

DELAWARE STATE FIRE PREVENTION COMMISSION
Statutory Authority: 16 Delaware Code, Section 6603 (16 Del.C. §6603)

FINAL

ORDER

Delaware State Fire Prevention Regulations Part X Ambulance Service Regulations

NATURE OF THE PROCEEDINGS

The State Fire Prevention Commission (“the Commission”) held a properly noticed, public hearing on November 20, 2007 to receive comment on proposed additions, revisions, deletions, modifications and reservations to the Commission Regulations specifically Part X, Ambulance Regulations. (The regulations as adopted by the Commission are attached to this Order as “Exhibit A”). The attendance sheets and transcribed minutes of this hearing are attached to this Order as Exhibit “B” to supplement the brief summary of evidence below. Similarly, the written comment received by the Commission and introduced into evidence at the hearing is attached to this Order as Exhibit “C”.

Summary of the Evidence

1. The Commission received a brief overview of the proposed updates to the Ambulance Regulations from Fire School Director Robert Newnam. The proposed changes are to the following sections of Part X:
 - Part X, Chapter III (Definitions) – revised Ambulance Attendant for the purpose of clarity.
 - Part X, Chapter IX has been rewritten for better clarity.
 - Part X, Chapter XIV modified to address the reinstatement procedures for Delaware EMT-B/ Ambulance Attendant.
 - Part X, Chapter XV modified to address requirements to the Criminal History Background Checks.
 - Part X, Chapter XVI modified to address requirements to the First Responder.
2. The Commission received one written comment via e-mail from Scott Cooper, EMS21, of the Mill Creek Fire Company (See Exhibit C). The Commission reviewed each of the comments proposed by Mr. Cooper and voted to accept or reject those comments as indicated in the minutes (See Exhibit B).
3. The Commission received no public comment at the hearing in opposition to the proposed changes. Sandy Hypes and Diane Hainsworth of the Office of EMS were present and offered some clarification regarding Mr. Cooper’s written comment, specifically, they pointed out that many of the changes suggested by Mr. Cooper in his written comment are already covered in Title 16 of the Delaware Code, Chapter 98.

Findings of Fact

Based upon the evidence received, the Commission finds the following facts to be supported by the evidence.

1. There was no public comment presented in opposition to the proposed regulations at the public hearing.
2. In written correspondence, Scott Cooper raised a number of issues. Many of the issues are already defined and/or addressed in Title 16 of the Delaware Code, Chapter 98. In addition, Mr. Cooper suggested a number of revisions outside of those proposed by the Commission. The Commission determined that it would take those suggestions under advisement for future revisions to additional sections of the regulations but does not find that it is in the best interest to delay implementation of the current proposals. The Commission minutes reflect those changes that were accepted or declined by the Commission (See Exhibit B).

The Law

The State Fire Prevention Commission’s rulemaking authority is provided by 16 Del.C. §6711(b)(2) and

§6717(a) that state:

§ 6711. Establishment of operational standards.

(a) . . .

(b) Emergency ambulance licensing and certification

(b)(1) . . .

(b)(2) The Commission shall adopt regulations specifying operational standards for ambulances. Regulations so adopted shall also require that the interior of the ambulance and the equipment within the ambulance be sanitary and maintained in good working order and sufficient quantities at all times.

§ 6717. Establishment of State Fire Prevention Commission ambulance service responsibility and authority; ambulance service districts; operational and administrative requirements; ambulance service permits.

(a) As the responsible agency for the regulation of ambulance services within the State, the Commission shall adopt regulations applicable to ambulance service providers including but not limited to the establishment of ambulance service districts, establishment of operational and administrative requirements and requirements for certification of ambulance service providers. The Commission shall also have the authority to establish a process for certification renewal and shall have the authority to decertify any agency for noncompliance with its regulations.

Decision

The Commission hereby adopts the Ambulance Regulations as proposed with the alterations and clarifications noted in this Order and a copy of the Regulations as adopted is attached to this Order as Exhibit A. The Commission relies upon its expertise in this area and the evidence presented in the testimony and documents submitted.

It is so Ordered this 15th day of January, 2008.

STATE FIRE PREVENTION COMMISSION

Marvin C. Sharp, Chairman	Bob Ricker, Vice Chairman
Kenneth H. McMahan	W. (Bill) Betts, Jr.
Douglas S. Murray	David J. Roberts
Alan Robinson Jr.	

Delaware State Fire Prevention Regulations Part X Ambulance Service Regulations

1.0 Purpose

The purpose of this regulation is to ensure a consistent and coordinated high quality level of ambulance service throughout the state, focusing on timeliness, quality of care and coordination of efforts.

2.0 Application

2.1 This regulation shall apply to any person, firm, corporation or association either as owner, agent or otherwise providing either prehospital or interhospital ambulance service meeting the definitions of either "BLS Ambulance Service" or "Non-Emergency Ambulance Service" within the State of Delaware. The following are exempted from this regulation:

2.1.1 Privately owned vehicles not ordinarily used in the business of transporting persons who are sick, injured, wounded or otherwise incapacitated or helpless.

2.1.2 A vehicle rendering service as an ambulance in case of a major catastrophe or emergency when the ambulances with permits and based in the locality of the catastrophe or emergency are insufficient to

render the services required.

2.1.3 Ambulances based outside the State rendering service in case of a major catastrophe or emergency when the ambulances with permits and based in the locality of the catastrophe or emergency are insufficient to render the services required.

2.1.4 Ambulances owned and operated by an agency of the United States Government.

2.1.5 Ambulances based outside the State engaged strictly in interstate transportation.

2.1.6 A vehicle which is designed or modified and equipped for rescue operations to release persons from entrapment and which is not routinely used for emergency medical care or transport of patients.

7 DE Reg. 1649 (06/01/04)

3.0 Definitions

For the purpose of this policy the following definitions are used:

Advanced Life Support (ALS) - The advanced level of pre-hospital and inter hospital emergency care that includes basic life support functions including cardiopulmonary resuscitation, plus cardiac monitoring, cardiac defibrillation, telemetered electrocardiography, administration of anti arrhythmic agents, intravenous therapy, administration of specific medications, drugs and solutions, use of adjunctive medical devices, trauma care and other authorized techniques and procedures.

Advertising - Information communicated to the public, or to an individual concerned by any oral, written, or graphic means including, but not limited to, handbills, newspapers, television, billboards, radio, and telephone directories.

Ambulance - Any publicly or privately owned vehicle, as certified by the Delaware State Fire Prevention Commission, that is specifically designed, constructed or modified and equipped, and intended to be used for and is maintained or operated for the transportation upon the streets and highways of this state for persons who are sick, injured, wounded or otherwise incapacitated or helpless.

Ambulance Attendant - A person trained in emergency medical care procedures and currently certified by the Delaware State Fire Prevention Commission as an EMT-B in accordance with standards prescribed by the Delaware State Fire Prevention Commission. Ambulance Attendant remains in this document for the purpose of clarity and is to be construed interchangeably with EMT-B.

Ambulance Service District - A geographical area with boundaries which are typically (but not always) aligned to fire service districts within the state as identified and certified by the Delaware State Fire Prevention Commission.

BLS Run Report - Standardized Patient Care Report provided by the State EMS office, paper or computerized.

Basic Life Support (BLS) - The level of capability which provides EMT-B/Ambulance Attendant emergency patient care designed to optimize the patient's chances of surviving an emergency situation.

BLS Ambulance Service - Ambulance service which provides BLS level intervention both through the level of personnel and training provided.

BLS Ambulance Service Contract - A written contract between either a Primary or Secondary Ambulance Service Provider and an individual, organization, company, site location or complex or other entity for BLS ambulance service.

