

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

SENATOR CORMAN, APPROPRIATIONS, RE-REPORTED AS AMENDED,
JUNE 1, 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

19 PRELIMINARY PROVISIONS

1 Sec.

2 7201. Short title of chapter.

3 7202. Declaration of policy.

4 7203. Definitions.

5 7204. Emergency medical services system programs.

6 7205. Duties of department.

7 7206. Emergency medical services patient care reports.

8 7207. Pennsylvania Trauma Systems Foundation.

9 7208. State Advisory Board.

10 7209. Regional emergency medical services councils.

11 § 7201. Short title of chapter.

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

14 § 7202. Declaration of policy.

15 The General Assembly finds and declares as follows:

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

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

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

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

1 in this Commonwealth who:

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

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

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

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

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

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

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

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

29 (10) The Department of Health should continually assess
30 and, as needed, revise the functions of emergency medical

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

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

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

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

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

16 § 7203. Definitions.

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

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

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

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

27 (1) is maintained or operated to transport emergency
28 medical service providers above the advanced emergency
29 medical technician level, equipment and supplies to
30 rendezvous with the crew of an ambulance for the purpose of

1 providing advanced emergency medical services to patients;
2 and

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

4 "ALS." Advanced life support.

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

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

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

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

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

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

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

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

29 "BLS." Basic life support.

30 "Board." The State Advisory Board, which is the Board of

1 Directors of the Pennsylvania Emergency Health Services Council.

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

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

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

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

16 (2) serious impairment of bodily functions; or

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

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

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

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

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

29 (ii) address pain or morbidity associated with the
30 person's condition.

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

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

10 (1) An ambulance.

11 (2) An advanced life support squad vehicle.

12 (3) A basic life support squad vehicle.

13 (4) A quick response service.

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

16 (i) a tactical EMS service;

17 (ii) a wilderness EMS service;

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

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

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

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

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

30 (2) provide medical guidance and advice to the emergency

1 medical services agency.

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

4 (1) An emergency medical responder.

5 (2) An emergency medical technician.

6 (3) An advanced emergency medical technician.

7 (4) A paramedic.

8 (5) A prehospital registered nurse.

9 (6) A prehospital physician extender.

10 (7) A prehospital emergency medical services physician.

11 (8) An individual prescribed by regulation of the

12 Department of Health to provide specialized emergency medical
13 services.

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

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

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

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

25 "Foundation." The Pennsylvania Trauma Systems Foundation, a
26 nonprofit Pennsylvania corporation whose function is to accredit
27 trauma centers in this Commonwealth.

28 "Hospital." An institution having an organized medical staff
29 that is primarily engaged in providing to inpatients, by or
30 under the supervision of physicians, diagnostic and therapeutic

1 services or rehabilitation services for the care or
2 rehabilitation of injured, disabled, pregnant, diseased, sick or
3 mentally ill persons. The term includes a facility for the
4 diagnosis and treatment of disorders within the scope of
5 specific medical specialties. The term does not include a
6 facility caring exclusively for the mentally ill.

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

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

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

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

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

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

27 "Patient." An individual for whom an emergency medical
28 services provider is:

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

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

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

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

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

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

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

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

26 (1) respond to an actual, reported or perceived
27 emergency; and

28 (2) provide emergency medical services to patients
29 pending the arrival of an ambulance.

30 "Regional emergency medical services council" or "regional

1 EMS council." A nonprofit incorporated entity or appropriate
2 equivalent that is assigned by the Department of Health to:

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

6 (2) coordinate those systems into a regional emergency
7 medical services system.

8 "Regional emergency medical services medical director" or
9 "regional EMS medical director." The medical director of a
10 regional emergency medical services council.

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

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

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

20 "Trauma center." A facility accredited as a trauma center by
21 the Pennsylvania Trauma Systems Foundation.

22 § 7204. Emergency medical services system programs.

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

27 (1) The number and distribution of EMS providers and
28 other persons integral to an EMS system, such as medical
29 command physicians and EMS agency medical directors, with
30 appropriate training and experience.

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

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

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

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

15 (iii) will have direct communications with
16 appropriate personnel facilities and equipment resources.

17 (4) The number and distribution of ambulances and other
18 EMS vehicles in which:

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

22 (ii) operators and other personnel staffing vehicles
23 meet appropriate training and experience requirements.

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

25 (i) are collectively capable of providing EMS on a
26 continuous basis;

27 (ii) have appropriate specialty capabilities;

28 (iii) meet appropriate standards relating to
29 capacity, location, personnel and equipment; and

30 (iv) are coordinated with other health care

1 facilities and resource centers.

2 (6) Access and transportation to trauma centers and
3 specialty care receiving facilities.

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

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

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

14 (10) The provision of EMS to all persons requiring those
15 services.

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

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

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

30 (14) Plans to assure that each regional EMS system will

1 be able to provide or secure EMS during mass casualty
2 situations, natural disasters and declared states of
3 emergency in accordance with Chapter 71 (relating to general
4 provisions) and the instructions of the Pennsylvania
5 Emergency Management Agency.

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

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

13 § 7205. Duties of department.

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

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

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

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

28 (3) Require collection and maintenance of patient data
29 and information in EMS patient care reports by EMS agencies.

30 (4) Collect, as deemed necessary and appropriate, data

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

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

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

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

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

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

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

27 (11) Promulgate regulations to establish standards and
28 criteria for EMS systems.

29 (12) Integrate all trauma centers accredited pursuant to
30 section 7207 (relating to Pennsylvania Trauma Systems

1 Foundation) into the Statewide EMS system.

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

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

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

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

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

27 § 7206. Emergency medical services patient care reports.

28 (a) Preparation.--An EMS agency shall ensure that its
29 responding EMS providers complete an EMS patient care report for
30 each response made in which it encounters a patient or a person

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

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

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

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

30 (e) Confidentiality.--

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

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

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

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

15 (iv) For billing purposes.

16 (v) For quality improvement activities.

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

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

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

30 (f) Vendors.--A vendor may not sell or otherwise provide or

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

20 § 7207. Pennsylvania Trauma Systems Foundation.

