

APA-1
6/93

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control 420 Department or Agency Alabama Department of Public Health

Rule Number : 420-2-1-.05

Rule Title: Emergency Medical Provider Service License

 New X Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare or safety? YES

Is there a reasonable relationship between the state's police power and the protection of the public health, safety or welfare? YES

Is there another, less restrictive method of regulation available that could adequately protect the public? NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? NO

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

Does the proposed rule have an economic impact? NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of §41-22-23, Code of Alabama, 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama, 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of Certifying Officer Jahmic Blue Date Oct 15, 2012



APA-2
11/96

**STATE BOARD OF HEALTH
NOTICE OF INTENDED ACTION**

AGENCY NAME: Alabama Department of Public Health

RULE NUMBER AND TITLE: 420-2-1-.05 Emergency Medical Provider Service License

INTENDED ACTION: To add a probationary license status and to exempt volunteer ALS non-transport services from being available to respond 24 hours a day, seven days a week.

SUBSTANCE OF PROPOSED ACTION: A probationary license status is being added for services that are in chronic or serious violation of the EMS rules. The probationary license will be the step prior to revocation of the provider service license. Volunteer ALS non-transport services will be exempt from being available to respond 24 hours a day, seven days a week. The staffing requirement will be one licensed Emergency Medical Services Personnel at the level of license for the provider service.

TIME, PLACE, AND MANNER OF PRESENTING VIEWS: A public hearing will be held on November 27, 2012, at 10:00 a.m., in Montgomery at the RSA Tower, 201 Monroe Street, Room 1586.

FINAL DATE FOR COMMENTS AND COMPLETION OF NOTICE: Written or oral comments will be received until the close of the record at 5:00 p.m. on December 5, 2012. All comments and requests for copies of the proposed rule should be addressed to the contact person listed below.

CONTACT PERSON AT AGENCY: Dennis Blair, Alabama Department of Public Health, Office of EMS and Trauma, 201 Monroe Street, Suite 750, Montgomery, Alabama 36104. Telephone number: 334-206-5383.



Patricia E. Ivie, Agency Secretary

420-2-1-.05 Emergency Medical Provider Service License.

(1) No person shall operate an emergency medical provider service until obtaining a license. All emergency medical provider service licenses are issued by the OEMS&T under the authority of the Board. Each emergency medical provider service license will be issued with the appropriate level of authorization.

(2) Categories of emergency medical provider service licenses.

- (a) ALS Transport (ground or air)
- (b) ALS Non-transport
- (c) BLS Transport

(3) Classification of emergency medical provider services licenses.

(a) Unrestricted - An unrestricted license may be granted by the Board after it has determined that the Emergency Medical Services provider is willing and capable of maintaining compliance with these rules.

(b) Probationary - At its discretion, the Board may grant a probationary license or downgrade an unrestricted license, for a specific period which shall not exceed one year, when it determines that the provider has engaged in one or more deficient practices which are serious in nature, chronic in nature, or which the provider has failed to correct. This failure could lead to additional licensure actions including suspension or revocation.

(4)~~(3)~~ Categories of ALS emergency medical provider service license authorizations.

- (a) ALS Level 1: Paramedic authorization
- (b) ALS Level 2: Advanced EMT authorization
- (c) ALS Level 3: Intermediate authorization

(5)~~(4)~~ Licensure applications shall be submitted to and approved by the OEMS&T prior to an emergency medical provider service conducting operations. All licenses are valid for a period of no less than twelve months. Applications may be obtained at <http://www.adph.org/ems>. In order to apply for licensure, the emergency medical provider service shall submit the following:

(a) Completed license application and a representative's attendance at a licensure and authorization orientation provided by the OEMS&T.

(b) Plans describing: (initial and when changes occur)

1. Biohazard waste
2. Fluid and/or medication security
3. Controlled substance (if applicable)
4. Employee drug screening
5. Emergency Vehicle Operator training (ground providers only)

(c) Agreements:

1. Emergency Medical Dispatch
2. Alabama Incident Management System (AIMS)
3. Advanced Life Support
4. Pharmacy/Pharmaceutical
5. Service Medical Director
6. Electronic Patient Care Reporting (e-PCR) conforming to NEMSIS and Alabama validation requirements available at <http://www.adph.org/ems>.