BLS Run Report - Standardized Patient Care Report provided by the State EMS office, paper or computerized.

Cardiopulmonary Resuscitation (CPR) – A combination of chest compressions and rescue breathing used during cardiac and respiratory arrest to keep oxygenated blood flowing to the brain. (AHA Manual)

Center For Medicare/Medicaid Services (CMS) - The Federal Agency which oversee Medicare Billing and Ambulance Standard.

Certification – An initial authorization by the Delaware State Fire Prevention Commission to practice the skills of an EMT-Basic/Ambulance Attendant or First Responder specifying that the individual has successfully completed and passed the approved curriculum and evaluation process.

Delaware Refresher Course - A course of instruction for re-certification required by the Delaware State Fire Prevention Commission for EMT-B/Ambulance Attendants and First Responders that meet the guidelines of the DOT Curriculum.

Delaware State Fire Prevention Commission (DSFPC) - The State Governing Body mandated in Title 16, Delaware Code whom Regulates the Basic Life Support System in Delaware.

Delaware State Fire School (DSFS) - An agency of the Delaware State Fire Prevention Commission which is designated as its duly authorized representative to administer the provisions of the Ambulance Service Regulations.

Delaware Training Standard For Delaware Emt-B/Ambulance Attendants & First Responders – The current of United States Department of Transportation Curriculum.

Emergency - The BLS and ALS response to the needs of an individual for immediate medical care in order to prevent loss of life or aggravation or physiological or psychological illness or injury.

Emergency Medical Dispatch System - Means an approved protocol system used by an approved dispatch center to dispatch aid to medical emergencies which must include:

- Systematized caller interrogation questions
- Systematized pre-arrival instruction; and
- Protocols matching the dispatcher's evaluation of injury or illness severity with vehicle response mode and configuration.

Emergency Medical Services (EMS) Provider – Individual providers certified by the Delaware State Fire Prevention Commission to perform pre hospital care. For the purposes of this regulation this includes EMT-B/ Ambulance Attendant and First Responders.

Emergency Medical Technician – Basic (EMT-B) – The individual as defined in Title 16 of Delaware Code who provides patient care on an ambulance and has completed the National Department of Transportation curriculum and initially certified as a National Registered and Delaware Emergency Medical Technician-Basic and upon re-certification chooses to meet the State of Delaware requirements.

First Responder - An individual who has to take the First Responder Course that meets the DOT curriculum.

HIPAA - Health Insurance [Probability Portability] and Accountability Act of 1996.

Hospital - An institution having an organized medical staff which is primarily engaged in providing to inpatients, by or under the supervision of physicians, diagnostic and therapeutic services or rehabilitation services for the care or rehabilitation of injured, disabled, pregnant, diseased, sick or mentally ill persons. The term includes facilities for the diagnosis and treatment of disorders within the scope of specific medical specialties, but not facilities caring exclusively for the mentally ill.

Medical Command Facility - The distinct unit within a hospital which meets the operational, staffing and equipment requirements established by the Secretary, Delaware Health and Social Services for providing medical control to the providers of advanced life support services. Any hospital that operates an emergency medical facility and desires to be designated as a medical command facility shall maintain and staff such facility on its premises and at its own expense with exception of base station communication devices which shall be an authorized shared expense pursuant to the provisions of Title 16, Chapter 98.

Medical Control - shall mean directions and advice normally provided from a centrally designated medical facility operating under medical supervision, supplying professional support through radio or telephonic communication.

Medical Control Physician - Any physician board-certified or board-prepared in emergency medicine, or a physician certified on advanced trauma life support (ATLS) and advanced cardiac life support (ACLS) who is credentialed by the hospital within which a medical command facility is located, and who is authorized by the medical command facility to give medical commands via radio or other telecommunication devices to a paramedic. When a medical control physician establishes contact with a paramedic, and provides medical control instructions that exceed or otherwise modify the standing orders of the statewide standard treatment protocol, the paramedic shall, solely for the purpose of compliance with the Medical Practices Act, be considered to be operating under the license of said medical control physician.

National Department Of Transportation (DOT) – Emergency Medical Technician Curriculum - A curriculum developed and adopted by the Federal Government as a recommended guide for people providing emergency care in the field.

National Registry Of Emergency Medical Technicians (NREMT) - The nationally recognized organization for the testing and registering of persons who have completed DOT, EMT-Basic and First Responder Courses.

National Registered Emergency Medical Technician – Basic (NREMT-B) - a person who completed the DOT curriculum and passed the National Registry of Emergency Medical Technicians Examination.

Non-emergency Ambulance Service - Ambulance service which provides routine transport of persons

who are sick, convalescent, incapacitated and non-ambulatory but do not ordinarily require emergency medical treatment while in transit.

Office Of Emergency Medical Services (OEMS) - The State Agency Mandated in Title 16 that serves as the designated representative of the NREMT; provides medical advise and direction; regulates the statewide automatic external defibrillator program; and coordinates data collection activities for the EMS system.

Patient - An individual who is sick, injured, wounded or otherwise incapacitated or helpless and/or seeks immediate medical attention.

Pre-hospital Care - Any emergency medical service, including advanced life support, rendered by an emergency medical unit before and during transportation to a hospital or other facility.

Primary Ambulance Service - BLS Ambulance Service provided by the Primary Ambulance Service Provider certified by the Delaware State Fire Prevention Commission within a specific ambulance service district.

Primary Ambulance Service Provider - An organization or company which has been designated by the Delaware State Fire Prevention Commission as having primary responsibility for providing BLS ambulance service within a specific ambulance service district.

Protocols - shall mean written and uniform treatment and care plans for emergency and critical patient statewide that constitutes the standing order of basic life support provider. The treatment protocols shall be prepared by the Board of Medical Practice as defined by House Bill 332 of the 140th General Assembly.

[Quality Assurance - is the retrospective review or inspection of services or processes that is intended to identify problems.

Quality Improvement - is the continuous study and improvement of a process, system or organization.]

Recertification Training - A defined curriculum that once completed allows the individual to continue practicing as an EMT-B/Ambulance Attendant or First Responder for a specific period of time as determined by the Delaware State Fire Prevention Commission.

Response Time - The time the ambulance is notified by dispatch until the ambulance arrives on scene.

Responsible Charge - The individual who is identified as having both the responsibility and authority to ensure full and complete compliance with all requirements of this regulation.

Secondary Ambulance Service - Ambulance Service provided under contract to specific locations within a primary ambulance service district by a BLS Ambulance Service Provider other than the primary provider.

Secondary Ambulance Service Provider - An organization or company which provides supplemental BLS ambulance service anywhere in the state and always under specific contractual agreements.

Semi Automatic External Defibrillation (AED) - An external computerized defibrillator designed for use in unresponsive victims with no breathing or signs of circulation (AHA Manual).

State Board Of Medical Practice (Board) - The Board of Medical Practice is charged with protecting the consumers of the Delaware healthcare system through the proper licensing and regulation of physicians and other health care professionals.

7 DE Reg. 1649 (06/01/04)

BLS AMBULANCE SERVICE

4.0 BLS Ambulance Service Permits

4.1 Any person, firm, corporation or association either as owner, agent or otherwise who furnish, conduct, maintain, advertise or otherwise engage in or profess to be engaged in the business or service of providing BLS Ambulance Service upon the streets or highways of this state shall hold a valid permit as either a Primary or Secondary Ambulance Service Provider issued by the Delaware State Fire Prevention Commission. Application for this permit shall be upon forms provided by the Delaware State Fire Prevention Commission.