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

23 (1) Establish standards for the operation of trauma
24 centers in this Commonwealth, adopting, at a minimum, current
25 guidelines for trauma centers defined by the American College
26 of Surgeons. Additionally, Level III trauma centers shall
27 meet accreditation criteria for Level III trauma centers
28 imposed by the act of March 24, 2004, (P.L.148, No.15), known
29 as the Pennsylvania Trauma Systems Stabilization Act. For the
30 purpose of reaccreditation, the standards shall require, at a

1 minimum, that each Level I trauma center establish that 600
2 severe and urgent injury cases have been treated per year and
3 each Level II trauma center establish that 350 severe and
4 urgent injury cases have been treated per year.

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

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

17 (4) Establish an appeal mechanism for reconsideration of
18 accreditation decisions.

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

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

25 (d) Board of directors.--The board of directors of the
26 foundation shall consist of the following voting members: five
27 representatives of State organizations representing physicians;
28 five representatives of State organizations representing
29 hospitals; three representatives of State organizations
30 representing registered professional nurses; two representatives

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

12 (e) Data collection.--The foundation shall compile and
13 maintain statistics on mortality and morbidity on multisystem
14 trauma victims. The data collection shall be coordinated and
15 performed in conjunction with State data collection activities.
16 § 7208. State Advisory Board.

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

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

28 (1) Elect officers.

29 (2) Advise the department concerning manpower and
30 training, communications, EMS agencies, content of

1 regulations, standards and policies promulgated by the
2 department under this chapter and other subjects deemed
3 appropriate by the department.

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

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

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

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

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

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

26 § 7209. Regional emergency medical services councils.

27 (a) Purpose.--Regional EMS councils shall assist the
28 department in carrying out the provisions of this chapter. Each
29 regional EMS council shall adhere to policy direction from the
30 department.

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

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

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

11 (3) Any other public or private nonprofit entity that
12 meets requirements for representation as determined by the
13 department.

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

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

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

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

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

30 (5) Assure the reasonable availability of training and

1 continuing education programs for EMS providers.

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

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

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

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

22 (10) Assist the department in achieving a unified
23 Statewide EMS system.

24 (11) Designate a regional EMS medical director and
25 establish a medical advisory committee and a quality
26 improvement committee.

27 (12) Develop a conflict of interest policy, subject to
28 department approval, and require its board or advisory
29 council members, officials and employees to agree to the
30 policy in writing.

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

16 (a) Preparation.--

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

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

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

25 (ii) Include for the EMS region the same types of
26 information that subsection (b) requires for the
27 Statewide plan.

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

30 (1) An inventory of EMS resources available within this

1 Commonwealth.

2 (2) An assessment of the effectiveness of the existing
3 EMS system and a determination of the need for changes to the
4 EMS system.

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

7 (4) Methods to be used in achieving the stated
8 performance measures.

9 (5) A schedule for achievement of the stated performance
10 measures.

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

13 (7) Estimated costs for achieving the stated performance
14 measures.

15 (c) Revisions.--

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

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

24 (ii) Planning future EMS system initiatives.

25 (2) Persons regulated by the department under this
26 chapter and dispatchers of EMS agencies shall provide data,
27 without charge, as reasonably requested by the department and
28 regional EMS councils, to aid them in developing and revising
29 Statewide and regional EMS system plans and in conducting
30 investigations under this chapter as authorized by the

1 department.

2 (d) Annual reports.--The department shall annually publish
3 comprehensive and specific reports of activity and plan
4 implementation.

5 (e) Use of Statewide plan.--

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

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

11 § 7212. Contracts and grants.

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

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

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

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

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

30 (3) Applying to costs associated with conducting

1 training and testing programs for EMS providers.

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

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

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

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

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

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

27 (d) Restriction.--In contracting with or providing grants to
28 regional EMS councils, the department may not allocate Emergency
29 Medical Services Operating Fund moneys appropriated to the
30 department for the following purposes:

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

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

9 (3) Maintenance of ambulances, other EMS vehicles and
10 equipment.

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

13 (5) Applying to costs which are normally borne by
14 patients, except for extraordinary costs as determined by the
15 department.

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

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

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

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

28 (3) The entity demonstrates to the department's
29 satisfaction the qualifications and commitment to plan,
30 maintain and improve a regional EMS system, and that the

1 entity has the required organizational structure and
2 provisions for representation of appropriate entities.
3 (g) Technical assistance.--The department shall provide
4 technical assistance, as appropriate, to regional EMS councils
5 and to such other eligible entities as necessary for the purpose
6 of their carrying out the provisions of contracts and grants
7 under this section, with special consideration for contractors
8 and grantees representing rural areas.

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

14 (i) Other funds considered.--

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

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

25 (j) Other contracts and grants.--The department may enter
26 into contracts and grants with organizations other than regional
27 EMS councils in order to assist the department in complying with
28 the provisions of this section and chapter.

29 (k) Public disclosure.--

30 (1) Subject to the provisions of paragraph (2),

1 finalized contracts and grants shall be deemed public records
2 subject to disclosure.

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

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

19 § 7213. Emergency medical services providers.

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

24 (1) Emergency medical responder.

25 (2) Emergency medical technician.

26 (3) Advanced emergency medical technician.

27 (4) Paramedic.

28 (5) Prehospital registered nurse.

29 (6) Prehospital physician extender.

30 (7) Prehospital EMS physician.

1 (8) Any other class of EMS provider the department
2 establishes by regulation.

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

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

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

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

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

27 (3) The department, in consultation with the board,
28 shall review and update the permitted scope of continuing
29 education programs not less than biennially.

30 (4) If the educational institute or provider of

1 continuing education courses fails to satisfy the operational
2 standards or fails to continue to meet the accreditation
3 standards, the department may take one or more of the
4 following actions:

5 (i) Deny the application for reaccreditation.

6 (ii) Impose terms of probation.

7 (iii) Revoke, suspend, limit or otherwise restrict
8 the accreditation.

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

11 (e) Examinations.--

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

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

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

25 (4) A person who fails the practical skills examination
26 three times shall complete a remedial course approved by the
27 department or repeat the EMS provider training program before
28 again taking the examination.

29 (5) A person who fails either examination six times or
30 who does not pass the required examinations within two years

1 after completing the EMS provider training program shall
2 receive no credit for an examination previously passed and
3 shall repeat the training program for the EMS provider
4 certification before the person may take the certification
5 examinations again.

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

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

12 (f) Reciprocity and endorsement.--The department may issue
13 EMS provider certifications by reciprocity or endorsement as
14 follows:

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

25 (2) If the department, upon review of a course or an
26 examination approved by another state for EMS provider
27 certification or continuing education, or upon review of a
28 national course or examination, determines that the course or
29 examination meets or exceeds the standards for such a course
30 or examination for a similar type of certification in this

1 Commonwealth, or for registration of the certification, the
2 department may endorse the course or examination as meeting
3 the course or examination requirements for that type of EMS
4 provider certification in acting upon an applicant's
5 application for certification or registration of the
6 certification in this Commonwealth.

