

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

202 KAR 7:560. Ground vehicle staff.

RELATES TO: KRS 189.910-189.950, 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 emergency medical services 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 the minimum staffing requirements for ground vehicles.

Section 1. Staffing Requirements.

- (1) Each Class I agency BLS ambulance shall at minimum, be staffed by:
 - (a) A driver certified as an emergency medical responder (EMR)~~[technician (EMT)]~~; and
 - (b) An attendant certified as an emergency medical technician (EMT).
- (2) Each Class I agency ALS ambulance shall at minimum be staffed by:
 - (a) A driver certified as an emergency medical responder (EMR)~~[technician (EMT)]~~; and
 - (b) An attendant certified as an Advanced EMT or licensed as a paramedic.
 1. Each Class I ALS agency providing primary 911 emergency ambulance service shall ensure that there is a[an on-duty] paramedic on-duty at all times[shall staff at least twenty five (25) percent of the agency's staffed ambulances at any time during a twenty four (24) hour period].
 2. To ensure compliance, each agency shall maintain its work schedules from the previous twelve (12) months until reviewed by board staff during its annual inspection.
- (3) Each Class I agency operating an ALS ambulance providing a BLS level of care shall at minimum be staffed by:
 - (a) A driver certified as an emergency medical responder (EMR)~~[technician (EMT)]~~; and
 - (b) An attendant certified as an emergency medical technician (EMT).
- (4) Each Class II agency shall at minimum be staffed by:
 - (a) A driver certified as an emergency medical responder (EMR)~~[technician (EMT)]~~; and
 - (b) An attendant certified as an emergency medical technician (EMT).
- (5) A Class III Adult Critical Care ambulance agency shall at minimum be staffed by:
 - (a) A driver certified as an emergency medical responder (EMR)~~[technician (EMT)]~~;
 - (b) An attendant licensed as a paramedic; and
 - (c) One (1) licensed:
 1. Registered nurse;
 2. Advanced practice registered nurse;
 3. Respiratory therapist;
 4. Physician assistant;
 5. Physician; or
 6. Additional paramedic.

- (6)
- (a) Each Class III Pediatric Specialty Care Ambulance Agency shall at minimum be staffed by:
1. A driver certified as an emergency medical responder (EMR) ~~technician (EMT)~~;
 2. A primary attendant licensed as a registered nurse; and
 3. One (1) additional attendant licensed as a:
 - a. Registered nurse;
 - b. Advanced practice registered nurse;
 - c. Respiratory therapist;
 - d. Physician assistant;
 - e. Physician; or
 - f. Paramedic.
- (b) Any attendant hired after January 1, 2020 shall acquire and maintain within one (1) year of hire, a specialty certification in Pediatric Critical Care or Neonatal Critical Care acquired through successful completion of a validated examination administered by an independent entity not associated with a specific course or program of education.
- (7)
- (a) Each Class III Neonatal Specialty Care Ambulance Agency shall at minimum be staffed by:
1. A driver certified as an emergency medical responder (EMR) ~~technician (EMT)~~;
 2. A primary attendant licensed as a registered nurse; and
 3. One (1) additional attendant licensed as:
 - a. An advanced practice registered nurse;
 - b. A respiratory therapist;
 - c. A physician assistant;
 - d. A physician;
 - e. A registered nurse; or
 - f. Paramedic.
- (b) Any attendant hired after January 1, 2020 shall acquire and maintain within one (1) year of hire, a specialty certification in Pediatric Critical Care or Neonatal Critical Care acquired through successful completion of a validated examination administered by an independent entity not associated with a specific course or program of education.
- (8) Each Class IV agency operating a BLS ambulance shall at minimum be staffed by:
- (a) A driver certified as an emergency medical responder (EMR) ~~technician (EMT)~~; and
- (b) An attendant certified as an emergency medical technician (EMT).
- (9) Each Class IV service operating an ALS ambulance shall at minimum be staffed by:
- (a) A driver certified as an emergency medical technician (EMT); and
- (b) An attendant certified as an Advanced EMT or licensed as a paramedic.
- ~~[1.] Each Class IV ALS agency that provides emergency and nonemergency transportation for restricted locations, such as industrial sites or other sites, shall ensure an on-duty paramedic staffs at least twenty-five (25) percent of the agency's staffed ambulances at any time during a twenty-four (24) hour period.]~~
- ~~[2.] To ensure compliance, each agency shall maintain its work schedules from the previous twelve (12) months until reviewed by board staff during its annual inspection.~~
- (10) Each Class VI BLS medical first response agency shall at minimum be staffed by a certified:
- (a) Emergency medical responder (EMR); or
 - (b) Emergency medical technician (EMT).
- (11) Each Class VI ALS medical first response agency shall at minimum be minimally staffed by:

