

KENTUCKY BOARD OF EMERGENCY MEDICAL SERVICES
(Amendment)

202 KAR 7:555. Ground agencies.

RELATES TO: KRS 311A.030, 311A.190, 29 C.F.R. 1910.1030

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 EMS system and the licensing 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 for the licensing, inspection, and regulation of ambulance providers and medical first response agencies. This administrative regulation establishes minimum licensing requirements.

Section 1. Utilization of Ground Vehicles by Class I, II, III, and IV Licensed Agencies.

- (1) At the time of initial inspection, each agency shall inform the Kentucky Board of Emergency Medical Services (KBEMS) office of the make, model, year, vehicle identification number or serial number, and license tag number for each vehicle the agency plans to use for medical care and transportation.
- (2) A vehicle shall not be placed into operation until the board has conducted a physical inspection of the vehicle and determined it meets the requirements of 202 KAR Chapter 7.
- (3) Each agency shall complete a Vehicle Delete application in the Kentucky Emergency Medical Services Information System (KEMSIS), no later than the next business day after the permanent removal of any licensed vehicle from service by the license holder.
- (4)
 - (a) A licensed agency may use a replacement vehicle that meets all of the requirements of 202 KAR Chapter 7 on a temporary basis while a permitted vehicle is out of service. The agency shall complete an Add TEMPORARY Vehicle/Aircraft Part 1 application in KEMSIS within twenty-four (24) hours of the replacement.
 - (b) A temporary replacement vehicle shall not be used for more than thirty (30) days annually unless the KBEMS office has verified, through a physical inspection, that it meets the requirements of 202 KAR Chapter 7.
- (5) The KBEMS office shall be notified by a completed Add TEMPORARY Vehicle/Aircraft Part 2 application in KEMSIS within twenty-four (24) hours or on the next business day if a temporary vehicle is removed from service and the original licensed vehicle is returned to service.
- (6)
 - (a) An agency that fails to report using a temporary vehicle shall be required to immediately cease use of the replacement vehicle until the reporting requirements are met.
 - (b) An agency that fails to remove a temporary vehicle from service after thirty (30) days shall be fined \$500 for each day or partial day the vehicle is in service and not reported.
- (7) This administrative regulation shall not prevent a licensed agency from utilizing other means of transporting patients in:
 - (a) Disasters;
 - (b) Mass casualty incidents; or
 - (c) Extraordinary scene conditions that would impair access to the safety or care of the patient or personnel operating at the scene.

Section 2. Provider Management Requirements.

- (1) All licensed agencies shall maintain:
 - (a) An organizational chart that establishes lines of authority, including the designation of:
 1. An administrator responsible for assuring compliance with KRS Chapter 311A and 202 KAR Chapter 7 during the daily operation of the service; and
 2. A designee who shall serve in the absence of the administrator;
 - (b) Records and reports at the ambulance agency base station including:
 1. An original, electronic equivalent, or copy of all patient care records consistent with the U.S. Department of Transportation National Highway Traffic Safety Administration (NHTSA) National Emergency Medical Services Information System (NEMSIS) data dictionary found at www.nemsis.org/technical-resources/version-3;
 2. An electronic copy of all completed patient care reports, which shall be maintained to ensure confidentiality and safekeeping for at least seven (7) years from the date on which the service was rendered, or in the case of a minor, at least three (3) years after the minor reaches the age of majority; and
 3. Copies of Patient Care Reports for the preceding twelve (12) months, which shall be accessible and be immediately available to the board, KBEMS office, or representatives upon request;
 - (c) Personnel files for each employee or volunteer who staffs a vehicle of a licensed agency. Personnel files shall be maintained for at least one (1) year following separation from employment. As a minimum, all personnel files shall contain:
 1. A pre-employment and annual criminal background check administered by the Kentucky Administrative Office of the Courts;
 2. A copy of the employee's valid KBEMS certification or licensure card; and
 3. A copy of each employee's completion of the National Incident Management System (NIMS) Incident Command System (ICS) 100, 200, 700, and 800 courses;
 - (d) A policy for the provision of a pre-employment and annual health assessment of employees of the agency, which shall include reporting mechanisms for work-related illness or injury;
 - (e) A written plan for providers to consult with online adult and pediatric medical direction. This plan shall address as a minimum:
 1. The availability of medical direction twenty-four (24) hours a day, seven (7) days a week;
 2. The availability of medical direction during an emergency event;
 3. The provision of medical direction by a medical professional with a higher level of training or expertise; and
 4. Recommended actions if:

