been licensed to provide a special operations EMS service to hold itself out as being licensed to provide that service, and to provide that service in accordance with the requirements of this section. It does not require an EMS agency to be licensed to conduct a special operations EMS service to respond to a call requesting EMS under circumstances in which a special operations EMS service would be appropriate.

## **Subchapter C. MISCELLANEOUS**

Sec.

1027.51. Stretcher and wheelchair vehicles.

1027.52. Out-of-State providers.

**§ 1027.51. Stretcher and wheelchair vehicles.**

(a) *Stretcher vehicle.* A stretcher vehicle is a ground vehicle, other than an ambulance, that is commercially used to transport by stretcher a person who does not receive and cannot reasonably be anticipated to require medical assessment, monitoring, treatment or observation by EMS providers during transport, but who, due to the person's condition, requires vehicle transportation on a stretcher or in a wheelchair.

(b) *Wheelchair vehicle.* A wheelchair vehicle is a ground vehicle, other than an ambulance, that is commercially used to transport by wheelchair a person who does not receive and cannot reasonably be anticipated to require medical assessment, monitoring, treatment or observation by EMS providers during transport, but who, due to the person's condition, requires vehicle transportation on a stretcher or in a wheelchair.

(c) *Prohibition.* An entity may not operate a stretcher or wheelchair vehicle to transport a person who the entity knows or should reasonably know requires medical assessment, monitoring, treatment or observation during transport.

**§ 1027.52. Out-of-State providers.**

(a) An entity located or headquartered outside of this Commonwealth, that is not licensed as an EMS agency by the Department, may not engage in the business of providing EMS to patients within this Commonwealth except when dispatched by a PSAP to provide EMS. This is to occur only when a PSAP determines that an EMS agency is unable to respond within a reasonable time or its response is not sufficient to deal with the emergency.

(b) An entity located or headquartered outside of this Commonwealth, that is not licensed as an EMS agency by the Department, may provide EMS to patients when transporting them from locations outside this Commonwealth to locations within this Commonwealth.

(c) An entity located or headquartered outside this Commonwealth, which is not an agency of the Federal Government, needs to be licensed as an EMS agency by the Department to provide EMS to patients within this Commonwealth other than as described in subsections (a) and (b).

**CHAPTER 1029. MEDICAL COMMAND FACILITIES AND RECEIVING FACILITIES**

**Subchapter A. MEDICAL COMMAND FACILITIES**

Sec.

- 1029.1. General provisions.
- 1029.2. Operational requirements.
- 1029.3. Processing certification and registration applications.
- 1029.4. Inspections and investigations.
- 1029.5. Plan of correction.
- 1029.6. Discontinuation of service.

**§ 1029.1. General provisions.**

(a) *Certification and registration required.* To operate as a medical command facility a medical unit must be certified and currently registered as a medical command facility.

(b) *Certification requirements.*

(1) The Department will certify as a medical command facility a facility that was recognized by the Department as a medical command facility immediately prior to [the effective date of the regulation].

(2) The Department will certify all other applicants for certification as a medical command facility if the Department is satisfied that the applicant has met the following requirements:

(i) It is a distinct medical unit operated by a hospital or consortium of hospitals.

(ii) It has the equipment and personnel needed to provide medical command to and control over EMS providers.

(iii) It employs a medical command facility medical director.

(iv) It has adopted policies and procedures to ensure that a medical command physician is available to provide medical command at all times.

(v) It satisfies the communications, recordkeeping and other requirements imposed by this chapter.

(c) *Certification application.* An application for certification as a medical command facility shall be submitted on a form or through an electronic process, as prescribed by the Department, to the regional EMS council exercising responsibility for the EMS region in which the applicant is located. The application form shall solicit information to enable the Department to determine whether the applicant has satisfied the certification requirements under subsection (b).

(d) *Triennial registration.* A medical command facility's certification is deemed registered when the certification is issued. Except for a medical command facility certified under subsection (b)(1), a medical command facility's registration of its certification is valid for 3 years. The initial registration of the certification of a medical command facility certified under subsection (b)(1) based upon its prior recognition as a medical command facility shall expire when its recognition as a medical command facility would have expired under the former act of July 3, 1985 (P.L. 164, No. 45), known as the Emergency Medical Services Act.

(e) *Registration application.* A medical command facility shall submit an application for registration of its certification on a form or through an electronic process, as prescribed by the Department, between 60 and 90 days before its current registration expires, to the regional EMS council exercising responsibility for the EMS region in which the applicant is located. The application form shall solicit information to enable the Department to determine whether the applicant continues to satisfy the certification requirements under subsection (b)(2).

#### **§ 1029.2. Operational requirements.**

The operational requirements of a medical command facility are as follows:.

(1) It shall continue to satisfy all requirements under § 1029.1 (relating to general provisions).

(2) It shall 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 EMS providers providing EMS for an EMS agency within the area in which medical command is exercised.

(iii) Audio recording of medical command communications or, when medical command is provided at the scene, otherwise documenting medical command sessions.

