

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 240 Session of 2009

INTRODUCED BY BAKER, WAUGH, WASHINGTON, RAFFERTY, ALLOWAY, ROBBINS, BRUBAKER, MUSTO, ORIE, EARLL, FERLO, GORDNER, O'PAKE, STOUT, YAW, TOMLINSON, ERICKSON, BROWNE, WOZNIAK AND BOSCOLA, FEBRUARY 19, 2009

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, AS AMENDED, JULY 15, 2009

AN ACT

1 Amending Titles 35 (Health and Safety) and 75 (Vehicles) of the
2 Pennsylvania Consolidated Statutes, regulating emergency
3 medical services systems; providing for licensure; conferring
4 powers and duties on the Department of Health; further
5 defining "emergency vehicle"; providing for penalties;
6 providing for Emergency Medical Services Operating Fund
7 distributions; and making a related repeal.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. Title 35 of the Pennsylvania Consolidated
11 Statutes is amended by adding a chapter to read:

12 CHAPTER 72

13 EMERGENCY MEDICAL SERVICES SYSTEM

14 Subchapter

15 A. Preliminary Provisions

16 B. Program

17 C. Miscellaneous Provisions

18 SUBCHAPTER A

1 PRELIMINARY PROVISIONS

2 Sec.

3 7201. Short title of chapter.

4 7202. Declaration of policy.

5 7203. Definitions.

6 7204. Emergency medical services system programs.

7 7205. Duties of department.

8 7206. Emergency medical services patient care reports.

9 7207. Pennsylvania Trauma Systems Foundation.

10 7208. State Advisory Board.

11 7209. Regional emergency medical services councils.

12 § 7201. Short title of chapter.

13 This chapter shall be known and may be cited as the Emergency  
14 Medical Services System Act.

15 § 7202. Declaration of policy.

16 The General Assembly finds and declares as follows:

17 (1) Emergency medical services is an essential public  
18 service and frequently the health care safety net for many  
19 Commonwealth residents.

20 (2) It is in the public interest to assure that there  
21 are high quality and coordinated emergency and urgent medical  
22 services readily available to the residents of this  
23 Commonwealth to prevent premature death and reduce suffering  
24 and disability which arise from severe illness and injury.

25 (3) The public interest under paragraph (2) is best  
26 achieved through a regulated and coordinated emergency  
27 medical services system.

28 (4) Transportation of both emergency and nonemergency  
29 patients is an integral part of the health care delivery  
30 system in this Commonwealth, and it is in the public interest

1 that the emergency medical services system serve all persons  
2 in this Commonwealth who:

3 (i) require medical care to address illness or  
4 injury;

5 (ii) need transportation to a hospital or other  
6 health care facility to receive that care; and

7 (iii) require medical assessment, monitoring,  
8 assistance, treatment or observation during  
9 transportation.

10 (5) It serves the public interest if the emergency  
11 medical services system is able to quickly adapt and evolve  
12 to meet the needs of the residents of this Commonwealth for  
13 emergency and urgent medical care and to reduce their illness  
14 and injury risks.

15 (6) It serves the public interest if the emergency  
16 medical services system provides community-based health  
17 promotion services that are integrated with the overall  
18 health care system.

19 (7) Emergency medical services should be acknowledged,  
20 promoted and supported as an essential public service.

21 (8) This chapter shall be liberally construed to  
22 establish and maintain an effective and efficient emergency  
23 medical services system which is accessible on a uniform  
24 basis to residents of this Commonwealth and to visitors to  
25 this Commonwealth.

26 (9) Residents of this Commonwealth and visitors to this  
27 Commonwealth should have prompt and unimpeded access to  
28 urgent and emergency medical care throughout this  
29 Commonwealth.

30 (10) The Department of Health should continually assess

1 and, as needed, revise the functions of emergency medical  
2 services agencies and providers and other components of the  
3 emergency medical services system that it regulates under  
4 this chapter, to:

5 (i) improve the quality of emergency medical  
6 services provided in this Commonwealth;

7 (ii) have the emergency medical services system  
8 adapt to changing needs of the residents of this  
9 Commonwealth; and

10 (iii) promote the recruitment and retention of  
11 persons willing and qualified to serve as emergency  
12 medical services providers in this Commonwealth.

13 (11) The emergency medical services system should be  
14 fully integrated with the overall health care system, and in  
15 particular with the public health system, to identify, modify  
16 and manage illness and injury and illness and injury risks.

17 § 7203. Definitions.

18 The following words and phrases when used in this chapter  
19 shall have the meanings given to them in this section unless the  
20 context clearly indicates otherwise:

21 "Advanced emergency medical services." Emergency medical  
22 services exceeding the scope of practice of an emergency medical  
23 technician.

24 "Advanced emergency medical technician." An individual who  
25 is certified by the Department of Health as an advanced  
26 emergency medical technician.

27 "Advanced life support squad vehicle." A vehicle which:

28 (1) is maintained or operated to transport emergency  
29 medical service providers above the advanced emergency  
30 medical technician level, equipment and supplies to

1 rendezvous with the crew of an ambulance for the purpose of  
2 providing advanced emergency medical services to patients;  
3 and

4 (2) is not used in the transportation of patients.

5 "ALS." Advanced life support.

6 "Ambulance." A ground, water or air vehicle which is  
7 maintained or operated for the purpose of providing emergency  
8 medical services to and transportation of patients.

9 "Ambulance attendant." An individual who is 16 years of age  
10 or older and satisfies one of the following:

11 (1) Possesses a certificate evidencing successful  
12 completion of an advanced first aid course sponsored by the  
13 American Red Cross and a current certificate evidencing  
14 successful completion of a cardiopulmonary resuscitation  
15 course acceptable to the Department of Health.

16 (2) Possesses a current certificate evidencing  
17 successful completion of a course determined by the  
18 Department of Health to be equivalent to the requirements in  
19 paragraph (1).

20 "Basic emergency medical services" or "basic EMS." Emergency  
21 medical services included within, but not exceeding, the scope  
22 of practice of an emergency medical technician.

23 "Basic life support squad vehicle." A vehicle which:

24 (1) is maintained or operated to transport emergency  
25 medical services providers, equipment and supplies to  
26 rendezvous with the crew of an ambulance for the purpose of  
27 providing emergency medical services at or below the advanced  
28 emergency medical technician level to patients; and

29 (2) is not used in the transportation of patients.

30 "BLS." Basic life support.

1 "Board." The State Advisory Board, which is the Board of  
2 Directors of the Pennsylvania Emergency Health Services Council.

3 "Commonwealth emergency medical services medical director" or  
4 "Commonwealth EMS medical director." A physician who is  
5 approved and employed by the Department of Health to advise and  
6 formulate policy on matters pertaining to emergency medical  
7 services.

8 "Department." The Department of Health of the Commonwealth.

9 "Emergency." A physiological or psychological illness or  
10 injury of an individual, such that a prudent layperson who  
11 possesses an average knowledge of health and medicine could  
12 reasonably expect the absence of immediate emergency medical  
13 services to result in:

14 (1) placing the health of the individual or, with  
15 respect to a pregnant woman, the health of the woman or her  
16 unborn child, in serious jeopardy;

17 (2) serious impairment of bodily functions; or

18 (3) serious dysfunction of a bodily organ or part.

19 "Emergency medical responder" or "EMR." An individual who is  
20 certified by the Department of Health as an emergency medical  
21 responder.

22 "Emergency medical services" or "EMS." Any of the following:

23 (1) The medical care, including medical assessment,  
24 monitoring, treatment, transportation and observation, which  
25 may be provided to a person in responding to an actual or  
26 reported emergency to:

27 (i) prevent or protect against loss of life or a  
28 deterioration in physiological or psychological  
29 condition; or

30 (ii) address pain or morbidity associated with the

1 person's condition.

2 (2) The transportation of an individual with medical  
3 assessment, monitoring, treatment or observation of the  
4 individual who, due to the individual's condition, requires  
5 medical assessment, monitoring, treatment or observation  
6 during the transport.

7 "Emergency medical services agency" or "EMS agency." An  
8 entity that engages in the business or service of providing  
9 emergency medical services to patients within this Commonwealth  
10 by operating any of the following:

11 (1) An ambulance.

12 (2) An advanced life support squad vehicle.

13 (3) A basic life support squad vehicle.

14 (4) A quick response service.

15 (5) A special operations EMS service. This paragraph  
16 includes, but is not limited to:

17 (i) a tactical EMS service;

18 (ii) a wilderness EMS service;

19 (iii) a mass-gathering EMS service; and

20 (iv) an urban search and rescue EMS service.

21 (6) A vehicle or service which provides emergency  
22 medical services outside of a health care facility, as  
23 prescribed by the Department of Health by regulation.

24 "Emergency medical services agency medical director" or "EMS  
25 agency medical director." A physician who is employed by,  
26 contracts with or volunteers with an emergency medical services  
27 agency either directly or through an intermediary to:

28 (1) evaluate the quality of patient care provided by the  
29 emergency medical services providers utilized by the  
30 emergency medical services agency; and

1           (2) provide medical guidance and advice to the emergency  
2           medical services agency.

3           "Emergency medical services provider" or "EMS provider." Any  
4           of the following:

5           (1) An emergency medical responder.

6           (2) An emergency medical technician.

7           (3) An advanced emergency medical technician.

8           (4) A paramedic.

9           (5) A prehospital registered nurse.

10          (6) A prehospital physician extender.

11          (7) A prehospital emergency medical services physician.

12          (8) An individual prescribed by regulation of the  
13          Department of Health to provide specialized emergency medical  
14          services.

15          "Emergency medical services system" or "EMS system." The  
16          arrangement of personnel, facilities and equipment to prevent  
17          and manage emergencies in a geographic area.

18          "Emergency medical services vehicle operator" or "EMS vehicle  
19          operator." An individual certified by the Department of Health  
20          to operate a ground emergency medical services vehicle.

21          "Emergency medical technician" or "EMT." An individual who  
22          is certified by the Department of Health as an emergency medical  
23          technician.

24          "Facility." A physical location at which an entity operates  
25          a health care facility licensed under Federal or State law.

26          "Foundation." The Pennsylvania Trauma Systems Foundation, a  
27          nonprofit Pennsylvania corporation whose function is to accredit  
28          trauma centers in this Commonwealth THAT RECEIVE OR SEEK TO  
29          RECEIVE COMMONWEALTH FUNDS.

30          "Hospital." An institution having an organized medical staff



1 that is primarily engaged in providing to inpatients, by or  
2 under the supervision of physicians, diagnostic and therapeutic  
3 services or rehabilitation services for the care or  
4 rehabilitation of injured, disabled, pregnant, diseased, sick or  
5 mentally ill persons. The term includes a facility for the  
6 diagnosis and treatment of disorders within the scope of  
7 specific medical specialties. The term does not include a  
8 facility caring exclusively for the mentally ill.

9 "Medical command facility." A distinct unit which contains  
10 the necessary equipment and personnel for providing medical  
11 command to and control over emergency medical services  
12 providers.

13 "Medical command order." An order issued by a medical  
14 command physician to an emergency medical services provider who  
15 is functioning on behalf of an emergency medical services  
16 agency.

17 "Medical command physician." A physician certified by the  
18 Department of Health to give medical command orders to emergency  
19 medical services providers.

20 "Medical monitoring." Performing continuous or periodic  
21 observations of an individual's condition or continuation of an  
22 ordered treatment plan for an individual to prevent pain,  
23 suffering or the exacerbation of a preexisting condition.

24 "Medical observation." Performing continuous or periodic  
25 observations of an individual's stable condition to determine  
26 whether there is a change in that condition.

27 "Paramedic." An individual who is certified by the  
28 Department of Health as a paramedic.

29 "Patient." An individual for whom an emergency medical  
30 services provider is:

1           (1) providing emergency medical services on behalf of an  
2           EMS agency; or

3           (2) required to provide emergency medical services on  
4           behalf of an EMS agency because the individual's condition  
5           requires or may require medical observation, monitoring,  
6           assessment or treatment for an illness, disease, injury or  
7           other disability.

8           "Peer review." The evaluation by health care providers of  
9           the quality and efficiency of services ordered or performed by  
10           emergency medical services providers and physicians who direct  
11           or supervise EMS providers under this chapter and the  
12           regulations of the Department of Health.

13           "Physician." A person who has a currently registered license  
14           to practice medicine or osteopathic medicine in this  
15           Commonwealth.

16           "Prehospital emergency medical services physician" or  
17           "prehospital EMS physician." A physician who is certified by  
18           the Department of Health as a prehospital emergency medical  
19           services physician.

20           "Prehospital physician extender" or "PHPE." A physician  
21           assistant who is certified by the Department of Health as a  
22           prehospital physician extender.

23           "Prehospital registered nurse" or "PHRN." A registered nurse  
24           who is certified by the Department of Health as a prehospital  
25           registered nurse.

26           "Quick response service" or "QRS." An operation in which  
27           emergency medical services providers of an EMS agency:

28           (1) respond to an actual, reported or perceived  
29           emergency; and

30           (2) provide emergency medical services to patients

1 pending the arrival of an ambulance.

2 "Regional emergency medical services council" or "regional  
3 EMS council." A nonprofit incorporated entity or appropriate  
4 equivalent that is assigned by the Department of Health to:

5 (1) plan, develop, maintain, expand and improve  
6 emergency medical services systems within a specific  
7 geographic area of this Commonwealth; and

8 (2) coordinate those systems into a regional emergency  
9 medical services system.

10 "Regional emergency medical services medical director" or  
11 "regional EMS medical director." The medical director of a  
12 regional emergency medical services council.

13 "Review organization." A committee which engages in peer  
14 review as authorized by the regulations of the Department of  
15 Health.

16 "Rural area." An area outside urbanized areas as defined by  
17 the United States Bureau of the Census.

18 "Special care unit." An appropriately equipped area of a  
19 hospital where provisions have been made for a concentration of  
20 physicians, nurses and others who have special skills and  
21 experiences to provide medical care for critically ill patients.

22 "Trauma center." A facility accredited as a trauma center by  
23 the Pennsylvania Trauma Systems Foundation.

24 § 7204. Emergency medical services system programs.

25 (a) Planning and coordination.--The department shall plan,  
26 guide and coordinate programs on the following matters to  
27 promote effective and efficient operation of Statewide and  
28 regional EMS systems:

29 (1) The number and distribution of EMS providers and  
30 other persons integral to an EMS system, such as medical

1 command physicians and EMS agency medical directors, with  
2 appropriate training and experience.

3 (2) Reasonably accessible training for EMS providers and  
4 other persons integral to an EMS system, including clinical  
5 training and continuing education programs coordinated with  
6 other programs providing similar, complementary and  
7 supplemental training and education.

8 (3) The joining of personnel, facilities and equipment  
9 coordinated through a communication system to ensure that EMS  
10 requests will be handled by communications facilities that:

11 (i) utilize emergency medical telecommunications  
12 screening to determine the appropriate emergency agency  
13 response;

14 (ii) are accessible to the general public through a  
15 common telephone number and, where feasible, through the  
16 universal emergency telephone number 911; and

17 (iii) will have direct communications with  
18 appropriate personnel facilities and equipment resources.

19 (4) The number and distribution of ambulances and other  
20 EMS vehicles in which:

21 (i) ambulances and other vehicles meet appropriate  
22 criteria relating to location, design, performance and  
23 equipment; and

24 (ii) operators and other personnel staffing vehicles  
25 meet appropriate training and experience requirements.

26 (5) The number and accessibility of facilities that:

27 (i) are collectively capable of providing EMS on a  
28 continuous basis;

29 (ii) have appropriate specialty capabilities;

30 (iii) meet appropriate standards relating to

1           capacity, location, personnel and equipment; and

2           (iv) are coordinated with other health care  
3           facilities and resource centers.

4           (6) Access and transportation to trauma centers and  
5           specialty care receiving facilities.

6           (7) Transfer of patients between facilities or to  
7           programs offering necessary follow-up care and  
8           rehabilitation.

9           (8) Utilization of appropriate personnel, facilities and  
10          equipment of each entity providing EMS.

11          (9) Regional EMS councils that provide persons residing  
12          in an EMS region, and who have no professional or financial  
13          interest in the provision of health care, with an adequate  
14          opportunity to participate in the making of policy for the  
15          regional EMS system.

16          (10) The provision of EMS to all persons requiring those  
17          services.

18          (11) A standardized data collection system that covers  
19          all phases of the EMS incident, including, but not limited  
20          to, the dispatch report and contact, treatment and transport  
21          of a patient in the EMS system.

22          (12) Programs of public education, information and  
23          prevention, integrated with public health education and  
24          taking into account needs of visitors and residents,  
25          concerning methods for accessing EMS and stressing  
26          dissemination of information as to first aid and  
27          cardiopulmonary resuscitation.

28          (13) The provision of periodic comprehensive review and  
29          evaluation of the extent and quality of the EMS provided in  
30          each regional EMS system and reports to the department of

1 each review or evaluation.

2 (14) Plans to assure that each regional EMS system will  
3 be able to provide or secure EMS during mass casualty  
4 situations, natural disasters and declared states of  
5 emergency in accordance with Chapter 71 (relating to general  
6 provisions) and the instructions of the Pennsylvania  
7 Emergency Management Agency.

8 (15) Appropriate intrastate and interstate arrangements  
9 for the provision of EMS as needed.

10 (b) Limitations.--This section is intended to identify EMS  
11 objectives to be pursued and achieved by the department in its  
12 role as lead agency for EMS. Nothing herein shall be construed  
13 to confer regulatory powers upon the department beyond those  
14 conferred elsewhere in this chapter.

15 § 7205. Duties of department.

16 (a) Duty.--It shall be the duty of the department to assist  
17 in the development of local EMS systems; plan, guide and  
18 coordinate the development of regional EMS systems into a  
19 unified Statewide system; and coordinate systems in this  
20 Commonwealth with similar systems in neighboring states.

21 (b) Authority.--The department shall be the lead agency for  
22 EMS in this Commonwealth. The department is authorized to:

23 (1) Coordinate a program for planning, developing,  
24 maintaining, expanding, improving and upgrading EMS systems  
25 in this Commonwealth.

26 (2) Establish, by regulation, standards and criteria  
27 governing the awarding and administration of contracts and  
28 grants under this chapter for initiation, maintenance and  
29 improvement of regional EMS systems.

30 (3) Require collection and maintenance of patient data

1 and information in EMS patient care reports by EMS agencies.

