

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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HOUSE BILL 453
Committee Substitute Favorable 4/16/01

Short Title: Regulation of Emergency Medical Services-AB.

(Public)

Sponsors:

Referred to:

March 1, 2001

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR THE REGULATION OF EMERGENCY MEDICAL
3 SERVICES.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Article 7 of Chapter 131E of the General Statutes reads as
6 rewritten:

7 "Article 7.
8 "Regulation of ~~Ambulance~~ Emergency Medical Services.

9 **"§ 131E-155. Definitions.**

10 As used in this Article, unless otherwise specified:

11 (1) "Ambulance" means any privately or publicly owned motor vehicle,
12 aircraft, or vessel that is specially designed, constructed, or modified
13 and equipped and is intended to be used for and is maintained or
14 operated for the transportation of patients on the streets or highways,
15 waterways or airways of this State ~~of persons who are sick, injured,~~
16 ~~wounded, or otherwise incapacitated or helpless.~~

17 (2) Repealed by Session Laws 1997-443, s. 11A.129C.

18 (3) "~~Ambulance~~ EMS provider" means ~~an individual,~~ a firm, corporation
19 or association ~~who~~ which engages in or professes to ~~engage in the~~
20 ~~business or service of transporting patients in an ambulance.~~ provide
21 emergency medical services.

22 (4) "Commission" means the North Carolina Medical Care Commission.

23 (5) "Emergency medical dispatcher" means an emergency
24 telecommunicator who has completed an educational program
25 approved by the Department and has been credentialed as an
26 emergency medical dispatcher by the Department.

27 (6) "Emergency medical services" means services rendered by emergency
28 medical services personnel in responding to improve the health and
29 wellness of the community and to address the individual's need for

- 1 emergency medical care within the scope of practice as defined by the
2 North Carolina Medical Board in accordance with G.S. 143-514 in
3 order to prevent loss of life or further aggravation of physiological or
4 psychological illness or injury.
- 5 (7) "Emergency medical services personnel" means all the personnel
6 defined in subdivisions (8), (9), (10), (11), (12), (13), (14), and (15) of
7 this section.
- 8 (8) "Emergency medical services-nurse practitioner" means a registered
9 nurse who is licensed to practice nursing in North Carolina and
10 approved to perform medical acts by the North Carolina Medical
11 Board and the North Carolina Board of Nursing and credentialed by
12 the Office of Emergency Medical Services to issue instructions to ALS
13 professionals in accordance with protocols approved by the sponsor
14 hospital and under the direction of the medical director.
- 15 (9) "Emergency medical services-physician assistant" means a physician
16 assistant who has been licensed by the North Carolina Medical Board
17 and approved by the Office of Emergency Medical Services to issue
18 instructions to ALS professionals in accordance with protocols
19 approved by the sponsor hospital and under the direction of the
20 medical director.
- 21 ~~(5)~~(10) "Emergency medical technician" means an individual who has
22 completed an educational program in emergency medical care
23 approved by the Department and has been ~~certified~~ credentialed as an
24 emergency medical technician by the Department.
- 25 (11) "Emergency medical technician-defibrillation" means an individual
26 who has completed an educational program in emergency medical care
27 approved by the Department and has been credentialed as an
28 emergency medical technician-defibrillation by the Department.
- 29 (12) "Emergency medical technician-intermediate" means an individual
30 who has completed an educational program in emergency medical care
31 approved by the Department and has been credentialed as an
32 emergency medical technician-intermediate by the Department.
- 33 (13) "Emergency medical technician-paramedic" means an individual who
34 has completed an educational program in emergency medical care
35 approved by the Department and has been credentialed as an
36 emergency medical technician-paramedic by the Department.
- 37 ~~(5a)~~(14) "Medical responder" means an individual who has completed an
38 educational program in emergency medical care and first aid approved
39 by the Department and has been ~~certified~~ credentialed as a medical
40 responder by the Department.
- 41 (15) "Mobile intensive care nurse" means a registered nurse who is licensed
42 to practice nursing in North Carolina and who has completed an
43 educational program in emergency medical care approved by the

1 Department and has been credentialed as a mobile intensive care nurse
2 by the Department.

3 ~~(6)~~(16) "Patient" means an individual who is sick, injured, wounded, or
4 otherwise incapacitated or helpless such that the need for some
5 medical assistance might be anticipated while being transported to or
6 from a medical facility. anticipated.

7 ~~(7)~~(17) "Practical examination" means a test where an applicant for
8 certification or recertification credentialing as an emergency medical
9 technician or technician, medical responder responder, emergency
10 medical technician-defibrillation, emergency medical technician-
11 intermediate, or emergency medical technician-paramedic
12 demonstrates the ability to perform specified emergency medical care
13 skills.