- a. There is an equipment failure, a communication barrier, or other unusual circumstance; and
 - b. It is not possible to contact online medical direction
- (f) A plan and records for the provision of continuing education for staff and volunteers, including:
- 1. A written plan for the method of assessment of staff continuing education needs; and
 - 2. A coordinated plan to meet those needs, including a provision that all continuing education shall be provided either by a licensed TEI or in accordance with 202 KAR 7:601;
- (g) An infection control plan in accordance with 29 C.F.R. 1910.1030;
- (h) A written plan for training or educating personnel for responding to hazardous materials, criminal, and potential terrorist incidents, including plans for the protection and decontamination of patients, ambulances, equipment, and staff;
- (i) A written policy regarding the appropriate destination of a patient who expires during transport if a valid Kentucky EMS Do Not Resuscitate (DNR), or Medical Orders for Scope of Treatment (MOST) form is present;
- (j) A written plan for the quality assessment of patient care and provider quality improvement, including a monthly review of patient care reports and evaluation of staff performance related to patient care. This plan shall address as a minimum:
- 1. Employee health and safety;
 - 2. Compliance with protocols and operating procedures;
 - 3. Assessment of dispatch protocols;
 - 4. Vehicle operations and vehicle safety;
 - 5. Additional training necessary for the patient care provider or providers;
 - 6. Equipment preventive maintenance programs; and
 - 7. A process for the resolution of customer complaints;
- (k) A written plan for training personnel and responding to mass casualty incidents and disasters;
- (l) A written orientation program for all personnel, including at a minimum:
- 1. Validation of certification or license with KBEMS;
 - 2. Validation of the National Incident Management System (NIMS) Incident Command System (ICS) 100, 200, 700, and 800 courses within sixty (60) days of employment for any employee who staffs a licensed vehicle;
 - 3. Validation of Driver's License if applicable;
 - 4. A review of all agency policies, procedures, and protocols;
 - 5. Communication equipment at the base station and on each vehicle;
 - 6. Operational aspects of the agency fleet and equipment;
 - 7. Inspection and routine maintenance of agency fleet, facilities, and equipment;
 - 8. Appropriate processes for disinfection of agency fleet, facilities, and equipment;
 - 9. Local navigation and geographic orientation; and
 - 10. Completion of Patient Care Reports and other documentation as established by the agency;
- (m) Proof of professional liability malpractice insurance of a minimum of \$1,000,000; and
- (n) Proof of vehicular liability insurance.
- (2) Each agency shall notify the board at least twenty-four (24) hours prior to the transfer of coverage, cancellation, lapse, or other cessation or change in professional liability malpractice insurance or vehicular liability insurance.
- (3) Each agency shall verify valid staff certification or licensure as of the first day of the calendar year.
- (4) If ceasing to operate, an agency shall provide the board with the physical storage location of all Patient Care Reports within five (5) business days of closure. These reports shall be maintained by the owner of the licensed agency, or a contracted third party to meet the timeline established in subsection (1)(b) of this section.
- (5) Each agency that allows an employed emergency responder to provide medical services while off duty in accordance with 202 KAR 7:701, Section 6, shall maintain and implement a policy regarding which employees are approved to provide medical services off duty by the agency's medical director and the manner in which worker's compensation and general liability insurance covers employees off duty. The policy shall be signed by both the agency's administrator and medical director, shall be reviewed annually, and shall include:
- (a) Direction on which employees may remove medical equipment from the agency's premises for the purpose of providing care off duty;
 - (b) Direction on which equipment may be removed from the agency's premises for the purpose of providing care off duty; and
 - (c) A provision that controlled substances shall not be removed from the agency's premises for the purposes of providing care off duty.
- (6) Each agency shall in the county in which the agency's base station or a satellite is located:
- (a) Document evidence of participation in a local, county, regional, or state disaster or preparedness exercise within the preceding twelve (12) months;
 - (b) Coordinate with the county emergency management director plans for the possible use of agency personnel for use in the emergency operations center in a disaster; and
 - (c) Maintain a hard copy or electronic equivalent of the most current adopted city, county, or urban county government emergency management agency's emergency operations plan at the ambulance base station.