4.2 The issuance of a permit hereunder shall not be construed so as to authorize any person, firm, corporation or association to provide ambulance services or to operate any ambulance without compliance with all ordinances and regulations enacted or promulgated by any state, county or municipal government concerning ambulances.

4.3 Prior to issuing an original or renewal permit, the Delaware State Fire Prevention Commission shall determine that all requirements of this regulation are fully met. Additionally, the Delaware State Fire Prevention Commission has the authority to ensure continued compliance with these regulations through the periodic review of records and operations.

4.4 Only companies holding a current, valid BLS Ambulance Service Provider Permit shall be authorized to respond and provide BLS Ambulance Service within the state.

4.5 A Primary or Secondary Ambulance Service Provider may not discontinue BLS ambulance service until a replacement provider has been selected and can assume service with no reduction in service.

7 DE Reg. 1649 (06/01/04)

5.0 BLS Ambulance Service Districts

5.1 The Delaware State Fire Prevention Commission shall have the authority to establish Ambulance Service Districts as per Title 16 Delaware Code, Section 1617(a).

5.2 The role of Primary Ambulance Service Provider shall be assigned to those fire departments providing BLS Ambulance Service at the time this regulation was initially adopted in 1997. The ambulance service district for these providers shall correspond to their established fire districts as certified by the Delaware State Fire Prevention Commission.

5.3 In those areas in which fire departments were not providing BLS Ambulance Service at the time this regulation was officially adopted in 1997, the organization who was providing BLS Ambulance Service shall be designated as the Primary Ambulance Service Provider. The ambulance service district for these providers shall correspond to their current boundaries.

7 DE Reg. 1649 (06/01/04)

6.0 Primary and Secondary BLS Ambulance Service Providers

6.1 BLS Ambulance Service may be provided by Primary Ambulance Service Providers within their ambulance service district or in the course of providing mutual aid within other ambulance service districts provided:

6.1.1 They have a current permit

6.1.2 They are assigned by the Delaware State Fire Prevention Commission as a Primary Ambulance Service Provider

6.2 The Delaware State Fire Prevention Commission shall be authorized to select a new Primary Ambulance Service Provider at such time that:

6.2.1 The current Primary Ambulance Service Provider chooses to discontinue service

6.2.2 Failure to meet one or more elements of these regulations creates a threat to public safety

6.3 Any organization desiring to assume the role of Primary Ambulance Service Provider will be required to apply to the Delaware State Fire Prevention Commission showing adequate cause in the interest of public safety to justify the change.

6.4 BLS Ambulance Service may be provided by Secondary Ambulance Service Providers only to those with whom they have a contract for such service provided they:

6.4.1 Have a current permit.

6.4.2 Have a written contract to provide BLS Ambulance Service to that specific location or site.

6.4.3 Provide the names, locations and conditions of all Secondary Ambulance Service contracts to the Delaware State Fire Prevention Commission within 20 days of contract finalization.

7 DE Reg. 1649 (06/01/04)

7.0 BLS Ambulance Service Provider Permit Requirements

7.1 BLS Administrative Requirements.

7.1.1 Procedures for securing a BLS ambulance service primary or secondary ambulance service permit include:

7.1.1.1 The owner or registered agent must apply to the Delaware State Fire Prevention Commission upon forms provided and according to procedures established by the Delaware State Fire Prevention Commission.

7.1.1.2 The Primary or Secondary Ambulance Service Provider shall either be based in Delaware or maintain an office in Delaware with a full time individual domiciled at that office who is in "Responsible Charge".

7.1.1.3 All requirements set forth in this regulation must be met before issuance of permit.

7.1.1.4 The Primary or Secondary Ambulance Provider must provide proof of liability

insurance in the amount of \$1 Million blanket liability coverage.

7.1.1.5 The Primary or Secondary Ambulance Provider must provide proof of automobile liability insurance in the amount of \$1 Million individual, \$3 Million aggregate per occurrence.

7.1.2 Permits shall be valid for a period of one year from the permits effective date. Effective date runs for a calendar year.

7.1.3 The Delaware State Fire Prevention Commission may issue temporary permits when determined to be in the interest of public safety per Title 16.

7.1.4 On an on-going basis throughout the term of the permit, the owner or individual in "responsible charge" shall be available upon reasonable notification for the purpose of providing documentation on any provisions of this regulation and permitting physical inspection of all facilities and vehicles.

7.1.5 No ambulance service provider shall advertise or represent that it provides any ambulance service other than authorized to provide under this regulation.

7.1.6 All individuals or ambulance service providers shall be required to participate in the Delaware State Fire Prevention Commission approved ambulance data collection system which includes:

7.1.6.1 A BLS run report will be completed on all dispatched responses.

7.1.6.2 EMT-B/Ambulance Attendants must complete, without exception, a written/computer report on each patient contact. Reports must be completed in a timely fashion.

7.1.6.3 When available, the report will be entered electronically and forwarded to the state EMS office.

7.1.6.4 Failure to comply with data submission will result in loss of ambulance provider license or EMT-B/Ambulance Attendant Certification.

7.1.6.5 Submit any other data to the designated agencies as required by the Delaware State Fire Prevention Commission.

7.1.7. The ambulance company shall provide on an annual basis a financial statement to the Delaware State Fire Prevention Commission. The Delaware State Fire Prevention Commission has the option to withhold funding as per HB 332 for failing to report the financial statement.

7.2 BLS Operational Requirements

7.2.1 Vehicle Standards

7.2.1.1 All ambulances shall be registered and licensed in the State of Delaware by the Delaware Motor Vehicle Department.

EXCEPTIONS:

7.2.1.1.1 Those vehicles to which the international registration plan applies

7.2.1.1.2 Those vehicles properly registered in some other state.

7.2.1.2 Vehicles shall have clearly visible letters on both sides and the rear identifying the name of the organization or corporation or the vehicle's specific identifier as specified under permit documentation. The letters shall be at least three inches in height.

7.2.1.3 Vehicle patient compartment shall conform with the criteria within the GSA Federal Specifications for ambulances (KKK-1822C).

7.2.2 Equipment Standards

Every ambulance shall be equipped with equipment and supplies as specified by the Delaware State Fire Prevention Commission and updated annually following recommendations from the Delaware State Fire School Director with concurrence from the Delaware State Fire Prevention Commission's Medical Director.

7.2.3 Staffing Requirements

7.2.3.1 Minimum acceptable crew staffing when transporting a patient shall consist of a driver and one EMT-B/Ambulance Attendant.

7.2.3.2 A minimum of one EMT-B/Ambulance Attendant shall always be in the patient compartment when a patient is present.

7.2.3.3 BLS ambulance drivers are required to have completed the "Emergency Vehicle Operators" course conducted by the Delaware State Fire School or an equivalent program approved by the Delaware State Fire Prevention Commission.

7.2.4 Quality Assurance

7.2.4.1 Each Primary and Secondary Ambulance Service Provider shall be responsible for monitoring quality assurance in the form of patient care and both mobilization and response times. The method

in which this is accomplished is the authority and responsibility of the Primary or Secondary Ambulance Service Provider per the Quality Assurance and Improvement Program ~~[adopted established]~~ by the Delaware State Fire Prevention Commission ~~[and in conjunction with]~~ the Office of Emergency Medical Services ~~[and adopted by the Delaware State Fire Prevention Commission.]~~

7.2.5 Communications Requirements

7.2.5.1 Dispatch Centers

7.2.5.1.1 Dispatch centers for both Primary and Secondary Ambulance Service Providers shall meet the criteria established by the Delaware State Fire Prevention Commission.

7.2.5.1.2 Secondary ambulance service providers dispatch centers shall be responsible for following call taking protocols as established by the Delaware State Fire Prevention Commission. Calls determined to be ALS in nature shall be transferred to the appropriate public safety answering point (PSAP) within 30 seconds of taking the call utilizing a dedicated phone line to that PSAP.