(iv) Maintenance of the recording of a medical command session, or documentation of a medical command session when medical command is provided at the scene, for 7 years.

(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 EMS providers for both radio and telephone medical guidance, assistance or advice.

(vii) Documentation that each medical command physician has been educated on all updates to Statewide EMS protocols.

(3) It shall accurately and promptly relay information regarding patients to the appropriate receiving facility.

(4) It shall adhere to EMS protocols approved by the Department except when a departure is required for good cause.

(5) It shall establish a process whereby the medical command facility medical director or the director's designee identifies problems to EMS providers and instructs how to correct those problems.

(6) It shall obtain a contingency agreement with at least one other medical command facility to assure availability of medical command at all times, including during mass casualty situations, natural disasters and declared states of emergency.

(7) It shall establish internal procedures that comply with the Statewide EMS protocols.

(8) It shall 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.

(9) It shall participate in the regional EMS council's quality improvement program.

(10) It shall employ sufficient administrative support staff to enable the institution to carry out its essential duties which include: audits, equipment maintenance and processing and responding to complaints.

(11) It shall establish a program of training for medical command physicians, EMS providers and emergency department staff and shall establish a method to assure that each medical command physician receives education about all updates and changes to the Statewide EMS protocols.

(12) It shall provide medical command to EMS providers whenever they seek direction.

### **§ 1029.3. Processing certification and registration applications.**

(a) A regional EMS council that receives an application for medical command facility certification or an application to register that certification will review the application for completeness. The regional EMS council shall apprise the applicant if the application is incomplete and obtain a completed application from the applicant.

(b) The regional EMS council shall conduct an onsite inspection of the applying facility to verify information contained within the application and to complete a physical inspection of the medical command area.

(c) 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 within 10 days of its receipt of the recommendation.

(d) 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 30 days from the time of its receipt of the regional EMS council's recommendation to grant or deny the application.

(e) The Department may inspect the facility and gather additional information to aid it in making a decision on the application.

### **§ 1029.4. Inspections and investigations.**

(a) The Department will conduct inspections of a medical command facility from time to time, as deemed appropriate and necessary, but at least once every three years, including when necessary to investigate a complaint or a reasonable belief that a violation of this subchapter may exist. The Department may have a regional EMS council conduct or assist the Department in conducting any inspection or investigation.

(b) A medical command facility and an applicant for medical command facility certification shall fully respond to any inquiry of the Department or a regional EMS council regarding its compliance with the requirements of this subchapter, and shall provide them full and free access to examine the facility and its records relating to its operation as a medical command facility.

### **§ 1029.5. Plan of correction.**

(a) *Notification of violation.* Upon determining that a medical command facility has violated the act or this subchapter, the Department may issue a written notice to the medical command facility specifying the violation or violations. The notice shall require the medical command facility to take immediate action to discontinue the violation or

violations or to submit a plan of correction, or both, to bring the medical command facility into compliance. If the nature of a violation is such that the medical command facility cannot remedy the problem immediately and a plan of correction is therefore required, the Department may direct that the violation be remedied within a specified period of time.

(b) *Response by medical command facility.* After receiving the notice of violation or violations the medical command facility shall do one of the following:

(1) Comply with the requirements specified in the notice.

(2) Refuse to comply with one or more of the requirements specified in the notice and apprise the Department of its decision, with an explanation, within the time and manner specified in the notice.

(3) Comply with the requirements specified in the notice and apprise the Department of its decision, within the time and manner specified in the notice of any violation identified in the notice with which it disagrees, supported by an explanation for its disagreement.

(c) *Medical command facility disagreement or refusal to comply.* If the medical command facility fails to comply with any of the directives in the notice and responds as required by subsection (b)(2), or disagrees with any of the violations identified and responds as required by subsection (b)(3), the Department will evaluate the explanation provided by the medical command facility to determine whether the response was justified. If the Department determines that the response was justified in whole or part, it will so inform the medical command facility and rescind any violation identified or directive given in the notice that the Department determines should not have applied.

(d) *Consequence of failure to comply.* A medical command facility's response to a notice under subsection (b)(2) does not act to stay any of the directives in the notice. A medical command facility's failure to comply with a directive in the notice constitutes a ground for discipline if the violation to which the directive relates is found to be true following a hearing.

#### **§ 1029.6. Discontinuation of service.**

A medical command facility may not discontinue medical command operations without providing 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 EMS agencies for which it routinely provides medical command. A medical command facility shall advertise notice of its intent to discontinue service as a medical command facility in a newspaper of general circulation in its service area at least 90 days in advance of discontinuing service as a medical command facility.

## Subchapter B. RECEIVING FACILITIES

Sec.

1029.21. Receiving facilities.

### § 1029.21. Receiving facilities.

(a) *General requirements.* A receiving facility shall be a fixed location, having an organized emergency department, including a physician educated to manage cardiac, trauma, pediatric, obstetrics, medical behavioral and all-hazards emergencies. A physician who satisfies these requirements shall be present in the facility 24 hours-a-day, 7 days-a-week.