2 (4) Collect, as deemed necessary and appropriate, data  
3 and information regarding patients who utilize emergency  
4 departments without being admitted to the facility and  
5 patients admitted through emergency departments, trauma  
6 centers or directly to special care units, in a manner that  
7 protects and maintains the confidential nature of patient  
8 records. The data and information shall be reasonable in  
9 detail and shall be collected pursuant to regulations issued  
10 by the department. Data and information shall be limited to  
11 that which may be used for specific planning, research and  
12 quality improvement purposes and shall not be duplicative of  
13 data and information already available to the department.

14 (5) Prepare and revise a Statewide EMS system plan under  
15 section 7211 (relating to comprehensive plan).

16 (6) Define and approve training programs and accredit  
17 educational institutions for EMS training of EMS providers.

18 (7) Provide technical assistance to local governments,  
19 EMS agencies and other entities for the purpose of assuring  
20 effective planning and execution of EMS.

21 (8) Administer contracts and grants authorized under  
22 this chapter and other grants pertaining to EMS.

23 (9) Establish standards for the licensing, registration  
24 and operation of EMS agencies, and inspect EMS agencies for  
25 compliance with this chapter and regulations adopted under  
26 this chapter.

27 (10) Maintain a quality improvement program for the  
28 purpose of monitoring and improving the delivery of EMS.

29 (11) Promulgate regulations to establish standards and  
30 criteria for EMS systems.

1           (12) Integrate all trauma centers accredited pursuant to  
2 section 7207 (relating to Pennsylvania Trauma Systems  
3 Foundation) into the Statewide EMS system.

4           (13) Recommend to 911 and other EMS agency dispatchers  
5 protocols with respect to the type and quantity of EMS  
6 resources to dispatch to emergencies.

7           (14) Investigate, based upon complaints and information  
8 received, possible violations of this chapter and regulations  
9 under this chapter and take disciplinary actions, seek  
10 injunctions and refer matters for criminal prosecution.

11           (15) Investigate complaints concerning delivery of  
12 services by trauma centers and forward investigation results  
13 to the appropriate accrediting entity with a recommendation  
14 for action.

15           (16) Enter into agreements with other states which may  
16 include, as appropriate to effectuate the purposes of this  
17 chapter, the acceptance of EMS resources of other states that  
18 do not fully satisfy the requirements of this chapter or  
19 regulations adopted under this chapter.

20       (c) EMS protocols.--The department shall establish criteria  
21 and protocols, including bypass protocols, for evaluation,  
22 triage, treatment, transport, transfer and referral of patients  
23 to ensure that they receive appropriate EMS and are transported  
24 to the most appropriate facility. Regional EMS councils shall  
25 not be eligible for contracts or grant funds or State EMS  
26 Operating Fund disbursements unless they assist in ensuring  
27 regional implementation of the criteria and protocols. Protocols  
28 under this subsection are not subject to the rulemaking process.

29 § 7206. Emergency medical services patient care reports.

30       (a) Preparation.--An EMS agency shall ensure that its

1 responding EMS providers complete an EMS patient care report for  
2 each response made in which it encounters a patient or a person  
3 who has been identified as a patient to the EMS agency, unless  
4 the department by regulation exempts certain types of patient  
5 contact from the reporting requirement. The department shall  
6 employ an electronic EMS patient care reporting process that  
7 shall solicit standardized data and patient information. The  
8 department may require an EMS agency to complete a different  
9 standardized report or different fields in a standardized report  
10 based upon the type of resources the EMS agency uses in  
11 responding. The department shall permit an EMS agency to file a  
12 paper report for extraordinary reasons as determined by the  
13 department on a case-by-case basis.

14 (b) Content.--The report shall contain information as  
15 solicited on the form or other reporting process developed by  
16 the department. The reporting process shall solicit essential  
17 information in reasonable detail. The department may also use  
18 the reporting process to collect data to enhance its ability to  
19 carry out its responsibilities under sections 7204 (relating to  
20 emergency medical services system programs) and 7205 (relating  
21 to duties of department).

22 (c) Patient medical record.--If a patient is transported to  
23 a hospital or from a hospital to another health care facility,  
24 information about the patient and EMS performed on the patient  
25 that is solicited through the reporting process shall be  
26 provided by the EMS agency to the hospital or other health care  
27 facility and become part of the patient's medical record.

28 (d) Reporting.--An EMS agency shall report to the department  
29 or a regional EMS council, as determined by department  
30 regulation, data that is solicited through the reporting

1 process.

2 (e) Confidentiality.--

3 (1) Patient information collected by an EMS agency shall  
4 be confidential and shall not be released by the EMS agency  
5 or a health care facility except as follows:

6 (i) To the patient who is the subject of the report  
7 or to a person who is authorized to exercise the rights  
8 of the patient with respect to securing the report.

9 (ii) Pursuant to an order of a court of competent  
10 jurisdiction, including a subpoena when it constitutes a  
11 court order, except that disclosure pursuant to a  
12 subpoena shall not be permitted as to information in the  
13 report that is of such nature that disclosure pursuant to  
14 a subpoena is not otherwise authorized by law.

15 (iii) To a health care provider to whom a patient's  
16 medical record may be released under the law.

17 (iv) For billing purposes.

18 (v) For quality improvement activities.

19 (vi) To the department or a regional EMS council for  
20 the purpose of investigating possible violations of this  
21 chapter or related regulations.

22 (vii) To a government agency or its agent, as  
23 authorized by the department, for the purpose of the  
24 agency performing official government duties.

25 (2) Notwithstanding the duty of confidentiality  
26 applicable to department and regional EMS councils concerning  
27 reports under paragraph (1), the report may be released for  
28 specific research or EMS planning purposes approved by the  
29 department, subject to department approval and supervision to  
30 ensure that use of the report is strictly limited to the

1 purposes of the research.

2 (f) Vendors.--A vendor may not sell or otherwise provide or  
3 offer reporting forms or software marketed as appropriate for  
4 use in making reports required under this section unless the  
5 vendor submits the product to the department for review and  
6 receives department approval. Thereafter, the vendor shall  
7 submit any modification of the product to the department for  
8 review and approval if the vendor intends to offer the modified  
9 product for use in the EMS patient care reporting process. If  
10 the department makes changes to the EMS patient care report, it  
11 shall publish a notice of the changes in the Pennsylvania  
12 Bulletin. The effective date for the changes shall be no fewer  
13 than 60 days following publication. After publication of  
14 changes, a vendor may not market a product as one appropriate  
15 for use in making an EMS patient care report, any reporting  
16 forms or software approved by the department prior to  
17 publication of the changes, unless the vendor clearly discloses  
18 that the forms or software were approved prior to publication of  
19 the changes. The department may assess a vendor a \$5,000 civil  
20 penalty for each day a vendor violates the provisions of this  
21 subsection.

22 § 7207. Pennsylvania Trauma Systems Foundation.

23 (a) Trauma center accreditation.--The foundation shall  
24 develop a private voluntary accreditation program to:

25 (1) Establish standards for the operation of trauma  
26 centers ~~in this Commonwealth~~ THAT RECEIVE OR SEEK TO RECEIVE ←  
27 COMMONWEALTH FUNDS, adopting, at a minimum, current  
28 guidelines for trauma centers defined by the American College  
29 of Surgeons. Additionally, Level III trauma centers shall  
30 meet accreditation criteria for Level III trauma centers

1 imposed by the act of March 24, 2004, (P.L.148, No.15), known  
2 as the Pennsylvania Trauma Systems Stabilization Act. For the  
3 purpose of reaccreditation, the standards shall require, at a  
4 minimum, that each Level I trauma center establish that 600  
5 severe and urgent injury cases have been treated per year and  
6 each Level II trauma center establish that 350 severe and  
7 urgent injury cases have been treated per year.

8 (2) Evaluate a hospital making application to the  
9 foundation to determine if the hospital meets the  
10 foundation's standards. An evaluation shall include hospital  
11 site visits by accreditation survey teams composed of  
12 independent, qualified persons selected by the foundation.

13 (3) Issue certificates of accreditation to hospitals  
14 that meet the accreditation standards. Certificates of  
15 accreditation shall be valid for a period not to exceed three  
16 years. Certificates of accreditation may be revoked by the  
17 foundation if it is determined that the trauma center no  
18 longer meets accreditation standards as set forth in this  
19 chapter.

20 (4) Establish an appeal mechanism for reconsideration of  
21 accreditation decisions.

22 (b) Judicial review.--A person aggrieved by a determination  
23 of the foundation under this section may file a petition for  
24 review within 30 days in an appropriate court of common pleas.

25 (c) Prohibition.--No hospital shall hold itself out as a  
26 trauma center unless it has a current certificate of  
27 accreditation issued under this section.

28 (d) Board of directors.--The board of directors of the  
29 foundation shall consist of the following voting members: five  
30 representatives of State organizations representing physicians;

1 five representatives of State organizations representing  
2 hospitals; three representatives of State organizations  
3 representing registered professional nurses; two representatives  
4 of other Statewide EMS organizations having expertise in the  
5 delivery of trauma services; the chairman and minority chairman  
6 of the Public Health and Welfare Committee of the Senate or  
7 designees chosen from among the members of the committee; the  
8 chairman and minority chairman of the Health and Human Services  
9 Committee of the House of Representatives or designees chosen  
10 from among the members of the committee; and the Secretary of  
11 Health or a designee. The bylaws of the foundation shall  
12 identify a method to select members to achieve professional and  
13 geographic balance on the board of directors. Terms of office  
14 shall be limited to three years.

15 (e) Data collection.--The foundation shall compile and  
16 maintain statistics on mortality and morbidity on multisystem  
17 trauma victims. The data collection shall be coordinated and  
18 performed in conjunction with State data collection activities.

19 § 7208. State Advisory Board.

20 (a) Designation and composition.--The board shall be  
21 composed of volunteer, professional and paraprofessional  
22 organizations involved in EMS. The board shall be geographically  
23 representative of the provider organizations that represent EMS  
24 providers, firefighters, regional EMS councils, physicians,  
25 hospital administrators and other health care providers  
26 concerned with EMS. The board may be composed of up to 30  
27 organizations. Each organization that is a member of the  
28 Pennsylvania Emergency Health Services Council and is elected to  
29 serve as a member on the board shall have one vote on the board.

30 (b) Duties.--The duties of the board shall be to:

1           (1) Elect officers.

2           (2) Advise the department concerning manpower and  
3 training, communications, EMS agencies, content of  
4 regulations, standards and policies promulgated by the  
5 department under this chapter and other subjects deemed  
6 appropriate by the department.

7           (3) Serve as the forum for discussion on the content of  
8 the Statewide EMS system plan, or any proposed revisions  
9 thereto, and advise the department as to the content of the  
10 plan.

11          (c) Open meetings.--Meetings of the board shall be held in  
12 accordance with 65 Pa.C.S. Ch. 7 (relating to open meetings).

13          (d) Terms.--A voting member of the board shall serve a  
14 three-year term. A voting member shall not serve more than two  
15 consecutive terms.

16          (e) Quorum.--A simple majority of the voting members of the  
17 board shall constitute a quorum for the transaction of business.

18          (f) Compensation.--Members of the board shall serve without  
19 compensation, except the Pennsylvania Emergency Health Services  
20 Council, through its contract or grant with the department, may  
21 pay necessary and reasonable expenses incurred by members of the  
22 board while performing their official duties.

23          (g) Contracts and grants.--The department shall contract  
24 with or provide a grant to the board for performance of its work  
25 under subsection (b). Contracts and grants between the  
26 department and the board for the performance of work other than  
27 under subsection (b) shall be subject to section 7212 (relating  
28 to contracts and grants) where applicable.

29          § 7209. Regional emergency medical services councils.

30          (a) Purpose.--Regional EMS councils shall assist the

1 department in carrying out the provisions of this chapter. Each  
2 regional EMS council shall adhere to policy direction from the  
3 department.

4 (b) Organization.--For purposes of this chapter, the  
5 organizational structure of a regional EMS council shall be  
6 representative of the public, health professions and major  
7 private and public voluntary agencies, organizations and  
8 institutions concerned with providing EMS in the region and  
9 shall be one of the following:

10 (1) A unit of general local government, with an advisory  
11 council, meeting requirements for representation.

12 (2) A representative public entity administering a  
13 compact or other area-wide arrangement or consortium.

14 (3) Any other public or private nonprofit entity that  
15 meets requirements for representation as determined by the  
16 department.

17 (c) Duties.--Each regional EMS council shall, if directed by  
18 the department:

19 (1) Assist the department in achieving the Statewide and  
20 regional EMS system components and goals described under  
21 section 7204 (relating to emergency medical services system  
22 programs).

23 (2) Assist the department in the collection and  
24 maintenance of standardized data and information as provided  
25 in section 7206 (relating to emergency medical services  
26 patient care reports).

27 (3) Prepare, annually review and revise, as needed, a  
28 regional EMS system plan for the EMS region the department  
29 has designated and for which the department has contracted or  
30 provided a grant to it to serve.

1           (4) Carry out, to the extent feasible, the Statewide and  
2 regional EMS system plans.

3           (5) Assure the reasonable availability of training and  
4 continuing education programs for EMS providers.

5           (6) Provide necessary and reasonable staff services and  
6 appropriate and convenient office facilities that can serve  
7 as the EMS region's location for the planning, maintenance  
8 and coordinative and evaluative functions of the council.

9           (7) Establish a mechanism to provide for input from  
10 facilities and EMS agencies in the EMS region in decisions  
11 that include, but are not limited to, membership on its  
12 governing body.

13           (8) Establish, subject to department approval, regional  
14 EMS triage, treatment and transportation protocols consistent  
15 with Statewide protocols adopted by the department. A  
16 regional EMS council may also establish, subject to  
17 department approval, additional triage, treatment and  
18 transportation protocols. No regional protocol shall be  
19 subject to the rulemaking process.

20           (9) Advise public safety answering points and municipal  
21 and county governments as to the EMS resources available for  
22 dispatching and recommend dispatch criteria that may be  
23 developed by the department or the council as approved by the  
24 department.

25           (10) Assist the department in achieving a unified  
26 Statewide EMS system.

27           (11) Designate a regional EMS medical director and  
28 establish a medical advisory committee and a quality  
29 improvement committee.

30           (12) Develop a conflict of interest policy, subject to

1 department approval, and require its board or advisory  
2 council members, officials and employees to agree to the  
3 policy in writing.

4 (13) Perform other duties assigned by the department to  
5 assist the department in carrying out the requirements of  
6 this chapter.

7 (d) Regional EMS medical directors.--The department shall  
8 consult with the regional EMS medical directors in developing  
9 and adopting EMS protocols and may consult with them on any  
10 matter involved in the department's administration of this  
11 chapter.

12 SUBCHAPTER B

13 PROGRAM

14 Sec.

15 7211. Comprehensive plan.

16 7212. Contracts and grants.

17 7213. Emergency medical services providers.

18 7214. Emergency medical responders.

19 7215. Emergency medical technicians.

20 7216. Advanced emergency medical technicians.

21 7217. Paramedics.

22 7218. Prehospital registered nurses.

23 7219. Prehospital physician extenders.

24 7220. Prehospital emergency medical services physicians.

25 7221. Certification sanctions.

26 7222. Emergency medical services vehicle operators.

27 7223. Suspension of certification.

28 7224. Emergency medical services instructors.

29 7225. Medical director of emergency medical services agency.

30 7226. Medical command physicians and facility medical

1           directors.  
2   7227. Medical command facilities.  
3   7228. Receiving facilities.  
4   7229. Emergency medical services agencies.  
5   7230. Advanced life support ambulances.  
6   7231. Air ambulances.  
7   7232. Advanced life support squad vehicles.  
8   7233. Basic life support ambulances.  
9   7234. Basic life support squad vehicles.  
10 7235. Quick response services.  
11 7236. Special operations emergency medical services.  
12 7237. First aid and other safety services.  
13 7238. Other vehicles and services.  
14 7239. Stretcher and wheelchair vehicles.  
15 7240. Conditional temporary licenses.  
16 7241. Plans of correction.  
17 7242. Emergency medical services agency license sanctions.  
18 § 7211. Comprehensive plan.

19   (a) Preparation.--

20       (1) The department, with the assistance of the board,  
21       shall prepare a Statewide EMS system plan, which plan shall  
22       include both short-range and long-range goals and objectives,  
23       and shall make the plan available to the General Assembly and  
24       all concerned agencies, entities and individuals.

25       (2) A regional EMS system plan, upon approval of the  
26       department, shall:

27           (i) Become part of the Statewide EMS system plan.

28           (ii) Include for the EMS region the same types of  
29           information that subsection (b) requires for the  
30           Statewide plan.

1 (b) Contents.--At a minimum, the Statewide plan shall  
2 contain:

3 (1) An inventory of EMS resources available within this  
4 Commonwealth.

5 (2) An assessment of the effectiveness of the existing  
6 EMS system and a determination of the need for changes to the  
7 EMS system.

8 (3) Performance measures for delivery of EMS to all  
9 persons in this Commonwealth.

10 (4) Methods to be used in achieving the stated  
11 performance measures.

12 (5) A schedule for achievement of the stated performance  
13 measures.

14 (6) A method for monitoring and evaluating whether the  
15 stated performance measures are being achieved.

16 (7) Estimated costs for achieving the stated performance  
17 measures.

18 (c) Revisions.--

19 (1) The department shall collect and analyze EMS data  
20 for the purpose of:

21 (i) Revising the Statewide EMS system plan,  
22 including determining the status of the Statewide EMS  
23 system, the degree of compliance with the requirements of  
24 this chapter and the effectiveness of EMS systems in  
25 reducing morbidity and mortality associated with medical  
26 emergencies.

27 (ii) Planning future EMS system initiatives.

28 (2) Persons regulated by the department under this  
29 chapter and dispatchers of EMS agencies shall provide data,  
30 without charge, as reasonably requested by the department and

1 regional EMS councils, to aid them in developing and revising  
2 Statewide and regional EMS system plans and in conducting  
3 investigations under this chapter as authorized by the  
4 department.

5 (d) Annual reports.--The department shall annually publish  
6 comprehensive and specific reports of activity and plan  
7 implementation.

8 (e) Use of Statewide plan.--

9 (1) The department shall use the Statewide plan for  
10 contract and grant purposes as set forth in section 7212(a)  
11 (relating to contracts and grants).