7.2.5.1.3 Calls determined to be BLS in nature shall not be required to be forwarded to the PSAP.

7.2.5.1.4 Dispatch centers shall follow an Emergency Medical Dispatch System approved by the Delaware State Fire Prevention Commission.

7.2.5.2 Ambulances

7.2.5.2.1 All Ambulances shall be equipped with reliable communications systems which permit direct communications with their dispatch center and all medical command facilities with which the ambulance will or may operate.

7.2.6 SAED Requirements: Upon placing an SAED on any ambulance, the ambulance service provider will comply with the Delaware Early Defibrillation Program Administrative Policies as established by the Office of Emergency Medical Services.

7.2.7 Infection Control: All ambulance service providers will comply with the infection control requirements in chapter 12A, Title 16 of the Delaware code.

7.2.8 Medical Control: Ambulance service providers shall be required to follow all orders issued.

7.2.9 Center for Medicare Medicaid Services (CMS): All ambulance services providers will comply with the Final Rule in the Federal Register (64F.R3637) revising the Medicare policies for ambulance services adopted February 24, 1999.

7.2.10 Health Insurance Portability and Accountability Act of 1996 (HIPAA) All ambulance service providers will comply with the HIPAA of 1996.

7 DE Reg. 1649 (06/01/04)

8.0 Compliance

8.1 The owner or registered agent of every ambulance service provider shall provide ambulance service in accordance with the requirements set forth in this regulation and the contractual agreements established as either a primary or secondary Ambulance Service Provider and filed with the Delaware State Fire Prevention Commission in accordance with the provisions set forth in these regulations. Failure to provide this service shall be grounds for suspension or revocation of permit.

8.2 Grievances - All grievances relative to ambulance service shall follow procedures established within the Delaware State Fire Prevention Regulations, Part IX "Fire Service Standards".

8.3 Penalties - Following review of a valid complaint or upon failure to comply with any provision of this regulation, the Delaware State Fire Prevention Commission, following procedures established within the Delaware State Fire Prevention Regulations, shall have the authority to issue corrective orders, suspend or revoke the provider's permit.

8.4 Whenever there is reason to believe that any provisions of this regulation have been violated, the ambulance service provider shall be immediately notified. Violations shall require correction within five (5) working days of receipt of notice with the exception of those violations which represent an imminent danger to the public.

8.5 For those violations representing an imminent danger to the public, the Delaware State Fire Prevention Commission shall issue and deliver an order to cease and desist any further ambulance service until such time as the violation has been verified as being corrected and corrective measures accepted by the Delaware State Fire Prevention Commission.

8.6 The continued violation of any element of this regulation or failure or refusal to comply with any

order to correct a violation or failure to obey a cease and desist order by any ambulance service provider shall be cause for revocation or suspension of permit by the Delaware State Fire Prevention Commission after determination that the provider is guilty of such violation.

8.7 In addition to 8.6, it shall be cause for revocation or suspension of a permit after determining the ambulance service provider:

8.7.1 Has practiced any fraud, misrepresentation, or deceit in obtaining or renewing a permit

8.7.2 Is guilty of gross negligence, incompetence or misconduct in providing services

8.7.3 Is guilty of a violation of the codes and regulations adopted by the Delaware State Fire Prevention Commission

8.7.4 Has been found guilty of an unfair or deceptive trade practice

8.7.5 Has violated any contractual agreement related to providing ambulance service

8.8 Upon issuance of an order, the ambulance service provider accused may request a review of the order by the Delaware State Fire Prevention Commission. All hearings shall be conducted in conformity with procedures established by the Delaware State Fire Prevention Commission.

8.9 Any person aggrieved by a violation or order may file an appeal to the Delaware State Fire Prevention Commission pursuant to 16 Del.C. Ch. 66, §6608.

7 DE Reg. 1649 (06/01/04)

9.0 Basic Life Support Data Assessment Committees

~~9.1 Members:—The Delaware State Fire Prevention Commission hereby establishes Basic Life Support (BLS) Data Assessment Committees, hereinafter referred to as the Committees.~~

~~9.1.1 There shall be three committees, one in each county of the State of Delaware. Members shall consist of representatives from the County Volunteer Firemen's Association, the County Fire Chiefs Association, the County Ambulance Association, County and/or State EMS Medical Directors, and the County or local Fire and Emergency Medical (EMS) Dispatch Center dispatching the respective Company's EMS calls.~~

~~9.1.2 The President of his or her respective Association shall appoint each representative. The manager of the Fire and EMS Dispatch Center dispatching the Company's BLS incidents shall appoint the Dispatch Center representative.~~

~~9.1.3 The representative from each Association shall serve on their respective Committee until a letter of appointment is received from the respective Association or Dispatch Center indicating replacement of their current representative.~~

~~9.2 Duties:—Each Committee shall meet at least biannually, or as necessary, to review their respective County's Fire and EMS Dispatch Center's Basic Life Support (BLS) data. They shall review the monthly data for each Ambulance Provider, hereinafter referred to as Provider, in their County. Criteria for review shall include numbers of dispatched calls, scratches, and special circumstances. Each committee shall submit biannually a written report to the Delaware State Fire Prevention Commission, reporting on their reviews, and any suggestions they might have to improve the BLS system or committee procedures.~~

~~9.2.1 If the Committee deems that a Provider needs improvement in an area, the Committee shall schedule a meeting with that Provider to determine if they can support the Provider in solving the identified problem(s). When meeting with the Provider, the Committee, by consensus, shall select a Chair to mediate discussions presented by the Committee to the Provider.~~

9.0 Statewide Basic Life Support Quality Assurance/Quality Improvement

~~9.1 The Delaware State Fire Prevention Commission hereby establishes a Statewide Basic Life Support (BLS) Quality Assurance and Quality Improvement Committee hereinafter referred to as the Committee.~~

~~9.2 Purpose~~

~~The Quality Assurance/Quality Improvement (QA/QI), under direction of the State Medical Director is responsible for assuring and improving the quality of Basic Life Support within EMS systems that are served by the State Of Delaware.~~

~~9.3 Definitions~~

~~Quality Assurance is the retrospective review or inspection of services or processes that is intended to identify problems.~~

~~Quality Improvement is the continuous study and improvement of a process, system or organization]~~

9.4 Objectives

9.4.1 Conduct medical incident reviews (QA)

9.4.2 Collect patient care statistics to evaluate system effectiveness and identify trends (QI)

9.4.3 Provide constructive feedback on quality improvement to all EMS professionals within the

State of Delaware

9.4.4 To coordinate the findings of quality assurance activities with the content of EMS continuing education programs

9.4.5 To provide assistance to EMS providers with local agency QA/QI programs.

9.5 EMS Agencies Quality Assurance and Improvement Requirements

9.5.1 EMS agencies should appoint a Quality Assurance Manager

9.5.2 The Quality Assurance Manager is charged with the responsibility of assuring that reasonable standards of care and professionalism are met within their respective EMS agency.

9.5.3 The Quality Assurance Manager should attend a Quality Management Training Program.

9.5.4 The Quality Assurance Manager shall implement a Quality Assurance and Improvement Program within their agency, department.

9.5.5 The Quality Assurance Manager shall perform monthly reviews of their data collection and conduct formal reviews with their personnel.

9.5.6 The Quality Assurance Manager will work closely with the Statewide QA/QI Committee on EMS policies, guidelines, protocols and system performance.