(b) *Patients with special needs.* Patients with special needs, particularly those with time-sensitive illnesses, who need to be transported to a receiving facility shall be transported to a specialty receiving facility consistent with the Statewide EMS protocols. The Department will maintain, publish in the *Pennsylvania Bulletin*, and update as appropriate, a list of the following specialty receiving facilities:

(1) Trauma centers, as well as trauma facilities in adjacent states accredited by an accrediting body similar to the Foundation, appropriate for adult and pediatric patients with serious trauma.

(2) Receiving facilities appropriate for patients suspected to require percutaneous coronary intervention.

(3) Receiving facilities appropriate for patients with symptoms of suspected acute stroke.

(4) Receiving facilities appropriate for patients with suspected serious burns.

(5) Receiving facilities appropriate for other patients with special needs as described in the Statewide EMS protocols.

(c) *Transports to receiving facilities.* Unless directed otherwise by a medical command physician, if patient transport by ambulance is required for additional care that has not been prearranged, an ambulance shall transport the patient to a receiving facility or such other facility as the Department has designated in the Statewide EMS protocols.

(d) *Confirmation of receiving patient.* When a patient has been transported to a receiving facility the receiving facility shall acknowledge in writing that it has received the patient if the transporting ambulance crew requests that acknowledgement.

## CHAPTER 1031. COMPLAINTS, DISCIPLINARY ACTIONS, ADJUDICATIONS AND APPEALS

Sec.

- 1031.1. Administrative and appellate procedure.
- 1031.2. Complaints and investigations.
- 1031.3. Discipline of EMS providers.
- 1031.4. Reinstatement of revoked EMS provider certification.
- 1031.5. Discipline of EMS vehicle operators.
- 1031.6. Emergency suspension of EMS provider and EMS vehicle operator certifications.
- 1031.7. Discipline of EMS instructors.
- 1031.8. Discipline of medical command physicians and medical command facility medical directors.
- 1031.9. Automatic suspension for incapacity.
- 1031.10. Discipline of EMS agencies.
- 1031.11. Discipline of medical command facilities.
- 1031.12. Discipline of EMS educational institutes.
- 1031.13. Discipline of providers of EMS continuing education.
- 1031.14. Civil money penalty for practicing without a license or certification.
- 1031.15. Discipline of vendors of EMS PCR software.
- 1031.16. Discipline of management companies.

### § 1031.1. Administrative and appellate procedure.

(a) *Administrative proceedings.* Except as otherwise provided in this chapter, the Department will hold hearings and issue adjudications for proceeding conducted under the act and this subpart in accordance with 2 Pa.C.S. (relating to administrative law and procedures) and will conduct those proceedings under 1 Pa. Code Part II (relating to general rules of administrative practice and procedure).

(b) *Rules supplementing the general rules of administrative practice and procedure.*

(1) Formal administrative proceedings on an application for a license, certification, registration or accreditation, or to pursue disciplinary sanctions other than an emergency suspension, will be initiated by an order to show cause issued by the Bureau.

(2) When responding to an order to show cause a respondent is to aver, in new matter, matters in defense or mitigation of the charges which are not averred in the answer to the averments in the order to show cause, provided the respondent is given written notice of the respondent's responsibility to do so.

(3) Except for good cause shown, such as for the purpose of impeachment, neither the Bureau nor the respondent may present evidence at a hearing in support of matters not pled, nor may a respondent raise a defense at a hearing that has not been pled in the respondent's answer or new matter to the order to show cause.

(4) A request for a continuance shall be filed in writing at least 10 days prior to the date of the hearing. This requirement will be waived only upon a showing of good cause. If a respondent has not retained counsel, a request for a continuance on the day of the hearing to retain counsel will not be considered as good cause for the granting of a continuance.

(5) If an interpreter is required, a request for an interpreter shall be filed in writing at least 30 days prior to the date of the hearing.

(c) *Judicial appeals.* Department adjudications issued under the act and this chapter may be appealed to the Commonwealth Court under 42 Pa.C.S. § 763 (relating to direct appeals from government agencies).

#### **§ 1031.2. Complaints and investigations.**

(a) *Filing a complaint.* A person may file with the Department a complaint about a violation of the act or this part by any individual or entity regulated by the Department under the act, or any individual or entity believed to have provided EMS or have engaged in any other activity for which some type of authorization under the act or this subpart is required, without that individual or entity having secured a certification, license, or other authorization from the Department to engage in that activity as required by the act and this subpart.

(b) *Filing office.* The complaint shall be filed with the regional EMS council that serves the EMS region where the conduct occurred. The regional EMS council will provide the Bureau with a copy of the complaint. A complaint concerning the conduct of a regional EMS council shall be filed directly with the Bureau.

(c) *Status of complainant.* If a person files a complaint seeking to have the Department impose a disciplinary or corrective measure pursuant to this chapter, the Department's action in the handling of the complaint will be on behalf of the Commonwealth to determine whether there has been a violation of a statutory or regulatory requirement over which the Department has jurisdiction under the act.