12 (2) Nothing in the Statewide plan shall be construed to  
13 vest the department with any regulatory authority.

14 § 7212. Contracts and grants.

15 (a) General power.--The department may enter into contracts  
16 or grants with entities to serve as regional EMS councils  
17 responsible for the initiation, expansion, maintenance and  
18 improvement of regional EMS systems that are in accordance with  
19 the Statewide EMS system plan.

20 (b) Limitation.--An entity with which the department enters  
21 into a contract or grant under this section to serve as a  
22 regional EMS council shall carry out the duties assigned by the  
23 department under section 7209(c) (relating to regional emergency  
24 medical services councils).

25 (c) Purposes.--In contracting with or giving a grant to  
26 regional EMS councils, the department may allocate Emergency  
27 Medical Services Operating Fund moneys appropriated to the  
28 department only for the following purposes:

29 (1) Providing programs of public education, information,  
30 health promotion and prevention regarding EMS.

1       (2) Purchasing ambulances, other EMS vehicles, medical  
2 equipment and rescue equipment.

3       (3) Applying to costs associated with conducting  
4 training and testing programs for EMS providers.

5       (4) Applying to costs associated with inspections and  
6 investigations conducted to assist the department to carry  
7 out its regulatory authority under this chapter.

8       (5) Purchasing communications equipment and services,  
9 including alerting equipment, provided that the purchases are  
10 in accordance with the Statewide EMS system plan.

11       (6) Assisting with the merger of EMS agencies or  
12 assisting an EMS agency to acquire another EMS agency, when  
13 the department determines circumstances exist such that the  
14 transaction and financial assistance are needed to serve the  
15 public interest.

16       (7) Applying to costs associated with the maintenance  
17 and operation of regional EMS councils. Those costs may  
18 include, but shall not be limited to, salaries, wages and  
19 benefits of staff, travel, equipment and supplies, leasing of  
20 office space, and other costs incidental to the conduct of  
21 business which are deemed by the department to be necessary  
22 and appropriate for carrying out the purposes of this  
23 chapter.

24       (8) Applying to costs associated with collection and  
25 analysis of data necessary to evaluate the effectiveness of  
26 EMS systems in providing EMS and to administer quality  
27 improvement programs.

28       (9) Applying to costs associated with assisting EMS  
29 agencies to recruit and retain EMS providers.

30       (d) Restriction.--In contracting with or providing grants to

1 regional EMS councils, the department may not allocate Emergency  
2 Medical Services Operating Fund moneys appropriated to the  
3 department for the following purposes:

4 (1) Acquisition, construction or rehabilitation of  
5 facilities or buildings, except renovation as may be  
6 necessary for the implementation or modification of EMS  
7 communication systems.

8 (2) Purchasing hospital equipment, other than  
9 communications equipment for medical command and receiving  
10 facilities, unless the equipment is used or intended to be  
11 used in an equipment exchange program with EMS agencies.

12 (3) Maintenance of ambulances, other EMS vehicles and  
13 equipment.

14 (4) Applying to costs deemed by the department as  
15 inappropriate for carrying out the purposes of this chapter.

16 (5) Applying to costs which are normally borne by  
17 patients, except for extraordinary costs as determined by the  
18 department.

19 (e) Reports.--The recipient of a contract or grant under  
20 this chapter shall make reports to the department as may be  
21 required by the department.

22 (f) Contract and grant prerequisites.--The department shall  
23 not contract with or provide a grant to an entity for that  
24 entity to serve as a regional EMS council unless:

25 (1) The entity has submitted a contract or grant  
26 application to the department in a form and format prescribed  
27 by the department that is consistent with the Statewide and  
28 regional EMS system plans.

29 (2) The application addresses planning, maintenance and  
30 improvement of the regional EMS system.

1           (3) The entity demonstrates to the department's  
2           satisfaction the qualifications and commitment to plan,  
3           maintain and improve a regional EMS system, and that the  
4           entity has the required organizational structure and  
5           provisions for representation of appropriate entities.

6           (g) Technical assistance.--The department shall provide  
7           technical assistance, as appropriate, to regional EMS councils  
8           and to such other eligible entities as necessary for the purpose  
9           of their carrying out the provisions of contracts and grants  
10           under this section, with special consideration for contractors  
11           and grantees representing rural areas.

12           (h) Payments.--Payments pursuant to a contract or grant  
13           under this section may be made in advance or by way of  
14           reimbursement and in installments and on conditions as the  
15           department determines will most effectively carry out the  
16           provisions of this chapter.

17           (i) Other funds considered.--

18           (1) In determining the amount of a contract or grant  
19           under this section, the amount of funds available to the  
20           contractor or grantee from non-State contributions and  
21           Federal grant or contract programs pertaining to EMS shall be  
22           taken into consideration.

23           (2) For purposes of this subsection, "non-State  
24           contributions" include the outlay of cash and in-kind  
25           services to the contractor or grantee or toward the operation  
26           of a regional EMS system by private, public or government  
27           third parties, including the Federal Government.

28           (j) Other contracts and grants.--The department may enter  
29           into contracts and grants with organizations other than regional  
30           EMS councils in order to assist the department in complying with

1 the provisions of this section and chapter.

2 (k) Public disclosure.--

3 (1) Subject to the provisions of paragraph (2),  
4 finalized contracts and grants shall be deemed public records  
5 subject to disclosure.

6 (2) The department may not disclose information in  
7 contracts or grants that could be used by persons to  
8 undermine measures to combat, respond to or recover from  
9 terrorist attacks.

10 (l) Sole source contract or grant.--Upon expiration of a  
11 contract or grant with an entity to carry out the duties of a  
12 regional EMS council as set forth in subsection (c), the  
13 department, without undertaking a competitive bidding process,  
14 may enter into a new contract or grant with the same entity for  
15 that entity to continue to serve as a regional EMS council and  
16 perform the duties set forth in subsection (c), as determined by  
17 the department, if that entity, in carrying out the prior  
18 contract or grant, demonstrated its ability and commitment to  
19 the department's satisfaction to plan, maintain and improve the  
20 regional EMS system consistent with the terms of the prior  
21 contract or grant.

22 § 7213. Emergency medical services providers.

23 (a) Certification.--The department shall issue  
24 certifications for the following types of EMS providers, which  
25 shall be permanent, subject to disciplinary action pursuant to  
26 section 7221 (relating to certification sanctions):

27 (1) Emergency medical responder.

28 (2) Emergency medical technician.

29 (3) Advanced emergency medical technician.

30 (4) Paramedic.

- 1           (5) Prehospital registered nurse.  
2           (6) Prehospital physician extender.  
3           (7) Prehospital EMS physician.  
4           (8) Any other class of EMS provider the department  
5           establishes by regulation.

6           (b) Other emergency medical services providers.--The  
7           department may establish, by regulation as the need arises,  
8           classes of EMS providers to provide specialized EMS. The  
9           regulations shall establish certification, practice,  
10           disciplinary and other provider standards consistent with the  
11           purposes of this chapter, and the statutory regulatory schemes  
12           applicable to paramedics except as necessary to meet the special  
13           EMS needs for which the class of EMS provider is created.

14           (c) Application.--An applicant for EMS provider  
15           certification shall complete an application for certification on  
16           a form or through an electronic application process prescribed  
17           by the department.

18           (d) Education.--The department shall assist, encourage and  
19           coordinate the education of EMS providers.

20           (1) The department shall develop standards through  
21           regulations for the accreditation, reaccreditation and  
22           operation of educational institutes to provide the training  
23           persons must successfully complete to be certified as EMS  
24           providers.

25           (2) The department shall develop standards through  
26           regulations for the approval of continuing education courses  
27           for EMS providers and for the accreditation of persons and  
28           Commonwealth agencies that provide continuing education EMS  
29           providers may take to secure renewal of registration.

30           (3) The department, in consultation with the board,

1 shall review and update the permitted scope of continuing  
2 education programs not less than biennially.

3 (4) If the educational institute or provider of  
4 continuing education courses fails to satisfy the operational  
5 standards or fails to continue to meet the accreditation  
6 standards, the department may take one or more of the  
7 following actions:

8 (i) Deny the application for reaccreditation.

9 (ii) Impose terms of probation.

10 (iii) Revoke, suspend, limit or otherwise restrict  
11 the accreditation.

12 (iv) Impose a civil penalty not exceeding \$1,000 for  
13 each infraction.

14 (e) Examinations.--

15 (1) A person who intends to secure EMS provider  
16 certification shall take the required certification  
17 examinations within one year after completing the EMS  
18 provider training required for certification.

19 (2) Except as otherwise provided in this subsection, a  
20 person who fails a written or practical skills examination  
21 for an EMS provider certification may repeat the failed  
22 examination without retaking the examination the person  
23 passed.

24 (3) A person who fails the written examination three  
25 times shall complete a refresher course approved by the  
26 department or repeat the EMS provider training program before  
27 taking the examination again.

28 (4) A person who fails the practical skills examination  
29 three times shall complete a remedial course approved by the  
30 department or repeat the EMS provider training program before

1 again taking the examination.

2 (5) A person who fails either examination six times or  
3 who does not pass the required examinations within two years  
4 after completing the EMS provider training program shall  
5 receive no credit for an examination previously passed and  
6 shall repeat the training program for the EMS provider  
7 certification before the person may take the certification  
8 examinations again.

9 (6) If the standards a person needs to satisfy to take a  
10 certification examination change after the person has failed  
11 the examination, the person may not retake the examination  
12 unless the person meets the new standards.

13 (7) The department may, by regulation, change the  
14 standards in this subsection.

15 (f) Reciprocity and endorsement.--The department may issue  
16 EMS provider certifications by reciprocity or endorsement as  
17 follows:

18 (1) If the department, upon review of the criteria for  
19 certification of a type of EMS provider in another state,  
20 determines that the criteria is substantially equivalent to  
21 the criteria for a similar certification in this  
22 Commonwealth, the department may enter into a reciprocity  
23 agreement with its counterpart certifying agency in the other  
24 state to certify that type of EMS provider based solely on  
25 the other state's certification of the provider. No  
26 reciprocity agreement may deprive the department from denying  
27 a certification based on disciplinary considerations.

28 (2) If the department, upon review of a course or an  
29 examination approved by another state for EMS provider  
30 certification or continuing education, or upon review of a

1 national course or examination, determines that the course or  
2 examination meets or exceeds the standards for such a course  
3 or examination for a similar type of certification in this  
4 Commonwealth, or for registration of the certification, the  
5 department may endorse the course or examination as meeting  
6 the course or examination requirements for that type of EMS  
7 provider certification in acting upon an applicant's  
8 application for certification or registration of the  
9 certification in this Commonwealth.

10 (g) Skills.--The department shall publish in the  
11 Pennsylvania Bulletin a list of skills within the scope of  
12 practice of each type of EMS provider. The list shall be updated  
13 by publication as necessary.

14 (h) Medical command orders and protocols.--

15 (1) An EMS provider, other than a prehospital EMS  
16 physician, shall provide EMS pursuant to department-approved  
17 protocols and medical command orders.

18 (2) The protocols shall identify circumstances in which  
19 an EMS provider shall seek direction from a medical command  
20 physician, which direction may be given by the physician in  
21 person or through an authorized agent or via radio or other  
22 telecommunications device approved by the department, and  
23 shall address the responsibilities of an EMS provider when  
24 medical command cannot be secured or is disrupted.

25 (i) Reports of convictions, discipline and exclusions.--

26 (1) An applicant for an EMS provider certification shall  
27 report to the department all misdemeanor, felony and other  
28 criminal convictions that are not summary or equivalent  
29 offenses, and all disciplinary sanctions that have been  
30 imposed upon a license, certification or other authorization

1 of the applicant to practice an occupation or profession, and  
2 any exclusion from a Federal or State health care program of  
3 the applicant or an entity in which the applicant had equity  
4 or capital, stock or profits of the entity equal to at least  
5 5% of the value of the property or assets of the entity at  
6 the time of the exclusion.

7 (2) The applicant shall also provide the department with  
8 a certified copy of the criminal charging, judgment and  
9 sentencing documents for each conviction and a certified copy  
10 of an adjudication or other document imposing discipline  
11 against the applicant.

12 (3) The department may not certify an applicant until  
13 the department receives the documents, unless the applicant  
14 establishes that the documents from which certified copies  
15 are to be made no longer exist.

16 (4) An EMS provider shall report the same type of  
17 convictions, disciplinary sanctions and exclusions and  
18 provide the same documents to the department within 30 days  
19 after each conviction, discipline and exclusion.

20 (j) Identification.--

21 (1) An EMS provider shall provide proof of authority to  
22 practice as an EMS provider if requested when providing  
23 services as an EMS provider.

24 (2) For purposes of this subsection, "proof of authority  
25 to practice" means a card or certificate issued by the  
26 department that shows current registration of the EMS  
27 provider's certification.

28 (k) Change of address.--

29 (1) An EMS provider and an applicant for EMS provider  
30 certification shall ensure that the department has the

1 current address at which the person can be reached by mail at  
2 all times.

3 (2) Neither an EMS provider's home address, telephone  
4 number nor any other residential contact information provided  
5 to the department shall be deemed a public record.

6 (1) Current registration.--To provide EMS, an EMS provider  
7 shall maintain current registration of his certification as an  
8 EMS provider.

9 (m) Downgrading certification or practice.--

10 (1) An EMS provider who has a currently registered  
11 certification as an advanced EMT or higher-level EMS provider  
12 and is not permitted to practice at that level by an EMS  
13 agency pursuant to sections 7225(b)(2) (relating to medical  
14 director of emergency medical services agency) and 7229(k)  
15 (relating to emergency medical services agencies), may  
16 function as a lower-level EMS provider for that EMS agency,  
17 as authorized by the EMS agency medical director, if the EMS  
18 agency permits.

19 (2) Upon expiration of the biennial registration period,  
20 an EMS provider who is at or above the advanced EMT level and  
21 whose practice for an EMS agency has been downgraded pursuant  
22 to sections 7225(b)(2) and 7229(k) may choose to maintain  
23 current registration of the EMS provider's certification by  
24 meeting the biennial registration requirements for that  
25 certification.

26 (3) An EMS provider who has a currently registered  
27 certification as an advanced EMT or higher-level EMS provider  
28 and does not meet the requirements for biennial registration  
29 of that certification may apply to and secure from the  
30 department registration of a lower-level EMS provider

1 certification if the EMS provider meets the registration  
2 requirements for that certification.

3 (4) Instead of a registration certificate, the  
4 department shall issue a lower-level certification to an EMS  
5 provider who does not already have that certification and  
6 applies for a registration of that certification under this  
7 subsection.

8 (5) An EMS provider whose practice level has been  
9 downgraded under this section and who does not maintain  
10 current registration of the higher-level certification may  
11 not display an insignia, patch or any other indicia of the  
12 higher-level certification when providing EMS.

13 (n) Biennial registrations.--

14 (1) The biennial registration of each EMS provider  
15 certification, subject to a biennial registration requirement  
16 shall expire on January 1 of the next even-numbered year.

17 (2) The continuing education requirements for the  
18 biennial registration following the initial registration of a  
19 certification shall be prorated based upon the month in which  
20 the EMS provider became certified, with any fractional  
21 requirement rounded down.

22 (o) Exceptions for members of armed forces returning from  
23 tour of duty.--EMS providers and EMS vehicle operators returning  
24 from active military service who have a certification  
25 registration that expired during their tours of duty or will  
26 expire within 12 months after their return from military duty  
27 may secure an exception to satisfying the continuing education  
28 requirements for certification registration as follows:

29 (1) EMS providers who have a triennial certification  
30 registration requirement may secure an exception to the

1 period of time in which they would otherwise need to meet  
2 continuing education requirements for triennial registration  
3 of their certifications, as the department deems appropriate.

4 (2) EMS providers and EMS vehicle operators who have a  
5 biennial certification registration requirement may secure an  
6 exception to the period of time in which they would otherwise  
7 need to meet continuing education requirements for biennial  
8 registration of their certifications, as the department deems  
9 appropriate. Before an EMS provider without a current  
10 biennial registration begins to work for an EMS agency, the  
11 EMS agency medical director must determine that the EMS  
12 provider has continuing competency in the knowledge and  
13 skills required to provide the services the EMS agency will  
14 assign to the EMS provider.

15 (3) EMS providers may seek an exception to their  
16 continuing education requirements for certification  
17 registration by asking the department to endorse their  
18 relevant military training as satisfying some or all of the  
19 applicable continuing education requirements.

20 § 7214. Emergency medical responders.

21 (a) Scope of practice.--An EMR performs for an EMS agency  
22 BLS skills involving basic interventions with minimum EMS  
23 equipment as follows:

24 (1) As a member of a QRS to stabilize and improve a  
25 patient's condition in an out-of-hospital emergency until a  
26 higher-level EMS provider arrives at the scene and then may  
27 assist that EMS provider.

28 (2) As a member of the crew of an ambulance.

29 (3) In another capacity as authorized by the department  
30 by regulation.

1 (b) Certification.--The department shall certify as an EMR  
2 an individual who meets all of the following:

3 (1) Is at least 16 years of age.

4 (2) Has successfully completed an EMR training course  
5 approved by the department.

6 (3) Has a current certificate evidencing successful  
7 completion of a CPR course acceptable to the department.

8 (4) Has passed an EMR skills practical examination  
9 approved by the department.

10 (5) Has passed a written EMR certification examination  
11 approved by the department.

12 (c) Triennial registration.--An EMR's certification is  
13 deemed registered for three years after issuance. An EMR must  
14 register the EMR certification at three-year intervals by  
15 completing an application for triennial registration on a form  
16 or through an electronic process, as prescribed by the  
17 department. The following shall apply:

18 (1) The department shall issue a triennial registration  
19 of an EMR certification to an EMR who meets all of the  
20 following:

21 (i) Has a current registration and applies for a new  
22 registration no later than:

23 (A) 30 days before the current registration is  
24 to expire; or

25 (B) a lesser time established by regulation of  
26 the department.

27 (ii) Successfully:

28 (A) completes EMR triennial registration  
29 practical skills and written knowledge examinations  
30 approved by the department; or

1           (B) secures continuing education credits for EMR  
2           triennial registration as required by the department  
3           in continuing education programs approved by the  
4           department.

5           (2) An EMR whose registration of an EMR certification  
6           has expired must qualify for a triennial registration of the  
7           certification as prescribed by regulation of the department.