9.5.7 The Quality Assurance manager will consult with their County and State EMS Medical Director.

9.5.8 The Quality Assurance manager will consult with the Delaware State Fire School Director or their designee.

9.6 Statewide QA/QI Improvement Committee

The statewide BLS QA/QI committee shall be comprised of one BLS representative from each county (appointed by the County Fireman's Association), The BLS Medical Advisor, The State Medical Director, one representative from the State Fire Prevention Commission, **[who shall chair the committee,]** one representative from the Delaware State Fire School, one representative from the Office of EMS, one representative from the Delaware Volunteer Fireman's Association, a dispatch center representative and **[an EDIN a State patient Care Report #R]** representative. The goal of this committee is to make sure BLS is meeting all State standards and is providing the best patient care to the citizens and visitors of Delaware.

9.7 Committee Responsibilities

- Responsible to assure reasonable standards of care and professionalism are met within the State of Delaware's BLS system.
- Participate in Patient Care Report review audits, data collection, and evaluation of system performance.
- Maintain strict confidentiality of patient information, personnel and Q/A topics.
- Each committee member MUST sign a confidentiality statement **[to be provided by the Office of Emergency Medical Services].**
- Make sure information disseminated is protected from discovery of protected healthcare information.
- Make recommendations for changes to policies, guidelines and protocols.
- Attend a quarterly meeting to discuss QA/QI issues.
- Design and implement QI projects that are practical and able to collect patient care statistics to evaluate system effectiveness and identify trends in patient care.
- Establish clinical benchmarks to measure the State's BLS system.

9.8 Medical Incident Review and Analysis

9.8.1 The QA/QI process evaluates all aspects of patient care and EMS performance in the BLS system. The committee will concentrate on the following areas:

9.8.1.1 Time Elements

9.8.1.1.1 Hour of day

9.8.1.1.2 Day of week

9.8.1.1.3 Response times (dispatched-arrival)

9.8.1.1.4 Scene time (arrival-left scene)

- 9.8.1.1.5 Transport time (left scene-at hospital)
- 9.8.1.2 Patient Assessment
 - 9.8.1.2.1 Chief complaint
 - 9.8.1.2.2 Mechanism of injury
 - 9.8.1.2.3 History
 - 9.8.1.2.4 Vital Signs
 - 9.8.1.2.5 Physical Examination
- 9.8.1.3 Patient Treatment
 - 9.8.1.3.1 Treatment protocol followed
 - 9.8.1.3.1 Appropriate protocol followed
 - 9.8.1.3.1 If no, was deviation justified
 - 9.8.1.3.1 Patient response to treatment adequately documented
- 9.8.1.4 Refused transport
 - 9.8.1.4.1 Disposition appropriate
 - 9.8.1.4.2 Appropriate releases signed
- 9.8.1.5 Documentation
 - 9.8.1.5.1 Overall documentation adequate
- 9.8.1.6 System issues
 - 9.8.1.6.1 Recourses (equipment and personnel)
 - 9.8.1.6.1 Priority Medical Dispatch
 - 9.8.1.6.1 Hospital Diversion
 - 9.8.1.6.1 Scratch Rate
 - 9.8.1.6.1 ALS cancellations
 - 9.8.1.6.1 Air medical utilization
 - 9.8.1.6.1 Funding
- 9.8.1.7 Outcomes

9.8.2 Quarterly reports will be developed through the states patient care reporting system
~~EDIN~~. A percentage of the patient care reports will be reviewed using a designated and approved auditing tool.

9.8.3 The QA/QI committee shall review these reports during the quarterly meeting.

9.8.4 The primary goal is to identify and address any problem or improvement areas and recommend potential solutions:

- Knowledge or skill issues
- Documentation issue
- Resource issue
- Protocol issue
- Communication issue
- Statewide system issue
- Conduct issue

9.8.5 The QA/QI committee shall provide constructive feedback and recommendations to improve the State's BLS system.

- Recommend changes to policy, procedures, or protocols
- Recommend changes in operational procedures or equipment
- Recommend training

9.8.6 All committee recommendations will be forwarded to the appropriate agency(s) for consideration.

9.3 Grievance Procedure

In the event that the Committee has problems with the Provider, or the Provider has problems with the Committee, either may forward the problem to the Delaware State Fire Prevention Commission through the normal Grievance Procedures, previously adopted by the Delaware State Fire Prevention Commission.

7 DE Reg. 1649 (06/01/04)

NON-EMERGENCY AMBULANCE SERVICE

10.0 Non-emergency Ambulance Service Permits

10.1 Any person, firm, corporation or association either as owner, agent or otherwise who furnish, conduct, maintain, advertise or otherwise engage in or profess to be engaged in the business or service of providing non-emergency ambulance service upon the streets or highways of this state shall hold a valid permit issued by the Delaware State Fire Prevention Commission. Application for this permit shall be upon forms provided by the Delaware State Fire Prevention Commission.

10.2 The issuance of a permit hereunder shall not be construed so as to authorize any person, firm, corporation or association to provide ambulance services or to operate any ambulance without compliance with all ordinances and regulations enacted or promulgated by any state, county or municipal government concerning ambulances.

10.3 Prior to issuing an original or renewal permit, the Delaware State Fire Prevention Commission shall determine that all requirements of this regulation are fully met. Additionally, the Delaware State Fire Prevention Commission has the authority to ensure continued compliance with these regulations through the periodic review of records and operations.

10.4 Only companies holding a current, valid non-emergency ambulance service provider permit shall be authorized to respond and provide non-emergency ambulance service within the state.

11.0 Non-emergency Ambulance Service Provider Permit Requirements

11.1 Administrative Requirements

11.1.1 Procedures for securing a non-emergency ambulance service permit include:

11.1.1.1 The owner or registered agent must apply to the Delaware State Fire Prevention Commission upon forms provided and according to procedures established by the Delaware State Fire Prevention Commission.

11.1.1.2 The non-emergency ambulance service provider shall either be based in Delaware or maintain an office in Delaware with a full time individual domiciled at that office who is in "Responsible Charge".

11.1.1.3 All requirements set forth in this regulation must be met before issuance of permit.

11.1.1.4 The non-emergency ambulance service provider must provide proof of liability insurance in the amount of \$1 Million blanket liability coverage.

11.1.1.5 The non-emergency ambulance service provider must provide proof of automobile liability insurance in the amount of \$1 Million individual, \$3 Million aggregate per occurrence.

11.1.2 Permits shall be valid for a period of one year from the permits effective date.

11.1.3 The Delaware State Fire Prevention Commission may issue temporary permits when determined to be in the interest of public safety per Title 16.

11.1.4 On an on-going basis throughout the term of the permit, the owner or individual in "responsible charge" shall be available upon reasonable notification for the purpose of providing documentation on any provisions of this regulation and permitting physical inspection of all facilities and vehicles.

11.1.5 No ambulance service provider shall advertise or represent that it provides any ambulance service other than authorized to provide under this regulation.

11.2 Operational Requirements

11.2.1 Vehicle Standards

11.2.1.1 All ambulances shall be registered and licensed in the State of Delaware by the Delaware Division of Motor Vehicle Department.

EXCEPTIONS:

11.2.1.1.1 Those vehicles to which the international registration plan applies.

11.2.1.1.2 Those vehicles properly registered in some other state.

11.2.1.2 Vehicles shall have clearly visible letters on both sides and the rear identifying the name of the organization or corporation or the vehicle's specific identifier as specified under permit documentation. The letters shall be at least three inches in height.

11.2.1.3 Vehicle patient compartment shall conform with the criteria within the GSA Federal Specifications for ambulances (KKK-A-1822C).