14 **"§ 131E-155.1. Ambulance EMS Provider License required.**

15 (a) No ~~person~~, firm, corporation, or association shall furnish, operate, conduct,
16 maintain, advertise, or otherwise engage in or profess to be engaged in the business or
17 service of treating provide emergency medical services or transporting transport patients
18 upon the streets or highways, waterways, or airways in North Carolina unless a valid
19 Ambulance EMS Provider License has been issued by the Department.

20 (b) Before an Ambulance EMS Provider License may be issued, the ~~person~~, firm,
21 corporation, or association seeking the license shall apply to the Department for this
22 license. Application shall be made upon forms and according to procedures established
23 by the Department. Prior to issuing an original or renewal Ambulance EMS Provider
24 License, the Department shall determine that the applicant meets all requirements for
25 this license as set forth in this Article and in the rules adopted under this Article.
26 Ambulance EMS Provider Licenses shall be valid for a period specified by the
27 Department, provided that the period shall be a minimum of four years unless action is
28 taken under subsection (d) of this section.

29 (c) The Commission shall adopt rules setting forth the qualifications required for
30 obtaining or renewing an Ambulance EMS Provider License.

31 (d) The Department may deny, suspend, amend, or revoke an Ambulance EMS
32 Provider License in any case ~~in which~~ where the Department finds that there has been a
33 substantial failure to comply with the provisions of this Article or the rules adopted
34 under this Article. The Department's decision to deny, suspend, amend, or revoke an
35 Ambulance EMS Provider License may be appealed by the applicant or licensee
36 pursuant to the provisions of Article 3 of Chapter 150B of the General Statutes, the
37 Administrative Procedure Act.

38 (e) Operating as an ambulance EMS provider without a valid Ambulance EMS
39 Provider License is a Class 3 misdemeanor. Each day's operation as an ~~ambulance EMS~~
40 provider without a license is a separate offense.

41 **"§ 131E-156. Permit required to operate ambulance.**

42 (a) No person, firm, corporation, or association, either as owner, agent, provider,
43 or otherwise, shall furnish, operate, conduct, maintain, advertise, or otherwise engage in

1 or profess to be engaged in the business or service of transporting patients upon the
2 streets or highways, waterways or airways in North Carolina unless a valid permit from
3 the Department has been issued for each ambulance used in the business or service.

4 (b) Before a permit may be issued for a vehicle to be operated as an ambulance,
5 the ~~ambulance~~ EMS provider ~~must~~ shall apply to the Department for an ambulance
6 permit. Application shall be made upon forms and according to procedures established
7 by the Department. Prior to issuing an original or renewal permit for an ambulance, the
8 Department shall determine that the vehicle for which the permit is issued meets all
9 requirements as to equipment, design, supplies and sanitation as set forth in this Article
10 and in the rules of the Commission and that the ~~ambulance~~ EMS provider has the
11 ~~certified~~ credentialed personnel necessary to operate the ambulance in accordance with
12 this Article. Permits issued for ambulances shall be valid for a period specified by the
13 Department, not to exceed ~~one year.~~ four years.

14 (c) Duly authorized representatives of the Department may issue temporary
15 permits for vehicles not meeting required standards for a period not to exceed 60 days,
16 when it determines the public interest will be served.

17 (d) When a permit has been issued for an ambulance as specified by this Article,
18 the vehicle and records relating to the maintenance and operation of the vehicle shall be
19 open to inspection by duly authorized representatives of the Department at all
20 reasonable times.

21 **"§ 131E-157. Standards for equipment; inspection of equipment and supplies**
22 **required for ambulances.**

23 (a) The Commission shall adopt rules specifying equipment, sanitation, supply
24 and design requirements for ambulances.

25 (b) The Department shall inspect each ambulance for compliance with the
26 requirements set forth by the Commission and this Article when it deems an inspection
27 is necessary. The Department shall maintain a record of the inspection.

28 (c) Upon a determination, based upon an inspection, that an ambulance fails to
29 meet the requirements of this Article or rules adopted under this Article, the Department
30 may ~~suspend~~ deny, suspend, or revoke the permit for the ambulance concerned until
31 these requirements are met.

32 **"§ 131E-158. Certified Credentialed personnel required.**

33 (a) Every ambulance when transporting a patient shall be occupied at a minimum
34 by all of the following:

35 (1) At least one emergency medical technician who shall be responsible
36 for the medical aspects of the mission prior to arrival at the medical
37 facility, assuming no other individual ~~of~~ with higher ~~certification or~~
38 ~~license~~ credentials is ~~available; and~~ available.

39 (2) One medical responder who is responsible for the operation of the
40 vehicle and rendering assistance to the emergency medical technician.