8           (d) Transition for first responders.--An individual who is  
9           certified as a first responder on the effective date of this  
10          section shall be considered to be an EMR with a current  
11          registration and shall be subject to the triennial registration  
12          requirements of an EMR. The registration of the EMR  
13          certification shall expire on the same date the first responder  
14          certification would have expired if the first responder  
15          certification remained in effect.

16          (e) Transition for ambulance attendants.--An individual who  
17          is an ambulance attendant on the effective date of this section  
18          shall be considered to be an EMR with a current registration and  
19          shall be subject to the triennial registration requirements of  
20          an EMR. The registration of the EMR certification shall expire  
21          on the same date that the person's qualifications as an  
22          ambulance attendant expire and would have needed to be renewed.

23          § 7215. Emergency medical technicians.

24          (a) Scope of practice.--An EMT performs basic EMS skills  
25          involving basic interventions and equipment found on an EMS  
26          vehicle as follows:

27                  (1) For an EMS agency as a member of the crew of an  
28                  ambulance.

29                  (2) For an EMS agency as a member of a QRS to stabilize  
30                  and improve a patient's condition in an out-of-hospital

1 setting until an ambulance arrives, and then may assist the  
2 ambulance crew.

3 (3) As a first aid or safety officer, or in a similar  
4 capacity, for or independent of an EMS agency, as prescribed  
5 by regulation of the department.

6 (4) For an EMS agency in another capacity authorized by  
7 regulation of the department.

8 (b) Certification.--The department shall certify as an EMT  
9 an individual who meets all of the following:

10 (1) Is at least 16 years of age.

11 (2) Has successfully completed an EMT training course  
12 which:

13 (i) teaches basic EMS; and

14 (ii) is approved by the department.

15 (3) Has a current certificate evidencing successful  
16 completion of a CPR course acceptable to the department.

17 (4) Has passed an EMT skills practical examination  
18 approved by the department.

19 (5) Has passed a written EMT certification examination  
20 approved by the department.

21 (c) Triennial registration.--An EMT's certification is  
22 deemed registered for three years after issuance. An EMT must  
23 register the EMT certification at three-year intervals by  
24 completing an application for triennial registration on a form  
25 or through an electronic process, as prescribed by the  
26 department. The following shall apply:

27 (1) The department shall issue a triennial registration  
28 of an EMT certification to an EMT who meets all of the  
29 following:

30 (i) Has a current registration and applies for a new

1 registration no later than:

2 (A) 30 days before the current registration is  
3 to expire; or

4 (B) a lesser time established by regulation of  
5 the department.

6 (ii) Successfully:

7 (A) completes EMT triennial registration  
8 practical skills and written knowledge examinations  
9 approved by the department; or

10 (B) secures continuing education credits for EMT  
11 triennial registration as required by the department  
12 in continuing education programs approved by the  
13 department.

14 (2) An EMT whose registration of an EMT certification  
15 has expired must qualify for a triennial registration of the  
16 certification as prescribed by regulation of the department.

17 § 7216. Advanced emergency medical technicians.

18 (a) Scope of practice.--An advanced EMT performs basic EMS  
19 and ALS skills which include interventions and administration of  
20 medications with basic and advanced equipment found on an EMS  
21 vehicle as follows:

22 (1) For an EMS agency as a member of the crew of an  
23 ambulance.

24 (2) For an EMS agency as a member of a QRS to stabilize  
25 and improve a patient's condition in an out-of-hospital  
26 emergency until an ambulance arrives at the scene and then  
27 may assist the ambulance crew.

28 (3) As a first aid or safety officer, or in a similar  
29 capacity, for or independent of an EMS agency, as prescribed  
30 by regulation of the department.

1           (4) For an EMS agency in another capacity as authorized  
2 by regulation of the department.

3           (b) Certification.--The department shall certify as an  
4 advanced EMT an individual who meets all of the following:

5           (1) Is at least 18 years of age.

6           (2) Has successfully completed a course under  
7 subparagraph (i) or (ii):

8           (i) An advanced EMT training course which:

9           (A) teaches basic life support skills;

10           (B) teaches advanced life support skills deemed  
11 appropriate by regulation of the department; and

12           (C) is approved by the department.

13           (ii) An EMT course and secured training and  
14 education, through continuing education courses, in  
15 skills included in the scope of practice for an advanced  
16 EMT for which the applicant did not receive training in  
17 the EMT course.

18           (3) Has a current certificate evidencing successful  
19 completion of a CPR course acceptable to the department.

20           (4) Has passed an advanced EMT skills practical  
21 examination approved by the department.

22           (5) Has passed a written advanced EMT certification  
23 examination approved by the department.

24           (c) Biennial registration.--An advanced EMT's certification  
25 is deemed registered when the certification is issued. The  
26 initial registration shall expire as set forth in section  
27 7213(n) (relating to emergency medical services providers).  
28 Except for the initial registration period, an advanced EMT must  
29 register the advanced EMT certification at two-year intervals by  
30 completing an application for biennial registration on a form or

1 through an electronic process, as prescribed by regulation of  
2 the department. The following shall apply:

3 (1) The department shall issue a biennial registration  
4 of an advanced EMT certification to an advanced EMT who meets  
5 all of the following:

6 (i) Has a current registration and applies for a new  
7 registration no later than:

8 (A) 30 days before the current registration is  
9 to expire; or

10 (B) a lesser time established by regulation of  
11 the department.

12 (ii) Successfully:

13 (A) completes advanced EMT biennial registration  
14 practical skills and written knowledge examinations  
15 approved by the department; or

16 (B) secures continuing education credits for  
17 advanced EMT biennial registration as required by the  
18 department in continuing education programs approved  
19 by the department.

20 (2) An advanced EMT whose registration of an advanced  
21 EMT certification has expired must qualify for a biennial  
22 registration of the certification as prescribed by regulation  
23 of the department.

24 § 7217. Paramedics.

25 (a) Scope of practice.--A paramedic is a higher level EMS  
26 provider than an advanced EMT. A paramedic performs basic and  
27 advanced EMS skills which include interventions and  
28 administration of medications with basic and advanced equipment  
29 found on an EMS vehicle as follows:

30 (1) For an EMS agency as a member of the crew of an

1 ambulance.

2 (2) For an EMS agency as a member of a QRS to stabilize  
3 and improve a patient's condition in an out-of-hospital  
4 emergency until an ambulance arrives at the scene and then  
5 may assist the ambulance crew.

6 (3) As a first aid or safety officer, or in a similar  
7 capacity, for or independent of an EMS agency, as prescribed  
8 by regulation of the department.

9 (4) For an EMS agency in another capacity authorized by  
10 regulation of the department.

11 (b) Paramedic training.--To be eligible to enroll in a  
12 paramedic training course required for certification as a  
13 paramedic, an individual must satisfy all of the following:

14 (1) Be at least 18 years of age when the course  
15 commences.

16 (2) Have a high school diploma or its equivalent.

17 (3) Be currently certified by the department as an EMT  
18 or advanced EMT.

19 (c) Certification.--The department shall certify as a  
20 paramedic an EMT or advanced EMT who meets all of the following:

21 (1) Is at least 18 years of age.

22 (2) Has successfully completed a paramedic training  
23 course which:

24 (i) teaches basic life support skills;

25 (ii) teaches advanced life support skills deemed  
26 appropriate by regulation of the department; and

27 (iii) is approved by the department.

28 (3) Has a current certificate evidencing successful  
29 completion of a CPR course acceptable to the department.

30 (4) Has passed a paramedic skills practical examination

1 approved by the department.

2 (5) Has passed a written paramedic certification  
3 examination approved by the department.

4 (d) Biennial registration.--A paramedic's certification is  
5 deemed registered when the certification is issued. The initial  
6 registration shall expire as set forth in section 7213(n)  
7 (relating to emergency medical services providers). Except for  
8 the initial registration period, a paramedic must register the  
9 paramedic certification at two-year intervals by completing an  
10 application for biennial registration on a form or through an  
11 electronic process as prescribed by regulation of the  
12 department. The following shall apply:

13 (1) The department shall issue a biennial registration  
14 of a paramedic certification to a paramedic who meets all of  
15 the following:

16 (i) Has a current registration and applies for a new  
17 registration no later than:

18 (A) 30 days before the current registration is  
19 to expire; or

20 (B) a lesser time established by regulation of  
21 the department.

22 (ii) Successfully secures continuing education  
23 credits for paramedic biennial registration as required  
24 by the department in continuing education programs  
25 approved by the department.

26 (2) A paramedic whose registration of a paramedic  
27 certification has expired must qualify for a biennial  
28 registration of the certification as prescribed by regulation  
29 of the department.

30 § 7218. Prehospital registered nurses.

1 (a) Scope of practice.--A PHRN is a higher level EMS  
2 provider than an advanced EMT. A PHRN performs for an EMS agency  
3 basic and advanced EMS skills and, as authorized by the  
4 department, additional nursing skills within the scope of  
5 practice of a registered nurse under the act of May 22, 1951  
6 (P.L.317, No.69), known as The Professional Nursing Law, or a  
7 successor act, as follows:

8 (1) As a member of the crew of an ambulance.

9 (2) As a member of a QRS to stabilize and improve a  
10 patient's condition in an out-of-hospital emergency until an  
11 ambulance arrives at the scene and then may assist the  
12 ambulance crew.

13 (3) As a first aid or safety officer, or in a similar  
14 capacity, as prescribed by regulation of the department.

15 (4) In another capacity as authorized by regulation of  
16 the department.

17 (b) Certification.--The department shall certify as a PHRN  
18 an individual who meets all of the following:

19 (1) Has a current license as a registered nurse with the  
20 State Board of Nursing.

21 (2) Is at least 18 years of age.

22 (3) Has a current certificate evidencing successful  
23 completion of a CPR course acceptable to the department.

24 (4) Has passed a PHRN skills practical examination  
25 approved by the department.

26 (5) Has passed a written PHRN certification examination  
27 approved by the department.

28 (c) Biennial registration.--A PHRN's certification is deemed  
29 registered when the certification is issued. The initial  
30 registration shall expire as set forth in section 7213(n)

1 (relating to emergency medical services providers). Except for  
2 the initial registration period, a PHRN must register the PHRN  
3 certification at two-year intervals by completing an application  
4 for biennial registration on a form or through an electronic  
5 process, as prescribed by regulation of the department. The  
6 following shall apply:

7 (1) The department shall issue a biennial registration  
8 of a PHRN certification to a PHRN who meets all of the  
9 following:

10 (i) Has a current registration and applies for a new  
11 registration no later than:

12 (A) 30 days before the current registration is  
13 to expire; or

14 (B) a lesser time established by regulation of  
15 the department.

16 (ii) Has current registration of a registered nurse  
17 license.

18 (iii) Successfully secures continuing education  
19 credits for a PHRN biennial registration as required by  
20 the department, in continuing education programs approved  
21 by the department.

22 (2) A PHRN whose registration of a PHRN certification  
23 has expired must qualify for a biennial registration of the  
24 certification as prescribed by regulation of the department.

25 § 7219. Prehospital physician extenders.

26 (a) Scope of practice.--A PHPE is a higher level EMS  
27 provider than an advanced EMT. A PHPE performs for an EMS agency  
28 basic and advanced EMS skills and, as authorized by regulation  
29 of the department, additional physician assistant skills within  
30 the scope of practice of a physician assistant under the act of

1 December 20, 1985 (P.L.457, No.112), known as the Medical  
2 Practice Act of 1985, or the act of October 5, 1978 (P.L.1109,  
3 No.261), known as the Osteopathic Medical Practice Act, or a  
4 successor act, as follows, but supervision of a PHPE shall be  
5 conducted as set forth in this chapter:

6 (1) As a member of the crew of an ambulance.

7 (2) As a member of a QRS to stabilize and improve a  
8 patient's condition in an out-of-hospital emergency until an  
9 ambulance arrives at the scene and then may assist the  
10 ambulance crew.

11 (3) As a first aid or safety officer, or in a similar  
12 capacity, for an EMS agency as prescribed by regulation of  
13 the department.

14 (4) In another capacity as authorized by regulation of  
15 the department.

16 (b) Certification.--The department shall certify as a PHPE a  
17 physician assistant who meets all of the following:

18 (1) Has a currently registered license as a physician  
19 assistant with the State Board of Medicine or the State Board  
20 of Osteopathic Medicine.

21 (2) Is at least 18 years of age.

22 (3) Has a current certificate evidencing successful  
23 completion of a CPR course acceptable to the department.

24 (4) Has passed a PHPE skills practical examination  
25 approved by the department.

26 (5) Has passed a written PHPE certification examination  
27 approved by the department.

28 (c) Biennial registration.--A PHPE's certification is deemed  
29 registered when the certification is issued. The initial  
30 registration shall expire as set forth in section 7213(n)

1 (relating to emergency medical services providers). Except for  
2 the initial registration period, a PHPE must register the PHPE  
3 certification at two-year intervals by completing an application  
4 for biennial registration on a form or through an electronic  
5 process as prescribed by regulation of the department. The  
6 following shall apply:

7 (1) The department shall issue a biennial registration  
8 of a PHPE certification to a PHPE who:

9 (i) Has a current registration and applies for a new  
10 registration no later than:

11 (A) 30 days before the current registration is  
12 to expire; or

13 (B) a lesser time as established by regulation  
14 of the department.

15 (ii) Has current registration of a physician  
16 assistant license.

17 (iii) Successfully secures continuing education  
18 credits for PHPE biennial registration as required by the  
19 department in continuing education programs approved by  
20 the department.

21 (2) A PHPE whose registration of a PHPE certification  
22 has expired must qualify for a biennial registration of the  
23 certification as prescribed by regulation of the department.

24 § 7220. Prehospital emergency medical services physicians.

25 (a) Scope of practice.--A prehospital EMS physician is a  
26 higher level EMS provider than an advanced EMT. A prehospital  
27 EMS physician performs for an EMS agency basic and advanced EMS  
28 skills within the scope of practice of a physician under the act  
29 of December 20, 1985 (P.L.457, No.112), known as the Medical  
30 Practice Act of 1985, or the act of October 5, 1978 (P.L.1109,

1 No.261), known as the Osteopathic Medical Practice Act, as  
2 applicable, or a successor act, as follows:

3 (1) As a member of the crew of an ambulance.

4 (2) As a member of a QRS to stabilize and improve a  
5 patient's condition in an out-of-hospital emergency.

6 (3) As a first-aid or safety officer, or in a similar  
7 capacity, as prescribed by regulation of the department.

8 (4) In another capacity authorized by regulation of the  
9 department.

10 (b) Certification.--The department shall certify as a  
11 prehospital EMS physician a physician who has:

12 (1) Successfully completed one or more of the following:

13 (i) An emergency medicine residency program that is  
14 accredited by a residency program accrediting body  
15 recognized by the State Board of Medicine or the State  
16 Board of Osteopathic Medicine.

17 (ii) The first year of an emergency medicine  
18 residency program that satisfies the requirements of  
19 subparagraph (i) and has successfully completed programs  
20 approved by the department in advanced cardiac life  
21 support, advanced trauma life support and advanced  
22 pediatric life support.

23 (iii) An anesthesia, family practice, internal  
24 medicine or general surgery residency program that is  
25 accepted by either the State Board of Medicine or the  
26 State Board of Osteopathic Medicine as providing the  
27 graduate medical training the board requires for issuance  
28 of a physician license without restriction and the  
29 successful completion of programs approved by the  
30 department in advanced cardiac life support, advanced

1 trauma life support and advanced pediatric life support.

2 (2) A current certificate evidencing successful  
3 completion of a CPR course acceptable to the department.

4 (3) Passed an EMS skills practical examination approved  
5 by the department or served as a prehospital health  
6 professional physician prior to the effective date of this  
7 section.

8 (c) Biennial registration.--A prehospital EMS physician's  
9 certification is deemed registered when the certification is  
10 issued. The initial registration shall expire under section  
11 7213(n) (relating to emergency medical services providers).  
12 Except for the initial registration period, a prehospital EMS  
13 physician shall register the prehospital EMS physician  
14 certification at two-year intervals by completing an application  
15 for biennial registration on a form or through an electronic  
16 process as prescribed by the department. The following shall  
17 apply:

18 (1) The department shall issue a biennial registration  
19 of a prehospital EMS physician certification to a prehospital  
20 EMS physician who meets all of the following:

21 (i) Has a current registration and applies for a new  
22 registration no later than 30 days before the current  
23 registration is to expire or within a lesser time period  
24 as the department may establish by regulation.

25 (ii) Has current registration of a physician  
26 license.

27 (iii) Successfully secures continuing education  
28 credits for prehospital EMS physician biennial  
29 registration as required by the department in continuing  
30 education programs approved by the department.

1           (2) A prehospital EMS physician whose registration of a  
2 prehospital EMS physician certification has expired shall  
3 qualify for a biennial registration of the certification as  
4 prescribed by regulation of the department.

5           (d) Transition for prehospital health professional  
6 physicians.--A physician who served as a prehospital health  
7 professional physician prior to the effective date of this  
8 section and who satisfies the certification requirements under  
9 subsection (b) (1) may serve as a prehospital EMS physician for  
10 90 days after the effective date of this section without having  
11 secured a certification as a prehospital EMS physician.

12 § 7221. Certification sanctions.

13           (a) Grounds for discipline.--The department may discipline  
14 an EMS provider or applicant for EMS provider certification for  
15 any of the following reasons:

16           (1) Lack of physical or mental ability to provide  
17 adequate services.

18           (2) Deceptive or fraudulent procurement or  
19 representation of certification or registration credentials,  
20 or for making misleading, deceptive or untrue representations  
21 to secure or aid or abet another person to secure a  
22 certification, license, registration or any other  
23 authorization issued by the department under this chapter.

24           (3) Willful or negligent misconduct in providing EMS or  
25 practicing beyond the scope of certification authorization  
26 without legal authority to do so.

27           (4) Abuse or abandonment of a patient.

28           (5) The rendering of services while under the influence  
29 of alcohol, illegal drugs or the knowing abuse of legal  
30 drugs.

1           (6) The operation of an emergency vehicle in a reckless  
2 manner or while under the influence of alcohol, illegal drugs  
3 or the knowing abuse of legal drugs.

4           (7) Disclosure of medical or other information about a  
5 patient where prohibited by Federal or State law.

6           (8) Willful preparation or filing of a false medical  
7 report or record or the inducement of others to do so.

8           (9) Destruction of a medical report or record required  
9 to be maintained.

10           (10) Refusal to render emergency medical care because of  
11 a patient's race, sex, creed, national origin, sexual  
12 preference, age, handicap, medical problem or financial  
13 inability to pay.

14           (11) Failure to comply with department-approved  
15 protocols.

16           (12) Failure to comply with reporting requirements  
17 imposed under this chapter or as established by the  
18 department.

19           (13) Practicing without the current registration of a  
20 certification.

21           (14) Conviction of a felony, a crime related to the  
22 practice of the EMS provider or a crime involving moral  
23 turpitude. For the purposes of this paragraph, a conviction  
24 includes a judgment of guilt, a plea of guilty or a plea of  
25 nolo contendere.

26           (15) Willful falsification of or a failure to complete  
27 details on an EMS patient care report.

28           (16) Misappropriation of drugs or EMS agency property.

29           (17) Having a certification or other authorization to  
30 practice a profession or occupation revoked, suspended or

1 subjected to other disciplinary sanction.

2 (18) Violating or aiding or abetting another person to  
3 violate a duty imposed under this chapter, a regulation  
4 promulgated under this chapter or an order of the department  
5 previously entered in a disciplinary proceeding.

6 (19) Based upon a finding of misconduct by the relevant  
7 Federal or State agency, having been excluded from a Federal  
8 or State health care program or having had equity or capital,  
9 stock or profits of an entity equal to 5% or more of the  
10 value of the property or assets of the entity when it was  
11 excluded from a Federal or State health care program.

12 (20) Any other reason as determined by the department  
13 which poses a threat to the health and safety of the public.

14 (b) Disciplinary options.--If the department is empowered to  
15 take disciplinary action against an individual under this  
16 section, the department may do one or more of the following:

17 (1) Deny the application for certification.

18 (2) Issue a public reprimand.

19 (3) Revoke, suspend, limit or otherwise restrict the  
20 certification.

21 (4) Require the person to take refresher educational  
22 courses.

23 (5) Impose a civil money penalty not exceeding \$1,000  
24 for each incident in which the EMS provider engages in  
25 conduct that constitutes a basis for discipline.

26 (6) Stay enforcement of any suspension, revocation or  
27 other discipline and place the individual on probation with  
28 the right to vacate the probationary order for noncompliance.

29 (c) Registration of certification.--The department shall not  
30 deny a registration of an EMS provider certification without

1 giving the applicant prior notice of the reason for the denial  
2 and providing an opportunity for a hearing.

3 (d) Reinstatement.--A person whose certification has been  
4 revoked may not apply for reinstatement of that certification. A  
5 person may petition the department for allowance to apply for a  
6 new certification five years from the effective date of the  
7 revocation by filing with the department a petition that avers  
8 facts to establish that the person has been rehabilitated to an  
9 extent that issuing the person a certification would not be  
10 detrimental to the public interest. The department may grant or  
11 deny the petition, without conducting a hearing, if it accepts  
12 as true all facts averred, other than the conclusory averments,  
13 such as that the person has been rehabilitated. If the  
14 department grants the person allowance to apply for a new  
15 certification, the person shall repeat the training program and  
16 the certification examinations for the level of certification  
17 for which the person is applying and satisfy all other  
18 requirements for the certification that exist at the time of  
19 reapplication. If the department does not grant the person  
20 allowance to apply for a new certification, the person may not  
21 again petition the department for allowance to apply for a new  
22 certification until another year from the date of denial.

23 § 7222. Emergency medical services vehicle operators.

24 (a) Certification.--An EMS vehicle operator certification  
25 shall be permanent, subject to disciplinary action under this  
26 section. The department shall certify as an EMS vehicle operator  
27 a person who meets all of the following:

28 (1) Completes an application for an EMS vehicle operator  
29 certification on a form or through an electronic application  
30 process, as prescribed by the department.

1           (2) Is at least 18 years of age.  
2           (3) Has a current license to operate the vehicle.  
3           (4) Is not addicted to alcohol or drugs.  
4           (5) Is free from physical or mental defect or disease

5 that may impair the person's ability to drive an EMS vehicle.

6           (6) Has successfully completed an emergency vehicle  
7 operator's course of instruction approved by the department.

8           (7) Has not:

9               (i) Been convicted within the last four years prior  
10 to the date of application of driving under the influence  
11 of alcohol or drugs.

12               (ii) Within the last two years prior to the date of  
13 application, been convicted of reckless driving or had a  
14 driver's license suspended due to use of drugs or alcohol  
15 or a moving traffic violation.

16           (8) Has successfully completed an emergency vehicle  
17 operator's course of instruction approved by the department  
18 following a disqualification from certification under  
19 paragraph (7), regardless of whether the person successfully  
20 completed the course previously.

21           (b) Registration.--An EMS vehicle operator, other than an  
22 EMS vehicle operator who operates a vehicle exclusively for a  
23 QRS, shall register the EMS vehicle operator's certification. An  
24 EMS vehicle operator who operates an EMS vehicle exclusively for  
25 a QRS shall have no registration requirements. Except as  
26 otherwise provided in this subsection, an EMS vehicle operator's  
27 certification shall be deemed registered for three years after  
28 issuance. An EMS vehicle operator may not operate a ground EMS  
29 vehicle unless the certification is currently registered. The  
30 following shall apply:

1       (1) The department shall issue a registration of an EMS  
2 vehicle operator's certification to an EMS vehicle operator  
3 who meets all of the following:

4           (i) Completes an application for registration on a  
5 form or through an electronic application process, as  
6 prescribed by the department.

7           (ii) Has a current registration and applies for a  
8 new registration no later than 30 days before the current  
9 registration is to expire, or within a lesser time period  
10 as the department may establish by regulation.

11           (iii) Has a current license to operate the vehicle.

12           (iv) Successfully completes continuing education  
13 credits for EMS vehicle operators as required by the  
14 department in continuing education programs approved by  
15 the department.

16       (2) If a person who is issued an EMS vehicle operator's  
17 certification also has an EMS provider's certification, the  
18 registration of the EMS vehicle operator's certification  
19 shall expire at the same time as the registration of the EMS  
20 provider's certification. If the person does not maintain  
21 current registration of the EMS provider's certification, the  
22 registration of the EMS vehicle operator's certification  
23 shall continue on the same renewal cycle. If an EMS vehicle  
24 operator who is an EMS provider becomes certified as a  
25 higher-level EMS provider, the registration of the EMS  
26 vehicle operator's certification shall expire at the same  
27 time as the registration of the higher-level EMS provider's  
28 certification.

29       (3) If an EMS provider's certification is subject to a  
30 biennial registration cycle, the continuing education

1 requirements for the registration of the EMS vehicle  
2 operator's certification following the initial registration  
3 of the certification shall be prorated based upon the month  
4 in which the EMS provider became certified, with any  
5 fractional requirement rounded down.

6 (4) An EMS vehicle operator whose registration of an EMS  
7 vehicle operator's certification has expired shall qualify  
8 for a biennial registration of the certification as  
9 prescribed by regulation of the department.

10 (c) Transition for EMS vehicle operators.--An individual who  
11 served as an EMS vehicle operator prior to the effective date of  
12 this section, and who satisfies the EMS vehicle operator's  
13 certification requirements under subsection (a), may serve as an  
14 EMS vehicle operator for 90 days after the effective date of  
15 this section without having secured a certification as an EMS  
16 vehicle operator.

17 (d) Grounds for discipline.--The department may suspend or  
18 revoke, or, as applicable, refuse to issue an EMS vehicle  
19 operator's certification for any of the following reasons:

20 (1) Lack of physical or mental ability to operate an EMS  
21 vehicle.

22 (2) Deceptive or fraudulent procurement or  
23 representation of certification or registration credentials,  
24 or making misleading, deceptive or untrue representations to  
25 secure a certification or registration.

26 (3) The operation of an emergency vehicle in a reckless  
27 manner or while under the influence of alcohol, illegal drugs  
28 or the knowing abuse of legal drugs.

29 (4) Having a driver's license suspended due to use of  
30 alcohol or drugs or a moving traffic violation.

1       (5) Conviction of a felony or crime involving moral  
2 turpitude. For the purposes of this paragraph, a conviction  
3 includes a judgment of guilt, a plea of guilty or a plea of  
4 nolo contendere.

5       (6) Failing to perform a duty imposed upon an EMS  
6 vehicle operator under this chapter or a related regulation.

7       (7) Other reasons as determined by the department which  
8 pose a threat to the health and safety of the public.

9       (e) Suspension of certification.--If the department suspends  
10 a certification, it may also impose conditions for the lifting  
11 of the suspension, including requiring the person to  
12 successfully repeat an emergency vehicle operator's course  
13 approved by the department.

14       (f) Reporting responsibilities and automatic suspension.--An  
15 EMS vehicle operator shall report to the department within 30  
16 days a suspension of that person's driver's license or a  
17 conviction of reckless driving, a felony, a misdemeanor or any  
18 other crime that is not a summary offense or equivalent. For a  
19 conviction of driving under the influence of alcohol or drugs,  
20 reckless driving or for suspension of a driver's license, the  
21 certification shall automatically be suspended for the periods  
22 of time specified in subsection (a)(7).

23       (g) Change of address.--

24       (1) An EMS vehicle operator and an applicant for an EMS  
25 vehicle operator's certification shall ensure that the  
26 department has the current address at which the person can be  
27 reached by mail at all times.

28       (2) Neither an EMS vehicle operator's home address,  
29 telephone number nor any other residential contact  
30 information provided to the department shall be deemed a

1 public record.

2 § 7223. Suspension of certification.

3 (a) Temporary suspensions.--The department may temporarily  
4 suspend the certification of an EMS provider or EMS vehicle  
5 operator without a hearing if the department determines that the  
6 person is a clear and immediate danger to the public health and  
7 safety. Notice to a provider or operator of a temporary  
8 suspension shall include a written statement of the underlying  
9 factual allegations. After issuance of the notice, the  
10 department shall commence formal disciplinary action against the  
11 person under section 7221 (relating to certification sanctions)  
12 or 7222 (relating to emergency medical services vehicle  
13 operators). Within 30 days following the issuance of an order  
14 temporarily suspending the certification, the department shall  
15 conduct a preliminary hearing to determine if there is a prima  
16 facie case supporting the temporary suspension. The person may  
17 be present at the preliminary hearing and may be represented by  
18 counsel, cross-examine witnesses, inspect physical evidence,  
19 call witnesses and offer testimony and other evidence. If the  
20 department determines that there is not a prima facie case, the  
21 suspension shall be lifted immediately. If the department  
22 determines that there is a prima facie case, the temporary  
23 suspension shall remain in effect until vacated by the  
24 department, but not longer than 180 days unless agreed upon by  
25 the parties.

26 (b) Automatic suspensions.--The department shall  
27 automatically suspend a certification issued under this chapter  
28 upon receiving a certified copy of court records establishing  
29 that the person has been adjudicated as incapacitated under 20  
30 Pa.C.S. § 5511 (relating to petition and hearing; independent

1 evaluation) or an equivalent statutory provision. The department  
2 shall lift the suspension upon the person establishing to the  
3 department that the person has been adjudicated to have regained  
4 capacity under 20 Pa.C.S. § 5517 (relating to adjudication of  
5 capacity and modification of existing orders) or an equivalent  
6 statutory provision.

7 § 7224. Emergency medical services instructors.

8 (a) Certification.--An EMS instructor's certification is  
9 permanently subject to disciplinary action under this section.

10 The department shall certify as an EMS instructor a person who:

11 (1) Completes an application for an EMS instructor's  
12 certification on a form or through an electronic application  
13 process, as prescribed by the department.

14 (2) Is at least 18 years of age.

15 (3) Has successfully completed an EMS instructor's  
16 course approved by the department, or possesses a bachelor's  
17 degree in education, a teacher's certification in education  
18 or a doctorate or master's degree.

19 (4) Is certified and currently registered as an EMT or  
20 higher-level EMS provider.

21 (5) Possesses current certification in a CPR course  
22 acceptable to the department or current certification as a  
23 CPR instructor.

24 (6) Has at least one year's experience working as an EMT  
25 or higher-level EMS provider.

26 (7) Has provided at least 20 hours of monitored  
27 instruction time in an EMS provider's certification program.

28 (b) Triennial registration.--

29 (1) An EMS instructor's certification is deemed  
30 registered for three years after issuance. An EMS instructor

1 shall register the EMS instructor's certification at three-  
2 year intervals by completing an application for triennial  
3 registration on a form or through an electronic process, as  
4 prescribed by the department. An EMS instructor may not teach  
5 in an accredited EMS institute, pursuant to an EMS  
6 instructor's certification, unless the certification is  
7 currently registered. The department shall issue a triennial  
8 registration of an EMS instructor's certification to an EMS  
9 instructor who:

10 (i) Has completed an application for triennial  
11 registration on a form or through an electronic  
12 application process, as prescribed by the department.

13 (ii) Has a current registration and applies for a  
14 new registration no later than 30 days before the current  
15 registration is to expire, or within lesser time as the  
16 department may establish by regulation.

17 (iii) Has taught at least 60 hours of EMS provider's  
18 certification or rescue courses approved by the  
19 department during the previous three years.

20 (iv) Is certified and currently registered as an EMT  
21 or higher-level EMS provider.

22 (v) Possesses current certification in a CPR course  
23 acceptable to the department or current certification as  
24 a CPR instructor.

25 (2) An EMS instructor whose registration as an EMS  
26 instructor's certification has expired shall qualify for a  
27 triennial registration of the certification as prescribed by  
28 regulation of the department.

29 (c) Regulations.--The department may adopt regulations to  
30 set standards for EMS instructors in providing instruction in

1 EMS institutions.

2 (d) Grounds for discipline.--The department may impose  
3 discipline against an EMS instructor for the following reasons:

4 (1) Any reason an EMS provider may be disciplined under  
5 section 7221 (relating to certification sanctions).

6 (2) Providing instruction while under the influence of  
7 alcohol, illegal drugs or the knowing abuse of legal drugs.

8 (3) Failing to perform a duty imposed upon an EMS  
9 instructor by this chapter or a related regulation.

10 (4) Other reasons as determined by the department that  
11 pose a threat to the health, safety or welfare of students.

12 (e) Disciplinary options.--If the department is empowered to  
13 impose discipline against an individual under this section, the  
14 department may do one or more of the following:

15 (1) Deny the application for certification.

16 (2) Issue a public reprimand.

17 (3) Revoke, suspend, limit or otherwise restrict the  
18 certification.

19 (4) Impose a civil money penalty not exceeding \$1,000  
20 for each incident in which the EMS instructor engages in  
21 conduct that constitutes a basis for discipline.

22 (5) Stay enforcement of any suspension, revocation or  
23 other discipline and place the individual on probation with  
24 the right to vacate the probationary order for noncompliance.

25 (f) Construction.--This section shall not be construed to  
26 require the certification as EMS instructors of all instructors  
27 of EMS courses accepted toward educational requirements for EMS  
28 provider's certification or toward continuing education  
29 requirements for the registration of EMS provider's  
30 certifications.

1 § 7225. Medical director of emergency medical services agency.

2 (a) Qualifications.--To qualify and continue to function as  
3 an EMS agency medical director, an individual shall:

4 (1) Be a physician.

5 (2) Satisfy one of the following:

6 (i) Have successfully completed an emergency  
7 medicine residency program accredited by a residency  
8 program accrediting body recognized by the State Board of  
9 Medicine or the State Board of Osteopathic Medicine.

10 (ii) Have successfully completed a residency program  
11 in surgery, internal medicine, family medicine,  
12 pediatrics or anesthesiology, accredited by a residency  
13 program accrediting body recognized by the State Board of  
14 Medicine or the State Board of Osteopathic Medicine. The  
15 physician shall also have successfully completed or  
16 taught an advanced cardiac life support course acceptable  
17 to the department within the preceding two years and have  
18 completed, at least once, an advanced trauma life support  
19 course acceptable to the department and an advanced  
20 pediatric life support course acceptable to the  
21 department, or other programs determined by the  
22 department to meet or exceed the standards of these  
23 programs.

24 (iii) Have served as an advanced life support  
25 service medical director under the act of July 3, 1985  
26 (P.L.164, No.45), known as the Emergency Medical Services  
27 Act, prior to the effective date of this chapter.

28 (3) Have a valid Drug Enforcement Agency number.

29 (4) Have completed the EMS agency medical director's  
30 course, an EMS fellowship or other EMS training program that

1 is determined by the department to be equivalent. This  
2 training shall assure that the EMS agency medical director  
3 has knowledge of:

4 (i) The scope of practice of EMS providers.

5 (ii) The provision of EMS pursuant to department-  
6 approved protocols.

7 (iii) The interface between EMS providers and  
8 medical command physicians.

9 (iv) Quality improvement principles.

10 (v) Emergency medical dispatch principles and EMS  
11 agency communication capabilities.

12 (vi) EMS system design and operation.

13 (vii) Federal and State laws and regulations  
14 regarding EMS.

15 (viii) Regional and State mass casualty and disaster  
16 plans.

17 (b) Roles and responsibilities.--An EMS agency medical  
18 director is responsible for the following:

19 (1) Reviewing department-approved EMS protocols that are  
20 applicable to the EMS agency and ensuring that its EMS  
21 providers and other relevant personnel are familiar with the  
22 protocols applicable to them.

23 (2) Conducting for and reporting to the EMS agency the  
24 following:

25 (i) An initial assessment of an EMS provider at or  
26 above the advanced EMT level to determine whether the EMS  
27 provider has demonstrated competency in the knowledge and  
28 skills one must have to competently perform the skills  
29 within the scope of practice of the EMS provider at that  
30 level, and a commitment to adequately perform other

1 functions relevant to the EMS provider providing EMS at  
2 that level. This subparagraph does not apply if the EMS  
3 provider was working for the EMS agency at the same level  
4 prior to the physician becoming the medical director for  
5 the EMS agency and the EMS provider was credentialed at  
6 that EMS agency within the last year as being able to  
7 perform at the EMS provider's certification level.

8 (ii) At least annually, an assessment of each EMS  
9 provider at or above the advanced EMT level as to whether  
10 the EMS provider has demonstrated competency in the  
11 knowledge and skills an EMS provider must have to  
12 competently perform the skills within the scope of  
13 practice of the EMS provider at that level, and a  
14 commitment to adequately perform other functions relevant  
15 to the EMS provider providing EMS at that level.