Section 3. Operating Requirements.

- (1) Each licensed agency, except Class IV and VIII, shall provide service twenty-four (24) hours a day, seven (7) days a week. Class IV and VIII agencies shall operate during the hours of operation for their geographical service area or designated event.
- (2) Each licensed agency shall retain staffing schedules for at least the previous twelve (12) months.
- (3) Each agency administrator or designee shall be familiar with emergency management reporting and procurement processes and software platforms utilized to communicate the needs of the local government to state agencies.
- (4) A licensed agency shall have a written plan to assure all requests for service shall be promptly answered.
- (5) A licensed agency shall have a written scope of care policy to include the types of services performed, limitations of response, and the types of medical teams provided.
- (6) Any agency licensed and located within the geographical service area that determines it is unable to have a vehicle responding within ten (10) minutes from the initial time an emergency call is received shall request that the next closest appropriate licensed agency respond.

- (7) If an agency licensed for a specific geographical service area is unable to respond to a non-emergency call within two (2) hours from the initial time a non-emergency call is received, the requesting healthcare facility may contact any licensed agency and request that the agency conduct the transport.
- (8) An agency shall enter into a mutual aid agreement with another Kentucky licensed ambulance agency operating within the same or contiguous counties that provide response to medical emergencies. These agreements shall be in writing and address:
- (a) The type of mutual aid assistance to be provided, including advanced life support (ALS) or basic life support (BLS) medical care and transport and ALS or BLS medical first response;
 - (b) Response personnel, including levels of training or education and provisions for joint in-service training or education if appropriate;
 - (c) Response vehicles, including unit identifiers and the station or location from which the vehicles shall be operated;
 - (d) A plan of action for the mutual aid agreement, including dispatch and notification procedures;
 - (e) Radio and other communications procedures between the ambulance agency and other response agencies with which the agency has mutual aid agreements;
 - (f) On-scene coordination and scene control including medical direction if several agencies respond to the same incident;
 - (g) Exchange of patient information, records, and reports as allowed by law; and
 - (h) The effective dates and process for amendment or termination.
- (9) A ground agency shall send a written request for a mutual aid agreement to at least two (2) contiguous counties and retain a copy of each request and each county's response;
- (10) Each agency shall maintain a policy or affiliation agreement with the primary call-taking center that provides dispatch services for all or part of the service area of the ground agency. The agreement shall state at a minimum that:
- (a) Requests for emergency ambulance service shall be dispatched or notified within two (2) minutes from determining that the caller is requesting ambulance response;
 - (b) If the closest licensed agency for that geographic service area is unable to have a vehicle responding to an emergency call within ten (10) minutes from the time the call is dispatched, the agency shall notify the next closest appropriate licensed agency to respond; and
 - (c) The agreement shall specify which patient information shall be collected by the call-taking center during a call for service.
- (11) If a ground agency is unable to secure a written affiliation agreement with the dispatch center, the ground agency shall retain all written correspondence to the dispatch center requesting an affiliation agreement and the dispatch center's denial of the agency's request.
- (12) An agency shall not respond to requests for emergency service outside of its licensed geographic service area without first receiving authorization from the licensed agency in the geographic service area in which the request originates.
- (13) A licensed Class I ground agency that is located in a geographical service area containing multiple destination hospitals, with regard to the furnishing of 911 response and transportation, shall not engage in:
- (a) Exclusive or coercive practices regarding transportation decisions with regard to any affiliated hospital or hospital emergency department;
 - (b) Preferential transportation to any affiliated hospital emergency department if the transports are not justified by time, place, patient convenience, or other objective factors affecting a patient;
 - (c) Noncompetitive transportation to any affiliated hospital emergency department; or
 - (d) Transports to any affiliated hospital emergency department if that hospital is not the closest to the patient location or most appropriate based on the availability of particular services or patient preference.
- (14) Each licensed Class I ground agency shall schedule a minimum of one (1) staffed ambulance to be staged in the agency's geographic service area.
- (15) An agency that cannot meet the timelines established in subsection (10) of this section shall contact another licensed agency and receive an estimated time of arrival to the request for service. If the mutual aid agency can arrive at the location where the request originated more quickly than the agency licensed for the geographic service area, the agency licensed for the geographic service area shall request mutual aid from its neighboring agency to respond to the call.
- (16) An agency shall not refuse a request for emergency pre-hospital response if a unit is available in its geographic service area.
- (17) An agency shall not exhaust its resources by answering a nonemergency call or for response to mutual aid requests.
- (18) This administrative regulation shall not be construed to prevent a licensed agency from providing medical first response emergency or nonemergency pre-hospital care at or below the level for which the agency is licensed through the use of designated agency-owned response vehicles.
- (19) A communications system shall be developed, coordinated, and maintained by each licensed agency. The communication system shall comply with paragraphs (a) through (f) of this subsection.
- (a) Radio equipment used in emergency medical services vehicles shall be appropriately licensed through the Federal Communications Commission (FCC). Copies of the current FCC licenses shall be on file in the agency office.
 - (b) Each ambulance shall have an operational push-to-talk two-way radio programmed with all very high frequency (VHF) Kentucky State Mutual Aid Frequencies in accordance with the Commonwealth of Kentucky Field Operations Guide (KY-FOG).
 - (c) Each ambulance shall be equipped with a minimum of one (1) mobile two-way radio located in the driver's compartment.
 - (d) Each ambulance shall have a minimum of two (2) portable push-to-talk two-way radios capable, under normal conditions, of operating on the agency, dispatch center, mutual aid, and hospital frequencies.
 - (e) Each ambulance shall be equipped with two-way radio communication equipment with the ability to communicate from the driver's compartment and patient care compartment.
 - (f) One (1) alternative method of two-way communication may be substituted for one (1) portable two-way radio.