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

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

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

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

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

23 (1) An applicant for an EMS provider certification shall
24 report to the department all misdemeanor, felony and other
25 criminal convictions that are not summary or equivalent
26 offenses, and all disciplinary sanctions that have been
27 imposed upon a license, certification or other authorization
28 of the applicant to practice an occupation or profession, and
29 any exclusion from a Federal or State health care program of
30 the applicant or an entity in which the applicant had equity

1 or capital, stock or profits of the entity equal to at least
2 5% of the value of the property or assets of the entity at
3 the time of the exclusion.

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

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

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

17 (j) Identification.--

18 (1) An EMS provider shall provide proof of authority to
19 practice as an EMS provider if requested when providing
20 services as an EMS provider.

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

25 (k) Change of address.--

26 (1) An EMS provider and an applicant for EMS provider
27 certification shall ensure that the department has the
28 current address at which the person can be reached by mail at
29 all times.

30 (2) Neither an EMS provider's home address, telephone

1 number nor any other residential contact information provided
2 to the department shall be deemed a public record.

3 (l) Current registration.--To provide EMS, an EMS provider
4 shall maintain current registration of his certification as an
5 EMS provider.

6 (m) Downgrading certification or practice.--

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

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

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

30 (4) Instead of a registration certificate, the

1 department shall issue a lower-level certification to an EMS
2 provider who does not already have that certification and
3 applies for a registration of that certification under this
4 subsection.

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

10 (n) Biennial registrations.--

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

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

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

26 (1) EMS providers who have a triennial certification
27 registration requirement may secure an exception to the
28 period of time in which they would otherwise need to meet
29 continuing education requirements for triennial registration
30 of their certifications, as the department deems appropriate.

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

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

17 § 7214. Emergency medical responders.

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

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

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

26 (3) In another capacity as authorized by the department
27 by regulation.

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

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

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

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

5 (4) Has passed an EMR skills practical examination
6 approved by the department.

7 (5) Has passed a written EMR certification examination
8 approved by the department.

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

15 (1) The department shall issue a triennial registration
16 of an EMR certification to an EMR who meets all of the
17 following:

18 (i) Has a current registration and applies for a new
19 registration no later than:

20 (A) 30 days before the current registration is
21 to expire; or

22 (B) a lesser time established by regulation of
23 the department.

24 (ii) Successfully:

25 (A) completes EMR triennial registration
26 practical skills and written knowledge examinations
27 approved by the department; or

28 (B) secures continuing education credits for EMR
29 triennial registration as required by the department
30 in continuing education programs approved by the

1 department.

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

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

13 (e) Transition for ambulance attendants.--An individual who
14 is an ambulance attendant on the effective date of this section
15 shall be considered to be an EMR with a current registration and
16 shall be subject to the triennial registration requirements of
17 an EMR. The registration of the EMR certification shall expire
18 on the same date that the person's qualifications as an
19 ambulance attendant expire and would have needed to be renewed.
20 § 7215. Emergency medical technicians.

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

24 (1) For an EMS agency as a member of the crew of an
25 ambulance.

26 (2) For an EMS agency as a member of a QRS to stabilize
27 and improve a patient's condition in an out-of-hospital
28 setting until an ambulance arrives, and then may assist the
29 ambulance crew.

30 (3) As a first aid or safety officer, or in a similar

1 capacity, for or independent of an EMS agency, as prescribed
2 by regulation of the department.

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

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

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

8 (2) Has successfully completed an EMT training course
9 which:

10 (i) teaches basic EMS; and

11 (ii) is approved by the department.

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

14 (4) Has passed an EMT skills practical examination
15 approved by the department.

16 (5) Has passed a written EMT certification examination
17 approved by the department.

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

24 (1) The department shall issue a triennial registration
25 of an EMT certification to an EMT who meets all of the
26 following:

27 (i) Has a current registration and applies for a new
28 registration no later than:

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

1 (B) a lesser time established by regulation of
2 the department.

3 (ii) Successfully:

4 (A) completes EMT triennial registration
5 practical skills and written knowledge examinations
6 approved by the department; or

7 (B) secures continuing education credits for EMT
8 triennial registration as required by the department
9 in continuing education programs approved by the
10 department.

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

14 § 7216. Advanced emergency medical technicians.

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

19 (1) For an EMS agency as a member of the crew of an
20 ambulance.

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

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

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

30 (b) Certification.--The department shall certify as an

1 advanced EMT an individual who meets all of the following:

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

3 (2) Has successfully completed a course under
4 subparagraph (i) or (ii):

5 (i) An advanced EMT training course which:

6 (A) teaches basic life support skills;

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

9 (C) is approved by the department.

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

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

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

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

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

30 (1) The department shall issue a biennial registration

1 of an advanced EMT certification to an advanced EMT who meets
2 all of the following:

3 (i) Has a current registration and applies for a new
4 registration no later than:

5 (A) 30 days before the current registration is
6 to expire; or

7 (B) a lesser time established by regulation of
8 the department.

9 (ii) Successfully:

10 (A) completes advanced EMT biennial registration
11 practical skills and written knowledge examinations
12 approved by the department; or

13 (B) secures continuing education credits for
14 advanced EMT biennial registration as required by the
15 department in continuing education programs approved
16 by the department.

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

21 § 7217. Paramedics.

22 (a) Scope of practice.--A paramedic is a higher level EMS
23 provider than an advanced EMT. A paramedic performs basic and
24 advanced EMS skills which include interventions and
25 administration of medications with basic and advanced equipment
26 found on an EMS 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 emergency until an ambulance arrives at the scene and then
2 may assist the 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) Paramedic training.--To be eligible to enroll in a
9 paramedic training course required for certification as a
10 paramedic, an individual must satisfy all of the following:

11 (1) Be at least 18 years of age when the course
12 commences.

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

14 (3) Be currently certified by the department as an EMT
15 or advanced EMT.

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

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

19 (2) Has successfully completed a paramedic training
20 course which:

21 (i) teaches basic life support skills;

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

24 (iii) is approved by the department.

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

27 (4) Has passed a paramedic skills practical examination
28 approved by the department.

29 (5) Has passed a written paramedic certification
30 examination approved by the department.

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

10 (1) The department shall issue a biennial registration
11 of a paramedic certification to a paramedic who meets all of
12 the following:

13 (i) Has a current registration and applies for a new
14 registration no later than:

15 (A) 30 days before the current registration is
16 to expire; or

17 (B) a lesser time established by regulation of
18 the department.

19 (ii) Successfully secures continuing education
20 credits for paramedic biennial registration as required
21 by the department in continuing education programs
22 approved by the department.

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

27 § 7218. Prehospital registered nurses.

28 (a) Scope of practice.--A PHRN is a higher level EMS
29 provider than an advanced EMT. A PHRN performs for an EMS agency
30 basic and advanced EMS skills and, as authorized by the

1 department, additional nursing skills within the scope of
2 practice of a registered nurse under the act of May 22, 1951
3 (P.L.317, No.69), known as The Professional Nursing Law, or a
4 successor act, as follows:

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

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

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

12 (4) In another capacity as authorized by regulation of
13 the department.

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

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

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

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

21 (4) Has passed a PHRN skills practical examination
22 approved by the department.

23 (5) Has passed a written PHRN certification examination
24 approved by the department.

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

1 for biennial registration on a form or through an electronic
2 process, as prescribed by regulation of the department. The
3 following shall apply:

4 (1) The department shall issue a biennial registration
5 of a PHRN certification to a PHRN who meets all of the
6 following:

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

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

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

13 (ii) Has current registration of a registered nurse
14 license.

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

19 (2) A PHRN whose registration of a PHRN certification
20 has expired must qualify for a biennial registration of the
21 certification as prescribed by regulation of the department.

22 § 7219. Prehospital physician extenders.

23 (a) Scope of practice.--A PHPE is a higher level EMS
24 provider than an advanced EMT. A PHPE performs for an EMS agency
25 basic and advanced EMS skills and, as authorized by regulation
26 of the department, additional physician assistant skills within
27 the scope of practice of a physician assistant under the act of
28 December 20, 1985 (P.L.457, No.112), known as the Medical
29 Practice Act of 1985, or the act of October 5, 1978 (P.L.1109,
30 No.261), known as the Osteopathic Medical Practice Act, or a

1 successor act, as follows, but supervision of a PHPE shall be
2 conducted as set forth in this chapter:

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 until an
6 ambulance arrives at the scene and then may assist the
7 ambulance crew.

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

11 (4) In another capacity as authorized by regulation of
12 the department.

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

15 (1) Has a currently registered license as a physician
16 assistant with the State Board of Medicine or the State Board
17 of Osteopathic Medicine.

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

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

21 (4) Has passed a PHPE skills practical examination
22 approved by the department.

23 (5) Has passed a written PHPE certification examination
24 approved by the department.

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

1 for biennial registration on a form or through an electronic
2 process as prescribed by regulation of the department. The
3 following shall apply:

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

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 as established by regulation
11 of the department.

12 (ii) Has current registration of a physician
13 assistant license.

14 (iii) Successfully secures continuing education
15 credits for PHPE biennial registration as required by the
16 department in continuing education programs approved by
17 the department.

18 (2) A PHPE whose registration of a PHPE certification
19 has expired must qualify for a biennial registration of the
20 certification as prescribed by regulation of the department.

21 § 7220. Prehospital emergency medical services physicians.

22 (a) Scope of practice.--A prehospital EMS physician is a
23 higher level EMS provider than an advanced EMT. A prehospital
24 EMS physician performs for an EMS agency basic and advanced EMS
25 skills within the scope of practice of a physician under the act
26 of December 20, 1985 (P.L.457, No.112), known as the Medical
27 Practice Act of 1985, or the act of October 5, 1978 (P.L.1109,
28 No.261), known as the Osteopathic Medical Practice Act, as
29 applicable, or a successor act, as follows:

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

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

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

5 (4) In another capacity authorized by regulation of the
6 department.

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

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

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

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

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

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

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

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

15 (1) The department shall issue a biennial registration
16 of a prehospital EMS physician certification to a prehospital
17 EMS physician who meets all of the following:

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

22 (ii) Has current registration of a physician
23 license.

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

28 (2) A prehospital EMS physician whose registration of a
29 prehospital EMS physician certification has expired shall
30 qualify for a biennial registration of the certification as

1 prescribed by regulation of the department.

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

9 § 7221. Certification sanctions.

10 (a) Grounds for discipline.--The department may discipline
11 an EMS provider or applicant for EMS provider certification for
12 any of the following reasons:

13 (1) Lack of physical or mental ability to provide
14 adequate services.

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

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

24 (4) Abuse or abandonment of a patient.

25 (5) The rendering of services while under the influence
26 of alcohol, illegal drugs or the knowing abuse of legal
27 drugs.

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

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

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

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

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

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

13 (12) Failure to comply with reporting requirements
14 imposed under this chapter or as established by the
15 department.

16 (13) Practicing without the current registration of a
17 certification.

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

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

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

26 (17) Having a certification or other authorization to
27 practice a profession or occupation revoked, suspended or
28 subjected to other disciplinary sanction.

29 (18) Violating or aiding or abetting another person to
30 violate a duty imposed under this chapter, a regulation

1 promulgated under this chapter or an order of the department
2 previously entered in a disciplinary proceeding.

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

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

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

14 (1) Deny the application for certification.

15 (2) Issue a public reprimand.

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

18 (4) Require the person to take refresher educational
19 courses.

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

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

26 (c) Registration of certification.--The department shall not
27 deny a registration of an EMS provider certification without
28 giving the applicant prior notice of the reason for the denial
29 and providing an opportunity for a hearing.

30 (d) Reinstatement.--A person whose certification has been

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

20 § 7222. Emergency medical services vehicle operators.

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

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

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

29 (3) Has a current license to operate the vehicle.

30 (4) Is not addicted to alcohol or drugs.

1 (5) Is free from physical or mental defect or disease
2 that may impair the person's ability to drive an EMS vehicle.

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

5 (7) Has not:

6 (i) Been convicted within the last four years prior
7 to the date of application of driving under the influence
8 of alcohol or drugs.

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

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

18 (b) Registration.--An EMS vehicle operator, OTHER THAN AN ←
19 EMS VEHICLE OPERATOR WHO OPERATES A VEHICLE EXCLUSIVELY FOR A
20 ORS, shall register the EMS vehicle operator's certification. AN ←
21 EMS VEHICLE OPERATOR WHO OPERATES AN EMS VEHICLE EXCLUSIVELY FOR
22 A ORS SHALL HAVE NO REGISTRATION REQUIREMENTS. Except as
23 otherwise provided in this subsection, an EMS vehicle operator's
24 certification shall be deemed registered for three years after
25 issuance. An EMS vehicle operator may not operate a ground EMS
26 vehicle unless the certification is currently registered. The
27 following shall apply:

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

1 (i) Completes an application for registration on a
2 form or through an electronic application process, as
3 prescribed by the department.

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

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

9 (iv) Successfully completes continuing education
10 credits for EMS vehicle operators as required by the
11 department in continuing education programs approved by
12 the department.

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

26 (3) If an EMS provider's certification is subject to a
27 biennial registration cycle, the continuing education
28 requirements for the registration of the EMS vehicle
29 operator's certification following the initial registration
30 of the certification shall be prorated based upon the month

1 in which the EMS provider became certified, with any
2 fractional requirement rounded down.

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

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

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

17 (1) Lack of physical or mental ability to operate an EMS
18 vehicle.

19 (2) Deceptive or fraudulent procurement or
20 representation of certification or registration credentials,
21 or making misleading, deceptive or untrue representations to
22 secure a certification or registration.

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

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

28 (5) Conviction of a felony or crime involving moral
29 turpitude. For the purposes of this paragraph, a conviction
30 includes a judgment of guilt, a plea of guilty or a plea of

1 nolo contendere.

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

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

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

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

20 (g) Change of address.--

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

25 (2) Neither an EMS vehicle operator's home address,
26 telephone number nor any other residential contact
27 information provided to the department shall be deemed a
28 public record.

29 § 7223. Suspension of certification.

30 (a) Temporary suspensions.--The department may temporarily

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

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

1 capacity under 20 Pa.C.S. § 5517 (relating to adjudication of
2 capacity and modification of existing orders) or an equivalent
3 statutory provision.

4 § 7224. Emergency medical services instructors.

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

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

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

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

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

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

18 (5) Possesses current certification in a CPR course
19 acceptable to the department or current certification as a
20 CPR instructor.

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

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

25 (b) Triennial registration.--

26 (1) An EMS instructor's certification is deemed
27 registered for three years after issuance. An EMS instructor
28 shall register the EMS instructor's certification at three-
29 year intervals by completing an application for triennial
30 registration on a form or through an electronic process, as

1 prescribed by the department. An EMS instructor may not teach
2 in an accredited EMS institute, pursuant to an EMS
3 instructor's certification, unless the certification is
4 currently registered. The department shall issue a triennial
5 registration of an EMS instructor's certification to an EMS
6 instructor who:

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

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

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

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

19 (v) Possesses current certification in a CPR course
20 acceptable to the department or current certification as
21 a CPR instructor.

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

26 (c) Regulations.--The department may adopt regulations to
27 set standards for EMS instructors in providing instruction in
28 EMS institutions.

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

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

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

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

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

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

12 (1) Deny the application for certification.

13 (2) Issue a public reprimand.

14 (3) Revoke, suspend, limit or otherwise restrict the
15 certification.

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

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

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

28 § 7225. Medical director of emergency medical services agency.

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

1 (1) Be a physician.

2 (2) Satisfy one of the following:

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

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

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

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

26 (4) Have completed the EMS agency medical director's
27 course, an EMS fellowship or other EMS training program that
28 is determined by the department to be equivalent. This
29 training shall assure that the EMS agency medical director
30 has knowledge of:

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

2 (ii) The provision of EMS pursuant to department-
3 approved protocols.

4 (iii) The interface between EMS providers and
5 medical command physicians.

6 (iv) Quality improvement principles.

7 (v) Emergency medical dispatch principles and EMS
8 agency communication capabilities.

9 (vi) EMS system design and operation.

10 (vii) Federal and State laws and regulations
11 regarding EMS.

12 (viii) Regional and State mass casualty and disaster
13 plans.

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

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

20 (2) Conducting for and reporting to the EMS agency the
21 following:

22 (i) An initial assessment of an EMS provider at or
23 above the advanced EMT level to determine whether the EMS
24 provider has demonstrated competency in the knowledge and
25 skills one must have to competently perform the skills
26 within the scope of practice of the EMS provider at that
27 level, and a commitment to adequately perform other
28 functions relevant to the EMS provider providing EMS at
29 that level. This subparagraph does not apply if the EMS
30 provider was working for the EMS agency at the same level

1 prior to the physician becoming the medical director for
2 the EMS agency and the EMS provider was credentialed at
3 that EMS agency within the last year as being able to
4 perform at the EMS provider's certification level.

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

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

17 (4) Providing medical guidance and advice to the EMS
18 agency.

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

23 (6) Maintaining a liaison with the regional EMS medical
24 director.

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

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

28 (9) Performing other functions as the department may
29 impose by regulation.

30 § 7226. Medical command physicians and facility medical

1 directors.

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

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

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

25 (2) Satisfies one of the following:

26 (i) Has successfully completed an emergency medicine
27 residency program accredited by a residency program
28 accrediting body recognized by the State Board of
29 Medicine or the State Board of Osteopathic Medicine.

30 (ii) Has successfully completed or taught an

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

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

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

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

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

26 (6) Has an arrangement with a medical command facility
27 to serve as a medical command physician for that facility
28 after receiving certification as a medical command physician.

29 (c) Triennial registration.--A medical command physician's
30 certification is deemed registered for three years after

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

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

22 (e) Role of medical command facility medical director.--A
23 medical command facility medical director shall be responsible
24 for the following in a medical command facility:

25 (1) Medical command.

26 (2) Quality improvement.

27 (3) Serving as a liaison with the regional EMS council
28 medical director.

29 (4) Participating in prehospital training activities.

30 (5) Verifying to the department that a physician seeking

1 a medical command physician's certification, based upon the
2 physician's arrangement with the medical command facility,
3 meets all certification requirements.

4 (6) Ensuring that the medical command facility satisfies
5 statutory and regulatory requirements.

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

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

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

17 (3) Satisfies one of the following:

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

22 (ii) Has successfully:

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

29 (B) completed or taught:

30 (I) an advanced cardiac life support course

1 acceptable to the department within the preceding
2 two years;
3 (II) an advanced trauma life support course
4 acceptable to the department; and
5 (III) an advanced pediatric life support
6 course acceptable to the department.
7 (4) Has experience in prehospital and emergency
8 department care of acutely ill or injured patients.
9 (5) Has experience in providing medical command
10 direction to EMS providers.
11 (6) Has experience in the training of EMS providers both
12 below and above the advanced EMT level.
13 (7) Has experience in the medical audit, review and
14 critique of EMS providers below and above the advanced EMT
15 level.
16 (8) Has an arrangement with a medical command facility
17 to serve as its medical director after receiving
18 certification as a medical command facility medical director.
19 (g) Triennial registration.--A medical command facility
20 medical director's certification is deemed registered for three
21 years after issuance. A medical command facility medical
22 director shall triennially register the physician's
23 certification with the department on a form or through an
24 electronic application process, as prescribed by the department,
25 as a condition for continued practice as a medical command
26 facility medical director. The department shall issue a
27 triennial registration of a medical command facility medical
28 director certification to a medical command facility medical
29 director within 30 days after the physician applies for a new
30 registration, if the physician demonstrates that the physician

1 continues to meet the requirements for the certification, except
2 the requirements of subsection (f)(3), and satisfies such other
3 requirements as the department may impose by regulation.

4 (h) Grounds for discipline.--The department may discipline a
5 medical command physician or medical command facility medical
6 director for the following reasons:

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

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

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

16 (1) Deny the application for a certification.

17 (2) Issue a public reprimand.

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

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

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

26 § 7227. Medical command facilities.

27 (a) Certification required.--To operate as a medical command
28 facility, a medical unit must be certified by the department as
29 a medical command facility. The department shall issue a
30 certification to each medical unit that operated as a medical

1 command facility immediately prior to the effective date of this
2 section.

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

8 (c) Requirements.--An applicant shall establish that the
9 applicant:

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

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

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

15 (4) Has taken measures necessary to ensure that a
16 medical command physician is available to provide medical
17 command at all times.

18 (5) Meets the communication, recordkeeping and other
19 requirements of the department.

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

25 (e) Triennial registration.--A medical command facility's
26 certification is deemed registered for three years after
27 issuance. A medical command facility must register its
28 certification at three-year intervals by completing an
29 application for triennial registration on a form or through an
30 electronic application process prescribed by the department. The

1 department shall grant or deny recertification within 30 days of
2 receipt of the application.

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

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

15 (1) Violating a requirement of this section.

16 (2) Violating a certification requirement or an
17 operational requirement imposed under subsection (d).

18 (3) Refusing to permit an inspection or respond to an
19 inquiry under subsection (f).

20 (4) Failing to comply, without just cause, with a
21 medical treatment, transport or transfer protocol approved by
22 the department.

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

26 (1) Deny the application for a certification.

27 (2) Issue a public reprimand.

28 (3) Revoke, suspend, limit or otherwise restrict or
29 condition the certification.

30 (4) Impose a civil money penalty of up to \$5,000 for

1 each act that presents a basis for discipline.

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

5 § 7228. Receiving facilities.

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

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

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

26 § 7229. Emergency medical services agencies.

27 (a) License required.--A person may not, as an owner, agent
28 or otherwise, operate, conduct, maintain, advertise or otherwise
29 engage in or profess to be engaged in operating or providing an
30 ambulance, advanced life support squad vehicle, basic life

1 support squad vehicle, quick response service, special
2 operations EMS service or other vehicle or service as prescribed
3 by the department by regulation to provide EMS outside a health
4 care facility or on roadways, airways or waterways of this
5 Commonwealth unless the person holds a current EMS agency
6 license authorizing the particular service or operation.

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

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

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

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

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

28 (iii) a person staffs an EMS agency if the person
29 engages in an activity integral to operation of the EMS
30 agency, including, but not limited to, making or

1 participating in the making or execution of management
2 decisions, providing EMS, billing, call-taking and
3 dispatching.

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

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

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

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

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

24 (d) Persons under 18 years of age.--An EMS agency shall
25 ensure that a person under 18 years of age, when providing EMS
26 on behalf of the EMS agency, is directly supervised by an EMS
27 provider who is at least 21 years of age who has the same or
28 higher level of EMS provider certification and at least one year
29 of active practice as an EMS provider.

30 (e) Triennial registration.--An EMS agency's license is

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

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

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

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

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

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

24 (5) the entity refuses to provide the department with
25 records or information reasonably requested to enable the
26 department to make a determination.

27 (g) Display.--As prescribed by department regulation, a
28 current department-issued inspection sticker shall be displayed
29 on each ambulance, advanced life support squad vehicle, basic
30 life support squad vehicle and, as required by regulation, any

1 other EMS vehicle authorized by the department.

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

7 (i) Dispatching.--

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

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

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

29 (k) Implementation of credentialing decisions.--An EMS
30 agency may not permit an EMS provider at or above the advanced

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

22 (l) Staffing.--The department may by regulation revise the
23 staffing standards for ambulances, squad vehicles and quick
24 response services set forth in sections 7230 (relating to
25 advanced life support ambulances), 7231 (relating to air
26 ambulances), 7232 (relating to advanced life support squad
27 vehicles), 7233 (relating to basic life support ambulances),
28 7234 (relating to basic life support squad vehicles) and 7235
29 (relating to quick response services).

30 (m) Custody or control of patient.--If a law enforcement

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

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

23 (o) Discontinuance or reduction of service.--An EMS agency
24 shall not discontinue providing service it is licensed to
25 provide or reduce the hours when it provides service until a
26 minimum of 90 days after notifying the department in writing of
27 the change. Notice shall include a statement that the licensee
28 has notified the chief executive officer of each political
29 subdivision in the licensee's service area of the intent to
30 discontinue providing the service or reduce the hours it

1 provides the service and that the intent to discontinue or
2 reduce hours has been advertised in a newspaper of general
3 circulation in the licensee's service area.

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

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

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

21 (1) Privately owned vehicles not ordinarily used to
22 transport patients.

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

29 (3) An EMS agency licensed in another state that limits
30 its operations in this Commonwealth to the transportation,

1 and provision of medical care incidental to transportation of
2 patients and other persons requiring transportation by EMS
3 vehicles from locations outside this Commonwealth to
4 locations within this Commonwealth.

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

7 § 7230. Advanced life support ambulances.

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

12 (b) Staffing requirements.--

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

26 (2) Minimum staffing requirements for an ALS ambulance
27 is the same as for a BLS ambulance when the ALS ambulance
28 responds to a call to provide EMS for a patient requiring EMS
29 at or below the skill level of an advanced EMT.