11.2.2 Equipment Standards

Every ambulance shall be equipped with equipment and supplies as specified by the Delaware State Fire Prevention Commission and updated annually considering recommendations from the

Delaware State Fire School Director with concurrence from the Delaware State Fire Prevention Commission's Medical Director.

11.2.3 Staffing Requirements

11.2.3.1 Minimum acceptable crew staffing when transporting a patient shall consist of a driver and one EMT-B/Ambulance Attendant.

11.2.3.2 A minimum of one EMT-B/Ambulance Attendant shall always be in the patient compartment when a patient is present.

11.2.4 Communications Requirements Ambulances

All Ambulances shall be equipped with a reliable communications systems which permit direct communications with all medical command facilities with which the ambulance will or may operate.

11.2.5 SAED Requirements

Upon placing an SAED on any ambulance, the ambulance service provider will comply with the Delaware Early Defibrillation Program Administrative Policies as established by the Office of Emergency Medical Services

11.2.6 Infection Control

All ambulance service providers will comply with the infection control requirements in Chapter 11A, Title 16 of the Delaware code.

11.2.7 Center for Medicare Medicaid Services (CMS)

All ambulance services providers will comply with the Final Rule in the Federal Register (64F.R3637) revising the Medicare policies for ambulance services adopted February 24, 1999.

11.2.8 Health Insurance Portability and Accountability Act of 1996 (HIPAA) All ambulance service providers will comply with the HIPAA of 1996.

7 DE Reg. 1649 (06/01/04)

12.0 Compliance

12.1 The owner or registered agent of every ambulance service provider shall provide ambulance service in accordance with the requirements set forth in this regulation and the contractual agreements established as either a primary or secondary Ambulance Service Provider and filed with the Delaware State Fire Prevention Commission in accordance with the provisions set forth in these regulations. Failure to provide this service shall be grounds for suspension or revocation of permit.

12.2 Grievances - All grievances relative to ambulance service shall follow procedures established within the Delaware State Fire Prevention Regulations, Part IX "Fire Service Standards".

12.3 Penalties - Following review of a valid complaint or upon failure to comply with any provision of this regulation, the Delaware State Fire Prevention Commission, following procedures established within the Delaware State Fire Prevention Regulations, shall have the authority to issue corrective orders, suspend or revoke the provider's permit.

12.4 Whenever there is reason to believe that any provisions of this regulation have been violated, the ambulance service provider shall be immediately notified. Violations shall require correction within five (5) working days of receipt of notice with the exception of those violations which represent an imminent danger to the public.

12.5 For those violations representing an imminent danger to the public, the Delaware State Fire Prevention Commission shall issue and deliver an order to cease and desist any further ambulance service until such time as the violation has been verified as being corrected and corrective measures accepted by the Delaware State Fire Prevention Commission.

12.6 The continued violation of any element of this regulation or failure or refusal to comply with any order to correct a violation or failure to obey a cease and desist order by any ambulance service provider shall be cause for revocation or suspension of permit by the Delaware State Fire Prevention Commission after determination that the provider is guilty of such violation.

12.7 In addition to 12.6, it shall be cause for revocation or suspension of a permit after determining the ambulance service provider:

12.7.1 Has practiced any fraud, misrepresentation, or deceit in obtaining or renewing a permit

12.7.2 Is guilty of gross negligence, incompetence or misconduct in providing services

12.7.3 Is guilty of a violation of the codes and regulations adopted by the Delaware State Fire Prevention Commission

12.7.4 Has been found guilty of an unfair or deceptive trade practice

12.7.5 Has violated any contractual agreement related to providing ambulance service

12.7 Upon issuance of an order, the ambulance service provider accused may request a review of the order by the Delaware State Fire Prevention Commission. All hearings shall be conducted in conformity with procedures established by the Delaware State Fire Prevention Commission.

12.8 Any person aggrieved by a violation or order may file an appeal to the Delaware State Fire Prevention Commission pursuant to 16 Del.C., Ch. 66, §6608.

7 DE Reg. 1649 (06/01/04)

13.0 Discontinuation Of Service By Ambulance Providers

13.1 STEP 1: Any fire department and/or ambulance company desiring to terminate ambulance service in the state of Delaware must notify the Delaware State Fire Prevention Commission in writing 120 days before terminating service.

13.2 STEP 2: Immediately upon notification of a fire department and/or ambulance company's desire to terminate service, the Chairman or the Vice Chairman of the Delaware State Fire Prevention Commission shall notify the president of the county firemen's association in which the fire department and/or ambulance company provides service to the residences and visitors of the state of Delaware for that district.

13.3 STEP 3: Immediately upon receiving notification of a fire department and or ambulance company's desire to terminate service the county firemen's association president shall appoint a committee. The committee shall include, but not be limited to: two members shall be the President's of the County Fire Chief's and County Ambulance Associations or their designees. The County President shall have the right to appoint other members to this committee, as he and/or she may deem necessary.

13.3.1 To communicate and offer assistance to the terminating company in an effort to help them continue service.

13.3.2 In the event that the county committee is unable to get the company to continue service, they shall then contact the surrounding departments and ascertain and/or develop a plan for those departments to divide the district and continue service.

13.3.3 In the event that steps one and two fail the county committee may put forth any and all suggestions they deem viable in order to provide ambulance service to the residences and visitors of the state of Delaware for that district.

13.3.4 The committee, through the County Firemen's Association President, shall report to the Delaware State Fire Prevention Commission within 60 days with their recommendations and/or findings.

7 DE Reg. 1649 (06/01/04)

14.0 Training/Certification

All individuals who successfully complete initial EMT-B/Ambulance Attendant training shall be eligible for and must successfully pass the NREMT examination to receive Delaware EMT-B/Ambulance Attendant certification.

14.1 Eligibility For Certification/EMT-B/Ambulance Attendant

14.1.1 Apply to the Delaware State Fire Prevention Commission on the approved application form provided by the Delaware State Fire School.

14.1.2 An individual may apply for and receive certification as an EMT-B/Ambulance Attendant provided that.

14.1.2.1 They are a member in good standing of a Delaware Fire Department, an Ambulance Organization, a Private Ambulance Provider or any other group, business or industry certified by the Delaware State Fire Prevention Commission to provide ambulance service.

14.1.2.2 They have obtained EMT-B, EMT-I or EMT-P registration from the NREMT.

14.1.2.3 The Chief, CEO, or head of the respective organization signs the application.

14.1.2.4 They are compliant with criminal history background check legislation.

14.1.2.5 Must be 18 years of age.

14.1.2.6 Comply with the State of Delaware Immunization policy.

14.2 Certification

14.2.1 Certification will be obtained by completing a state approved EMT-B/Ambulance

Attendant Course and passing the National Registry of Emergency Medical Technicians Exam. Registration & Certification will be issued for the time period to coincide with the NREMT registration cycle. This is typically a two-year period. Individuals will be issued a Delaware EMT-B/Ambulance Attendant certification upon successful completion of the NREMT registration process.

14.2.2 Individuals who take EMT-B/Ambulance Attendant class from approved provider other than the Delaware State Fire School are required to meet all Delaware State Fire Prevention Commission requirements for certification.

14.2.2.1 It is the responsibility of the individual applying for certification to provide criminal history background check as specified by Delaware State Fire Prevention Commission.

14.2.1.2 It is the responsibility of the individual applying to provide all necessary documentation for certification to include AED/CPR, protocol training and NREMT-B card.

14.3 Recertification as DELAWARE EMT-B/Ambulance Attendant]

14.3.1 Individuals will be re-certified for a two-year period.

14.3.2 The re-certification requirements for a Delaware EMT-B/Ambulance Attendant will be determined by the Delaware State Fire Prevention Commission, with recommendations of their medical advisor/director.