Section 4. Ceasing Continuous Service.

- (1) A licensed Class I, II, III, VI, or VII agency that ceases to provide continuous service on a twenty-four (24) hour basis shall surrender its license to the board office within twenty-four (24) hours of the agency ceasing to provide continuous service.

- (2) The agency's chief operations or service director shall immediately contact the executive director of the board upon determining that his or her Class I, II, III, VI, or VII agency will cease providing continuous service, and shall provide the approximate date and time that the agency will cease continuous service.
- (3) The agency's chief operations or service director shall immediately contact the executive director of the board upon determining that his or her Class I, II, III, VI, or VII agency has ceased providing continuous service, and shall provide the date and time that the agency ceased continuous service.
- (4) Notwithstanding subsection (1) of this section and Section 3(1) of this administrative regulation, a Class I, II, III, VI, or VII agency shall resume continuous service no later than seventy-two (72) hours after ceasing continuous service if the executive director of the board determines, in writing, that:
 - (a) Circumstances beyond the agency's control exist which justify the agency's temporary lapse in continuous service; and
 - (b) Public health, safety, and welfare will be better served by allowing the agency to resume continuous service within seventy-two (72) hours after ceasing continuous service.
- (5) A licensed Class I, II, III, VI, or VII agency that ceases continuous service shall be deemed to pose a threat to the public and the agency's license shall be temporarily suspended in accordance with KRS 311A.075 if:
 - (a) The agency fails to surrender its license in accordance with subsection (1) of this section; and
 - (b) The executive director of the board does not make the determinations set forth in subsection (4)(a) and (b) of this section; or
 - (c) The executive director of the board makes the determinations set forth in subsection (4)(a) and (b) of this section, but the agency fails to resume continuous service within seventy-two (72) hours after ceasing continuous service and fails to surrender its license to the board office within seventy-two (72) hours after ceasing continuous service.

