

202 KAR 7:501. Ambulance agency licensure.

RELATES TO: KRS 216B.020(2)(f), 311A.030, 311A.060, 311A.190

STATUTORY AUTHORITY: KRS 311A.020, 311A.025, 311A.030, 311A.060, 311A.190

NECESSITY, FUNCTION, AND CONFORMITY: KRS 311A.020 requires the Board of Emergency Medical Services to exercise all administrative functions in the regulation of the EMS system and the licensing of ambulance services and medical first response agencies, except those regulated by the Board of Emergency Medical Services or the Cabinet for Health and Family Services. KRS 311A.030 requires the board to promulgate administrative regulations for the licensing, inspection, and regulation of ambulance providers and medical first response agencies. This administrative regulation establishes minimum ambulance agency licensing requirements.

Section 1. Applying for Licensure. (1) An applicant shall submit:

- (a) A completed Ambulance Agency License Application;
- (b) An application fee as established in 202 KAR 7:030;
- (c) A current map of the agency's intended service area; and
- (d) A written description of the ambulance agency's geographic service area within the Commonwealth, which shall identify with specificity the complete boundary of the area served by the provider upon applying for initial licensure or if the service area has changed since the last map was provided to the KBEMS office. The map shall accurately reflect the service area as identified by the providers Certificate of Need, if appropriate.

(2) The board shall conduct a physical inspection of an agency's premises prior to granting a license or license renewal.

(3) A license to operate shall be issued only for the person, service area, and premises, including the number of ambulances, named in the application, and shall not be transferable.

(4) An agency shall display its license in a prominent public area at the service base station and at any fixed satellite location.

(5) The following information shall be included on the license issued by the office of the board:

- (a) Operating name of the provider;
- (b) Physical location of the base station;
- (c) The number and physical location of satellite stations, if any, operated by the licensee;
- (d) The license classification;
- (e) The level of service provided;
- (f) The number of vehicles operated by the provider; and
- (g) The specific geographic area to be served by the licensee.

(6) A license shall expire on December 31 following the original date of issue and shall subsequently expire annually on December 31 of each year.

Section 2. License Renewal. To renew a license, the holder shall:

- (1) Submit a completed Ground Agency Renewal Application;
- (2) Pass inspection conducted by the board of the agency's premises, equipment, supplies, vehicles, and records; and
- (3) Submit a fee in the amount established in 202 KAR 7:030.

Section 3. Agency Changes. (1) A new application shall be filed if a change of ownership occurs. A change of ownership for licenses shall be deemed to occur if more than fifty (50) percent of the assets, capital stock, or voting rights of a corporation or agency is purchased,

transferred, leased, or acquired by comparable arrangement by one (1) person or entity from another.

(2) A new license application filed due to a change of ownership shall be filed, at minimum, ten (10) days prior to the change of ownership. The new license shall be issued for the remainder of the previous licensure period.

(3) There shall be full disclosure to the board of the changes, such as name and address, of:

(a) Each person having direct or indirect ownership interest of ten (10) percent or more in the agency;

(b) Officers and directors of the corporation, if an agency is organized as a corporation; or

(c) Partners, if an agency is organized as a partnership.

Section 4. Inspections. (1) Compliance with licensing pursuant to this administrative regulation shall be validated through on-site inspections of the agency by representatives or employees of the KBEMS Office. The inspection shall include a:

(a) Safety and maintenance check of all vehicles in operation;

(b) Review of all equipment and supplies stocked on vehicles; and

(c) Review of personnel records, policy manuals, and other reports required to be maintained pursuant to 202 KAR Chapter 7.

(2) Each representative or employee of the KBEMS Office shall have access to the service during hours that the agency operates.

(3) A regulatory violation identified during an inspection shall be transmitted in writing to the agency by the KBEMS office.

(4) Within ten (10) business days of receipt of the statement of violation, the agency shall submit a written plan for the elimination or correction of a regulatory violation to the KBEMS office.

(5) The plan shall specify the date by which the violations shall be corrected.

(6) Within ten (10) business days following receipt of the plan, the KBEMS office shall notify the agency in writing whether or not the plan is accepted as providing for the elimination or correction of the violation.

(7) The KBEMS office may conduct a follow-up visit to verify compliance with the plan.