14.3.3 Requirements for re-certification are:

14.3.3.1 Individuals must submit a request for re-certification to the Delaware State Fire School documenting completion of requirements.

14.3.3.1.1 Requirements

- Attend a prescribed DOT/EMT-B/Ambulance Attendant refresher
- Current CPR/AED certificate

14.3.4 Re-registration as an NREMT-B: The registration requirements for a National Registry of Emergency Medical Technician – Basic will be determined by the National Registry of Emergency Medical Technicians.

14.3.4.1 Continuing education classes to achieve re-registration through the NREMT will be reviewed for approval by the Office of Emergency Medical Services in accordance with NREMT policy and procedures.

14.3.5 Active duty military personnel not able to re-certify due to deployment may request for an extension of certification until they are able to return and complete necessary requirements. Upon return the individual shall have 90 days to complete re-certification requirements.

14.4 Decertification

14.4.1 An EMT-B/Ambulance Attendant will lose their Delaware EMT-B/Ambulance Attendant Certification to provide patient care if:

14.4.1.1 They do not meet the re-certification requirements as defined by the Delaware State Fire Prevention Commission.

14.4.1.2 De-certification by the Delaware State Fire Prevention Commission following procedures and in compliance with Delaware State Fire Prevention Regulations, Part IX Fire Service Standards.

14.4.2 National Registry of Emergency Medical Technicians will revoke certification based upon their national policy. If an individual has their certification revoked by the National Registry of Emergency Medical Technicians the Delaware State Fire Prevention Commission may also decertify their Delaware EMT-B/Ambulance Attendant Certification.

14.4.3 The individual is convicted of an offense as specified in 16 Del C. §6712(b) while currently certified and the procedures in Part X, Section XV, Criminal History Background Check.

14.5 Reinstatement For Delaware EMT-B/Ambulance Attendant

14.5.1 Individual desiring to regain certification as a Delaware EMT-B/Ambulance Attendant, after the expiration of their certification may do so provided the following conditions are met.

- Their card has been expired ~~48~~ 24 months or less.
- They must attend an approved EMT-B/Ambulance Attendant refresher course.
- ~~They must take and pass the Delaware Protocol examination.~~
- They must show proof of a current AED and CPR certification.
- They must take and pass the current ~~protocol self study course available from the Delaware State Fire School~~ Delaware Protocol examination. The protocol self study

course available from the Delaware State Fire School.

- They must acquire a Delaware and Federal Background Check at their expense.
- They must submit all required paperwork and application for certification to the Delaware State Fire School.

14.5.2 Individuals whose card has expired ~~48~~ 24 months or more must take the entire EMT-B/Ambulance Attendant course and National Registry Examination.

14.5.3 Individuals desiring to regain registration as an NREMT-B must follow the policies of the National Registry Organization.

14.6 Testing Procedures For National Registry

Initial testing and re-testing for National Registered EMT-B will follow the guidelines set forth by the National Registry of Emergency Medical Technicians.

14.7 Reciprocity

14.7.1 Emergency Medical Technicians, paramedics, nurses, or physicians who enter Delaware with a National Registry EMT-B, EMT-I or EMT-P certification will receive reciprocity as EMT-B/Ambulance Attendant in the Delaware System provided that.

14.7.1.1 They become a member of a certified ambulance service provider in Delaware.

14.7.1.2 They submit the required application form to the Delaware State Fire School.

14.7.1.3 They have a current National Registry EMT-B, EMT-I or EMT-P certification.

14.7.1.4 CPR and AED as approved by the Delaware State Fire Prevention Commission.

14.7.1.5 Challenge practical exams as required.

14.7.1.6 Challenge Successfully completed Delaware Protocol Examination.

14.7.1.7 Provide mandated State & Federal background checks.

14.7.1.8 Applicants will be advised of the appeal process of Part X, Section XV, Criminal History Background Check if reciprocity is denied because of criminal history background check.

14.7.2 Applicants certified from other states without at least a Nationally Registered EMT-B certification must obtain National Registry prior to applying for Delaware Certification.

14.7.3 The Delaware State Fire Prevention Commission reserves the right to administer a written examination if deemed necessary.

7 DE Reg. 1649 (06/01/04)

15.0 Criminal History Background Check

15.1 Authorized Governmental Designee for the Delaware State Fire Prevention Commission

15.1.1 The Delaware State Fire Prevention Commission authorizes the Director of the Delaware State Fire School to be its governmental designee to acquire and review State and Federal criminal history background checks submitted by the State Bureau of Identification for an applicant applying to become a Delaware EMT-B/Ambulance Attendant an Ambulance Attendant/ Delaware Emergency Medical Technician and to interview the applicant, if necessary.

15.2 Evaluation Procedure for Criminal History Background Checks

15.2.1 The Director of the Delaware State Fire School shall evaluate the criminal history background checks using the criteria established in 16 Del.C. §6712(b). All criminal history background checks will be forwarded by the State Bureau of Identification to the Director of the Delaware State Fire School.

15.2.2 Should the Director of the Delaware State Fire School as a result of the criminal history background check find cause to recommend to the Delaware State Fire Prevention Commission that it deny the application of the person seeking certification as an EMT-B/Ambulance Attendant, the Director shall notify the Delaware State Fire Prevention Commission of this decision.

15.2.3 ~~The Delaware State Fire Prevention Commission~~ Director of the Delaware State Fire School shall advise the applicant that ~~it intends to deny the application~~ the application is denied and state the reason therefor. ~~The Delaware State Fire Prevention Commission~~ Director of the Delaware State Fire School will also advise the applicant of the right to review all information reviewed by the Director ~~of the Delaware State Fire School~~ and the right to appeal the ~~Delaware State Fire Prevention Commission's~~ decision by requesting a hearing

before the Delaware State Fire Prevention Commission.

15.3 Appeal Process for Denial of Certification or De-certification because of Criminal Conviction

15.3.1 Any Delaware EMT-B/Ambulance Attendant applicant or certificate holder notified by the Delaware State Fire Prevention Commission and or the Delaware State Fire School that the Delaware State Fire Prevention Commission intends to deny the application or decertify the certificate holder because of criminal history background check information may appeal the denial to the Delaware State Fire Prevention Commission. The process is:

15.3.1.1 Within 10 days after the postmark on the notification of the intent to deny certification or decertify a certificate holder, the applicant shall submit a written request for a hearing to the Delaware State Fire Prevention Commission stating the reason(s) supporting the appeal.

15.3.1.2 Notice of the hearing shall be given at least 20 days before the day of the hearing and comply with the provisions of 29 **Del.C.** §10122.

15.3.1.3 The grievance hearing before the Delaware State Fire Prevention Commission will be conducted in accordance with the *Delaware Administrative Procedures Act* 29 **Del.C.** Ch. 101.

15.3.1.4 The hearing will be closed to the public unless the applicant requests an open hearing. After the hearing, the Delaware State Fire Prevention Commission will inform the applicant of its decision.

15.4 Requirements for Certification

15.4.1 Persons seeking certification as an Ambulance Attendant/Delaware Emergency Medical Technician must be eighteen (18) years of age at the time of application.

15.4.1.1 Individuals entering an EMT-B/Ambulance Attendant course must be eighteen (18) years of age at the start of the course.

15.4.2 An individual applying for certification must meet the requirement of Part X, of the Delaware State Fire Prevention Regulations "Ambulance Service Regulations".

15.4.3 Persons seeking certification must meet the criminal history background check as mandated in 16 **Del.C.** §6712(b), effective July 12, 2001 and follow the procedures outlined in this policy.

