



December 19, 2018

Chuck O'Neal
Deputy Director
Kentucky Board of Emergency Medical Services
118 James Ct., Suite 50
Lexington, KY 40505



RE: 202 KAR 7:560 (Ground Vehicle Staff)

Deputy Director O'Neal,

The purpose of this letter is to provide suggested amendments to 202 KAR 7:560. As discussed in recent KBEMS Executive Committee meetings, the staffing requirements in the current administrative regulation creates an undue hardship on the existing Class III pediatric and neonatal transport teams by requiring that all primary attendant be certified as a CCRN within one (1) year of hire. As we discussed, this level of certification is typical for an inpatient critical care setting but less applicable to the education and skills required of pediatric and neonatal transport nurses.

In cooperation with UK HealthCare, we are submitting a draft amendment for your review and consideration (see attached). The attachment differentiates between Class III pediatric specialty care ambulance agencies that are affiliated with an acute care hospital that is a member of the Children's Hospital Association from those that are not. Likewise, it differentiates between Class III neonatal specialty care ambulance agencies that are affiliated with acute care hospitals that operate a Class IV neonatal intensive care unit from those that are not.

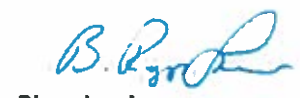
It is our hope this amendment satisfies KBEMS commitment to patient safety while reducing undue hardships on existing pediatric and neonatal specialty care transport agencies. We are aware there are other Class III license holders besides Norton Healthcare and UK HealthCare who may have an interest in this issue. Therefore, we would suggest that any amendment be filed as an ordinary regulation amendment to give those stakeholders an opportunity to testify at a public hearing or submit written comments for your review.

We appreciate your invitation to submit our suggestions and look forward to answering any questions regarding this matter at the next Executive Committee meeting.

Sincerely,


Mark Birdwhistell
VP, Admin. & External Affairs
UK HealthCare


Emmett Ramser
Chief Administrative Officer
Norton Children's Hospital


Riggs Lewis
System VP, Health Policy
Norton Healthcare

ATTACHMENT ONE

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 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 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 an on-duty paramedic 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 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 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 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 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) Each Class III Pediatric Specialty Care Ambulance Agency [that is not affiliated with an acute care hospital that is a member of the Children's Hospital Association] shall at minimum be staffed by:
- (a) A driver certified as an emergency medical technician (EMT); and
 - (b) A primary attendant licensed as a registered nurse and certified as a [pediatric] CCRN ~~that is obtained within one (1) year of hire;~~ and
 - (c) One (1) additional attendant licensed as a:
 - 1. Registered nurse;
 - 2. Advanced practice registered nurse;
 - 3. Respiratory therapist;
 - 4. Physician assistant;
 - 5. Physician; or
 - 6. Paramedic.
- (7) Each Class III Pediatric Specialty Care Ambulance Agency that is affiliated with an acute care hospital that is a member of the Children's Hospital Association shall at a minimum be staffed by:

- (a) A driver certified as an emergency medical technician (EMT); and
- (b) A primary attendant licensed as a registered nurse and certified in ACLS, PALS, and NRP within one (1) year of hire and has documented completion of annual invasive skills training under the direction of a board certified Neonatologist, Pediatric Critical Care Physician, or Pediatric Emergency Department Physician; and
- (c) One (1) additional attendant licensed as a:
 - 1. Registered nurse;
 - 2. Advanced practice registered nurse;
 - 3. Respiratory therapist;
 - 4. Physician assistant;
 - 5. Physician; or
 - 6. Paramedic
- (d) A primary or secondary attendant who was employed prior to January 1, 2018 by a Class III Pediatric Specialty Care Ambulance Agency that is affiliated with an acute care hospital that is a member of the Children's Hospital Association may continue in that role if their employment relationship with the Class III Pediatric Specialty Care Ambulance Agency does not lapse.]

[(8)](7) Each Class III Neonatal Specialty Care Ambulance Agency [that is not affiliated with an acute care hospital that operates a Class IV neonatal intensive care unit] shall at minimum be staffed by:

- (a) A driver certified as an emergency medical technician (EMT);
- (b) A primary attendant licensed as a registered nurse with a current certification as a [pediatric] CCRN or RNC-NIC ~~[that is obtained within one (1) year of hire]~~; and
- (c) One (1) additional attendant licensed as:
 - 1. An advanced practice registered nurse;
 - 2. A respiratory therapist;
 - 3. A physician assistant; or
 - 4. A physician; or
 - 5. A registered nurse.

[(9)] Each Class III Neonatal Specialty Care Ambulance Agency that is affiliated with an acute care hospital that operates a Class IV neonatal intensive care unit shall at a minimum be staffed by:

- (a) A driver certified as an emergency medical technician (EMT); and
- (b) A primary attendant licensed as a registered nurse and certified in ACLS, PALS, and NRP within one (1) year of hire and has documented completion of annual invasive skills training under the direction of a board certified Neonatologist.

(c) One (1) additional attendant licensed as a:

- 1. Registered nurse;
- 2. Advanced practice registered nurse;
- 3. Respiratory therapist;
- 4. Physician assistant;
- 5. Physician; or
- 6. Paramedic

(d) A primary or secondary attendant who was employed prior to January 18, 2018 by a Class III Neonatal Specialty Care Ambulance Agency that is affiliated with an acute care hospital that operates a Class IV neonatal intensive care unit may continue in that role if their employment relationship with the Class III agency does not lapse.]

[(10)](8) Each Class IV agency operating a BLS ambulance shall at minimum be staffed by:

- (a) A driver certified as an emergency medical technician (EMT); and
- (b) An attendant certified as an emergency medical technician (EMT).

[(11)](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.

~~[(12)](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).

~~[(13)](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.

~~[(14)](12)~~ Each Class VIII BLS agency shall be minimally staffed by a certified:

- (a) Emergency medical responder (EMR); or
- (b) Emergency medical technician (EMT).

~~[(15)](13)~~ Each Class VIII ALS agency shall be minimally staffed by:

- (a) A certified Advanced EMT; or
- (b) A licensed paramedic.

~~[(16)](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.

~~[(17)](15)~~ At all times, the attendant shall monitor the patient and remain with the patient in the patient compartment.

~~[(18)](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.

~~[(19)](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.

- ~~[(20)](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. (New 44 Ky.R. 1745, 2042, 2204; eff. 5-4-2018.)