(8) If a portion or all of the plan is unacceptable:

(a) The KBEMS office shall specify why the plan cannot be accepted; and

(b) The provider shall modify or amend the plan and resubmit it to the KBEMS office within ten (10) business days after receipt of notice that the plan is unacceptable.

(9) Unannounced inspections may be conducted for a:

(a) Complaint allegation;

(b) Follow-up visit; or

(c) Relicensing inspection.

Section 5. Unethical Conduct. (1) The following acts shall be considered unethical conduct in the practice of providing emergency medical services and may be subject to the sanctions established in KRS 311A.060:

(a) Failure to submit, amend, or modify a plan of correction in order to eliminate or correct regulatory violations;

(b) Failure to eliminate or correct regulatory violations;

(c) Falsifying an application for licensing;

(d) Changing a license issued by the board;

(e) Attempting to obtain or obtaining a license by:

1. Fraud;
 2. Forgery;
 3. Deception;
 4. Misrepresentation; or
 5. Subterfuge;
- (f) Providing false or misleading advertising;
- (g) Falsifying, or causing to be falsified reports regarding patient care or other reports provided to the KBEMS office;
- (h) Providing an unauthorized level of service;
- (i) Failing to provide the board or its representative with information upon request, or obstructing an investigation regarding alleged or confirmed violations of KRS Chapter 311A or 202 KAR Chapter 7;
- (j) Issuing a payment on an invalid account or an account with insufficient funds to pay established fees, fines, or charges;
- (k) Submitting fraudulent or misleading claims for reimbursement; or
- (l) Failure to comply with local ordinances, federal statutes, KRS Chapter 311A, or 202 KAR Chapter 7.
- (2) An agency whose license is currently under disciplinary review shall not be eligible to sell the license to another entity until all fines or fees owed to the board are satisfied and any associated legal action has been fully resolved.
- (3) A licensed agency shall not be disciplined for responding to calls outside of its geographic service area if the agency is providing:
- (a) Mutual aid at the request of and under an existing agreement with another licensed agency whose geographic service area includes the area in which the emergency or non-emergency call originates;
 - (b) Disaster assistance;
 - (c) Interfacility medical transfer from damaged or closed health facilities; or
 - (d) Interfacility medical transfer to residents of its service area, who are patients in facilities outside of its service area, for the purpose of returning the patients to their home service area or transporting them to another health facility.

Section 6. Exemptions from Administrative Regulations. (1) The following situations shall be exempt from the provisions of this administrative regulation:

- (a) First aid or transportation provided in accordance with KRS 216B.020(2)(f);
 - (b) A vehicle serving as an ambulance during a disaster or major catastrophe; or
 - (c) A vehicle operated by the U.S. government on property owned by the U.S. government.
- (2) The following out-of-state agencies shall be exempt from the provisions of this administrative regulation:
- (a) A vehicle licensed by another state that is transporting a patient from out of state to a Kentucky medical facility or other location in Kentucky;
 - (b) A vehicle licensed by another state that is transporting a patient from out of state through Kentucky to another location out-of-state;
 - (c) A vehicle licensed in an adjoining state that responds to a mutual aid request from a Kentucky licensed provider for emergency assistance if the out of state service is the closest service appropriately capable of responding to the request or if Kentucky licensed providers:
 1. Are unavailable;
 2. Have already responded; or
 3. Are physically unable to reach the incident; and
 - (d) A vehicle licensed by another state that is providing nonemergency transportation from a

Kentucky health care facility for a patient who is not a Kentucky resident back to their state of residence.

Section 7. Public Notice of Negative Action. The board office shall publish, on the KBEMS web site or similar publication of the board, or otherwise disseminate, the name of any licensed agency that is fined, placed on probationary status, placed on restricted status, suspended, or had a license revoked.

Section 8. Incorporation by Reference. (1) The following material is incorporated by reference:

- (a) "Ambulance Agency License Application", (12/2017); and
- (b) "Ground Agency Renewal Application", (12/2017).

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of the Kentucky Board of Emergency Medical Services, 118 James Court, Suite 50, Lexington, Kentucky 40505, Monday through Friday, 8 a.m. to 4:30 p.m. (30 Ky.R. 155; 923; 1221; 1483; eff. 11-19-2003; 44 Ky.R. 1637, 2187; eff. 5-4-2018)