(d) *Processing a complaint.* Upon receipt of a complaint filed under this section the Bureau will assess whether the Department has jurisdiction over the matter about which the complaint is filed. If the matter is within the Department's jurisdiction, and an investigation is needed, the Bureau will investigate the complaint or assign the complaint to a regional EMS council or other appropriate entity to investigate. Unless the Bureau

determines that disclosure to the individual or entity about whom the complaint has been filed will compromise the investigation or would be inappropriate for some other reason, the investigation will be initiated by providing that individual or entity with a copy of the complaint and requesting a response. If the matter is not within the Department's jurisdiction to address, the Bureau will so advise the person who filed the complaint and refer the complainant to another agency if the Bureau believes that the matter about which the complaint has been filed may be within the other agency's jurisdiction.

(e) *Notification of results of investigation.* When an investigation is completed, the Bureau will notify the complainant of the general results of the investigation of the matter about which the complaint was filed. This notification does not include providing the complainant with a copy of any document collected or prepared during the course of the investigation. The Bureau will also provide the same information to the individual or entity about whom the complaint was filed if the individual or entity was officially apprised of the complaint or investigation. If the Department is considering taking disciplinary action against the individual or entity, notification may occur when a disciplinary decision is reached or when disciplinary charges are filed.

### **§ 1031.3. Discipline of EMS providers.**

(a) *Grounds for discipline.* The Department may discipline or impose corrective measures on an EMS provider or an applicant for EMS provider certification for one or more of the following reasons:

(1) Having a lack of physical or mental ability to provide adequate EMS, with reasonable accommodations if the person has a disability.

(2) Deceptively or fraudulently procuring or representing certification or registration credentials, or making misleading, deceptive or untrue representations to secure or aid or abet another person to secure a certification, license, registration or other authorization issued under this subpart.

(3) Engaging in willful or negligent misconduct in providing EMS or engaging in practice beyond the scope of certification authorization without legal authority to do so.

(4) Abusing or abandoning a patient.

(5) Rendering EMS while under the influence of alcohol, illegal drugs, or the knowing abuse of legal drugs.

(6) Operating an emergency vehicle in a reckless manner or while under the influence of alcohol, illegal drugs, or the knowing abuse of legal drugs.

(7) Disclosing medical or other information about a patient when prohibited by Federal or State law.

(8) Willfully preparing or filing a false medical report or record, or inducing another person to do so.

(9) Destroying a medical report or record required to be maintained.

(10) Refusing to render EMS because of a patient's race, sex, creed, national origin, sexual preference, age, handicap, medical problem or refusing to render emergency medical care because of a patient's financial inability to pay.

(11) Failing to comply with Department-approved EMS protocols.

(12) Failing to comply with reporting requirements imposed by the act or this subpart.

(13) Practicing without the current registration of a certification.

(14) Being convicted of a felony, a crime related to the practice of the EMS provider, or a crime involving moral turpitude.

(15) Willfully falsifying or failing to prepare an EMS PCR or complete details on an EMS PCR.

(16) Misappropriating drugs or EMS agency property.

(17) Having a certification or other authorization to practice a profession or occupation revoked, suspended or subjected to other disciplinary sanction.

(18) Violating or aiding or abetting another person to violate a duty imposed by the act, this subpart or an order of the Department previously entered in a disciplinary proceeding.

(19) Based upon a finding of misconduct by the relevant Federal or State agency, having been excluded from a Federal or State health care program or having had equity or capital stock or profits of an entity equal to 5% or more of the value of the property or assets of the entity when it was excluded a Federal or State health care program.

(20) Any other reason as determined by the Department that poses a threat to the health and safety of the public.

(b) *Types of discipline authorized.* If disciplinary action or corrective action is appropriate under subsection (a), the Department may:

(1) Deny an application for certification or registration of the certification.

- (2) Issue a public reprimand.
- (3) Revoke, suspend, limit or otherwise restrict the certification.
- (4) Require the person to take refresher or other educational courses.
- (5) Impose a civil money penalty not exceeding \$1,000 for each incident in which the EMS provider engages in conduct that constitutes a basis for discipline.
- (6) Stay enforcement of a suspension, revocation or other discipline and place the individual on probation with the right to vacate the probationary order for noncompliance.

(c) *Denial of registration.* The Bureau shall not deny a registration of an EMS provider certification without giving the EMS provider prior notice of the reason for the denial and providing an opportunity for a hearing. If the reason for the denial is the failure of the EMS provider to present *prima facie* evidence that the continuing education or examination requirement for registration has been satisfied, the opportunity for a hearing may occur after the prior registration has expired.

#### **§ 1031.4. Reinstatement of revoked EMS provider certification.**

(a) *Petition for reinstatement.* A person whose EMS provider certification has been revoked may petition the Department for allowance to apply for reinstatement of the revoked certification no earlier than 5 years after the effective date of the revocation. The petition shall aver facts to establish that the petitioner has been rehabilitated to the extent that issuing that person a reinstatement of the revoked certification would not be detrimental to the public interest. In assessing the public interest, the Department shall weigh the facts that tend to show that the petitioner has been rehabilitated against the Department's duty to maintain public confidence in its ability to regulate EMS providers, deter other EMS providers from engaging in conduct similar to that which resulted in the revocation, and protect persons who may require EMS.

(b) *Department action on the petition.*

(1) The Department shall deny a petition for allowance to apply for reinstatement, without conducting a hearing, if it accepts as true all facts averred and it concludes that those facts fail to establish that the petitioner has been rehabilitated to the extent that reinstatement of the revoked certification would not be detrimental to the public interest.

(2) The Department may grant or hold a hearing on a petition for allowance to apply for reinstatement if it concludes that the facts averred in the petition, if true, establish a *prima facie* case that the petitioner has been rehabilitated to the extent that reinstatement of the revoked certification would not be detrimental to the public interest.

(c) *Grant of petition for reinstatement.* If the Department grants the petition, the petitioner shall repeat the educational program and the certification examinations that are required for the EMS provider certification the petitioner is seeking to reinstate and shall satisfy all other requirements for that certification that exist at the time the petitioner files an application for reinstatement after having successfully completed that education and the examinations.

(d) *Denial of petition for reinstatement.* If the Department denies the petition, the petitioner may not again petition the Department for allowance to apply for reinstatement of the revoked certification until a year has expired from the date of the denial.

### **§1031.5. Discipline of EMS vehicle operators.**

(a) *Grounds for discipline.* The Department may discipline or impose corrective measures on an EMSVO or an applicant for EMSVO certification for one or more of the following reasons:

(1) Having a lack of physical or mental ability to operate an EMS vehicle, with reasonable accommodations if the person has a disability.

(2) Deceptively or fraudulently procuring or representing certification or registration credentials, or making misleading, deceptive or untrue representations to secure a certification or registration.

(3) Operating an emergency vehicle in a reckless manner or while under the influence of alcohol, illegal drugs, or the knowing abuse of legal drugs.

(4) Having a driver's license suspended in any jurisdiction due to the use of alcohol or drugs or a moving traffic violation.

(5) Operating a ground EMS vehicle without a driver's license or while a driver's license is suspended.

(6) Being convicted of a felony or a crime involving moral turpitude.

(7) Failing to report a criminal conviction that the applicant or EMSVO is required to report or failing to report the suspension of a driver's license due to the use of alcohol or drugs or a moving traffic violation.

(8) Any other reason as determined by the Department that poses a threat to the health and safety of the public.

(b) *Types of discipline authorized.* If disciplinary or corrective action is appropriate under subsection (a), the Department may:

- (1) Deny an application for certification or registration of the certification.
- (2) Issue a public reprimand.
- (3) Revoke or suspend the certification.
- (4) Impose conditions for lifting a suspension.

(c) *Automatic suspension.* An EMSVO certification shall be automatically suspended for 4 years if an EMSVO is convicted of a criminal offense that involves driving under the influence of alcohol or drugs, and for 2 years if the EMSVO is convicted of a criminal offense that involves reckless driving.

**§ 1031.6. Emergency suspension of EMS provider and EMS vehicle operator certifications.**

(a) *Issuance of emergency suspension.* The Department will issue an order suspending an EMS provider or EMS vehicle operator certification, without a hearing, if based upon evidence received that appears to be credible the Department determines that the person is a clear and immediate danger to the public health and safety.

(b) *Notice and preliminary hearing.* Notice of the emergency suspension will include a written statement of the factual allegations upon which the determination is based. Unless an extension of time is requested by the EMS provider or EMS vehicle operator, within 30 days after an order under subsection (a) is issued, the Department shall conduct a preliminary hearing to determine whether there is a *prima facie* case supporting the emergency suspension. The EMS provider or EMS vehicle operator may be present at the preliminary hearing and may be represented by counsel, cross-examine witnesses, inspect physical evidence, call witnesses, and offer testimony and other evidence to rebut the *prima facie* case. If and when the Department determines that the evidence does not establish a *prima facie* case that the EMS provider or EMS vehicle operator is a clear and immediate danger to the public health and safety, the Department will immediately issue an order lifting the suspension.

(c) *Commencement of formal disciplinary proceedings.* After issuing an order under subsection (a), the Department shall commence formal disciplinary action under § 1031.3 (relating to discipline of EMS providers) or § 1031.5 (relating to discipline of EMS vehicle operators).

(d) *Duration of emergency suspension if prima facie case is established.* If the Department determines that a *prima facie* case supporting the emergency suspension is established at the preliminary hearing, the emergency suspension shall remain in effect, but no longer than 180 days unless agreed upon by the parties.

**§ 1031.7. Discipline of EMS instructors.**

(a) *Grounds for discipline.* The Department may discipline or impose corrective measures on a certified EMS instructor, or an applicant for certification as an EMS instructor, for one or more of the following reasons:

(1) Any reason an EMS provider may be disciplined under § 1031.3 (relating to discipline of EMS providers).

