

KENTUCKY COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Kentucky Board of Emergency Medical Services
(Amendment)

202 KAR 7:545. License classifications.

RELATES TO: KRS 311A.030, 311A.190

STATUTORY AUTHORITY: KRS 311A.020, 311A.025, 311A.030, 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~~ ambulance services and medical first response agencies, except those regulated by the Board of ~~Emergency Medical Licensure Services~~ or the Cabinet for Health and Family Services. KRS 311A.030 requires the board to promulgate administrative regulations to establish requirements for various classes of ambulance and emergency medical service agencies. This administrative regulation establishes requirements for each class of ambulance service and medical first response agencies.

Section 1. License Classifications.

(1) In accordance with KRS 311A.030(1), license classifications for ambulance providers shall include:

(a) A Class I ground ambulance agency operating at the Advanced Life Support (ALS), Basic Life Support (BLS), or Adult Critical Care Transport level to provide emergency and nonemergency care and transportation.

(b) A Class II ground ambulance agency operating at the BLS level only to provide nonemergency care and transportation.

(c) A Class III ground ambulance agency operating at the ALS level to provide critical care, specialty care, emergency or nonemergency care, and transportation between health care facilities. Based on the Certificate of Need and scope of care policy, a Class III ground ambulance agency shall be designated as one (1) or more of the following types:

1. A Class III Adult Critical Care agency providing critical care transport services to patients ages twelve (12) and above;

2. A Class III Pediatric Specialty Care agency providing specialty care transport services to patients under the age of twenty-one (21); or

3. A Class III Neonatal Specialty Care agency providing specialty care transport services to patients less than twenty-nine (29) days of age.

(d) A Class IV ground ambulance agency operating at the ALS or BLS level to provide emergency and nonemergency care and transportation for restricted locations, such as industrial sites or other sites that do not provide services outside the designated geographic service area.

(e) A Class VI agency providing medical first response without patient transport at the BLS or ALS level.

1. Each BLS First Response agency shall be licensed separately as a Class VI BLS agency unless a mutual aid agreement is executed with a licensed Class I ambulance agency that provides 911 response services for the geographic service area.

2. A nonlicensed BLS First Response Agency may execute a mutual aid agreement with multiple nonlicensed BLS First Response Agencies that serve the same geographic service area.

3. A mutual aid agreement shall automatically renew at the conclusion of a calendar year.

4. A nonlicensed BLS First Response Agency or a Class I ALS agency may terminate a mutual aid agreement thirty (30) days after written notice is provided to

the other party.

5. A mutual aid agreement between a Class I ALS agency and a nonlicensed BLS First Response agency serving the same geographic area shall be updated as changes to the agreement occur and shall include provisions for:

- a. Medical direction;
- b. BLS protocols;
- c. Response protocol;
- d. Geographic service areas to be served;
- e. Circumstances causing dispatch of the nonlicensed BLS first response agency;
- f. Training;
- g. Quality assurance processes; and
- h. Liability Insurance if applicable.

6. A nonlicensed BLS First Response agency shall not provide BLS care outside of the geographic service area of the Class I ALS agency.

7. A nonlicensed BLS First Response agency unable to secure a written mutual aid agreement with a Class I ALS agency within its geographic service area, may operate within the jurisdiction as a nonlicensed BLS First Response agency if the agency has written correspondence from at least one (1) Class I 911 agency within its geographic service area denying the agency's request to enter into a mutual aid agreement. The correspondence denying the mutual aid request shall be maintained on file at the agency.

8. A license to provide BLS care shall not be issued solely through the execution of a mutual aid agreement between a Class I agency and a nonlicensed BLS First Response agency;

(f) A Class VII rotor wing air ambulance service providing ALS emergency or nonemergency air transportation;

(g) A fixed wing class VII service provides ALS or BLS emergency or nonemergency air transportation; and

(h) A Class VIII agency providing BLS or ALS pre-hospital care above the first-aid level at special events, sports events, concerts, or large social gatherings.

1. A Class VIII agency shall not transport patients beyond the grounds of an event and shall be bound by the geographic service area of its Certificate of Need.

2. A Class VIII agency shall not transport patients independently to a hospital.

3. If transport of a patient is required, a Class VIII agency shall contact 911 for transport by a Class I agency licensed for the geographic service area.

(2) The KBEMS office shall license agencies in accordance with subsection (1) of this section.

(3) An agency shall apply for~~obtain~~ a license from the board within ninety (90) days of issuance of a Certificate of Need from the Cabinet for Health and Family Services.

(4) An agency that does not apply for~~receive~~ a license within ninety (90) days of the issuance of its Certification of Need shall not be granted a license by the board.

(5) An agency shall request a final inspection for licensure from the board, in writing, within 180 days after applying for a license from the board.

(6) An agency that does not request a final inspection for licensure from the board, in writing, within 180 days after applying for a license from the board shall not be granted a license by the board.

(7) ~~(5)~~ An agency shall not hold more than one (1) license per level of classification in one (1) defined geographic service area unless each license was obtained prior to January 1, 2018.

Section 2. Public Notice of Negative Action. The board office shall publish on the KBEMS Web site or similar publication of the board, the name of any licensed agency that is fined,

placed on probationary status, placed on restricted status, suspended, or had a license revoked.