Section 5. Issuance of Temporary Class I Hardship Licenses to Counties.

- (1) The board office shall issue a temporary Class I hardship license to the county or counties listed as the geographic service area on a Class I license that:
 - (a) Is the only Class I license for the geographic service area; and
 - (b) Is surrendered in accordance with Section 4(1) of this administrative regulation; or
 - (c) Is temporarily suspended in accordance with Section 4 of this administrative regulation and KRS 311A.075.
- (2) A temporary hardship license shall not be transferrable.
- (3) A county issued a temporary hardship license may contract with a licensed Class I agency to provide service to the geographic service area listed on the temporary hardship license.
- (4) Notwithstanding Sections 3(1) and 4(1) of this administrative regulation, a county issued a temporary hardship license shall begin providing continuous service no later than 120 days after the license is issued.
- (5) Notwithstanding any other administrative regulation promulgated by the board, for up to and not exceeding 120 days after a temporary hardship license is issued to a county under this section, the county may request that any licensed Class I agency respond to a call for service in the geographic service area listed on the temporary hardship license.
- (6) A temporary hardship license shall expire one (1) year after the license is issued, after a new Class I license for the geographic service area is issued, or, if the Class I license for the geographic service area was temporarily suspended in accordance with Section 4 of this administrative regulation, after that license is reinstated, whichever occurs first.

Section 6. Medical Directors.

- (1) Each licensed agency shall have a medical director who meets the requirements established in 202 KAR 7:801.
- (2) A licensed agency shall notify KBEMS within twenty-four (24) hours of a decision to discontinue a medical director agreement by either the agency or the medical director.
- (3)
 - (a) If an agency is found to be operating without a medical director, the agency shall be provided emergency medical direction by the KBEMS Medical Advisor for a fee of \$100 per day for the first thirty (30) calendar days the agency is without a medical director.
 - (b) The fee shall increase to \$500 per day after thirty (30) calendar days.

Section 7. Public Notice of Negative Action. The board office shall cause to be published, 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.

Section 8. Incorporation by Reference.

- (1) The following material is incorporated by reference:
 - (a) "Commonwealth of Kentucky Field Operations Guide (KY-FOG)", (6/2012) found at <https://kwiec.ky.gov/SiteCollectionDocuments/KYFOG.pdf>;
 - (b) "NHTSA NEMSIS Data Dictionary", (v3.40) U.S. Department of Transportation National Highway Traffic Safety Administration (NHTSA) National Emergency Medical Services Information System (NEMSIS) data dictionary found at https://www.nemsis.org/media/nemsis_v3/3.4.0.150302/DataDictionary/PDFHTML/DEMEMS/NEMSISDataDictionary.pdf;
 - (c) "Vehicle Delete application in KEMSIS", (12/2019);
 - (d) "Add TEMPORARY Vehicle/Aircraft application Part 1 in KEMSIS", (12/2019); and
 - (e) "Add TEMPORARY Vehicle/Aircraft application Part 2 in KEMSIS", (12/2019).
 - (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, 500 Mero Street, 5th Floor 5SE32, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.
 - (3) This material is also available on the board's Web site at: kyems.com.
- (44 Ky.R. 1742; 2049; 2201; eff. 5-4-2018; 46 Ky.R. 2311, 2109, 2621; eff. 7-29-2020; 50 Ky.R. 135, 816; eff. 10-25-2023.)

JOHN R. HOLDER, Board Chair

APPROVED BY AGENCY: April 13, 2023
FILED WITH LRC: May 22, 2023 at 2:50 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on August 23, 2023 at 1:00 p.m. ET at the Kentucky Board of Emergency Medical Services, 500 Mero Street, 5th Floor 5SE32, Frankfort, Kentucky 40601. 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 August 31, 2023. 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, Legal Counsel, Kentucky Board of Emergency Medical Services, 163 E. Main Street, Suite 200, Lexington, Kentucky 40507, phone (859) 225-4714, email administrativeregulations@wgmfirm.com.