(d) Proof of a minimum of \$1,000,000.00 liability insurance from a carrier licensed by the Alabama Department of Insurance. This includes all transport, non-transport vehicles and professional liability on all EMSP employed or volunteering for duty. Alternatively, a licensed provider service may be self-insured in the same amount through a plan approved by the OEMS&T. This liability insurance coverage shall be binding and in force prior to the service being issued a license or authorization.

(e) An annual fee of \$25.00.

(f) A roster of active licensed EMSP appropriate for the category of service desired.

(g) Demonstration of an ability to comply with the OEMS&T patient care reporting requirements.

(h) A signed copy of a contract for a service medical director.

(i) Prior to approval for a license, the OEMS&T will inspect the proposed emergency medical provider service to determine compliance with §22-18-1, et seq., Code of Alabama 1975, and the requirements of these rules.

~~(6)(5)~~ Emergency medical provider service licenses shall be renewed before the expiration date provided on the current license. Any service with an expired license shall immediately cease all operations. On the date of expiration, the OEMS&T will notify all third-party payors and hospital pharmacies regarding the affected service's license status.

~~(7)(6)~~ Each licensed emergency medical provider service shall obtain a separate license for each county in which a ground ambulance, or service area in which an air ambulance, is posted or based. The license shall be displayed in a conspicuous place in the emergency medical provider's main office in the county or service area.

~~(8)(7)~~ The emergency medical provider service license and ALS authorization are nontransferable and shall be granted only to the service operator named on the application.

~~(9)(8)~~ Licensed emergency medical provider services shall ensure:

(a) The highest level EMSP provides patient care when transporting any emergency patient.

(b) The highest level EMSP has the responsibility to provide care for emergency patients until relieved by appropriate medical personnel.

(c) Continuous 24 hours a day, seven days a week, 365 days a year emergency medical services operation from a base within a ground provider's licensed county or an air provider's licensed service area. Volunteer ALS Non-Transport services are exempt from this requirement.

(d) Acknowledgement of the ability to respond within two minutes of initial dispatch of an emergency call (ground and air providers).

(e) An EMS response unit is en route within seven minutes of the initial dispatch (excluding air medical).

(f) The execution of mutual aid and dispatch agreements so that no emergency calls are purposefully delayed.

(g) Continuous telephone service with the capability to record or forward calls so that the service is accessible by phone to the public at all times (non-emergency calls).

(h) A written roster for an ALS transport service of at least six properly licensed EMSP with a minimum of three at the ALS level of license. ALS non-transport shall have at least three one properly licensed EMSP ~~with one~~ at the level of provider license. A written roster for a BLS transport service of at least three properly licensed EMSP.

(i) The provision of immediate verbal notification to the OEMS&T of any civil or criminal action brought against the service, or any criminal action brought against an employee, and the submission of a written report within five working days of the provider becoming aware.

(j) The provision of immediate verbal notification to the OEMS&T and a written report within five working days of any accident involving a vehicle that was responding to an emergency, that injured any crew members, or that had a patient on board.

(k) The provision of an *Ambulance Add/Remove via EMS Web Management* to the OEMS&T immediately for any permitted vehicle added or removed from service for any reason other than scheduled maintenance. Information shall include the disposition of the removed vehicle.

(10) ~~(9)~~ Compliance with all statewide system components (i.e., Trauma, Stroke, and STEMI) as written in the *Alabama OEMS&T Patient Care Protocols*.

(11) ~~(10)~~ Licensed emergency medical provider services shall not:

(a) Transfer a provider service license certificate or ALS authorization.

(b) Self-dispatch or cause a vehicle to be dispatched on a call in which another provider service has been dispatched.

(c) Allow EMSP to exceed their scope of practice as outlined within these rules.

(d) Intentionally bill or collect from patients or third-party payors for services not rendered.

(e) Refuse to provide appropriate treatment or transport for an emergency patient for any reason including the patient's inability to pay.

(f) Allow any ALS equipment, fluids or medications to remain unsecured on a permitted vehicle without the appropriate licensed EMSP on board.

(g) Allow EMSP to respond to a medical emergency with the intent to treat or transport a patient unless the EMSP is clean and appropriately dressed and wearing photo identification with the level of license, license number, and name of EMSP visible. The photo identification shall be displayed at all times unless extenuating circumstances prevent the picture identification from being available.

AUTHOR: Dennis Blair

STATUTORY AUTHORITY: Code of Ala. 1975, §22-18-1, et seq.

EFFECTIVE DATE: May 25, 2011