16 (3) Participating in and reviewing quality improvement  
17 reviews of patient care provided by the EMS agency and  
18 participating in the Statewide and regional quality  
19 improvement program.

20 (4) Providing medical guidance and advice to the EMS  
21 agency.

22 (5) Providing guidance with respect to the ordering,  
23 stocking and replacement of drugs, and compliance with laws  
24 and regulations impacting upon the EMS agency's acquisition,  
25 storage and use of those drugs.

26 (6) Maintaining a liaison with the regional EMS medical  
27 director.

28 (7) Recommending to the department suspension,  
29 revocation or restriction of EMS provider's certifications.

30 (8) Reviewing regional mass casualty and disaster plans.

1           (9) Performing other functions as the department may  
2           impose by regulation.

3   § 7226. Medical command physicians and facility medical  
4           directors.

5           (a) Role of medical command physician.--A medical command  
6   physician communicates with and issues medical command orders to  
7   EMS providers when they seek direction. A medical command  
8   physician shall have an arrangement with a medical command  
9   facility to provide medical command on its behalf, and shall  
10 function under the direction of a medical command facility  
11 medical director and under the policies and procedures of the  
12 medical command facility. A medical command physician shall  
13 provide medical command to EMS providers consistent with  
14 Statewide protocols and protocols that are in effect in either  
15 the region in which treatment originates or the region from  
16 which the EMS providers begin receiving medical command from a  
17 medical command physician. For good cause, a medical command  
18 physician may give medical command orders that are inconsistent  
19 with these protocols.

20           (b) Certification.--The department shall certify as a  
21 medical command physician a physician who was approved as a  
22 medical command physician in this Commonwealth immediately prior  
23 to the effective date of this section. The department shall also  
24 certify as a medical command physician a physician who:

25           (1) Completes an application for medical command  
26 physician certification on a form or through an electronic  
27 application process, as prescribed by the department.

28           (2) Satisfies one of the following:

29           (i) Has successfully completed an emergency medicine  
30 residency program accredited by a residency program

1 accrediting body recognized by the State Board of  
2 Medicine or the State Board of Osteopathic Medicine.

3 (ii) Has successfully completed or taught an  
4 advanced cardiac life support course acceptable to the  
5 department within the preceding two years and has  
6 successfully completed or taught an advanced trauma life  
7 support course acceptable to the department and an  
8 advanced pediatric life support course acceptable to the  
9 department, or other programs determined by the  
10 department to meet or exceed the standards of these  
11 programs.

12 (iii) Has had an emergency medicine practice in  
13 another jurisdiction and establishes to the department  
14 that the physician has a combination of training,  
15 education and emergency medicine practice that makes the  
16 physician qualified to serve as a medical command  
17 physician.

18 (3) Has completed a medical command course offered or  
19 approved by the department.

20 (4) Is practicing as an emergency medicine physician or  
21 is participating as a resident in a second or subsequent year  
22 in an emergency medicine residency program or has had at  
23 least three years' experience as a full-time emergency  
24 medicine physician.

25 (5) Has a current Drug Enforcement Agency number, except  
26 for an emergency medicine resident who is authorized to use a  
27 hospital's Drug Enforcement Agency number for practice within  
28 the emergency medicine residency program.

29 (6) Has an arrangement with a medical command facility  
30 to serve as a medical command physician for that facility

1 after receiving certification as a medical command physician.

2 (c) Triennial registration.--A medical command physician's  
3 certification is deemed registered for three years after  
4 issuance. A medical command physician shall triennially register  
5 the physician's certification with the department, on a form or  
6 through an electronic application process, as prescribed by the  
7 department, as a condition for continued practice as a medical  
8 command physician. The department shall issue a triennial  
9 registration of a medical command physician's certification to a  
10 medical command physician within 30 days after the physician  
11 applies for a new registration if the physician demonstrates  
12 that the physician continues to meet the requirements for the  
13 certification, except the requirements of subsection (b) (2), and  
14 satisfies such other requirements as the department may impose  
15 by regulation.

16 (d) Residents.--A physician who is in a second year in an  
17 emergency medicine residency program may issue medical command  
18 orders only to the extent that performance of that function is a  
19 component of and within the framework of the emergency medicine  
20 residency program, and may do so only with supervision by a  
21 medical command physician who has served as a medical command  
22 physician for at least two years, has completed two years in an  
23 emergency medicine residency program or has secured medical  
24 command certification by satisfying subsection (b) (2) (iii).

25 (e) Role of medical command facility medical director.--A  
26 medical command facility medical director shall be responsible  
27 for the following in a medical command facility:

28 (1) Medical command.

29 (2) Quality improvement.

30 (3) Serving as a liaison with the regional EMS council

1 medical director.

2 (4) Participating in prehospital training activities.

3 (5) Verifying to the department that a physician seeking  
4 a medical command physician's certification, based upon the  
5 physician's arrangement with the medical command facility,  
6 meets all certification requirements.

7 (6) Ensuring that the medical command facility satisfies  
8 statutory and regulatory requirements.

9 (f) Certification.--The department shall certify as a  
10 medical command facility medical director a physician who was  
11 approved as a medical command facility medical director in this  
12 Commonwealth immediately prior to the effective date of this  
13 section. The department shall also certify as a medical command  
14 facility medical director a physician who:

15 (1) Completes an application for medical command  
16 facility medical director certification on a form or through  
17 an electronic application process, as prescribed by the  
18 department.

19 (2) Is currently serving as a medical command physician.

20 (3) Satisfies one of the following:

21 (i) Has successfully completed a residency program  
22 in emergency medicine accredited by a residency program  
23 accrediting body recognized by the State Board of  
24 Medicine or the State Board of Osteopathic Medicine.

25 (ii) Has successfully:

26 (A) completed a residency program in surgery,  
27 internal medicine, family medicine, pediatrics or  
28 anesthesiology accredited by a residency program  
29 accrediting body recognized by the State Board of  
30 Medicine or the State Board of Osteopathic Medicine;

1           and

2           (B) completed or taught:

3           (I) an advanced cardiac life support course  
4           acceptable to the department within the preceding  
5           two years;

6           (II) an advanced trauma life support course  
7           acceptable to the department; and

8           (III) an advanced pediatric life support  
9           course acceptable to the department.

10          (4) Has experience in prehospital and emergency  
11          department care of acutely ill or injured patients.

12          (5) Has experience in providing medical command  
13          direction to EMS providers.

14          (6) Has experience in the training of EMS providers both  
15          below and above the advanced EMT level.

16          (7) Has experience in the medical audit, review and  
17          critique of EMS providers below and above the advanced EMT  
18          level.

19          (8) Has an arrangement with a medical command facility  
20          to serve as its medical director after receiving  
21          certification as a medical command facility medical director.

22          (g) Triennial registration.--A medical command facility  
23          medical director's certification is deemed registered for three  
24          years after issuance. A medical command facility medical  
25          director shall triennially register the physician's  
26          certification with the department on a form or through an  
27          electronic application process, as prescribed by the department,  
28          as a condition for continued practice as a medical command  
29          facility medical director. The department shall issue a  
30          triennial registration of a medical command facility medical

1 director certification to a medical command facility medical  
2 director within 30 days after the physician applies for a new  
3 registration, if the physician demonstrates that the physician  
4 continues to meet the requirements for the certification, except  
5 the requirements of subsection (f)(3), and satisfies such other  
6 requirements as the department may impose by regulation.

7 (h) Grounds for discipline.--The department may discipline a  
8 medical command physician or medical command facility medical  
9 director for the following reasons:

10 (1) Violating a responsibility imposed on the physician  
11 by this chapter or the related regulations.

12 (2) Without good cause, failing to comply with a medical  
13 treatment, transport or transfer protocol established or  
14 approved by the department.

15 (i) Types of discipline authorized.--When the department is  
16 empowered to discipline a medical command physician or medical  
17 command facility medical director under subsection (h), the  
18 department may do one or more of the following:

19 (1) Deny the application for a certification.

20 (2) Issue a public reprimand.

21 (3) Revoke, suspend, limit or otherwise restrict or  
22 condition the certification.

23 (4) Impose a civil money penalty not exceeding \$1,000  
24 for each incident in which the physician engages in conduct  
25 that constitutes a basis for discipline.

26 (5) Stay enforcement of any suspension, revocation or  
27 other discipline and place the individual on probation with  
28 the right to vacate the probationary order for noncompliance.

29 § 7227. Medical command facilities.

30 (a) Certification required.--To operate as a medical command

1 facility, a medical unit must be certified by the department as  
2 a medical command facility. The department shall issue a  
3 certification to each medical unit that operated as a medical  
4 command facility immediately prior to the effective date of this  
5 section.

6 (b) Application.--Application for certification shall be on  
7 a form or through an electronic application process prescribed  
8 by the department. The application shall solicit information  
9 necessary to determine that the applicant meets the  
10 certification requirements of this chapter.

11 (c) Requirements.--An applicant shall establish that the  
12 applicant:

13 (1) Is a distinct medical unit operated by a hospital or  
14 consortium of hospitals.

15 (2) Possesses the necessary equipment and personnel for  
16 providing medical command to and control over EMS providers.

17 (3) Employs a medical command facility medical director.

18 (4) Has taken measures necessary to ensure that a  
19 medical command physician is available to provide medical  
20 command at all times.

21 (5) Meets the communication, recordkeeping and other  
22 requirements of the department.

23 (d) Additional requirements.--In addition to the  
24 requirements of subsection (c), the department may establish by  
25 regulation requirements for a medical command facility to ensure  
26 that it operates in an effective and efficient manner to achieve  
27 the purposes for which it is certified.

28 (e) Triennial registration.--A medical command facility's  
29 certification is deemed registered for three years after  
30 issuance. A medical command facility must register its

1 certification at three-year intervals by completing an  
2 application for triennial registration on a form or through an  
3 electronic application process prescribed by the department. The  
4 department shall grant or deny recertification within 30 days of  
5 receipt of the application.

6 (f) Inspections and inquiries.--The department shall conduct  
7 an inspection of the medical unit of each applicant and also  
8 inspect existing medical command facilities from time to time as  
9 appropriate, but not less than once every three years. The  
10 department shall have full and free access to examine the  
11 medical command facility and its records relating to its  
12 operation as a medical command facility. The medical command  
13 facility shall fully respond to any inquiry by the department  
14 relevant to the determination of whether the facility meets  
15 certification and operational requirements.

16 (g) Grounds for discipline.--The department may discipline a  
17 medical command facility for the following reasons:

18 (1) Violating a requirement of this section.

19 (2) Violating a certification requirement or an  
20 operational requirement imposed under subsection (d).

21 (3) Refusing to permit an inspection or respond to an  
22 inquiry under subsection (f).

23 (4) Failing to comply, without just cause, with a  
24 medical treatment, transport or transfer protocol approved by  
25 the department.

26 (h) Types of discipline.--When the department is empowered  
27 to discipline a medical command facility, the department may do  
28 one or more of the following:

29 (1) Deny the application for a certification.

30 (2) Issue a public reprimand.

1       (3) Revoke, suspend, limit or otherwise restrict or  
2       condition the certification.

3       (4) Impose a civil money penalty of up to \$5,000 for  
4       each act that presents a basis for discipline.

5       (5) Stay enforcement of any suspension, revocation or  
6       other discipline and place the facility on probation with the  
7       right to vacate the probationary order for noncompliance.

8       § 7228. Receiving facilities.

9       (a) Purpose.--A receiving facility is a facility to which an  
10       ambulance may transport a patient who requires prompt medical  
11       care in addition to that provided by the ambulance crew after  
12       the crew responds to an emergency.

13       (b) Requirements.--A receiving facility shall include, but  
14       need not be limited to, a fixed location having an organized  
15       emergency department, including a physician trained to manage  
16       cardiac, trauma, pediatric, medical, behavioral and all-hazards  
17       emergencies, who is present in the facility and available to the  
18       emergency department 24 hours per day and seven days per week.  
19       By regulation, the department may authorize other types of  
20       facilities to serve as receiving facilities for purposes of  
21       servicing patients who have special medical needs.

22       (c) Patient transports.--Unless directed otherwise by a  
23       medical command physician, the initial transport of a patient  
24       following an ambulance response to a reported emergency shall be  
25       to a receiving facility pursuant to a protocol under section  
26       7205(c) (relating to duties of department) or 7209(c)(8)  
27       (relating to regional emergency medical services councils) or  
28       such other location as the department designated by protocol.

29       § 7229. Emergency medical services agencies.

30       (a) License required.--A person may not, as an owner, agent

1 or otherwise, operate, conduct, maintain, advertise or otherwise  
2 engage in or profess to be engaged in operating or providing an  
3 ambulance, advanced life support squad vehicle, basic life  
4 support squad vehicle, quick response service, special  
5 operations EMS service or other vehicle or service as prescribed  
6 by the department by regulation to provide EMS outside a health  
7 care facility or on roadways, airways or waterways of this  
8 Commonwealth unless the person holds a current EMS agency  
9 license authorizing the particular service or operation.

10 (b) Application.--An application for an EMS agency license  
11 shall be submitted on a form or through an electronic  
12 application process prescribed by the department.

13 (c) Issuance of license.--The department shall issue a  
14 license to an applicant when it is satisfied that:

15 (1) The applicant and persons having substantial  
16 ownership interests in the applicant are responsible persons  
17 and the EMS agency will be staffed by and conduct its  
18 activities utilizing responsible persons. For purposes of  
19 this paragraph:

20 (i) a responsible person is a person who has not  
21 engaged in any act contrary to justice, honesty or good  
22 morals which indicates that the person is likely to  
23 betray the public trust in carrying out the activities of  
24 an EMS agency, or a person who has engaged in such  
25 conduct but has been rehabilitated and establishes that  
26 he or she is not likely to again betray the public trust;

27 (ii) a person has a substantial ownership interest  
28 if the person has equity in the capital, stock or the  
29 profits of the EMS agency equal to 5% or more of the  
30 value of the property or assets of the EMS agency; and

1           (iii) a person staffs an EMS agency if the person  
2           engages in an activity integral to operation of the EMS  
3           agency, including, but not limited to, making or  
4           participating in the making or execution of management  
5           decisions, providing EMS, billing, call-taking and  
6           dispatching.

7           (2) The applicant meets supply and equipment  
8           requirements and each ambulance or other vehicle that will be  
9           used in providing EMS is adequately constructed and equipped  
10           and will be maintained and operated to safely and efficiently  
11           render the services offered.

12           (3) The applicant will meet the staffing standards for  
13           its vehicles and services.

14           (4) The applicant will provide safe and efficient  
15           services that are adequate for the emergency medical care,  
16           the treatment and comfort and, when appropriate, the  
17           transportation of patients.

18           (5) The applicant will have an EMS agency medical  
19           director who, in addition to satisfying the criteria of  
20           section 7225(a) (relating to medical director of emergency  
21           medical services agency), satisfies other criteria the  
22           department may establish by regulation based on the types of  
23           vehicles and services the applicant intends to provide under  
24           the EMS agency license.

25           (6) The applicant is in compliance with the rules and  
26           regulations promulgated under this chapter.

27           (d) Persons under 18 years of age.--An EMS agency shall  
28           ensure that a person under 18 years of age, when providing EMS  
29           on behalf of the EMS agency, is directly supervised by an EMS  
30           provider who is at least 21 years of age who has the same or

1 higher level of EMS provider certification and at least one year  
2 of active practice as an EMS provider.

3 (e) Triennial registration.--An EMS agency's license is  
4 deemed registered for three years after the issuance. An EMS  
5 agency must register its license at three-year intervals by  
6 completing an application on a form or through an electronic  
7 application process prescribed by the department. The department  
8 shall act on the application within 90 days of receipt of a  
9 complete and accurate application. The department shall not deny  
10 a registration of a license without giving the applicant prior  
11 notice of the reason for denial and providing an opportunity for  
12 a hearing.

13 (f) Nontransferability of license.--An EMS agency may not  
14 transfer its license. An EMS agency may enter into a contract  
15 with another entity for that entity to manage the EMS agency if  
16 that entity has been approved by the department to manage an EMS  
17 agency. The department may deny approval to an entity to provide  
18 management services for an EMS agency if:

19 (1) the entity is not in compliance with this chapter or  
20 applicable regulations;

21 (2) the entity is not a responsible person as defined in  
22 subsection (c)(1)(i);

23 (3) a person having a substantial ownership interest in  
24 the entity is not a responsible person;

25 (4) the entity will not be staffed by or conduct its  
26 activities through responsible persons; or

27 (5) the entity refuses to provide the department with  
28 records or information reasonably requested to enable the  
29 department to make a determination.

30 (g) Display.--As prescribed by department regulation, a

1 current department-issued inspection sticker shall be displayed  
2 on each ambulance, advanced life support squad vehicle, basic  
3 life support squad vehicle and, as required by regulation, any  
4 other EMS vehicle authorized by the department.

5 (h) Inspection.--The department or its agent shall inspect  
6 an applicant's vehicles, equipment and personnel qualifications  
7 prior to granting an EMS agency license and shall inspect an EMS  
8 agency from time to time, as deemed appropriate and necessary,  
9 but not less than once every three years.

10 (i) Dispatching.--

11 (1) An EMS agency that operates a communications center  
12 dispatching EMS resources shall use call-takers and  
13 dispatchers who satisfy the requirements of the Pennsylvania  
14 Emergency Management Agency under section 3(a)(6) of the act  
15 of July 9, 1990 (P.L.340, No.78), known as the Public Safety  
16 Emergency Telephone Act, and shall use an emergency medical  
17 dispatch program approved by the department. An emergency  
18 medical dispatch program is a system or program that enables  
19 patients to be assessed and treated via telecommunication by  
20 using accepted medical dispatch standards.

21 (2) Operation by an EMS agency of a communications  
22 center that dispatches EMS resources shall be considered part  
23 of the EMS agency's licensed operation and shall be subject  
24 to the requirements of this chapter and the department's  
25 regulations.

26 (j) Construction, equipment and supplies.--Within two years  
27 after the effective date of this chapter, the department shall  
28 publish in the Pennsylvania Bulletin, and update as necessary,  
29 vehicle construction and equipment and supply requirements for  
30 EMS agencies in this Commonwealth based upon the types of EMS

1 vehicles operated and the services provided.

2 (k) Implementation of credentialing decisions.--An EMS  
3 agency may not permit an EMS provider at or above the advanced  
4 EMT level to provide EMS at that level unless its EMS agency  
5 medical director apprises that the EMS provider satisfies the  
6 criteria of section 7225(b)(2). An EMS agency may permit an EMS  
7 provider who does not satisfy the section 7225(b)(2) criteria to  
8 continue to work for the EMS agency at a lower EMS provider  
9 level if the EMS provider is authorized to do so by the EMS  
10 agency medical director. The EMS agency shall notify the  
11 department of that decision within ten days after it is made. If  
12 the EMS agency medical director has determined that the EMS  
13 provider has not demonstrated competency in the knowledge and  
14 skills necessary to competently perform the skills within the  
15 scope of practice of the EMS provider at that level or has not  
16 demonstrated a commitment to adequately perform other functions  
17 relevant to the EMS provider providing EMS at that level, and  
18 the EMS agency medical director chooses to impose restrictions  
19 on the EMS provider's practice, such as requiring the EMS  
20 provider to function under the supervision of another EMS  
21 provider or requiring the EMS provider to contact a medical  
22 command physician prior to providing EMS, then the EMS agency  
23 may permit the EMS provider to provide EMS only with the  
24 restrictions directed by the EMS agency medical director.

25 (l) Staffing.--The department may by regulation revise the  
26 staffing standards for ambulances, squad vehicles and quick  
27 response services set forth in sections 7230 (relating to  
28 advanced life support ambulances), 7231 (relating to air  
29 ambulances), 7232 (relating to advanced life support squad  
30 vehicles), 7233 (relating to basic life support ambulances),

1 7234 (relating to basic life support squad vehicles) and 7235  
2 (relating to quick response services).

3 (m) Custody or control of patient.--If a law enforcement  
4 officer is at the scene of a police incident when an EMS  
5 provider arrives, the law enforcement officer may preclude the  
6 EMS provider from entering the scene to provide EMS until the  
7 law enforcement officer determines that it is safe for the EMS  
8 provider to enter. Under such circumstances, the law enforcement  
9 officer shall permit the EMS provider access to the patient  
10 before the officer transports the patient. If, pursuant to a  
11 medical treatment protocol or medical command order, an EMS  
12 agency is required to transport to a receiving facility a  
13 patient whom a law enforcement officer has taken or wants to  
14 take into custody or whom the law enforcement officer believes  
15 needs to be spoken with immediately, the EMS agency shall  
16 transport the patient to a receiving facility and the law  
17 enforcement officer shall have discretion to accompany the  
18 patient in the EMS vehicle and authority to employ security  
19 precautions deemed necessary by the law enforcement officer to  
20 ensure the safety of the officer and others, except that the  
21 security precautions shall not unreasonably interfere with the  
22 provision of EMS to the patient.

23 (n) Cessation of operations.--Upon suspension or revocation  
24 of a license, the EMS agency shall cease operations and no  
25 person shall permit or cause the EMS agency to continue.

26 (o) Discontinuance or reduction of service.--An EMS agency  
27 shall not discontinue providing service it is licensed to  
28 provide or reduce the hours when it provides service until a  
29 minimum of 90 days after notifying the department in writing of  
30 the change. Notice shall include a statement that the licensee

1 has notified the chief executive officer of each political  
2 subdivision in the licensee's service area of the intent to  
3 discontinue providing the service or reduce the hours it  
4 provides the service and that the intent to discontinue or  
5 reduce hours has been advertised in a newspaper of general  
6 circulation in the licensee's service area.

7 (p) Regulations.--The department shall promulgate  
8 regulations setting forth requirements for EMS agencies in this  
9 Commonwealth based upon the types of EMS vehicles they operate  
10 and the services they provide.

11 (q) Transition for ambulance services and quick response  
12 services.--Upon the effective date of this section, an entity  
13 that is licensed as an ambulance service or recognized as a QRS  
14 immediately prior to the effective date of this section may  
15 continue to operate as an EMS agency if it meets the staffing  
16 and other operational requirements of this chapter, and it shall  
17 be considered to be an EMS agency with a current registration of  
18 its license. The initial registration of the EMS agency's  
19 license shall expire on the same date that the entity's license  
20 as an ambulance service or recognition as a QRS would have  
21 expired if it had remained in effect.

22 (r) Exemptions.--The following are exempt from the licensing  
23 provisions of this chapter:

24 (1) Privately owned vehicles not ordinarily used to  
25 transport patients.

26 (2) An EMS agency licensed in another state and not  
27 under this chapter that is dispatched to respond to an  
28 emergency within this Commonwealth when an EMS vehicle or  
29 service licensed under this chapter is unable to respond  
30 within a reasonable time or its response is not sufficient to

1 deal with the emergency.

2 (3) An EMS agency licensed in another state that limits  
3 its operations in this Commonwealth to the transportation,  
4 and provision of medical care incidental to transportation of  
5 patients and other persons requiring transportation by EMS  
6 vehicles from locations outside this Commonwealth to  
7 locations within this Commonwealth.

8 (4) EMS vehicles owned and operated by an agency of the  
9 Federal Government.

10 § 7230. Advanced life support ambulances.

11 (a) Purpose.--An ALS ambulance crew provides medical  
12 assessment, triage, monitoring, treatment, transportation and  
13 observation of patients who require EMS above the skill level of  
14 an advanced EMT.

15 (b) Staffing requirements.--

16 (1) Except as otherwise provided in this section,  
17 minimum staffing requirements for an ALS ambulance when  
18 responding to a call to provide EMS for a patient requiring  
19 EMS above the skill level of an advanced EMT is one EMS  
20 provider at or above the EMT level, one EMS provider above  
21 the advanced EMT level and one EMS vehicle operator. Only the  
22 two EMS providers need to respond if one of them is also the  
23 EMS vehicle operator. When present, an EMS provider qualified  
24 to provide the type and level of EMS required by the patient  
25 must attend to the patient at the scene and during  
26 transportation. If a member of the ambulance crew arrives at  
27 the scene before another crew member, that person shall begin  
28 providing EMS to the patient at that person's skill level.

29 (2) Minimum staffing requirements for an ALS ambulance  
30 is the same as for a BLS ambulance when the ALS ambulance

1 responds to a call to provide EMS for a patient requiring EMS  
2 at or below the skill level of an advanced EMT.

3 § 7231. Air ambulances.

4 (a) Purpose.--An air ambulance is a rotorcraft staffed by a  
5 crew that provides medical assessment, treatment, monitoring,  
6 observation and transportation of patients who require EMS where  
7 time to administer definitive care is of the essence and  
8 transportation by air ambulance to a facility able to provide  
9 the care is faster than transportation by ground ambulance, or  
10 require EMS provided by specialized equipment or providers not  
11 available on a ground ambulance and the air ambulance can  
12 provide this faster than the patient would receive such care at  
13 a receiving facility if transported by ground ambulance.

14 (b) Staffing requirements.--Minimum staffing standards for  
15 an air ambulance when dispatched to provide or when providing  
16 medical assessment, treatment, monitoring, observation or  
17 transportation of a patient is one pilot and two EMS providers  
18 other than the pilot who are above the advanced EMT level, with  
19 at least one of those two EMS providers specially trained in air  
20 medical transport.

21 § 7232. Advanced life support squad vehicles.

22 (a) Purpose.--An ALS squad vehicle transports EMS providers  
23 above the advanced EMT level, along with equipment and supplies,  
24 to rendezvous with an ambulance crew or to respond prior to  
25 arrival of an ambulance, in order to provide medical assessment,  
26 monitoring, treatment and observation of a patient who requires  
27 EMS at or above the skill level of an advanced EMT. An ALS squad  
28 vehicle does not transport patients.

29 (b) Staffing requirements.--Minimum staffing for an ALS  
30 squad unit responding to a call to provide EMS for a patient who

1 requires EMS above the skill level of an advanced EMT shall be  
2 one EMS provider above the advanced EMT level and one EMS  
3 vehicle operator, except that the EMS provider may staff the  
4 vehicle alone if the EMS provider is also an EMS vehicle  
5 operator.

6 § 7233. Basic life support ambulances.

7 (a) Purpose.--A BLS ambulance crew provides medical  
8 assessment, triage, monitoring, treatment, transportation and  
9 observation of patients who require EMS at or below the skill  
10 level of an advanced EMT and also transports patients who  
11 require EMS above the skill level of an advanced EMT when an EMS  
12 provider above the level of an advanced EMT rendezvous with the  
13 BLS ambulance before or during transport of the patient and  
14 accompanies the patient during the transport after arrival.

15 (b) Staffing requirements.--

16 (1) Except as provided under paragraph (2), minimum  
17 staffing for a BLS ambulance when responding to a call to  
18 provide EMS is an ambulance attendant, EMR or EMT, a second  
19 EMS provider at or above the EMT level, and an EMS vehicle  
20 operator, except that only the two EMS providers need to  
21 respond if one of them is also the EMS vehicle operator. When  
22 present, an EMS provider above the EMR level must attend to  
23 the patient at the scene and during patient transportation.

24 (2) Two years after the effective date of this section,  
25 the minimum staffing for a BLS ambulance when responding to a  
26 call to provide EMS is an EMS provider at or above the EMR  
27 level, an EMS provider at or above the EMT level, and an EMS  
28 vehicle operator, except that only two EMS providers need to  
29 respond if one of them is also the EMS vehicle operator. When  
30 present, an EMS provider above the EMR level must attend to

1 the patient at the scene and during patient transportation.

2 (3) If dispatched to provide EMS for a patient who  
3 requires EMS above the skill level of an advanced EMT, the  
4 BLS ambulance shall respond as set forth in this subsection.  
5 If the BLS ambulance crew members arrive at the scene before  
6 a higher-level EMS provider of an ALS ambulance or ALS squad  
7 vehicle, the BLS crew members shall provide EMS to the  
8 patient at their skill level, including transportation of the  
9 patient to a receiving facility if needed, until higher-level  
10 EMS is afforded by the arrival of a higher-level EMS  
11 provider, after which the BLS ambulance crew shall relinquish  
12 primary responsibility for the patient to the higher-level  
13 EMS provider.

14 (4) When transporting from a sending hospital a patient  
15 who requires EMS above the skill level of an advanced EMT, if  
16 a registered nurse, physician assistant or physician from the  
17 sending or receiving hospital joins the ambulance crew,  
18 brings on board the ambulance all equipment and supplies to  
19 provide the patient with reasonably anticipated EMS above the  
20 skill level of an advanced EMT and attends to the patient  
21 during the patient transportation, the minimum staffing  
22 requirements for the BLS ambulance are as set forth in  
23 paragraphs (1) and (2).

24 § 7234. Basic life support squad vehicles.

25 (a) Purpose.--A BLS squad vehicle transports an EMS  
26 provider, along with basic EMS equipment and supplies, to  
27 respond prior to arrival of an ambulance in order to provide EMS  
28 at or below the advanced EMT level of care. A BLS squad vehicle  
29 is not utilized to transport patients.

30 (b) Staffing requirements.--Minimum staffing for a BLS squad

1 vehicle when responding to a call to provide EMS for a patient  
2 is one EMS provider at or above the EMT level and an EMS vehicle  
3 operator, except that an EMS provider who is also an EMS vehicle  
4 operator may staff the vehicle alone.

5 § 7235. Quick response services.

6 (a) Purpose.--A QRS uses EMS providers to respond to calls  
7 for EMS and provide EMS to patients before an ambulance arrives.

8 (b) Staffing requirements.--The minimum staffing requirement  
9 for a QRS is one EMS provider.

10 § 7236. Special operations emergency medical services.

11 (a) Purpose.--A special operations EMS service provides EMS  
12 in situations or austere environments that require specialized  
13 knowledge, equipment or vehicles to access a patient or address  
14 the patient's emergency medical needs. The department shall by  
15 regulation provide for specific types of special operations EMS  
16 teams.

17 (b) Personnel requirements.--By regulation, the department  
18 may establish additional training or expertise requirements for  
19 the EMS agency medical director and the EMS providers who staff  
20 a special operations EMS service.

21 (c) Other requirements.--By regulation, the department may  
22 establish staffing, equipment, supply and any other requirement  
23 for a special operations EMS service.

24 (d) Extraordinary applications.--An entity may propose to  
25 provide a special operations EMS need that has not been  
26 addressed by applying to the department for an EMS agency  
27 license to carry out the special operations EMS or, if it is  
28 licensed as an EMS agency, the entity may apply to the  
29 department to be authorized to provide the special operations  
30 EMS under its license. The department shall address each

1 application on an individual basis and may conditionally deny or  
2 grant an application as appropriate to protect the public health  
3 and safety. The grant of an application shall be subject to  
4 compliance with any later-adopted regulations addressing the  
5 type of special operations EMS being provided by the entity.

6 (e) Protocols.--The department may include in its Statewide  
7 EMS protocols special operations EMS protocols.

8 § 7237. First aid and other safety services.

9 (a) Purpose.--An EMS agency may provide EMS at industrial  
10 sites, amusement parks or other locations in need of the  
11 service. No ambulance or other EMS vehicle shall be required for  
12 this purpose.

13 (b) Staffing.--The minimum staffing requirement is one EMS  
14 provider.

15 (c) Other requirements.--As assigned by the EMS agency, the  
16 EMS provider may provide EMS and other medical safety services  
17 up to the level for which the EMS provider has the credentials  
18 to provide EMS for the EMS agency.

19 (d) Protocols.--An EMS provider shall follow protocols  
20 approved by the department when providing EMS under this  
21 section.

22 § 7238. Other vehicles and services.

23 The department may by regulation prescribe EMS vehicle and  
24 service standards for EMS vehicles and services not specified in  
25 this chapter. If the department establishes standards in this  
26 section, an EMS agency license shall be required to operate the  
27 EMS vehicle or provide the service, and an EMS agency may not  
28 operate the vehicle or provide the service unless approved to do  
29 so by the department.

30 § 7239. Stretcher and wheelchair vehicles.

1 (a) Stretcher vehicle.--A stretcher vehicle is a ground  
2 vehicle other than an ambulance that is utilized to transport by  
3 stretcher persons who do not receive and cannot reasonably be  
4 anticipated to require medical assessment, monitoring, treatment  
5 or observation during transportation, but who, due to their  
6 physical condition, require vehicle transportation while on a  
7 stretcher or in a wheelchair.

8 (b) Wheelchair vehicle.--A wheelchair vehicle is a ground  
9 vehicle other than an ambulance that is used to transport by  
10 wheelchair persons who do not receive and cannot reasonably be  
11 anticipated to require medical assessment, monitoring, treatment  
12 or observation during transportation, but who, due to their  
13 physical condition, require vehicle transportation while on a  
14 stretcher or in a wheelchair.

15 (c) Prohibition.--Operation by an entity of a stretcher  
16 vehicle or wheelchair vehicle to transport a person who is known  
17 or reasonably should be known by the entity to require medical  
18 assessment, monitoring, treatment or observation during  
19 transportation shall constitute unlawful operation of an  
20 ambulance for purposes of section 7256(a) and (c) (relating to  
21 penalties), and if used as an ambulance by an EMS agency shall  
22 constitute misconduct in operating an EMS agency under section  
23 7242(a)(7) (relating to emergency medical services agency  
24 license sanctions). For purposes of this section, unlawful  
25 operation includes, but is not limited to, the transportation of  
26 the person to or from a facility, a physician's office or any  
27 other location to receive or from which the person received  
28 health care services.

29 § 7240. Conditional temporary licenses.

30 When an EMS agency or an applicant for a license to operate

1 as an EMS agency does not provide service 24 hours per day and  
2 seven days per week or is unable to participate in a county-  
3 level or broader-level emergency medical response plan approved  
4 by the department, the department shall issue a conditional  
5 temporary license for operation of the EMS agency when the  
6 department determines that it is in the public interest, subject  
7 to such terms as the department deems appropriate. A conditional  
8 temporary license shall be valid for one year and may be renewed  
9 as many times as the department determines that it is in the  
10 public interest to do so.

11 § 7241. Plans of correction.

12 (a) Correction of violation.--Upon determining that an EMS  
13 agency has violated this chapter or regulations promulgated  
14 under this chapter, the department may issue a written notice to  
15 the EMS agency specifying the violation or violations that have  
16 been found. The notice shall require the EMS agency to take  
17 immediate action to discontinue the violation or to submit a  
18 plan of correction to the department, or both, to bring the EMS  
19 agency into compliance with applicable requirements. If the  
20 nature of the violation is such that the EMS agency cannot  
21 remedy the problem immediately, and a plan of correction is  
22 therefore required, the department may direct that the violation  
23 be remedied within a specified period of time. The EMS agency  
24 shall submit a plan of correction within 30 days of the  
25 department's issuance of the written notice. If immediate  
26 corrective action is required, the notice from the department  
27 shall request, and the EMS agency shall provide, prompt  
28 confirmation that the corrective action has been taken.

29 (b) Discretion.--The department shall not afford the EMS  
30 agency an opportunity to correct a violation without facing

1 disciplinary charges if the department determines that it is not  
2 in the public interest to do so.

3 § 7242. Emergency medical services agency license sanctions.

4 (a) Grounds for discipline.--The department may discipline  
5 an EMS agency or, as applicable, refuse to issue an EMS agency  
6 license for any of the following reasons:

7 (1) Violating the requirements of this chapter or  
8 regulation adopted under this chapter.

9 (2) Failing to submit a plan of correction acceptable to  
10 the department or correct a deficiency as required under  
11 section 7241 (relating to plans of correction) or failing to  
12 comply with the plan of correction.

13 (3) Refusing to accept a conditional temporary license  
14 properly sought by the department or to abide by its terms.

15 (4) Fraud or deceit in obtaining or attempting to obtain  
16 a license.

17 (5) Lending its license or, except as permitted under  
18 section 7229(f) (relating to emergency medical services  
19 agencies), enabling another person to manage or operate the  
20 EMS agency or any service covered by the license.

21 (6) Using the license of another or in any way knowingly  
22 aiding or abetting the improper granting of a license,  
23 certification, accreditation or other authorization issued  
24 under this chapter.

25 (7) Incompetence, negligence or misconduct in operating  
26 the EMS agency or in providing EMS to patients.

27 (8) The licensee is not a responsible person or is not  
28 staffed by responsible persons and refuses to remove from its  
29 staff the irresponsible person or persons when directed to do  
30 so by the department. For purposes of this paragraph, "staff"

1 and "responsible person" shall have the meanings set forth in  
2 section 7229(c)(1).