15.5 Administrative Policy Pertaining to Criminal History Background Checks

15.5.1 Delaware State Fire School training announcements for EMT-B/Ambulance Attendant courses will include the statement "Criminal History Background checks will be required ~~on or before the first night of class~~ as per the regulations".

15.5.2 All Chiefs of Departments, Presidents or Ambulance Captains of volunteer rescue or ambulance squads or Operating Officers of private corporations which have students pre-registered for the class will be sent a notice to inform the student that a criminal history background checks ~~will be done on the first night of class and fingerprinting~~ will be required. It will be the responsibility of private EMT-B/Ambulance Attendant training institution to make their students aware that a Criminal History Background Check is required to become a State of Delaware EMT-B/Ambulance Attendant and the Criminal History Background Check be available in order to receive certification.

15.5.3 Any student not pre-registered for the class will not be accepted as a walk-in.

15.5.4 All EMT-B/Ambulance Attendant students will sign a release provided by the State Bureau of Identification authorizing the criminal history background check. Any student failing to sign the designated form will not be allowed to participate in the course.

15.5.5 Students who are members of a private ambulance service are required to pay the course tuition prior to the first night of class. The tuition is non-refundable unless the student drops out prior to the first night of class. The tuition includes the cost of the criminal history background check which will be paid to the State Bureau of Identification on the student's behalf by the Delaware State Fire School.

15.5.6 Any volunteer fire, rescue or ambulance company registering a student who is denied certification pursuant to the provision of 16 **Del.C.** §6712(b), shall be responsible to reimburse the Delaware State Fire Prevention Commission for the cost of the criminal history background check.

15.5.7 Any student accepted into the course who does not complete the course will be required to reimburse the Delaware State Fire Prevention Commission the cost of the criminal history background check and course ~~textbook~~ materials.

15.6 Condition and Duration of Certification/De-certification

15.6.1 The Delaware State Fire Prevention Commission shall issue initial certification as an Ambulance Attendant/Delaware Emergency Medical Technician – Basic as prescribed in Part X, of the Delaware

State Fire Prevention Regulations provided that:

15.6.2 Procedure for De-certification for Criminal Offense

15.6.2.1 The Delaware State Fire Prevention Commission may decertify any currently certified EMT-B/Ambulance Attendant when it has reason to believe that the person has been convicted of a crime within the scope of §6712 of Title 16.

15.6.2.2 Upon receiving a written notice that an EMT-B/Ambulance Attendant was convicted of a crime within the provisions of §6712, Title 16 the Delaware State Fire Prevention Commission shall:

15.6.2.2.1 Immediately suspend the individual's certification pending an investigation into the allegations.

15.6.2.2.2 Notify the individual in writing of the allegations and suspensions and allow the certificate holder an informal opportunity to contest the allegations of a conviction.

15.6.2.2.3 Require the individual to obtain a current Criminal History background check at their expense.

15.6.2.2.3.1 Criminal History Background check information will be sent to and reviewed by the Director of the Delaware State Fire School, who will make determination if cause for de-certification exists. The Director of the Delaware State Fire School will notify the Delaware State Fire Prevention Commission of the findings.

15.6.2.2.4 Based on the information provided by the Director of the Delaware State Fire School, the Delaware State Fire Prevention Commission will either inform the certificate holder of the intent to de-certify the individual or lift the individual's suspension.

15.6.2.3 The individuals may appeal the de-certification using the procedure under Part X, Section XV, Criminal History Background Check, Appeal Process.

15.6.3 Funding of Reciprocity Criminal History Background Checks

15.6.3.1 All applicants will pay for the criminal history background check at the time of their request.

15.6.3.1.1 It is the responsibility of the private providers, private individuals or City of Wilmington to pay all costs – they are not eligible for reimbursement.

15.6.3.1.2 Upon successful completion of the reciprocity process the Delaware State Fire Prevention Commission will reimburse the individual or the individual's volunteer fire, rescue or ambulance organization for the cost of the criminal history background check.

15.6.4 Reciprocity for University of Delaware Students

15.6.4.1 The Delaware State Fire Prevention Commission will waive the criminal history background check requirements for all University of Delaware Students applying for certification as an Ambulance Attendant/Delaware Emergency Medical Technician.

15.6.4.1.1 The University Police Department will provide the Director of the Delaware State Fire School with a written document listing all eligible students and a statement that they have passed an internal background check at least equal to the requirement of 16 Del.C. §6712.

15.6.5 Confidentiality Of Criminal History Background Check Information

15.6.5.1 Information obtained pursuant to the criminal history background check is confidential and except as provided in Section 4 below, shall not be released from the Delaware State Fire School under any circumstances to anyone.

15.6.5.2 All criminal history background check information that is reviewed by the Director of the Delaware State Fire School shall be retained in a locked file cabinet in the custody of the Director for a two (2) year period.

15.6.5.3 When a denial for certification is made, ~~the information will be turned over to the Delaware State Fire Prevention Commission where it will be advised by the Director of the Delaware State Fire School and the Background Check~~ will be secured for at least 60 days or until the appeal process is completed.

15.6.5.3.1 ~~[If an appeal is not filed at the end~~ **[If an appeal is not filed,]** At the expiration] of 60 days, ~~the information is to be returned to~~ **[if an appeal has not been filed,]** the information is to be ~~returned to~~ **retained by** the Director of the Delaware State Fire School ~~[normal secured] file system.~~

15.6.5.4 Per 16 Del.C. §6712 the individual may meet with the Director of the Delaware State Fire School and after providing proof of identification including a photo identification, review their information. Copies will not be provided to anyone.

7 DE Reg. 1649 (06/01/04)

16.0 First Responder

First Responders do not meet the requirements of EMT-B/Ambulance Attendant and cannot transport a patient without a Delaware EMT-B/Ambulance Attendant present and in the patient care compartment.

16.1 Eligibility for Delaware First Responder Certification

16.1.1 16 years of age

16.1.2 Complete Approved DOT First Responder Curriculum

16.1.3 National Registry First Responder Certification is optional

16.1.4 Submit required applications and paperwork to Delaware State Fire School

16.2 Certification is valid for 2 years with a re-certification date of September.

16.3 Re-certification

16.3.1 Must re-certify as mandated by the Delaware State Fire Prevention Commission.

16.3.1.1 DOT First Responder Refresher, AED and CPR.

16.3.1.2 National Registry – As determined by National Registry.

16.4 De-certification

16.4.1 May have their certification revoked by the Delaware State Fire Prevention Commission in compliance with the Delaware State Fire Prevention Regulations Part IX “Fire Service Standards”.

16.5 Expired First Responder Certifications

16.5.1 Individuals desiring certification as a First Responder after the expiration date of their certification may do so providing the following conditions are met.

16.5.1.1 Card expired ~~48~~ 24 months or less

16.5.1.2 Attend approved refresher course

16.5.1.3 Show proof of current AED/CPR Certification

16.5.1.4 Submit all required applications and paperwork to Delaware State Fire

School

16.5.2 Individuals whose card has expired more than ~~48~~ 24 months must attend a complete First Responder Training course.

16.5.3 Individuals desiring to regain National Registry Registration must follow the policies of the National Registry.

16.6 Testing procedures Delaware First Responder

16.6.1 Initial testing and retesting for First Responders will follow the guidelines set forth by Delaware State Fire School.

16.7 Reciprocity

16.7.1 First Responders from other state must submit a request

16.7.2 Show proof of attending a DOT curriculum

16.7.3 Obtain CPR/AED as approved by Delaware State Fire Prevention Commission

16.7.4 Challenge practical examinations as determined by the Delaware State Fire School

16.7.5 Challenge the State First Responder Examination

7 DE Reg. 1649 (6/1/04)

11 DE Reg. 1031 (02/01/08) (Final)