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HOUSE BILL 453  
Committee Substitute Favorable 4/16/01  
Third Edition Engrossed 4/18/01  
Senate Health Care Committee Substitute Adopted 5/24/01

Short Title: Regulation of Emergency Medical Services-AB.

(Public)

Sponsors:

Referred to:

March 1, 2001

A BILL TO BE ENTITLED

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- (2) Repealed by Session Laws 1997-443, s. 11A.129C.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

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

1 (15) "Mobile intensive care nurse" means a registered nurse who is licensed  
2 to practice nursing in North Carolina and who has completed an  
3 educational program in emergency medical care approved by the  
4 Department and has been credentialed as a mobile intensive care nurse  
5 by the Department.

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

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

17 **"§ 131E-155.1. Ambulance EMS Provider License required.**

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

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

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

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

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

1 **"§ 131E-156. Permit required to operate ambulance.**

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

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

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

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

24 **"§ 131E-157. Standards for equipment; inspection of equipment and supplies**  
25 **required for ambulances.**

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

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

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

35 **"§ 131E-158. ~~Certified~~ Credentialed personnel required.**

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

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

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

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

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

8 **"§ 131E-159. ~~Requirements for certification.~~ Credentialing requirements.**

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

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

37 ~~(b1)(c)~~ (c) An individual currently ~~certified~~ credentialed as an emergency medical  
38 ~~technician~~ technician, emergency medical technician-defibrillation, emergency medical  
39 technician-intermediate, and emergency medical technician-paramedic by the National  
40 Registry of Emergency Medical Technicians or by another state where the  
41 ~~education/certification~~ education/credentialing requirements have been approved for  
42 legal recognition by the Department of Health and Human Services, in accordance with  
43 rules promulgated by the Medical Care Commission, and who is either currently

1 residing in North Carolina or affiliated with a permitted ~~ambulance~~ EMS provider  
2 offering service within North Carolina, may be eligible for ~~certification~~ credentialing as  
3 an emergency medical technician without examination. This ~~certification~~ credentialing  
4 shall be valid for a period not to exceed the length of the emergency medical technician-  
5 defibrillation, emergency medical technician-intermediate, and emergency medical  
6 technician-paramedic applicant's original ~~certification~~ credentialing or four years,  
7 whichever is less.

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

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

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

35 **"§ 131E-160. Exemptions.**

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

- 37 (1) Privately owned vehicles not ~~regularly~~ used in the business of  
38 transporting ~~patients~~; patients.
- 39 (2) A vehicle rendering service as an ambulance in case of a major  
40 catastrophe or emergency, when the permitted ambulances based in the  
41 locality of the catastrophe or emergency are insufficient to render the  
42 services ~~required~~; required.

- 1 (3) Any ambulance based outside this State, except that an ambulance  
2 which receives a patient within this State for transportation to a  
3 location within this State shall comply with the provisions of this  
4 ~~Article;~~ Article.
- 5 (4) Ambulances owned and operated by an agency of the United States  
6 ~~government;~~ and government.
- 7 (5) Vehicles owned and operated by rescue squads chartered by the State  
8 of North Carolina as nonprofit corporations or associations which are  
9 not regularly used to transport sick, injured, wounded or otherwise  
10 incapacitated or helpless persons except as a part of rescue operations.

11 **"§ 131E-161. Violation declared misdemeanor.**

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

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

22 "Article 7A.

23 "Statewide Trauma System Act of 1993.

24 **"§ 131E-162. Statewide trauma system.**

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

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

40 With respect to collection of data and educational requirements regarding trauma,  
41 rules adopted by the Medical Care Commission shall limit the authority of the  
42 Department to hospitals and ~~prehospital~~ Emergency Medical Services providers.  
43 Nothing in this Article shall be interpreted so as to grant the Department authority to

1 require private physicians, schools, or universities, except those voluntarily participating  
2 in the trauma system, to provide information or data or to conduct educational programs  
3 regarding trauma.

4 "**§§ 131E-163, 131E-164:** Reserved for future codification purposes."

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