41 An ambulance owned and operated by a licensed health care facility that is used
42 solely to transport sick or infirm patients with known nonemergency medical conditions

1 between facilities or between a residence and a facility for scheduled medical
2 appointments is exempt from the requirements of this subsection.

3 (b) The Commission shall adopt rules setting forth exemptions to the
4 requirements stated in (a) of this section applicable to situations where exemptions are
5 considered by the Commission to be in the public interest.

6 "**§ 131E-159. ~~Requirements for certification.~~ Credentialing requirements.**

7 (a) An individual seeking ~~certification~~ credentials as an emergency medical
8 ~~technician or technician, emergency medical technician-defibrillation, emergency~~
9 ~~medical technician-intermediate, emergency medical technician-paramedic, mobile~~
10 ~~intensive care nurse, emergency medical services-physician assistant, or emergency~~
11 ~~medical services-nurse practitioner medical responder shall apply to the Department~~
12 ~~using forms prescribed by that agency. The Department's representatives shall examine~~
13 ~~the applicant for emergency medical technician by written and practical examination~~
14 ~~and the applicant for medical responder by either written and practical~~ written, practical,
15 or written and practical examination. The Department shall issue a ~~certificate~~
16 appropriate credentials to the applicant who meets all the requirements set forth in this
17 Article and the rules adopted for this Article and who successfully completes the
18 examinations required for ~~certification~~ credentialing. ~~Emergency medical technician and~~
19 ~~technician, medical responder responder, emergency medical dispatcher, emergency~~
20 ~~medical technician-defibrillation, emergency medical technician-intermediate,~~
21 ~~emergency medical technician-paramedic, mobile intensive care nurse, emergency~~
22 ~~medical~~
23 ~~services-physician assistant, and emergency medical services-nurse practitioner~~
24 ~~certificates~~ credentials shall be valid for a period not to exceed four years and may be
25 renewed ~~after reexamination~~ if the holder meets the requirements set forth in the rules of
26 the Commission. The Department is authorized to revoke or suspend a ~~certificate~~ these
27 credentials at any time it determines that the holder no longer meets the qualifications
28 ~~prescribed~~ prescribed. ~~for emergency medical technicians or for medical responders.~~

29 (b) The Commission shall adopt rules setting forth the qualifications required for
30 ~~certification~~ credentialing of ~~medical responders and responders, emergency medical~~
31 ~~technicians.~~ technicians, emergency medical technician-defibrillation, emergency
32 medical technician-intermediate, emergency medical technician-paramedic, emergency
33 medical dispatcher, mobile intensive care nurse, emergency medical services-physician
34 assistant, and emergency medical services-nurse practitioner.

35 ~~(b1)(c)~~ (c) An individual currently ~~certified~~ credentialed as an emergency medical
36 ~~technician~~ technician, emergency medical technician-defibrillation, emergency medical
37 technician-intermediate, and emergency medical technician-paramedic by the National
38 Registry of Emergency Medical Technicians or by another state where the
39 ~~education/certification~~ education/credentialing requirements have been approved for
40 legal recognition by the Department of Health and Human Services, in accordance with
41 rules promulgated by the Medical Care Commission, and who is either currently
42 residing in North Carolina or affiliated with a permitted ~~ambulance~~ EMS provider
43 offering service within North Carolina, may be eligible for ~~certification~~ credentialing as

1 an emergency medical technician without examination. This ~~certification~~ credentialing
2 shall be valid for a period not to exceed the length of the emergency medical technician-
3 defibrillation, emergency medical technician-intermediate, and emergency medical
4 technician-paramedic applicant's original ~~certification~~ credentialing or four years,
5 whichever is less.

6 (d) An individual currently credentialed as an emergency medical dispatcher by a
7 national credentialing agency, or by another state where the education/credentialing
8 requirements have been approved for legal recognition by the Department of Health and
9 Human Services, in accordance with rules issued by the Medical Care Commission, and
10 who is either currently residing in North Carolina or affiliated with an emergency
11 medical dispatcher program approved by the Department of Health and Human Services
12 offering service within North Carolina, may be eligible for credentialing as an
13 emergency medical dispatcher without examination. This credentialing shall be valid for
14 a period not to exceed the length of the applicant's original credentialing or four years,
15 whichever is less.

16 (e)(e) Duly authorized representatives of the Department may issue temporary
17 ~~certificates~~ credentials with or without examination upon finding that this action will be
18 in the public interest. Temporary ~~certificates~~ credentials shall be valid for a period not
19 exceeding 90 days.