3 (9) Refusing to respond to an emergency and render EMS  
4 because of a patient's race, sex, creed, national origin,  
5 sexual preference, age, handicap, medical problem or  
6 financial inability to pay.

7 (10) Conviction of a felony or a crime involving moral  
8 turpitude or related to the practice of the EMS agency.

9 (11) Making misrepresentations in seeking funds made  
10 available through the department.

11 (12) Failing to continue to meet applicable licensure  
12 requirements.

13 (13) Violating an order previously issued by the  
14 department in a disciplinary matter.

15 (b) Disciplinary options.--If the department is empowered to  
16 impose discipline against an EMS agency under this section, the  
17 department may do one or more of the following:

18 (1) Deny the application for a license.

19 (2) Administer a written reprimand with or without  
20 probation.

21 (3) Revoke, suspend, limit or otherwise restrict the  
22 license.

23 (4) Impose a civil penalty not exceeding \$5,000 for each  
24 incident in which the EMS agency engages in conduct that  
25 constitutes a basis for discipline.

26 (5) Stay enforcement of any suspension, revocation or  
27 other discipline and place the facility on probation with the  
28 right to vacate the probationary order for noncompliance.

29 SUBCHAPTER C

30 MISCELLANEOUS PROVISIONS

- 1 Sec.
- 2 7251. Limitations on liability.
- 3 7252. Peer review.
- 4 7253. Support of emergency medical services.
- 5 7254. Prohibited acts.
- 6 7255. Surrender of license, accreditation or certification.
- 7 7256. Penalties.
- 8 7257. Adjudications and judicial review.
- 9 § 7251. Limitations on liability.

10 The following shall apply:

11 (1) No medical command physician, medical command  
12 facility medical director or medical command facility, which  
13 in good faith provides a medical command to an EMS provider  
14 or student enrolled in an EMS course of instruction approved  
15 by the department, shall be liable for civil damages as a  
16 result of issuing the instruction, absent a showing of gross  
17 negligence or willful misconduct.

18 (2) No EMS agency, EMS agency medical director or EMS  
19 provider who in good faith attempts to render or facilitate  
20 emergency medical care authorized by this chapter shall be  
21 liable for civil damages as a result of an act or omission,  
22 absent a showing of gross negligence or willful misconduct.

23 This paragraph shall also apply to students enrolled in  
24 approved courses of instruction and supervised pursuant to  
25 rules and regulations.

26 (3) No approved EMS training institute nor any entity  
27 participating as part of any approved educational program  
28 offered by the institute as authorized by this chapter shall  
29 be liable for any civil damages as a result of primary and  
30 continuing educational practice by duly enrolled students

1 under proper supervision, absent a showing of gross  
2 negligence or willful misconduct.

3 (4) No EMS provider who in good faith attempts to render  
4 emergency care authorized by this chapter at an emergency  
5 scene while en route to a place of employment shall receive  
6 any form of reprimand or penalty by an employer as a result  
7 of late arrival at the place of employment. An employer may  
8 require written verification from the EMS provider, who shall  
9 obtain the written verification from either the police  
10 officer or other person who is in charge at the emergency  
11 scene.

12 (5) No EMS agency medical director or regional medical  
13 director who in good faith gives instructions to or provides  
14 primary and continuing educational training to an EMS  
15 provider shall be liable for civil damages for issuing the  
16 instructions, education or training, absent a showing of  
17 gross negligence or willful misconduct.

18 (6) Neither the department, the Commonwealth EMS Medical  
19 Director, a regional EMS council medical director nor any  
20 other official or employee of the department or a regional  
21 EMS council shall be liable for civil damages arising out of  
22 an EMS provider or a student enrolled in an EMS course of  
23 instruction approved by the department following protocols  
24 approved under this chapter.

25 (7) No EMS provider or EMS agency may be subject to  
26 civil liability based solely on failure to obtain consent in  
27 rendering EMS to any person, regardless of age, where the  
28 person is unable to give consent for any reason, including  
29 minority, and where there is no other person reasonably  
30 available who is legally authorized to give or refuse to give

1 consent, if the EMS provider has acted in good faith and  
2 without knowledge of facts negating consent.

3 (8) No EMS provider or EMS agency may be subject to  
4 civil liability based solely on refusal to provide treatment  
5 or services requested by the patient or the person  
6 responsible for making medical care decisions for the patient  
7 if the treatment or services requested are not prescribed or  
8 authorized by Statewide or regional protocols established  
9 under this chapter and the EMS provider has:

10 (i) contacted a medical command physician who  
11 refused to authorize the requested treatment or service;  
12 or

13 (ii) made a good faith effort to contact a medical  
14 command physician and was unable to do so.

15 (9) No dispatcher of EMS who in good faith collects  
16 information about a patient from a caller or makes dispatch  
17 assignments based upon the information collected may be  
18 subject to civil liability based upon the information  
19 collected or a dispatch assignment, absent a showing of gross  
20 negligence or willful misconduct.

21 § 7252. Peer review.

22 (a) Immunity from liability.--

23 (1) A person who provides information to a review  
24 organization shall have the same protections from civil and  
25 criminal liability as a person who provides information to a  
26 review organization under the act of July 20, 1974 (P.L.564,  
27 No.193), known as the Peer Review Protection Act.

28 (2) An individual who is a member or employee of a  
29 review organization or who furnishes professional counsel or  
30 services to the organization shall have the same protections

1 from civil and criminal liability for the performance of any  
2 duty, function or activity authorized or required of the  
3 review organization as a person who performs the duty,  
4 function or activity under the Peer Review Protection Act.

5 (b) Confidentiality of review organization's records.--The  
6 proceedings and records of a review organization shall be held  
7 in confidence and shall have the same protections from discovery  
8 and introduction into evidence in civil proceedings as they  
9 would under the Peer Review Protection Act. A person who was in  
10 attendance at a meeting of a review organization shall be  
11 subject to the same testimony restrictions as a person who was  
12 in attendance at a meeting of a review organization under the  
13 Peer Review Protection Act.

14 § 7253. Support of emergency medical services.

15 (a) Emergency Medical Services Operating Fund.--There is  
16 established a special fund to be known as the Emergency Medical  
17 Services Operating Fund, which shall be administered by the  
18 department.

19 (b) Source.--The following are the sources of the Emergency  
20 Medical Services Operating Fund:

21 (1) Money collected under 75 Pa.C.S. §§ 3121 (relating  
22 to EMS costs) and 3807(b)(1)(ix) (relating to Accelerated  
23 Rehabilitative Disposition).

24 (2) All fees, fines and civil penalties collected by the  
25 department under this chapter.

26 (3) Appropriations.

27 (4) Contributions.

28 (c) Purpose of fund.--Except as provided under subsection  
29 (d), 75% of the money from the Emergency Medical Services  
30 Operating Fund shall be disbursed by the department for only the

1 following uses:

2 (1) To eligible EMS agencies for applicable purposes  
3 stated under section 7212(c) (relating to contracts and  
4 grants), with at least 10% of these funds to be allocated to  
5 provide additional financial assistance for those EMS systems  
6 serving rural areas.

7 (2) To the board for the performance of duties imposed  
8 upon it under this chapter.

9 (3) To regional EMS councils for the development,  
10 maintenance and improvement of EMS systems, including  
11 ambulance and communications equipment and for training,  
12 education and EMS agency licensure purposes.

13 (4) To other contractors and grantees as authorized  
14 under section 7212(j).

15 (d) Allocation to Catastrophic Medical and Rehabilitation  
16 Fund.--Twenty-five percent of the money in the Emergency Medical  
17 Services Operating Fund shall be allocated to a Catastrophic  
18 Medical and Rehabilitation Fund for victims of trauma. After the  
19 exhaustion of all alternative financial resources, other than  
20 those excluded by the department from consideration, the  
21 catastrophic fund shall be available for the purchase of  
22 medical, rehabilitation and attendant care services for trauma  
23 victims and may be made available for the purchase of supportive  
24 services such as respite care and counseling services for the  
25 family or household members of trauma victims. The department  
26 may, by regulation, prioritize the distribution of funds by and  
27 within classification of traumatic injury.

28 (e) Audit.--The Auditor General shall review collections and  
29 expenditures made under this section and report its findings to  
30 the General Assembly annually. The audit shall include a review

1 of the collections and expenditures of the regional EMS  
2 councils.

3 § 7254. Prohibited acts.

4 (a) Making false ambulance requests.--It shall be unlawful  
5 for any person to intentionally report a medical emergency and  
6 summon an EMS response if the person does not have good cause to  
7 believe that there is a medical emergency for which an EMS  
8 response is needed. A person violating this subsection commits a  
9 summary offense.

10 (b) Obstruction.--It is unlawful for any person to  
11 intentionally impede or obstruct any EMS provider in the  
12 performance of official duties, if the EMS provider displays  
13 accepted department insignia or credentials. A person violating  
14 this subsection commits a summary offense.

15 (c) Impersonating an emergency medical services provider.--  
16 It is unlawful for any person to display an insignia or  
17 credentials or act in any manner that would lead reasonable  
18 persons to conclude that the person is an EMS provider if that  
19 person is not an EMS provider with a current registration to  
20 practice or that the person is a higher-level EMS provider than  
21 the level at which the person is certified and currently  
22 registered to practice. A person violating this subsection  
23 commits a summary offense.

24 (d) Misrepresentation of license.--It is unlawful for any  
25 person who does not possess an EMS agency license issued by the  
26 department under this chapter to advertise, display vehicle  
27 markings or exhibit any other means that would lead a reasonable  
28 person to conclude that the person is a licensed EMS agency or  
29 provides a type or level of emergency care other than that for  
30 which the person is licensed to provide. A person violating this

1 subsection commits a summary offense.

2 § 7255. Surrender of license, accreditation or certification.

3 The department shall require a person whose license,  
4 accreditation or certification has been suspended or revoked  
5 under this chapter to return to the department in the manner the  
6 department directs the license, accreditation document or  
7 certificate. A person who fails to do so commits a misdemeanor  
8 of the third degree.

9 § 7256. Penalties.

10 (a) Unlicensed agency.--A person who operates a service or  
11 vehicle for which a license is required under section 7229  
12 (relating to emergency medical services agencies) and who does  
13 not have a license to operate the service or vehicle commits a  
14 misdemeanor of the third degree.

15 (b) Unauthorized practice.--A person who provides EMS  
16 without an EMS provider's certification or other legal authority  
17 to provide EMS commits a misdemeanor of the third degree. A  
18 provider who provides EMS without a current registration of the  
19 EMS provider's certification and without other legal authority  
20 to provide EMS commits a summary offense.

21 (c) Fine.--In addition to any other civil remedy or criminal  
22 penalty provided for under this chapter, the department may levy  
23 a civil penalty of up to \$5,000 per day upon a person who owns  
24 or operates an EMS agency in this Commonwealth, without having a  
25 license to operate that agency in this Commonwealth and a fine  
26 of up to \$1,000 per day upon a person who provides EMS without  
27 an EMS provider's certification or other legal authority to  
28 provide EMS.

29 § 7257. Adjudications and judicial review.

30 Except as provided under this chapter for an emergency

1 suspension, the department shall hold hearings and issue  
2 adjudications in accordance with 2 Pa.C.S. (relating to  
3 administrative law and procedure). The adjudications may be  
4 appealed to the Commonwealth Court under 42 Pa.C.S. § 763  
5 (relating to direct appeals from government agencies).

6 Section 2. The definition of "emergency vehicle" in section  
7 102 of Title 75 is amended to read:

8 § 102. Definitions.

9 Subject to additional definitions contained in subsequent  
10 provisions of this title which are applicable to specific  
11 provisions of this title, the following words and phrases when  
12 used in this title shall have, unless the context clearly  
13 indicates otherwise, the meanings given to them in this section:

14 \* \* \*

15 "Emergency vehicle." A fire department vehicle, police  
16 vehicle, sheriff vehicle, ambulance, advanced life support squad  
17 vehicle, basic life support squad vehicle, blood delivery  
18 vehicle, human organ delivery vehicle, hazardous material  
19 response vehicle, armed forces emergency vehicle, one vehicle  
20 operated by a coroner or chief county medical examiner and one  
21 vehicle operated by a chief deputy coroner or deputy chief  
22 county medical examiner used for answering emergency calls, a  
23 vehicle owned by or leased to a regional emergency medical  
24 services council that is used as authorized by the Department of  
25 Health to respond to an actual or potential disaster, mass  
26 casualty situation or substantial threat to public health, any  
27 vehicle owned and operated by the Philadelphia Parking Authority  
28 established in accordance with 53 Pa.C.S. Ch. 55 (relating to  
29 parking authorities) and used in the enforcement of 53 Pa.C.S.  
30 Ch. 57 (relating to taxicabs and limousines in first class

1 cities), or any other vehicle designated by the State Police  
2 under section 6106 (relating to designation of emergency  
3 vehicles by Pennsylvania State Police), or a privately owned  
4 vehicle used in answering an emergency call when used by any of  
5 the following:

6 (1) A police chief and assistant chief.

7 (2) A fire chief, assistant chief and, when a fire  
8 company has three or more fire vehicles, a second or third  
9 assistant chief.

10 (3) A fire police captain and fire police lieutenant.

11 (4) An ambulance corps commander and assistant  
12 commander.

13 (5) A river rescue commander and assistant commander.

14 (6) A county emergency management coordinator.

15 (7) A fire marshal.

16 (8) A rescue service chief and assistant chief.

17 \* \* \*

18 Section 3. Chapter 31 of Title 75 is amended by adding a  
19 subchapter to read:

20 SUBCHAPTER C

21 FINES

22 Sec.

23 3121. EMS costs.

24 § 3121. EMS costs.

25 In addition to any other costs that may be imposed under this  
26 part for a traffic violation, except for a parking violation, a  
27 cost of \$10 shall be imposed. Moneys collected shall be  
28 forwarded to the State Treasurer for deposit in the Emergency  
29 Medical Services Operating Fund.

30 Section 4. Section 3807(b)(1)(vii) of Title 75 is amended

1 and the paragraph is amended by adding a subparagraph to read:

2 § 3807. Accelerated Rehabilitative Disposition.

3 \* \* \*

4 (b) Evaluation and treatment.--

5 (1) A defendant offered Accelerated Rehabilitative  
6 Disposition for a violation of section 3802 is, as a  
7 condition of participation in the program, subject to the  
8 following requirements in addition to any other conditions of  
9 participation imposed by the court:

10 \* \* \*

11 (vii) The defendant must pay any other fee,  
12 surcharge or cost required by law. Except as set forth in  
13 subparagraph (vi) [or], (viii) or (ix), a fee or  
14 financial condition imposed by a judge as a condition of  
15 Accelerated Rehabilitative Disposition or any other  
16 preliminary disposition of any charge under this chapter  
17 shall be distributed as provided for in 42 Pa.C.S. §§  
18 3571 (relating to Commonwealth portion of fines, etc.)  
19 and 3573 (relating to municipal corporation portion of  
20 fines, etc.).

21 \* \* \*

22 (ix) The defendant shall pay a cost of \$25 which  
23 shall be forwarded to the State Treasurer for deposit in  
24 the Emergency Medical Services Operating Fund.

25 \* \* \*

26 Section 5. The addition of 35 Pa.C.S. Ch. 72 is a  
27 continuation of the former act of July 3, 1985, (P.L.164, No.  
28 45), known as the Emergency Medical Services Act. Except as  
29 otherwise provided in 35 Pa.C.S. Ch. 72, all activities  
30 initiated under the Emergency Medical Services Act shall

1 continue and remain in full force and effect and may be  
2 completed under 35 Pa.C.S. Ch. 72. Resolutions, orders,  
3 regulations, rules and decisions which were made under the  
4 Emergency Medical Services Act and which are in effect on the  
5 effective date of this section shall remain in full force and  
6 effect until revoked, vacated or modified under 35 Pa.C.S. Ch.  
7 72. Contracts, obligations and agreements entered into under the  
8 Emergency Medical Services Act are not affected nor impaired by  
9 the repeal of the Emergency Medical Services Act.

10 Section 6. Repeals are as follows:

11 (1) The General Assembly declares that the repeal under  
12 paragraph (2) is necessary to effectuate the addition of 35  
13 Pa.C.S. Ch. 72.

14 (2) The act of July 3, 1985, (P.L.164, No.45), known as  
15 the Emergency Medical Services Act, is repealed.

16 Section 7. The Department of Health, in consultation with  
17 the board, shall promulgate all regulations needed to implement  
18 this act within two years after the effective date of this  
19 section. This act shall be liberally construed for that purpose,  
20 and the absence of express authority to adopt regulations in any  
21 provision of this act shall not be construed to preclude the  
22 authority to adopt regulations to carry out that provision. Upon  
23 promulgation of all regulations under this section, the  
24 Secretary of Health shall transmit notice to the Legislative  
25 Reference Bureau for publication in the Pennsylvania Bulletin.

26 Section 8. Any reference in a statute or regulation to an  
27 ambulance service shall be interpreted as referencing an  
28 emergency medical services agency and any reference to the  
29 former act of July 3, 1985 (P.L.164, No.45), known as the  
30 Emergency Medical Services Act, shall be construed as a

1 reference to 35 Pa.C.S. Ch. 72.

2 Section 9. This act shall take effect as follows:

3 (1) The addition of the following provisions of 35  
4 Pa.C.S. shall take effect 180 days after publication of the  
5 notice under section 7 of this act:

6 (i) Section 7213(a), (c), (d) and (n).

7 (ii) Section 7214.

8 (iii) Section 7215.

9 (iv) Section 7216.

10 (v) Section 7217.

11 (vi) Section 7218.

12 (vii) Section 7219.

13 (viii) Section 7220.

14 (ix) Section 7222.

15 (x) Section 7229.

16 (xi) Section 7230.

17 (xii) Section 7231.

18 (xiii) Section 7232.

19 (xiv) Section 7233.

20 (xv) Section 7234.

21 (xvi) Section 7235.

22 (xvii) Section 7236.

23 (xviii) Section 7237.

24 (xix) Section 7238.

25 (xx) Section 7240.

26 (xxi) Section 7241.

27 (xxii) Section 7242.

28 (2) The following provisions shall take effect  
29 immediately:

30 (i) The amendment of the definition of "emergency

1           vehicle" in 75 Pa.C.S. § 102.

2           (ii) Section 5 of this act.

3           (iii) Section 6 of this act.

4           (iv) Section 7 of this act.

5           (v) This section.

6           (3) The remainder of this act shall take effect in 180  
7           days.