30 § 7231. Air ambulances.

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

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

18 § 7232. Advanced life support squad vehicles.

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

26 (b) Staffing requirements.--Minimum staffing for an ALS
27 squad unit responding to a call to provide EMS for a patient who
28 requires EMS above the skill level of an advanced EMT shall be
29 one EMS provider above the advanced EMT level and one EMS
30 vehicle operator, except that the EMS provider may staff the

1 vehicle alone if the EMS provider is also an EMS vehicle
2 operator.

3 § 7233. Basic life support ambulances.

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

12 (b) Staffing requirements.--

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

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

29 (3) If dispatched to provide EMS for a patient who
30 requires EMS above the skill level of an advanced EMT, the

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

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

21 § 7234. Basic life support squad vehicles.

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

27 (b) Staffing requirements.--Minimum staffing for a BLS squad
28 vehicle when responding to a call to provide EMS for a patient
29 is one EMS provider at or above the EMT level and an EMS vehicle
30 operator, except that an EMS provider who is also an EMS vehicle

1 operator may staff the vehicle alone.

2 § 7235. Quick response services.

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

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

7 § 7236. Special operations emergency medical services.

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

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

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

21 (d) Extraordinary applications.--An entity may propose to
22 provide a special operations EMS need that has not been
23 addressed by applying to the department for an EMS agency
24 license to carry out the special operations EMS or, if it is
25 licensed as an EMS agency, the entity may apply to the
26 department to be authorized to provide the special operations
27 EMS under its license. The department shall address each
28 application on an individual basis and may conditionally deny or
29 grant an application as appropriate to protect the public health
30 and safety. The grant of an application shall be subject to

1 compliance with any later-adopted regulations addressing the
2 type of special operations EMS being provided by the entity.

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

5 § 7237. First aid and other safety services.

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

10 (b) Staffing.--The minimum staffing requirement is one EMS
11 provider.

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

16 (d) Protocols.--An EMS provider shall follow protocols
17 approved by the department when providing EMS under this
18 section.

19 § 7238. Other vehicles and services.

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

27 § 7239. Stretcher and wheelchair vehicles.

28 (a) Stretcher vehicle.--A stretcher vehicle is a ground
29 vehicle other than an ambulance that is utilized to transport by
30 stretcher persons who do not receive and cannot reasonably be

1 anticipated to require medical assessment, monitoring, treatment
2 or observation during transportation, but who, due to their
3 physical condition, require vehicle transportation while on a
4 stretcher or in a wheelchair.

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

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

26 § 7240. Conditional temporary licenses.

27 When an EMS agency or an applicant for a license to operate
28 as an EMS agency does not provide service 24 hours per day and
29 seven days per week or is unable to participate in a county-
30 level or broader-level emergency medical response plan approved

1 by the department, the department shall issue a conditional
2 temporary license for operation of the EMS agency when the
3 department determines that it is in the public interest, subject
4 to such terms as the department deems appropriate. A conditional
5 temporary license shall be valid for one year and may be renewed
6 as many times as the department determines that it is in the
7 public interest to do so.

8 § 7241. Plans of correction.

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

26 (b) Discretion.--The department shall not afford the EMS
27 agency an opportunity to correct a violation without facing
28 disciplinary charges if the department determines that it is not
29 in the public interest to do so.

30 § 7242. Emergency medical services agency license sanctions.

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

4 (1) Violating the requirements of this chapter or
5 regulation adopted under this chapter.

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

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

12 (4) Fraud or deceit in obtaining or attempting to obtain
13 a license.

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

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

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

24 (8) The licensee is not a responsible person or is not
25 staffed by responsible persons and refuses to remove from its
26 staff the irresponsible person or persons when directed to do
27 so by the department. For purposes of this paragraph, "staff"
28 and "responsible person" shall have the meanings set forth in
29 section 7229(c) (1).

30 (9) Refusing to respond to an emergency and render EMS

1 because of a patient's race, sex, creed, national origin,
2 sexual preference, age, handicap, medical problem or
3 financial inability to pay.

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

6 (11) Making misrepresentations in seeking funds made
7 available through the department.

8 (12) Failing to continue to meet applicable licensure
9 requirements.

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

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

15 (1) Deny the application for a license.

16 (2) Administer a written reprimand with or without
17 probation.

18 (3) Revoke, suspend, limit or otherwise restrict the
19 license.

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

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

26 SUBCHAPTER C

27 MISCELLANEOUS PROVISIONS

28 Sec.

29 7251. Limitations on liability.

30 7252. Peer review.

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

7 The following shall apply:

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

15 (2) No EMS agency, EMS agency medical director or EMS
16 provider who in good faith attempts to render or facilitate
17 emergency medical care authorized by this chapter shall be
18 liable for civil damages as a result of an act or omission,
19 absent a showing of gross negligence or willful misconduct.
20 This paragraph shall also apply to students enrolled in
21 approved courses of instruction and supervised pursuant to
22 rules and regulations.

23 (3) No approved EMS training institute nor any entity
24 participating as part of any approved educational program
25 offered by the institute as authorized by this chapter shall
26 be liable for any civil damages as a result of primary and
27 continuing educational practice by duly enrolled students
28 under proper supervision, absent a showing of gross
29 negligence or willful misconduct.

30 (4) No EMS provider who in good faith attempts to render

1 emergency care authorized by this chapter at an emergency
2 scene while en route to a place of employment shall receive
3 any form of reprimand or penalty by an employer as a result
4 of late arrival at the place of employment. An employer may
5 require written verification from the EMS provider, who shall
6 obtain the written verification from either the police
7 officer or other person who is in charge at the emergency
8 scene.

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

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

22 (7) No EMS provider or EMS agency may be subject to
23 civil liability based solely on failure to obtain consent in
24 rendering EMS to any person, regardless of age, where the
25 person is unable to give consent for any reason, including
26 minority, and where there is no other person reasonably
27 available who is legally authorized to give or refuse to give
28 consent, if the EMS provider has acted in good faith and
29 without knowledge of facts negating consent.

30 (8) No EMS provider or EMS agency may be subject to

1 civil liability based solely on refusal to provide treatment
2 or services requested by the patient or the person
3 responsible for making medical care decisions for the patient
4 if the treatment or services requested are not prescribed or
5 authorized by Statewide or regional protocols established
6 under this chapter and the EMS provider has:

7 (i) contacted a medical command physician who
8 refused to authorize the requested treatment or service;
9 or

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

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

18 § 7252. Peer review.

