

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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SENATE BILL 1063

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

Sponsors: Senator Purcell.

Referred to: Health Care.

April 5, 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- 17 (2) Repealed by Session Laws 1997-443, s. 11A.129C.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 or
19 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 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 within the
2 scope of practice as defined by the North Carolina Medical Board in
3 accordance with G.S. 143-514 in order to prevent loss of life or further
4 aggravation of physiological or psychological illness or injury.
- 5 (7) 'Emergency medical services-nurse practitioner' means a registered
6 nurse who is licensed to practice nursing in North Carolina and
7 approved to perform medical acts by the North Carolina Medical
8 Board and the North Carolina Board of Nursing and credentialed by
9 the Office of Emergency Medical Services to issue instructions to ALS
10 professionals in accordance with protocols approved by the sponsor
11 hospital and under the direction of the medical director.
- 12 (8) 'Emergency medical services-physician assistant' means a physician
13 assistant who has been licensed by the North Carolina Medical Board
14 and approved by the Office of Emergency Medical Services to issue
15 instructions to ALS professionals in accordance with protocols
16 approved by the sponsor hospital and under the direction of the
17 medical director.
- 18 ~~(5)~~(9) 'Emergency medical technician' means an individual who has
19 completed an educational program in emergency medical care
20 approved by the Department and has been ~~certified~~ credentialed as an
21 emergency medical technician by the Department.
- 22 (10) 'Emergency medical technician-defibrillation' means an individual who
23 has completed an educational program in emergency medical care
24 approved by the Department and has been credentialed as an
25 emergency medical technician-defibrillation by the Department.
- 26 (11) 'Emergency medical technician-intermediate' means an individual who
27 has completed an educational program in emergency medical care
28 approved by the Department and has been credentialed as an
29 emergency medical technician-intermediate by the Department.
- 30 (12) 'Emergency medical technician-paramedic' means an individual who
31 has completed an educational program in emergency medical care
32 approved by the Department and has been credentialed as an
33 emergency medical technician-paramedic by the Department.
- 34 ~~(5a)~~(13) 'Medical responder' means an individual who has completed an
35 educational program in emergency medical care and first aid approved
36 by the Department and has been ~~certified~~ credentialed as a medical
37 responder by the Department.
- 38 (14) 'Mobile intensive care nurse' means a registered nurse who is licensed
39 to practice nursing in North Carolina and who has completed an
40 educational program in emergency medical care approved by the
41 Department and has been credentialed as a mobile intensive care nurse
42 by the Department.
- 43 ~~(6)~~(15) 'Patient' means an individual who is sick, injured, wounded, or
44 otherwise incapacitated or helpless such that the need for some

1 medical assistance might be anticipated while being transported to or
2 from a medical facility. anticipated.

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

9 **"§ 131E-155.1. Ambulance EMS Provider License required.**

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

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

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

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

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

36 **"§ 131E-156. Permit required to operate ambulance.**

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

42 (b) Before a permit may be issued for a vehicle to be operated as an ambulance,
43 the ambulance EMS provider ~~must~~ shall apply to the Department for an ambulance
44 permit. Application shall be made upon forms and according to procedures established

1 by the Department. Prior to issuing an original or renewal permit for an ambulance, the
2 Department shall determine that the vehicle for which the permit is issued meets all
3 requirements as to equipment, design, supplies and sanitation as set forth in this Article
4 and in the rules of the Commission and that the ~~ambulance~~ EMS provider has the
5 ~~certified~~ credentialed personnel necessary to operate the ambulance in accordance with
6 this Article. Permits issued for ambulances shall be valid for a period specified by the
7 Department, not to exceed ~~one year.~~ four years.

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

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

15 **"§ 131E-157. Standards for equipment; inspection of equipment and supplies**
16 **required for ambulances.**

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

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

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

26 **"§ 131E-158. ~~Certified~~ Credentialed personnel required.**

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

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

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

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

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

42 **"§ 131E-159. Credentialing requirements ~~Requirements for certification.~~**

43 (a) An individual seeking ~~certification~~ credentials as an emergency medical
44 ~~technician or~~ technician, emergency medical technician-defibrillation, emergency

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

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

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

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

1 medical dispatcher program approved by the Department of Health and Human Services
2 offering service within North Carolina, may be eligible for credentialing as an
3 emergency medical dispatcher without examination. This credentialing shall be valid for
4 a period not to exceed the length of the applicant's original credentialing or four years,
5 whichever is less.

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

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

23 **"§ 131E-160. Exemptions.**

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

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

41 **"§ 131E-161. Violation declared misdemeanor.**

42 It shall be the responsibility of the ~~ambulance~~ EMS provider to ensure that the
43 ambulance operation complies with the provisions of this Article and all rules adopted
44 for this Article. Upon the violation of any part of this Article or any rule adopted under

1 authority of this Article, the Department shall have the power to ~~revoke~~ deny, revoke, or
2 suspend the permits of all vehicles owned or operated by the violator. The operation of
3 an ambulance without a valid permit or after a permit has been ~~suspended~~ denied,
4 suspended, or revoked or without ~~an emergency medical technician and medical~~
5 ~~responder aboard~~ appropriate credentialed staffing as required by G.S. 131E-158, shall
6 constitute a Class 1 misdemeanor."

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

8 "Article 7A.

9 "Statewide Trauma System Act of 1993.

10 **"§ 131E-162. Statewide trauma system.**

11 The Department shall establish and maintain a program for the development of a
12 statewide trauma system. The Department shall consolidate all State functions relating
13 to trauma systems, both regulatory and developmental, under the auspices of this
14 program.

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

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

33 **"§§ 131E-163, 131E-164:** Reserved for future codification purposes."

34 **SECTION 3.** This act becomes effective December 1, 2001.