- (a) A certified Advanced EMT; or
 - (b) A licensed paramedic.
- (12) Each Class VIII BLS agency shall be minimally staffed by a certified:
- (a) Emergency medical responder (EMR); or
 - (b) Emergency medical technician (EMT).
- (13) Each Class VIII ALS agency shall be minimally staffed by:
- (a) A certified Advanced EMT; or
 - (b) A licensed paramedic.
- (14) Each Class I ALS, Class III ACC, Class IV ALS, and Class VI ALS agency shall have a licensed paramedic on duty at all times.
- (15) At all times, the attendant shall monitor the patient and remain with the patient in the patient compartment.
- (16) This administrative regulation shall not prevent an agency from utilizing staff other than those required by this administrative regulation in:
- (a) Disasters;
 - (b) Mass casualty incidents; or
 - (c) Extraordinary scene conditions that would impair the safety of the patient or personnel operating at the scene.
- ~~[(17)] [A certified emergency medical responder who was employed by a Class I, II, or III agency as a driver prior to January 1, 2018 may continue in that role if the emergency medical responder's employment relationship with the Class I, II, or III agency does not lapse.]~~
- (17) ~~[(18)]~~ Alternative staff shall not operate a licensed vehicle unless the:
- (a) Agency administrator so directs; and
 - (b) Vehicle is out of service and not subject to an emergency response.

Section 2. Motor Vehicle Operator Requirements.

- (1) Each person operating a vehicle shall:
- (a) Be at least eighteen (18) years of age;
 - (b) Hold a valid driver's license in any state or territory of the United States; and
 - (c) Complete at least four (4) hours of driver training and education every two (2) years.
- (2) The driver training and education shall consist of a:
- (a) Review of driving a vehicle under emergency conditions;
 - (b) Review of KRS 189.910 through 189.950 regarding operation of emergency vehicles;
 - (c) Demonstration by the student of forward and back-up driving maneuvers in a controlled situation, such as in an obstacle course designed specifically for this purpose; and
 - (d) Review of defensive driving techniques and procedures with hands-on experience or exposure by visual aids or planned demonstrations.

Section 3. Public Notice of Negative Action. The board office shall cause to be published, 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.

(44 Ky.R. 1745, 2042, 2204; eff. 5-4-2018; 45 Ky.R. 3489, 46 Ky.R. 428; eff. 8-19-2019; 48 Ky.R. 3036; eff. 9-28-2022.)

PHILIP DIETZ, Chairman

APPROVED BY AGENCY: April 21, 2022
 FILED WITH LRC: May 3, 2022 at 12:235 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on July 27, 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 July 31, 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: John K. Wood, counsel for the Kentucky Board of Emergency Medical Services, 163 East Main Street, Suite 200, Lexington, Kentucky 40507, phone (859) 225-4714, email administrativeregulations@wgmfirm.com.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: John K. Wood

(1) Provide a brief summary of:

(a) What this administrative regulation does:

202 KAR 7:560 establishes the minimum staffing requirements for ground vehicles.

(b) The necessity of this administrative regulation:

KRS 311A.030 requires the Board to promulgate administrative regulations for the licensing, inspection, and regulation of ambulance providers 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.030 by establishing the minimum staffing requirements for ground vehicles.

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

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 the minimum staffing requirements for ground vehicles.

(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 will allow emergency medical responders (EMRs) to drive ambulances.

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

This amendment is necessary to mitigate staffing concerns and ensure that ambulances are adequately staffed.

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

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 the minimum staffing requirements for ground vehicles.

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

This administrative regulation establishes the minimum staffing requirements for ground vehicles.

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

All Kentucky Licensed Ground Ambulance Services and Kentucky Medical First Response agencies.

(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:

All Kentucky Licensed Ground Ambulance Services and Kentucky Medical First Response agencies will be permitted to assign emergency medical responders as ambulance drivers.

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

There will be no cost to any entity identified in question (3), other than administrative costs that may be incurred in recruiting and maintaining qualified attendants.

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

The entities affected will benefit by being permitted to assign emergency medical responders (EMRs) as ambulance drivers.

(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 any entity identified in question (3), other than administrative costs that may be incurred in recruiting and maintaining qualified attendants.

(b) On a continuing basis:

There will be no cost to any entity identified in question (3), other than administrative costs that may be incurred in recruiting and maintaining qualified attendants.

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

The Kentucky Board of Emergency Medical Services is a state agency that receives its annual budget from the state government.

(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 establishes any fees or directly or indirectly increases any fees:

This regulation did not establish any fees.

(9) TIERING: Is tiering applied?

Tiering is not applied to this administrative regulation because the amendment establishes minimum staffing certification requirements for ground vehicles, which apply to all affected entities to ensure that all affected personnel meet the minimum qualifications.

FISCAL NOTE

(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 impact all Kentucky Licensed Ground Ambulance Services and Kentucky 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.030. No federal statutes necessitate this administrative regulation.

(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?

This administrative regulation will not impose any costs on state or local government.

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

This administrative regulation will not impose any costs on state or local government.

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 impose any costs.

Other Explanation:

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year?

This administrative regulation will not generate any cost savings.

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years?

This administrative regulation will not generate any cost savings.

(c) How much will it cost the regulated entities for the first year?

This administrative regulation will not impose any costs.

(d) How much will it cost the regulated entities for subsequent years?

This administrative regulation will not impose any costs.

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

Cost Savings (+/-):This administrative regulation will not generate any cost savings.

Expenditures (+/-):This administrative regulation will not impose any costs.

Other Explanation:

(5) Explain whether this administrative regulation will have a major economic impact, as defined below.

"Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. This administrative regulation will not have a major economic impact.