(2) Providing instruction while under the influence of alcohol or illegal drugs or the knowing abuse of legal drugs.

(3) Failing to perform a duty imposed upon an EMS instructor under this subpart.

(4) Any other reason as determined by the Department that poses a threat to the health and safety of students.

(b) *Types of discipline authorized.* If disciplinary action or corrective action is appropriate under subsection (a), the Department may:

(1) Deny an application for certification.

(2) Issue a public reprimand.

(3) Revoke, suspend, limit or otherwise restrict the certification.

(4) Impose a civil money penalty not exceeding \$1,000 for each incident in which the EMS instructor engages in conduct that constitutes a basis for discipline.

(5) Stay enforcement of a suspension, revocation or other discipline and place the individual on probation with the right to vacate the probationary order for noncompliance.

**§ 1031.8. Discipline of medical command physicians and medical command facility medical directors.**

(a) *Grounds for discipline.* The Department may discipline or impose corrective measures on a medical command physician or medical command facility medical director for the following reasons:

(1) Violating a responsibility imposed on the physician by §§ 1023.2 (relating to medical command physician) or 1023.3 (relating to medical command facility medical director)

(2) Without good cause, failing to comply with an EMS protocol established or approved by the Department.

(b) *Types of discipline authorized.* If disciplinary action or corrective action is appropriate under subsection (a), the Department may:

- (1) Deny the application for a certification.
- (2) Issue a public reprimand.
- (3) Revoke, suspend, limit or otherwise restrict or condition the certification.
- (4) Impose a civil money penalty not exceeding \$1,000 for each incident in which the physician engages in conduct that constitutes a basis for discipline.
- (5) Stay enforcement of any suspension, revocation or other discipline and place the individual on probation with the right to vacate the probationary order for noncompliance.

#### **§ 1031.9. Automatic suspension for incapacity.**

The Department will automatically suspend a certification issued under this subpart upon receiving a certified copy of court records establishing that the person has been adjudicated as incapacitated under 20 Pa.C.S. § 5511 (relating to petition and hearing; independent evaluation) or an equivalent statutory provision, and shall lift the suspension upon receiving a certified copy of court records establishing that the person has regained capacity under 20 Pa.C.S. § 5517 (relating to adjudication of capacity and modification of existing orders) or an equivalent statutory provision.

#### **§ 1031.10. Discipline of EMS agencies.**

(a) *Discipline of EMS agencies.* The Department may discipline an EMS agency or an applicant for an EMS agency license for one or more of the following reasons:

- (1) Violating a requirement of the act or a regulation adopted under the act.
- (2) Failing to submit a plan of correction acceptable to the Department to correct a violation cited by the Department or failing to comply with a plan of correction accepted by the Department.
- (3) Refusing to accept a conditional provisional license properly sought by the Department or to abide by its terms.
- (4) Engaging in fraud or deceit in obtaining or attempting to obtain a license.

(5) Lending its license or, except as authorized by the Department in acting upon the license application or an application to amend the license, enabling another person to manage or operate the EMS agency or any service the EMS agency is licensed to provide.

(6) Engaging in incompetence, negligence or misconduct in operating the EMS agency or in providing EMS to patients.

(7) Using the license of another or in any way knowingly aiding or abetting the improper granting of a license, certification, accreditation or other authorization issued under the act.

(8) Failing to meet or continue to meet applicable licensure standards.

(9) The EMS agency is not a responsible person, or is not staffed by responsible persons and refuses to remove from its staff the irresponsible person or persons when directed to do so by the Department.

(10) Being convicted of a felony or a crime involving moral turpitude or related to the practice of the EMS agency.

(11) Making misrepresentations in seeking funds made available through the Department.

(12) Refusing to render EMS because of a patient's race, sex, creed, national origin, sexual preference, age, handicap, medical problem or refusing to respond to an emergency and render EMS because of a patient's financial inability to pay.

(13) Violating an order previously issued by the Department in a disciplinary matter.

(b) *Types of discipline authorized.* If disciplinary action is appropriate under subsection (a), the Department may:

(1) Deny an application for a license.

(2) Issue a public reprimand.

(3) Revoke, suspend, limit or otherwise restrict the license.

(4) Impose a civil money penalty not exceeding \$5,000 for each incident in which the EMS provider engages in conduct that constitutes a basis for discipline.

(5) Stay enforcement of a suspension, revocation or other discipline and place the EMS agency on probation with the right to vacate the probationary order for noncompliance.

**§ 1031.11. Discipline of medical command facilities.**

(a) *Discipline of medical command facilities.* The Department may discipline a medical command facility or an applicant for a medical command facility certification for one or more of the following reasons:

- (1) Submitting a fraudulent or deceptive application for certification or registration of the certification.
- (2) Violating a requirement of § 1029.1 (relating to general provisions) or § 1029.2 (relating to operational requirements).
- (3) Refusing to permit an inspection or to respond to an inquiry as required by § 1029.4 (relating to inspections and investigations).
- (4) Failing to comply, without just cause, with an EMS protocol approved by the Department.
- (5) Failing to submit a plan of correction acceptable to the Department to correct a violation cited by the Department or failing to comply with a plan of correction accepted by the Department.

(b) *Types of discipline authorized.* If disciplinary action is appropriate under subsection (a), the Department may:

- (1) Deny an application for a certification.
- (2) Issue a public reprimand.
- (3) Revoke, suspend, limit or otherwise restrict or condition the certification.
- (4) Impose a civil money penalty not exceeding \$5,000 for each act that constitutes a basis for discipline.
- (5) Stay enforcement of a suspension, revocation or other discipline and place the medical command facility on probation with the right to vacate the probationary order for noncompliance.

**§ 1031.12. Discipline of EMS educational institutes.**

The Department may deny, withdraw or condition the accreditation of an EMS training institute for one or more of the following reasons:

- (1) Failure to satisfy the responsibilities imposed upon it under §§ 1025.1-1025.3.

- (2) An absence of students in the program for 2 consecutive years.
- (3) Submission of a fraudulent or deceptive application for accreditation.

**§ 1031.13. Discipline of providers of EMS continuing education.**

If a continuing education sponsor or an applicant for accreditation as a continuing education sponsor fails to satisfy the requirements of §§ 1025.21-1025.23, or submits a fraudulent or deceptive application for accreditation, the Department may:

- (1) Deny or 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.

**§ 1031.14. Civil money penalty for practicing without a license or certification.**

(a) *Operating an EMS agency without a license.* The Department may impose a civil money penalty of up to \$5,000 per day upon a person who owns or operates an EMS agency in the Commonwealth without having a license to operate that EMS agency.

(b) *Practicing as an EMS provider without a certification.* The Department may impose a civil money penalty of up to \$1,000 per day upon a person who provides EMS without and EMS provider's certification or other legal authority to provide EMS.

**§ 1031.15. Discipline of vendors of EMS PCR software.**

The Department may assess a vendor of EMS PCR software a civil money penalty of up to \$5,000 for each day a vendor violates a duty imposed by § 1021.43(b) or (d) (relating to vendors of EMS patient care reports).

**§ 1031.16. Discipline of management companies.**

(a) The Department may deny, withdraw or condition the approval of an entity to offer management services for one or more of the following reasons:

- (1) The entity is not a responsible person.

(2) Persons having a substantial ownership interest in the entity are not responsible persons.

(3) The entity will not be staffed by or conduct its activities through responsible persons.

(4) The entity refuses to provide the Department with records or information reasonably requested by the Department to make a determination regarding paragraphs (1) – (4).

(5) The entity conducts the operation or managerial control of an EMS agency, or conducts the day-to-day operations of the EMS agency, in a manner that subjects the EMS agency to possible disciplinary action under § 1031.10 (relating to discipline of EMS agencies).

(6) The entity violates a requirement of the act or a regulation adopted under the act that is applicable to the entity.

(7) Engaging in fraud or deceit in obtaining or attempting to obtain or maintain Department approval.

(b) For purposes of subsection (a):

(1) A responsible person is a person who has not engaged in an act contrary to justice, honesty or good morals which indicates that the person is likely to betray the public trust in managing the operation of the EMS agency, or is a person who has engaged in such conduct but has been rehabilitated and is not likely to again betray the public trust.

(2) A person has a substantial ownership in the entity if the person has equity in the capital, stock or the profits of the applicant equal to 5% or more of the property or assets of the applicant.

(3) A person staffs an entity that manages an EMS agency if the person manages activity integral to the operation of the EMS agency.

## **CHAPTER 1033. SPECIAL EVENT EMS**

Sec.

- 1033.1. Special event EMS planning requirements.
- 1033.2. Administration, management and medical direction requirements.
- 1033.3. Special event EMS personnel and capability requirements.

- 1033.4. Onsite facility requirements.
- 1033.5. Communications system requirements.
- 1033.6. Requirements for educating event attendees regarding access to EMS.
- 1033.7. Special event report.

**§ 1033.1. Special event EMS planning requirements.**

(a) *Procedure for obtaining required plan approval.* The entity responsible for the management and administration of a special event may submit a special event EMS plan 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.

(1) The applicant shall submit its plan at least 90 days prior to the date of the first day of the event.

(2) The Department will approve or disapprove a special event EMS plan within 60 days after a complete plan is filed with the regional EMS council.

(3) The Department's approval of a special event EMS plan will be for the special event or series of special events in a calendar year, as identified in the plan. The entity will need to submit a new special event EMS plan to secure Department approval of a plan for a special event or series of special events in a subsequent calendar year.

(b) *Plan content.* The special event EMS plan shall contain the following information:

(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 EMS medical director and the special event EMS director.