(44 Ky.R. 1734, 2041, 2195; eff. 5-4-2018; 48 Ky.R. 2851; eff. 8-25-2022.)

PHILIP DIETZ, Chairman

APPROVED BY AGENCY: March 24, 2022

FILED WITH LRC: March 30, 2022 at 2:00 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 22, 2022 at 1:00 p.m. ET at the Kentucky Board of Emergency Medical Services, 2464 Fortune Drive, Suite 195, Lexington, Kentucky 40509. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 30, 2022. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Michael Poynter, Executive Director, Kentucky Board of Emergency Medical Services, 2464 Fortune Drive, Suite 195, Lexington, Kentucky 40509, phone (859) 256-3584, email michael.poynter@kctcs.edu.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Michael Poynter

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This administrative regulation establishes requirements for each class of ambulance service and medical first response agencies.

(b) The necessity of this administrative regulation:

KRS 311A.020 requires the Board to exercise all administrative functions in the regulation of ambulance services and medical first response agencies, except those regulated by the Board of Medical Licensure or the Cabinet for Health and Family Services. KRS 311A.030 requires the board to promulgate administrative regulations to establish requirements for various classes of ambulance and emergency medical service agencies. This administrative regulation is necessary to establish requirements for each class of ambulance service and medical first response agencies.

(c) How this administrative regulation conforms to the content of the authorizing statutes:

This administrative regulation conforms to the content of KRS 311A.020 and 311A.030 by establishing requirements for each class of ambulance service and medical first response agencies.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

KRS 311A.020 requires the Board to exercise all administrative functions in the regulation of ambulance services and medical first response agencies, except those regulated by the Board of Medical Licensure or the Cabinet for Health and Family Services. KRS 311A.030 requires the board to promulgate administrative regulations to establish requirements for various classes of ambulance and emergency medical service agencies. This administrative regulation assists in the effective administration of these statutes by establishing requirements for each class of ambulance service and medical first response agencies.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:

This amendment removes the requirement that agencies obtain a license from the Board within ninety (90) days after receiving a certificate of need. Instead, agencies will only need to apply for a license from the Board within ninety (90) days of issuance of a certificate of need. After applying for a license, agencies must request a final inspection from the Board within 180 days.

(b) The necessity of the amendment to this administrative regulation:

This amendment is necessary because it is difficult for agencies to satisfy the requirement that they receive a license within ninety (90) days of issuance of a certificate of need. Before a license may be issued by the Board, new EMS agencies must contract with a medical director, order medications, purchase and acquire ambulances, hire staff, procure physical locations, etc. Were the Board to strictly enforce this requirement, some otherwise qualified agencies would be denied a license.

(c) How the amendment conforms to the content of the authorizing statutes:

This amendment conforms to the content of KRS 311A.020 and 311A.030 by removing requirements for each class of ambulance service and medical first response agencies.

(d) How the amendment will assist in the effective administration of the statutes:

KRS 311A.020 requires the Board to exercise all administrative functions in the regulation of ambulance services and medical first response agencies, except those regulated by the Board of Medical Licensure or the Cabinet for Health and Family Services. KRS 311A.030 requires the board to promulgate administrative regulations to establish requirements for various classes of ambulance and emergency medical service agencies. This amendment will assist in the effective administration of these statutes by removing requirements for each class of ambulance service and medical first response agencies.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

All ambulance services and medical first response agencies will be affected by this administrative regulation.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:

Ambulance services and medical first response agencies will no longer be required to obtain a license from the Board within ninety (90) days after the issuance of a certificate of need.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

Compliance with this administrative regulation will not require entities to incur any additional costs.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

Ambulance services and medical first response agencies will benefit from being permitted to receive a license from the Board more than ninety (90) days after being issued a certificate of need.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially:

There will be no cost to the administrative body to implement this administrative regulation.

(b) On a continuing basis:

There will be no cost to the administrative body to implement this administrative regulation.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

No funding source is necessary to implement and enforce this administrative regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:

No increase in fees or funding will be necessary.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees:

This administrative regulation does not establish any fees.

(9) TIERING: Is tiering applied?

Tiering is not applied to this administrative regulation because this amendment applies to all ambulance services and medical first response agencies.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?

The administrative regulation will affect all ambulance services and medical first response agencies.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.

KRS 311A.020 requires the Board to exercise all administrative functions in the regulation of ambulance services and medical first response agencies, except those regulated by the Board of Medical Licensure or the Cabinet for Health and Family Services. KRS 311A.030 requires the board to promulgate administrative regulations to establish requirements for various classes of ambulance and emergency medical service agencies. This administrative regulation establishes requirements for each class of ambulance service and medical first response agencies.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?

This administrative regulation will generate no revenue for the first year.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?

This administrative regulation will generate no revenue for subsequent years.

(c) How much will it cost to administer this program for the first year?

Administration of this administrative regulation will not require any costs.

(d) How much will it cost to administer this program for subsequent years?

Administration of this administrative regulation will not require any costs.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):This administrative regulation will not generate revenue.

Expenditures (+/-):This administrative regulation will not require any additional expenditures.

Other Explanation: