

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

**HOUSE BILL 453
RATIFIED BILL**

AN ACT TO PROVIDE FOR THE REGULATION OF EMERGENCY MEDICAL SERVICES.

The General Assembly of North Carolina enacts:

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

"Article 7.

"Regulation of Ambulance Emergency Medical Services.

"§ 131E-155. Definitions.

As used in this Article, unless otherwise specified:

- (1) "Ambulance" means any privately or publicly owned motor vehicle, aircraft, or vessel that is specially designed, constructed, or modified and equipped and is intended to be used for and is maintained or operated for the transportation of patients on the streets or highways, waterways or airways of this State of persons who are sick, injured, wounded, or otherwise incapacitated or helpless.
- (2) Repealed by Session Laws 1997-443, s. 11A.129C.
- (3) "~~Ambulance~~ EMS provider" means ~~an individual, a firm, corporation or association who~~ which engages in or professes to ~~engage in the business or service of transporting patients in an ambulance.~~ provide emergency medical services.
- (4) "Commission" means the North Carolina Medical Care Commission.
- (5) "Emergency medical dispatcher" means an emergency telecommunicator who has completed an educational program approved by the Department and has been credentialed as an emergency medical dispatcher by the Department.
- (6) "Emergency medical services" means services rendered by emergency medical services personnel in responding to improve the health and wellness of the community and to address the individual's need for emergency medical care within the scope of practice as defined by the North Carolina Medical Board in accordance with G.S. 143-514 in order to prevent loss of life or further aggravation of physiological or psychological illness or injury.
- (7) "Emergency medical services personnel" means all the personnel defined in subdivisions (5), (8), (9), (10), (11), (12), (13), (14), and (15) of this section.
- (8) "Emergency medical services-nurse practitioner" means a registered nurse who is licensed to practice nursing in North Carolina and approved to perform medical acts by the North Carolina Medical Board and the North Carolina Board of Nursing and credentialed by the Office of Emergency Medical Services to issue instructions to ALS professionals in accordance with protocols approved by the sponsor hospital and under the direction of the medical director.
- (9) "Emergency medical services-physician assistant" means a physician assistant who has been licensed by the North Carolina Medical Board

and approved by the Office of Emergency Medical Services to issue instructions to ALS professionals in accordance with protocols approved by the sponsor hospital and under the direction of the medical director.

- (5)(10) "Emergency medical technician" means an individual who has completed an educational program in emergency medical care approved by the Department and has been ~~certified~~ credentialed as an emergency medical technician by the Department.
- (11) "Emergency medical technician-defibrillation" means an individual who has completed an educational program in emergency medical care approved by the Department and has been credentialed as an emergency medical technician-defibrillation by the Department.
- (12) "Emergency medical technician-intermediate" means an individual who has completed an educational program in emergency medical care approved by the Department and has been credentialed as an emergency medical technician-intermediate by the Department.
- (13) "Emergency medical technician-paramedic" means an individual who has completed an educational program in emergency medical care approved by the Department and has been credentialed as an emergency medical technician-paramedic by the Department.
- (5a)(14) "Medical responder" means an individual who has completed an educational program in emergency medical care and first aid approved by the Department and has been ~~certified~~ credentialed as a medical responder by the Department.
- (15) "Mobile intensive care nurse" means a registered nurse who is licensed to practice nursing in North Carolina and who has completed an educational program in emergency medical care approved by the Department and has been credentialed as a mobile intensive care nurse by the Department.
- (6)(16) "Patient" means an individual who is sick, injured, wounded, or otherwise incapacitated or helpless such that the need for some medical assistance might be ~~anticipated while being transported to or from a medical facility.~~ anticipated.
- (7)(17) "Practical examination" means a test where an applicant for certification or recertification credentialed as an emergency medical technician or technician, medical responder responder, emergency medical technician-defibrillation, emergency medical technician-intermediate, or emergency medical technician-paramedic demonstrates the ability to perform specified emergency medical care skills.

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

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

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

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

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

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

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

(a) No person, firm, corporation, or association, either as owner, agent, provider, or otherwise, shall furnish, operate, conduct, maintain, advertise, or otherwise engage in or profess to be engaged in the business or service of transporting patients upon the streets or highways, waterways or airways in North Carolina unless a valid permit from the Department has been issued for each ambulance used in the business or service.

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

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

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

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

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

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

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

"§ 131E-158. ~~Certified~~ Credentialed personnel required.

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

- (1) At least one emergency medical technician who shall be responsible for the medical aspects of the mission prior to arrival at the medical facility, assuming no other individual ~~of with~~ with higher ~~certification or license credentials~~ is available; and available.
- (2) One medical responder who is responsible for the operation of the vehicle and rendering assistance to the emergency medical technician.

An ambulance owned and operated by a licensed health care facility that is used solely to transport sick or infirm patients with known nonemergency medical conditions between facilities or between a residence and a facility for scheduled medical appointments is exempt from the requirements of this subsection.

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

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

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

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

~~(b1)~~(c) An individual currently ~~certified~~ credentialed as an emergency medical ~~technician technician, emergency medical technician-defibrillation, emergency medical technician-intermediate, and emergency medical technician-paramedic~~ by the National Registry of Emergency Medical Technicians or by another state where the ~~education/certification~~ education/credentialing requirements have been approved for legal recognition by the Department of Health and Human Services, in accordance with rules promulgated by the Medical Care Commission, and who is either currently residing in North Carolina or affiliated with a permitted ambulance EMS provider offering service within North Carolina, may be eligible for ~~certification~~ credentialing as an emergency medical technician without examination. This ~~certification~~ credentialing shall be valid for a period not to exceed the length of the ~~emergency medical technician-defibrillation, emergency medical technician-intermediate, and emergency medical technician-paramedic~~ applicant's original ~~certification~~ credentialing or four years, whichever is less.

(d) An individual currently credentialed as an emergency medical dispatcher by a national credentialing agency, or by another state where the education/credentialing requirements have been approved for legal recognition by the Department of Health and Human Services, in accordance with rules issued by the Medical Care Commission, and who is either currently residing in North Carolina or affiliated with an emergency medical dispatcher program approved by the Department of Health and Human Services

offering service within North Carolina, may be eligible for credentialing as an emergency medical dispatcher without examination. This credentialing shall be valid for a period not to exceed the length of the applicant's original credentialing or four years, whichever is less.

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

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

"§ 131E-160. Exemptions.

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

- (1) Privately owned vehicles not ~~regularly~~ used in the business of transporting ~~patients;~~ patients.
- (2) A vehicle rendering service as an ambulance in case of a major catastrophe or emergency, when the permitted ambulances based in the locality of the catastrophe or emergency are insufficient to render the services ~~required;~~ required.
- (3) Any ambulance based outside this State, except that an ambulance which receives a patient within this State for transportation to a location within this State shall comply with the provisions of this ~~Article;~~ Article.
- (4) Ambulances owned and operated by an agency of the United States ~~government;~~ and government.
- (5) Vehicles owned and operated by rescue squads chartered by the State of North Carolina as nonprofit corporations or associations which are not regularly used to transport sick, injured, wounded or otherwise incapacitated or helpless persons except as a part of rescue operations.

"§ 131E-161. Violation declared misdemeanor.

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

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

"Article 7A.

"Statewide Trauma System Act of 1993.

"§ 131E-162. Statewide trauma system.

The Department shall establish and maintain a program for the development of a statewide trauma system. The Department shall consolidate all State functions relating

to trauma systems, both regulatory and developmental, under the auspices of this program.

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

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

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

SECTION 3. This act becomes effective January 1, 2002.

In the General Assembly read three times and ratified this the 5th day of June, 2001.

Beverly E. Perdue
President of the Senate

James B. Black
Speaker of the House of Representatives

Michael F. Easley
Governor

Approved _____ .m. this _____ day of _____, 2001