19 (a) Immunity from liability.--

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

25 (2) An individual who is a member or employee of a
26 review organization or who furnishes professional counsel or
27 services to the organization shall have the same protections
28 from civil and criminal liability for the performance of any
29 duty, function or activity authorized or required of the
30 review organization as a person who performs the duty,

1 function or activity under the Peer Review Protection Act.

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

11 § 7253. Support of emergency medical services.

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

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

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

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

23 (3) Appropriations.

24 (4) Contributions.

25 (c) Purpose of fund.--Except as provided under subsection

26 (d), 75% of the money from the Emergency Medical Services
27 Operating Fund shall be disbursed by the department for only the
28 following uses:

29 (1) To eligible EMS agencies for applicable purposes
30 stated under section 7212(c) (relating to contracts and

1 grants), with at least 10% of these funds to be allocated to
2 provide additional financial assistance for those EMS systems
3 serving rural areas.

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

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

10 (4) To other contractors and grantees as authorized
11 under section 7212(j).

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

25 (e) Audit.--The Auditor General shall review collections and
26 expenditures made under this section and report its findings to
27 the General Assembly annually. The audit shall include a review
28 of the collections and expenditures of the regional EMS
29 councils.

30 § 7254. Prohibited acts.

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

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

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

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

29 § 7255. Surrender of license, accreditation or certification.

30 The department shall require a person whose license,

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

6 § 7256. Penalties.

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

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

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

26 § 7257. Adjudications and judicial review.

27 Except as provided under this chapter for an emergency
28 suspension, the department shall hold hearings and issue
29 adjudications in accordance with 2 Pa.C.S. (relating to
30 administrative law and procedure). The adjudications may be

1 appealed to the Commonwealth Court under 42 Pa.C.S. § 763
2 (relating to direct appeals from government agencies).

3 Section 2. The definition of "emergency vehicle" in section
4 102 of Title 75 is amended to read:

5 § 102. Definitions.

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

11 * * *

12 "Emergency vehicle." A fire department vehicle, police
13 vehicle, sheriff vehicle, ambulance, advanced life support squad
14 vehicle, basic life support squad vehicle, blood delivery
15 vehicle, human organ delivery vehicle, hazardous material
16 response vehicle, armed forces emergency vehicle, one vehicle
17 operated by a coroner or chief county medical examiner and one
18 vehicle operated by a chief deputy coroner or deputy chief
19 county medical examiner used for answering emergency calls, a
20 vehicle owned by or leased to a regional emergency medical
21 services council that is used as authorized by the Department of
22 Health to respond to an actual or potential disaster, mass
23 casualty situation or substantial threat to public health, any
24 vehicle owned and operated by the Philadelphia Parking Authority
25 established in accordance with 53 Pa.C.S. Ch. 55 (relating to
26 parking authorities) and used in the enforcement of 53 Pa.C.S.
27 Ch. 57 (relating to taxicabs and limousines in first class
28 cities), or any other vehicle designated by the State Police
29 under section 6106 (relating to designation of emergency
30 vehicles by Pennsylvania State Police), or a privately owned

1 vehicle used in answering an emergency call when used by any of
2 the following:

3 (1) A police chief and assistant chief.

4 (2) A fire chief, assistant chief and, when a fire
5 company has three or more fire vehicles, a second or third
6 assistant chief.

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

8 (4) An ambulance corps commander and assistant
9 commander.

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

11 (6) A county emergency management coordinator.

12 (7) A fire marshal.

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

14 * * *

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

17 SUBCHAPTER C

18 FINES

19 Sec.

20 3121. EMS costs.

21 § 3121. EMS costs.

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

27 Section 4. Section 3807(b)(1)(vii) of Title 75 is amended
28 and the paragraph is amended by adding a subparagraph to read:

29 § 3807. Accelerated Rehabilitative Disposition.

30 * * *

1 (b) Evaluation and treatment.--

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

7 * * *

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

18 * * *

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

22 * * *

23 Section 5. The addition of 35 Pa.C.S. Ch. 72 is a
24 continuation of the former act of July 3, 1985, (P.L.164, No.
25 45), known as the Emergency Medical Services Act. Except as
26 otherwise provided in 35 Pa.C.S. Ch. 72, all activities
27 initiated under the Emergency Medical Services Act shall
28 continue and remain in full force and effect and may be
29 completed under 35 Pa.C.S. Ch. 72. Resolutions, orders,
30 regulations, rules and decisions which were made under the

1 Emergency Medical Services Act and which are in effect on the
2 effective date of this section shall remain in full force and
3 effect until revoked, vacated or modified under 35 Pa.C.S. Ch.
4 72. Contracts, obligations and agreements entered into under the
5 Emergency Medical Services Act are not affected nor impaired by
6 the repeal of the Emergency Medical Services Act.

7 Section 6. Repeals are as follows:

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

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

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

23 Section 8. Any reference in a statute or regulation to an
24 ambulance service shall be interpreted as referencing an
25 emergency medical services agency and any reference to the
26 former act of July 3, 1985 (P.L.164, No.45), known as the
27 Emergency Medical Services Act, shall be construed as a
28 reference to 35 Pa.C.S. Ch. 72.

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

30 (1) The addition of the following provisions of 35

1 Pa.C.S. shall take effect 180 days after publication of the
2 notice under section 7 of this act:

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

4 (ii) Section 7214.

5 (iii) Section 7215.

6 (iv) Section 7216.

7 (v) Section 7217.

8 (vi) Section 7218.

9 (vii) Section 7219.

10 (viii) Section 7220.

11 (ix) Section 7222.

12 (x) Section 7229.

13 (xi) Section 7230.

14 (xii) Section 7231.

15 (xiii) Section 7232.

16 (xiv) Section 7233.

17 (xv) Section 7234.

18 (xvi) Section 7235.

19 (xvii) Section 7236.

20 (xviii) Section 7237.

21 (xix) Section 7238.

22 (xx) Section 7240.

23 (xxi) Section 7241.

24 (xxii) Section 7242.

25 (2) The following provisions shall take effect
26 immediately:

27 (i) The amendment of the definition of "emergency
28 vehicle" in 75 Pa.C.S. § 102.

29 (ii) Section 5 of this act.

30 (iii) Section 6 of this act.

1 (iv) Section 7 of this act.

2 (v) This section.

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