20 (f) The Department may deny, suspend, amend, or revoke the credentials of a
21 medical responder, emergency medical technician, emergency medical technician-
22 defibrillation, emergency medical technician-intermediate, emergency medical
23 technician-paramedic, emergency medical dispatcher, emergency medical services-
24 physician assistant, emergency medical services-nurse practitioner, or mobile intensive
25 care nurse in any case in which the Department finds that there has been a substantial
26 failure to comply with the provisions of this Article or the rules issued under this
27 Article. Prior to implementation of any of the above disciplinary actions, the
28 Department shall consider the recommendations of the EMS Disciplinary Committee
29 pursuant to G.S. 143-519. The Department's decision to deny, suspend, amend, or
30 revoke credentials may be appealed by the applicant or credentialed personnel pursuant
31 to the provisions of Article 3 of Chapter 150B of the General Statutes, the
32 Administrative Procedure Act.

33 **"§ 131E-160. Exemptions.**

34 ~~The~~ All of the following vehicles are exempt from the provisions of this Article:

- 35 (1) Privately owned vehicles not ~~regularly~~ used in the business of
36 transporting ~~patients;~~ patients.
- 37 (2) A vehicle rendering service as an ambulance in case of a major
38 catastrophe or emergency, when the permitted ambulances based in the
39 locality of the catastrophe or emergency are insufficient to render the
40 services ~~required;~~ required.
- 41 (3) Any ambulance based outside this State, except that an ambulance
42 which receives a patient within this State for transportation to a

1 location within this State shall comply with the provisions of this
2 ~~Article;~~ Article.

3 (4) Ambulances owned and operated by an agency of the United States
4 ~~government;~~ and government.

5 (5) Vehicles owned and operated by rescue squads chartered by the State
6 of North Carolina as nonprofit corporations or associations which are
7 not regularly used to transport sick, injured, wounded or otherwise
8 incapacitated or helpless persons except as a part of rescue operations.

9 **"§ 131E-161. Violation declared misdemeanor.**

10 It shall be the responsibility of the ~~ambulance~~ EMS provider to ensure that the
11 ambulance operation complies with the provisions of this Article and all rules adopted
12 for this Article. Upon the violation of any part of this Article or any rule adopted under
13 authority of this Article, the Department shall have the power to ~~revoke~~ deny, revoke, or
14 suspend the permits of all vehicles owned or operated by the violator. The operation of
15 an ambulance without a valid permit or after a permit has been ~~suspended~~ denied,
16 suspended, or revoked or without ~~an emergency medical technician and medical~~
17 ~~responder aboard~~ appropriate credentialed staffing as required by G.S. 131E-158, shall
18 constitute a Class 1 misdemeanor."

19 **SECTION 2.** Article 7A of Chapter 131E reads as rewritten:

20 "Article 7A.

21 "Statewide Trauma System Act of 1993.

22 **"§ 131E-162. Statewide trauma system.**

23 The Department shall establish and maintain a program for the development of a
24 statewide trauma system. The Department shall consolidate all State functions relating
25 to trauma systems, both regulatory and developmental, under the auspices of this
26 program.

27 The Commission shall adopt rules to carry out the purpose of this Article. These
28 rules shall be adopted with the advice of the State Emergency Medical Services
29 Advisory Council and shall include the operation of a statewide trauma registry,
30 statewide educational requirements fundamental to the implementation of the trauma
31 ~~system, system, and~~ The rules adopted by the Commission shall establish guidelines for
32 monitoring and evaluating the system including standards and criteria for the denial,
33 suspension, voluntary withdrawal, or revocation of credentials for trauma center
34 designation. The rules adopted by the Commission shall avoid duplication of reporting
35 and minimize the cost to hospitals or other persons reporting under this act. The Office
36 of Emergency Medical Services shall be the agency responsible for monitoring system
37 development, ensuring compliance with rules, and overseeing system effectiveness.

38 With respect to collection of data and educational requirements regarding trauma,
39 rules adopted by the Medical Care Commission shall limit the authority of the
40 Department to hospitals and ~~prehospital~~ Emergency Medical Services providers.
41 Nothing in this Article shall be interpreted so as to grant the Department authority to
42 require private physicians, schools, or universities, except those ~~voluntarily~~ participating

1 in the trauma system, to provide information or data or to conduct educational programs
2 regarding trauma.

3 "§§ **131E-163, 131E-164**: Reserved for future codification purposes."

4 **SECTION 3.** In addition to the temporary rule-making authority contained
5 in G.S. 150B-21.1, the Secretary of the Department of Health and Human Services may
6 adopt temporary rules to implement Articles 7 and 7A of Chapter 131E and Article 56
7 of Chapter 143 of the General Statutes. The Secretary's authority to adopt temporary
8 rules pursuant to this section shall expire on the date that permanent rules adopted by
9 the Medical Care Commission to implement Articles 7 and 7A of Chapter 131E and
10 Article 56 of Chapter 143 of the General Statutes, as enacted by this act, become
11 effective.

12 **SECTION 4.** This act becomes effective January 1, 2002.