(4) A listing of all EMS agencies that will be involved, the type of EMS service each EMS agency will provide, and the number and level of certification of EMS providers each EMS agency will provide, as well as the number and type of health care practitioners who are not participating on behalf of an EMS agency, including EMS providers who are not participating on behalf of an EMS agency, who will be involved.

(5) The type and quantity of EMS vehicles and other vehicles, equipment and supplies to be utilized by each EMS agency that will be involved.

(6) A written agreement with each EMS agency that has agreed to participate, in which the EMS agency identifies the type of EMS service, the number of EMS providers by certification level, the vehicles, the equipment and supplies it will provide.

(7) A description of the onsite treatment facilities including maps of the special event site.

(8) A description of the special event emergency medical communications capabilities.

(9) A risk assessment for the event, and a plan for responding to a possible disaster or mass casualty incident at the event site, including a plan for emergency evacuation of the event site.

(10) A plan for educating event attendees regarding EMS system access, and specific hazards, such as 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 EMS, police, fire, rescue, and hospital agencies or organizations.

(c) *Plan approval.* To secure Department approval of a special event EMS plan, the applicant shall satisfy the requirements of this chapter.

### **§ 1033.2. Administration, management and medical direction requirements.**

(a) *Special event EMS director.* EMS provided at a special event shall be supervised by a special event EMS director.

(1) *Responsibilities.* The responsibilities of the special event EMS director include:

(i) Preparing a plan under § 1033.1 (relating to special event EMS planning requirements).

(ii) Managing the delivery of special event EMS.

(iii) Ensuring implementation of the EMS coordination measures contained in the special event EMS plan.

(iv) Ensuring that a record is kept that lists all individuals that requested or received EMS, and the disposition of each case, including identification of the transporting EMS agency and ambulance, and the receiving facility, if the individual was transported to a receiving facility.

(2) *Qualifications.* A special event EMS director shall be experienced in the administration and management of EMS at the level of EMS provided for in the special event EMS plan.

(b) *Special event EMS medical director.*

(1) *Responsibilities.* The responsibilities of a special event EMS medical director include:

(i) Ensuring that each EMS provider provided by an EMS agency that is used pursuant to the special event EMS plan has been appropriately credentialed by the provider's EMS agency medical director to provide EMS at the level required in the plan.

(ii) Ensuring that if onsite medical command is provided, that it be provided through a medical command facility and that medical command communications are documented.

(iii) Ensuring that equipment and medications are appropriately stored and secured.

(iv) Reviewing with the EMS agency medical directors for the EMS agencies involved, quality improvement issues related to the special event.

(v) Ensuring that adequate EMS PCRs and records are maintained for patients who receive EMS during the special event.

(2) *Qualifications.* A special event EMS medical director shall be an EMS agency medical director or satisfy the standards for being an EMS agency medical director in § 1023.1(b) (relating to EMS agency medical director) without serving as an EMS agency medical director.

### **§ 1033.3. Special event EMS personnel and capability requirements.**

(a) Special event EMS providers shall be certified at appropriate levels based on the level of EMS approved by the Department in the special event EMS plan.

(b) One ambulance shall be stationed onsite at a special event if the event is expected to involve the presence of between 5,000 and 25,000 persons at any one time.

(c) Two ambulances shall be stationed onsite at a special event if the event is expected to involve the presence of more than 25,000 but less than 55,000 persons at any one time.

(d) Three ambulances shall be stationed onsite at a special event if the event is expected to involve the presence of more than 55,000 persons at any one time.

(e) Sufficient EMS providers shall be available to assure the availability of EMS to persons present at the special event.

**§ 1033.4. Onsite facility requirements.**

A special event expected to involve the presence of more than 25,000 persons at any one time shall require the use of onsite treatment facilities. The onsite treatment facilities shall provide:

- (1) Environmental control, providing protection from weather elements to ensure patient safety and comfort.
- (2) Sufficient beds, cots and 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.

**§ 1033.5. Communications system requirements.**

A special event EMS system shall have onsite communications capabilities to ensure:

- (1) Uniform access to care for patients in need of EMS.
- (2) Onsite coordination of the activities of EMS providers, including capability for interoperable communication with all EMS agencies involved in the plan and with EMS agencies local to the event site that are not involved in the special event EMS plan.
- (3) Communication with existing community PSAPs.
- (4) Communication interface with other involved public safety agencies.
- (5) Communication with receiving facilities.
- (6) Communication with ambulances providing emergency transportation.
- (7) Communication with medical command physicians.

**§ 1033.6. Requirements for educating event attendees regarding access to EMS.**

(a) The entity responsible for the management and administration of a special event 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 EMS at the special event.

(b) The entity responsible for the management and administration of a special event shall establish a procedure and means for alerting the participants and spectators of specific hazards or serious changing conditions, such as severe weather, and for providing event evacuation instructions.

**§ 1033.7. Special event report.**

An entity for which the Department has approved a 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 the last day of a special event. Among other matters, the report shall provide a summary of the patient information required to be kept under § 1033.2(a)(1)(iv) (relating to administration, management and medical direction requirements).

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