

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001

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HOUSE BILL 453

Short Title: Regulation of Emergency Medical Services-AB. (Public)

Sponsors: Representative Wright.

Referred to: Health.

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- 17 (2) Repealed by Session Laws 1997-443, s. 11A.129C.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 engages or professes to engage in the business or  
20 service of providing out-of-hospital care for transporting patients in an  
21 ambulance.
- 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 all services rendered in  
28 responding to improve the health and wellness of the community and

- 1                   to address the individual's need for emergency medical care in order to  
2                   prevent loss of life or further aggravation of physiological or  
3                   psychological illness or injury.
- 4           (7)       "Emergency medical services-nurse practitioner" means a nurse who is  
5                   licensed by the North Carolina Board of Nursing and approved to  
6                   perform medical acts by the North Carolina Medical Board and the  
7                   North Carolina Board of Nursing and approved by the Office of  
8                   Emergency Medical Services to issue instructions to ALS  
9                   professionals in accordance with protocols approved by the sponsor  
10                  hospital and under the direction of the medical director.
- 11           (8)       "Emergency medical services-physician assistant" means a physician  
12                  assistant who has been licensed by the North Carolina Medical Board  
13                  and approved by the Office of Emergency Medical Services to issue  
14                  instructions to ALS professionals in accordance with protocols  
15                  approved by the sponsor hospital and under the direction of the  
16                  medical director.
- 17           ~~(5)~~(9)       "Emergency medical technician" means an individual who has  
18                  completed an educational program in emergency medical care  
19                  approved by the Department and has been ~~certified~~ credentialed as an  
20                  emergency medical technician by the Department.
- 21           (10)       "Emergency medical technician-defibrillation" means an individual  
22                  who has completed an educational program in emergency medical care  
23                  approved by the Department and has been credentialed as an  
24                  emergency medical technician-defibrillation by the Department.
- 25           (11)       "Emergency medical technician-intermediate" 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-intermediate by the Department.
- 29           (12)       "Emergency medical technician-paramedic" means an individual who  
30                  has completed an educational program in emergency medical care  
31                  approved by the Department and has been credentialed as an  
32                  emergency medical technician-paramedic by the Department.
- 33           ~~(5a)~~(13)       "Medical responder" means an individual who has completed an  
34                  educational program in emergency medical care and first aid approved  
35                  by the Department and has been ~~certified~~ credentialed as a medical  
36                  responder by the Department.
- 37           (14)       "Mobile intensive care nurse" means an individual who has completed  
38                  an educational program in emergency medical care approved by the  
39                  Department and has been credentialed as a mobile intensive care nurse  
40                  by the Department.
- 41           ~~(6)~~(15)       "Patient" means an individual who is sick, injured, wounded, or  
42                  otherwise incapacitated or helpless such that the need for some  
43                  medical assistance might be anticipated. ~~while being transported to or~~  
44                  from a medical facility.

1           ~~(7)~~(16) "Practical examination" means a test where an applicant for  
2           ~~certification or recertification~~ credentialing as an emergency medical  
3           ~~technician, or medical responder, emergency medical technician-~~  
4           ~~defibrillation, emergency medical technician-intermediate, or~~  
5           ~~emergency medical technician-paramedic~~ demonstrates the ability to  
6           perform specified emergency medical care skills.

7   **"§ 131E-155.1. Ambulance EMS Provider License required.**

8           (a) No ~~person,~~ firm, corporation, or association shall furnish, operate, conduct,  
9           maintain, advertise, or otherwise engage in or profess to be engaged in the business or  
10          service of ~~treating~~ providing out-of-hospital treatment for patients or transporting  
11          patients upon the streets or highways, waterways, or airways in North Carolina unless a  
12          valid Ambulance EMS Provider License has been issued by the Department.

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

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

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

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

34   **"§ 131E-156. Permit required to operate ambulance.**

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

40          (b) Before a permit may be issued for a vehicle to be operated as an ambulance,  
41          the ~~ambulance EMS provider~~ must ~~shall~~ apply to the Department for an ambulance  
42          permit. Application shall be made upon forms and according to procedures established  
43          by the Department. Prior to issuing an original or renewal permit for an ambulance, the  
44          Department shall determine that the vehicle for which the permit is issued meets all

1 requirements as to equipment, design, supplies and sanitation as set forth in this Article  
2 and in the rules of the Commission and that the ~~ambulance~~ EMS provider has the  
3 ~~certified-credentialed~~ personnel necessary to operate the ambulance in accordance with  
4 this Article. Permits issued for ambulances shall be valid for a period specified by the  
5 Department, not to exceed ~~one year~~ four years.

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

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

13 **"§ 131E-157. Standards for equipment; inspection of equipment and supplies**  
14 **required for ambulances.**

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

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

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

24 **"§ 131E-158. ~~Certified-Credentialed~~ personnel required.**

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

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

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

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

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

40 **"§ 131E-159. Credentialing Requirements for certification.**

41 (a) An individual seeking ~~certification-credentials~~ as an emergency medical  
42 ~~technician or technician, emergency medical technician-defibrillation, emergency~~  
43 medical technician-intermediate, emergency medical technician-paramedic, mobile  
44 intensive care nurse, emergency medical services-physician assistant, or emergency

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

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

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

38 ~~(b2)~~(d) An individual currently credentialed as an emergency medical dispatcher  
39 by a national credentialing agency, or by another state where the education/credentialing  
40 requirements have been approved for legal recognition by the Department of Health and  
41 Human Services, in accordance with rules issued by the Medical Care Commission, and  
42 who is either currently residing in North Carolina or affiliated with an emergency  
43 medical dispatcher program approved by the Department of Health and Human Services  
44 offering service within North Carolina, may be eligible for credentialing as an

1 emergency medical dispatcher without examination. This credentialing shall be valid for  
2 a period not to exceed the length of the applicant's original credentialing or four years,  
3 whichever is less.

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

8 **"§ 131E-160. Exemptions.**

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

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

26 **"§ 131E-161. Violation declared misdemeanor.**

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

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

37 "Article 7A.

38 "Statewide Trauma System Act of 1993.

39 **"§ 131E-162. Statewide trauma system.**

40 The Department shall establish and maintain a program for the development of a  
41 statewide trauma system. The Department shall consolidate all State functions relating  
42 to trauma systems, both regulatory and developmental, under the auspices of this  
43 program.

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

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

19 "§§ 131E-163, 131E-164: Reserved for future codification purposes."

20 **SECTION 3.** This act is effective when it becomes law.